



John P. Franklin, Sr. City Council Building
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

December 10, 2019

6:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilwoman Coonrod led the Assembly in the Pledge of Allegiance. She then invited Marie Mott to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (December 3, 2019) were approved as published.

ORDINANCES – FINAL READING:

2019-0137
John Wise
Alternate Version
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Smith,

ORDINANCE #13514

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION “WALKWAY” AND REPLACE WITH “APPLICANT WILL WORK WITH THE CITY OF CHATTANOOGA DEPARTMENT OF TRANSPORTATION TO HELP DEVELOP A PEDESTRIAN TRANSPORTATION ROUTE BETWEEN EAST MANNING AND OLIVER STREET ON TUCKER STREET” OF ORDINANCE NUMBER 13367 OF PREVIOUS CASE NUMBER 2018-150, MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

ORDINANCES – FIRST READING:

ORDINANCE #13515

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XX, SHORT TERM VACATION RENTAL CERTIFICATE IN CONNECTION WITH AN ANNUAL REVIEW.

Councilwoman Berz moved to approve the original version with the deletion of Section 11-519. She was seconded by Councilman Gilbert. The motion carried.

ACTION: PLANNING VERSION PASSED AS AMENDED

PROCEDURAL NOTE: Attorney Noblett read the rules of procedure for planning and zoning hearings.

2019-0159

Chris Anderson/Lima Charlie Properties, LLC

Planning Version

District No. 2

Agenda VI(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 1300 BLOCK OF MERCER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO RT-Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

John Bridger, Executive Director of the Regional Planning Agency, gave a presentation on this item that included information on the zoning history, land use plan, staff recommendations and Planning Commission recommendations. Chairman Oglesby confirmed that the Applicant and Opposition were present today.

Applicant:

- **Chris Anderson** (Greentec Homes) – He represented the Applicant and asked for a withdrawal so that the Applicant could consider how to proceed with the property.
 - Councilman Mitchell questioned how many times Greentec has gone before the Planning Commission on this property, what would be accomplished by withdrawing the item and what the future plans would be. Mr. Anderson informed the Council that the Applicant did not plan to pursue this plan at this time.

Opposition:

- **Frank Clarty** (Mercer St.) – Has not spoken to anyone support of this and does not like Greentec’s reputation.
- **Pattie Mitchell** (Mercer St.) – Owns two homes on Mercer and concerned with number of houses proposed affecting character of community.
- **Mark Mullins** - He is concerned with less density and does not want the RT-Z.

Rebuttal: Mr. Anderson indicated that the Applicant had no plans to sale but would like the opportunity to withdraw so that they can return, if needed.

Councilman Mitchell moved to withdraw. He was seconded by Councilman Smith. The motion carried.

ACTION: CASE# 2019-0159 WITHDRAWN

2019-0152
Jared Smith
Alternate Version
District No. 5

ORDINANCE #13516

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 601 AND 603 AIRPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO M-3 WAREHOUSE WHOLESALE ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Gilbert asked Mr. Bridger to read the conditions of the Alternate Version. He read the following:

- 1) *Single building with three separate units;*
- 2) *Type A screening where the property abuts R-1 Zoning;*
- 3) *Buildings to include up to two roll up doors, and to include windows for the office units;*
- 4) *Comply with the Airport Overlay District requirements;*
- 5) *Dumpster service during working hours only; and*
- 6) *Limited to one drive only on Pinehurst and one drive on Airport Road*

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

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

2019-0148
Rebecca Thomas
District No. 5
Alternate Version

ORDINANCE #13517

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3951 CROMWELL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Gilbert asked Mr. Bridger to read the conditions of the Alternate Version. He read that the ordinance “shall be subject to single family and/or office use only.” **Councilman Gilbert moved** to approve, seconded by Councilman Mitchell. The motion carried.

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

2019-0157
Tonja Hollowell/Jonathan Dixon
Planning Version
District No. 6

Agenda Item VI(e):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2163 WEST SHEPHERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO RT-Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

Chairman Oglesby and Councilwoman Berz confirmed that the Applicant was not present in the Assembly today. Discussion ensued with Malcolm Walker, President of the Shepherd Community Council, who informed the Council that Shepherd residents took a vote and a majority of those present voted to support this project.

Councilwoman Berz informed the Council that she cannot approve the current site plan. Therefore, **Councilwoman Berz moved** to defer to January 7, 2020, so that she can discuss the site plan with the Applicant. She was seconded by Councilman Smith. Mr. Bridger noted that the Applicant would need to resubmit the site plan to the Land Development Office. Upon no further discussion, the motion carried.

ACTION: DEFERRED TO JANUARY 7, 2020

2019-0151
John Mullins
Planning Version
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Ledford,

ORDINANCE #13518

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 9124 AMOS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

[Councilman Smith temporarily left the meeting at this time.]

ACTION: PLANNING VERSION PASSED ON FIRST READING

CHANGE IN CHAIR: Chairman Oglesby turned over the chairmanship of the meeting to Vice-Chairman Henderson at this point in the agenda (prior to the reading of Ordinance 13519). Councilman Smith also rejoined the meeting during the presentation on this ordinance.

2019-0160
James K. White, III
Planning Version
District No. 7

ORDINANCE #13519

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 900 THROUGH 1200 BLOCKS OF RIVERFRONT PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO B-PK, THE BEND PARKS AND OPEN SPACE ZONE, B-CX-12, THE BEND COMMERCIAL MIXED USE ZONE AND B-CX-20, THE BEND COMMERCIAL MIXED USE ZONE.

Applicant:

- **Victor Dover** – He represented the Applicant and made a presentation about the site. The presentation included information on the number of jobs on site, before/after pics, regional importance, pics of their past Southside project, four features and the new context area.

Discussion ensued with Mr. Dover about the site plan and the number of units. Chairman Oglesby made comments in support of the project and the original site plan. Upon no further discussion, **Chairman Oglesby moved** to approve, seconded by Councilman Ledford. The motion carried.

ACTION: PASSED ON FIRST READING

CHANGE IN CHAIR: Vice-Chairman Henderson turned the meeting over to Chairman Oglesby at this time (prior to the reading of Ordinance 13520).

On motion of Vice-Chairman Henderson and seconded by Councilwoman Berz,

ORDINANCE #13520

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS, ARTICLE XVI, DOWNTOWN FORM BASED CODE, DIVISION 1, INTRODUCTORY PROVISIONS, SECTION 38-692, LEGAL REQUIREMENTS; SECTION 38-693, CONTEXT AREAS; SECTION 38-694, ZONE, DIVISION 3, RULES FOR ALL ZONES; SECTION 38-697, LOT TYPES, AND TO ADD NEW CONTEXT AREAS DIVISION 14 THE BEND.

Vice-Chairman Henderson had no objection from Chairman Oglesby for this District 7 item.

ACTION: PASSED ON FIRST READING

2019-0146
Wayne Williams
Alternate Version #2
District No. 8

ORDINANCE #13521

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 1605 EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd asked Mr. Bridger to read the conditions of the Alternate Version. He read the following:

- 1) *Residential Uses Only;*
- 2) *Provide off-street parking for all units;*
- 3) *Revise setbacks to better conform to the residential character of the existing neighborhood as follows: West Boundary: five (5') feet; South Boundary: ten (10') feet; East Boundary: ten (10') feet; and North Boundary: ten (10') feet;*
- 4) *Maximum height of thirty-five (35') feet; and*
- 5) *Subject to the attached site plan.*

Discussion ensued with the Applicant, Wayne Williams, about a possible mix of use and the 5-foot setback. Councilman Byrd discussed the community's concerns about plans changing from the original site plan. Mr. Bridger Mr. Bridger recommended the following language to be added as condition #5: "*Subject to, as generally shown on the attached site plan, or within five feet for building placement, with a total of 16 units without further Council action.*"

Councilman Byrd moved to approve the alternate version with the added provision. He was seconded by Councilman Smith. The motion carried, with Councilman Mitchell abstaining.

ACTION: ALTERNATE VERSION #2 PASSED ON FIRST READING

2019-0154
Sean S. Daniels
Alternate Version
District No. 9

A hearing ensued about the following:

ORDINANCE #13522

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF A PROPERTY LOCATED AT 3630 RIDGESIDE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Coonrod asked Mr. Bridger to read the conditions of the Alternate Version.

- 1) *Uses limited to convenience store and related beer and alcohol sales (off-site consumption) only;*
- 2) *Retention of the existing building;*
- 3) *No beer or alcohol sales permitted after 9:00 p.m.;*
- 4) *No detached or pole mounted signs permitted; and*
- 5) *Dumpster pick-up shall be limited to the hours between 8:00 a.m. and 10:00 p.m.*

Applicant:

- **Sean Daniels (Applicant/Pres. of Menlowe Neighborhood Association)** – He presented a petition of 279 residents in support of beer sales at his store. He informed the Council that his property complied with city code requirements for distance between the store and Chambliss Children’s home. He discussed his activities in community and read a letter of support from a resident. He distributed other letters of support to the Council.
- **John P. “Duke” Franklin, Jr. (Midland Pike)** – He informed the Council that beer had been sold on the premises under a previous owner, but too much time had lapsed between the sales of the business. He noted that another neighborhood store already sales beer.

Councilman Ledford questioned Attorney Noblett about whether or not a “beer stock limit” existed for this store. Attorney Noblett did not have that answer, but would research it.

Opposition:

- **Crystal Smith (Midland Pike/Biltmore Neighborhood Assoc.)** – She has been a resident in the community for 37 years and witnessed when the C-2 oversaturation of criminal activity when the property was C-2. She opposes the C-2 zone and asked for a denial of this rezoning for the fourth time. She noted that there are other establishments nearby that sale beer already.
- **Kate Harbison (Chambliss Children’s Home)** – She distributed data to the Council about alcohol sales in relation to domestic violence and assaults. She is concerned with the store being 600-feet from their transitional housing.
- **Gregory Hall (Gillespie)** – He is a new resident who opposes the C-2 zoning due to safety concerns. He noted his past work experience as a retail manager and saw a correlation between the sale of alcohol and criminal activity.
- **Ezra Harris (North Brainerd Council)** – He opposes the C-2 zoning because of the possible impact on the children at Chambliss and their transitional housing.
- **Rev. Whiteside (Chattanooga)** – He owns property in front of and behind the store. He opposes the sale of alcohol because alcohol abuse led to a murder that took place years ago in front of the property. He worries about the poverty in the neighborhood stemming from alcohol abuse.
- **Sonya Goss (Chattanooga)** – She is an educator who works in urban schools. She opposes the sale of alcohol due to safety and property value concerns. She is fighting to protect the home that her father left to her as an inheritance in this community.

Rebuttal (3 minutes allotted by special permission of Chair):

- **Mr. Daniels** – He noted that no violence at the store under his ownership. He would like to work with Chambliss and requested a list of kids so that he could ensure no sales to minors. He only wants to stock one cooler, not the whole store.
- **Mr. Thomas** – His mother lives next to the store and has not seen any problems in the past. He asked for support of Mr. Daniels.

Discussion ensued, wherein Councilman Ledford questioned Mr. Bridger about parking in C-2. Councilwoman Coonrod informed the Council of knocking on the doors in the community and finding more people in support of this request than not. She noted no police calls regarding alcohol and domestic violence and made comments on drug activity in rental properties.

Councilwoman Coonrod moved to approve the Alternate Version, seconded by Councilman Byrd. The motion carried upon roll call vote:

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

YES – Five (5); NO – Four (4)

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

[Vice-Chairman Henderson exited the meeting at this time.]

RESOLUTIONS:

On motion of Councilman Smith and seconded by Councilman Ledford,

RESOLUTION #30160

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FEE SIMPLE CONVEYANCE FROM CAMERON RIVERFRONT LAND, LLC TO THE CITY OF CHATTANOOGA OF A 2.173-ACRE PORTION OF TAX MAP NUMBER 135N-A-004, FURTHER IDENTIFIED IN THE FORM ATTACHED AS THE CITY PARCEL ON BARGE PROJECT 35658-07, AT AN APPRAISED VALUE OF \$140,000.00.

Councilman Smith had no objection from Chairman Oglesby for this District 7 item.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Ledford,

RESOLUTION #30161

A RESOLUTION AUTHORIZING THE DIRECTOR OF WIRELESS COMMUNICATIONS TO ENTER INTO A THREE-YEAR SERVICE AGREEMENT WITH MOTOROLA SOLUTIONS-ASSET MANAGEMENT FOR \$42,384.00 PER YEAR, FOR A TOTAL AMOUNT OF \$127,152.00 FOR THE FULL TERM OF THE CONTRACT.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30162

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENTS OF MIGUEL MORALES, DAVID HIGNEY, AND ANN PIERRE TO THE WASTEWATER REGULATIONS AND APPEALS BOARD.

ACTION: ADOPTED

Michael A. Wolff, Sr., M.D./Jai Meldi Mata, Inc.
District No. 3

On motion of Councilman Smith and seconded by Councilman Ledford,

RESOLUTION #30163

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 6401 HIXSON PIKE, SUITE A.

ACTION: ADOPTED

2019-0156
Maverick Development Group, Inc.
District No. 4

Agenda Item VII(e):

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED AT 8024, 8104, 8108, AND 8202 SHALLOWFORD ROAD, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford informed the Council that the developer has requested a deferral until January 7th. Therefore, **Councilman Ledford moved** to defer to January 7, 2020. He was seconded by Councilman Smith. The motion carried.

ACTION: DEFERRED TO JANUARY 7, 2020

DEPARTMENTAL REPORTS:

Proposed Purchases

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

R192836 - Information Technology Department Total Estimate \$5,000,000.00 Annually
New Blanket Contract - CDW-G for Computer Technology,
Equipment, and Supplies - Information Technology Department
Lowest/Best Bidder: CDW Government, Inc.
230 N. Milwaukee Ave.
Vernon Hills, IL 60061

R192833 - Information Technology Department

Total Estimate \$900,000.00 Annually

New Blanket Contract - Cellular Devices, Services and Business Solutions from Verizon Wireless – Information Technology Department

Lowest/Best Bidder: Verizon Wireless
5959 Shallowford Road, Suite #109
Chattanooga, TN 37421

PO552814 - Department of Youth & Family Development Total Estimate \$263,000.00 Annually

Blanket Contract Renewal - Fresh Produce – Head Start Centers - Department of Youth & Family Development

Lowest/Best Bidder: T & T Produce Company
P.O. Box 5756
Ft. Oglethorpe, GA 30742

R192228 - Traffic Operations Division

Total Estimate \$54,000.00 Annually

Department of Transportation
New Blanket Contract - Intersection Loop Replacement – Traffic Operations Division - Department of Transportation

Lowest/Best Bidder: NABCO Electric Company, Inc.
2800 2nd Avenue
Chattanooga, TN 37407

PO547618 - Traffic Operations Division

Total Estimate \$201,000.00 Annually

Department of Transportation
Blanket Contract Renewal - Performed Speed Suchions – Traffic Operations Division - Transportation Department

Lowest/Best Bidder: Traffic Logix Corporation
3 Harriet Lane
Spring Valley, NY 10977

PO547383 Public Works Department

Total Estimate \$75,441.60 Annually

Blanket Contract Renewal - Golf Carts – City Golf Courses - Parks Division - Public Works Department

Lowest/Best Bidder: E-Z-Go Testron
1451 Marvin Griffin Road
Augusta, GA 30906

On motion of Councilman Ledford and seconded by Councilwoman Berz, all purchases were approved.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

District 8 Update

Councilman Byrd informed the Council of the “Policy Pitch Night,” sponsored by the Urban Policy Institute and UTC, which took place last night. He commended organizer Dennis Clark, Professor Acuff and UTC students who coordinated this event.

District 9 Event

Councilwoman Coonrod invited everyone to the second “Community Resource Fair,” taking place on December 12, 2019, at the Eastdale YFD Center from 10:00 a.m. – 12:00 p.m. For those who bring 10 canned goods, they will be entered into a \$50.00 raffle. For those bringing 10 or more people to the event, they will be entered in a \$100.00 raffle.

Special Recognition

Councilwoman Coonrod informed the Council that her daughter, Alexis Nolan, will graduate on December 13th from Austin Peay State University. She will graduate with a degree in Criminal Justice and a 4.0 GPA.

Certificate of Compliance

Attorney Noblett presented the Certificate of Compliance for **Jai Meldi Mata, Inc. d/b/a CJ’s Liquor (District 3)**. The certificate was signed, as required, by five councilpersons during this open meeting. He reminded the Council that a special exceptions had been passed earlier in this meeting for this property.

COMMITTEE REPORTS: (NONE)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

(Non-Agenda Items) – URL: <https://youtu.be/TV3rxKaWJGw?t=6158>

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

Name (Street, City, District):	Primary Topics:
• Sylvester Harris (Curtis St./District 8)	Contracts falling through in districts and housing for seniors
• Bernard Shepherd (District 7)	Video Demo for 3-D Smart Cushion technology <ul style="list-style-type: none">○ Chairman Oglesby asked to meet with Mr. Shepherd after the meeting about his video.

ADJOURNMENT

On motion of Councilman Ledford, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, December 17, 2019, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL