



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

## **COUNCIL MEETING MINUTES**

August 6, 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, Darrin Ledford, Jerry Mitchell and Ken Smith. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

### **PLEDGE OF ALLEGIANCE**

Vice-Chairman Henderson led the Assembly in the Pledge of Allegiance. He spoke on the July 16<sup>th</sup> shooting tragedy in Chattanooga that he believes has enabled us to mourn with those who mourn over the shooting events at El Paso, TX and Dayton, OH. He read 1-John 2:9 of the Bible and asked for a moment of silence for the 31 lives lost in the two tragedies.

### **APPROVAL OF LAST MINUTES**

**On motion of Councilman Gilbert and seconded by Councilman Ledford**, the minutes of the last meeting (July 30, 2019) were approved as published.

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

**ORDINANCES – FIRST READING:**

2019-075  
John Wise  
Planning Version  
District No. 2

**Agenda Item VI(a):**

**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 informed the Council that the Applicant had asked to withdraw this item. Therefore, **Councilman Mitchell moved** to withdraw, seconded by Councilman Ledford. The motion carried.

**ACTION: WITHDRAWN**

**Agenda Item VI(b):**

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE EASTERN RIGHT-OF-WAY OF THE 300 BLOCK OF TUCKER STREET AND UNOPENED 400 BLOCK OF COWART STREET, AS DETAILED ON THE ATTACHED MAP.**

Councilman Mitchell moved to withdraw, seconded by Councilman Ledford. The motion carried.

**ACTION: WITHDRAWN**

**RESOLUTIONS:**

On motion of Councilman Ledford and seconded by Councilman Smith,

**RESOLUTION #30011**

**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXERCISE OPTION 1 OF THE PROPOSAL SUMMARY TO AMEND THE MASS MUTUAL DEFERRED COMPENSATION AGREEMENT.**

Councilman Ledford informed the Assembly that the Council had a full presentation on this item earlier today in open meeting.

**ACTION: ADOPTED**

On motion of Councilman Smith and Vice-Chairman Henderson,

**RESOLUTION #30012**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH TENNESSEE AMERICAN WATER COMPANY TO PAY FOR THE INSTALLATION OF HYDRANTS AT THE DIRECTION OF THE FIRE CHIEF WHICH WILL BE OWNED, INSTALLED, AND MAINTAINED BY TENNESSEE AMERICAN WATER COMPANY, FOR AN AMOUNT NOT TO EXCEED \$250,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

**RESOLUTION #30013**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF RANDY MCBEE, AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilwoman Coonrod,

**RESOLUTION #30014**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF JOHN BRENNAN TO THE FORM-BASED CODE COMMITTEE.**

**ACTION: ADOPTED**

On motion of Councilman Ledford and seconded by Councilman Smith,

**RESOLUTION #30015**

**A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENT OF ROBERT LYNCH TO THE AIR POLLUTION CONTROL BOARD.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

**RESOLUTION #30016**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. Y-18-004-201 TO TRI-STATE ROOFING CONTRACTORS, LLC OF CHATTANOOGA, TN, REPLACEMENT ROOFING SYSTEM FOR BRAINERD YFD CENTER, WITH A CONTINGENCY AMOUNT OF \$6,500.00, IN THE AMOUNT OF \$63,369.00.**

**ACTION: ADOPTED**

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

**RESOLUTION #30017**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR CIVIC ENGINEERING AND INFORMATION TECHNOLOGIES, INC. RELATIVE TO CONTRACT NO. S-09-008-401, NORTH ST. ELMO STORM DRAINAGE IMPROVEMENTS PROJECT CEI SERVICES, FOR A DECREASED AMOUNT OF \$6,633.00, FOR A REVISED CONTRACT AMOUNT OF \$895,254.00.**

**ACTION: ADOPTED**

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

**RESOLUTION #30018**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-18-012-201 TO KLEENCO CONSTRUCTION OF TENNESSEE, INC. OF CHATTANOOGA, TN, APPLING STREET DRAINAGE IMPROVEMENTS, WITH A CONTINGENCY AMOUNT OF \$100,000.00, IN THE AMOUNT OF \$1,068,084.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

**RESOLUTION #30019**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 (FINAL) FOR JDH COMPANY, INC. RELATIVE TO CONTRACT NO. Y-17-015-201, REPLACEMENT ROOFING SYSTEM FOR EAST CHATTANOOGA YFD CENTER BUILDING, FOR AN INCREASED AMOUNT OF \$10,513.00, TO RELEASE THE REMAINING CONTINGENCY AMOUNT OF \$6,987.00, FOR A REVISED CONTRACT AMOUNT OF \$253,420.00.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Ledford,

**RESOLUTION #30020**

**A RESOLUTION TO AMEND RESOLUTION NO. 29583, AS ADOPTED ON AUGUST 14, 2018, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY OF CHATTANOOGA SOLID WASTE PROCESSING FACILITY WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "AN AMOUNT NOT TO EXCEED \$37,137.44" AND SUBSTITUTING IN LIEU THEREOF "AN AMOUNT NOT TO EXCEED \$37,991.61".**

**ACTION: ADOPTED**

On motion of Councilman Ledford and seconded by Councilman Mitchell,

**RESOLUTION #30021**

**A RESOLUTION TO AMEND RESOLUTION NO. 29584, AS ADOPTED ON AUGUST 14, 2018, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "AN AMOUNT NOT TO EXCEED \$1,619,791.71" AND SUBSTITUTING IN LIEU THEREOF "AN AMOUNT NOT TO EXCEED \$1,588,003.30".**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Ledford

**RESOLUTION #30022**

**A RESOLUTION TO AMEND RESOLUTION NO. 29585, AS ADOPTED ON AUGUST 14, 2018, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, LATERAL EXPANSION AREA 3, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "AN AMOUNT NOT TO EXCEED \$7,708,925.44" AND SUBSTITUTING IN LIEU THEREOF "AN AMOUNT NOT TO EXCEED \$7,886,230.73".**

**The motion carried, with Councilman Gilbert voting "Nay."**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Ledford,

**RESOLUTION #30023**

**A RESOLUTION TO AMEND RESOLUTION NO. 29586, AS ADOPTED ON AUGUST 14, 2018, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY LANDFILL WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “AN AMOUNT NOT TO EXCEED \$1,710,409.68” AND SUBSTITUTING IN LIEU THEREOF “AN AMOUNT NOT TO EXCEED \$1,574,774.19”.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Ledford,

**RESOLUTION #30024**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A FINAL ONE (1) YEAR AGREEMENT WITH ADS, LLC FOR FLOW MONITORING AND RAIN GAUGE SERVICES AS PER THE SIGNED CONTRACT DATED SEPTEMBER 29, 2017, FOR AN AMOUNT NOT TO EXCEED \$1.2 MILLION.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #30025**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, PROJECT NO. T-19-015, FOR THE SHEPHERD ROAD STREETScape PROJECT AND TO ACCEPT THE DESIGN AND ENGINEERING CERTIFICATION OF THE SHEPHERD ROAD STREETScape PROJECT.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Proposed Purchases (NONE)**

**OTHER BUSINESS:**

**NeighborRoots Announcement**

Councilman Byrd announced the City accepting applications for the “NeighborRoots” program for those wishing to tell the stories of their neighborhoods. Those interested can call the city’s Tyler Yount for information.

Councilman Byrd also informed the Assembly about the I Am Foundation's Humanitarian Awards Banquet on August 23 from 6:00 – 8:00 p.m. at 1478 Market Street. For information and tickets, call (423) 320-5743.

### **District 7 Thanks**

Event 1 - Chairman Oglesby thanked everyone for attending the Movie Night at the Southside Community Park this past Saturday. He noted that a cloud burst opened on the event 30 minutes prior to the start of the movie, but it did not hinder the showing from taking place. Kids were in awe of the movie, *Spiderman: Into the Spider-Verse*. He thanked the Mayor's Office, Neighborhood Services and Outdoor Chattanooga for their coordination of the event.

Event 2 - Chairman Oglesby thanked everyone who attended the 4<sup>th</sup> Annual "Rock The Block" bash on Sunday, where students received free school supplies and haircuts. Vendors were also there to provide back-to-school services. He estimates almost 1,000 people in attendance. He also commended Stacy Williams, the organizer, for doing a great job of moving the event from Miller Park to The Edney due to the weather. He asked everyone to consider supporting next year's event.

### **COMMITTEE REPORTS:**

*Budget and Finance Committee*  
Councilwoman Berz  
(No report)

*Economic and Community Development Committee*  
Councilman Byrd reported:

- The committee will meet next week (August 13) after the 3:00 p.m. Agenda Session to hear about the Economic Mobility Plan.

*Human Resources Committee*  
Councilman Gilbert  
(No report)

*Planning and Zoning Committee*  
Councilman Ledford reported:

- The committee met today in open meeting. There are a few items still needing work this week, but will be ready for next week.

*Public Safety Committee*  
Councilman Smith  
(No report)

*Public Works and Transportation Committee*  
Councilman Mitchell reported:

- The committee met today in open meeting and will meet again in two weeks.

*Youth and Family Development Committee*  
Councilwoman Coonrod reported:

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

*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:

- **Marie Mott** (Oak Grove) – Ms. Mott discussed those who are outside of society's definition of the “acceptable” women: women who are forged in the “crucible of difference,” who are poor or lesbians. She discussed the survival of older blacks in learning to beat their Master at his own game. She knows that change must come about for women; however, she believes that change is a threat to women who still define their master's house as their only source of support. Secondly, she informed the Council of a public meeting last night with the Glass Street Neighborhood Association and other East Chattanooga residents that addressed the Save-A-Lot grocery store development in East Chattanooga. At that meeting, she heard that the general contractor has not been paid and that the developer has run out of money. She is requesting an update from Donna Williams, Administrator of Economic and Community Development, to inform the public if what they heard is true. From what she understands, the developer received a \$30,000 dollar payment and has a Payment in Lieu of Taxes (PILOT) agreement with the City of Chattanooga. She believes it should be made public if the developer has run out of money and wants assurances that East Chattanooga will have a grocery store. She noted that it was supposed to open at the end of July and is not even half-way completed. Thirdly, she wanted to express thanks to Councilpersons Smith, Gilbert and Ledford for their vote on the Business Improvement District (BID). She thanked Councilman Ledford further for asking some of the imperative questions about PILOTs and TIFs in the BID. She felt their vote in the BID was right because they considered the taxpayer and not just a specific group of powerful people. She acknowledged criticizing Council members when she feels they are doing wrong, but believes it is right to reward them with her gratitude when they have taken in account all Chattanoogaans in their decision-making.
  - Councilman Byrd asked Stacy Richardson, Chief of Staff, if a PILOT had been given to the developer of the grocery store that Ms. Mott had mentioned. Ms. Richardson informed the Council that the city has not entered a PILOT agreement for this development. She indicated that the Transportation Department has given a grant under the “Transportation Enhancement Grants.” She informed the Council that the grants are available to any good candidate and that Administration is always looking for candidates. She offered to provide some contact information as needed regarding the program.
  - Councilman Byrd asked if the City has any jurisdiction over private development. Ms. Richardson informed the Council that this is a private industry development, so financing is the right of the developer.
- **Pam Ladd** (McCallie Avenue) – She came on behalf of the Partnership for Families, Childrens and Adults. She came to ask for help with certain issues on Martin Luther King Boulevard that are affecting their services to the city. She informed the Council that the Partnership has different programs of service to vulnerable neighbors in our community, and run on state and federal grants. Those grants do not pay for a hundred percent of

their operations, so they depend on revenue streams for sustainability. One of those revenue streams is a thrift store located on Martin Luther King Boulevard. She noted that city has invested a lot of money into the streetscaping on that boulevard in order to move businesses there. The Partnership, however, is having a problem with public intoxication and other problems around their business. She informed the Council that they were robbed four weeks ago. Their store clerk did not have physical harm, but was “scared to death” by it. They recently spent five hours in court testifying about the robbery. There is a daily occurrence of intoxicated people congregating on the bench in front of their store. She believes the behavior of the intoxicated people congregating outside their store is driving away their customers and will affect businesses to the point of having to close their doors because of such problems. Therefore, due to this problem, she is asking the city to remove the bench in front of their store and improve patrols on the boulevard. Whenever they call the police, they have responded within a few moments, but that’s after incident has occurred. She came with another speaker who will give more details about the public intoxication problem on the boulevard.

- **Elisha Millan** – She is the owner of Grassroots Health, which is located on MLK Boulevard. She came to speak about the same problems as Ms. Ladd which are taking place outside of her place of business: the public intoxication. She informed the Council about one man who has posed problems or them that has been arrested 40 times. She double-checked her facts and found out that this man just got out of jail on Friday, but was arrested on Saturday. She indicated that the man has been arrested each time for public intoxication. She noted that most people believe these are homeless people congregating in front of their businesses, but she believes they are not. She indicated that they come from different parts of the city to congregate around the bench and under the ledge at the AT&T Building across the street. She feels like she is wasting police resources having to call them to break up a fight or deal with public intoxication. She operates another Grassroots store in Fort Oglethorpe, Georgia, and has had multiple customers tell her that they would rather drive to the Georgia store than come to the MLK store. As the mother of a young daughter, she is concerned with the way young women, especially college students, are harassed for money when walking past the loiters. Each day, she is called names and yelled at by the same people. She informed the Council that when she asks people to leave the front of her store due to the “No Loitering” sign, they leave to only return five minutes later. The businesses on the street work together to inform one another of recurring problems affecting their businesses. The businesses are looking for a more permanent solution to help, but until then, she asks the City to remove the benches outside of their businesses. She thanked CPD for always responding quickly.
  - Councilman Byrd asked to speak with Ms. Milan after the meeting. He informed the Council that the market on the corner does sale beer as low as 99 cents, which is something he has discussed with store management. He believes that mental health is a reason for a lot of the problems seen in the area. He informed the Council that he and Mallory Marsh have been talking with a state representative, but he would like to speak with Ms. Milan to see how this conversation may be continued.
- **Charlie Wysong** (Robin Drive) – He explained not attending Council meetings recently due to being a caretaker for his mother. He described her recent passing in June at the age of 106-years-old. He described his mother as having no major illnesses and no arthritis leading up to her illness. He discussed the day of her passing and how the family shared those her last day. He commended the good spirit of today’s meeting, but needed to address an issue that came up with the Hamilton County school system, where there was a presenter who came in and talked about white privilege and racism. He informed the Council that the presenter claimed to be a member of the NFL, but that has been



found to be untrue. He noted that he has done a lot of work with the 10 Commandments of the Bible and one commandment that he never broke was “do not covet.” He gave the example of someone having a million-dollar house and car, he would not let that bother him. He would be happy for them instead. He informed the Council that people covet and that the sin of coveting is very easy to commit. He described coveting as wishing that other people do not do well. He believes that people should love their neighbors as themselves and pray for one another. He believes we should long to see other people, black or white, do well and live as good, decent people.

## **ADJOURNMENT**

**On motion of Councilman Ledford**, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, August 13, 2019, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**