

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

COUNCIL MEETING MINUTES

July 13, 2021 6:00 PM

CALL TO ORDER

Council Chairman Chip Henderson called the meeting to order. A quorum was present that included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Raquetta Dotley, Isiah Hester, Jenny Hill, and Darrin Ledford. Others present were Emily O'Donnell, City Attorney, and Nicole Gwyn, Council Clerk. Video of the meeting is available on YouTube here.

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Byrd and seconded by Councilman Hester, the minutes of the last meeting (July 6, 2021) were approved as published. The motion carried unanimously (9-0) upon roll call vote.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

MR-2021-0074
ASA Engineering c/o Shannon Kelly
Planning Version
District No. 3

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

ORDINANCE #13688

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED IN THE 6100 BLOCK OF HIXSON PIKE, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0096 Andrew Stone, MBSC Planning Version District No. 1

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

ORDINANCE #13689

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 1076 RIVER GORGE DRIVE, FROM R-1 RESIDENTIAL ZONE, R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, AND UGC URBAN GENERAL COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, AND R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0081 Thomas Morgan c/o I Buy 423, LLC Planning Version District No. 2

On motion of Councilwoman Hill and seconded by Councilman Ledford,

ORDINANCE #13690

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM PREVIOUS ORDINANCE NO. 8372, CASE NO. 1984-0235, FROM THE PROPERTY LOCATED IN THE 1300 BLOCK OF ELY ROAD.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0104 Chuck Phillips Planning Version District No. 3

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

ORDINANCE #13691

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 3914 AND 3918 WEBB ROAD, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0091 Talitha Adkins Planning Version District No. 6

Agenda Item VI(e):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2255 CENTER STREET, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

Councilwoman Berz moved to defer to July 27, 2021. Vice-Chairman Smith seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO JULY 27, 2021

2021-0094
Collier Construction Company, Inc.
Planning Version
District No. 6

A hearing ensued on the following item:

ORDINANCE #13692

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 114 AND 300 MCBRIEN ROAD TOGETHER WITH AN UNADDRESSED PROPERTY LOCATED IN THE 5300 BLOCK OF LYNNLAND TERRACE, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Applicant:

Nathan Collier – This property is where the Banai Zion Synague. They intend to develop a
residential community with 25 single-family detached houses on the property. They need to
R-3 zoning in order to build a common private drive to access the property and have to use
the horizontal property regime to do so. The houses are separated 10 -12 feet and the
development looks like a normal neighborhood.

Councilwoman Berz informed Mr. Collier that she had not seen the final printout of everything agreed to and, therefore, asked John Bridger of the Regional Planning Agency to read the two conditions that would be added to this case. He read the following: "total number of units not to exceed 25" and "no more than one unit per structure." Mr. Collier affirmed these conditions.

Opposition:

- Tom Rhodes Mr. Rhodes lives at 16 McBrien Road, which is a block away from this development. He voiced concerns about the traffic and road conditions, especially the potholes on McBrien and Hazlewood. He also voiced concerns about excessive noise caused by tractor trailers and trucks with ladders bumping into the potholes. He has difficulty sitting in his yard because of the noise. He has even offered to fix the road if he can get it deducted from his property taxes.
 - Councilwoman Berz acknowledged receiving messages from Mr. Rhodes about the road conditions and forwarding those to the transportation department. She asked Brent Goldberg, Chief of Staff, to speak with Mr. Rhodes about this road condition complaints and his suggestion to fix the road. Mr. Goldberg agreed.
 - o Mr. Rhodes confirmed that he did not have any objections to this rezoning case.

Rebuttal: Mr. Collier discussed looking into repairs that would fix the road near this development.

Upon no further questions, **Councilwoman Berz moved** to approve. Vice-Chairman Smith seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0095 Orlandis Jackson Planning Version District No. 6

On motion of Councilwoman Berz and seconded by Councilman Ledford,

Agenda Item VI(g):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 3850 BRAINERD ROAD, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE.

Councilwoman Berz informed the Council that she will be meeting with the Applicant on July 20th. Therefore, **Councilwoman Berz moved** to defer to July 27, 2021. Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO JULY 27, 2021

2021-0079 Welford Sydnor Planning Version District No. 7

On motion of Councilwoman Dotley and seconded by Councilman Byrd,

ORDINANCE #13693

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1401, 1403, AND 1407 EAST 48TH STREET, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Dotley asked Mr. Bridger to read the conditions of this rezoning: "...shall be subject to the condition that it shall be used for off-street parking, single-family residential, or institutional uses only." Upon no further questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0101 Ingram, Gore & Associates Planning Version District No. 7

On motion of Councilwoman Dotley and seconded by Councilman Byrd,

ORDINANCE #13694

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1920 MYRTLE STREET, FROM M-1 MANUFACTURING ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0083 Josh and Hannah Legg Planning Version District No. 8

A hearing ensued on the following item:

Agenda Item VI(I)

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1813 EAST 4^{TH} STREET, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Applicant:

• **Joshua Legg** – He and his wife, Hannah, bought a fire-damaged duplex on the property that was down-zoned to R-1 due to being vacant for 100 days after the fire. They wish to keep it as a duplex and feel it would be more affordable as a rental property. He described the number of rooms, meters, and adjacent properties. There is ample parking on the street and on a parking pad in the back. They have a thorough process for approving tenants and can give opportunities to tenants in the neighborhood.

Opposition: (None present in the Assembly)

Discussion ensued, with Councilman Byrd informing the Council that he received several messages asking him to deny this rezoning. He asked Mr. Bridger about the process for this property if it is denied.

- Councilwoman Coonrod asked about the property's compliance with the Area 3 plan. She also questioned if there was another similar rental property application on 4th Street.
- Councilwoman Berz questioned the waiting period for withdrawing the application.
- Councilman Ledford commented on the R-2 residential zone that was lost after the fire and loss of affordable housing if this duplex is converted to a single-family structure.
- Councilman Byrd commented on the historical value of the community and desires of the community to keep this property under the R-1 residential zone.

Upon no questions, Councilman Byrd moved to deny. Councilwoman Berz seconded. The motion carried on roll call vote as follows:

Hill	YES	Byrd	YES
Ledford	ABSTAIN	Coonrod	NO
Hester	YES	Smith	YES
Berz	YES	Henderson	YES
Dotley	YES		

YES – Seven (7); NO – One (1); ABSTAIN – One (1)

ACTION: DENIED

2021-0102 Ingram, Gore & Associates District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13695

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 OF PREVIOUS ORDINANCE NO. 13502, CASE NO. 2019-0112, FROM THE PROPERTIES LOCATED IN THE 2600 BLOCKS OF EAST 19TH AND EAST 20TH STREETS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

Agenda Item VI(I):

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ARTICLE V, DIVISION 15, C-3 CENTRAL BUSINESS ZONE, BY DELETING AND REPLACING THE INTENT SECTION, AND ADDING A NEW DIVISION 15A ESTABLISHING NEW STANDARDS THAT SUPERSEDE OTHER CONFLICTING SECTIONS OF THE ZONING CODE.

Councilman Ledford moved to approve. Councilman Byrd seconded. Mr. Bridger indicated that there would be some changes to this text amendment. Councilman Ledford noted that there was supposed to be an Alternate Version containing those changes. Since the alternate version was not listed on the agenda, Councilman Ledford withdrew his motion. Councilman Byrd agreed to the withdrawal. **Councilman Ledford moved** to defer to July 27, 2021. Councilman Byrd seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO JULY 27, 2021

RESOLUTIONS:

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next two resolutions for one Council vote.

RESOLUTION #30831

A RESOLUTION TO ALLOW THE ADMINISTRATOR OF ECONOMIC DEVELOPMENT TO APPLY FOR, AND IF AWARDED, ACCEPT THE WORKFORCE OPPORTUNITY FOR RURAL COMMUNITIES (WORC): A GRANT INITIATIVE FOR THE APPALACHIAN AND DELTA REGIONS GRANT FROM THE DEPARTMENT OF LABOR, FOR AN AMOUNT NOT TO EXCEED \$1,500,000.00.

RESOLUTION #30832

A RESOLUTION TO AMEND THE LEAD FOR AMERICA CONTRACT FOR YEAR ONE (1), FOR A REVISED AMOUNT OF \$25,600.37, AND FOR AN ADDITIONAL AMOUNT FOR YEAR TWO (2), IN THE AMOUNT OF \$31,978.00, FOR A TOTAL AMOUNT OF \$57,578.37.

Councilman Ledford moved to approve. Vice-Chairman Smith seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: RESOLUTIONS 30831 AND 30832 ADOPTED

On motion of Councilman Ledford and seconded by Councilwoman,

RESOLUTION #30833

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANTHONY SAMMONS AS THE ADMINISTRATOR OF COMMUNITY DEVELOPMENT.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: ADOPTED

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

RESOLUTION #30834

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CHRIS ANDERSON AS THE ADMINISTRATOR OF INNOVATION DELIVERY AND PERFORMANCE.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: ADOPTED

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next five resolutions for one Council vote.

RESOLUTION #30835

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPROVE CHANGE ORDER NO. 3 FOR HAZEN AND SAWYER, RELATIVE TO CONTRACT NO. W-17-004-101, WET WEATHER COMBINED SEWER STORAGE, PHASE 1, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$585,596.48, FOR A REVISED CONTRACT AMOUNT OF \$2,948,570.62.

RESOLUTION #30836

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPROVE CHANGE ORDER NO. 1 (FINAL) FOR PREMIER FENCE, LLC, OF MURFREESBORO, TN, RELATIVE TO CONTRACT NO. R-20-017-204, SUMMIT OF SOFTBALL COMPLEX IMPROVEMENTS FROM THE EASTER TORNADO 2020 – BACKSTOP AREA AND OUTFIELD NETTING REPLACEMENT, FOR AN INCREASED AMOUNT OF \$36,808.00, FOR A REVISED CONTRACT AMOUNT OF \$232,280.62.

RESOLUTION #30837

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO CLOSEOUT PROJECT, CONTRACT NO. R-20-017-212, SUMMIT OF SOFTBALL COMPLEX IMPROVEMENTS FROM THE EASTER TORNADO 2020 – BRICK DUST AND INFIELD MATERIAL REPLACEMENT, WITH RIVER CITY ATHLETIC FIELDS, OF SODDY DAISY, TN, TO RELEASE THE CONTINGENCY AMOUNT OF \$4,500.00, FOR A FINAL CONTRACT AMOUNT OF \$44,666.40.

RESOLUTION #30838

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPROVE CHANGE ORDER NO. 5 WITH CTI ENGINEERS, INC. (WITH SCS ENGINEERS AS SUB) RELATIVE TO CONTRACT NO. C-13-001-101, FOR PROFESSIONAL SERVICES FOR LANDFILL DEFICIENCY RECOMMENDATION AND REPAIRS, FOR AN INCREASED AMOUNT OF \$65,000.00, FOR AN AMOUNT NOT TO EXCEED \$793,500.00.

RESOLUTION #30839

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPROVE CHANGE ORDER NO. 1 (FINAL) FOR GRANITE INLINER, LLC (FORMERLY LAYNE INLINER LLC) RELATIVE TO CONTRACT NO. W-15-002-201, FRIARS BRANCH SOUTH CHICKAMAUGA CREEK 5 INTERCEPTOR REHABILITATION, A CONSENT DECREE PROJECT, FOR A DECREASED AMOUNT OF \$1,464,977.45, TO RELEASE THE REMAINING CONTINGENCY OF \$400,000.00, FOR A REVISED CONTRACT AMOUNT OF \$7,218,074.55.

Councilman Hester moved to approve all five resolutions. Councilman Byrd seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: RESOLUTIONS 30835 - 30839 ADOPTED

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next three resolutions for one Council vote.

2021-0097 Andrew Stone, MBSC District No. 1

RESOLUTION #30840

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PART OF A PROPERTY LOCATED AT 1076 RIVER GORGE DRIVE.

RESOLUTION #30841

A RESOLUTION AUTHORIZING AN ABANDONMENT OF A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PART OF A PROPERTY LOCATED AT 1076 RIVER GORGE DRIVE, AS DETAILED ON THE ATTACHED MAPS.

<u>PSM Tennessee Holdings, LLC/Mohan Ooltewah Corporation</u> District No. 6

RESOLUTION #30842

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 5958 SNOW HILL ROAD.

Councilman Ledford moved to approve. Councilman Hester seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: RESOLUTIONS 30840 - 30842 ADOPTED

Special Recognition

Chairman Henderson and Councilpersons Ledford, Coonrod, Berz, Byrd, and Hester made congratulatory comments to Mr. Bridger as he leaves his current city position, making tonight his last Council meeting.

DEPARTMENTAL REPORTS:

Proposed Purchase

Brent Goldberg, Chief of Staff, briefed the Council on the following proposed purchase:

PO# 558600 & 558601City Wide Services Division, Public Works
Personal Protective Safety Equipment
Lowest/Best Bidders:

\$40,000.00

- 1. PO# 558600 Roll-Aid industrial Supply P.O. Box 2346 Chattanooga, TN 37409
- 2. PO# 558601 Environmental & Hygiene Safety, Inc P.O. Box 4931 Chattanooga, TN 37405

Councilwoman Berz moved to approve. Councilman Hester seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: PURCHASE APPROVED

OTHER BUSINESS:

Certificate of Compliance

Attorney O'Donnell presented the following: **Mohan Ooltewah Corporation d/b/a Snow Hill Wine** & Spirits – Certificate of Compliance (District 6). The certificate was signed during the open meeting by at least five councilpersons.

Two Settlements

Attorney O'Donnell asked for approval on the following two settlements:

(1) Corbin Babbs lawsuit involving three injured persons – Settlement of \$47,000.00 total that covers all three parties. **Councilwoman Berz moved** to approve. Vice-Chairman Smith seconded. The motion carried upon roll call vote as follows:

Hill	YES	Byrd	YES
Ledford	YES	Coonrod	ABSTAIN
Hester	YES	Smith	YES
Berz	YES	Henderson	YES
Dotlev	YES		

YES – Eight (8); NO – Zero (0); ABSTAIN – One (1)

(2) Injury on Duty claim – Settlement of \$28,707.81. **Councilwoman Berz moved** to approve. Vice-Chairman Smith seconded. The motion carried upon roll call vote as follows:

Coonrod	YES	Ledford	YES
Byrd	YES	Hill	YES
Dotley	YES	Smith	YES
Berz	YES	Henderson	YES
Hester	ABSTAIN		

YES – Eight (8); NO – Zero (0); ABSTAIN – One (1)

ACTION: BOTH SETTLEMENTS APPROVED

Retiree Recognition

Councilwoman Coonrod recognized Public Works employee Thomas Slaten, who is retiring form the city after 29 years.

COMMITTEE REPORTS:

Budget and Finance Committee Councilwoman Berz (No report)

Economic Development Committee Councilwoman Coonrod (No report)

Education and Innovation Committee Councilwoman Hill (No report)

Equity and Community Development Committee Councilwoman Dotley (No report)

Legislative Committee

Vice-Chairman Smith reported:

• The committee will meet on July 27, 2021, regarding a C-3 text amendment.

Planning and Zoning Committee Councilman Ledford (No report)

Parks and Public Works

Councilman Hester reported:

• The committee met today in open meeting and will meet again in two weeks (July 27th).

Public Safety Committee

Councilman Byrd reported:

• The committee met today in open meeting to hear a quarterly report from the Police Advisory and Review Committee.

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

Attorney O'Donnell read the rules of procedure for persons wishing to address the Council. After which, Chairman Henderson recognized the following persons:

Speaker Name	District	Primary Topics:
• Edward Curtis	7	East Lake community problems
		 Chairman Henderson asked Mr. Curtis to speak
		with Mr. Goldberg after the meeting.
Welford Sydnor	7	Wanted to know if his rezoning case had passed first
		reading tonight.
• Josh Capella	(N/A)	Meeting homeless community's basic needs
• Monty Bell	(N/A)	Rain-drenched phones from homeless camp

ADJOURNMENT

On motion of Councilman Ledford, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, July 27, 2021, at 6:00 p.m. [Editor's Note: The meeting on July 20, 2021 has been cancelled.]

_	CHAIRMAN	
CLERK OF COUNCIL		