



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
January 30, 2018
6:00 PM

CALL TO ORDER

Council Chairman Jerry Mitchell called the meeting to order with a quorum present that included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Russell Gilbert, Chip Henderson, Darrin Ledford and Erskine Oglesby. Wade Hinton, City Attorney, and Nicole Gwyn, Council Clerk, were also present. Councilwoman Demetrus Coonrod was not present this meeting.

PLEDGE OF ALLEGIANCE

Councilman Ledford led the Assembly in the Pledge of Allegiance and shared thoughts from Proverbs 27:17 of the Bible.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Oglesby, the minutes of the last meeting (January 23, 2018) were approved as published.

SPECIAL PRESENTATION: (None)

ORDINANCES – FINAL READING:

On motion of Councilman Henderson and seconded by Councilman Byrd,

ORDINANCE #13274

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 2, SECTIONS 2-321 AND 2-322, RELATIVE TO THE GENERAL PENSION PLAN.

ACTION: APPROVED

2017-158
Stephen Holmes
Alternate Version #3
District No. 1

On motion of Councilman Henderson and seconded by Vice-Chairman Smith,

ORDINANCE #13275

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 400 BLOCK OF DOGWOOD LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2017-155
ECGT, LLC % Gabe Thomas
District No. 1

Agenda Item V(c):*

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY OFF THE 400 BLOCK OF ZIEGLER STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

Councilman Henderson informed the Assembly that the Applicant appeared before the Council at the 3:00 p.m. Agenda Session and asked the Council to defer this matter until April 24, 2018. Therefore, **Councilman Henderson moved** to defer until April 24, 2018. He was seconded by Councilman Ledford. The motion carried.

[Editor's Note: Ordinance will be renumbered.]

ACTION: DEFERRED UNTIL APRIL 24, 2018

On motion of Vice-Chairman Smith and seconded by Councilman Ledford,

ORDINANCE #13267

AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTIONS 2-65 THROUGH 2-66; CHAPTER 32, ARTICLE I, DEFINITIONS, SECTION 32-16; ARTICLE III, EXCAVATIONS AND RESTORATION OF PAVING, SECTIONS 32-62 THROUGH 32-68; AND ARTICLE XI, TELECOMMUNICATIONS SERVICES; FRANCHISES FOR TELECOMMUNICATIONS SERVICES, SECTIONS 32-224, AND 32-231 THROUGH 32-270.

Vice-Chairman Smith expressed thanks to Attorney Hinton and the City Attorney's Office for their work on this legislation, as well as members of the Administration. The motion carried.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilman Oglesby and seconded by Councilman Gilbert,

ORDINANCE #13276

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 9,
RELATIVE TO THE ESTABLISHMENT OF THE PUBLIC ART COMMISSION.**

ACTION: PASSED ON FIRST READING

MR-2017-163
Frank Goodwin
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13277

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN
UNOPENED ALLEY OFF THE 200 BLOCK OF SAWYER STREET TO ALLOW
THE PROPERTY TO BE SUBDIVIDED INTO TWO LOTS, AS DETAILED ON
THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Henderson indicated that he has heard no opposition to this District 1 abandonment. Upon no further comments, the motion carried.

ACTION: PASSED ON FIRST READING

MR-2017-174
Shea Properties II, LLC
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13278

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN
UNOPENED ALLEY OFF THE 2600 BLOCK OF WATAUGA STREET TO
ALLOW FOR FUTURE DEVELOPMENT, AS DETAILED ON THE ATTACHED
MAP, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Byrd also indicated that he has heard no opposition to this District 8 abandonment. Upon no further comments, the motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Henderson and seconded by Vice-Chairman Smith,

RESOLUTION #29304

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SERVE AS A GOVERNMENT SPONSOR AND PASS-THROUGH ENTITY FOR A GRANT FROM THE AMERICAN BATTLEFIELD PROTECTION PROGRAM, A PART OF THE NATIONAL PARK SERVICE, TO BE PASSED THROUGH TO THE CIVIL WAR TRUST, WHICH WILL PURCHASE AND PRESERVE A +/-3.61 ACRE PARCEL KNOWN AS THE MOHR TRACT, IN THE AMOUNT OF \$57,065.00.

Councilman Henderson informed the Assembly that no city funds were being utilized in this matter. Upon no further comments, the motion carried.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Vice-Chairman Smith,

RESOLUTION #29305

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE HELEN ROSS MCNABB CENTER, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29306

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH LEGAL AID OF EAST TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29307

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH PARTNERSHIP FOR FAMILIES, CHILDREN, AND ADULTS, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29308

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH PREVENT CHILD ABUSE TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29309

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH SECOND LIFE OF CHATTANOOGA, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29310

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH SOUTHERN ADVENTIST UNIVERSITY, IN SUBSTANTIALLY THE FORM ATTACHED, FOR OFFICE SPACE IN A PORTION OF THE FAMILY JUSTICE CENTER LOCATED AT 5705 UPTAIN ROAD, IDENTIFIED AS TAX PARCEL NO. 157M-A-012, FOR A TERM OF EIGHTEEN (18) MONTHS, FOR THE AMOUNT OF \$1.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29311

A RESOLUTION AUTHORIZING THE CITY TREASURER TO RENEW BLANKET PURCHASE ORDER NO. 542380 WITH ENCO UTILITY SERVICES FOR A ONE (1) YEAR RENEWAL PERIOD, WITH THREE (3) OPTIONAL ONE (1) YEAR RENEWAL PERIODS REMAINING, FOR THE PURPOSE OF UTILITY BILLING DATA QUALITY CONTROL, AND OTHER SUPPORT, IN THE AMOUNT OF \$120,000.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION #29312

A RESOLUTION AUTHORIZING THE APPOINTMENT OF DEBORAH MICHIELSON, AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE MCKAMEY ANIMAL CENTER, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29313

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR THOMAS BROTHERS CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. Y-16-012-201, TYNER YFD CENTER PLAYGROUND PAD, FOR A DECREASED AMOUNT OF \$2,247.50, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$30,675.00, AND TO RELEASE THE CONTINGENCY AMOUNT OF \$3,300.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29314

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. M-17-003-201 TO TRI-STATE ROOFING CONTRACTORS, LLC OF CHATTANOOGA, TN, REPLACEMENT ROOFING SYSTEM FOR FLEET MAINTENANCE BUILDING LOCATED AT 12TH STREET, IN THE AMOUNT OF \$97,908.00, WITH A CONTINGENCY AMOUNT OF \$10,000.00, FOR AN AMOUNT NOT TO EXCEED \$107,908.00.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Oglesby,

RESOLUTION #29315

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR ADVANCE ONE DEVELOPMENT, LLC OF CHARLOTTE, NORTH CAROLINA, RELATIVE TO CONTRACT NO. C-13-001-202, SUMMIT LANDFILL GAS EXTRACTION SYSTEM ADDITIONS, FOR A DECREASED AMOUNT OF \$21,139.41, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$245,235.49, AND TO RELEASE THE REMAINING CONTINGENCY AMOUNT OF \$26,600.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29316

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF AWARDED, ACCEPT THE 2017-2020 SPECIAL LITTER GRANT ISSUED BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION/HIGHWAY BEAUTIFICATION OFFICE FOR THE PURCHASE AND INSTALLATION OF A LITTER TRAP AND TARPS, FOR AN AMOUNT UP TO \$125,000.00.

ACTION: ADOPTED

PURCHASES: (NONE)

OTHER BUSINESS:

YFD PR Coordinator

Councilman Oglesby introduced Kinnawa Kaitibi, the new Public Relations Coordinator for the Department of Youth and Family Development. Mr. Kaitibi also made remarks in response.

City Attorney's Report

Attorney Hinton asked the Council to authorize a settlement for a claim in the amount of \$85,728.98 to Denise Leach and Daniel O'Mary for sewage backup on their properties. **Councilman Henderson moved** to approve, seconded by Councilman Ledford. The motion carried.

RESOLUTION #29317

A RESOLUTION AUTHORIZING A SETTLEMENT OF A CLAIM BY DENISE LEACH AND DANIEL O'MARY, SUBJECT TO THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND DISMISSAL, WITH PREJUDICE, FOR SEWAGE BACKUP LOCATED AT 3810 AND 3814 KELLY'S FERRY ROAD, IN THE AMOUNT OF EIGHTY-FIVE THOUSAND SEVEN HUNDRED TWENTY-EIGHT AND 98/100 DOLLARS (\$85,728.98).

ACTION: ADOPTED

COMMITTEE REPORTS:

Budget and Finance Committee
Councilman Henderson
(No report)

Economic and Community Development Committee
Councilman Oglesby reported:

- The committee met today for an update on the MLK Extension TIFF.

Human Resources Committee (HR)
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford reported:

- The committee will meet next week (February 6) after the 3:00 p.m. Agenda Session.

Public Safety Committee
Councilman Byrd reported:

- He is hosting a meeting regarding the VRI on February 8 from 6:00 - 8:00 p.m. in the Council Assembly Room. He will explain the Council's actions regarding recent VRI legislation and discuss next steps with community members.

Public Works and Transportation Committee
Councilwoman Berz reported:

- The committee will meet next week to review items on agendas covering the next two weeks.

Youth and Family Development Committee
(Councilwoman Coonrod not present)

Innovation Technology Committee
Vice-Chairman Smith
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (Non-Agenda Items)

Attorney Hinton read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Mitchell recognized the following persons:

- **Ronnie Ray (Pan Gap Rd./District 4)** - He voiced concerns about changes agreed upon regarding Ordinance #13227 and Ordinance #13253. He has had difficulty retrieving the ordinances from the Council's website.
 - Councilman Ledford asked to meet with Mr. Ray after tonight's meeting to see how he could help him.

ADJOURNMENT

On motion of Councilman Oglesby, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, February 6, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL