



Electronic-Conducted (Virtual) Minutes
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

September 8, 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 Coonrod led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (September 1, 2020) were approved as published. The motion carried unanimously (9-0) upon roll call vote.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

PROCEDURAL NOTE: Chairman Henderson turned over the chair of the meeting to Chairman Henderson prior to the reading of Case #2020-0090.

2020-0090
Morgan Lane
District No. 1

A hearing took place on the following:

Agenda Item VI(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 251, 263, 269, AND 275 RIVERSIDE DRIVE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE.

John Bridger, Executive Director for Regional Planning, briefed the Council on this item and Staff's concern about adding more units to an area that already had manufacturing across the street and a railroad as far as nuisances down the road.

There was no Opposition present. Vice-Chairman Smith recognized the following person on behalf of the Applicant:

- **Derek Blackwood** (MAP Engineers) - The original plan they submitted shows 21 townhouse units. In order to comply with the maximum proposed density of 12 units per acre, they have dropped their plans to 19 units. It is an isolated space with a buffer of almost 300-feet between their site, plant and railroad. The railroad is sparsely-used: once per day. Their site is a perfect for a transition for the area because it is low-density residential with plenty of buffer. There has been no opposition to this site. They reached out to the adjacent property owners and neighborhood association, and heard only one concern about the traffic at the intersection of Riverside Avenue and Whitehall Road. They did some traffic counts at the nearby intersections and found a 2-hour peak timeframe for traffic on weekdays. There were 40 to 45 cars traveled in front of the property with about two minutes per vehicle. Regarding the driveway spacing, the shape of the property constrains how they access the site. They don't have the ability to access it from the rear, so the only access is Riverside Avenue. Although they do not consider traffic volume to be an issue, they propose installing a traffic table or other traffic calming device if speed is an issue. They are willing to work on the driveway spacing with CDOT during the design or the permit phases.

Chairman Henderson informed the Council that he was concerned with the denial by Staff with no recommendations for conditions that need to be placed on the property. He asked Blythe Bailey, Transportation Administrator, to speak about the safety concerns for the area and any precedence in the area. Mr. Bailey joined the panel to discuss the concerns for safety and the precedence for limiting curb cuts in this area. He also spoke about the townhouse development of similar zoning on Whitehall Road that had limited curb cuts to one per five units.

Rebuttal: Mr. Blackwood informed the Council that limiting one curb cut for every five units would make this infeasible due to the depth of the site. That would limit the amount to four driveway cuts, which would hamstring their site to where it's really not feasible. RPA staff indicated that we could get nine residential units, which would allow them to construct nine single-family residential driveways, similar to what is being done with a development right down the street at Whitehall. They could work with CDOT staff to come up with a solution during the permit period and not be boxed in at this point.

Chairman Henderson moved to approve with the intent to amend. Councilman Ledford seconded. **Chairman Henderson moved** to amend by adding the condition of "one curb-cut per five (5) units." Councilman Ledford seconded. The motion carried unanimously (9-0) upon roll call vote. **Chairman Henderson moved** to approve as amended. Councilman Oglesby seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED AS AMENDED

PROCEDURAL NOTE: Vice-Chairman Smith yielded the chair of the meeting to Chairman Henderson at this time.

2020-0088
William Hillner
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilwoman Berz,

Ordinance #13593

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7302 JARNIGAN ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford asked Mr. Bridger to read the two conditions of this rezoning.

- 1) *No drive-thru fast food services, convenience stores, service stations or adult-oriented establishments; and*
- 2) *Existing vegetation, except for the removal of invasive species and dead plants, shrubs, or trees shall be maintained within the required twenty (20') foot landscape buffer between low-density residential and commercial uses.*

Upon no questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2020-0089
4413 Jersey Pike Partners
District No. 5

Agenda Item VI(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF TWO PROPERTIES LOCATED AT 4409 ELWOOD LANE AND 4409 JERSEY PIKE, FROM O-1 OFFICE ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Gilbert asked Mr. Bridger to read the conditions of this rezoning. He read the following:

- 1) *A fifty-eight (58') foot buffer of existing vegetation shall be left along the R-1 zone and northern property line. This includes the eight (8') foot existing utility easement;*
- 2) *A six (6') foot high chain link security fence shall be constructed to the inside of the buffer for the full length of the M-2 zone; and*
- 3) *The height of the building, equipment, and any accessory structure shall be limited to thirty-five (35') feet. This height shall be measured from the finished floor elevation of slab.*

Councilman Gilbert informed the Council that there were more conditions added last week. Mr. Bridger indicated that he had not receive those additional conditions. When asked if he would like to make an amendment to the ordinance, Councilman Gilbert informed the Council that he would

rather wait to receive the correct wording for those additional conditions. Therefore, **Councilman Gilbert moved** to defer one week to September 15, 2020. He was seconded by Councilwoman Berz. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO SEPTEMBER 15, 2020

2020-0091
City of Chattanooga Real Property Office c/o Gail Hart
District No. 8

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

Ordinance #13594

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1815 EAST MAIN STREET, FROM M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Chairman Henderson confirmed with Attorney Noblett that the City of Chattanooga is the Applicant on this ordinance. Councilman Byrd informed the Council that he understands and likes the direction of this project and has received no opposition. Upon no further questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2020-0092
Jerri Price
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13595

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1006 EAST 14TH STREET, FROM R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd asked Mr. Bridger to read the conditions into the record.

- 1) Uses limited to Residential and Office/Business uses only;
- 2) Fifty (50%) percent of gross floor area shall be Residential uses;
- 3) Maximum building height of thirty-five (35') feet; and
- 4) Commercial vehicular access from the alley only.

Upon no questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2020-0093
Blake Garrison
Planning Version
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Ledford,

ORDINANCE #13596

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE UNADDRESSED PROPERTY IN THE 3500 BLOCK OF EAST 51ST STREET, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE AND A-1 URBAN AGRICULTURAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

There was Opposition present, but the Applicant was present. Chairman Henderson recognized the following Applicant:

- **Blake Garrison** - There are 11 acres on the parcel that are R-1 and R-3. They want to rezone to build a greenhouse and aquaphonic farm on the site. There will be no livestock or fowl on the premises.

Upon no questions, the motion carried unanimously (9-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

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

RESOLUTION #30468

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A LEASE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH HIXSON UNITED METHODIST CHURCH FOR USE OF THE ATHLETIC FIELDS BY THE CITY OF CHATTANOOGA FOR THE PURPOSE OF THE SITE BEING USED AS A PUBLIC PARK, RECREATION GROUNDS, OR ATHLETIC FIELDS, SUBJECT TO THE TERMS OF THE AGREEMENT, FOR A TERM OF TEN (10) YEARS.

RESOLUTION #30469

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A FIRST AMENDMENT TO FACILITIES USE AGREEMENT AND OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH THE UNIVERSITY OF TENNESSEE ON BEHALF OF ITS CHATTANOOGA CAMPUS, FOR USE AS AN INDOOR SOFTBALL FACILITY ON A PORTION OF TAX MAP NO. 146G-A-001 AT 301 N. HOLTZCLAW AVENUE, FOR AN ADDITIONAL TERM OF ONE (1) YEAR.

RESOLUTION #30470

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY FOR THE TERMINATION OF THE RIGHT OF REVERSION FOR PROPERTY CONVEYED TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC., FOR THE PURPOSE OF AFFORDABLE HOUSING ON THE PARCEL LOCATED AT 2026 BACKMAN STREET, IDENTIFIED AS TAX PARCEL NO. 136D-F-004.

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

ACTION: RESOLUTIONS 30468 - 30470 ADOPTED

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

RESOLUTION #30471

A RESOLUTION AUTHORIZING THE APPOINTMENT OF TIMOTHY HUBERT BROOKS, AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE LAND DEVELOPMENT OFFICE OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

RESOLUTION #30472

A RESOLUTION AUTHORIZING THE APPOINTMENT OF ANGELA LOWERY, AS A SPECIAL POLICE OFFICER (UNARMED) FOR CITY COURT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

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

ACTION: RESOLUTIONS 30471 & 30472 ADOPTED

Hari Om Krupa, Inc./
Jay Brahmani Mata, Inc.
District No. 5

On motion of Councilman Gilbert and seconded by Councilman Oglesby,

RESOLUTION #30473

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 5012 HIGHWAY 58, SUITE 108.

The motion carried 8-1 on roll call vote as follows:

Oglesby YES
Mitchell YES
Ledford YES
Gilbert YES
Coonrod YES

Byrd YES
Berz YES
Smith YES
Henderson NO

YES - Eight (8); NO - One (1)

ACTION: RESOLUTION 30473 ADOPTED

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

RESOLUTION #30474

A RESOLUTION AUTHORIZING PAYMENT OF THE ANNUAL 2020-2021 GIS APPLICATION SUPPORT TO NUORGIN, INC. FOR MAINTENANCE AND SUPPORT OF GIS FIELD AND MOBILE APPLICATIONS FOR THE WATER QUALITY PROGRAM, IN THE AMOUNT OF \$35,000.00.

RESOLUTION #30475

A RESOLUTION TO AMEND RESOLUTION NO. 30020, AS ADOPTED ON AUGUST 6, 2019, 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 \$37,991.61” AND SUBSTITUTING IN LIEU THEREOF “AN AMOUNT NOT TO EXCEED \$38,675.45”.

RESOLUTION #30476

A RESOLUTION TO AMEND RESOLUTION NO. 30021, AS ADOPTED ON AUGUST 6, 2019, 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 \$1,588,003.30” AND SUBSTITUTING IN LIEU THEREOF “AN AMOUNT NOT TO EXCEED \$1,546,300.95”.

RESOLUTION #30477

A RESOLUTION TO AMEND RESOLUTION NO. 30022, AS ADOPTED ON AUGUST 6, 2019, 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 \$7,886,230.73” AND SUBSTITUTING IN LIEU THEREOF “AN AMOUNT NOT TO EXCEED \$8,028,182.88”.

RESOLUTION #30478

A RESOLUTION TO AMEND RESOLUTION NO. 30023, AS ADOPTED ON AUGUST 6, 2019, 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 \$1,574,774.19” AND SUBSTITUTING IN LIEU THEREOF “AN AMOUNT NOT TO EXCEED \$1,424,995.67”.

Councilman Oglesby moved to approve the five resolutions. Councilman Mitchell seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: RESOLUTIONS 30474 - 30478 ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchase

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

R200495 - Waste Resources Division, Public Works \$1,800,000.00
Liquid Calcium Nitrate
Lowest/Best Bidder: Source Technologies, LLC
157 Venture Ct., Suite 9
Lexington, KY 40511

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

ACTION: PURCHASE APPROVED

Emergency Purchase

Mr. Sammons also informed the Council of one emergency purchase made under the Mayor’s Emergency Declaration.

Date	Dept	Description	Supplier	Explanation	Event Type
8/27/20	Mayor's Office	Public Education Campaign/ Absentee Voting	CivicTN	PO# 558856 \$5,000.00 for outreach and awareness services related to safe voting practices ahead of the November elections.	COVID

OTHER BUSINESS:

Liquor Permit

With the passage of the special exceptions permit passed during this meeting, Attorney Noblett presented the Certificate of Compliance for Jay Brahmani Mata, Inc. d/b/a Easy Liquor and Wine (District 5) due to a change in ownership. The certificate must be signed electronically by at least five councilpersons. By consensus of the Council, the Clerk was authorized to affix the electronic signatures of the eight councilpersons who supported the special exceptions permit to the Certificate of Compliance.

Special Recognition

Councilwoman Coonrod recognized Raegyn Conley, a senior at Baylor who is a 4-star basketball recruit now committed to Wake Forest. She has been ranked #60 in the nation by ESPN.

Workforce Opportunities

Councilwoman Coonrod made comments about a Forbes Magazine headline, "A Second Stimulus Check Could Be Coming: Can the Black Community Wait?" She spoke on media headlines that victimize black people. She informed everyone about VW hiring 150 people. She encouraged black residents of Chattanooga to pursue the job opportunities available in various industries. She also encouraged people to reach out to Workforce Development for tools and resources that help secure employment. She also asked everyone to view the documentary, *Uncle Tom*.

Abandoned Alleyway Issues

Councilman Byrd discussed some of the issues in his district with alleyways that have been abandoned. He requested a meeting with Mr. Bailey and the City Attorney to discuss this.

Railroad Noise Complaints

Councilman Byrd requested to speak with Mr. Bailey also about noise all day from a railroad. He is getting numerous complaints about the noise from the railroad. His senior constituents have mentioned something being put in place that helps reduce the noise at certain times of night. He requested to also speak with Attorney Noblett about this.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- The committee met today for education on two proposed resolutions and budget amendments to the FY21 Operations and Capital budgets.
- There will be a public hearing next week, September 15, 2020, on the proposed budget amendments. The hearing will be a maximum of two hours long, with 2 minutes allotted per person to speak. [Editor's Note: Register [here](#) to speak during the public hearing on September 15.]
- The first reading of the Operations and Capital budget amendments is scheduled for the September 22, 2020 agenda. If passed, the second reading will be September 29, 2020.

Economic and Community Development Committee

Councilman Oglesby reported:

- The committee will meet next week to hear a presentation from the Chamber about a land acquisition at Enterprise South Industrial Park.

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 will meet next week (September 15) after the 3:30 p.m. Agenda Session.

Youth and Family Development Committee

Councilwoman Coonrod reported:

- The YFD “Supersites” have opened for free virtual learning sessions for students, in partnership with the school system. There will be spaces for 40 students, with 10 per room. Social distancing will be adhered. Students will have a virtual teacher. Two sessions are planned: 8:00 a.m. - 12:00 p.m. or 1:00 - 4:00 p.m. Parents must provide lunch and transportation to/from the sessions. YFD employees will not tutor students at that time. There will be no SROs at the sessions. She encourages parents to speak to their students about being on their best behavior. Parents may call the YFD Administrative office for information or to registration.

Legislative Committee

Vice-Chairman Smith

(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

(Listen by clicking [here](#))

Attorney Noblett 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:
• Dr. Christopher Corley	2	Rain water problems/Consent Decree /Participatory Budgeting

ADJOURNMENT

On motion of Councilman Byrd, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, September 15, 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.]

CHAIRMAN

CLERK OF COUNCIL