

Chattanooga City Council Chattanooga, Tennessee John P. Franklin, Sr. City Council Building

COUNCIL MEETING MINUTES

September 12, 2023 6:00 PM

CALL TO ORDER

Chair Raquetta Dotley called the meeting to order. A quorum was present that also included Vice Chair Jenny Hill and Councilpersons Carol Berz, Demetrus Coonrod, Chip Henderson, Isiah Hester, Darrin Ledford, Marvene Noel, and Ken Smith. Other participants present were Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk. Video of this meeting is available on YouTube [see heres/he

PLEDGE OF ALLEGIANCE

Vice Chair Hill led the Assembly in the Pledge of Allegiance.

SPECIAL PRESENTATION

Form-Based Code (FBC) Appeal Hearing FBC-23-15, 418 Manufacturers Road [View in its entirety here]

Chair Dotley informed the Assembly about the process for the hearing. Councilman Henderson informed the Council that there were two groups here in opposition, so he asked that both groups be allowed to address the Council. Chair Dotley advised that both groups would share a total of nine minutes to address the Council.

<u>Dallas Rucker</u>, Director of Land Development, introduced the July 6, 2023, <u>Letter of Appeal</u> from Mill River Operating Company, LLC. Mr. Rucker discussed the <u>report</u> signed by the chair of the Form-Based Code Committee, which had been submitted to the Council to document the Committee's decision on June 8, 2023, regarding this property. <u>Melissa Mortimer</u>, staff planner who attended the FBC meeting, addressed the building height and width. Discussion ensued with the Council questioning Mr. Rucker on the height, number of stories, additional stories, notice of FBC meeting, and other approvals needed for the property.

Chair Dotley opened the floor to hear from members of the Applicant:

- Joseph Wingfield, owner at 418 Manufacturers Road
- Jeremy Caughman, attorney representing Mr. Wingfield

Discussion continued on the parking, density, and below-ground stories. <u>Donna Shepherd</u>, Engineer, joined the discussion about the site's previous R-3 zoning.

Chair Dotley opened the floor to the following members of the Opposition:

- Harry Cash, attorney representing Mill River
- Liz Palmer, representing Mill River subsidiary Middle Street Partners

• <u>Helen Burns Sharp</u>, representing Downtown Owners Collective [See the attached Neighborhood "Appeal" for a Traffic Study.]

Further discussion ensued. Mr. Wingfield gave a rebuttal regarding the transportation impact study, diversity in housing, conservation, and height. Attorney Noblett clarified the action that the Council has been asked to consider in the letter of appeal. Further discussion ensued with Ben Taylor, Interim Deputy Administrator of Transportation, informing the Council about a previous traffic impact study not being done in a previous case and one being planned now.

Councilman Henderson moved to affirm the FBC Committee decision. Councilman Smith seconded. The motion carried. Chair Dotley ruled that no additional action was needed from the Council at this time. Therefore, she closed out the hearing at 6:48 p.m.

ACTION: FBC COMMITTEE DECISION UPHELD FOR 418 MANUFACTURER'S ROAD

MEETING RECESS

Chair Dotley announced a two-minute recess at 6:48 p.m. as parties in the FBC hearing exited the Assembly Room.

MEETING RECONVENED

Chair Dotley called the meeting back to order at 6:50 p.m. A quorum was present that also included Vice Chair Hill and Councilpersons Berz, Coonrod, Henderson, Hester, Ledford, Noel, and Smith. Attorney Noblett and Council Clerk Gwyn were also present.

APPROVAL OF LAST MINUTES

On motion of Councilman Smith and seconded by Councilman Ledford the minutes of the last meeting (August 29, 2023) were approved as published.

ORDINANCES - FINAL READING:

MR-2022-0257
Bean Bowl, LLC c/o Tiffany Farley
District No. 8

On motion of Councilwoman Noel and seconded by Councilwoman Coonrod,

ORDINANCE #14024

AN ORDINANCE RELOCATING A TWENTY (20') FOOT WIDE RIVERWALK PEDESTRIAN EASEMENT LOCATED IN THE 1200 BLOCK OF JUDD ROAD, AS DETAILED ON THE ATTACHED MAPS, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: APPROVED

ORDINANCES - FIRST READING:

2023-0116 David Fidalti c/o Wise Construction District No. 1

Agenda Item VI(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1133 AND 1137 OLD PINEVILLE ROAD, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

Councilman Henderson noted that Opposition were present in the Assembly. He informed the Council that he had been working with the Applicant and the Opposition to come up with a solution that works for all parties. Therefore, **Councilman Henderson moved** to defer to October 10, 2023. Vice Chair Hill seconded. The motion carried.

ACTION: DEFERRED TO OCTOBER 10, 2023

2023-0127 Stone Creek Consulting, LLC c/o Allen Jones District No. 1

Councilman Henderson moved to approve the following ordinance with the intent to amend:

Agenda Item VI(b) prior to amendment:

An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 3111 Kelly's Ferry Road, from R-1 Residential Zone to R-3 Residential Zone and C-2 Convenience Commercial Zone, subject to certain conditions.

Councilman Smith seconded. Councilman Henderson informed the Assembly about the six conditions discussed in committee today. He asked Attorney Noblett to read those conditions. Attorney Noblett began by reading the revised caption of the ordinance, which changed to *R-1 Residential to R-3 Residential Zone* only; thus, the C-2 Convenience Commercial Zone had been eliminated from consideration. Attorney Noblett also read the following conditions:

- 1. A maximum of 18 dwelling units on the property;
- 2. No access to Centro Street allowed;
- 3. No vehicular access easement remaining through the r-1 property to North Moss Avenue allowed:
- 4. Existing church building will remain:
- 5. A 10-foot type C landscape buffer will be added in addition the street yard; and
- 6. Only single-family homes and townhomes will be allowed on the r-3 zone adjacent to Centro Street.

(continued on next page)

Councilman Henderson moved to amend by adding the six conditions as read by the City Attorney. Councilman Smith seconded. The motion carried.

ORDINANCE #14025

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3111 KELLY'S FERRY ROAD, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS. [Planning Version 2]

Councilman Henderson moved to approve as amended. Councilman Smith seconded. The motion carried.

ACTION: PASSED AS AMENDED ON FIRST READING

2023-0114 Sam Koebley and Will District No. 2

ORDINANCE #14026

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 217 TREMONT STREET, FROM R-3 RESIDENTIAL ZONE TO E-RM-3 URBAN EDGE MULTI-UNIT RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS. [Planning Version 2]

Vice Chair Hill moved to approve with the intent to amend. Councilman Smith seconded. Vice Discussion ensued, with Vice Chair Hill asking Karen Rennich, Deputy Director of Regional Planning, to discuss the uses allowed in E-RM-3. **Vice Chair Hill moved** to amend by the following: "No bed and breakfast use is permissible on the property." Councilman Smith seconded. The motion carried. **Vice Chair Hill** moved to approve as amended. Councilman Smith seconded. The motion carried.

ACTION: PASSED AS AMENDED ON FIRST READING

2023-0111 Jay Simpson Planning Commission Version District No. 3

On motion of Councilman Smith and seconded by Councilman Ledford,

ORDINANCE #14027

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5026 OLD GODSEY LANE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0121 Lyons Group Acquisitions Planning Commission Version District No. 3

On motion of Councilman Smith and seconded by Councilman Ledford,

ORDINANCE #14028

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NOS. 2, 3, AND 4; AND AMENDING CONDITION NO. 1 FROM ORDINANCE NO. 9135 OF PREVIOUS CASE NO. 1989-0046 FOR PART OF A PROPERTY LOCATED AT 5431 HIXSON PIKE.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0122 Lyons Group Acquisitions Planning Commission Version District No. 3

ORDINANCE #14029

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5138, 5144, 5150, AND 5157 STRICKLAND DRIVE, 5422 OLD HIXSON PIKE, AND AN UNADDRESSED PARCEL IN THE 5400 BLOCK OF OLD HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS. [Planning Version #2]

Councilman Smith asked Ms. Rennich to read the six conditions discussed earlier today in committee.

- 1. A ten (10) type C landscape buffer shall be located along the perimeter of the development, except where the turnaround is provided on the Strickland Circle alley;
- 2. Maximum density of one hundred thirty-two (132) units;
- 3. Lighting to be directed away from all residential areas:
- 4. A clubhouse and pool shall be made part of the development for the enjoyment of future residents;
- 5. No development permitted north of Old Hixson Pike except for greenway uses; and
- 6. Driveway location to be off of Old Hixson Pike

Councilman Smith had questions about granting access off of Old Hixson Pike. Discussion ensued with the developer, Mike Price of MAP Engineers, to address that driveway location and access from Old Hixson Pike. Councilman Smith questioned Ms. Rennich to explain why the last condition was added. Upon no further discussion, **Councilman Smith moved** to approve with the intent to amend. Councilman Henderson seconded. **Councilman Smith moved** to change condition #6 by adding: *No access to Old Hixson Pike*. The motion carried. **Councilman Smith moved** to approve as amended. Councilman Henderson seconded. The motion carried.

ACTION: PASSED AS AMENDED ON FIRST READING

2023-0134 <u>David Fidati c/o Wise Construction</u> <u>Planning Commission Version</u> District No. 5

On motion of Councilman Hester and seconded by Councilman Ledford,

ORDINANCE #14030

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6011 LEE HIGHWAY, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0133 <u>Pointe Holdings</u> <u>Planning Commission Version</u> <u>District No. 6</u>

On motion of Councilwoman Berz and seconded by Vice Chair Hill,

ORDINANCE #14031

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7283 BONNY OAKS DRIVE, FROM R-4 SPECIAL ZONE WITH CONDITIONS AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0085 Stone Creek Consulting, LLC c/o Allen Jones Planning Commission Version District No. 7

Agenda Item VI(i):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE AN UNADDRESSED PROPERTY LOCATED IN THE 2800 BLOCK OF DODDS AVENUE, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Vice Chair Hill moved to defer to October 10, 2023. Councilman Ledford seconded. There was no objection from Chair Dotley on this District 7 matter. The motion carried.

ACTION: DEFERRED TO OCTOBER 10, 2023

2023-0112 <u>Nathan Brown</u> <u>Planning Commission Version</u> <u>District No. 8</u>

Agenda Item VI(j):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1115 AND 1117 EAST 14TH STREET AND AN UNADDRESSED PROPERTY IN THE 1100 BLOCK OF EAST 4TH STREET, FROM R-3 RESIDENTIAL ZONE AND R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE WITH CONDITIONS TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Noel moved to defer to September 19, 2023. Councilman Ledford seconded. The motion carried.

ACTION: DEFERRED TO SEPTEMBER 19, 2023

2023-0118 Chambliss, Bahner & Stophel Planning Commission Version District No. 8

Agenda Item VI(k):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 1710 SOUTH HOLTZCLAW AVENUE, FROM R-2 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Noel moved to defer to September 19, 2023. Councilwoman Coonrod seconded. The motion carried.

ACTION: DEFERRED TO SEPTEMBER 19, 2023

2023-0126 Stone Creek Consulting, LLC Planning Commission Version District No. 8

Agenda Item VI(I):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2910 CALHOUN AVENUE, FROM R-2 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Noel moved to defer to September 19, 2023. Vice Chair Hill seconded. The motion carried.

ACTION: DEFERRED TO SEPTEMBER 19, 2023

2023-0137 Stephen Brady Planning Commission Version Districts 8 & 9

Agenda Item VI(m):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2 FROM ORDINANCE NO. 13624 OF PREVIOUS CASE NO. MR-2020-0132 AFTER THE ABANDONMENT OF PARTS OF SEVERAL STREETS AND ALLEYS LOCATED NEAR 901 SOUTH HOLTZCLAW AVENUE.

Councilwoman Coonrod moved to approve. Councilwoman Noel seconded. The motion carried.

ACTION: DEFERRED TO OCTOBER 10, 2023

2023-0138 Stephen Brady Planning Commission Version Districts 8 & 9

Agenda Item VI(n):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2 FROM ORDINANCE NO. 13625 FROM THE ORIGINAL ABANDONMENT OF PREVIOUS CASE NO. MR-2020-0134 FROM PROPERTY LOCATED IN THE 1300 BLOCK OF VANCE AVENUE.

Councilwoman Noel moved to defer to October 10, 2023. Councilwoman Coonrod seconded. The motion carried.

ACTION: DEFERRED TO OCTOBER 10, 2023

2023-0119 <u>Melissa Graveline</u> <u>Planning Commission Version</u> District No. 9

On motion of Councilwoman Coonrod and seconded by Vice Chair Hill,

ORDINANCE #14032

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 510 SOUTH WILLOW STREET, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0125 Stone Creek Consulting, LLC Planning Commission Version District No. 9

On motion of Councilwoman Coonrod and seconded by Councilwoman Berz,

ORDINANCE #14033

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE AN UNADDRESSED TRACT OF LAND LOCATED IN THE 3100 BLOCK OF EAST $26^{\rm TM}$ STREET, FROM R-1 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

2023-0129
Raun Swafford
Planning Commission Version
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilwoman Berz,

ORDINANCE #14034

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2000 DODSON AVENUE, FROM M-2 LIGHT INDUSTRIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

PROCEDURAL NOTE: With no objection from the Council, Chair Dotley instructed the Clerk to group and read the following five resolutions for one Council vote.

RESOLUTION #31772

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A BROWNFIELD VOLUNTARY AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC), IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE PROPERTY AT 159 HAMM ROAD, FURTHER IDENTIFIED AS TAX MAP NO. 135-027.03 FOR THE PAYMENT OF FEES AS OUTLINED IN THE AGREEMENT, FOR AN AMOUNT NOT TO EXCEED \$3,000.00.

RESOLUTION #31773

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO AWARD UP TO \$40,000.00 TO HABITAT FOR HUMANITY OF THE GREATER CHATTANOOGA AREA, TO CONSTRUCT A HOUSE AT 223 CANARY CIRCLE FOR AFFORDABLE HOMEOWNERSHIP.

RESOLUTION #31774

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO AWARD UP TO \$40,000.00 TO HABITAT FOR HUMANITY OF THE GREATER CHATTANOOGA AREA, TO CONSTRUCT A HOUSE AT 231 CANARY CIRCLE FOR AFFORDABLE HOMEOWNERSHIP.

RESOLUTION #31760

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH THE STATE OF TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR A TEN (10) YEAR RENEWABLE LICENSE, AT NO COST TO USE AND MAINTAIN A PORTION OF THE PREMISES ADJACENT TO SR-58, FURTHER IDENTIFIED AS TAX MAP NO. 145K-B-001 AT 1931 REGGIE WHITE BOULEVARD FOR FINLEY STADIUM VOLUNTEER AND EVENT STAFF PARKING.

RESOLUTION #31761

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, ON BEHALF OF THE HAMILTON COUNTY SHERIFF'S OFFICE, TO PROVIDE SAFE AND STABLE HOUSING BY ESTABLISHING AND OPERATING A HOUSING NAVIGATION SOURCE TO SERVE INDIVIDUALS WITH COMPLEX NEEDS EXPERIENCING HOMELESSNESS.

Councilwoman Berz moved to approve all five resolutions. Vice Chair Hill seconded. The motion carried.

ACTION: RESOLUTIONS 31772 – 31774, 31760 & 31761 ADOPTED

Agenda Item VII(f):

A RESOLUTION AUTHORIZING REVISIONS TO THE EMPLOYEE INFORMATION GUIDE (EIG) TO BE EFFECTIVE UPON APPROVAL, REVISIONS INCLUDE: POLICY 1 – PURPOSE AND OBJECTIVE; POLICY 2 – GENERAL POLICIES; POLICY 4 – PERSONNEL-HUMAN RESOURCES RECORDS; POLICY 6 – OUTSIDE EMPLOYMENT; POLICY 8 – SEPARATION OF EMPLOYMENT; AND POLICY 10 – CLASSIFICATION, AND AUTHORIZING FORMATTING AND TABLE OF CONTENTS UPDATES.

A RESOLUTION AUTHORIZING REVISIONS TO THE EMPLOYEE INFORMATION GUIDE (EIG) TO BE EFFECTIVE UPON APPROVAL, REVISIONS INCLUDE: POLICY 1 – PURPOSE AND OBJECTIVE; POLICY 2 – GENERAL POLICIES; POLICY 4 – PERSONNEL-HUMAN RESOURCES RECORDS; POLICY 6 – OUTSIDE EMPLOYMENT; AND POLICY 8 –

SEPARATION OF EMPLOYMENT, AND AUTHORIZING FORMATTING AND TABLE OF CONTENTS UPDATES. (Alternate Version)

Councilman Ledford moved to defer one week. Councilwoman Berz seconded. The motion carried.

ACTION: DEFERRED TO SEPTEMBER 19, 2023

PROCEDURAL NOTE: With no objection from the Council, Chair Dotley instructed the Clerk to group and read the following two resolutions for one Council vote.

Palm Group, LLC District No. 1 Alternate Version

RESOLUTION #31762

A RESOLUTION APPROVING A NEW SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE LOCATED AT 6032 HWY. 153, CHATTANOOGA, TN 37343, SUBJECT TO CERTAIN CONDITIONS.

RESOLUTION #31763

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO APPLY FOR, AND IF AWARDED, ACCEPT A RECONNECTING COMMUNITIES AND NEIGHBORHOOD PROGRAM PLANNING GRANT FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FEASIBILITY STUDIES FOR IMPLEMENTING THE TRANSPORTATION PROJECT RECOMMENDATIONS INCLUDED IN THE WESTSIDE EVOLVES PLAN, IF AWARDED, ACCEPTANCE OF THE GRANT WILL BE DEPENDENT UPON INCLUSION IN THE CAPITAL BUDGET AND APPROVAL BY CITY COUNCIL, FOR AN AMOUNT NOT TO EXCEED \$2 MILLION, WITH THE CITY'S CONTRIBUTION NOT TO EXCEED \$500,000.00.

Councilwoman Berz moved to approve both resolutions. Vice Chair Hill seconded. The motion carried, with Councilman Henderson voting "No."

ACTION: RESOLUTIONS 31762 (ALT. VERSION) & 31763 ADOPTED

2023-0117 G.T. Issa c/o Premier Homes District No. 4.

Agenda Item VII(h):

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 1619 GRAY ROAD, SUBJECT TO CERTAIN CONDITIONS.

Vice Chair Hill initially moved to approve, but later rescinded her motion. Councilman Ledford asked Ms. Rennich to give a presentation on this case. Her presentation included information on the zoning history, proposed use, staff recommendations, and Planning Commission recommendations. Since Opposition was present, Chair Dotley opened the floor to the Applicant and the Opposition. [View the hearing here.]

(continued on next page)

Applicant:

Mike Price, Developer, MAP Engineers

Discussion ensued, with Councilman Smith questioning Mr. Price about the aluminum fence requested by the Opposition.

Further discussion ensued about the floodplain, "by-right" zoning, ADUs, and widening Gray Road. During which, Mr. Taylor discussed adding speed humps to Gray Road.

Opposition:

• Scott Bergfeld, Adjacent neighbor

Councilman Ledford had a discussion with Mr. Bergfeld on **Councilman Ledford moved** to deny. Councilman Henderson seconded. The motion carried. Afterward, Councilman Ledford asked if Mr. Price could have his two-minute <u>rebuttal</u> on this case. Chair Dotley opened the floor to Mr. Price. Discussion about the "by-right" and ADUs continued. Upon no further discussion, Councilman Ledford did not move to reconsider the motion to deny.

ACTION: ITEM VII(h) DENIED

PROCEDURAL NOTE: With no objection from the Council, Chair Dotley instructed the Clerk to group and read the following two resolutions for one Council vote.

RESOLUTION #31764

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO COLLABORATE AND ACCEPT A PORTION OF THE STATE OF TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAM FY2023 VIOLENT CRIME INTERVENTION FUND GRANT (VCIF) FROM THE HAMILTON COUNTY SHERIFF'S OFFICE ALONG WITH OTHER LOCAL MUNICIPALITIES PARTNERED WITH THE HAMILTON COUNTY SHERIFF'S OFFICE, WITH CHATTANOOGA RECEIVING THIRTY-FIVE (35) LICENSE PLATE READERS (LPRS), VALUED AT NO MORE THAN \$400,000.00, WHICH EQUIPMENT WILL BE USED WITH THE OTHER LPRS ALREADY IN PLACE AND UTILIZED WITHIN THE CITY LIMITS, EACH LPR LOCATION IS ON A STATE ROUTE AND HAS BEEN APPROVED BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT).

RESOLUTION #31765

A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT, ALONG WITH THE HAMILTON COUNTY SHERIFF'S OFFICE, TO APPLY FOR, AND IF AWARDED, ACCEPT FY2023 EDWARD BYRNE JUSTICE ASSISTANCE GRANT, ALSO KNOWN AS THE JAG GRANT, FROM THE DEPARTMENT OF JUSTICE, TO AWARD THE CHATTANOOGA POLICE DEPARTMENT \$134,571.00 FOR PURCHASING EQUIPMENT AND TRAINING, AND WHERE THE HAMILTON COUNTY SHERIFF'S DEPARTMENT WILL RECEIVE \$57,673.00, FOR A GRANT PERIOD OF OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2027, FOR A TOTAL AMOUNT NOT TO EXCEED \$192,244.00.

Councilman Smith moved to approve both resolutions. Councilwoman Berz seconded. The motion carried.

ACTION: RESOLUTIONS 31764 & 31765 ADOPTED

PROCEDURAL NOTE: With no objection from the Council, Chair Dotley instructed the Clerk to group and read the following five resolutions for one Council vote.

RESOLUTION #31766

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. Y-23-002-201 TO TRI-STATE ROOFING CONTRACTORS, LLC, OF CHATTANOOGA, TN, WASHINGTON HILLS COMMUNITY CENTER WALL REPAIR, IN THE AMOUNT OF \$67,000.00, WITH A CONTINGENCY IN THE AMOUNT OF \$6,700.00, FOR A TOTAL AMOUNT OF \$73,700.00.

RESOLUTION #31767

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. F-23-002-201 TO COMPLETE DEMOLITION SERVICES, LLC OF CARROLLTON, GA, DEMOLITION SERVICES OF FIRE DEPARTMENT TRAINING TOWER, IN THE AMOUNT OF \$151,280.00, WITH A CONTINGENCY IN THE AMOUNT OF \$15,250.00, FOR A TOTAL AMOUNT OF \$166,530.00.

RESOLUTION #31768

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO RENEW PROFESSIONAL SERVICES CONTRACT RESIDENT BLANKET FOR PROJECT REPRESENTATIVE (RPR) SERVICES, CONTRACT NO. E-20-011-401, FOR YEAR FOUR (4) OF FIVE (5) TO THE TWELVE (12) CONSULTANT FIRMS LISTED THAT SUBMITTED QUALIFICATIONS IN FIVE (5) DIFFERENT CATEGORIES PER THEIR QUALIFICATION PACKAGE: (1) ENGINEERING AND CONSULTING, INC.; (2) BARGE DESIGN SOLUTIONS, INC.; (3) CONSOR ENGINEERING, LLC; (4) CTI ENGINEERING, INC.; (5) D. MARTIN & PARTNERS, LLC; (6) FRANKLIN ASSOCIATES ARCHITECTS, INC.; (7) RAGAN SMITH ASSOCIATES, INC.; (8) S&ME, INC.; (9) SOUTHERN **ENVIRONMENTAL TECHNOLOGIES, INC.; (10) THOMPSON ENGINEERING;** (11) VOLKERT, INC.; AND (12) WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC. (FORMERLY WOODS ENVIRONMENT AND INFRASTRUCTURE, INC. (FORMERLY WOODS ENVIRONMENT AND INFRASTRUCTURE), FOR A TOTAL AMOUNT OF \$2 MILLION.

RESOLUTION #31769

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CSX TRANSPORTATION, INC. TO PROVIDE PRELIMINARY ENGINEERING SERVICES FOR THE T-15-024 SHALLOWFORD ROAD (AIRPORT ROAD TO JERSEY PIKE) WIDENING PROJECT, FOR AN AMOUNT NOT TO EXCEED \$35,010.00.

RESOLUTION #31770

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AUTHORIZE CHANGE ORDER NO. 2 FOR DESIGN SERVICES PROVIDED BY VOLKERT, INC. FOR THE LAKESIDE SAFE ROUTES TO SCHOOL PROJECT (T-14-034-201, PIN 120861.00), IN THE AMOUNT OF \$18,270.00.

Councilman Hester moved to approve all five resolutions. Councilwoman Berz seconded. The motion carried.

ACTION: RESOLUTIONS 31766 – 31770 ADOPTED

On motion of Councilman Hester and seconded by Councilwoman Berz,

RESOLUTION #31771

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO A LOAN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (SRF 2023-478) FOR FINANCING OF A CAPITAL CONSTRUCTION PROJECT NO. W-19-007 WET WEATHER STORAGE PHASE 6, SUPPORTED BY THE CONSENT DECREE FOR THE INTERCEPTOR SEWER SYSTEM (ISS), IN THE AMOUNT OF \$20 MILLION.

The motion carried.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Recommended New Purchases

Brooke Satterfield, Deputy Chief of Staff, recommended the following new purchases for Council consideration:

200519-7 Street Maintenance Division. Public Works \$220,000.00

Reinforced Concrete Pipe

Lowest/Best Bidder: Foley Products Company

P.O. Box 2447

Columbus, GA 31902

200547-4 Street Maintenance Division, Public Works \$400,000.00

Concrete

Lowest/Best Bidders:

- 1. Ready Mix USA 604 Hudson Road Chattanooga, TN 37405; and
- 2. TNT Concrete LLC 996 County Road 20 Calhoun, TN 37309

REQ138880 Fleet Management Division, Public Works \$195,000.00

John Deere 5090E Mower with Alamo Brahma Attachment (2)

Lowest/Best Bidder: CMI Equipment Sales, Inc

P.O. Box 1528

Goodlettsville, TN 37070

REQ138587 Fleet Management Division, Public Works

2023 International MV607 with Brush Hawg,

Knuckleboom & Grapple Truck

Lowest/Best Bidder: Municipal Equipment, Inc

1506 W. College Drive Murfreesboro, TN 37129

REQ138680 Fleet Management Division, Public Works

2025 Kenworth T380 with Brush Hawg (2)

Lowest/Best Bidder: Worldwide Equipment Inc

6614 Willbanks Road Knoxville, TN 37912

200541-2 Fleet Management Division, Public Works

Police Interceptor & Special Service Vehicles

Lowest/Best Bidder: Ford of Dalton

925 Shugart Road Dalton, GA 30720

REQ138465 Fleet Management Division, Public Works

Sedans, SUVs, Vans & Light Trucks

Lowest/Best Bidder: Ford of Dalton

P.O. Box 519 Dalton, GA 30722

Solicitation 200551 PW Transportation Dept./

Traffic Operation Division

Traffic Street Paint

Lowest/Best Bidder: Ennis-Flint Inc.

4161 Piedmont Pkwy, Ste 370 Greensboro, NC 27410

558986 Wastewater

Liquid Calcium Nitrate

Lowest/Best Bidder: Source Technologies, LLC.

157 Venture Court Ste. 9 Lexington, KY 40511

200517-2 Wastewater

Liquid Oxygen

Lowest/Best Bidder: Matheson Tri Gas., LLC

909 Lake Carolyn Pkwy

Suite 1300 Irving, TX 75039

REQ138349 Chattanooga Police Department

Refurbished F6B System and F6B Robot Vehicle

Lowest/Best Bidder: Safeware Inc.

3200 Hubbard Road Landover, MD 20785 \$188,906,68

\$490,766.00

\$3,000,000.00

Increase of \$73.375 for a total

spend of \$249,350

\$57,750.00

\$1,800,000.00

\$325,000.00

\$124,957.02

RFP #200528 Human Resources

\$515,000.00

Flexible Spending Account

Lowest/Best Bidder: Total Administrative Services Corporation

2302 International Lane Madison, WI 53704

REQ138691 DTS Total Amount \$208,928.21

Three (3) Year Blanket Request for GovQA, NCPA,

Boards and Commissions Lowest/Best Bidder: Granicus

408 Saint Peter St

Ste 600

Saint Paul, MN 55102

Office of City Attorney

Total Amount \$53,332.80

Justification

Legal Research Services

Lowest/Best Bidder: LexisNexis

1275 Broadway Albany, NY 12204

Councilwoman Berz moved to approve. Vice Chair Hill seconded. The motion carried.

ACTION: ALL PURCHASES APPROVED

Sole Source

Ms. Satterfield reported the following sole source purchase:

DATE	DEPARTMENT	DESCRIPTION	COST	SUPPLIER	EXPLANATION	DOCUMENTS
8/29/23	Wastewater	Laboratory Instrument Service Agreements	·	U.S. LLC 710 Bridgeport Ave Huntington,	PerkinElmer is the only approved source for PerkinElmer repair parts and the only source authorized to provide service and installation for instrumentation manufactured and sold by PerkinElmer.	<u>PUR129920</u>

[No Council action was required for this report.]

COMMITTEE REPORTS:

Affordable Housing Committee

Vice Chair Hill reported:

The committee met today in open meeting and received a report a presentation on a
market value analysis that will help the Council and the City determine where and how
Chattanooga can invest in affordable housing production and preservation for greatest
impact.

• The Council will have an affordable housing work session on October 3rd at 2:00 p.m. in the conference room. The public is welcome to attend.

Budget and Finance Committee Councilwoman Berz (No report)

Economic Development Committee Equity and Community Development Committee Councilwoman Coonrod reported:

• The Council will hear reports from the Departments of Economic Development and Equiy and Community Engagement next week (September 19) at the 3:30 p.m. Agenda Session.

Education and Innovation Committee Councilwoman Noel (No report)

Legislative Committee
Councilman Smith (No report)

Planning and Zoning Committee Councilman Ledford (No report)

Parks and Public Works
Councilman Hester (Not present)

Public Safety Committee
Councilman Henderson (No report)

OTHER BUSINESS

Certificate of Compliance

Attorney Noblett presented the Certificate of Compliance for Hilltop Bottle, Inc. d/b/a Hilltop Bottle Shop, 6032 Hwy. 153, Chattanooga, TN 37343 (District 1). The certificate was signed in this open meeting by at least five councilpersons.

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (Listen and view on YouTube here)

Attorney Noblett read the rules of procedure for persons wishing to address the Council. After which, Chair Dotley recognized the following persons:

Speaker Name	District	Primary Topics:
Joshua David Kappelausch	(N/A)	Being a serviceperson to others/parade for Captain Larry Taylor/serving unsheltered
		veterans
• Edward Greene, Jr.		Requesting board bylaws and home repair
		assistance for his mother
		 Chair Dotley referred the speaker to
		Jermaine Freeman, Interim Chief Of Staff.

ADJOURNMENT

On motion of Councilman Smith, Chair Dotley adjourned the meeting of the Chattanooga City
Council until next Tuesday, September 19, 2023, at 6:00 p.m.

	COUNCIL CHAIR	
CLERK OF COUNCIL		

Attachment: Neighborhood "Appeal" Letter – FBC hearing



Developer Appeal to City Council of Wingfield Height Modification Neighborhood "Appeal" for a Traffic Study

Comments by Downtown Owners Collective in Concert with Residents of One North Shore September 12, 2023

Action Requested of City Council

Adoption of two attached resolutions relating to residential development on Manufacturers Road

- Authorize the City to provide oversight, set parameters, and coordinate with two
 developers for a combined Transportation Impact Study (TIS) for the developments
 under construction or under review in the 400 block of Manufacturer's Road, with the
 developers sharing the cost of the study and improvements (if any) necessitated by their
 impact.
- 2. **Continue this public hearing** on the appeal of Wingfield height modification until (<u>insert date of Council meeting</u>, such as October 3, 2023), thus allowing time for completion of the TIS for the developments at 418/410 and 430 Manufacturer's Road.

Reasons

City policy requires a developer submit a Transportation Impact Study for residential developments exceeding 200 units. A TIS provides guidance in assessing potential transportation impacts of development projects and prescribes solutions to mitigate those impacts. The traffic study must consider approved developments in the immediate area.

Mill River Operating Company (through its affiliate Middle Street Partners) is currently constructing about **270** apartments at 430 Manufacturer's Road. No traffic impact study.

Joseph Wingfield owns several riverfront parcels, including 418 and 410 Manufacturers Road, which are cojoined. His current plans call for construction of approximately **300** apartment units in two towers. In 2017, the City issued a land disturbing permit for 410 Manufacturers Road where he proposed a 7-story residential tower called Renaissance Landing. No traffic impact study. He has not submitted a traffic study for his current proposal for two towers on 418 and 410.

The City Attorney's response on September 11 to a public records request confirms that the city has no records responsive to a request for traffic studies for developments on Manufacturers Road.

Manufacturers Road is already congested. It is landlocked with no cross streets to Cherokee Boulevard. Traffic signals and turn lanes at Cherokee Blvd and the Market Street Bridge are already stressed. A Transportation Impact Study would look at the impact of these two developments and propose solutions to mitigate the impact on area businesses and residents.

Neighboring property owners are asking our elected city officials to take a proactive role in addressing this critical infrastructure issue, beginning with facilitating a combined TIS.

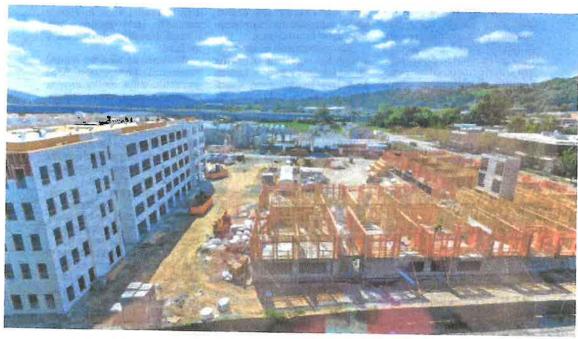
We request that city officials present the results of the combined traffic impact study with residential and business owners on the Northshore.

Regarding the Appeal--

City Council needs information from a TIS before deciding on the appeal of the height modification. The Code says you "must use the guidelines in Sec. 38-696. (4)C.3 to make a final determination on the request or grievance." That section reads: "The modification will not significantly impact adjacent property owners, the character of the area, **traffic conditions**, parking, public infrastructure, water quality management, and other matters affecting the public health, safety, and general welfare."

How can Council address traffic conditions without having a TIS?

'WHO'S LOOKING **OUT FOR US?**



STAPP PHOTO BY BEN SESSOMS

The residential construction on Manufacturers Road is seen Thursday from the One North Shore apartment complex.

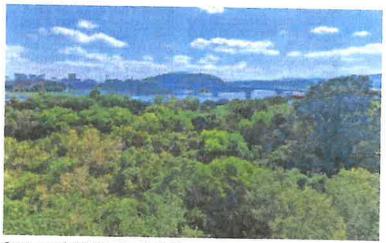
Residents are not happy after apartment complex on North Shore skips required transportation study

BY BEN SESSOMS

A developer constructing a 271-unit apartment complex on Chattanooga's North Shore off Manufacturers Road didn't conduct a transportation impact study, though required, during the proposal process over the past several months.

A complex of that size usually requires the developer to commission such a study, but due to a zoning misinterpretation from the city, the study was not mandated, said Ben Taylor, deputy administrator for the Chattanooga Division of Transportation.

City guidelines show that any complex larger than 200 units would require the developer - in that case the South Carolina-based Middle Street Partners - to conduct a transportation impact study. However, there are exceptions for developments within the core of downtown from the south side of



Green space behind the One North Shore apartment complex on Manufacturers Road is shown Thursday. The Wingfield family owns a portion of this land. A part of the tract is proposed for further residential development.

the Tennessee River to the southern edge of downtown, Taylor said.

A reviewer with the city misinterpreted the North Shore development to be within that exception zone, Taylor said. The development is adjacent to the apartment complex One North Shore at 200 Manufacturers Road, just north of the river.

"I would have preferred there was a traffic impact study held,"

Taylor said in an interview.

Along with the units being developed by Middle Street, there is a proposed 300-unit residential development behind that property near the bank of the Tennessee River. Down the road west past Highway 27, developers are eyeing land for a 700-unit apartment complex.

See RESIDENTS 3 A5

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Residents

CONTINUED FROM A1

Those developments will be required to conduct a transportation impact study, Taylor said.

"Once anything else is proposed that actually has the details of what they want to put in along there, they will be required to do a traffic impact study, and then we can determine exactly what their impact would be," Taylor said.

Joseph Wingfield owns the land where the 300-unit development has been proposed. The project is being managed by the Georgia-based Southeastern Development. Mark Senn, Southeastern president, could not be reached by phone or email for comment.

Transportation impact studies would help the city determine if any changes need to be made to the roadway infrastructure, such as additional traffic signals, Taylor said.

"It tells us what the impact would be, and then we determine what the best method is to minimize any impact," Taylor said.

Residents at One North Shore, next to the Middle Street development under construction, voiced frustration with the lack of a transportation impact study.

Buck Tasker, president of the One North Shore homeowner's association, said in an interview he was disappointed Middle Street found a loophole around the study.

"Our concern is that the city just doesn't have the forward vision for development that they know is going to take place," Tasker said. "What are you going to do about it from a traffic light perspective, from a turning lane perspective, from enlarging the roadway system? Any of those things."

PLANNING FOR GROWTH

Helen Burns Sharp, president of the Downtown Owners Collective, said in an interview there needs to be better planning for growth in areas of the city like Manufacturers Road.

"The playing field is not very level," Sharp said. "I'm certainly not anti-development or anti-growth, but it seems like all the decisions seem to kind of favor development interests, and sometimes those of us that live here kind of wonder, who's looking out for us?"

There isn't a one-size-fitsall formula for managing overdevelopment, Kevin Roig, the city's senior adviser for public affairs, said in an emailed statement.

"That's why we put such a focus on community engagement, resident feedback and

neighborhood-level tailored planning," Roig said. "There are always impacts to consider on traffic, green spaces and canopy, neighborhood characteristics and more, and the goal is to appropriately weigh all of those factors in determining what course of action maximizes community benefit both now and for the future."

TRAFFIC CONCERNS

Prior to the residential growth along Manufacturers Road, the roadway was known for its namesake: the many manufacturers located there.

The eastern end of the road, which has one lane of traffic either way and a middle turning lane, now houses many apartment complexes and businesses.

It's common, just with the existing development on the road, for traffic to back up in the turning lane on Cherokee Boulevard that enters Manufacturers Road, One North Shore residents said.

"Traffic has increased significantly on Manufacturers Road due to both residential development and business expansion," One North resident Barb Bowen said in an email. "Love the growth, but what about the infrastructure to support it?"

Officials are encouraging residents to use other modes of traveling, Taylor said.

"If you are in these areas and the urban core where you can, especially on Manufacturers, walk across the street to get to the grocery store — there's restaurants just down the street, there's a lot of employers around there," Taylor said, "I encourage more folks that are moving into these areas to adopt lifestyles that aren't as car dependent."

Taylor cited efforts, such as the city adding more bikes and charging stations to the city's e-bike system, as a way of promoting more travel outside of vehicles.

The city has applied for a federal grant to make the crosswalks on Manufacturers Road and Cherokee Boulevard safer to cross, he said.

The Chattanooga Times Free Press previously reported that the city, especially outside the downtown area, is largely car dependent.

"If we keep building housing that is only for people with cars, then everyone will not be served, and traffic and roads will only get worse," Bowen said. It is unlikely that Manufac-

It is unlikely that Manufacturers Road could be widened to accommodate more vehicles, Taylor said.

"Being that you have zerosetback buildings so close to the road, there's not much of an option to do a widening project," he said.

GREEN SPACE

Another point of contention for One North Shore residents is the potential encroachment of Renaissance Park behind the apartment complex.

A portion of green space extending off the park and just south of the complex is partially owned by the city, but another part is owned by Wingfield, who is looking to develop his other land just west of there with up to 300 residential units.

According to a study Wingfield commissioned in 2016, a part of the land (through which a creek flows) is considered a wetland.

Wetlands are vital for natural water quality improvement, flood protection and shoreline erosion control, among other things, according to the U.S. Environmental Protection Agency.

One North Shore resident John Reis said in an interview he thinks the city should acquire the land to ensure the wetlands remained undeveloped.

"No parking lots, no connecting roadways, no restaurants, no concrete, no asphalt, no buildings," Reis said. "Nothing that creates heat. Keep it just the way it is."

Scott Martin, administrator of the city's Department of Parks and Outdoors, said in an interview the city has not attempted to purchase the wetlands from Wingfield, but Martin's department will be involved in the design of the proposed 300-unit development.

"Good design has to carry the day," Martin said. "We're definitely going to be a very interested party at the table."

ADDED PATHWAYS

To help alleviate traffic from the developments, there are plans to extend the Tennessee Riverwalk from the west where the developments are going to Renaissance Park, Martin said.

"The addition of some additional pedestrian and biking paths, including crossing into Renaissance Park, is part of the whole thing that all has to come together," Martin said. "That way, we don't push people out to Manufacturers Road."

While there are plans to extend the riverwalk, Martin said funding remains a question.

"That's not been secured," he

said.

Reis said that while he has little control over carbon emissions polluting the environment, resulting in extreme heat and severe weather events, he wants to have a say in what happens to his local environment.

"This is my backyard," Reis said. "I can maybe do something about that."

Contact Ben Sessoms at bsessoms@timesfreepress.com or 423-757-6354.