



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
May 29, 2018  
6:00 PM

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chairman Smith led the Assembly in the Pledge of Allegiance.

**APPROVAL OF LAST MINUTES**

On motion of Councilman Henderson and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (May 22, 2018) were approved as published.

**ACKNOWLEDGEMENTS**

Chairman Smith recognized Chris Hopkins, the Council's appointee to the Fire and Police Pension Fund. Mr. Hopkins, in turn, introduced their new board chair, Fire Lt. Charlie Thomason, and new board member, Police Captain Nathan Vaughn.

**ORDINANCES – FINAL READING: (NONE)**

**ORDINANCES – FIRST READING:**

On motion of Councilman Byrd and seconded by Vice-Chairman Oglesby,

**ORDINANCE #13317**

**AN ORDINANCE AMENDING ORDINANCE NO. 13213, KNOWN AS “THE FISCAL YEAR 2017-2018 BUDGET ORDINANCE” SO AS TO REALLOCATE \$15,000.00 FROM GENERAL FUNDS TO FAMILY PROMISE TO MEET THE EMERGENCY HOUSING NEEDS OF DISPLACED INDIVIDUALS EXPERIENCING HOMELESSNESS AND SHELTER NEEDS FOR VETERANS IN ITS PROGRAM.**

**ACTION: PASSED ON FIRST READING**

On motion of Councilman Byrd and seconded by Vice-Chairman Oglesby,

**ORDINANCE #13318**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-400 THROUGH 2-404; 2-406 THROUGH 2-409; 2-411; 2-419; 2-420; AND 2-422, RELATIVE TO THE FIRE AND POLICE PENSION FUND.**

**ACTION: PASSED ON FIRST READING**

**Agenda Item VI(c):**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTIONS 26-26, 26-27, 26-34, AND 26-35, RELATIVE TO FEE CHANGES.**

Councilwoman Coonrod moved to defer to June 5, 2018. She was seconded by Councilman Byrd. The motion carried.

**ACTION: DEFERRED TO JUNE 5, 2018**

**RESOLUTIONS:**

**Agenda Item VII(a):**

**A RESOLUTION AUTHORIZING THE RETIREMENT OF K-9 DUCO AS A SERVICE DOG.**

Councilman Henderson confirmed that K-9 Duco could be scheduled to appear before the Council on next week. Therefore, Councilman Henderson moved to defer to June 5, 2018, seconded by Councilman Ledford. The motion carried.

**ACTION: DEFERRED TO JUNE 5, 2018**

On motion of Councilman Henderson and seconded by Councilman Byrd,

**RESOLUTION #29473**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 RELATIVE TO CONTRACT NO. W-15-009-101 WITH CDM SMITH, INC., MBWWTP CONTROL ROOM UPGRADES, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$58,310.00, FOR A REVISED CONTRACT AMOUNT OF \$402,845.00.**

**ACTION: ADOPTED**

On motion of Vice-Chairman Oglesby and seconded by Councilman Gilbert,

**RESOLUTION #29474**

**A RESOLUTION AUTHORIZING PROPERTY OWNER, THOMAS L. JOHNSON, TO USE TEMPORARILY THE CITY-OWNED PROPERTY LOCATED ALONG THE NORTHERN SIDE OF 1251 MARKET STREET FOR A COVERED PATIO RESTAURANT SEATING AREA, INCLUDING AN AWNING AND A RAILING ENCOMPASSING THE SEATING AREA, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

**PURCHASES:**

Bonnie Woodward, Purchasing Director, briefed the Council on the following proposed purchases:

**PO545587 - Public Works** Estimated \$25,000 Annually  
Blanket Contract Renewal for Generator Hauling Services -  
Waste Resource Division  
Lowest/Best Bidder: Leadec ES, Inc  
5534 Powder Plant Lane  
Bessemer, AL 35022

**PO543526 - Public Works** Estimated \$400,000 Annually  
Blanket Contract Renewal for Lime Kiln Dust -  
Waste Resource Division  
Lowest/Best Bidder: Mintek Resources, Inc  
2440 Dayton- Xenia Road, Suite D  
Beavercreek, OH 45434

**R168388 - Public Works** Estimated \$880,000 Annually  
New Blanket Contract for Tri-Axle Dump Trucks -  
Fleet Management Division  
Lowest/Best Bidder: Lee Smith, Inc  
2600 8th Avenue  
Chattanooga, Tn 37407

**PO543102 - Information Technology** Estimated \$750,000  
Blanket Contract Renewal for Carahsoft Technology Corporation  
for Google Products and Services  
Lowest/Best Bidder: Carahsoft Technology Corporation  
1860 Michael Faraday Drive, Suite 100  
Reston, VA 20190

**R161921 - City Attorney's Office**

Total Estimated \$ 90,000 Annually

New Blanket Contract for Sign Language Interpretation Services - Compliance Division

1. Partnership for Families, Children & Adults, Inc - 1800 McCallie Avenue, Chattanooga, TN 37404
2. Chattanooga Interpreting, LLC - 302 Northgate Mall Drive, Box 406 Hixson, TN 37343
3. Language Training Center, Inc - 5750 Castle Creek Parkway Drive, Suite 150 Indianapolis, IN 46250

**Councilman Henderson moved** to approve, seconded by Councilwoman Coonrod. The motion carried.

**ACTION: ALL PURCHASES APPROVED**

**OTHER BUSINESS:**

**City Attorney's Report**

**A. Board Reappointments**

Attorney Hinton informed the Council of two City appointees on the County Board of Equalization whose appointments were ending, but wished to be reappointed: Lora Dawson and Coy Browder. **Vice-Chairman Oglesby moved** to reappoint both, seconded by Councilman Byrd. The motion carried.

**B. Mediation Settlement**

Attorney Hinton also asked the Council to approve a mediation settlement in the case of Jeff Lee Moore v. City of Chattanooga for \$40,000.00 plus mediation fees. **Councilman Ledford moved** to approve, seconded by Councilwoman Berz. The motion carried.

**District 5 Event**

Councilman Gilbert announced the "5<sup>th</sup> District Mixer" on Saturday, June 9, 2018, from 10:00 a.m. to 2:00 p.m. at the Washington Hills YFD Center.

**COMMITTEE REPORTS:**

*Budget and Finance Committee*

Councilwoman Berz reported:

- The Council held another Budget Education Session today. The next session will take place on June 5 at 9:00 a.m.
- There will be a public hearing on the FY19 Budget on June 12 at 6:00 p.m. here in the Council Assembly Room.

*[Editor's Note: Updated Budget Education Schedule is attached.]*

*Economic and Community Development Committee*

Councilman Byrd

(No report)

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

*Planning and Zoning Committee*  
Councilman Ledford reported:

- The committee will meet on next week (June 5) immediately following the 3:00 p.m. Agenda Session.

*Public Safety Committee*  
Councilman Henderson  
(No report)

*Public Works and Transportation Committee*  
(Councilman Mitchell not present)

*Youth and Family Development Committee*  
Councilwoman Coonrod  
(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 Smith recognized the following persons:

• **Jim Johnson (Chattanooga)** - He represents the organization, Chattanoogaans for Responsible Development. He distributed a handout to the Council of his statements today. He voiced concerns about a rezoning request by a local developer on South Broad for a "high-end" grocery store to be built on the property. He believes that high-end grocery store will be a Publix. He informed The Public development in North Chattanooga was used by a national consulting firm has used it as a case study. He read about the 20year tax revenue based upon several scenarios involving the Public in North Chattanooga. He believes the store would take away tax revenue from other city needs. With the rezoning, it could be another type of store. He questioned the impact of the parking for such a store in the South Broad area. He believes the City can do better with the development in that area.

• **Ronnie Ray (Pan Gap Road)** - He spoke on behalf of his mother, Tina Ray, and distributed a letter (see attached) from Ms. Ray to the Council that contained his statements today. He discussed a property located at 7610 Davidson Road, which was rezoned on December 5, 2017, from R-1 Residential to A-1 Urban Agricultural Zone. Code enforcement cited the owners of 7610 Davidson Road in mid-February 2018 for violating city code and Ordinance 13227. The first court date was March 8, 2018. The court hearing was continued until April 12, 2018. At that second court hearing, the R-1 property owners testified of the continued violations. The case was continued again until May 10, 2018. At that time, Ms. Ray provided evidence as to how the violations affected her and other R-1 property owners. The case was continued for six months to November 8, 2018, which would be 21 months for this case (February 2017 through November 2018). He read that 21 months is "extreme for R-1 property owners to be deprived of their rights." He asked the Council to advise him of the protection that Ordinance 13227 and City Code provide to R-1 property owners. He also asked that the letter be included with the Minutes of this meeting.

- Councilwoman Berz inquired about the court hearing the case from Mr. Ray. She then inquired of Attorney Hinton about whether or not the Board of Zoning Appeals could countermand this.
- Attorney Hinton asked to speak with Mr. Ray after today's meeting is adjourned.

## **ADJOURNMENT**

**On motion of Councilman Henderson,** Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, June 5, 2017, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**Good Evening Council:**

I reside at 7612 Davidson Rd, 37421, on the east side of 7610 Davidson Rd property that was rezoned Dec. 5, 2017 from R-1 Residential to A-1 Urban Agricultural Zone. I have asked my son, Ronnie Ray, to speak to You, the City Council for me.

You may be asking "why is this an issue again?...Please let me continue..."

Mid February 2018, Enforcement cited the property owners of 7610 Davidson Rd for violations of Sec.38-453 in the City Code and Ordinance 13227. Docket 16055 01 had the first court date of March 8, 2018. The R-1 property owners adjacent to the defendant's property testified and presented evidence of the violations. The enforcement officer showed pictures of the property and testified of the violations. The detached garage and carport have been and continue to be used as an "existing barn" for shelter and the storage of hay and ? Pallets were added to the carport in January 2018. Multiple sheep are brought there and kept overnight. All in the backyard of that residence. The court hearing was continued until April 12.

The second court hearing, April 12, the R-1 property owners again testified of the continued violations. The court continued the case, Docket 16055 01 until May 10, giving them 30 days to have secure fencing

The third court appearance, May 10, the Assistant City Attorney showed a picture that I made on May 8 of numerous black chickens in my back yard. Evidence that there is NO SECURE fencing there. I testified that about April 16, three cows from 7610 Davidson Rd. grazed from my pond to my back yard fence. I sent a picture of them to the Enforcement Officer. Our pasture is fenced, however, I had been told that something or somebody had knocked my fence down in an area near the pond. We do not have livestock or fowl on our property, and I had not been to the back to check it out. The defendants were advised at the third hearing, they could go to the Appeals Board to apply for a variance. I was stunned when the court decided to continue the case for 6 months. I have since found out that the fourth court date will be Nov. 8, 2018.

Twenty-one (21) months (from Feb. 2017 to November 2018) seems quite extreme for R-1 property owners to be deprived of their rights. Now, A-1 Urban Agriculture Zone (since Dec. 2017) requirements continue to be violated. As we continue to experience the violations, I respectfully ask you to advise me of the protection that Ordinance 13227 and Chattanooga City Code provides to R-1 property owners.

Thank you for the opportunity to bring my concerns to you regarding enforcement of the laws that you pass. Please include this with the Minutes of this May 29, 2018 City Council meeting. Mrs. Tina Ray

# Budget Education - 2018/2019

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<p><b>May 15 (TUESDAY)</b></p>	<p><b><u>Budget Presentation to Council</u></b>            Budget overview:</p> <ul style="list-style-type: none"> <li>• Revenue/Expenses</li> <li>• Results area</li> <li>• Benefits/Rates</li> <li>• Capital Overview</li> </ul> <p>Book delivery</p>	<p>Maura, Daisy</p> <p>1 hour</p>
<p><b>May 22 (TUESDAY)</b></p> <ul style="list-style-type: none"> <li>• Berz</li> </ul>	<p><b><u>Education Session #1 10:00 - 2:00</u></b></p> <ul style="list-style-type: none"> <li>• Executive (Mayor &amp; OMA)</li> <li>• City Council</li> <li>• Internal Audit</li> <li>• City Attorney,</li> <li>• Purchasing, 311 Call Center)</li> <li>• Finance</li> </ul>	<p>10:00-10:20 - Executive Branch</p> <p>10:20- 10:40 - Council</p> <p>10:40 - 11:00 - Internal Audit</p> <p>11:00 - 11:20 - City Attorney</p> <p>11:20 - 11:40 - Purchasing</p> <p>11:40 - 12:00 - 311 Call Center</p> <p>Lunch: 12-12:30</p> <p>12:30 - 2:15 - Finance</p> <p>2:15 - 2:30 - Baby University</p>
<p><b>May 29<sup>th</sup> (TUESDAY)</b></p> <ul style="list-style-type: none"> <li>• Berz</li> <li>• Henderson</li> <li>• Coonrod</li> <li>• Gilbert</li> <li>• Ledford</li> <li>• Byrd</li> </ul>	<p><b><u>Education Session #2 10:00 - 2:00</u></b></p> <ul style="list-style-type: none"> <li>• City Treasurer</li> <li>• City Court</li> <li>• YFD/Social Services</li> <li>• Human Resources</li> <li>• ECD               <ul style="list-style-type: none"> <li>&gt; Zoning/RPA/LDO/enforcement</li> <li>&gt; Community development, housing, etc.</li> </ul> </li> </ul>	<p>10:00 -10:20 - City Treasurer</p> <p>10:20 - 10:50 - City Court</p> <p>10:50 - 11:30 - YFD / Social Services</p> <p>11:30 - 12:00 - Human Resources</p> <p>Lunch: 12-12:30</p> <p>12:30 - 1:15 - ECD ( Part 1: Ledford)</p> <p>1:15 - 2:00 - ECD (Part 2: Byrd)</p>



<p><b>June 5<sup>th</sup> (TUESDAY)</b></p> <ul style="list-style-type: none"> <li>• Berz</li> <li>• Mitchell</li> </ul>	<p><b><u>Education Session #3 9:00-2:50</u></b></p> <ul style="list-style-type: none"> <li>• YFD <i>[continued]</i></li> <li>• Capital Budget</li> <li>• Public Works</li> <li>• Enterprise Funds</li> </ul>	<p>9:00-9:30 - YFD: "Re-Entry" Program</p> <p>9:30 - 10:30 - Capital Budget</p> <p>10:30 - 11:15 - Public Wks. &amp; Enterprise Funds [Tivoli/Zoo]</p> <p>Lunch: 11:15 - 1:15</p> <p>1:15 - 2:50 - Public Wks. &amp; Enterprise Funds [ISS/WQ/SW]</p>
<p><b>June 12 (TUESDAY)</b></p> <ul style="list-style-type: none"> <li>• Mitchell</li> <li>• Smith</li> <li>• Henderson</li> <li>• Oglesby</li> </ul> <ul style="list-style-type: none"> <li>• Berz</li> </ul>	<p><b><u>Education Session #4 9:00 - 2:50</u></b></p> <ul style="list-style-type: none"> <li>• Transportation</li> <li>• DIT</li> <li>• Fire</li> <li>• Police (911/McKamey/FJC)</li> <li>• Agencies <ul style="list-style-type: none"> <li>➢ <u>Quasi-Agencies:</u> Library, APCB, CARTA, TnRiverPk, EntSouthNaturePk</li> <li>➢ <u>Service Agencies</u></li> </ul> </li> </ul>	<p>9:00 - 10:00 - Transportation</p> <p>10:00 - 10:45 - DIT</p> <p>10:45 - 12:00 - Police [McKamey, FJC, etc.]</p> <p>Lunch: 12:00 - 12:30</p> <p>12:30 - 1:00 - Fire</p> <p>1:00 - 1:45 - Quasi - Agencies</p> <p>1:45 - 2:50 - Service Agencies</p> <p><b>6:00 - PUBLIC HEARING</b></p>
<p><b>June 19<sup>th</sup> (TUESDAY)</b></p>	<p>First vote: 6:00 Council Meeting</p>	<p>10:00 - 2:00 Cont. Ed. prior to 1<sup>st</sup>. vote [TBD]</p>
<p><b>June 26 (TUESDAY)</b></p>	<p>Second Vote: 6:00 Council Meeting</p>	