



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
August 21, 2018
6:00 PM

CALL TO ORDER

Council Chairman Ken Smith called the meeting to order with Vice-Chairman Erskine Oglesby and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Phil Noblett, Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the Assembly in the Pledge of Allegiance and gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (August 14, 2018) were approved as published.

ORDINANCES – FINAL READING:

On motion of Councilman Gilbert and seconded by Councilman Ledford,

ORDINANCE #13349

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XVI, SECTION 11-456, RELATIVE TO THE SMALL BUSINESS INCENTIVE GRANT PROGRAM.

ACTION: APPROVED

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13350

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XVIII, SECTIONS 11-477 AND 11-478, RELATIVE TO THE INNOVATION DISTRICT GRANT PROGRAM.

ACTION: APPROVED

2018-133
John Cofer
Planning Version
District No. 1

On motion of Councilman Henderson and seconded by Councilman Gilbert,

ORDINANCE #13351

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 722 SPEARS AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO E-RD-2 URBAN EDGE RESIDENTIAL DETACHED 2 STORIES MAXIMUM.

ACTION: APPROVED

2018-137
Fickling & Company, Inc./Ross Rabun
Planning Version
District No. 3

On motion of Councilman Ledford and seconded by Councilman Henderson,

ORDINANCE #13352

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 1 OF ORDINANCE NO. 13269 OF PREVIOUS CASE NO. 2017-184 ON PROPERTY LOCATED AT 6038 HIXSON PIKE TO REQUIRE TYPE C BUFFERS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-118
Emerson Russell
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13353

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8430 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-140
Pat Neuhoff
Planning Version
District No. 4

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

ORDINANCE #13354

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 7502 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-132
Richard McCoy
Planning Version
District No. 5

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

ORDINANCE #13355

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 OF ORDINANCE NO. 11255 OF PREVIOUS CASE NO. 2001-193 OFF PROPERTY LOCATED AT 4411 JERSEY PIKE AND AMENDING CONDITION NO. 9, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-139
Junior Food Store/Kirby Yost
Planning Version
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13356

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6302 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: APPROVED

2018-129
Danbury Properties % Fidel Fonseca
Planning Version
District No. 7

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

ORDINANCE #13357

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 2900 BLOCK OF 15TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

ACTION: APPROVED

2018-130
Vincent E. Spann
Planning Version
District No. 7

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

ORDINANCE #13358

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3210 4TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-134
Calvin Ball
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilman Coonrod,

ORDINANCE #13359

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1506 AND 1510 EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-142
Miken Development, LLC
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilman Coonrod,

ORDINANCE #13360

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1601 SOUTH HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.

ACTION: APPROVED

Staff & City Attorney Version

On motion of Councilwoman Berz and seconded by Councilman Ledford,

ORDINANCE #13361

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II; ARTICLE V, SECTIONS 38-183, 38-203, AND 38-263 RELATING TO HOME OCCUPATION AND CATERING SERVICE.

ACTION: APPROVED

ORDINANCES – FIRST READING: (NONE)

RESOLUTIONS:

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION #29587

A RESOLUTION EXPRESSING THE DESIRE OF THE CITY OF CHATTANOOGA, TENNESSEE, TO COORDINATE WITH HAMILTON COUNTY, TENNESSEE, AND VOLKSWAGEN GROUP OF AMERICA, INCORPORATED, IF APPROPRIATE, FOR THE CREATION OF SUITABLE MEMORIALS TO HONOR THE OUTSTANDING SERVICES OF FORMER HAMILTON COUNTY EXECUTIVE DALTON ROBERTS AND FORMER HAMILTON COUNTY MAYOR CLAUDE T. RAMSEY.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29588

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AGREEMENT TO EXERCISE OPTION TO RENEW WITH CHATTANOOGA GOODWILL INDUSTRIES, INC., IN SUBSTANTIALLY THE FORM ATTACHED, FOR A PORTION OF THE PROPERTY LOCATED AT 1815 E. MAIN STREET, TAX MAP NO. 156B-D-009, FOR AN ADDITIONAL TERM OF ONE (1) YEAR AT THE RATE OF \$1.00 PER YEAR, FOR THE CONTINUED OPERATION OF PROGRAMS THROUGH THE CHATTANOOGA FURNITURE BANK.

Councilman Byrd asked Donna Williams, Administrator of Economic and Community Development, to discuss maintenance of this property and provisions in the agreement for maintenance. She also responded to Chairman Smith's questions about how people may request services at this property. After which, the motion carried.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilwoman Coonrod,

RESOLUTION #29589

A RESOLUTION TO AMEND RESOLUTION NO. 29515 FOR ABATEMENT SERVICES BY GRASS BUSTER LAWN MAINTENANCE, FOR AN AMOUNT NOT TO EXCEED \$260,000.00.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilwoman Berz,

RESOLUTION #29590

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LEE BROCK TO THE BOARD OF CONSTRUCTION APPEALS.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #29591

A RESOLUTION CONFIRMING THE MAYOR AND CITY COUNCIL'S JOINT APPOINTMENT OF PHILLIP A. NOBLETT AS THE CITY ATTORNEY, PURSUANT TO SECTION 3.62 OF THE CITY CHARTER.

Stacy Richardson, Chief of Staff, addressed the Council on this joint appointment. She thanked the legal team members who were present in the Assembly and asked them to stand for recognition. She gave a brief bio-sketch of Attorney Noblett. Later, Attorney Noblett spoke on his years of experience as an attorney in the city government and the private sector. He also introduced his wife of 38 years, Peggy, who was in the Assembly today.

The motion carried upon roll call vote as follows:

Berz YES
Byrd YES
Coonrod YES
Gilbert YES
Henderson YES

Ledford YES
Mitchell YES
Oglesby YES
Smith YES

Yes - Nine (9); No – Zero (0)

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Ledford,

RESOLUTION #29592

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF MOLLY COOPER TO THE FINLEY BOARD.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilwoman Berz,

RESOLUTION #29593

A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT TO ACCEPT A DONATION OF TACTICAL/MEDICAL BAGS FROM THE FRATERNAL ORDER OF POLICE AND THE INTERNATIONAL BROTHERHOOD OF POLICE, FOR A TOTAL AMOUNT OF \$3,967.28.

ACTION: ADOPTED

Agenda Item VII(h):

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR PROGRESSIVE MARITIME SERVICES, LLC OF HIXSON, TN, CONTRACT NO. R-16-008-201, ROSS'S LANDING WATER CANNON PUMP RE-INSTALLATION, FOR AN INCREASE IN THE AMOUNT OF \$6,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$26,500.00.

Councilman Henderson confirmed with Maura Sullivan, Chief Operating Officer, that the department had requested a deferral on this matter during an earlier meeting today. Therefore, **Councilman Henderson moved** to defer to September 4, 2018. He was seconded by Councilman Ledford. The motion carried.

ACTION: DEFERRED TO SEPTEMBER 4, 2018

PURCHASES: (NONE)

OTHER BUSINESS:

Minority Health Fair

Vice-Chairman Oglesby thanked those who attended the Minority Health Fair at Eastgate Town Center on this past Saturday. There were over 4,000 participants. He also thanked the event coordinators: Omega Psi Phi, Kappa Alpha Psi and Delta Sigma Theta.

District 5 Event

Councilman Gilbert informed the Council of attending a successful Back to School program that took place in Washington Hills this weekend. He thanked the community for participating.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz
(No report)

Economic and Community Development Committee

Councilman Byrd
(No report)

Human Resources Committee (HR)

Councilman Gilbert
(No report)

Planning and Zoning Committee

Councilman Ledford
(No report)

Public Safety Committee

Councilman Henderson
(No report)

Public Works and Transportation Committee

Councilman Mitchell

- The committee met in open meeting earlier today.
- The committee will meet again in two (2) weeks after the 3:00 p.m. Agenda Session.

Youth and Family Development Committee

Councilwoman Coonrod
(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 Smith recognized the following persons:

- **Mike McMahan** (Ridgeside Dr.) – He is a past City Attorney and worked with Attorney Noblett for 28 years. He described Attorney Noblett as a man of integrity, keen intelligence and a great work ethic.
- **Christopher Dahl** (Chattanooga) – He thanked the Council for allowing him to speak after being unable to do so a few weeks. He especially wished he could have spoken out on the shooting on Bennett Street. He feels the Council should be looking at the increase in fees and flooding in the city. He believes that other areas of the city can use some attention. He informed the Council that people want to know about the rape allegations against a city police officer.
- **Marie Mott** (Oak Grove) – She read a famous quote by Dr. Martin Luther King, Jr., then proceeded to inquire about the rape allegations against the Chattanooga police officer. She also inquired about two (2) recent incidents of police force used with Diana Watt and the teenage daughter of Avery Gray. She questioned why there is not enough city funds to address the need for social services. She questioned why the new City Attorney did not help her get the statutes she requested regarding police brutality. She asked the Council to say where they stood on the issues she mentioned.
 - Councilwoman Coonrod requested a response to Ms. Mott’s questions on the police incidents she referenced. Assistant Chief Zach McCullough informed the Council that he could not comment on a pending criminal investigation and that it would also need to go through an Internal Affairs investigation. He informed the Council that he was not aware that complaints under investigation regarding the incidents with Ms. Watt and the teenager, but agreed to find out if complaints had been filed and report back to Councilwoman Coonrod.
 - Councilwoman Coonrod also followed up with Attorney Noblett as to why Ms. Mott could not get the information that she had requested in their office. Attorney Noblett explained that Ms. Mott did not wait until their Open Records consul was back in the office to take her request. Ms. Mott disagreed with Attorney Noblett, informing the Council that she and those with her had been escorted from the Office of City Attorney that day.
- **Ellen Keef (Middle Valley Road)** – She is the owner of Gudal’s Garage, which has been in service 42 years. She started the process for deannexation a few years ago and had been told on past occasions that the deannexation would be placed on the Council’s agenda for consideration. She even showed up to one meeting, but was not on the agenda as expected. She indicated that there is a statute that would allow her property to be deannexed because she has not had sewer for the past three years. She argued that she does not have hydrants or other benefits as a part of city government. She also discussed problems with road work and car crashes on her end of Middle Valley Road. She asked that her deannexation petition be placed on the Council’s agenda next week.
 - Chairman Smith informed Ms. Keef that her deannexation was not placed on the agenda because city departments do not support her claim. He informed her that department investigation shows that her property is within

- 100-feet of sewer. He offered to set up a meeting for Ms. Keef and city department heads to discuss the city's paperwork and findings. Ms. Keef still does not agree with what Chairman Smith has been told, but she agreed to the meeting.

ADJOURNMENT

On motion of Councilman Henderson, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, August 28, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL