



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
October 24, 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, Russell Gilbert, Chip Henderson, Darrin Ledford and Erskine Oglesby. Wade Hinton, City Attorney, and Nicole Gwyn, Council Clerk, were also present. Councilwoman Demetrus Coonrod was not present.

## **PLEDGE OF ALLEGIANCE**

Chairman Mitchell led the Assembly in the Pledge of Allegiance.

## **APPROVAL OF LAST MINUTES**

**On motion of Vice-Chairman Smith and seconded by Councilman Oglesby**, the minutes of the last meeting (October 17, 2017) were approved as published.

## **SPECIAL PRESENTATION**

### **PUBLIC HEARING - *Annexation - Lookout Mountain Conservancy***

Chairman Mitchell informed the Assembly that the annexation petition from the Lookout Mountain Conservancy would need to go before the Planning Commission first. Therefore, the Council would not hold a public hearing tonight on the annexation petition.

### **PUBLIC HEARING - *Deannexation - Institute of Health and Healing***

Phil Noblett, Deputy City Attorney, briefed the Council on this de-annexation petition. He discussed the original platt that included four parcels, three of which are in the county. He discussed the revised platt having only one parcel (#165008), covering 390 acres in District 1, adjacent to I-75. He also noted the only entry, Emmaus Road, which is accessible only through the State of Georgia. He displayed a map to show the parcel that the Institute wishes to de-annex. He also noted that the Council had already received copy of the 1995 plan of service for the parcel. Councilman Henderson confirmed with Attorney Noblett that The Institute did not petition the City for annexation in 1995; that it was strictly a city decision to annex them.

Chairman Mitchell recognized Cynthia Tolbert, attorney for the Institute in this petition. Ms. Tolbert stated that the city would not be materially impacted by the de-annexation.

Rather, Ms. Tolbert argued that the Institute would be materially impacted if the petition is denied. She detailed the various services provided by the Institute. Her argument for de-annexation included the following:

- Dade County has been providing services to those parcels on the Georgia side;
- Chattanooga has provided services on the Tennessee side;
- A home burned down once due to an argument over jurisdiction between the Georgia and Tennessee fire departments;
- Approximately 600 acres are in Georgia, not Tennessee;
- To enter property, you can only access the Institute through Georgia;
- The Institute needs additional housing for staff and their families;
- Staff housing is an integral to their employment recruitment and retention, especially with staff who have children;
- The Institute cannot build any further on the Tennessee side;
- That the 1995 plan of services “grandfathered” some houses, but they have not been allowed to rebuild;
- 390 acres on the Tennessee side are zoned R-1 currently;
- The Institute was denied rezoning from R-1 to R-3 in 2005 by the City of Chattanooga that would have allowed them to expand their housing;
- The Institute is already paying for garbage pickup, up to \$12,000 per year;
- They have paid for their own street paving on the Georgia side;
- The 1995 plan of services was unknown to the Institute administration.

She stated that services from the City have not been received sufficiently since 1995, creating a breach of services. Councilwoman Berz sought clarity from Ms. Tolbert on the 2005 denial for rezoning.

Councilwoman Berz confirmed with Attorney Noblett that The Institute would still be in Hamilton County if the parcel was de-annexed. Councilwoman Berz also confirmed with Attorney Noblett that a Planned Unit Development may be a viable option to address the Institute housing needs. She also confirmed the following with Attorney Noblett:

- That the Hamilton County Tax Assessor’s Office has not received a request from the Institute to amend the taxes based upon their uses (services) on the property;
- That he has consulted with the various City departments and confirmed that the Chattanooga Fire Department does provide services to the Institute;
- That The Institute would still be required to pay for garbage pickup just since they are still within Hamilton County limits.
- That the City could remedy most of the issues discussed by the Institute;
- That there may be issues with emergency access.

Councilman Henderson confirmed with Phil Hyman, Fire Chief, that fire trucks could access and provide adequate services to the property during a catastrophic event. He did note some challenges, such as getting trucks through the underpass in route the Institute. He also noted that as the property grows, CFD will require fire hydrants in the area.

Councilman Henderson confirmed with Attorney Noblett that the 1995 plan of service includes garbage service. Justin Holland, Public Works Administrator, confirmed that garbage pickup is not currently provided; however, he indicated that The Institute may not meet the residency requirement. Mr. Holland agreed to look into the ordinance to see if there are any changes that affected the garbage service since the 1995 plan of service.

Councilman Ledford confirmed with Ms. Tolbert that the Institution had not applied for rezoning since filing in 2005 and being denied in 2006. Ms. Tolbert discussed meeting with what she thought was “county” staff three months ago for a preliminary zoning meeting, where they discussed their rezoning options. Councilwoman Berz clarified that the three employees that Ms. Tolbert met with (Shults, Tirsun and Robbins) are employees of the Regional Planning Agency, which is city and county. John Bridger, Executive Director of the RPA, offered to follow-up with his team on that pre-zoning meeting and paperwork. Ms. Tolbert informed the Council that they had discussed rezoning for 10, 1-bedroom homes. Mr. Bridger agreed to email the Council and Ms. Tolbert his findings about the options available to them.

Councilwoman Berz confirmed with Ms. Tolbert that there are 390 acres on the Tennessee side in R-1. She asked Mr. Bridger if this would be considered a “campus” environment. Mr. Bridger could not say readily, but agreed to speak with Ms. Tolbert about the Institute’s zoning needs and rezoning options previously discussed with her. He also stated that he would include staff of the Land Development Office in the conversation.

Chairman Mitchell closed the public hearing at 6:31 p.m., and moved the agenda.

---

**ORDINANCES – FINAL READING:**

**2017-086**  
**Tony Hill**  
**District No. 2**

On motion of Councilman Henderson and seconded by Councilman Gilbert,

**ORDINANCE #13236**

**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: APPROVED**

**ORDINANCES – FIRST READING:**

2017-126

Henry Apartments, LLC

District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

**ORDINANCE #13237**

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY OFF THE 500 BLOCK OF CHEROKEE BOULEVARD, TO ALLOW FOR CONSTRUCTION OF A NEW APARTMENT BUILDING, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**RESOLUTIONS:**

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

**RESOLUTION #29224**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO LEASE AND TRANSFER AGREEMENT WITH THE UNIVERSITY OF TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE EXTENSION OF THE LEASE TERM TO SEPTEMBER 30, 2057, FOR A PORTION OF THE CITICO SEWER OVERFLOW CONTROL FACILITY TO BE USED BY THE UNIVERSITY AS AN AQUATIC BIOLOGY LEARNING LABORATORY OR SUCH OTHER ACADEMIC USE AS THE UNIVERSITY MAY DETERMINE.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Byrd,

**RESOLUTION #29225**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-15-009-201 TO HAREN CONSTRUCTION COMPANY, INC. OF ETOWAH, TN, MBWWTP CONTROL ROOM UPGRADES, A CONSENT DECREE SUPPORTED PROJECT, IN THE AMOUNT OF \$1,564,000.00, WITH A CONTINGENCY AMOUNT OF \$156,000.00, FOR AN AMOUNT NOT TO EXCEED \$1,720,000.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Byrd,

**RESOLUTION #29226**

**A RESOLUTION APPROVING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A DONATION OF 17,928 FORMED CONCRETE ROCKS (9" AND 12") WITH A TOTAL VALUE OF \$73,296.00 FROM SEQUATCHIE CONCRETE TO BE USED ON VARIOUS PROJECTS IN THE CITY-WIDE SERVICES OPERATIONS AND OTHER FUTURE DESIGN PROJECTS FOR THE CITY.**

**ACTION: ADOPTED**

**PURCHASES:**

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

**PO536187 - Public Works**

Estimated \$40,000 Annually

Blanket Contract Renewal for Air Compressor Annual  
Maintenance and Repair Services-Waste Resources Division  
Lowest/Best Bidder: Blake & Pendleton, Inc  
269 North Street  
Macon, GA 31206

**PO531454 - Public Works**

New Total Estimated \$1,100,000 Annually

Increase of Authorized Expenditure on Blanket  
Contract for Programmable Logic Controller  
Services-Waste Resources Division  
Lowest/Best Bidder: Adman Electric Company  
2311 E. 23rd Street  
Chattanooga, TN 37407

Councilman Ledford asked Mr. Holland about the increase in the authorized expenditure for Programmable Logic Controllers (**PO531454**). He explained the need to replace obsolete items and items needing to be replaced. Upon no further questions, **Vice-Chairman Smith moved** to approve, seconded by Councilman Oglesby. The motion carried.

**ACTION: ALL PURCHASES APPROVED**

**OTHER BUSINESS:**

**City Attorney's Report**

Attorney Hinton informed the Assembly that Daisy Madison, Chief Finance Officer, had already discussed the City's sale of The Chattanooga hotel to the Shulte Hospitality Group for \$32 Million. He advised the Council that the sale would require a bond resolution in the coming weeks.

## **Board Appointment**

Councilman Oglesby appointed Lisa Davis to the Office of Multicultural Affairs Advisory Board for District 7.

## **COMMITTEE REPORTS:**

### *Budget and Finance Committee*

Councilman Henderson

(No report)

### *Economic and Community Development Committee*

Councilman Oglesby

- The committee will meet next Tuesday (October 31) following the 2:00 p.m. Agenda Session for a presentation by the Chamber of Commerce on the Amazon RFP process.

### *Human Resources Committee (HR)*

Councilman Gilbert

(No report)

### *Planning and Zoning Committee*

Councilman Ledford

(No report)

### *Public Safety Committee*

Councilman Byrd

(No report)

### *Public Works and Transportation Committee*

Councilwoman Berz reported;

- The committee met today to review items on tonight's and next week's agenda.
- There will be a presentation by Staff next week at a different meeting time on the various versions of the Stormwater Ordinance.

Chairman Mitchell announced the following schedule for next Tuesday, October 31:

2:00 p.m.	Agenda Session, Staff Presentation on Stormwater Ordinance, Economic and Community Development Committee
4:00 p.m.	Council Meeting

### *Youth and Family Development Committee*

(Councilwoman Coonrod not present)

### *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:

- **Brenda Shelton (Airport Road/District 5)** – Ms. Shelton did not wish to discuss her situation before the full Council. She requested a meeting with Councilman Gilbert and Attorney Hinton. Chairman Mitchell confirmed that both would be available to meet with Ms. Shelton after tonight’s meeting.
- **Joe Payton (Signal Mountain)** – Mr. Payton spoke on behalf of the group known informally as the “Lincoln Park Coalition.” He discussed the importance of Lincoln Park and informed the Council of a meeting that took place this weekend. There was some miscommunication, so he wanted to make it clear that the Coalition is working to honor and preserve the history of Lincoln Park. He commented on parties in the community not being represented fairly in the past. He requested more Strategic Planning with community input. He and the organization will reach out to the Council soon about the park.

**ADJOURNMENT**

**On motion of Councilman Oglesby**, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, October 31, 2017, at 4:00 p.m.

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**