



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 26, 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

Councilman Oglesby led the Assembly in the Pledge of Allegiance and gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (September 19, 2017) were approved as published.

SPECIAL PRESENTATION

Councilman Henderson invited CFD Captain Steve Everett, Capt. Everett's wife and members of the Chattanooga Fire Department to come forward. Councilman Henderson then recognized Capt. Everett for his heroic actions during a recent house fire in Lookout Valley. Councilman Henderson read the following in recognition of Capt. Everett.

"While driving through Lookout Valley with his wife on Sunday afternoon (9/17), CFD Captain Steve Everett recognized a plume of smoke coming from a house on Judy's Lane in Lookout Valley. Though off duty at the time of the incident, he responded to see if there was any help he could offer. When he arrived, neighbors were sharing that a woman could be seen from a rear window. Captain Everett, at great risk to himself, entered the burning structure and pulled the woman to the rear patio, where other neighbors assisted him in moving her further from the home into the back yard. Fire and EMS crews then took over patient care, and she is still receiving critical care treatment in a burn center at this time.

"We are taking this opportunity to recognize the heroic actions of Captain Everett, who showed great character in service, not only as an outstanding member of the Chattanooga Fire Department, but as importantly, an outstanding neighbor in his community. Thank you for your service every day, and thank you for your willingness to put yourself in harm's way for a neighbor.

Please join me in recognizing Captain Steve Everett!"

After which, Capt. Everett expressed his appreciation for the recognition.

ORDINANCES – FINAL READING:

2017-101 Hawkins
Commercial Properties, LLC
c/o Mark Hawkins
Planning Version
District No. 4

ORDINANCE #13222

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 3401 JENKINS ROAD, 7703 AND 7721 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford informed the Council that the developer has been working on this project to increase amenities for residents with this project, including a roundabout to benefit traffic flow in East Brainerd. **Councilman Ledford moved** to amend condition #3 to change the 16' in height for signage to 20'. Vice-Chairman Smith seconded. The motion to amend carried, sending the item back to first reading. **Councilman Ledford moved** to approve as amended, seconded by Councilman Oglesby. The motion carried. Attorney Noblett confirmed for Chairman Mitchell that the item will appear on second reading next week (October 3).

ACTION: PASSED AS AMENDED ON FIRST READING

MR-2017-109
Greenlife Properties, James Welborn,
Joe Jumper, and Norman Skinner
District No. 2

On motion of Councilwoman Berz and seconded by Councilman Henderson

ORDINANCE #13223

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1300 BLOCK OF DORCHESTER ROAD, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2017-094
Samuel W. Clemons/John W. Cotton
District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13224

AN ORDINANCE CLOSING AND ABANDONING TWO (2) UNOPENED ALLEYS OFF 2501 EAST MAIN STREET, AS DETAILED ON THE ATTACHED MAP, AND SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and seconded by Councilwoman Coonrod,

ORDINANCE #13225

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 12 TO ADOPT ELECTRONIC CITATION REGULATIONS AND FEES.

ACTION: PASSED ON FIRST READING

2017-106
Henry Apartment, LLC
Planning Version
District No. 1

On motion of Councilman Henderson and seconded by Councilwoman Berz,

Agenda Item VI(b):

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 informed the Council that he is still working with the developer on some issues that should be worked out soon. Therefore, **Councilman Henderson moved** to defer one (1) week to October 3, 2017. The motion carried.

ACTION: DEFERRED ONE (1) WEEK TO OCTOBER 3, 2017

On motion of Councilman Henderson and seconded by Councilman Oglesby,

Agenda Item VI(c):

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

ACTION: DEFERRED ONE (1) WEEK TO OCTOBER 3, 2017

On motion of Councilman Henderson and seconded by Councilman Ledford,

Agenda Item VI(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 CERTAIN PROPERTIES, MORE PARTICULARLY DESCRIBED BELOW, INTO THE URBAN EDGE CONTEXT AREA.

ACTION: DEFERRED ONE (1) WEEK TO OCTOBER 3, 2017

On motion of Councilwoman Coonrod and seconded by Councilman Ledford,

ORDINANCE #13226

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTION 5-110, RELATING TO DISTILLERIES.

The motion carried, with Councilman Henderson voting “No.”

ACTION: PASSED ON FIRST READING

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.

Councilwoman Berz moved to approve the original ordinance, seconded by Vice-Chairman Smith. A discussion ensued, with Councilman Henderson explaining the Alternative Version including lots smaller than 5 acres. **Councilman Henderson moved to lay on the table** the original ordinance – version 2, seconded by Councilman Byrd. At the request of Councilwoman Berz, Attorney Noblett confirmed that *laying on table* would mean the Council would not consider the original ordinance at this time, only the Alternate Version-version #2. **The motion to lay on the table carried upon roll call vote as follows:**

Berz	NO	Ledford	NO
Byrd	YES	Oglesby	YES
Coonrod	YES	Smith	NO
Gilbert	YES	Mitchell	YES
Henderson	YES		

YES – Six (6); NO – Three (3)

At the request of Vice-Chairman Smith, Attorney Noblett confirmed that the all revisions previously discussed during the Council’s Agenda Session earlier today were now included in the versions on the agenda tonight. Attorney Noblett read the two amendments.

First Amendment Currently Included:

WHEREAS, the A-1 Urban Agricultural Zone also includes requirements that no new barn, building, or structure that serves as shelter for the livestock or fowl shall be located within twenty-five (25’) feet of any property line but existing barns shall be excluded from these 2 distance restrictions as of the effective date of the adoption of this ordinance that is zoned or used for residential purposes;

Second Amendment Currently Included:

No security fence that secures the pasture area shall be erected within twenty-five (25’) feet of any property line, excluding the shared property line(s) where the adjacent property(s) already maintain livestock.

At the request of Councilman Ledford, Attorney Noblett further confirmed that the previous amendments discussed earlier today were in both the original and the alternate version.

Councilman Henderson moved to approve Alternate Version- version #2 that will allow special exception permit for lots less than 5 acres in the A-1 Urban Agricultural Zone. He was seconded by Councilman Byrd. **The motion carried upon roll call vote as follows:**

Berz	NO	Ledford	NO
Byrd	YES	Oglesby	YES
Coonrod	YES	Smith	NO
Gilbert	YES	Mitchell	YES
Henderson	YES		

YES – Six (6); NO – Three (3)

ACTION: ALTERNATE VERSION-VERSION #2 PASSED ON FIRST READING

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

On motion of Councilman Byrd and seconded by Councilman Gilbert,

ORDINANCE #13228

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

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29187

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH DEW EDNEY, LLC FOR OFFICE SPACE IN SUITE 300 OF THE EDNEY BUILDING, 1100 MARKET STREET, FOR A TERM OF FOUR (4) YEARS, FOR THE OCCUPANCY OF APPROXIMATELY 7,790 SQUARE FEET OF SPACE BY THE DEPARTMENT OF INFORMATION TECHNOLOGY.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilwoman Coonrod,

RESOLUTION #29188

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A BERTHING AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, FOR A TERM OF FOUR (4) YEARS, WITH THE TENNESSEE AQUARIUM FOR BERTHING OF THE RIVER GORGE EXPLORER.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Oglesby,

RESOLUTION #29189

A RESOLUTION AUTHORIZING THE MAYOR TO CONFIRM THE APPOINTMENT OF WALTER WILLIAMS AS AN ADMINISTRATIVE HEARING OFFICER.

Councilman Oglesby requested to hear on the judge's vision for the position. Judge Williams spoke about his intent to ensure that the public takes care of its own private property.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29190

A RESOLUTION AUTHORIZING THE APPOINTMENT OF RANDALL GARDENHIRE, JR., AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT-LAND DEVELOPMENT OFFICE, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

Agenda Item VI(e):

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO ENTER INTO AN AGREEMENT WITH MARATHON HEALTH, INC. TO PROVIDE ONSITE MEDICAL AND WELLNESS SERVICES TO CITY EMPLOYEES, RETIREES, AND DEPENDENTS FOR A ONE (1) YEAR TERM WITH TWO (2) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS, UPON MUTUAL AGREEMENT, WHEREIN THE FIRST YEAR COST WILL BE \$2,303,248.00, WITH AN ANNUAL RENEWAL INCREASE OF THREE (3%) PERCENT.

Councilman Henderson indicated that there were still some questions about this item. Therefore, **Councilman Henderson moved** to defer one (1) week, seconded by Vice-Chairman Smith. The motion carried.

ACTION: DEFERRED ONE (1) WEEK TO OCTOBER 3, 2017

Agenda Item VII(f) originally read as follows:

A resolution authorizing the Director of Human Resources to enter into a blanket contract with OutSource Staffing, LLC and Msi Workforce for temporary employment services for a contract term of twelve (12) months with the option to renew for two (2) additional twelve (12) month periods, for an annual expenditure in the amount of \$1.8 million.

Councilman Byrd moved to strike Msi Workforce from the resolution. He was seconded by Councilwoman Coonrod. **The motion to amend carried upon roll call vote as follows:**

Berz	NO	Ledford	YES
Byrd	YES	Oglesby	YES
Coonrod	YES	Smith	YES
Gilbert	YES	Mitchell	NO
Henderson	YES		

YES – Seven (7); NO – Two (2)

Councilman Byrd moved to approve as amended, seconded by Councilwoman Coonrod. The motion carried. The amended resolution will read:

RESOLUTION #29191

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO ENTER INTO A BLANKET CONTRACT WITH OUTSOURCE STAFFING, LLC FOR TEMPORARY EMPLOYMENT SERVICES FOR A CONTRACT TERM OF TWELVE (12) MONTHS WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL TWELVE (12) MONTH PERIODS, FOR AN ANNUAL EXPENDITURE IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00).

ACTION: ADOPTED AS AMENDED

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION #29192

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF COLLEGEDALE ADJUSTING BOUNDARIES IN ACCORDANCE WITH T.C.A. § 6-51-302 FOR 2.76 ACRES SOUTH OF LEE HIGHWAY AT I-75 EXIT 11 (TAX PARCEL NO. 131-082.13) SO THAT IT WILL BE MAINTAINED AND BE INCLUDED IN THE CORPORATE BOUNDARIES OF THE CITY OF COLLEGEDALE FROM THE EFFECTIVE DATE OF THIS ATTACHED INTERLOCAL AGREEMENT FORWARD.

ACTION: ADOPTED

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

RESOLUTION #29193

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR BARGE, WAGGONER, SUMNER, AND CANNON, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-09-013-102, COLLEGEDALE SEWER BASIN PUMP STATION IMPROVEMENTS, FOR A DECREASED AMOUNT OF \$536,217.04, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$430,882.96.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilwoman Coonrod,

RESOLUTION #29194

A RESOLUTION APPROVING THE DONATION OF WOOD FROM THE URBAN FORESTRY DIVISION TO A NON-PROFIT CENTER FOR THE USE OF TEACHING STUDENTS THE FINE ART OF WOOD CARVING.

ACTION: ADOPTED

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

RESOLUTION #29195

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH HILLOCKS FARM LAND COMPANY, LLC FOR HILLOCKS FARM STREET LIGHTING, PROJECT NO. T-17-002-805, LOCATED AT 6300 HIGHWAY 153 AND TO ACCEPT A CONTRIBUTION OF \$59,528.56 TOWARDS THE COST OF INSTALLATION OF SEVENTEEN (17) STREET LIGHT POLES AND LUMINAIRES.

ACTION: ADOPTED

PURCHASES:

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

PO535197 - Purchasing Estimated \$150,000 Annually
Blanket Contract Renewal for Newspaper & Online Advertising-City Wide
Lowest/Best Bidder: Chattanooga Times Free Press
400 East 11th Street
Chattanooga, TN 37403

PO544600 - Public Works New Total Estimated \$125,000 Annually
Increase of Authorized Expenditure on Blanket Contract for Reflective Work Clothing
Lowest/Best Bidder: Reflective Apparel Factory
1649 Sands Place Ste J
Marietta, GA 30067

PO545138 - Finance & Administration New Total Estimated \$48,500
Increase of Authorized Expenditure for Short Term Sewer Bill Printing
Lowest/Best Bidder: Diversified Companies LLC
3721 Powers Court
Chattanooga, TN 37416

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

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Addition to Next Week’s Agenda

Councilman Ledford moved to direct the City Attorney to add Case No. 2017-102 to next week’s (October 3) agenda. He was seconded by Vice-Chairman Smith. The motion carried.

Lincoln Park Update Requested

Councilman Byrd asked Maura Sullivan, Chief Operating Officer, for an update on the Lincoln Park land swap previously discussed in open meeting.

Avondale Center Update Requested

Councilman Byrd asked Ms. Sullivan about the groundbreaking for the new Avondale YFD Center. Ms. Sullivan informed the Assembly that the timeline for the new center and a preview of the design will be discussed with the community on this Thursday, September 28, at 6:00 p.m. at the current center.

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

- The committee will meet next week following the 2:00 p.m. Agenda Session.

Public Safety Committee

Councilman Byrd

(No report)

Public Works and Transportation Committee

Councilwoman Berz reported:

- The committee met today in open meeting to discuss items on this week's and next week's agenda.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

Innovation Technology Committee

Vice-Chairman Smith

(No report)

Next Week's Agenda Session:

Chairman Mitchell informed the Assembly that the Council's Agenda Session would begin at 2:00 p.m. next week. He also announced that the Council meeting starting next week at 4:00 p.m.

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

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

- **Jared Story (Derby Circle)** – He came on behalf of United Campus Workers and workers at the UTC about a state bill that will outsource maintenance jobs. He thanked Councilwoman Coonrod and Councilman Byrd for committing to a conversation with UTC Chancellor Angle about the impact of the legislation. He informed the Council that schools

will be able to opt out of the contract. He also asked the Council to sponsoring a letter to the Governor against outsourcing these jobs.

- **Mike McCamish (Chattanooga)** – He is a faculty member of Chattanooga State who wanted to voice concerns regarding the outsourcing of maintenance jobs. He signed a petition against the outsourcing, which, he said, could affect 150-200 workers on the campus of UTC and Chattanooga State. He discussed the impact of the outsourcing on maintenance and janitorial staff at local colleges and local vendors.

ADJOURNMENT

On motion of Councilman Oglesby, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, October 3, 2017, at 4:00 p.m.

CHAIRMAN

CLERK OF COUNCIL