



Electronic-Conducted (Virtual) Meeting
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

April 14, 2020
6:00 PM

CALL TO ORDER

Council Chairman Erskine Oglesby, Jr. called the open meeting to order with a quorum present via electronic means that included Vice-Chairman Chip Henderson and Councilpersons Carol Berz, Anthony Byrd, Russell Gilbert, Darrin Ledford, Jerry Mitchell and Ken Smith. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present via electronic means. Councilwoman Demetrus Coonrod was not present at this meeting. Video of this electronic-conducted meeting may be viewed [here](#).

PLEDGE OF ALLEGIANCE

Councilwoman Berz led the Assembly in the Pledge of Allegiance. She then spoke about these difficult times for the city.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (April 7-8, 2020) were approved as published. The motion carried unanimously (8-0) upon roll call vote.

ELECTION OF OFFICERS: 2020-2021

Chairman

Councilman Mitchell nominated Councilman Henderson as Chairman. Councilman Ledford seconded. Chairman Oglesby confirmed that there were no other nominations from the floor. **Councilman Smith moved** to close the nominations. Councilman Byrd seconded. The motion carried unanimously (8-0) upon roll call vote. Councilman Henderson was named Chairman of the Chattanooga City Council for 2020-2021.

Councilman Oglesby yielded the chair to Chairman Henderson at this time.

Vice-Chairman

Councilman Ledford nominated Councilman Smith as Vice-Chairman. Councilman Byrd seconded. Chairman Henderson confirmed that there were no other nominations from the floor. **Councilwoman Berz moved** to accept the nomination by acclamation. The motion carried unanimously (8-0) upon roll call vote. Councilman Smith was named Vice-Chairman of the Chattanooga City Council for 2020-2021.

PUBLIC HEARING: DE-ANNEXATION

AN ORDINANCE DEANNEXING A CERTAIN PARCEL ADJACENT TO THE CURRENT CITY LIMITS WHICH IS LOCATED AT 2815 MILITARY ROAD, WITHIN THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE.

Due to the various departments working disaster relief at this time, **Councilman Oglesby moved** to defer to April 28, 2020. Councilman Ledford seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: DEFERRED TO APRIL 28, 2020

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

2020-0038
ASA Engineering
Planning Version
District No. 4

Agenda Item VIII(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7301 SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.

John Bridger, Executive Director of Regional Planning, confirmed that there was a request from the Applicant to defer this item. Therefore, **Councilman Ledford moved** to defer to May 12, 2020. Councilwoman Berz seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: DEFERRED TO MAY 12, 2020

2020-0040
N & R Properties % Ross Timoshchuk
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilman Oglesby,

ORDINANCE #13553

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7509 ZIEGLER ROAD, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Chairman Henderson confirmed that no Opposition had registered online to address the Council about this item. The motion carried unanimously (8-0) upon roll call vote.

ACTION: PLANNING VERSION PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #30306

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO RENEW A CONTRACT WITH CIVICPLUS, INC. FOR A MANAGEMENT SOFTWARE SYSTEM THAT FACILITATES ON-LINE RESERVATIONS AND PAYMENTS FOR CITY PARKS, FACILITIES, AND OUTDOOR CHATTANOOGA PROGRAMS, FOR THE FIRST OF TWO AVAILABLE RENEWAL TERMS, IN THE AMOUNT OF \$12,500.00.

The motion carried unanimously (8-0) upon roll call vote.

ACTION: ADOPTED

2020-05
Bryson Moore.
District No. 8

Agenda Item IX(b):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00184 FOR PROPERTY LOCATED AT 1420 MADISON STREET.

Councilman Byrd moved to consider this item at the end of the agenda today. Councilwoman Berz seconded. The motion carried unanimously (8-0) upon roll call vote.

At the end of the order of business, Chairman Henderson returned the Council to this item. **Councilman Byrd moved** to table until May 12, 2020. Councilman Gilbert seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: TABLED UNTIL MAY 12, 2020

2020-06
Paula Green
District No. 7

Agenda Item IX(c):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 20-STVR-00001 FOR PROPERTY LOCATED AT 1721 W. 39TH STREET.

A hearing ensued. Caleb Fisher, Codes Enforcement Inspector, gave a presentation that included information on the following:

- Surrounding STVR Applications
- Aerial & Street Pics
- Application History

Chairman Henderson then recognized the Applicant and members of the Opposition.

Applicant:

- **Paula Green** – She responded to the Oppositions' concerns last week regarding traffic on a public road. She does not believe people can mandate the traffic. Although there was confusion about the parking pad, she built it on her property at her own expense and her ownership is stated in her warranty deed. She understands that this neighborhood does not have a Home Owners Association that can vet such matters. As for complaints about the overgrown grass, she has been recovering from surgery, so the grass overgrew. She is now taking care of the grass.

Opposition:

- **Art & Vicki Lawrence** – They started building their home in 2014. They are not looking for various sundry people in their neighborhood.
- **Calvin Lewis** – Elderly people in the vicinity of this STVR must be considered. The neighborhood should not have to deal with noise issues from short-term renters. There is too much traffic already, especially doing the construction of the property. He will call the police if there is a problem with noise.
- **Ben Grady** – There are issues with safety, parking, steepness of the public road, and noise. He indicated that studies have shown that property values being negatively impacted by STVRs. The neighborhood has voiced their opinion of non-owner occupied STVRs.
- **Janie Dunn** – The neighborhood has met with Councilman Oglesby and all of her neighbors were in opposition to this STVR.
- **Jamie Riley** – There is a tight sense of community. The community would like neighbors who care about the neighborhood and their fellow neighbors.
- **Chelsea Kepheart** – Parking is a main issue of her opposition. The street has a close family niche that would be disturbed by this STVR.

Councilman Oglesby discussed meeting with the neighborhood, speaking with the Applicant, and agreeing with safety issues on the road. Therefore, **Councilman Oglesby moved** to deny, seconded by Councilwoman Berz. The motion carried unanimously (8-0) upon roll call vote.

ACTION: DENIED

Agenda Item IX(d):

A RESOLUTION AUTHORIZING THE CHIEF HUMAN RESOURCES OFFICER TO RENEW A LAST YEAR OPTION WITH CORNERSTONE ONDEMAND FOR THE LEARNING MANAGEMENT SYSTEM, IN THE AMOUNT OF \$35,900.00.

Councilman Gilbert moved to defer to April 21, 2020. Vice-Chairman Smith seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: DEFERRED TO APRIL 21, 2020

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #30307

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO RETAIN CROY ENGINEERING, LLC FOR EXPERT WITNESS SERVICES IN THE DEFENSE OF TWO CIVIL CASES AGAINST THE CITY, *KAREN ALLEN, HEIR AND NEXT OF KIN OF CHARLIE ALLEN, DECEDENT V. CITY OF CHATTANOOGA* AND *JAMES P. LITTLE, M.D. AND LITTLE COMPANY OF TENNESSEE LLC V. CITY OF CHATTANOOGA*, FOR AN AMOUNT NOT TO EXCEED \$50,000.00.

The motion carried unanimously (8-0) upon roll call vote.

ACTION: ADOPTED

2020-0032
MAP Engineers
District No. 4

On motion of Councilman Ledford and seconded by Councilman Byrd,

RESOLUTION #30308

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED IN THE 1900 BLOCK OF MAC LANE, 8600 BLOCK OF IGOU GAP ROAD, AND 1900 BLOCK OF MORRIS HILL ROAD.

Councilman Ledford asked Mr. Bridger to read the 13 conditions of the community:

- (1) A minimum twenty foot (20') "Type landscape buffer consisting of evergreen trees, minimum 2" caliper at the time of planting, shall be installed and maintained along the western and northern outer boundaries of the development, as well as along a portion of the eastern boundary, as generally depicted on the approved site plan. Those areas where a stream buffer exists will negate the requirement of this buffer as well as requiring any plantings east of the existing stream buffer. The buffer shall consist of two rows of trees, planted on ten foot (10') centers and the trees staggered between rows. No specie of any one tree shall constitute more than 40% of the tree plantings.
- (2) A sixty foot (60') building setback from the proposed new right of way of Igou Gap Road.
- (3) Paved parking areas shall be no closer than sixty feet (60') from the proposed new right of way of Igou Gap Road.
- (4) The development shall provide a gated entrance and an appropriate turnaround between the gated entrance and Igou Gap Road.
- (5) Igou Gap Road shall be widened to a minimum 24' in width along the entire frontage of the development and a dedicated left turn lane along Igou Gap provided into the development.
- (6) Provide and maintain a clubhouse and a pool for the development.
- (7) A minimum area of four (4) acres dedicated as community space.
- (8) The development shall provide and maintain interior network of walking pathways as generally depicted on the approved site plan, or otherwise provided.
- (9) Mac Lane (a private driveway) shall be dedicated to one or more of the adjoining properties using Mac Lane for ingress / egress, subject to their acceptance.

- (10) A minimum of fifty (50) two inch caliper trees, with a minimum of twenty five (25) trees to be evergreen trees. Trees to be planted from the proposed right of way of Igou Gap Road to a distance of forty feet (40') back from the right of way. Any required street yard tree plantings will count towards this requirement.
- (11) All buildings shall be set back a minimum of forty feet (40') from all exterior boundaries which adjoin residential properties.
- (12) Compactor and or dumpster shall be located no closer than eighty feet (80') to any adjoining residentially zoned properties. Garbage pick-up shall be limited to occur only between the hours the hours of 8:00a.m. to 7:00p.m. Monday through Saturday.
- (13) As indicated in the submitted PUD plan dated January 31, 2020, no more than 128 dwelling units on the site, limited to one unit and two unit structures, with a maximum height not to exceed two stories or 35 feet.

After the motion was made, Councilman Mitchell asked to hear from the developer, Mike Price, but technical difficulties prevented Mr. Price from addressing the Council on this item. Councilman Ledford assured the Council that Mr. Price had accepted the conditions and worked with the community in developing the conditions. The motion carried unanimously (8-0) upon roll call vote.

ACTION: ADOPTED WITH 13 CONDITIONS

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to read the next two agenda items for one Council vote.

RESOLUTION #30309

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 (FINAL) FOR INTEGRATED PROPERTIES, LLC OF CHATTANOOGA, TN, RELATIVE TO CONTRACT NO. C-16-005-201, CITY YARDS CARPENTER SHOP AND WATER QUALITY STORAGE BUILDING, FOR AN INCREASED AMOUNT OF \$4,839.00, TO RELEASE THE REMAINING CONTINGENCY IN THE AMOUNT OF \$161.00, FOR A REVISED CONTRACT AMOUNT OF \$278,632.75.

RESOLUTION #30310

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$247,500.00 TO SOUTHEASTERN GREEN WORKS LLC FOR THE REQUIRED WETLANDS MITIGATION FEE TO SATISFY TDEC REQUIREMENTS RELATED TO PROPERTY TO BE USED FOR THE WASTE RESOURCES DIVISION RENEWABLE ENERGY PROJECT.

Councilman Oglesby moved to approve, seconded by Councilman Berz. The motion carried unanimously (8-0) upon roll call vote.

ACTION: RESOLUTIONS 30309 and 30310 ADOPTED

Agenda Item IX(i):

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF RED BANK ADJUSTING THE BOUNDARIES IN ACCORDANCE WITH T.C.A. § 6-51-302 FOR A VACANT PARCEL OF LAND ADJACENT TO PINE BREEZE ROAD SO THAT IT WILL BE MAINTAINED AND BE INCLUDED IN THE CORPORATE BOUNDARIES OF THE CITY OF RED BANK FROM THE EFFECTIVE DATE OF THIS ATTACHED INTERLOCAL AGREEMENT FORWARD.

Councilman Mitchell informed the Council that more time was needed on this item. Therefore, **Councilman Mitchell moved** to defer to April 28, 2020. Vice-Chairman Smith seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: DEFERRED TO APRIL 28, 2020

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

RESOLUTION #30311

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (a) WITH ASA ENGINEERING & CONSULTING, INC. FOR CONTRACT NO. D-17-019-101, FOR PATTEN PARKWAY PEDESTRIAN PLAZA, FOR AN INCREASED AMOUNT OF \$84,893.78, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$377,700.16.

After the motion, Councilman Mitchell inquired about this resolution being worded as “Change Order No. 1(a)” instead of “Change order No. 1” because of adjustments that had been discussed in a prior open meeting. Attorney Noblett confirmed that adjustments had been made to two items in the resolution, subject to approval by the city. The motion carried unanimously (8-0) upon roll call vote.

ACTION: ADOPTED; REVISED AS “CHANGE ORDER NO. 1(A)”

DEPARTMENTAL REPORTS:

Proposed Purchases

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

R195939 - Facilities Management Division, Public Works \$150,000.00

Lock & Key Services

Lowest/Best Bidders:

1. Ace Lock & Key - 4412 Dodds Avenue, Chattanooga, TN 37407
2. Rick's Lock & Key, LLC - 6496 East Brainerd Road, Chattanooga, TN 37421

R196948 - Fleet Management Division, Public Works \$150,000.00

Maintenance & Repairs for Light Duty Ford Vehicles

Lowest/Best Bidders:

1. Mountain View Ford Lincoln - 301 East 20th Street, Chattanooga, TN 37408
2. Marshal Mize Ford - 5348 Hwy. 153, Hixson, TN 37343

R197642 - Facilities Management Division, Public Works \$250,000.00

Emergency Services / Disaster Recovery
(including restoration and finishing)

Lowest/Best Bidder: Belfor USA Group, Inc
595 Stewarts Ferry Pike
Nashville, TN 37214

Councilman Mitchell moved to approve, seconded by Councilman Byrd. The motion carried unanimously (8-0) upon roll call vote.

ACTION: ALL PURCHASES APPROVED

Emergency Purchases

Mr. Sammons informed the Council of the following emergency purchases:

- 3/30/20** **PO# 557478 - Public Works**
Purchase of 30,000 recycle containers
Wastequip LLC \$1,404,600.00
- 4/6/20** **PO# 557509 - Human Resources**
Buckets & spray bottles for use with disinfectant
Roll-Aid \$160.32
- 4/6/20** **PO# 557510 - Human Resources**
Rags for use with disinfectant and purchase of gloves
Jacobs \$753.62

OTHER BUSINESS:

Recent Tornado Disaster

Chairman Henderson invited Kerry Hayes, Chief of Staff, to speak on the recent tornado that directly hit East Brainerd communities and affected communities in two other Council districts. There were comments from Councilman Ledford, Vice-Chairman Smith, Councilwoman Berz, Councilman Byrd, and Chairman Henderson. In addition, Fire Chief Phil Hyman and Police Chief David Roddy spoke on their departments' roles in the disaster. Comments may be heard [here](#).

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee
Councilman Byrd
(No report)

Human Resources Committee
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford reported:

- There will be a special Planning and Zoning Committee meeting on April 28, 2020 (re: Form-Based code text amendments).

Public Safety Committee
Vice-Chairman Smith
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee met today and will meet again in another two weeks.

Youth and Family Development Committee
(Councilwoman Coonrod not present)

Legislative Committee
(No report)

Committee Chairs

Chairman Henderson informed the Council that he will make announcements of committee chairpersons in open meeting next week, April 21.

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

URL: <https://youtu.be/PmWDyxGqUdQ?t=5761>

After which, Chairman Henderson recognized the following person:

Name (Street, City, District):	Primary Topics:
• Marie Mott (Oak Grove/District 8)	Raise in city employee minimum wage; COVID-19 testing for city employees

ADJOURNMENT

Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, April 21, 2020, at 6:00 p.m. [Editor's Note: Any person may join the electronic-conducted meeting at the scheduled time by visiting council.chattanooga.gov.]

CHAIRMAN

CLERK OF COUNCIL