



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 23, 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. Keith Reisman, Assistant City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (October 16, 2018) were approved as published.

ORDINANCES – FINAL READING:

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

ORDINANCE #13386

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTERS 1, 2, 6, 11, 12, 16, 18, 20, 24, 25, 26, 28, AND 35, RELATING TO ARCHAIC PROVISIONS OF THE CITY CODE CONSIDERED IN 2018.

ACTION: APPROVED

2018-177
Aza Wintersieck
Planning Version
District No. 7

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

ORDINANCE #13387

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3017 DODDS AVENUE, FROM M-1 MANUFACTURING ZONE TO R-2 RESIDENTIAL ZONE.

ACTION: APPROVED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

ORDINANCE #13388

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF THE SOUTH TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF CHATTANOOGA, TENNESSEE, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS HEREIN.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and Councilwoman Coonrod,

ORDINANCE #13389

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 16, ARTICLE III, BY ADDING A NEW SECTION 16-58, RELATING TO CHATTANOOGA HOUSING AUTHORITY PUBLIC SAFETY OFFICERS.

ACTION: PASSED ON FIRST READING

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13390

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-50, PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE; PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSONS UNDER 18.

The motion carried with Councilman Gilbert voting “No.”

ACTION: PASSED ON FIRST READING

On motion of Councilman Henderson and seconded by Councilman Byrd,

ORDINANCE #13391

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-443, LIGHTS REQUIRED ON MOTOR VEHICLES; EXCEPTIONS; REGULATIONS AS TO COLOR, TYPE AND VISIBILITY DISTANCE.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29665

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DONATION AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH HABITAT FOR HUMANITY OF GREATER CHATTANOOGA AREA, INC., A REGISTERED NON-PROFIT, AND TO EXECUTE ANY RELATED DOCUMENTS BETWEEN THE CITY OF CHATTANOOGA AND HABITAT FOR HUMANITY OF GREATER CHATTANOOGA AREA, INC. FOR THE CONVEYANCE OF PROPERTIES LOCATED AT BACHMAN ROAD, IDENTIFIED AS TAX MAP NO. 136D-F-004.

The motion carried with Vice-Chairman Oglesby abstaining.

ACTION: ADOPTED

2018-14
Karen Hall
No. 18-STVR-00064
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29666

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00064 FOR PROPERTY LOCATED AT 317 TREMONT STREET.

There was no Opposition present. The motion carried.

ACTION: ADOPTED

2018-15
James M. Smith
No. 18-STVR-00073
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29667

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00073 FOR PROPERTY LOCATED AT 315 TREMONT STREET.

There was no Opposition present. The motion carried.

ACTION: ADOPTED

2018-16
Lindsay Resler
No. 18-STVR-00085
District 7

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

RESOLUTION #29668

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00085 FOR PROPERTY LOCATED AT 5614 ALABAMA AVENUE.

There was no Opposition present. The motion carried.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Gilbert,

RESOLUTION #29669

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE 2018 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) WHICH IS FUNDED THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE AMOUNT OF \$109,687.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Ledford,

RESOLUTION #29670

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO RENEW THE FIRST AGREEMENT FOR OPTION TO RENEW WITH MARATHON HEALTH, LLC TO PROVIDE MEDICAL AND WELLNESS SERVICES TO CITY EMPLOYEES, RETIREES, AND THEIR DEPENDENTS, FOR AN ANNUAL AMOUNT OF \$2,372,364.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Henderson,

RESOLUTION #29671

A RESOLUTION AUTHORIZING COLLINS AND COMPANY TO PAY AN ON-THE-JOB INJURY SETTLEMENT TO LLOYD JONES, IN ACCORDANCE WITH THE CITY'S INJURY ON DUTY POLICY, IN THE AMOUNT OF \$100,373.16.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29672

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF TANIKIA JACKSON AS ASSISTANT CITY FINANCE OFFICER EFFECTIVE OCTOBER 1, 2018.

ACTION: ADOPTED

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

RESOLUTION #29673

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR VOLKERT & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-13-002-103, WALNUT STREET PEDESTRIAN BRIDGE REHABILITATION PHASES 2, 3, AND 4, FOR AN INCREASED AMOUNT OF \$180,000.00, FOR A REVISED AMOUNT NOT TO EXCEED \$588,400.00.

ACTION: ADOPTED

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

RESOLUTION #29674

A RESOLUTION AMENDING RESOLUTION NO. 29221 FOR NORFOLK SOUTHERN RAILROAD COMPANY RELATIVE TO CONTRACT NO. S-09-008 FOR ENGINEERING AND FLAGGING SERVICES PER THE AGREEMENT, ACTIVITY NO. 1200922, FOR AN INCREASED AMOUNT OF \$245,055.14, FOR AN AMOUNT NOT TO EXCEED \$341,055.12.

ACTION: ADOPTED

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

RESOLUTION #29675

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR THOMAS BROTHERS CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. R-14-011-201, MILLER PARK AND DISTRICT CONNECTIVITY IMPROVEMENTS – PHASE 1, FOR AN INCREASED AMOUNT OF \$584,301.90, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$9,424,761.10.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29676

A RESOLUTION AUTHORIZING PAYMENT TO WESTVIEW DRIVE LP FOR A STORM AND SANITARY SEWER EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, AND STAGING EASEMENT RELATIVE TO CONTRACT NO. S-15-007-501, CITICO CREEK SUB-BASIN COMBINED SEWER SEPARATION PROJECT – PHASE 1, FOR TRACT NO. 1, PROPERTY LOCATED AT TAX MAP NO. 1360-A-001.01, FOR AN AMOUNT NOT TO EXCEED \$73,410.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29677

A RESOLUTION AUTHORIZING PAYMENT TO TENNESSEE AMERICAN WATER COMPANY FOR A STORM AND SANITARY SEWER EASEMENT AND A CONSTRUCTION EASEMENT RELATIVE TO CONTRACT NO. S-15-007-503, CITICO CREEK SUB-BASIN COMBINED SEWER SEPARATION PROJECT – PHASE 1, FOR TRACT NO. 3, PROPERTY LOCATED AT TAX MAP NO. 136P-D-001, FOR AN AMOUNT NOT TO EXCEED \$88,500.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29678

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH GRAND OAK RIVERSIDE, LLC IN CONJUNCTION WITH THE STORM AND SANITARY SEWER EASEMENT AND CONSTRUCTION EASEMENT RELATIVE TO CONTRACT NO. S-15-007-502, CITICO CREEK SUB-BASIN COMBINED SEWER SEPARATION PROJECT – PHASE 1, FOR TRACT NO. 2, PROPERTY LOCATED AT TAX MAP NO. 136O-A-001, FOR AN AMOUNT NOT TO EXCEED \$145,775.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29679

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-15-007-201 TO WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. OF CHARLESTON, TN, CITICO CREEK SUB-BASIN COMBINED SEWER SEPARATION PROJECT, IN THE AMOUNT OF \$2,751,959.00, WITH A CONTINGENCY AMOUNT OF \$275,000.00, FOR AN AMOUNT NOT TO EXCEED \$3,206,959.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Ledford,

RESOLUTION #29680

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR RAGAN SMITH ASSOCIATES, INC. RELATIVE TO CONTRACT NO. S-15-007-102, CITICO CREEK SUB-BASIN COMBINED SEWER SEPARATION PROJECT TO IMPLEMENT PHASE 1 CONSTRUCTION, FOR AN INCREASED AMOUNT OF \$377,200.00, FOR A REVISED CONTRACT AMOUNT OF \$752,900.00.

ACTION: ADOPTED

PURCHASES:

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

- R177266 - Mayor's Office** \$37,100.00
Purchase of 2018-2019 Tennessee Municipal League Annual Membership Dues, Mayor's Office
Lowest/Best Bidder: Tennessee Municipal League
226 Capitol Boulevard, Suite 710
Nashville, TN 37219
- R175500 - Public Works Department** Estimated \$100,000.00 Annually
New Blanket Contract for Sewer Line Chemical Root Control Services, Waste Resource Division, Public Works Department
Lowest/Best Bidder: Duke's Root Control, Inc.
1020 Hiawatha Blvd. West
Syracuse, NY 13204
- PO 545994 - Public Works Department** Estimated \$1,400,000.00 Annually
Blanket Contract Renewal for Sanitary Sewer Cured In Place Pipe Line Cleaning, Waste Resource Division, Public Works Department
Lowest/Best Bidder: Layne Inliner LLC
2090 Industrial Road, Suite A-1
Tucker, GA 30084
- PO543612 - Public Works Department** Revised Estimated \$225,000.00 Annually
Increase to Blanket Purchase Order for Vehicle Tracking System, Fleet Management, Public Works Department
Lowest/Best Bidder: Actsoft, Inc.
10006 N. Dale Mabry Pkwy, Suite 100
Tampa, FL 33618
- POs 550042, 550043 & 550044 - Public Works Department** Revised Total Estimated \$2,100,000.00 Annually
Increase to Blanket POs for HVAC Services, Repairs, Equipment & Installation, Facilities Management Division, Public Works Department
Lowest/Best Bidders:
1. Mountain City Service, Inc. 2408 Taft Highway Signal Mountain, TN 37377
2. Metro Services, Inc. 4563 Pinnacle Lane Chattanooga, TN 37415
3. W.J. O'Neil Company 500A West 26th Street Chattanooga, TN 37408
- R175539 - Chattanooga Fire Department** \$368,784.95
Purchase of Extrication Tools, Chattanooga Fire Department
Lowest/Best Bidder: Municipal Emergency Services
6701 C Northpark Blvd.
Charlotte, NC 28216

Regarding the HVAC service contracts, Councilman Gilbert inquired about why these services were being contracted. Maura Sullivan, Chief Operating Officer, responded about the specialized services being contracted. Councilman Gilbert requested information on repairing units versus purchasing the unit. Ms. Sullivan confirmed with the Public Works Administrator that such information would be provided to Councilman Gilbert.

Discussion ensued about separating the HVAC purchase orders from the remainder of the purchases and the effect of deferring these POs. Ms. Sullivan confirmed that South Chattanooga center had the most immediate need for the POs.

Upon no further discussion, **Councilman Henderson moved** to approve all purchases, seconded by Councilman Ledford. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

November 6 Meeting

Vice-Chairman Oglesby asked the Council to consider a 4:00 p.m. start time for the meeting on November 6, 2018 due to that day being the General Election Day. There was no opposition to his request. Therefore, Chairman Smith changed the start time of the November 6 Council meeting to 4:00 p.m. instead of 6:00 p.m. and instructed the Clerk to advertise the time change.

Citizen Inquiry About Statement

Councilman Henderson asked a citizen, Marie Mott, to approach the podium to respond to his concerns about a statement made in a meeting with Ms. Mott and Police Chief David Roddy on Friday. Ms. Moss refused to respond to his request to approach the podium in this open meeting and questioned if she was being compelled to speak. Instead, she offered to meet privately with Councilman Henderson to address his concerns. She informed the Council that a meeting had been requested by Bro. Kevin Muhammad to address the councilman's concerns. Ms. Mott approached the podium to make statements and refute the accusation against her. After her statements at the podium, Ms. Mott informed Councilman Henderson that if he wished to further address her, it could be done though her legal counsel, Avery Mott, Esq. Councilman Byrd also offered comments.

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 reported:

- The committee will meet again on November 6 after the 3:00 p.m. Agenda Session.

Public Safety Committee

Councilman Henderson reported:

- The committee will meet on November 6 to get an update on youth programs at the Family Justice Center.

Public Works and Transportation Committee

Councilman Mitchell reported:

- The committee will meet next week after the 3:00 p.m. Agenda Session.
- There will be a public hearing on steep slopes next week (Oct. 30) at 6:00 p.m.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

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

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

- **Sylvester Harris** (Curtis St.) - He asked the Council to consider other options for the Harriet Tubman site. He commented on a lack of manufacturing jobs. He asked the Council to review the blueprints for the new YFD center. He made comments to the Council about their interaction earlier with Ms. Mott. He also asked the Council to think about helping East Chattanooga.
- **Monty Bell** (Chattanooga) - He discussed the recent newspaper articles regarding black youth. He came back to Chattanooga in 1992 and feels that he has been under attack since 1993. He felt attacked by the Council Chairman when he came to speak once before. He read an opinion from 2009 and discussed wages. He commented on the millions spent on programs in prison.
- **Ladarius Price** (Chattanooga) - He has a local non-profit called PEAK (Placing Emphasis Around Kids). He informed the Council about PEAK's 3rd Annual Coat Drive on November 3 and discussed the goal of donating 300 coats this year. Donation information can be received on his Facebook page and PEAK's website.
 - Councilpersons Coonrod and Byrd expressed their thanks and offered support.
- **Roderick "Jermichael" McGhee** (Chattanooga) - He voiced concerns about racial profiling and vindictiveness. He informed the Council of being handcuffed by the Chattanooga Police Department while the CHA Police used a taser on him. He informed the Council of a federal civil rights lawsuit for excessive force. Last week, he was handcuffed outside of a store and frisked by the police. He received an open container charge. He is an advocate for mental health.

- **David Tullis** (Nooga Radio) - On February 20, he gave an administrative notice on transportation (Title 55 and Title 49). He asked the Council about the city's liability in taxing people for private acts. He discussed arresting people who are traveling and not engaging in commerce. He discussed the personally liability of police officers. He discussed commercial transport on the road being subject to regulation. He also gave a notice in Rhea County on October 16. He indicated that rules of notice require duty of inquiry.
- **Rick Carpenter** (Concord Rd.) - He informed the Council that we are all Americans. He discussed having English parents and being a first generation American. He believes America is a melting pot because it includes the best of all cultures. He distributed a timeline document to the Council and voiced concerns about wastewater and infrastructure. He asked for a show of hands of people in the Assembly who are concerned with wastewater. He voiced concerns about the WWTA, Tennessee American Water Company and interlocal agreements with the City.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, October 30, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL