

## City Council Building Chattanooga, Tennessee

## **COUNCIL MEETING MINUTES**

October 10, 2017 6:00 PM

## CALL TO ORDER

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

## PLEDGE OF ALLEGIANCE

Councilwoman Coonrod led the Assembly in the Pledge of Allegiance. She invited Rev. Elton L. Young, Associate Minister of the Orchard Knob Missionary Baptist Church, to give the invocation.

## APPROVAL OF LAST MINUTES

On motion of Councilman Henderson and seconded by Councilman Oglesby, the minutes of the last meeting (October 3, 2017) were approved as published.

## SPECIAL PRESENTATION

## Domestic Violence Awareness Month Proclamation By Councilwoman Carol Berz

Councilwoman Berz invited representatives from the Family Justice Center, Chattanooga Police Department, Chattanooga Fire Department and their partners to join her at the podium for the presentation. She informed the Council about the observance of the Domestic Violence Awareness Month, the impact of domestic violence on families and the services provided by the Family Justice Center for families. Councilwoman Berz then proclaimed the following:

Whereas, the family is the foundation of a safe and healthy community and it is a goal of this mayoral administration for our communities to be safe; and

**Whereas**, domestic violence impacts women, men, and children of every age, background, and belief. Nearly 1 in 4 women and 1 in 7 men in the United States have suffered severe physical violence by an intimate partner. Victims are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety; and

1

10/10/17

Directs, while physical marks may often be the most obvious signs of harm caused by domestic violence, the true extent of the pain goes much deeper. Victims not only face abuse, but often find themselves left with significant financial insecurity. And children who witness domestic violence often experience lifelong trauma. This year the Family Justice Center and its co-located non-profit partners are beginning a 3-year project to identify the "hidden victims" who are children exposed to domestic violence. Through this project, special trauma-informed outreach and intervention services will be provided to both children and their families; and

Whereas, Everyone has the right to live without harm and without the fear of harm; and

Direas, the Hamilton County Chattanooga Family Justice Center and their co-located partner organizations: Chattanooga Police Department/Special Victims Unit, the Children's Advocacy Center of Hamilton County, Second Life Chattanooga, Legal Aid of East Tennessee, Southern Adventist University School of Social Work, the Partnership for Families, Children, & Adults, Helen Ross McNabb Center, TN Department of Child Safety, and McKamey Animal Center seek opportunities to educate the public on the seriousness of interpersonal violence and the prevalence of this epidemic in our lives; and

**Mhereas**, ending domestic violence requires a collaborative effort involving every part of our society and requires our law enforcement and justice system to work together to hold offenders accountable and to protect victims and their children; the Lethality Assessment Project (LAP) is a coordinated community effort between law enforcement and victim advocates to reduce the risk of domestic violence earlier; and

**Whereas**, during National Domestic Violence Awareness Month, we reaffirm our dedication to forging a community where no one suffers the hurt and hardship that domestic violence causes- and we recommit to doing everything in our power to uphold the basic human right to be free from violence and abuse.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim October 2017 as

# Domestic Violence Awareness Month

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 2<sup>nd</sup> Day of October, 2017

Andy Berke, Mayor

Dr. Valerie Radu, Executive Director of the Family Justice Center, expressed thanks to the Council for their work in the City and their support of the FJC. She informed the Council of the FJC being awarded a federal grant to improve elder services. She also informed the Council about working with local law enforcement, including Hamilton County, and other jurisdictions in the future. She also expressed appreciation for the human justice programs across the state.

## **ORDINANCES – FINAL READING:**

2017-106 <u>Henry Apartment, LLC</u> <u>Planning Version #2</u> <u>District No. 1</u>

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

## **ORDINANCE #13229**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 341 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO E-CX-3 URBAN EDGE COMMERCIAL MIXED USE ZONE WITH A CAP OF THREE (3) STORIES OR FORTY (40') FEET, SUBJECT TO CERTAIN CONDITIONS.

Councilman Henderson read the three conditions that had been agreed upon between the developer and the neighborhood:

- 1. Vehicular Access to Gurley Street only;
- 2. No pedestrian or vehicular access from Stringer Street; and
- 3. No dumpster service between 7:00 p.m. and 7:00 a.m.

Upon no questions, the motions carried.

ACTION: APPROVED

On motion of Councilman Oglesby and seconded by Councilman Ledford,

#### **ORDINANCE #13230**

AN ORDINANCE TO AMEND ORDINANCE NO. 13071 TO INCORPORATE CERTAIN PROPERTIES, MORE PARTICULARLY DESCRIBED BELOW, INTO THE DOWNTOWN FORM BASED CODE AREA BOUNDARY.

**ACTION: APPROVED** 

On motion of Councilman Henderson and seconded by Councilwoman Coonrod.

## **ORDINANCE #13231**

AN ORDINANCE TO AMEND THE DOWNTOWN CONTEXT MAP WITHIN THE CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE XVI, DOWNTOWN FORM BASED CODE, SECTION 38-693(2), TO ADD CERTAIN PROPERTIES, MORE PARTICULARLY DESCRIBED BELOW, INTO THE URBAN EDGE CONTEXT AREA.

**ACTION: APPROVED** 

## Alternate Version #3

On motion of Councilman Henderson and seconded by Councilman Gilbert.

## **ORDINANCE #13227**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONING REGULATIONS, DIVISION 28, A-1 URBAN AGRICULTURAL ZONE TO REDUCE THE REQUIRED MINIMUM LOT SIZE AND TO ESTABLISH SITE PLAN REQUIREMENTS.

The motion carried upon roll call vote as follows:

Berz	No	Ledford	Yes
Byrd	Yes	Oglesby	Yes
Coonrod	Yes	Smith	No
Gilbert	Yes	Mitchell	Yes
Henderson	Yes		

**YES – Seven (7); NO – Two (2)** 

**ACTION: APPROVED** 

MR-2017-102
Berry Engineering/Sue Stewart
District No. 4

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

## **ORDINANCE #13232**

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED FORTY (40') FOOT RIGHT-OF-WAY OFF THE 2100 BLOCK OF JENKINS ROAD, AS DETAILED ON THE ATTACHED MAP.

**ACTION: APPROVED** 

MR-2017-111
CCW of Chattanooga/B & B Construction
District No. 8

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

## **ORDINANCE #13228**

AN ORDINANCE CLOSING AND ABANDONING THE 2600 BLOCK OF OHIO STREET, AS DETAILED ON THE ATTACHED MAP.

**ACTION: APPROVED** 

## **ORDINANCES – FIRST READING:**

2017-117
Cornerstone Construction of Chattanooga, LLC
Planning Version
District No. 1

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

#### **ORDINANCE #13233**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 206 ASTER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Chairman Mitchell confirmed that the Applicant was present and that there was no Opposition present. Councilman Henderson indicated that he had heard no complaints. Upon no questions, the motion carried.

## ACTION: PASSED ON FIRST READING

2017-086 Tony Hill District No. 2

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

## Agenda Item VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NOS. #2 AND #4 AND AMEND CONDITION NOS. #1 AND #3 OF ORDINANCE NO. 9582 ON PROPERTY LOCATED AT 4527 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

## ACTION: DEFERRED ONE (1) WEEK TO OCTOBER 17, 2017

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

## **ORDINANCE #13234**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II, III, V, AND VI, RELATING TO HEIGHT AND AREA EXCEPTIONS AND OTHER SPECIAL EXCEPTIONS TO PROVIDE FOR THE USE OF SMALL SCALE ALTERNATIVE ENERGY SYSTEMS.

Bryan Shults, Director of Development, briefed the Council on this item and responded to Councilman Gilbert's question about the extent to which home owners can improve their roofing. He also confirmed for Councilman Ledford that this ordinance does not supersede any home owner association (HOA) regulations. Upon no further questions, the motion carried.

## ACTION: PASSED ON FIRST READING

On motion of Councilman Henderson and seconded by Councilwoman Berz,

#### **ORDINANCE #13235**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE XVI, DIVISION 7, URBAN EDGE, SECTION 38-727, E-RD, RESIDENTIAL DETACHED ZONE TO ADD A DESIGNATION OF RD-3 TO THE LIST OF E-RD ZONES AND AMEND HEIGHT AND MASS REGULATION.

ACTION: PASSED ON FIRST READING

## **RESOLUTIONS:**

On motion of Councilman Oglesby and seconded by Councilwoman Coonrod,

## **RESOLUTION #29204**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ACCEPT FUNDS AND ENTER INTO GRANT AGREEMENTS WITH THE BENWOOD FOUNDATION AND THE LYNDHURST FOUNDATION FOR GRANTS AWARDED TO THE PUBLIC ART DIVISION FOR THE SITE PREP AND ONGOING MAINTENANCE RELATED TO THE PERMANENT INSTALLATION OF TWO (2) ALBERT PALEY SCULPTURES AT BLUE GOOSE HOLLOW ENTITLED, "RESURGENCE", IN THE AMOUNTS OF \$65,420.00 AND \$54,920.00, FOR A TOTAL AMOUNT OF \$120,340.00.

Donna Williams, Administrator for the Department of Economic and Community Development, confirmed for Councilman Henderson that the City has no funding involved with this project. Upon no further comments or questions, the motion carried.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilwoman Coonrod,

## **RESOLUTION #29205**

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH FAYE RALSTON IN THE AMOUNT OF \$72,603.33 FOR THE FIRST YEAR, WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS, TO PERFORM DUTIES AS PROGRAM MANAGER - LEAD HAZARD GRANTS, FOR ANNUAL AMOUNTS OF \$72,603.33, FOR A TOTAL AMOUNT OF \$217,810.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Oglesby,

#### **RESOLUTION #29206**

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 24, 2017, THE ANNEXATION OF AN AREA CONTIGUOUS TO THE CITY LIMITS, THE PROPERTY OWNER OF WHICH AREA, LOOKOUT MOUNTAIN CONSERVANCY, HAS PETITIONED THE CITY OF CHATTANOOGA TO BE ANNEXED.

**ACTION: ADOPTED** 

On motion of Councilman Henderson and seconded by Councilwoman Berz,

#### **RESOLUTION #29207**

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON OCTOBER 24, 2017, THE DEANNEXATION OF CERTAIN PROPERTIES OWNED BY THE INSTITUTE OF HEALTH AND HEALING, INC./WILDWOOD SANITARIUM, INC., WITHIN THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE.

ACTION: ADOPTED

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

#### **RESOLUTION #29208**

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF PHILLIP HYMAN AS FIRE CHIEF.

Stacy Richardson, Chief of Staff, introduced Phil Hyman, which was followed by a standing ovation from the Council and Assembly. Vice-Chairman Smith asked Chief Hyman introduced his family. After which, Vice-Chairman Smith made congratulatory remarks. Councilman Gilbert also made congratulatory remarks. Vice-Chairman Smith expressed thanks to outgoing Chief James (Chris) Adams, who spoke in support of Chief Hyman. Lastly, Vice-Chairman Smith presented Chief Adams with his helmet and badge in honor of his years of service.

ACTION: ADOPTED

<u>Coradini Properties, LLC/</u> <u>Jennifer L. Coradini d/b/a Vintage Wine and Spirits</u> <u>District No. 1</u>

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

## **RESOLUTION #29209**

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 800 MOUNTAIN CREEK ROAD.

The motion carried, with Councilman Henderson voting "No."

ACTION: ADOPTED

**2017-118 ECGT, LLC District No. 2** 

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

#### **RESOLUTION #29210**

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED IN THE 3200 BLOCK OF HIXSON PIKE AND 2923 BRALY PLACE, SUBJECT TO CERTAIN CONDITIONS.

Chairman Mitchell asked for special privilege to recognize Dr. Jeffrey Gufter, a resident of Olde Town in North Chattanooga, who wished to speak in opposition to this resolution. Dr. Gufter opposes the entry of the subdivision onto the S-curve. He informed the Council that he had spoken in opposition at the Planning Commission meeting. He informed the Council that his daughter had an accident on the S-curves in 2000 and that there had been eight (8) traffic fatalities on the S-curves from 2000-2007. He discussed the traffic lights, speed cams and gradings that had been done to help increase safety. He also discussed the WMB Engineering traffic study and noted the findings that an entry road in the area would increase accidents by 35-percent. He asked that the Transportation Department reevaluate the traffic study and consider improvements.

Chairman Mitchell recognized Blythe Bailey, Transportation Administrator, who suggested letting their new engineer examine the matter and re-review the study. Councilwoman Berz asked if it would be premature to vote on this item if further study would be done. Mr. Bailey did not think the vote should be delayed due to the fact that this was a special exception permit request. Bryan Shults returned to the podium to explain the requirements of the special exceptions permit process, which would require further study.

Chairman Mitchell recognized Ethan Collier, the developer, who discussed the plat going through permit processes, the decrease in the number of lots and the decrease in acreage with this new plat. He argued that the PUD is important because it will allow the number of lots and the grading. He responded to Councilwoman Berz's questions on how the yards will be closer to the right-of-way, and how safety will be ensured through the permit process. Mr. Bailey and Mr. Shults also discussed the plat needing to go before the Planning Commission.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

## **RESOLUTION #29211**

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR HDR ENGINEERS, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-028-101, FOCUSED SSES AND REHABILITATION OF DOBBS BRANCH 3 SUB-BASIN PROJECT, FOR AN INCREASED AMOUNT OF \$63,801.75, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$643,906.95.

**ACTION: ADOPTED** 

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

## **RESOLUTION #29212**

A RESOLUTION TO AMEND RESOLUTION NO. 29028 TO RE-ASSIGN THE CONTRACT TO REYNOLDS CONSTRUCTION, LLC, A SUBSIDIARY OF REYCON PARTNERS, LLC, RELATIVE TO CONTRACT NO. W-09-011-201, ORCHARD KNOB PUMP STATION IMPROVEMENTS, A CONSENT DECREE PROJECT.

**ACTION: ADOPTED** 

## **PURCHASES:**

Bonnie Woodward, Purchasing Director, briefed the Council on the following proposed purchases:

**R159122 - Public Works** \$33,000

Purchase of One Spiral Screw Conveyor and Trough-

Waste Resources Division

Lowest/Best Bidder: Jim Myers & Sons, Inc.

PO Box 38778 Charlotte, NC 28278

PO540969 - Public Works Estimated \$25,000 Annually

9

Blanket Contract Renewal for Vapor Phase Odor Neutralizing Services-Waste Resources Division Lowest/Best Bidder: BioTrad Environmental, Inc

11 Foundry St., Unit 109 Stroudsburg, PA 18360

R158558 - Public Works

New Blanket Contract for Cured In Place Pipe Lining

Services-Waste Resources Division Lowest/Best Bidder: Layne Inliner, LLC

4520 N. State Rd. Orleans, IN 47452

10/10/17

Estimated \$600,000 Annually

## PO541660 - Public Works

New Total Estimated \$55,000 Annually

Increase of Authorized Expenditure on Blanket Contract for Industrial Gases & Welding Supplies-

City Wide-Fleet Management

Lowest/Best Bidder: C & C Oxygen

3615 Rossville Blvd. Chattanooga, TN 37407

## R159437 - Purchasing

Total Estimated \$65,000 Annually

Two New Blanket Contracts for Soft Drinks, Energy Drinks,

& Bottled Water-City Wide

Lowest/Best Bidders:

- 1. Coca Cola Bottling Company United 2111 West Shepherd Rd., Chattanooga, TN 37421
- 2. Pepsi Beverage Company 3609 Amnicola Hwy., Chattanooga, TN 37406

## R153378 - Purchasing

Total Estimated \$135,000 Annually

Two New Blanket Contracts for Printing Services; Stationary, Business Cards, & Printed Forms-City Wide Lowest/Best Bidders:

- 1. Diversified Companies, LLC 3721 Powers Court Chattanooga, TN 37416
- 2. Envelopes & Printed Products, Inc 135 Fairview Ave. Prospect Park, NJ 07508

Councilman Gilbert had questions about R159437 (Purchasing). Ms. Woodward discussed the purpose of having two vendors and the way in which departments place orders from the contract. Upon no further questions, **Councilman Oglesby moved** to approve, seconded by Councilwoman Coonrod. The motion carried.

## **ACTION: ALL PURCHASES APPROVED**

## **OTHER BUSINESS:**

## **Liquor License**

Attorney Hinton informed the Assembly that a Certificate of Compliance certificate was signed in the open meeting by five (5) councilpersons regarding item VII(f) for Jennifer L. Coradini d/b/a Vintage Wine and Spirits.

## **Temporary Agency Employee Complaints**

Councilwoman Coonrod informed Tina Camba, Director of Human Resources, that she had received emails and phone calls from temporary agency employees who had been laid off. Ms. Camba explained the process of temporary agency employees being hired by the agency to work assignments for specific periods of time. Ms. Camba also explained how temporary agency employees are not "laid off" by the City, but work specific assignments that are fulfilled within specific time frames. She offered to contact the person who contacted Councilwoman Coonrod, and to look into the others who had complained. Councilwoman Coonrod agreed to give Ms. Camba the name and contact information of the person who initially contacted her to find out more about the assignment that ended.

10/10/17

## **COMMITTEE REPORTS:**

Budget and Finance Committee Councilman Henderson (No report)

Economic and Community Development Committee Councilman Oglesby reported:

 The committee will meet on October 24, 2017 after the Agenda Session to discuss upcoming petitions for annexation and de-annexation.

Human Resources Committee (HR) Councilman Gilbert (No report)

Planning and Zoning Committee Councilman Ledford (No report)

Public Safety Committee Councilman Byrd (No report)

• He congratulated the new fire chief.

Public Works and Transportation Committee Councilwoman Berz reported:

 The committee met today in open session to review items voted on tonight and items on next week's (October 17) agenda.

Youth and Family Development Committee Councilwoman Coonrod reported:

 The committee will meet next Tuesday (October 17) after the 3:00 p.m. Agenda Session for an update on the new Avondale Center.

Innovation Technology Committee Vice-Chairman Smith (No report)

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

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

• Juanita ("Dr. J") Loundman-Clay (Chattanooga) – She is a domestic violence survivor and worked for one year collecting data for the Mayor's Council for Women study. She informed the Council that many victims of domestic violence seek assistance from their churches first; however, many churches lack resources regarding domestic violence. She challenged the Council to do three things of the Council: (1) to re-read the Mayor's document and take it to heart; (2) to contact at least one church in their districts during the month of October to have a conversation about domestic violence awareness; and (3) to

- talk to the YFD Administrator about the centers' impact in the community in relation to domestic violence. She also asked the Council to consider the study that showed the economic impact of domestic violence.
- Rick Carpenter (Chattanooga) He informed the Council about speeding in the school zone at East Brainerd Elementary between Igou Gap and Goodwin Road. He believes there is not enough signage and paint markings to designate a school zone. He is concerned with the safety of students, with his own child being among them. He believes there will be an increase in traffic on Igou Gap due to the temporary closure of Morris Hill Road. He asked the Council for more signage and street markings for the school zone.
- Tiffany Rankin (Chattanooga) She is Secretary of the Lincoln Park Neighborhood
  Association. She received an invitation recently for a meeting in your own neighborhood
  that she had not been notified about in advance by her Council representative. She feels it
  was disrespectful to not have been contacted since she is an elected officer in her
  neighborhood. She asked that her Council representative contact her prior to scheduling
  meetings in her neighborhood.
- **Tom Slatten (Soddy Daisy)** He wanted to voice his concerns about cameras that had been removed on the S-curves. He also commented on how the guard rails are being damaged again due to speeding drivers.

## **ADJOURNMENT**

On motion of Councilman Henderson	, Chairman Mitchell adjourned the meeting of the
Chattanooga City Council until Tuesday,	October 17, 2017, at 6:00 p.m.

	CHAIRMAN	
CLERK OF COUNCIL		