



Electronic-Conducted (Virtual) Minutes  
Chattanooga, Tennessee

## **COUNCIL MEETING MINUTES**

August 18, 2020  
6:00 PM

### **CALL TO ORDER**

Council Chairman Chip Henderson called the meeting to order by electronic means. A quorum was present via electronic means that included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Darrin Ledford, Jerry Mitchell and Erskine Oglesby, Jr. Other panelists present via electronic means: Phil Noblett, City Attorney; Lydia Christoph, Administrative Support; 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.

### **SPECIAL PRESENTATION**

***“Proclamation Honoring the 100th Anniversary of the Nineteenth Amendment”***  
**By Councilwoman Carol Berz**

Councilwoman Berz proclaimed the following:

- Whereas,** on August 18, 1920, Tennessee became the 36th state to pass the Nineteenth Amendment to the United States Constitution, giving women the right to vote;
- Whereas,** the effort to grant voting rights to women began as protests against inequality and spread across the United States into a national movement beginning in 1848 and culminating in the passage of the Nineteenth Amendment seventy-two years later;
- Whereas,** Tennessee was the final state needed for ratification of the amendment and after a difficult fight in the Tennessee legislature added its name to the states determined to reduce inequality in the country and extend universal suffrage to women; and
- Whereas,** many Tennesseans devoted themselves to the passage of the amendment, including many leaders from Hamilton County;
- Whereas,** today, August 18, 2020, marks the 100<sup>th</sup> anniversary of that historic vote the Tennessee legislature and is being celebrated throughout Tennessee and indeed around the United States.

**Now therefore**, I, Andy Berke, Mayor of Chattanooga, Tennessee, do hereby proclaim the day August 18, 2020, in honor of the

***Women's Suffrage Movement and the Passage of the Nineteenth Amendment to the United States Constitution,***

and call upon all citizens to recognize this historic accomplishment, and to be reminded that the efforts of these women made a difference, and know the joy that comes with every step toward equality for all.

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**Andy Berke**

The proclamation was followed by comments from Councilwoman Coonrod about the fight that continued to gain voting rights for black women. Councilman Ledford reminded everyone of the supporting role played by Chattanooga's own Abby Crawford in the ratification of the Nineteenth Amendment of the United States Constitution. He also invited everyone to view the reenactment of the Tennessee women's suffrage efforts at [twoman100.com](http://twoman100.com).

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**APPROVAL OF LAST MINUTES**

**On motion of Councilman Byrd** and seconded by Councilwoman Berz, the minutes of the last meeting (August 11, 2020) were approved as published. The motion carried unanimously (9-0) upon roll call vote.

**ORDINANCES – FINAL READING:**

**2020-0043**  
**MAP Engineers**  
**Planning Version**  
**District No. 6**

On motion of Councilwoman Berz and seconded by Councilman Ledford,

**ORDINANCE #13586**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6402 SHALLOWFORD ROAD, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

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

<b>ACTION: APPROVED</b>
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2020-0073  
3331 St. Elmo GP/Kevin Boehm  
Planning Version  
District No. 7

On motion of Councilman Oglesby and seconded by Councilman Ledford,

**ORDINANCE #13587**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3331 ST. ELMO AVENUE, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.**

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

**ACTION: APPROVED**

2020-0079  
Douglas Street, LLC c/o Jason Geraci  
District No. 8

On motion of Councilman Byrd and seconded by Councilman Ledford,

**ORDINANCE #13588**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 4 FROM ORDINANCE NO. 11363 OF PREVIOUS CASE NO. 2002-0132 FOR THE PROPERTY LOCATED AT 811 DOUGLAS STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

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

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

2020-0038  
ASA Engineering  
Planning Version  
District No. 4

A hearing ensued on the following:

**ORDINANCE #13589**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7301 SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.**

After Attorney Noblett read the rules of procedure for the hearing, Chairman Henderson opened the Applicant and members of the Opposition.

Applicant:

- **Charles Drury** - Mr. Drury informed the Council that he was in agreement with the condition. He yielded his time to address the Council so that he could hear the concerns of the Opposition first.

Opposition:

- **Ken DeFoor** (with assistance from Mike Price) - He spoke on the 24 more acres never graded that would have fed into Waterside. Mr. DeFoor is opposed to the Applicant's primary use of Napier Drive; therefore, he believes they should be the ones improving Napier, as he has done with his own developments. He thinks a hotel is inappropriate at this key intersection. He agrees with the Applicant's right to be zoned. He also believes the Applicant should carry the burden of improving Napier. He will, however, accept the decision of Councilman Ledford in this matter.

Rebuttal: Mr. Drury will abide by the condition as planned and discussed with Councilman Ledford, and would ask the Council's support with said condition.

Therefore, **Councilman Ledford moved** to approve with the intent to amend. Vice-Chairman Smith seconded. He informed the Council that he worked through this with the two property owners, CDOT, TDOT, and previous ordinance in place. **Councilman Ledford moved** to amend with the following condition read by Attorney Noblett:

*"Due to the additional traffic issues that will be caused by the development at the intersection of Shallowford and Napier, CDOT has confirmed that the intersection must be reconfigured to remove the eastbound, left-turn lane, and left-turn traffic signal, to add a dedicated southbound right-turn lane, and to alter traffic signal phases in order to mitigate the impacts set forth in Section 11(b) of Ordinance No. 13110. CDOT will require a one-time fee in lieu payment to mitigate and ameliorate the expected traffic pressure being caused by the development for the cost of reconfiguration of the eastbound, left-turn lane, left-turn traffic signal, to add a dedicated southbound right-turn lane, and to alter traffic signal phases. Such fee shall be paid to CDOT before construction begins on reconfiguration equally by the owner of the property at 7301 Shallowford Road and the owners of the property rezoned by Ordinance No. 13110. The one-time fee in lieu payment to CDOT shall provide a cap to the owners of each such properties not to exceed \$40,000.00 each or such amount shall be increased by an amount equal to the annual increase in the consumer price index before reconfiguration begins by CDOT."*

Vice-Chairman Smith seconded the amendment. The motion carried unanimously (9-0) upon roll call vote. Discussion continued, wherein Chairman Henderson inquired about triggers or consequences if the one-time fee is not paid. Attorney Noblett agreed to add amend by adding a clause regarding the Certificate of Occupancy. Upon no further questions or comments, **Councilman Ledford moved** to approve as amended. Vice-Chairman Smith seconded. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: PASSED AS AMENDED ON FIRST READING**

2020-0045  
Christine Williams  
Alternate Version  
District No. 8

**ORDINANCE #13590**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1515 EAST 14<sup>TH</sup> STREET, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**Councilman Byrd moved** to approve the Alternate Version and asked Attorney Noblett to read the condition: *"... shall be subject to the condition of single family detached uses on the one lot designated as Tax Map No. 1460-F-010 only."*

Vice-Chairman Smith seconded. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: PASSED ON FIRST READING**

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

**ORDINANCE #13591**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SEWERS, MAINS AND DRAINS, ARTICLE VIII, STORMWATER MANAGEMENT, DIVISION 2, NEW DEVELOPMENT AND REDEVELOPMENT REQUIREMENTS, SECTION 31-314, PRIVATE PROPERTY RESPONSIBILITIES, SUBSECTION (D)(V), SO AS TO CHANGE THE SCM INSPECTOR CERTIFICATION DATE DUE TO THE CORONAVIRUS PANDEMIC.**

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

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

On motion of Councilman Byrd and seconded by Councilman Gilbert,

**RESOLUTION #30450**

**A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT TO EXERCISE OPTION TO RENEW WITH THE FORGOTTEN CHILD FUND, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE LEASE OF APPROXIMATELY 19,516 SQUARE FEET OF WAREHOUSE SPACE AT 1815 E. MAIN STREET, IDENTIFIED AS TAX MAP NO. 156B-D-009, FOR A TERM OF SIX (6) MONTHS, FOR THE AMOUNT OF \$1.00.**

Kerry Hayes, Chief of Staff, joined the panel to explain the February 2021 lease expiration. He noted that Administration is working on scenarios for where the entity could go after that. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: ADOPTED**

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

**RESOLUTION #30451**

**A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO ENTER INTO AN AGREEMENT WITH APPLICATIONS SOFTWARE TECHNOLOGY, LLC (“AST”) REGARDING “STATEMENTS OF WORK” RELATING TO THE MASTER SERVICE AGREEMENT FOR ERP – ORACLE IMPLEMENTATION, HOSTING, MAINTENANCE, AND SUPPORT SERVICES MULTI-YEAR IMPLEMENTATION, FOR FISCAL YEARS 2021 THROUGH 2025, FOR AN AMOUNT NOT TO EXCEED \$9.6 MILLION, SUBJECT TO APPROPRIATION OF FUNDS.**

Vice-Chairman expressed his trust in the CIO leading the implementation of the software migration and vowed to hold them accountable for it. 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 two resolutions for one Council vote.

**RESOLUTION #30452**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 3 FOR J&J CONTRACTORS, INC. OF CHATTANOOGA, TN, RELATIVE TO CONTRACT NO. Y-15-008-201, THE NEW AVONDALE YFD CENTER, FOR AN INCREASED AMOUNT OF \$128,939.25, TO AUTHORIZE A CONTINGENCY IN THE AMOUNT OF \$10,000.00, FOR A REVISED CONTRACT AMOUNT OF \$5,969,188.25, FOR AN AMOUNT NOT TO EXCEED \$5,979,188.25.**

**RESOLUTION #30453**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. Y-15-008-204 TO DAVIS KEE OUTDOOR OF CHATTANOOGA, TN, AVONDALE YOUTH AND FAMILY DEVELOPMENT CENTER LANDSCAPING PROJECT, IN THE AMOUNT OF \$108,895.00, PLUS A CONTINGENCY AMOUNT OF \$10,000.00, FOR AN AMOUNT NOT TO EXCEED \$118,895.00.**

**Councilman Byrd moved** to approve both resolutions. Councilman Gilbert seconded. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: RESOLUTIONS 30452 & 30453 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.

**RESOLUTION #30454**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. T-15-035 FOR CONSTRUCTION SERVICES ASSOCIATED WITH CHESTNUT STREET FROM WEST 4<sup>TH</sup> STREET TO THE NORTH OF AQUARIUM WAY AND BAILEY AVENUE, AND FROM EAST OF NORFOLK SOUTHERN RAILROAD TO DODDS AVENUE, IN THE AMOUNT OF \$2,526,291.66, WITH A CONTINGENCY AMOUNT OF \$252,629.17, FOR A TOTAL AMOUNT OF \$2,778,920.83.

**RESOLUTION #30455**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH INTEGRATED PROPERTIES, LLC RELATIVE TO CONTRACT NO. T-20-012 FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE AREA 3 COMMERCIAL DISTRICT STREETScape IMPROVEMENTS AT GLASS STREET AND DODSON AVENUE, IN THE AMOUNT OF \$209,011.45, WITH A CONTINGENCY AMOUNT OF \$15,988.55, FOR A TOTAL AMOUNT OF \$225,000.00.

**RESOLUTION #30456**

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR JAMISON CONSTRUCTION, LLC RELATIVE TO CONTRACT NO. T-19-008-201, BAILEY AVENUE BRIDGE REPAIRS, FOR AN INCREASED AMOUNT OF \$10,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$276,787.95.

**Councilwoman Coonrod moved** to approve the three resolutions. Councilman Byrd seconded. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: RESOLUTIONS 30454 - 30456 ADOPTED**

*[Councilman Byrd temporarily left the meeting, leaving a quorum of eight.]*

**DEPARTMENTAL REPORTS:**

**Proposed Purchases**

Anthony Sammons, Deputy Chief Operating Officer, briefed the Council via electronic means on the following proposed purchases:

<b>R201538 - Parks Division, City Golf Courses, Public Works</b>	<b>\$38,371.30</b>
Toro Workman HDX Multi Pro Sprayer for Brainerd Golf Course	
Lowest/Best Bidder: Smith Turf & Irrigation Nashville Office	
525 Fairgrounds Court	
Nashville, TN 37211	

**R201540- Parks Division, City Golf Courses, Public Works** \$26,763.18  
Cushman Hauler 1200 Utility Vehicle (2) & Lastec WZ400  
Zero Turn Flex Deck Mower for Brown Acres Golf Course  
Lowest/Best Bidder: Ladd's  
6881 Appling Farms Parkway  
Memphis, TN 38133

**R201543 - Parks Division, City Golf Courses, Public Works** \$40,561.17  
Toro Workman HDX (Kubota Gas) without Bed, Wide Tires  
for Brown Acres Golf Course  
Lowest/Best Bidder: Smith Turf & Irrigation Nashville Office  
525 Fairgrounds Court  
Nashville, TN 37211

**R201546 - Parks Division, City Golf Courses, Public Works** \$51,208.71  
Jacobsen AR331 Triplex Rotary Mower, Turfco Wide Spin  
1550 Truck Mount, and Turfco Torrent 2 Leaf & Debris Blower  
Lowest/Best Bidder: Ladd's 6881  
Appling Farms Parkway  
Memphis, TN 38133

**R201284 - Information Technology** \$500,000.00  
Multi-functional Devices, Scanners Service and Leasing  
Lowest/Best Bidder: Canon Solutions America, Inc.  
402 BNA Drive, Suite 360  
Nashville, TN 37217

**Councilman Oglesby moved** to approve, seconded by Councilwoman Berz. The motion carried unanimously (8-0) upon roll call vote.

**ACTION: ALL PURCHASES APPROVED**

**OTHER BUSINESS: (NONE)**

**COMMITTEE REPORTS:**

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

*Economic and Community Development Committee*  
Councilman Oglesby  
(No report)

*Human Resources Committee*  
Councilman Gilbert  
(No report)



*Planning and Zoning Committee*  
Councilman Ledford  
(No report)

*Public Safety Committee*  
Councilman Byrd  
(No report)

*Public Works and Transportation Committee*  
Councilman Mitchell reported:

- The committee met today and will meet again in two weeks after the 3:30 p.m. Agenda Session.

*Youth and Family Development Committee*  
Councilwoman Coonrod  
(No report)

*Legislative Committee*  
Vice-Chairman Smith  
(No report)

*[Councilman Byrd rejoined the meeting at this time.]*

## **RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL**

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

<b>Speaker Name</b>	<b>District</b>	<b>Primary Topics:</b>
• <b>Marie Mott</b>	8	Petition regarding 911 Call Center employee/"obnoxious peace"
• <b>Casey Crook</b>	3	Leaders having uncomfortable conversations about inequities

## **ADJOURNMENT**

**On motion of Councilman Oglesby**, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, August 25, 2020, at 6:00 p.m.

[Editor's Note: Any person may join the electronic-conducted meetings of the Chattanooga City Council at the scheduled time by visiting online at [council.chattanooga.gov](http://council.chattanooga.gov).]

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**CHAIRMAN**

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**CLERK OF COUNCIL**