



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
July 23, 2019
6:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilman Byrd led the Assembly in the Pledge of Allegiance. He then invited Sylvester Harris to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod, the minutes of the last meeting (July 16, 2019) were approved as published.

ORDINANCES – FINAL READING:

2019-072
Barry Payne Development % Barry Payne
Planning Version
District No. 6

Agenda Item V(a):

(Ordinance number will be assigned after final reading)

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Berz informed the Council that the Applicant had requested one more week due to their board having some decisions to make. Therefore, **Councilwoman Berz moved** to defer to July 30, 2019. She was seconded by Councilman Gilbert. The motion carried.

ACTION: DEFERRED TO JULY 30, 2019

On motion of Councilman Henderson and seconded by Councilman Mitchell,

ORDINANCE #13486

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SEWERS, MAIN AND DRAINS, ARTICLE VIII, STORMWATER MANAGEMENT, DIVISION 2, RELATIVE TO NEW DEVELOPMENT AND REDEVELOPMENT REQUIREMENTS AND AMENDING DIVISION 7 RELATIVE TO FEES.

ACTION: APPROVED

ORDINANCES – FIRST READING:

ORDINANCE #13487

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, BY ADDING A NEW CHAPTER 11, ARTICLE XXI, DOWNTOWN CENTRAL BUSINESS IMPROVEMENT DISTRICT (DOWNTOWN CBID), SECTIONS 11-525 THROUGH 11-534. (Alternate Version)

Councilman Mitchell moved the Alternate Version of this ordinance. He was seconded by Councilman Byrd. The motion carried, with Councilman Smith voting “No.” **Councilwoman Coonrod moved** to amend to exclude the Paty properties on Patton Parkway. She was seconded by Councilman Gilbert. The motion failed upon roll call vote as follows:

Berz	NO	Henderson	NO
Byrd	NO	Mitchell	NO
Coonrod	YES	Smith	ABSTAIN
Gilbert	YES	Oglesby	YES

YES - Three (3); NO - Four (4); ABSTAIN - One (1)

Councilman Mitchell’s motion to approve the alternate version carried upon roll call vote as follows:

Berz	YES	Henderson	YES
Byrd	YES	Mitchell	YES
Coonrod	ABSTAIN	Smith	NO
Gilbert	NO	Oglesby	YES

YES - Five (5); NO - Two (2); ABSTAIN - One (1)

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

2019-075
John Wise
Planning Version
District No. 2

Agenda Item VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 309 AND 313 TREMONT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND E-RM-3 TO E-RA-2 URBAN EDGE RESIDENTIAL ATTACHED 2 STORIES MAXIMUM HEIGHT ZONE AND E-RM-3 URBAN EDGE RESIDENTIAL MULTI-UNIT THREE STORIES MAXIMUM HEIGHT ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Mitchell moved to defer to August 6, 2019. He was seconded by Councilman Henderson. The motion carried.

ACTION: DEFERRED TO AUGUST 6, 2019

Agenda Item VI(c):

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II AND V, SECTIONS 38-2, 38-183(17), 38-305, 38-306, 38-323(5), 38-333(7), AND 38-341(10), RELATING TO OUTDOOR STORAGE AND MINI-WAREHOUSES.

Councilman Gilbert moved to defer to July 30, 2019. He was seconded by Councilman Henderson. The motion carried.

ACTION: DEFERRED TO JULY 30, 2019

RESOLUTIONS:

On motion of Councilman Smith and seconded by Councilman Mitchell,

RESOLUTION #30000

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AGREEMENT TO EXERCISE OPTION TO RENEW WITH THE HOUSE OF RUTH, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR PARCELS LOCATED AT 167C-B-015, 167C-B-016, AND 167C-B-017, WITH ASSIGNED ADDRESSES OF 4327 OAKLAND AVENUE, 4333 OAKLAND AVENUE, AND 511 W. 45TH STREET, AT THE RATE OF \$1.00 PER YEAR, FOR AN ADDITIONAL TERM OF ONE YEAR, WITH THE PARKING TO BE USED BY THE MEMBERS OF THE GREATER ST. JOHN MISSIONARY BAPTIST CHURCH AND FOR CHARITABLE PURPOSES AS AUTHORIZED BY THE LESSEE'S BOARD OF DIRECTORS.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Henderson,

RESOLUTION #30001

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE TRUST FOR PUBLIC LAND, IN SUBSTANTIALLY THE FORM ATTACHED, FOR A TERM OF ONE (1) YEAR, FROM JULY 1, 2019 THROUGH JUNE 30, 2020, FOR AN AMOUNT NOT TO EXCEED \$100,000.00, TO BE PAID IN FOUR (4) QUARTERLY INSTALLMENTS OF \$25,000.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Gilbert,

RESOLUTION #30002

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE THE CONSENT TO ASSIGNMENT OF ALL PURCHASE ORDERS FOR VENDOR NO. 867378, LAYNE INLINER, LLC TO GRANITE INLINER, LLC, RELATIVE TO THE FOLLOWING PURCHASE ORDERS: (1) FRIAR'S BRANCH INTERCEPTOR AND BASIN IMPROVEMENTS, CONTRACT NO. W-12-029-201, PO 543874; (2) FRIAR'S BRANCH SOUTH CHICKAMAUGA CREEK 5 REHAB, CONTRACT NO. W-15-002-201, PO 548493; AND (3) SANITARY SEWER CURED IN-PLACE PIPE LINING (CIPP), PO 545994.

ACTION: ADOPTED

On motion of Councilman Henderson and Councilman Mitchell,

RESOLUTION #30003

A RESOLUTION AUTHORIZING THE INSTALLATION OF AN APPROPRIATELY SIZED TRANSFORMER LOCATED AT THE CITICO PUMP STATION TO BE FULLY INSTALLED EQUIPMENT BY THE ELECTRIC POWER BOARD, IN THE AMOUNT OF \$39,908.38, AND MAINTAIN THE EQUIPMENT FOR A LEASE RATE OF \$637.50 PER MONTH OVER A FIVE (5) YEAR RENEWABLE LEASE AGREEMENT.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases (NONE)

OTHER BUSINESS:

July 30 Public Hearing - CBID

Chairman Oglesby asked Mr. Noblett to read the rules established by the Council for the public hearing about the Chattanooga Business Improvement District next week (July 30). Attorney Noblett informed the Assembly that the public hearing has been advertised in the newspaper and sent by letter to each property owner in the BID boundaries. He gave the following rules:

1. The Council will allow business owners in the zone to speak at the public hearing, in addition to the State-mandated requirement for all affected property owners, provided that there is available time for all affected property owners and business owners to be heard. Business owners will only be allowed one representative to speak per business which is located inside the proposed business improvement district within the time limits which were approved by the City Council in the public meeting on July 23, 2019.
2. The Council will allow a total of 60 minutes for the public hearing, with 30 minutes for each side: those in support and those in opposition. The Council will allow 3 minutes per speaker.
3. There will be sign-up sheets outside of the City Council chambers prior to the 6:00 p.m. meeting for those wishing to speak who meet the qualifications [see item 1 above] to speak during the allotted time.
4. Speaker names must be on the list so that the Council Clerk may call them during the time that has been allotted for the hearing.

Board Appointment

Councilman Smith moved to appoint **Jennifer McIntyre** to represent District 3 on *the Police Advisory and Review Committee*. He was seconded by Councilman Mitchell. The motion carried.

Wine Certificate Renewal

Attorney Noblett requested approval of a renewal certification for the following grocery stores wishing to sell wine: **Savita V. Chaudhari d/b/a Kankus Express #1, 7640 East Brainerd Road (District 4)**. He informed that this was related to a change in ownership for the business. The certification was circulated in this open meeting and signed by five councilpersons.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

(No report)

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee

Councilman Gilbert reported:

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

Planning and Zoning Committee
(Councilman Ledford Not Present)

Public Safety Committee
Councilman Smith
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee will met today and will meet again in two weeks (August 6).

Youth and Family Development Committee
Councilwoman Coonrod reported:

- The committee met today to hear about the services offered by YFD's Office of Family Empowerment. She informed the Assembly that anyone needing to find a job or needing energy assistance should contact the Office of Family Empowerment.

Legislative Committee
Vice-Chairman Henderson
(No report)

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

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

- **Christopher Dahl** (E. 12th St.) - He voiced concerns that the City Code that governs the speaking rules of the meeting, due process--substantive and procedural--is being breached, including the equal protection clause, since some are bound by city code and some are not. He pointed out Rule #7 of the Council's rules limiting the public to addressing the Council once a day during Agenda Session, committee or Council meeting. He informed the Council that context-based regulations are being frowned upon by the Supreme Court. He sees policy issues across the board and referenced the police department and quasi-judicial boards of the city and county that have been set up. He pointed out that the record of the July 9, 2019 meeting where issues addressed on the visual record are doctored in the minutes of the meeting, either being shortened or ad-libbed. He noted people's names being wrong on the public record. He and others are also tired of public dollars going to private interest to be returned as a donation for the purpose of a tax write off for the private entity that the money was given to from the city.
- **Rev. Ann Jones Pierre** (Chattanooga) - She is a property owner in Chattanooga and wanted to express the state in which some property owners find themselves. She understands that the Council is responsible for setting the course of the city because of their legislative actions; therefore, the Council must be concerned with their governmental actions. As a property owner, she is subject to graffiti, illegal trash dumping and renters doing what they should not do. She has been sent letters or cited to court to respond to the actions of others. She noted that if you drive through the city, you will see the work of "so-called street artists," which is a destruction of property. She believes the rules in place are not sufficient to handle the destruction of property and the image of the City. She asked the City to research new techniques and processes for cleaning up the city and stop harassing property owners. She would be glad to see cameras at hot spots and increased

electronic surveillance. She believes the entire city should be an improvement district, citing treacherous streets with potholes and missing coverings. She believes crime is unchecked. She is now dealing with two city departments: one causing destruction on her property, and the other sending notices about the destruction. Yet, she says there is no comprehensive hearing for taxpayers. She asked for a continued, driven program of cleanliness in the city, noting problems with the location and accessibility of waste recycle sites, dumpster usage and bulk trash pickup. She believes people want business improvement districts because the city services currently available are not working. She reminded the Council that employees exist because of taxpayers.

- **Sylvester Harris** (Chattanooga) - He is an appointee to the Police Advisory and Review Committee and wanted to voice a few issues. He thanked Police Chief David Roddy for meeting with him recently. He wanted to meet the man, not the officer. Councilman Byrd met his 13-year-old grandson. He couldn't let down his grandson. He wants to ensure everyone represented fairly. He can help people in the neighborhood. People need the help of a village. He hopes the committee can work as a team. He asked committee members to do right and respect him.
- **Malarie Marsh** (Chattanooga) - She was appointed by Councilman Byrd to the Board of Sign Appeals. She received one email about a meeting being cancelled. This month, she cancelled her afternoon consultations at work in order to attend the meeting. When she arrived, she was directed to an employee. She went to the meeting and was treated poorly. There was no information about why this month's meeting was cancelled. A gentleman told her there were applications to review, but did not specify anything about the meeting. She has not received information about the board and its meetings.
 - Councilman Byrd apologized to his appointee and explained why such treatment hinders people from joining boards. He encouraged Ms. Marsh to continue her service to the board. Donna Williams, Administrator for the Department of Economic and Community Development, agreed to speak with Ms. Marsh about the board and its meetings.
- **Jean-Marie Lawrence** (Chattanooga) - She informed the Council that July 26 will be the anniversary of the 29th Anniversary of the Americans with Disabilities Act. She informed the Council that downtown is the only place where she can easily get around in her power wheelchair. Even downtown is not very accessible though. She indicated that even with the city's Safer Streets initiative making roads smoother and adding bike lanes, it has not increased accessibility. She informed the Council of using bike lanes sometimes because she cannot use the sidewalks, which are sometimes blocked. She feels that after 29 years since the passage of a federal law has been established, this city should be better and more accessible. She commended the accessibility in the city of Savannah, Georgia, which is much older. She could move around better in Savannah than here. She cannot imagine how others with manual wheelchairs, crutches or walkers struggle getting around the city. She knows there are many disabled persons in this city, but does not see them as much because they have trouble getting around the city. She asked the city to think about what it can do to empower change in the citizens. She believes 29 years is too long.

[One individual named Blake (no last name given) wished to address the Council about the Chattanooga Business Improvement District, but Chairman Oglesby would not allow her to speak on the topic since the CBID was an agenda item today. Chairman Oglesby offered to meet with her after the meeting to give her any clarification on the CBID.]

ADJOURNMENT

On motion of Councilman Mitchell, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, July 30, 2019, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL