



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 9, 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 Ledford led the Assembly in the Pledge of Allegiance and gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Henderson and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (October 2, 2018) were approved as published.

SPECIAL PRESENTATION

Councilwoman Berz presented the following proclamation by Mayor Berke to Dr. Valerie Radu of the Family Justice Center:

- Whereas*, The family is the foundation of a safe and healthy community and it is a goal of this mayoral administration for our communities to be safe; and
- Whereas*, Domestic violence impacts women, men, and children of every age, background, and belief. Nearly 1 in 4 women and 1 in 7 men in the United States have suffered severe physical violence by an intimate partner. Victims are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety; and
- Whereas*, While physical marks may often be the most obvious signs of harm caused by domestic violence, the true extent of the pain goes much deeper. Victims not only face abuse, but often find themselves left with significant financial insecurity. And children who witness domestic violence often experience lifelong trauma. This year the Family Justice Center and its co-located non-profit partners are beginning a 3-year project to identify the “hidden victims” who are children exposed to domestic violence. Through

this project, special trauma-informed outreach and intervention services will be provided to both children and their families; and

Whereas, Everyone has the right to live without harm and without the fear of harm; and

Whereas, The Hamilton County Chattanooga Family Justice Center and their co-located partner organizations: Chattanooga Police Department/Special Victims Unit, the Children's Advocacy Center of Hamilton County, Second Life Tennessee, Legal Aid of East Tennessee, Southern Adventist University School of Social Work, the Partnership for Families, Children & Adults, Helen Ross McNabb Center, TN Department of Child Safety, Prevent Child Abuse Tennessee, Mental Health Court, and McKamey Animal Center seek opportunities to educate the public on the seriousness of interpersonal violence and the prevalence of this epidemic in our lives; and

Whereas, Ending domestic violence requires a collaborative effort involving every part of our society and requires our law enforcement and justice system to work together to hold offenders accountable and to protect victims and their children; the Lethality Assessment Project (LAP) is a coordinated community effort between law enforcement and victim advocates to reduce the risk of domestic violence earlier; and

Whereas, During National Domestic Violence Awareness Month, we reaffirm our dedication to forging a community where no one suffers the hurt and hardship that domestic violence causes- and we recommit to doing everything in our power to uphold the basic human right to be free from violence and abuse.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby proclaim October 2018 as

Domestic Violence Awareness Month

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 1st Day of October, 2018

Andy Berke, Mayor

EDITOR’S NOTE: TECHNICAL DIFFICULTIES

There were some technical difficulties experienced at the beginning of this open meeting that affected the live streaming and video recordings of the meeting. The city’s Department of Information Technology resolved the technical difficulties early in the meeting.

ORDINANCES – FINAL READING:

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

ORDINANCE #13375

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 35, ARTICLE VII, PEDAL CARRIAGE AND RICKSHAWS, DIVISION 1, SECTION 35-241, DEFINITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

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

ORDINANCE #13376

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 10, RELATIVE TO ADMINISTRATION AND TECHNOLOGY FEES.

ACTION: PASSED ON FIRST READING

2018-117
City of Chattanooga City Council % City Attorney’s Office
Planning Version
District No. 1

ORDINANCE #13377

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF THE PROPERTY LOCATED AT 1001 READ’S LAKE ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE WITH CONDITIONS.

The Applicant and Opposition were present; therefore, a hearing ensued. John Bridger, Executive Director of Regional Planning, came forward to clarify some of the questions that were asked last week in the Council’s Planning and Zoning Committee meeting about this ordinance. He wanted to clarify how we got to this point and respond to questions on the public notification in 2002; the

types of public notifications for the proposed ordinance; and the uses allowed in C-1, which is part of the proposal by the Council to include C-1 limited uses.

Mr. Bridger explained that the Council passed a resolution directing the RPA staff to develop additional language for the ordinance that would make any uses on the property consistent with the former uses, which is why there is no Staff recommendation herein. He clarified that this is not a request to do a study, but to develop an ordinance. He explained that there was Opposition at the Planning Commission (P.C.) when this ordinance came forth and that the P.C. recommended to deny because of the precedence that it could set. He read the specific language of their recommendation to deny.

He also discussed the 2002 notification when this was rezoned to C-2. He indicated that there was no ordinance requirement regarding notice. The only requirement was the 15-day notice. Today, the zoning ordinance requires notification of the association president and adjoining property owners, notification to the council member representing the district and signage. He displayed the 2002 notice that had been advertised as well as the notice for the 2018 ordinance that went before the Planning Commission meeting. He also displayed the caption of the ordinance that was noticing today's public hearing before the Council. Mr. Bridger read the uses allowed in C-1 permitted, which were all listed in the ordinance proposed by the Council today.

Councilman Henderson wanted to know if it was common seeing C-2 in the middle of an R-1 area. Mr. Bridger commented on that not being very common. He discussed areas where you would normally see C-2 zoning. He discussed the decision to request C-2 in this ordinance was because it would allow a restaurant that serves beer, which was one of the previous uses.

Councilman Henderson further inquired about C-2 being uncharacteristic in this area. Mr. Bridger confirmed that this was uncommon.

Councilman Henderson noted that the zoning notification published in 2002 had another rezoning notification printed below it that did include an address. That prompted Councilman Henderson to inquire about the standard procedure for notification at that time. Mr. Bridger confirmed that listing an address would have standard in 2002. Mr. Bridger also confirmed for Councilman Henderson that the C-2 conditions on proposed for this property are consistent with the C-1 uses.

On behalf of the Applicant:

- **Attorney Noblett** - He explained the reason why the ordinance was developed. He discussed the 600 properties rezoned in 2002, which included this property. He noted that all notices, except this one property, had the street address published in the 2002 notices. The City Attorney's Office requested to add conditions so that the current C-2 would have the same conditions of C-1 at that time. He noted the initial use of this property was a restaurant when rezoned in 2002. He read City Code 13-7-201(b), which gives this body power to initiate the rezoning of this property.

[Councilman Mitchell called a *point of order* as to why the next speaker was only allotted 5 minutes on the timer instead of a full 7 minutes. Chairman Smith ruled that the City Attorney's previous comments were part of the total 7 minutes allotted to those speaking on behalf of the Applicant.]

- **Steve Hunt** (Reeds Lake Road) - He and his family have lived at 1027 Reeds Lake Road. 1700 in Mountain Creek support this ordinance and signed a petition against multi-family development on this property. He spoke on how a vote against this ordinance would allow high density residential in a low-density residential, agricultural area. It's about their property rights. He was a part of the 7-person committee formed by Councilman Henderson to work with developer. Councilman Henderson counseled them to focus on land use. He noted that even after the three (3) committee meetings, the developer is still planning to put rental housing in the R-1 neighborhood. He commended Councilman Henderson for listening to his constituents about their private property rights.
- **John Phillips** (Baker Donelson) - He represents the neighboring property owners. This ordinance doesn't invalid prior ordinances. It takes this one piece to bring its use in conformance with neighboring properties in R-1. He discussed *M.C. Properties, Inc. v. City of Chattanooga* that removed the claim of inverse condemnation. He discussed further court ruling regarding vested rights. He argued that no substantial development yet on this property creates a "vested right."

On Behalf of the Opposition:

- **Tom Hazlett** (Representing Pratt Land & Development) - Illegal action (1) exceeds city's authority under the current zoning ordinance because the property owner has not agreed to the conditions and does not need rezoning, (2) forces it to be rezoned to highway commercial purposes / apartments would be a better use of this property / This zone doesn't exist in the zoning code anymore and (3) targeted discriminatory action because out of 600 properties, this is the only property with conditions being placed on it. This action will not withstand judicial review. There is a past case that went to the court appeals. The court ruled that such a past rezoning was "arbitrary, capricious and unreasonable." They expect the same ruling against the City in Chancery Court.
- **Leslie Gower** - She represents the Associated General Contractors of East Tennessee and its 250-member organizations in construction and development. They are not speaking on this property specifically since they are commercial developers and contractors, not residential. She believes this will set a precedent in commercial development, commercial property owners and commercial investment. They have trepidation about the Council's authority to dictate the use of a property owner's property through rezoning. Their members are paying close attention to the Council's action today.
- **Barry Bennett** - He worked for RPA for 41 years and was Executive Director for the last 10 of those years. He now represents the Home Builders Association (HBA). On yesterday, he delivered a letter to the Council from the HBA stating that their members feel this ordinance will establish a precedent that could affect their business in the future. The HBA's primary concern is that any member could find themselves in a similar situation, so they are concerned with the action being proposed today.
- **James Pratt** (Pratt Land & Development) - He argued that the Planning Commission would not make a recommendation on this ordinance and voted overwhelmingly to deny it. He believes this legislative body has instigated this case and is now acting as judge and jury over the same case brought against them. He called this a downzoning case and argued that this is a government entity taking the property rights away from a property owner. He argued that this very body passed the zoning on this property. There was no

opposition to this case in 2002. He argued that it has C-2 for 16 years with no word from the residents. The zoning map shows that this property has an apartment complex “a stone’s throw,” as he put it, from this property. Allowing a small complex where there is already a 2-story building there is not out of character with what can be done with this property. He believes there is no reason to downzone this property.

Rebuttal:

Mr. Phillips discussed *Westchester v. Metropolitan Government of Nashville*, a case questioned whether a piece of property could be rezoned. The case caused a property to be reversed. Potential to make a profit is not a vested right on the property. The court ruled that the purchase of property does not guarantee that the property will not be changed.

Councilman Henderson questioned Mr. Bridger about the opposition in 2002. They could not find any in their records. He also asked Mr. Bridger for a personal opinion on why there was no opposition to a C-2 rezoning in an R-1 neighborhood. Mr. Bridger spoke on what he usually would expect, which would be residential feedback. He believes the property owners did not know about the rezoning. Councilman Henderson said nobody knew this property was C-2 because the city did not do its part in noticing the address of the property.

Councilman Henderson asked if this ordinance restricts operational current or past uses. Attorney Noblett informed the Council this proposed ordinance does not restrict operational or past uses. He informed the Council that there are no current permit requests on this property right now. Attorney Noblett asserted that the city has the legal authority based upon City Code 13-7-201(b) and, after some staff research, found that there have been 14 other downzonings since 1991.

Councilman Henderson noted that the City did not follow its own standard procedure in noticing the address for this property. He also commented on this proposed ordinance not limiting the past or current uses of the property. After confirming with Attorney Noblett that the Council has the legal authority to do what the Council is proposing tonight, **Councilman Henderson moved** to approve this ordinance placing the conditions of Office and C-1 uses. He was seconded by Councilman Byrd. The motion carried upon roll call vote as follows:

Berz	Abstain	Ledford	Abstain
Byrd	Yes	Mitchell	Yes
Coonrod	No	Oglesby	Yes
Gilbert	Yes	Smith	Yes
Henderson	Yes		

Yes – Six (6); No- One (1); Abstain – Two (2)

ACTION: PASSED ON FIRST READING

2018-168
Trey Aycock
Planning Version
District No. 2

Agenda Item VI(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4306 NORTH ACCESS ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

Councilman Mitchell moved to withdraw, seconded by Councilman Henderson. Chairman Smith confirmed with Councilman Mitchell that this withdrawal was requested by the Applicant. The motion carried.

ACTION: WITHDRAWN

Ken Defoor Properties
Planning Version
District No. 3

On motion of Councilman Henderson and seconded by Councilman Byrd,

ORDINANCE #13378

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF PROPERTIES LOCATED AT 2760 AND 2770 NORTHPOINT BOULEVARD, FROM M-3 WAREHOUSE AND WHOLESALE ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE.

Chairman Smith expressed his pleasure in seeing development taking place in his district. The motion carried.

ACTION: PASSED ON FIRST READING

2018-009
MB Real Estate Services
Alternate Version
District No. 4

ORDINANCE #13379

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1710 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

There was no Opposition present regarding this agenda item. Councilman Ledford requested a staff report from Mr. Bridger. After which, Councilman Ledford reminded the Council that this item had been tabled in February and conditions had been hammered out with the developer that had been

placed in the Alternate Version. **Councilman Ledford moved** to approve the Alternate Version, seconded by Councilwoman Berz. The motion carried.

ACTION: ALTERNATE VERSION PASSED ON FIRST READING

2018-178
Churchview Properties % William Arthur
Planning Version
District No. 4

ORDINANCE #13380

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF THE PROPERTY LOCATED AT 1813 MORRIS HILL ROAD, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE.

Councilman Ledford commented to Mr. Bridger that he thought this request regarding a 1-foot piece of property should have gone before the Board of Zoning Appeals. **Councilman Ledford moved** to approve, seconded by Councilman Henderson. The motion carried.

ACTION: PASSED ON FIRST READING

2018-162
Ben Berry & Berry Engineers, LLC
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilman Henderson,

ORDINANCE #13381

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1105 MCDONALD DRIVE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Mr. Bridger made a presentation on this and emphasized for the Council that they were looking at a conceptual view only of this property. He indicated the specific uses of a coffee house and office only. Councilman Ledford discussed not wanting this in a C-2, but wanting to see coffee houses in C-5. He also noted that TDOT will have review on the property and may or may not require a right of way. He thanked the Applicant for building the shelter for children waiting on their school bus. Mr. Bridger commented on the working policy being developed along this stretch of road. Upon no further comments, the motion carried.

ACTION: PASSED ON FIRST READING

2018-165
Philip and Jennifer Clay
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilman Henderson,

ORDINANCE #13382

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 7628 DAVIDSON ROAD, FROM A-1 URBAN AGRICULTURAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2018-172
Jan O. Rushing
Planning Version
District No. 7

On motion of Councilman Ledford and seconded by Councilwoman Berz,

ORDINANCE #13383

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1635 ROSSVILLE AVENUE AND 1614, 1620, 1626, AND 1638 CAPPELLA STREET, FROM U-RA-3 URBAN RESIDENTIAL ATTACHED 3 STORIES MAXIMUM HEIGHT ZONE TO U-CX-3 URBAN COMMERCIAL MIXED USE 3 STORIES MAXIMUM HEIGHT ZONE.

ACTION: PASSED ON FIRST READING

2018-177
Aza Wintersieck
Planning Version
District No. 7

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

Agenda Item VI(j):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3017 DODDS AVENUE, FROM M-1 MANUFACTURING ZONE TO R-2 RESIDENTIAL ZONE.

The Applicant and Opposition were present. Therefore, a hearing ensued, beginning with a presentation by Mr. Bridger. He discussed this East Lake property being in an M-1 area that does not allow the residential uses of a duplex, being proposed by the Applicant. He gave a history of

the M-1 zoning in this area of this property and a study that had been done. He informed the Council that a special permit would be required to build on this property a two-family dwelling from the Board of Zoning Appeals if the rezoning is approved tonight. After the presentation, Chairman Smith opened the floor to the Applicant and the Opposition.

The Applicant:

- **Asa Wintersieck** – He informed the Council that this property had been used as a duplex before the 1960's, when it was an R-2 zone. As the property is now, the existing use is not a good fit for single-family residential structure because of the busy street and manufacturing around it. He is proposing the use as a duplex use as it was before the 1960's.

On Behalf of the Opposition:

- **Lisa Davis** (East Lake) – She is the President of the East Lake Neighborhood Association. She discussed the size of the lot, the deep ditch nearby and the sidewalks, making this property not suitable for duplexes. She informed the Council that this structure was condemned. She also informed the Council that an investor has purchased 34 properties in East Lake, which she does not consider to be a good sign.
- **Jasmine Wank** (East Lake)– She came today representing two entities: the East Lake Neighborhood Association and the Rossville Boulevard Action and Planning Team. The team is looking at the zoning in the 37407 area and looking at the 2004 plan that has not been acted upon yet within the corridor. She has been watching what is happening along the Rossville corridor. Her preference in the area of this particular property is R-1, not R-2. She lives two (2) blocks away from this location and knows that anyone living there will have some issues because there is a convenience mart and a laundrymat across the street from this property. She believes the 2004 area plan is still good for the growth of their community.

Rebuttal:

Jean Commarossi – He is the General Manager of K.P. Properties, real estate investors located in Nashville. His company has invested in Chattanooga because it sees positive development here, such as the Aquarium and Gig City. He discussed the 2004 area plan when there was residential housing everywhere. People are being displaced through high-end development and large construction properties. They are working to create affordable housing.

Vice-Chairman Oglesby asked Mr. Commarossi about the number of properties currently owned by K.P. Properties in the East Lake area and their locations. He also asked Mr. Bridger to expand upon the proposed change from M-1 to R-2, and why the M-1 had been done in a residential area years ago. Councilman Gilbert asked Mr. Bridger to define M-1 zoning. Upon no further questions or comments, **Vice-Chairman Oglesby moved** to defer to October 16, 2018, in order to have conversations with the neighborhood association and the Applicant since Opposition was made known just recently. He was seconded by Councilwoman Berz. The motion carried.

ACTION: DEFERRED TO OCTOBER 16, 2018

On motion of Councilman Mitchell and seconded by Councilman Byrd,

ORDINANCE #13384

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 31, SEWERS, MAINS AND DRAINS, ARTICLE VIII, STORMWATER MANAGEMENT, DIVISION 7, FEES, SECTION 31-356.1.1, ADJUSTMENTS TO QUALITY FEE RELATED TO WATER QUALITY FEE REDUCTIONS.

ACTION: PASSED ON FIRST READING

ORDINANCE #13385

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 18, GARBAGE AND REFUSE.

Councilman Henderson moved to approve with the intent of making an amendment. He was seconded by Councilman Mitchell. The motion carried. **Councilman Henderson moved** to amend by adding the following language under the section referencing 12 times in a 12 consecutive month: *The Director may develop additional conditions to include frequency of pickup to ensure no entity or individual abuses the residential bulky trash service. The Director may develop additional conditions to include frequency of pickup to ensure no entity or individual abuses the residential yard trash service as well.*

The motion was seconded by Councilman Mitchell. The motion carried. **Councilman Henderson moved** to approve as amended, seconded by Councilman Ledford. The motion carried.

ACTION: PASSED AS AMENDED ON FIRST READING

RESOLUTIONS:

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

RESOLUTION #29648

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO WATERFRONT EVENT MANAGEMENT AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH FRIENDS OF THE FESTIVAL, INC. FOR THE EXTENSION OF THE TERM FROM JULY 1, 2018 THROUGH DECEMBER 31, 2018, IN THE AMOUNT OF \$27,500.00.

The motion carried with Councilman Mitchell voting “No.”

ACTION: ADOPTED

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

RESOLUTION #29649

A RESOLUTION AMENDING RESOLUTION NO. 29336 TO CORRECT CERTAIN CLERICAL ERRORS IN THE ECONOMIC IMPACT PLAN FOR THE M.L. KING BOULEVARD DEVELOPMENT AREA.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29650

A RESOLUTION AUTHORIZING THE MAYOR TO SELL ONE (1) SURPLUS 2003 CHRYSLER TOWN AND COUNTRY MINIVAN PREVIOUSLY USED IN THE OPERATION OF THE CHATTANOOGAN HOTEL TO CHATTANOOGAN, LLC, A TENNESSEE LIMITED LIABILITY COMPANY FOR \$3,250.00 TO FACILITATE THE SALE OF THE CHATTANOOGAN HOTEL.

ACTION: ADOPTED

2018-173

BKY Enterprises GP % Beason View Land Company
District No. 1

Agenda Item VII(d):

A RESOLUTION AUTHORIZING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTIES LOCATED IN THE 1000 BLOCK OF BEASON DRIVE.

Councilman Henderson informed the Council that he received an email asking for a deferral on this item due to further need of discussion regarding the steep slopes. **Councilman Henderson moved** to defer to November 13, 2018. He was seconded by Councilwoman Berz. The motion carried.

ACTION: DEFERRED TO NOVEMBER 13, 2018

On motion of Councilman Ledford and seconded by Councilman Byrd,

RESOLUTION #29651

A RESOLUTION AUTHORIZING THE DONATION OF TWO (2) SURPLUS FORD CROWN VICTORIA AUTOMOBILES WITH ALL EMERGENCY EQUIPMENT AND CPD DECALS REMOVED, IN THE EXPRESSED NEED OF THE GUAYNABO, PUERTO RICO POLICE DEPARTMENT IN RECOVERY FROM THE STORMS SUFFERED.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilwoman Berz,

RESOLUTION #29652

A RESOLUTION AUTHORIZING PAYMENT TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), IN ACCORDANCE WITH SECTION X(48)(A) OF THE CONSENT DECREE, FOR SANITARY SEWER OVERFLOWS INCURRED DURING THE PERIOD OF JANUARY 1, 2017 THROUGH DECEMBER 31, 2017, IN THE AMOUNT OF \$63,000.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29653

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR, AND ACCEPT, IF AWARDED, REIMBURSABLE FUNDS FOR THE CURBSIDE RECYCLING GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC), FOR AN AMOUNT NOT TO EXCEED \$750,000.00.

ACTION: ADOPTED

PURCHASES:

Bonnie Woodward, Purchasing Director, briefed the Council on the following 13 proposed purchases:

PO 546017 and PO546018 Mayor's Office Estimated \$135,000.00 Annually

Two Blanket Contract Renewals, Printing Services,
City Wide
Lowest/Best Bidder:

1. Diversified Companies LLC 3721 Powers Court Chattanooga, TN 37416
2. Envelopes & Printed Products, Inc 135 Fairview Avenue Prospect Park, NJ 07508

PO546021 - Mayor's Office Estimated \$65,000.00 Annually
Blanket Contract Renewal, Soft Drinks, Energy Drinks
& Bottled Water, City Wide, Purchasing Division, Mayor's Office
Coca-Cola Bottling Company United
2111 West Shepherd Road
Chattanooga, TN 37421

PO540596 - Public Works Department Estimated \$250,000.00 Annually
Blanket Contract Renewal Fueling Station Repair
Services & Upgrades, Fleet Management Division,
Public Works Department
Southern Pump & Tank Company
2710 JOhn Deere Drive, Suite 207
Knoxville, TN 37917

PO545892 - Public Works Department Estimated \$60,000.00 Annually
Blanket Contract Renewal, Wrecker/Towing & Recovery
Services, Fleet Management Division, Public Works Department
Mostellers Wrecker Inc.
2415 East Main Street
Chattanooga, TN 37404

PO540875 - Public Works Department Estimated \$850,000.00 Annually
Blanket Contract Renewal, Refuse & Recyclables
Transport, City Wide Services, Public Works Department
Lowest/Best Bidder: Tennessee Waste Haulers, LLC
P.O. 16155
Chattanooga, TN 37406

PO545857 - Public Works Department Estimated \$35,000.00 Annually
Blanket Contract Renewal, Redi-Rock Concrete Blocks,
City Wide Services, Public Works Department
Bradley Tank & Pipe, LLC
P.O. Box 3146
Cleveland, TN 37320

R175507 - Public Works Department Estimated \$1,200,000.00 Annually
New Blanket Contract, Programmable Logic Controller
Services, Waste Resource Division, Public Works Department
Lowest/Best Bidder: Adman Electric Company, Inc.
2311 East 28th Street
Chattanooga, TN 37407

PO540618 - Public Works Department Estimated \$350,000.00 Annually
Blanket Contract Renewal for Liquid Sodium Bisulfite,
Waste Resource Division, Public Works Department.
Lowest/Best Bidder: Southern Ionics Inc.
P.O. Drawer 1217 201
Commerce Street West Point MS 39773

PO540619 - Public Works Department

Estimated \$70,000.00 Annually

Blanket Contract Renewal for Motorola Moscad
Telemetry Service & Support, Waste Resource Division,
Public Works Department
Lowest/Best Bidder: Diversified Integration, Inc.
2113 Fries Road
Galax, VA 24333

PO540969 - Public Works Department

Estimated \$25,000.00 Annually

Blanket Contract Renewal for Odor Neutralization Service,
Waste Resource Division, Public Works Department
Lowest/Best Bidder: BioTriad Environmental, LLC
11 Foundry Street, Suite 109
Stroudsburg, PA 18360

PO546133 - Public Works Department

Estimated \$350,000.00 Annually

Blanket Contract Renewal for Liquid Ferric Chloride,
Waste Resource Division, Public Works Department
Lowest/Best Bidder: PVS Technologies, Inc.
10900 Harper Avenue
Detroit, MI 48213

R175257 - Chattanooga Fire Department

Estimated \$89,000.00 Annually

New Blanket Contract for Hazardous Materials
Detection Equipment, Chattanooga Fire Department
Lowest/Best Bidder: All Safe Industries
11360 Bluegrass Parkway
Louisville, KY 40299

R172443 - Department of Transportation

Estimated \$43,000.00 Annually

New Blanket Contract for Traffic Sign Blanks,
Department of Transportation
Lowest/Best Bidder: US Standard Sign
11400 W. Addison Avenue
Franklin Park, IL 60131

Councilwoman Berz moved to approve, seconded by Councilman Henderson. Councilman Gilbert voted "No." The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Approval of Certification

Attorney Noblett requested the approval of certification for five (5) new grocery stores wishing to sell wine.

- **Aldi, Inc. d/b/a Aldi #87,
670 Signal Mountain Road (District 1)**

- **MAC’S Convenience Stores LLC d/b/a Circle K #2803618, 3743 Cummings Highway (District 1)**
- **MAC’s Convenience Stores LLC d/b/a Circle K #2803613, 1182 Mountain Creek Road (District 1)**
- **MAC’s Convenience Store LLC d/b/a Circle K #2803614, 712 Signal Mountain Road (District 1)**
- **MAC’s Convenience Store LLC d/b/a Circle K #2803644, 2020 E. Brainerd Road (District 6)**
- **MAC’s Convenience Store LLC d/b/a Circle K #2803645, 2514 Amnicola Highway (District 8)**

Each new certification was signed by five (5) councilpersons during this open meeting.

Approval of Renewal Certification

Attorney Noblett requested the approval of a renewal certification for one (1) grocery store wishing to sell wine:

- **Joseph Chaudhari, LLC d/b/a Kankus #5, 702 Central Avenue (District 8)**

The renewal certification was signed by five (5) councilpersons during this open meeting.

Board Appointment

Councilwoman Berz appointed Lindia Mathis to the YFD Advisory Board for District 6.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- The sale of The Chattanooga is now complete, as reported earlier today. The sale clears off \$29,000,000.00 of the bond. The City will no longer be the hotel business.
- A resolution was passed tonight to authorize the sale of a van used by the hotel to transport people to/from the airport. The van is also being sold to the new hotel owners. She commended Daisy Madison, the Finance staff and the City Attorney’s Office for their work on this sale.

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 met today to review one rezoning case on the agenda for next week.

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee met today to hear about the Garbage and Refuse proposal and will meet again 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:

- **Tiffany Rankins** (District 8) – Ms. Rankin is the Secretary of the Lincoln Park Neighborhood Association. She wanted to give kudos to various city representatives and elected officials: James McKissic, Greta Hayes, Amy Lowdermilk, Councilwoman Coonrod and Councilman Gilbert for all their assistance in the Lincoln Park’s Centennial Celebration on September 7-8. Future community meetings not coordinated to the officers of their association. Regarding Councilman Byrd’s Coffee and Doughnuts event at Engel Stadium, not all residents received the flyers. The residents who rented did not receive the flyer. Many renters did not receive the notice. She, therefore, asked that the city give 3-days minimum notice for events in their community for future events. She also asked Councilman Byrd to come to their association meetings with issues, but not offering solutions to issues regarding displacement policies, community land trust and mapping. She announced the next meeting at Engel Stadium is slated for November 8, 2018, at 6:00 p.m. She learned that someone has purchased a lot of property in their community and that she should have been notified. She believes Councilman Byrd has an agenda with developers and not supporting the neighbors. He needs to speak of historical preservation when speaking about Lincoln Park. He does not consult the officers. He has been speaking through County Attorney Rheuben Taylor, who does not reside in the district.
- **Lisa Davis** (East Lake/District 7) - She informed the Council of the “Porch Fest” event taking place this Saturday, October Between 11-3, at the East Lake Senior Center. There will be a cookout and activities. She also wanted to thank the City for allowing her neighborhood association the use of the senior center and concession stand. She distributed a calendar of events this month at the center. They are bringing La Paz to the area. In addition, there are cooking classes, Health Department events and neighborhood association meetings at the center.
 - Councilman Ledford was granted permission to instruct the Clerk to distribute the calendar of events in the Council’s mailboxes. *[See attached]*

ADJOURNMENT

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

CHAIRMAN

CLERK OF COUNCIL

*Attachment:
Calendar of Events – East Lake N.A.*