



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
November 21, 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, Chip Henderson, Darrin Ledford and Erskine Oglesby. Keith Reisman, Assistant City Attorney, and Nicole Gwyn, Council Clerk, were also present. Councilman Russell Gilbert was not present this meeting. Councilwoman Demetrus Coonrod later joined the meeting.

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the Assembly in the Pledge of Allegiance. She requested a moment of silence in honor of the victims and their families in the Woodmore bus tragedy that took place one year ago today.

APPROVAL OF LAST MINUTES

On motion of Vice-Chairman Smith and seconded by Councilman Ledford, the minutes of the last meeting (November 14, 2017) were approved as published.

POINT OF PRIVILEGE

Chairman Mitchell asked the Council to consider suspending its rules to allow two speakers for 5 minutes regarding the M&M Industries PILOT at the beginning of today's meeting, and to allow two speakers for 5 minutes at the bottom of the agenda for speakers on the stormwater management ordinance. **Vice-Chairman Smith moved** to suspend the Council rules, seconded by Councilman Byrd.

M&M INDUSTRIES PILOT

- **John Lindsey (Highland Park)** – He owns a clinic on Holtzclaw. He has spoken with people in the community that have not heard of M&M. He believes the factory will perpetuate poverty in the district. He asks the Council to defer the PILOT to allow more time to talk, think and collaborate with the community.
- **Emerson Burch (Highland Park, President)** – He asked the people in the Assembly with concerns about the PILOT to stand for recognition. He explained growing up from severe poverty and understands those in Highland Park with the same story of poverty. He hasn't seen an evaluation on the PILOT. He recommends better staff research and brought his own data from the community.

Rebuttal:

- **Steve Hiatt (Chattanooga Chamber)** – He introduced Darryl Davis of M&M Industries. He discussed M&M's factory in Lookout Valley and the number of jobs there. He discussed the \$44 Million investment with the new factory and creation of 110 jobs.

A discussion ensued, with Mr. Hiatt and Mr. Davis addressing Councilman Byrd's concerns on the following topics:

- Impact on environment and pollution
- Job opportunity/promotion within company
- Limiting hours of rail system
- Engaging community on aesthetics of the factory

Councilman Byrd offered to play a video that he recorded of people in the community in support of the PILOT. Chairman Mitchell ruled to move the agenda, and stated that the councilman could introduce the video after the PILOT resolution was read.

ORDINANCES – FINAL READING:

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13242

AN ORDINANCE CONSIDERING THE REQUESTED DEANNEXATION OF ONE (1) TRACT OF PROPERTY LOCATED ADJACENT TO WAUHATCHIE PIKE AND EMMAUS ROAD WHICH IS REFERENCED AS TAX MAP PARCEL NO. 165-008 CONTAINING APPROXIMATELY THREE HUNDRED NINETY (390) ACRES WHICH IS CURRENTLY IN THE CITY OF CHATTANOOGA.

ACTION: APPROVED

2017-128
Catherine Hunkapiller
Planning Version
District No. 1

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

ORDINANCE #13243

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4057 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2017-129
Northshore Development, LLC
Planning Version
District No. 1

Agenda Item V(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 423 WEST BELL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO E-RD-2 URBAN EDGE RESIDENTIAL DETACHED ZONE 3 STORIES MAXIMUM HEIGHT.

Councilman Henderson informed the Council that he has several constituents contact him about this rezoning since the vote last week. Therefore, **Councilman Henderson moved** to defer two weeks to December 5, 2017. He was seconded by Vice-Chairman Smith. The motion carried.

ACTION: DEFERRED TWO WEEKS TO DECEMBER 5, 2017

Agenda Item V(d):

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 423 WEST BELL AVENUE, MORE PARTICULARLY DESCRIBED BELOW, INTO THE URBAN EDGE CONTEXT AREA.

Councilman Henderson moved to defer two weeks to December 5, 2017. He was seconded by Vice-Chairman Smith. The motion carried.

ACTION: DEFERRED TWO WEEKS TO DECEMBER 5, 2017

Agenda Item V(e):

AN ORDINANCE TO AMEND ORDINANCE NO. 13071 TO INCORPORATE 423 WEST BELL AVENUE, MORE PARTICULARLY DESCRIBED BELOW, INTO THE DOWNTOWN FORM BASED CODE AREA BOUNDARY.

Councilman Henderson moved to defer two weeks to December 5, 2017. He was seconded by Vice-Chairman Smith. The motion carried.

ACTION: DEFERRED TWO WEEKS TO DECEMBER 5, 2017

2017-140
James McMahon
Planning Version
District No. 1

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

ORDINANCE #13244

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 962 AND 976 PINEVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

ACTION: APPROVED

2017-131
MSBC Black Creek, LLC c/o Randy Stone
Planning Version
District No. 1

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

ORDINANCE #13245

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 3800 BLOCK OF CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE.

ACTION: APPROVED

2017-130
Tracye Brogdon
Planning Version
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Byrd,

ORDINANCE #13246

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6214 WALDEN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

ACTION: APPROVED

2017-132
Adamson Developers, LLC
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13247

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2001, 2003, AND 2005 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2017-142
J. Robert McKenzie
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13248

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 515, 521, AND 525 O'NEAL STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2017-133
Rowland Development Group, LLC
Planning Version
District No. 9

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

ORDINANCE #13249

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS A AND B FROM ORDINANCE NO. 6007 OF PREVIOUS CASE NO. 1968-147 FROM PROPERTY LOCATED AT 801 SOUTH GREENWOOD AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

2017-145
Tennessee Temple University and
Highland Park Baptist Church
District No. 9

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

ORDINANCE #13250

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO APPROVE A ZONING STUDY FOR TENNESSEE TEMPLE UNIVERSITY AND HIGHLAND PARK BAPTIST CHURCH INSTITUTIONAL PUDS WHICH ARE GENERALLY BOUNDED BY BAILEY AVENUE, ON THE EAST BY SOUTH WILLOW STREET, AND ON THE WEST BY SOUTH HICKORY STREET, AND REZONING FROM R-4 SPECIAL ZONE AND R-T/Z RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE TO R-4 SPECIAL ZONE AND R-T/Z RESIDENTIAL TOWNHOUSE ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

Alternate Version

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

ORDINANCE #13251

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, SECTIONS 31-301 THROUGH 31-365 RELATIVE TO STORMWATER MANAGEMENT.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29248

A RESOLUTION (I) TO MAKE CERTAIN FINDINGS RELATING TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING BY M&M INDUSTRIES, INC. (“M&M”) OF AN EXPANSION OF ITS MANUFACTURING FACILITY AT 316 CORPORATE PLACE, CHATTANOOGA, TENNESSEE (THE “CORPORATE PLACE PROJECT”), (II) TO MAKE CERTAIN FINDINGS RELATING TO THE ACQUISITION, CONSTRUCTION, AND EQUIPPING BY M&M OF A MANUFACTURING FACILITY AT 1435 E. 14TH STREET, CHATTANOOGA, TENNESSEE (THE “14TH STREET PROJECT”), AND (III) TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, M&M, AND HAMILTON COUNTY, TENNESSEE WITH RESPECT TO THE PROJECT.

Mr. Bridger confirmed the M-2 zoning for Councilman Ledford. Councilman Byrd expressed his support of this PILOT due to the job creation for the community. He pointed out individuals in the Assembly who were from the community and seeking employment opportunities. The motion carried.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilman Ledford,

RESOLUTION #29249

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR ACCEPTANCE INTO THE BROWNFIELD VOLUNTARY PROGRAM FOR A 1.2 MILE SECTION OF AN ABANDONED CSX RAIL RIGHT-OF-WAY AND, IF APPROVED, TO EXECUTE THE BROWNFIELD VOLUNTARY AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AND THE PAYMENT OF FEES, AS OUTLINED IN THE AGREEMENT, FOR AN AMOUNT NOT TO EXCEED \$16,250.00.

ACTION: ADOPTED

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

RESOLUTION #29250

A RESOLUTION AUTHORIZING THE WAIVER OF FEES FOR THE COMMUNITY TREE LIGHTING AND CHILDREN'S MUSIC EVENT AT HERITAGE PARK HOSTED BY THE FRIENDS OF EAST BRAINERD ON DECEMBER 1, 2017, IN THE AMOUNT OF \$1,000.00.

ACTION: ADOPTED

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

RESOLUTION #29251

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO EXTEND AN EXISTING AGREEMENT WITH ONSITE RX, INC. TO PROVIDE ON-SITE PHARMACY SERVICES FOR CITY EMPLOYEES, RETIREES, AND DEPENDENTS COVERED UNDER THE CITY'S HEALTH PLAN AND FOR ON-THE-JOB INJURIES AT THE RATE OF \$19.35 PER EMPLOYEE, PER MONTH (PEPM), FOR THE FINAL ONE (1) YEAR RENEWAL IN A THREE (3) YEAR CONTRACT WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS, IN ADDITION TO PURCHASING PRESCRIPTIONS AND OVER-THE-COUNTER PRODUCTS THROUGH ONSITE RX, INC., AT THE COST OF APPROXIMATELY \$8 MILLION PER YEAR, AND PAYING APPLICABLE SALES TAXES AT THE APPROXIMATE RATE OF \$15,000.00 PER YEAR.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29252

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE LOAN AGREEMENT NO. SRF 2018-406, AND ALL NECESSARY DOCUMENTS, WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION PROJECTS REQUIRED BY THE CONSENT DECREE FOR THE INTERCEPTOR SEWER SYSTEM (ISS), IN THE AMOUNT OF \$17,100,000.00.

ACTION: ADOPTED

[Councilwoman Coonrod joined the meeting at this time.]

On motion of Councilwoman Berz and seconded by Councilman Oglesby,

RESOLUTION #29253

A RESOLUTION APPROVING THE CITY OF CHATTANOOGA'S DEVELOPMENT OF AN AMERICANS WITH DISABILITIES ACT TRANSITION PLAN IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT COMPLIANCE AND SELF-CERTIFICATION.

ACTION: ADOPTED

PURCHASES:

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

R160996 - Public Works \$29,985
Purchase of a Hayward Gordon Pump –
Waste Resources Division
Lowest/Best Bidder: Southern Sales Company
2937 Kraft Drive
Nashville, TN 37204

PO541346 - Public Works Estimated \$75,000 Annually
Blanket Contract Renewal for Truck/Trailer Accessories
& Trailer Maintenance – Fleet Management Division
Lowest/Best Bidder: Truck 'n Trailers USA
4591 North Access Road
Chattanooga, TN 37415

PO523974 - Public Works Estimated \$125,000 Annually
Blanket Contract Renewal for Equipment Parts and
Service – Fleet Management Division
Lowest/Best Bidder: CMI Equipment Sales, Inc.
2405 Dickerson Pike
Nashville, TN 37207

R151823 - Public Works

Total Estimated \$250,000 Annually

Two New Blanket Contracts for Vehicle Collision
Repairs & Service-Fleet Management Division
Lowest/Best Bidders:

1. Lee-Smith, Inc. 2600 8th Avenue Chattanooga, TN 37107
2. Maaco Collision Center 4005 Dodds Avenue Chattanooga, TN 37407

Councilman Henderson moved to approve, seconded by Councilman Byrd. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Special Recognition

Councilwoman Berz recognized her two grandsons, Aidan and Sean Simmonds, who were in the Assembly today. She told that Aidan had been chosen to attend a Human Rights training in Washington, D.C. She also told that Sean was a straight “A” student who would like to intern with the City of Chattanooga someday.

Councilman Henderson recognized Edward Chow, who was present tonight, for completing his continuing education at Chattanooga State.

Councilman Henderson also commended Councilman Byrd for his vote tonight on the PILOT resolution, stating that he “stood up for people who were invisible tonight.”

Woodmore Memorial

Councilwoman Coonrod informed the Council about the memorial vigil on Tally Road honoring the victims and families of the Woodmore bus tragedy that she attended this evening. She encouraged everyone to keep pushing toward their vision.

TIF Review Committee

Chairman Mitchell informed the Council that a position was open on the Tax Increment Financing Review Committee and put forth the name of Jackie Bolton to fill it. On motion of Councilman Oglesby and seconded by Councilwoman Coonrod, Jackie Bolton was appointed to the committee.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilman Henderson
(No report)

Economic and Community Development Committee

Councilman Oglesby
(No report)

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 this week's and next week's agenda.
- There was an announcement made by the Department of Public Works during the meeting. She asked Justin Holland, Public Works Administrator, to repeat the announcement to the Assembly.
 - Mr. Holland discussed the American Public Works "Equipment Rodeo" that took place recently. Six Public Works employees competed and won "Best of the Best" for the second time. He noted that one employee, Alan Lundman, would be competing in Kansas in August 2018.

Youth and Family Development Committee
Councilwoman Coonrod
(No report)

Innovation Technology Committee
Vice-Chairman Smith
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

Stormwater Ordinance

Chairman Mitchell recognized the following persons on an agenda item: the stormwater ordinance:

- **Sandy Kerns (South Chickamauga Greenway Alliance)** – She passed out a map of Friar's Branch Stream Restoration Project done to keep homes from flooding in East Brainerd. She believes the Alternate Version of the stormwater ordinance passed tonight is not the best. She read Article 8, Division 1 of city code to remind the Council of their prime directive in protecting waterways. She believes the City will be out of compliance lowering the 1.6 SOV in the alternate version of the stormwater ordinance. She ended by playing a song about fishing at the Chickamauga Creek.
- **Franklin McCallie (Reed Avenue/District 7)** – He thanked council members for allowing him to speak earlier in the day and hearing the problems that he raised. He discussed the 2014 changes to the stormwater ordinance and the citizen input at that time. He stated that there was no open, honest discussion on needs in a collaborative spirit about the 2017 proposed changes. He asked for a "mediated symposium of competing ideas"

regarding environmental concerns, use of taxpayer funds to rectify problems and concerns from homebuilders as well as residents.

Chairman Mitchell also recognized the following persons on non-agenda matters.

- **Ron Littlefield (Glendon Drive)** – He wanted to discuss rain and recommended that the Council read the magazine, *Governing*, which has an editorial called “rising water.” He asked the Council to continue the debate longer on the stormwater ordinance and offered his knowledge of the 2014 debates on this ordinance.
- **Garnet Chapin (Hill City community)** – He voiced concerns over the rezonings on Bell Avenue in District 1 and indicated that no public notice was given for the Bell Avenue rezone to Form-Based Code. He stated that the City violated its own ordinance. He also also would like to meet with the Bell Avenue property owner and RPA staff on these matters.
- **Gary Ball (Tower Construction/Ridgedale)** – He thanked Councilman Byrd and Councilwoman Coonrod for their votes tonight. He spoke on the difficulties in getting young people hired in the city. He asked RPA to examine incorporating Form-Based Code into other parts of the city. He discussed CNE properties in Highland Park and Ridgedale built to increase density. He discussed a problem with A.D.U. [accessory dwelling unit] outside of FBC. He distributed pictures of the properties in question and indicated that RT/Z might have a loophole for A.D.U.s. He questioned if he and other bidders on the CNE properties had the full scope of zoning options available.

Chairman Mitchell asked John Bridger, Executive Director of Regional Planning, to address some of the concerns brought by Mr. Ball. Mr. Bridger informed the Council that RPA is working on a fix and looking at “middle” housing and mixed residential housing. Regarding the Bell Avenue case discussed by Mr. Chapin, he offered to check with his staff on the rezoning notification that was done.

ADJOURNMENT

On motion of Councilman Oglesby, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, November 28, 2017, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL