



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 25, 2018
6:00 PM

CALL TO ORDER

Council Chairman Ken Smith called the meeting to order with Vice-Chairman Erskine Oglesby and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Councilman Mitchell led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (September 18, 2018) were approved as published.

ORDINANCES – FINAL READING:

2018-155
MAP Engineers, LLC
Planning Version #3
District No. 4

On motion of Councilman Oglesby and seconded by Councilman Ledford,

ORDINANCE #13372

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.

ACTION: APPROVED

MR-2018-153
Lookout Mountain Conservancy % Robyn Carlton
Planning Version
District No. 7

On motion of Councilman Oglesby and seconded by Councilman Byrd,

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: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and seconded by Councilman Byrd,

ORDINANCE #13374

AN ORDINANCE TO AMEND ORDINANCE NO. 13334, KNOWN AS "THE FISCAL YEAR" 2018-2019 BUDGET ORDINANCE," SO AS TO APPROPRIATE \$300,000.00 FROM THE DEPARTMENT OF GENERAL GOVERNMENT TO THE UNITED WAY OF GREATER CHATTANOOGA.

ACTION: PASSED ON FIRST READING

2018-159
UCI, LLC c/o Kurtis Morris
Alternate Version #2
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13373

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1005 BEASON DRIVE, FROM R-2 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

John Bridger, Executive Director of Regional Planning, read the conditions added to this ordinance:

- 1) *Limit the total number of units allowed on the site to twelve (12) townhouses; and*

- 2) *There shall be no development, with the exception of removals and restoration for the purposes of installing a retaining wall indicated on the attached site plan, north of a line described as connecting two (2) points "A" and "B". Point "A" to be located along the north western property line, one hundred seventy-five (175') feet south of its northern most point. Point "B" to be located along the eastern (Beason Drive) property line, fifty (50') feet south of its northern most point.*

Mr. Bridger confirmed that the map had been included. Upon no further questions, the motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29632

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FROST STADIUM LICENSE AGREEMENT WITH THE UNIVERSITY OF TENNESSEE ON BEHALF OF THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA, IN SUBSTANTIALLY THE FORM ATTACHED, TO USE THE OUTDOOR SOFTBALL COMPLEX KNOWN AS FROST STADIUM LOCATED AT 1100 MCCALLIE AVENUE, ON A PORTION OF TAX MAP NUMBER 146G-A-001, FOR A TERM OF TWENTY (20) YEARS, COMMENCING ON MARCH 1, 2018 WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL TERM OF TWENTY (20) YEARS, FOR A LICENSE FEE OF \$1.00 PER YEAR.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Henderson,

RESOLUTION #29633

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH FAYE RALSTON TO PERFORM DUTIES AS PROGRAM MANAGER, LEAD HAZARD GRANTS, IN THE AMOUNT OF \$72,603.33, FOR THE SECOND YEAR OF A THREE (3) YEAR CONTRACT WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR PERIOD, FOR A TOTAL AMOUNT OF \$217,810.00.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilman Byrd,

RESOLUTION #29634

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE RIDGEWAY APARTMENTS REDEVELOPMENT, TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES.

Councilman Henderson informed the Council that one line in the agreement had been added already to the ordinance they were currently on that read: *"...the Project will be constructed in substantial compliance with the project description set forth in the PILOT Application that the Company submitted to the City as determined by the Land Development Office of the City and in consultation with the County."*

Councilwoman Coonrod asked Donna Williams, Administrator for the Department of Economic and Community Development, about the PILOT process and what this PILOT will be used for. Ms. Williams explained the required investment in a PILOT project, the current rate and school portion from that rate, the minimum investment by the developer and percentage of the rental rate and average median income. She responded to questions from Councilwoman Coonrod on how the City and County both have their approvals for a PILOT, what happens when a PILOT is not fulfilled and the annual compliance portion. She also responded to Councilman Byrd's question about what happens if this property is sold. Upon no further questions, the motion carried.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilman Byrd,

RESOLUTION #29635

A RESOLUTION AUTHORIZING THE CITY TREASURER TO RENEW BLANKET PURCHASE ORDER NO. 532669 FOR MERCHANT CARD SERVICES WITH FIS/LINK2GOV FOR AN ADDITIONAL NINE (9) MONTHS, THROUGH JUNE 30, 2019.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

RESOLUTION #29636

A RESOLUTION AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO RENEW THE BLANKET CONTRACT PURCHASE ORDER NO. 545788 FOR TEMPORARY EMPLOYMENT SERVICES WITH OUTSOURCE STAFFING, LLC FOR TWELVE (12) MONTHS, FOR AN ESTIMATED ANNUAL EXPENDITURE OF \$700,000.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #29637

A RESOLUTION AUTHORIZING THE APPOINTMENT OF TIMOTHY GOSS, AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Oglesby and seconded by Councilman Byrd,

RESOLUTION #29638

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A BLANKET CONTRACT WITH YERBEY CONCRETE CONSTRUCTION, INC. FOR CONSTRUCTION SERVICES ASSOCIATED WITH CITYWIDE RIGHT-OF-WAY CONCRETE CONTRACT NO. T-18-008-201, FOR ONE (1) YEAR WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS, FOR AN AMOUNT NOT TO EXCEED \$1,056,089.00.

ACTION: ADOPTED

PURCHASES:

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

R176656 PO549758 PO550974 - Public Works Department Revised Total \$38,059.87
Payment of Invoices for Mailing of Recycling Information,
City Wide Services, Public Works Department
Lowest/Best Bidder: Diversified Companies, LLC
3721 Powers Court
Chattanooga, TN 27416

R171674 - Public Works Department Estimated \$30,000.00 Annually
New Blanket Contract for Custodial Services for
Miller Park Complex, Parks Division, Public Works Department
Lowest/Best Bidder: Jani-King of Chattanooga
7610 Hamilton Park Drive, Ste 3 & 4
Chattanooga, TN 37421

R175211 - Chattanooga Fire Department Estimated \$42,906.92 Annually
Purchase of Fire Hoses, Chattanooga Fire Department
Lowest/Best Bidder: Grand Industrial Supply Co., Inc
120 E. Market Street
Indianapolis, IN 46204

R173471 - Chattanooga Fire Department

Estimated \$118,000.00 Annually

New Blanket Contract for Station Uniforms,
Chattanooga Fire Department
Lowest/Best Bidder: Summit Uniform Solutions
3411 Amnicola Highway
Chattanooga, TN 37406

Regarding R171674 (Public Works), Councilman Ledford asked Justin Holland, Public Works Administrator, to explain why outsourcing these custodial services is more feasible. After which, **Councilman Henderson moved** to approve, seconded by Councilman Henderson. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Rescheduled Council Meeting

Councilman Gilbert reminded the Assembly that the Council meeting next Tuesday (October 2) would start at 4:00 p.m. instead of 6:00 p.m. due to Council members participating in National Night Out events in their districts.

District 5 Event

Councilman Gilbert spoke recently at an event with Brainerd High School students, where the students discussed voting. He challenged everyone to vote. He noted that it only takes 10 minutes of your time to vote. He emphasized that everyone's vote counts.

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee
Councilman Byrd
(No report)

Human Resources Committee (HR)
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford reported:
• The committee will meet next week (Oct. 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 will meet next week 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:

- **Christopher Dahl** (Chattanooga) - Mr. Dahl wanted to address the PILOT for Jaycee Tower. He reminded everyone that the PILOT had been agreed by the City and County. He informed the Council that the company received the PILOT to perform renovations at the tower, but once they did, the company began putting residents out rather than make requested repairs. From what he was told, people's furniture got thrown out the window due, in part, to bed bug issues and some of it got stolen in the process. He indicated that debris was thrown from very high windows. It was reported that nothing was done about it. He indicated that many people were Furniture stolen in lobby, but the company sent someone door-to-door to talk to the elderly people living there. He also informed the Council about maintenance issues at the building. When he asked questions of the manager, he was told by the property manager that the mayor had authorized bringing homeless people to the tower so that they would not be seen by tourists downtown. He indicated that people are moved from one unit to the next to avoid making repair. After some clarifying questions from Councilwoman Coonrod about the name of the facility, Mr. Dahl informed the Council about seniors coming to the Council meeting next week to speak about issues at this building. He indicated that the PILOT deals happen, the public is not aware. He indicated that PILOT deals are being done with companies that overseas. He said the Health, Educational and Housing Facility Board (HEB) makes leasing agreements with private companies that the public is never told about. He believes the public should know about the lease agreements by this entity.
 - Councilwoman Coonrod asked Ms. Williams of ECD to discuss the leasing process. Ms. Williams explained that a public housing authority issued the Jaycee Tower PILOT. This Council body was not required to issue the PILOT. The public housing authority partnered with a private developer. State statute requires transfer of ownership to the HEB. They meet once a month with an agenda that is public. The public often comes. It is publically advertised.
 - Regarding Ms. Dahl's concerns about homeless people at the Jaycee Tower, Ms. Williams believes it is unlikely that homeless people are living rent-free in the building. Residents pay up to 30-percent of their income. If they're accepting homeless people, that would not be consistent with the funding mechanisms in place.
 - Mr. Dahl indicated that people in the tower are having trouble getting to the doctor and says that some of them have mental challenges. He said that one 80-year-old resident is having trouble getting to doctor's appointments and will come down to the Council meeting next week to address these issues.

- **Isaiah Moore** (Chattanooga) – He asked the Council rhetorical question: where are your hearts? He believes that the police are not being held accountable for their wrong actions. He asked the Council to consider if it had been their daughter pulled from a car. He reminded the Council that they are supposed to be for the people. He argued that more should be done within inner-city communities. Although he sees more police in the community, he does not believe the VRI [Violence Reduction Initiative] has helped, especially for black families. He informed the Council of a man being called the “N” word for speaking up. He feels that the Council is giving power to the police, keep burning a blind eye to the police and not holding them accountable. He believes that saying that there are two sides to a story. He believes that if he assaulted a woman, he would be sent to jail with no investigation. With all the money being passed by the Council, he asked: Where are your hearts?
 - Councilwoman Coonrod made comments about a black person she knew who was murdered recently by another black person. She argued that a conversation should be held within the community about preventing black-on-black crime. She discussed issues among some people in the community. Mr. Moore attempted to address those points made by the councilwoman and questioned what she had done to help the community that helped elect her to office. When the conversation between Councilwoman Coonrod and Mr. Moore became disruptive, Chairman Smith asked Councilwoman Coonrod to yield the floor. After which, Chairman Smith opened the floor for the next person wishing to address the Council.
- **Marie Mott** (Chattanooga) – Ms. Mott read a quote from Harriet Tubman and informed the Council that she would not stop regardless of not being allowed to speak in this venue. Her ancestors kept going, that’s why she must. She takes her own time and money to work for the community. She brought Mr. Moore today to speak. She takes her own energy, time and money to work for her community. She’s a product of chattel slavery. She sees why Chattanooga is listed as the 7th worst-run municipality. She stated she relishes in insurrection when it is in the best interest of her people. She knows that her persistence rubs people in the wrong way, that people have made inquiries about her and that people have tried contacting her under false pretenses. She expressed being undercut her at every turn, yet she keeps going and encourages youth to keep going. She believes that her people may have been removed from the dogs and chains of slavery, but they haven’t been removed from the struggles of America. A Council member told youth to buy a home, but the Council has allowed the city to be gentrified so that youth cannot afford a home. Her grandfather worked at U.S. Pipe for over 52 years, but her family has trouble holding on to their house because housing is skyrocketing. She discussed the realities of “two Chattanoogas.” She believes the Council is living in an illusion and does not know what is happening in the community, even though the people have been talking about police actions for the past three months. She questioned why the Mayor is not sitting on the dais with the Council in these meetings. She discussed Council people involving the name of God, but not showing love through their legislation actions. She gained knowledge of PILOTs and TIFs from Helen Burns Sharp, a fellow citizen, than she did from the Council. She informed the Council that when the tide of change comes, they will be swept away.
- **Mahmood Abdullah** (District 7) – Mr. Abdullah expressed his support for Ms. Mott. He told the Council that the games must stop. He took exception to councilpersons telling people to “pull themselves up by their boot straps” when some people, he noted, do not have boots in the first place. He noted how people are being accused by those who are doing far worse actions. He noted that God will judge the actions of the Council. He feels that some councilpersons should be ashamed of themselves.

- **Gary Ball** (Chattanooga) – He is representing his company, Tower Construction, and the Ridgedale Community Association. He believes it is a privilege to come down and speak, and that all citizens have the right to speak to what the government is and is not doing. He came today because he wanted to follow-up on the letter from July 27 that he presented to the Council regarding the City Attorney’s opinion on a state law and two months have passed with no further discussion. He will go to the County Commission on Thursday to say the same to them. His only option is to send it to the State Attorney’s Office to see if they want to tell anybody other than the current decision-maker as to what is allowed. He is also involved with a surplus property program for affordable housing under ECD. He learned that the gentleman running the surplus property program is also an attorney. He questioned whether the man running the program is wearing the hat of an attorney or is representing the interests of the community. This man seems to be driving the issues with liens and surplus properties. If the City forces them to pay for the surplus property, then demand that it be used for affordable housing, then he and his son will not pursue the surplus property. CNE is operating as a developer. He found out that his company has six developments in Ridgedale and CNE has six in Ridgedale. After finding that out, he learned that CDOT told CNE they could do something other than what the ordinance says regarding street cuts. Lastly, he is working with a Hispanic gentleman who got into a situation building a tree house without a permit and had some problems with codes. This individual is waiting for a decision on why CNE can do a detached, two-story structure and tie it together with a breezeway, but this gentleman has been told by the city to tear down his tree structure. He is willing to help the man build the tree house to city standard, so he asked the city to offer the same compassion for this Hispanic man as for the man building for CNE.
 - Councilman Byrd asked Ms. Williams of ECD to give clarity. She asked Mr. Ball to come to her office any time to ask questions about these matters. Jonathan Butler, the current Manager of Neighborhood Services and Development for the City. He is a licensed attorney in good standing, authorized to practice law in Virginia and Georgia. She indicated that he does not handle affordable housing. She informed the Council that the public housing authority makes lease agreements with private companies. She indicated that the State constitution does not allow for the forgiveness of back taxes. Once property is surplus, whoever buys it pays the taxes. There are circumstances when the city will consider removing a lien on a property, but taxes cannot be forgiven. Mr. Ball’s company has done a good job with those properties. Someone does not have to be eligible for federal money through the back-tax sale. The buyer can do as they wish with the property. She again asked Mr. Ball or anyone else doing business with the city to come to her office with their questions. In Highland Park, she informed the Council that the Land Development Office did put a stop-work order against a developer who trying to build an unauthorized accessory dwelling unit. The developer complied and stopped the work as ordered. She could not, however, speak to the incident with the man building a tree without a permit.
 - Mr. Ball indicated that there are city back taxes and county property sale. His letter was explicit in that the county property sale is not a back tax sale. Chairman Smith asked Mr. Ball to continue with his questions with Ms. Williams after tonight’s meeting.
- **Ron Ray** (Lookout Valley) – He prepared remarks a few weeks ago, but was unable to make them at that time. He gives credit where credit is due. He expressed his gratitude to the council members, who have conducted themselves in a professional manner. He has served as a citizen watchdog over city government and elected leaders. He indicated that he is not naive to believe in utopia though. He is honored to call Chattanooga home. The

council has placed itself above reproach. He asked the council to create oversight over road enterprises as an open and transparent way to scale back undue criticism. He applauded the professionalism of the council and attested to several council members and assured that their first concern is accountability. He commended his own Council representative, Councilman Henderson, for always reaching out to both sides of an issue in their community. He is sure that the people are his employer. He noted the fairness of Councilman Ledford and being above reproach. He commended Councilman Byrd and Councilwoman Coonrod as handling themselves in a respectful way and watching out for the citizens that they serve. He believes the Council should remain humble in listening to citizen concerns. He believes both sides need to work together, but the public side should also offer solutions to help the Council.

- **David Tullis** (Chattanooga) – He informed the Council about Noah Macklemore III, owner of a shoe store on Highway 58, who was standing in front of his business one day. Mr. Tullis indicated that Mr. Macklemore had three things against him as he stood that day: (1) he was dragging on a cigarette, (2) he wore a white “wife beater” tank top, and (3) he was a dark-skinned African American man. He indicated that a police officer came to Mr. Macklemore with a gun drawn to interrogate him. He questioned why the officer would call for back-up—three police cars, one with sirens blaring—if she only needed to ask him some questions. He described the process by which Mr. Macklemore was questioned and pat-down by the one officer while other officers stand around. He indicated that Mr. Macklemore is now having a hard time doing his business. When he tried to interview Mr. Macklemore for his online news outlet, Mr. Macklemore broke down crying. He indicated that Mr. Macklemore is a victim of the routine and that the interrogation is unremarkable unless you watch the actual video on Facebook. He believes social media is a remedy for seeing what’s really going on in the community. Mr. Tullis believes that what happens on the city level matters more than in Nashville or Washington. He spoke to an executive at the Chamber recently to show how such negative police interactions affect the entrepreneurial spirit of business men. He believes that minorities are built in to be afraid. He encouraged people to go to his news outlet, nooganomics.com, to see the 8-minute video that Mr. Macklemore shot of his interrogation. He believes the officer should have asked questions without having to make demands or exercise authority. The officer could have negotiated to get the facts she needed without coming with her gun drawn and patting him down. The officer demanded that Mr. Macklemore come to her car and give him her social security number, even though Mr. Macklemore told the officer that he had his business license in the store. Mr. Tullis emphasized the need for de-escalation by the police.
- **Kevin Scarborough** (Hickory Valley Rd./District 6) – this is his first city council meeting. He read about CPD’s presentation last week about violent crimes, broken down into districts. He lives in 37421 and was surprised, like Councilman Ledford, to see 37421 as the second most violent zip code in Chattanooga. During clarifying questions from Councilwoman Berz, Mr. Scarborough described hearing shots fired around midnight last night. Not used to hearing in his neighborhood. A call was placed to 911 at 11:49 p.m. last night. He called CPD this morning and found that a unit did respond and made contact with an individual.
 - Councilwoman Berz said that on 2nd Thursday of every month at the Family Justice Center, there is a CPIC meeting. Violence in their area has to do a lot with domestic violence. He is pleased with him wanting to be part of the solution. She invited him again to come to CPIC meetings. However, she noted that the meeting will not take place in October because of National Night Out events taking place. At the meeting, she indicated that citizens talk about crime with the police. She asked for Mr. Scarborough’s contact information so that she can get it to those who

distribute the public meeting notices. Assistant Chief McCullough further elaborated that the heads of the neighborhood groups and members of the public come together to discuss crime with CPD. He informed the Council that Sgt. Wayne Jefferson at CPD coordinates the public notice and can add Mr. Scarborough to their meeting notices.

ADJOURNMENT

On motion of Councilman Ledford, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, October 2, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL