



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 18, 2018
6:00 PM

CALL TO ORDER

Council Chairman Ken Smith called the meeting to order with Vice-Chairman Erskine Oglesby and Councilpersons Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Phil Noblett, City Attorney, and Keren Campbell, Council Support Specialist, were also present. Councilwoman Carol Berz was not present.

PLEDGE OF ALLEGIANCE

Councilman Ledford introduced the Cub Scout 3037 who led the Assembly in the Pledge of Allegiance. Councilman Henderson read Psalm 73:26 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 11, 2018) were approved as published.

ORDINANCES – FINAL READING:

2018-150
John Wise
Planning Version
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Henderson,

ORDINANCE #13367

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 309 TREMONT STREET AND 330 TUCKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO E-RA-2 ZONE FOR 330 TUCKER STREET AND FROM R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO E-RM-3 ZONE FOR 309 TREMONT STREET, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-152
Jay E. Floyd, PE
Planning Version
District No. 3

On motion of Councilman Henderson and seconded by Councilman Mitchell,

ORDINANCE #13368

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 5731 AND 5739 GRUBB ROAD, 5959, 5967, 5971, AND PARTS OF 5931 AND 5953 WINDING LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2018-155
MAP Engineers, LLC
Planning Version
District No. 4

Agenda Item V(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2216, 2228, 2242, AND 2252 MURRAY LANE AND PART OF 7608 SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford moved the original ordinance, seconded by Vice-Chairman Oglesby. The motion carried. **Councilman Ledford moved** to amend by sticking condition #5 and adding further conditions that he read to the Council. The motion carried. **Councilman Ledford moved** to approve as amended, seconded by Councilman Gilbert. The motion carried with Councilman Henderson and Councilman Mitchell voting no.

ACTION: PASSED ON FIRST READING AS AMENDED

2018-156
Charles Adamson and Adamson Developers, LLC
Planning Version
District No. 4

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

ORDINANCE #13370

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 4900 BLOCK OF PATTENTOWN ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

Alternate Version

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13366

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONE REGULATIONS, DIVISION 16, C-4 PLANNED COMMERCE CENTER ZONE, BY DELETING SECTION 38-252, MAXIMUM HEIGHT STRUCTURE, IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF, AND BY ADDING A NEW SECTION 38-253, MAXIMUM BUILDING HEIGHT DEVIATION.

ACTION: APPROVED

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

ORDINANCE #13369
(renumbered)

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 6, ARTICLES IV AND V, COIN-OPERATED DEVICES AND FAMILY AMUSEMENT CENTERS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

MR-2018-153
Lookout Mountain Conservancy
c/o Robyn Carlton
District No. 7

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

ORDINANCE #13371

AN ORDINANCE CLOSING AND ABANDONING THE 3600 AND 3700 BLOCKS OF ATCHENSON’S ROAD, 3700 BLOCK OF CRAVENS ROAD, AND AN UNOPENED ALLEY IN THE 3600 BLOCK OF ATCHENSON’S ROAD TO ALLOW FOR CONTINUED DEVELOPMENT OF A PUBLIC PARK, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

MR-2018-151
Ken Garner Enterprises
Kenneth B. Garner, Trustee
District No. 8

Agenda Item: VI (b)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1200 BLOCK OF EAST 28TH STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd moved to defer two (2) weeks to October 2, 2018. He was seconded by Councilman Ledford. The motion carried.

ACTION: DEFERRED UNTIL OCTOBER 2, 2018

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29622

A RESOLUTION RENAMING THE CHATTANOOGA CITY COUNCIL BUILDING LOCATED AT 1000 LINDSAY STREET AND TO BE KNOWN AS THE “JOHN P. FRANKLIN, SR. CITY COUNCIL BUILDING”.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29623

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO HAMILTON COUNTY FOR THE CONVEYANCE OF THE CITY'S INTEREST IN PROPERTY LOCATED AT 7123 DISCOVERY DRIVE, TAX MAP NO. 130-001.37 IN ENTERPRISE SOUTH INDUSTRIAL PARK, FOR THE SITE OF A HAMILTON COUNTY EMERGENCY MANAGEMENT SERVICES CENTER.

ACTION: ADOPTED

Agenda Item: VII (c)

A RESOLUTION AUTHORIZING THE ACTIVATION OF THE OPEN SPACES PARKS ANIMATION AND COMMUNITY ENHANCEMENT PROGRAM ("PACE") FOR MILLER PARK ONLY FOR THE COST OF PARK RENTALS FOR ORGANIZATIONS THAT MEET THE CRITERIA SET FORTH BY OPEN SPACES, FOR AN AMOUNT NOT TO EXCEED \$50,000.00.

Councilman Ledford moved to defer one (1) month to October 16, 2018. He was seconded by Vice-Chairman Oglesby. The motion carried.

ACTION: DEFERRED UNTIL OCTOBER 16, 2018

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #29624

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND AGREEMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH FRIENDS OF THE ZOO, INC., WITH ANNUAL RENT OF ONE DOLLAR (\$1.00), FOR AN ADDITIONAL TERM OF THREE (3) YEARS, WITH NO REMAINING OPTIONS TO RENEW.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Henderson,

RESOLUTION #29625

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO RENEW A BLANKET CONTRACT NO. 545655 WITH P&D CONSTRUCTION AND TOWER CONSTRUCTION DEMOLITION CONTRACTORS FOR DEMOLITION SERVICES FROM SEPTEMBER 25, 2018 THROUGH SEPTEMBER 25, 2019, FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED EIGHTY THOUSAND DOLLARS (\$580,000.00).

Councilman Byrd moved to approve, seconded by Councilman Henderson. The motion carried. **Councilman Byrd moved** to amend. He was seconded by Councilman Gilbert. The motion to amend carried. **Councilman Byrd moved** to approve as amended. He was seconded by Councilman Ledford. The motion carried.

ACTION: ADOPTED AS AMENDED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #29626

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 5012 HIGHWAY 58, SUITE 108.

The motion carried, with Councilman Henderson abstaining.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29627

A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT TO APPLY FOR AND ACCEPT THE DEPARTMENT OF JUSTICE OVC FISCAL YEAR 2018 LAW ENFORCEMENT BASED DIRECT VICTIM SERVICES GRANT TO ALLOW THE POLICE DEPARTMENT TO HIRE TWO CRISIS RESPONSE ADVOCATES THAT WILL PROVIDE AN IN-THE-FIELD RESPONSE WITH THE OFFICERS FROM THE DEPARTMENT'S NEIGHBORHOOD POLICING BUREAU FOR THREE (3) YEARS, FOR A TOTAL AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00).

ACTION: ADOPTED

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

RESOLUTION #29628

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR INSITUFORM TECHNOLOGIES, LLC OF LAVERGE, TN, RELATIVE TO CONTRACT NO. W-12-024-201, SEWER REHABILITATION FOR CHATTANOOGA CREEK 4 SUB-BASIN, A CONSENT DECREE PROJECT, FOR A DECREASED AMOUNT OF ONE HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED SIXTY-NINE AND 66/100 DOLLARS (\$148,769.66), TO RELEASE THE CONTINGENCY AMOUNT OF ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION NINE HUNDRED FOUR THOUSAND EIGHT HUNDRED THIRTY AND 64/100 DOLLARS (\$1,904,830.64).

ACTION: ADOPTED

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

RESOLUTION #29629

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH GEOSYNTEC CONSULTANTS RELATIVE TO CONTRACT NO. T-18-001-801 FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE GEOTECHNICAL PEER REVIEW OF CALCULATIONS AND ASSOCIATED DESIGN DOCUMENTS OF THE UPPER RIVER GORGE DRIVE EXTENSION ON AETNA MOUNTAIN, FOR AN AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND SEVEN HUNDRED FIFTY-FOUR DOLLARS (\$39,754.00).

ACTION: ADOPTED

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

RESOLUTION #29630

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PARTNERSHIP AGREEMENT WITH NOON DEVELOPMENT, LLC, PROJECT NO. T-18-001-817, FOR THE MEDICAL OFFICE BUILDING LOCATED AT 901 RIVERFRONT PARKWAY AND TO ACCEPT A CONTRIBUTION TOWARDS THE COST OF SIX (6) PEDESTRIAN LIGHT POLES, LUMINAIRES, CONDUITS, AND INSTALLATION, IN THE AMOUNT OF FIFTEEN THOUSAND ONE HUNDRED SEVENTY-EIGHT AND 38/100 DOLLARS (\$15,178.38).

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29631

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A BLANKET CONTRACT WITH WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION SERVICES ASSOCIATED WITH CITYWIDE RESURFACING CONTRACT NO. T-18-006-201, FOR ONE (1) YEAR WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS, FOR AN AMOUNT NOT TO EXCEED THREE MILLION THREE HUNDRED NINETY-THREE THOUSAND THREE HUNDRED EIGHTY-THREE AND 30/100 DOLLARS (\$3,393,383.30).

The motion carried, with Councilman Mitchell abstaining.

ACTION: ADOPTED

PURCHASES:

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

PO545678 - Public Works Department

Estimated \$530,000.00 Annually

Blanket Contract Renewals for Security Guard Services, City Wide Services, Public Works Department
Lowest/Best Bidders: SEI, INC
9711 Lee Hwy, Suite, 108
Chattanooga, TN 37421

R175200 - Chattanooga Fire Department

Estimated \$41,928.00

Purchase of Battery Packs,
Chattanooga Fire Department
Lowest/Best Bidder: Safe Industries
1628 Constellation Ct.
Murfreesboro, TN 37129

R175199 - Chattanooga Fire Department

Estimated \$103,500.00 Annually

Blanket Contract for Firefighters' Helmets
Chattanooga Fire Department
Lowest/Best Bidder: Safe Industries
1628 Constellation Ct.
Murfreesboro, TN 37129

R174146 - Public Works Department

Estimated \$1,000,000.00 Annually

New Blanket Contract for Special Line &
Tank Cleaning Services,
Water Resource Division, Public Works Department
Lowest/Best Bidders:
1. Universal Service, Inc 506 Gibson Pond Road, Chattanooga, TN 37421
2. Performance Contracting, Inc, 1430 Weisgarber Road, Knoxville, TN 37909

R170394 - Chattanooga Fire Department

Estimated \$978,000.00 Annually

New Blanket Contract for Firefighters'
Protective, Clothing, Chattanooga Fire Department
Lowest/Best Bidder: North American Fire Equipment, Inc
1515 West Mouton Street
Decatur, AL 35601

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

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Event

Councilwoman Coonrod invited everyone to the Laps for Lupus 5k Run/Walk on September 22, 2018, at Blue Goose Hollow Trailhead.

Transfer of Ownership – Liquor Store

Attorney Noblett informed the Council of a transfer of ownership for the following liquor store: Shree Hari Krupa 1, Inc. d/b/a Easy Liquor & Wine – Certificate of Compliance (District 5), 5012 Highway 58, Suite 108. The certificate was signed in this open meeting by five councilpersons.

Officer Logan

Attorney Noblett gave an update, per Councilwoman Coonrod's request, of Officer Logan, who is the officer that is being investigated for the charge of rape. He is not back at work and a criminal investigation is still ongoing.

COMMITTEE REPORTS:

Budget and Finance Committee

(No report)

Councilwoman Berz not present

Economic and Community Development Committee

Councilman Byrd reported:

- The committee met today and heard a presentation on the Ridgeway Apartment PILOT.

Human Resources Committee (HR)

Councilman Gilbert

(No report)

- Council meeting will be held at 4pm on October 2, 2018 for National Night.

Planning and Zoning Committee

Councilman Ledford reported:

- The committee will meet again in two weeks (October 2) after the 3:00 p.m. Agenda Session.

Public Safety Committee

Councilman Henderson

(No report)

Public Works and Transportation Committee

Councilman Mitchell reported:

- The committee met today and will meet next week (September 25) after the 3:00 p.m. Agenda Session with the topic of Scooters. The committee will meet again the following week (October 2) after the 3:00 p.m. Agenda Session.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

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 Smith recognized the following persons:

- **Avery Gray** – She is the mother of the 14-year-old female who had an interaction with a Chattanooga police officer while behind the wheel of a running vehicle. She expressed her concerns as a mother and spoke to the effect this incident has had on her child. She stated that she was under the impression that Tennessee Law did not allow for police officers to get involved in incidents of evictions/repossessions and she just wanted to know why this situation had to be dealt with in the matter it had.

Councilwoman Coonrod expressed that she sympathized and empathized with Ms. Gray. She asked the City attorney if officers could be involved in these types of situations, to which Mr. Noblett addressed the detail of Tennessee Law. Councilwoman Coonrod asked Chief Tucker if there was a video (body camera) that he could be provided to the Council. Chief Tucker did state there was an ongoing investigation and he could make no further comments regarding the events.

Councilwoman Coonrod stated that she would like to connect Ms. Gray with the Economic & Community Administrator to see what other resources could be available to her and her daughter.

Councilman Byrd expressed empathy for this situation. He asked Ms. Gray to articulate what she wants to come out of this and what justice looks like for her. He asked if Ms. Gray had hired legal counsel and involved internal affairs in the matter. He did state that we all would like for justice to be served.

- **Marie Mott** (Oak Grove Neighborhood) – Came to the lecture after being told she was not able to speak within a 30 day period as she had done twice already. She stated that she should be allowed to speak and expressed that her first amendment right was being infringed upon and that City Council rules were not above the Constitution. Chairman Smith expressed what the rules were and that he had to uphold them. He then entertained a motion from the Council.

ADJOURNMENT

On motion of Councilman Henderson, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, September 25, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL