

City Council Building Chattanooga, Tennessee COUNCIL MEETING MINUTES December 12, 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, Chip Henderson, Darrin Ledford and Erskine Oglesby. Wade Hinton, City Attorney, and Nicole Gwyn, Council Clerk, were also present. Councilman Russell Gilbert was not present this meeting.

PLEDGE OF ALLEGIANCE

Councilwoman Coonrod invited the Cub Scout Pack 3172 of St. Jude School to lead the Assembly in the Pledge of Allegiance. She also invited Dr. David Banks, Career Development Coordinator, to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Vice-Chairman Smith and seconded by Councilman Oglesby, the minutes of the last meeting (December 5, 2017) were approved as published.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

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

ORDINANCE #13257

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 22, LIBRARIES.

ACTION: PASSED ON FIRST READING

<u>2017-081</u> <u>Christopher Griggs</u> <u>Planning Version</u> <u>District No. 1</u>

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

ORDINANCE #13258

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 144 BROWNS FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

<u>2017-146</u> <u>Jeff Page</u> <u>Planning Version</u> <u>District No. 1</u>

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

ORDINANCE #13259

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 332 BROWNS FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

<u>2017-153</u> <u>Five Star Development</u> <u>Planning Version</u> <u>District No. 1</u>

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

ORDINANCE #13260

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY IN THE 100 BLOCK OF RAIDER LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

Agenda Item VI(e):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 400 BLOCK OF DOGWOOD LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

John Bridger, Executive Director of Regional Planning, briefed the Council on this rezoning request for R-3 to accommodate a bed-n-breakfast. He discussed Staff concerns about the firing range located near the south of the property. He discussed Staff concerns about the public risk with a firing range in the area, which prompted Staff's denial of the request.

Attorney Hinton read the rules of procedure for the hearing. After which, Chairman Mitchell recognized the following on behalf of the Applicant:

- Stephen Holmes (Applicant) He displayed a map of Moccasin Bend and the results from the Regional Planning Agency's case report. He discussed the benefit of moving the range and impact on the national park and Cameron Harbor Townhomes. He discussed the economic impact of the national park on the City and the safety hazard from having a range in the center of the park. He proposed moving the Chattanooga Sniper and Rifle Training facility near his property so that he could develop his 20-acre property. He also asked the City to move the range so that the park and people living downtown could live worry free without flying projectiles. He asked the City to rezone his property with the restriction that he will not build anything that will attract tourists until the range had been moved.
- Mickey Robbins (Vice-President, Friends of Moccasin Bend) He spoke about Moccasin Bend becoming a national park and the opportunity to increase tourism if that happens. He also reiterated some of the economic opportunities on Moccasin Bend.
- Kathy Boland (Chattanooga) She is a resident of Cameron Harbor Townhomes and asked the Council to consider relocating the firing range for the safety of people like herself living nearby.

Chairman Mitchell confirmed that there were no members of Opposition to this rezoning present today. Councilman Henderson asked Mr. Bridger about placing a condition on the rezoning that would restrict building until the firing range is moved. Mr. Bridger agreed to work on the language of the condition. **Councilman Henderson moved** to defer to January 9, 2018, seconded by Vice-Chairman Smith. The motion carried.

ACTION: DEFERRED UNTIL JANUARY 9, 2018

<u>2017-160</u> <u>Wanda C. Williams</u> <u>Planning Version</u> <u>District No. 1</u>

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13261

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5957 DAYTON BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

<u>2017-159</u> <u>Hagaman Construction</u> <u>Planning Version</u> <u>District No. 2</u>

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

ORDINANCE #13262

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1007 FOREST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried. After which, Mr. Bridger confirmed with the Council that the Planning Version of this item had been passed.

ACTION: PASSED ON FIRST READING

<u>2017-143</u> <u>Todd Plain</u> <u>Planning Version</u> <u>District No. 4</u>

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

ORDINANCE #13263

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1815 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford confirmed with Mr. Bridger about the conditions having been already added to the document. Mr. Bridger read the conditions in Section 2 of the ordinance:

- No drive thru restaurant,
- No liquor store,
- No adult book store,
- Keep existing entrance, and
- No mini storage.

Upon no further questions, the motion carried.

ACTION: PASSED ON FIRST READING

<u>2017-148</u> <u>Shea Properties</u> <u>Planning Version</u> <u>District No. 8</u>

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13264

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1517 AND 1519 FOUST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE.

ACTION: PASSED ON FIRST READING

<u>2017-157</u> <u>Tower Construction</u> <u>Planning Version</u> <u>District No. 8</u>

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13265

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1206 SOUTH LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2017-161 ASA Engineering Planning Version District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13266

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1212, 1220, AND 1226 EAST 13TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

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

ORDINANCE #13267

AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTIONS 2-65 THROUGH 2-66; CHAPTER 32, ARTICLE I, DEFINITIONS, SECTION 32-16; ARTICLE III, EXCAVATIONS AND RESTORATION OF PAVING, SECTIONS 32-62 THROUGH 32-68; AND ARTICLE XI, TELECOMMUNICATIONS SERVICES; FRANCHISES FOR TELECOMMUNICATIONS SERVICES, SECTIONS 32-224, AND 32-231 THROUGH 32-270.

Vice-Chairman Smith noted that this was part 2 of updates to City Code to allow for new technologies to come in place with the growth of the city and use of city right-of-ways. Councilman Ledford recognized Vice-Chairman Smith for his work on this legislation. The motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

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

RESOLUTION #29264

A RESOLUTION AMENDING RESOLUTION NO. 28566 AND AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO USE AGREEMENT WITH TENNESSEE RIVER SOCCER COMPANY D/B/A THE NORTH RIVER SOCCER ASSOCIATION FOR THE PROPERTY LOCATED AT 4500 ACCESS ROAD SOUTH OF THE NORFOLK SOUTHERN RIGHT-OF-WAY, TAX MAP NO. 119H-A-003.01, FOR ONE (1) FINAL RENEWAL OPTION FOR A THREE (3) YEAR TERM WITH A FINAL TERMINATION ON DECEMBER 31, 2020.

On motion of Councilman Oglesby and seconded by Councilman Byrd,

RESOLUTION #29265

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MANAGEMENT AGREEMENT WITH THE TRUST FOR PUBLIC LAND, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THEIR SERVICES RELATED TO THE DESIGN PROCESS OF THE ALTON PARK GREENWAY FOR A DESIGN FEE NOT TO EXCEED \$200,000.00.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Ledford,

RESOLUTION #29266

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO AWARD HOME PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE HOUSING UNITS TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, FOR A TOTAL AMOUNT NOT TO EXCEED \$80,000.00.

The motion carried, with Councilman Oglesby abstaining.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

RESOLUTION #29267

A RESOLUTION DECLARING SURPLUS OF TEN (10) INDIVIDUAL PROPERTIES, IDENTIFIED BY PROPERTY ADDRESS AND TAX PARCEL NUMBER IN THE ATTACHED, FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ADVERTISE THE PROPERTIES THROUGH THE REQUEST FOR PROPOSAL PROCESS FOR THE PURPOSE OF THE PRESERVATION AND PRODUCTION OF AFFORDABLE HOUSING.

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

RESOLUTION #29268

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO RENEW AN EXISTING AGREEMENT WITH BLUECROSS BLUESHIELD OF TENNESSEE (BLUE ADVANTAGE) TO PROVIDE THE CITY OF CHATTANOOGA MEDICARE ELIGIBLE RETIREES WITH TWO (2) MEDICARE ADVANTAGE HEALTH PLAN OPTIONS AT THE CURRENT RATES UNTIL FEBRUARY 1, 2018, AND THEREAFTER AT THE RATES OF \$300.00 PER MEMBER PER MONTH FOR THE MEDICARE BLUE ADVANTAGE HEALTH PLAN OPTION 1 AND \$372.00 PER MEMBER PER MONTH FOR THE MEDICARE ADVANTAGE HEALTH PLAN OPTION 2 WITH AN EFFECTIVE DATE OF THE POLICY BEGINNING JANUARY 1, 2018, AND ENDING ON DECEMBER 31, 2018.

Vice-Chairman Smith thanked retirees for coming out this week and last week to make their opinions known to the Council. He thanked them for allowing the Council to make things right in this matter. The motion carried.

ACTION: ADOPTED

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

RESOLUTION #29269

ADOPTING RESOLUTION THE WRITTEN REPORT OF THE Α CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY STAFF REGARDING THE REASONABLENESS OF THE SCOPE OF SERVICES TO BE PROVIDED AND THE TIMING OF SUCH SERVICES, AS REQUIRED BY T.C.A. 6-51-102(B) FOR LOOKOUT MOUNTAIN CONSERVANCY FOR CERTAIN RIGHTS-OF-WAYS OLD WAUHATCHIE PIKE, ATCHENSONS ROAD, CRAVENS ROAD, GRANDVIEW PLACE, AND TAX MAP AND PARCEL NUMBERS 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155-J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, AND 155J-A-010.

The motion carried, with Councilman Ledford abstaining.

On motion of Councilman Henderson and seconded by Councilwoman Coonrod,

RESOLUTION #29270

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR 3D ENTERPRISES CONTRACTING CORP., OF LEXINGTON, KENTUCKY, RELATIVE TO CONTRACT NO. W-14-006-201, MOCCASIN BEND WWTP SECONDARY CLARIFIER UPGRADES, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$300,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$14,527,000.00, AND TO INCLUDE A CONTINGENCY IN THE AMOUNT OF \$400,000.00, FOR A TOTAL AMOUNT OF \$14,927,000.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29271

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 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 \$1,203,045.87, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$8,840,459.20, AND TO INCLUDE A NEW CONTINGENCY IN THE AMOUNT OF \$200,000.00, FOR A TOTAL AMOUNT OF \$9,040,459.20.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29272

A RESOLUTION AUTHORIZING PAYMENT FOR THE ANNUAL CITY WORKS MAINTENANCE SUPPORT TO HAMILTON COUNTY FOR THE PERIOD OF NOVEMBER 11, 2017 THROUGH NOVEMBER 10, 2018, IN THE AMOUNT OF \$32,075.00.

ACTION: ADOPTED

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

RESOLUTION #29273

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. T-17-007-201 FOR CONSTRUCTION SERVICES ASSOCIATED WITH CAPITAL CITYWIDE RESURFACING CONTRACT, IN THE AMOUNT OF \$3,947,797.54.

Blythe Bailey, Transportation Administrator, confirmed for Councilman Henderson that the paving list distributed to the Council on December 5, 2017, had not changed. The motion carried.

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

RESOLUTION #29274

A RESOLUTION AUTHORIZING THE AMENDMENT OF AN AGREEMENT WITH TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. T-16-001-201 FOR CONSTRUCTION SERVICES ASSOCIATED WITH CITYWIDE RESURFACING ORIGINALLY ESTABLISHED UNDER RESOLUTION NO. 28693, FOR AN INCREASED AMOUNT OF \$122,304.75, FOR A FINAL REVISED CONTRACT AMOUNT OF \$2,384,000.45.

ACTION: ADOPTED

PURCHASES:

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

Welding Supplies-Fle	orks newal for Industrial Gases & eet Management Division C & C Oxygen Company 3615 Rossville Blvd. Chattanooga, TN 37407	Estimated \$60,000 Annually
PO541758 Public Works Blanket Contract Renewal for Vehicle Oils, Lubricants & Fluids-Fleet Management Division Lowest/Best Bidder: Hunter Oil Company, Inc. 2009 Highland Park Avenue Chattanooga, TN 37404		Estimated \$150,000 Annually
Sweeper & Vactor Se & Service-Fleet Mana	newal for Elgin Street ewer Cleaner OEM Parts	Estimated \$25,000 Annually
R160949 Public Works New Blanket Contract for Hydraulic Equipment Repair Services-Waste Resources Division Lowest/Best Bidder: Signal Industrial Products 1601 Cowart Street Chattanooga, TN 37408		Estimated \$200,000 Annually
R163474 Public Works Purchase of Two (2) Fairbanks Morse Rotating Assemblies and Impeller Wear Ring-Waste Resources Division Lowest/Best Bidder: Guthrie Sales and Service 7003 Chadwick Drive #300 Brentwood, TN 37027		\$30,132

and Repair Services-	Yorks newal for Sanitary Sewer Installation Waste Resources Division Talley Construction Co., Inc. 1751 McFarland Ave. Rossville, GA 30741	Estimated \$1,000,000 Annually
R160284 Public Wo New Blanket Contrac Work Clothing-City W Lowest/Best Bidder:	t for High Visibility Vide Services	Estimated \$40,000 Annually
R162643 Fire Department Purchase of One (1) Quint Fire Apparatus and Equipment Lowest/Best Bidder: Smeal Fire Apparatus Company 610 West 4th Street Snyder, NE 68664		\$1,077,753
R162447 & R163653 Youth and Family Development Purchase of Curriculum Materials for Head Start Centers Lowest/Best Bidder: Teaching Strategies, LLC 4500 East West Hwy., Suite 300 Bethesda, MD 20814		Total \$104,998.20

Councilman Henderson noted his pleasure in the CFD purchase. Fire Chief Phil Hyman confirmed for Councilman Ledford that the apparatus would go to Station 1. After which, **Councilman Henderson moved** to approve, seconded by Councilman Ledford. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Peak Academy

Councilwoman Coonrod invited everyone to hear her presentation before the Peak Academy on tomorrow, December 13, at 9:00 a.m. in the Veranda Room of City Hall.

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 not present this meeting)

Planning and Zoning Committee Councilman Ledford (No report)

Public Safety Committee Councilman Byrd (No report)

Public Works and Transportation Committee (Councilwoman Berz not present at this time)

Youth and Family Development Committee Councilwoman Coonrod (No report)

Innovation Technology Committee

Vice-Chairman Smith reported:

• The committee met today to review the item voted on tonight regarding changes to Chapter 32 (Small Cell) of City Code.

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 nonagenda items. After which, Chairman Mitchell recognized the following persons:

- Jessica Bennett (Chattanooga) She is co-founder of the organization, A Better Tomorrow, which works with at-risk youth and young adults. She informed the Council of her efforts to build a consortium of wrap-around services for young men. She intends to have further communications with councilpersons in the future.
- Richard Bennett (Chattanooga) He discussed attending a meeting in another state where churches came together to purchase land ran by drug dealers. He acknowledged a 30-year plan being put into effect that has led to positive changes in this city; however, he said that poverty still exists. He indicated that proper funding is important to sowing money in the children and our future.
- Steve Waller (Chattanooga) He had a problem with the disposing trash at the waste center at Airport Road. He was told that he could not dump waste more than 12 times in a year. He recommends a change to the rules that are based on the quantity of trash disposed rather than number of trips.

ADJOURNMENT

On motion of Councilman Henderson, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, December 19, 2017, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL