



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
February 13, 2018  
6:00 PM

## **CALL TO ORDER**

Council Chairman Jerry Mitchell called the meeting to order with Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, and Darrin Ledford. Also present were Phil Noblett, Deputy City Attorney, and Nicole Gwyn, Council Clerk. Councilman Erskine Oglesby was not present this meeting.

## **PLEDGE OF ALLEGIANCE**

Councilwoman Berz led the Assembly in the Pledge of Allegiance.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Henderson and seconded by Councilman Ledford**, the minutes of the last meeting (February 6, 2018) were approved as published.

## **ORDINANCES – FINAL READING: (NONE)**

## **ORDINANCES – FIRST READING:**

**2018-016**  
**Cardon Smith**  
**District No. 4**

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

### **ORDINANCE #13279**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1 AND 4 AND LEAVING CONDITIONS 2 AND 3 OF ORDINANCE NO. 12259 FROM PROPERTIES LOCATED AT 7415 AND 7419 ZIEGLER ROAD AND 1707 AND THE REAR PORTION OF 1711 JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**2018-017**  
**Cardon Smith**  
**Alternate Version**  
**District No. 4**

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

**ORDINANCE #13280**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1707 (PART), 1711 (PART), 1715 AND 1719 JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

There was no Opposition present. John Bridger, Executive Director of Regional Planning, read the conditions of the Alternate Version.

1. *Limit construction to 3 stories*
2. *No parking garage*
3. *Medical/Office use only*
4. *Type C buffer added opposite the Type A buffer on the North side of property*
5. *A 28' street yard buffer with an irrigated 6' high berm on the east side (Joiner Road)*
6. *Add sidewalks along Joiner Road base on CDOT recommendations.*

Councilman Ledford confirmed that the Applicant, who was present, agreed with the conditions.

**ACTION: ALTERNATE VERSION PASSED  
ON FIRST READING**

**2018-008**  
**Pratt Land & Development, LLC**  
**Planning Version**  
**District No. 4**

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

**ORDINANCE #13281**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8360 PETTY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Mr. Bridger read the conditions at the request of Councilman Ledford: "...subject to being limited to fourteen (14) units and widening of Petty Road, subject to CDOT requirements."

Councilman Ledford confirmed that the Applicant, who was present, approved of these conditions. After which, the motion carried.

**ACTION: PASSED ON FIRST READING**

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

A hearing ensued for Agenda Item VI(d):

**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.**

No Opposition was present this meeting. Councilman Ledford informed the Council that he had spoken with the Applicant about this item. Due to ongoing circumstances, **Councilman Ledford moved** to table, seconded by Councilman Henderson. The motion carried.

**ACTION: TABLED INDEFINITELY**

2018-018  
Lyashevskiy Sergey  
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**ORDINANCE #13282**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS OF ORIGINAL SITE PLAN IN ORDINANCE NO. 12268 FROM PROPERTIES LOCATED AT 1412 AND 1420 CRAWFORD STREET, MORE PARTICULARLY DESCRIBED HEREIN.**

**ACTION: PASSED ON FIRST READING**

2018-007  
J & B Development  
Planning Version  
District No. 6

**ORDINANCE #13283**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7353 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Councilwoman Berz informed the Council that there was a condition reworded last week regarding tax parcel number 139J-B-9. Mr. Bridger read the condition that would be amended: "...*subject to no new curb cut onto Lee Highway and to utilize existing curb-cut from adjacent owned property at 7363 Lee Highway (Tax Map No. 139J-B-005.01).*"

**Councilwoman Berz moved** to amend to add wording “subject to one curb cut.” She was seconded by Councilman Gilbert. The motion carried. **Councilwoman Berz moved** to approve as amended, seconded by Councilman Ledford. The motion carried.

ACTION: PASSED AS AMENDED ON  
FIRST READING

2018-001  
Robert L. Brown  
Planning Version  
District No. 7

On motion of Councilman Henderson and seconded by Councilman Byrd,

**ORDINANCE #13284**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 300 BLOCK OF WEST 45<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-3 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

2018-010  
Jeremiah Moore  
Planning Version  
District No. 7

**Agenda Item VI(h):**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5601 TENNESSEE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

**Councilman Ledford moved** to defer until March 6, 2018. He was seconded by Councilman Henderson. The motion carried.

ACTION: DEFERRED UNTIL  
MARCH 6, 2018

**RESOLUTIONS:**

On motion of Councilman Ledford and seconded by Councilwoman Berz,

**RESOLUTION #29321**

**A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS AND INITIATED BY THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO EXECUTE AN AGREEMENT TO EXERCISE OPTION TO RENEW, FOR A TERM OF ONE YEAR, WITH CHATTANOOGA RADIO CONTROL CLUB, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE LEASE OF APPROXIMATELY SIX (6) ACRES AND A DEFINED FLY ZONE FOR THE FLYING OF MODEL AIRPLANES, CLUB MEETINGS, AND OTHER CONNECTED ACTIVITIES, WITH AN ADDRESS OF 4246 WOODLAND DRIVE, ON A PORTION OF TAX PARCEL NO. 140-133.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

**RESOLUTION #29322**

**A RESOLUTION AUTHORIZING THE APPOINTMENTS OF SARAH ROBBINS AND JAMES MCFARLAND AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE LAND DEVELOPMENT OFFICE, TO DO SPECIAL DUTIES AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Byrd,

**RESOLUTION #29323**

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF LANCE MCCRORY, AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CHATTANOOGA DEPARTMENT OF TRANSPORTATION, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: ADOPTED**

A hearing ensued about the following:

**RESOLUTION #29324**

**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 1135 MCNICHOL LANE.**

**Mr. Bridger gave the staff report in a presentation to the Council.** Councilman Ledford asked to her from Mike Price on behalf of the Applicant. Mr. Price discussed the area not being well-defined, constructing a cul-de-sac and private road, having a low density and the Planned Unit Development overlay. Councilman Ledford confirmed with Mr. Price that the PUD was limited to 23 units.

On behalf of the Opposition:

**Kathy Gray (McNichols Lane)** - She brought a petition from residents in opposition to the PUD. Her chief complaint was the narrowness of McNichol Lane and argued that the lane cannot handle the addition traffic due to a PUD. She argued that this was a public safety issue because the width of the road is less than the minimum required by the Fire Department for access.

Discussion ensued:

- Fire Chief Hyman, who would like to get more information on this case.
- Councilman Ledford informed the Council that he has been working with the Fire Department to look at lanes meeting fire standards.
- Mr. Bridger further discussed the adoption of a site plan subject to the development review process.
- Chairman Mitchell questioned which entity--Chattanooga Fire Department or Chattanooga Department of Transportation--has authority to stop building on the property.

Rebuttal:

Mr. Price discussed the width of the road and disagreed with the opposition about the road not being wide enough for two lanes of traffic and fire truck access.

Councilman Ledford reiterated to the Opposition that this item is just for the PUD, not a rezoning. After which, **Councilman Ledford moved** to approve, seconded by Councilman Byrd. **The motion carried, with Chairman Mitchell and Councilman Henderson voting "No."**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Byrd,

**RESOLUTION #29325**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 FOR CTI ENGINEERS, INC. RELATIVE TO CONTRACT NO. W-15-001-101, MBWWTP DETRITORS REHABILITATION, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$138,000.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$428,000.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

**RESOLUTION #29326**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-15-002-201 TO LAYNE INLINER, LLC OF HILLIARD, OH, FRIAR'S BRANCH SOUTH CHICKAMAUGA CREEK 5 INTERCEPTOR REHABILITATION, A CONSENT DECREE PROJECT, IN THE AMOUNT OF \$8,683,052.00, WITH A CONTINGENCY AMOUNT OF \$400,000.00, FOR AN AMOUNT NOT TO EXCEED \$9,083,052.00.**

**ACTION: ADOPTED**

On motion of Councilman Ledford and seconded by Councilman Byrd,

**RESOLUTION #29327**

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. D-16-006-201 TO RAINES BROTHERS, INC. OF CHATTANOOGA, TN, GATEWAY SCULPTURES AT BLUE GOOSE HOLLOW, IN THE AMOUNT OF \$82,733.40, WITH A CONTINGENCY AMOUNT OF \$8,200.00, FOR AN AMOUNT NOT TO EXCEED \$90,933.40.**

Stacy Richardson, Chief of Staff, confirmed for Councilman Henderson that funding is coming from local foundations.

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Byrd,

**RESOLUTION #29328**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN ADDITIONAL ONE (1) YEAR AGREEMENT WITH DENALI WATER SOLUTIONS, LLC FOR LAND APPLICATION AND BENEFICIAL USE OF CLASS B BIOSOLIDS FROM THE MOCCASIN BEND WASTEWATER TREATMENT PLANT AS PER THE SIGNED CONTRACT DATED MARCH 30, 2015, NOT TO EXCEED \$2 MILLION.**

**ACTION: ADOPTED**

On motion of Councilman Henderson and seconded by Councilman Ledford,

**RESOLUTION #29329**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PARTNERSHIP AGREEMENT, PROJECT NO. T-17-002-811, WITH ETHAN COLLIER CONSTRUCTION COMPANY, INC. FOR 100 @ SOUTH BROAD, PHASE 2, LOCATED AT 3100 ST. ELMO AVENUE AND TO ACCEPT A CONTRIBUTION OF \$10,118.92 TOWARDS THE COST OF FOUR (4) PEDESTRIAN LIGHT POLES, LUMINAIRES, CONDUITS, AND INSTALLATION.**

**ACTION: ADOPTED**

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

**RESOLUTION #29330**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) GRANTING THE CITY OF CHATTANOOGA PERMISSION TO ISSUE HIGHWAY ENTRANCE PERMITS ON STATE HIGHWAYS.**

**ACTION: ADOPTED**

**PURCHASES:**

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

**PO542339 & PO542340 - Public Works**

Estimated \$107,000 Annually

Blanket Contract Renewal for Lock & Key Services -  
Facilities Management

Lowest/Best Bidders:

1. Ace Lock & Key, Inc. 4412 Dodds Avenue Chattanooga, TN 37407
2. A-1 Lock & Security 209 West Emery Street Dalton, GA 30720

**PO536972 & PO536973 - Public Works**

Estimated \$2,000,000 Annually

Blanket Contract Renewal for Electrical Supplies -  
Facilities Management

Lowest/Best Bidders:

1. Gexpro - 2800 Amnicola Highway Chattanooga, TN 37406
2. Mayer Electric Supply Company, Inc. - 799 East 11th Street, Chattanooga, TN 37403

**PO531016 - Public Works**

Estimated \$200,000 Annually

Blanket Contract Renewal for Emergency Service/  
Disaster Recovery-Facilities Management

Lowest/Best Bidder: Belfor USA Group, Inc.  
4317 North Creek Road  
Chattanooga, TN 37406

**R165618 - Police Dept.**

\$47,900

Purchase of Pistol Ammunition

Lowest/Best Bidder: Precision Delta Corporation  
205 Floyce Street  
Ruleville, MS 38771

**R164707 - Transportation Dept.**

Estimated \$201,000 Annually

New Blanket Contract for Preformed Speed Cushions -  
Transportation Dept.

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

**Councilwoman Berz moved** to approve, seconded by Councilman Henderson. The motion carried.

**ACTION: ALL PURCHASES APPROVED**

**OTHER BUSINESS:**

**Board Appointment - District 9**

Councilwoman Coonrod notified the Council of her intent to appoint Juanita Loundman-Clay (a.k.a. "Dr. J") to the Youth and Family Development Human Services Advisory Board.

**COMMITTEE REPORTS:**

*Budget and Finance Committee*

Councilman Henderson  
(No report)

*Economic and Community Development Committee*

(Councilman Oglesby not present)

*Human Resources Committee (HR)*

Councilman Gilbert reported;

- The annual "Rock the Block" Back-to-School Bash is set for August 4, 2018. Book bags and other schools supplies will be distributed at this event.

*Planning and Zoning Committee*

Councilman Ledford  
(No report)

*Public Safety Committee*

Councilman Byrd  
(No report)

*Public Works and Transportation Committee*

Councilwoman Berz reported:

- The committee will meet next week to review agenda items for the next two weeks.

*Youth and Family Development Committee*

Councilwoman Coonrod reported:

- She and people from throughout the city participated in the Wilcox Tunnel mural project last weekend at the Eastdale YFD Center.

*Innovation Technology Committee*

Vice-Chairman Smith

(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 Mitchell recognized the following persons:

- **Juanita “Dr. J” Loundman-Clay** - She is disappointed with the recent Council decision regarding the Father to the Fatherless organization. She has experience having studied on a commission regarding homes with no fathers, and worked as an intern in a Florida prison. She asked the Council for ways to provide for at-risk males. She asked that if Father to the Fatherless is lacking in any way, that the city assist them to provide the services they need. She asked the Council to put funding towards preventative services.
- **Helen Burns-Sharp (Walnut St.)** - She informed the Council that her organization, Accountability for Taxpayer Money, supports the MLK Extension, but is concerned with the funding sources. Regarding the Alstrom clawback funds, she wanted to know if those were “restricted” for workforce development. Regarding the 21<sup>st</sup> Century Waterfront, would hotel/motel taxes be used. She voiced concerns about MLK Extension TIF and asked the Council to answer: Are the \$1.7 Million in soft costs in the Economic Impact Plan adding to the current soft costs? Who are the owners that receive the land acquisition?
- **Franklin McCallie (Reed Ave.)** - he gave the Clerk a copy of his statement (see attached). He believes the city planned a TIF for the MLK Extension. Regarding the Alstrom clawback funds, he believes the funds were earmarked, not restricted. He recommended that citizens read “The Poverty Puzzle” article from 2016 that was published in the Chattanooga Times Free Press. He said that he would get a copy of that article to each councilperson.

## **ADJOURNMENT**

**On motion of Councilman Henderson**, Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, February 20, 2017, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

*Attachment:*  
*Statement from Franklin McCallie*

Franklin McCallie, 1615 READ AVE.

Chattanooga City Council, 13 February 2018:

Yesterday, I quoted Mayor Andy Berke to the IDB with two sentences from his second inaugural address because his words were insightful and courageous. I gave them to you last night in an email, and I repeat them today because they could be crucial to the proposed TIF decision for an M.L. King Extension, but only if you, who have the authority to act, will do something definitive with his words.

Mayor Berke said: "The real Chattanooga is the Chattanooga we build together.... We cannot succeed as a community with extraordinary wealth at one extreme and deep poverty at the other." That's a courageous statement and a scary statement for some people.

The fact is that many people of wealth do not believe that for one minute—or certainly do not act as if they believe that. While some of our richest citizens are energizers for the best of our visionary helping organizations, most wealthy people believe that we can succeed as a great city regardless of how difficult the struggle for poor people is because we can just overlook them. That's one of the reasons we give away particular tax abatements that are **not** justified in terms of TIFs and PILOTs. Those who benefit most from those actions are the already wealthy who do not need the money.

We heard today that the funds from the \$6 million clawback from the Alstom Corporation were "restricted." That was a mistake in wording. I'm sure the speaker meant, "earmarked." But I believe they were earmarked for something other than this project so that a TIF would be necessary. I do not know fully why, but I believe the administration wanted a TIF for this project, and I do not believe that's fair to Chattanooga tax payers.

I have recently been rereading the amazing, dynamic, and upsetting, research document, "The Poverty Puzzle," published in 2016 by the Chattanooga Times Free Press and authored by Joan Garrett McClane and Joy Lukachick Smith. It was named a finalist for the Pulitzer Prize. I am making a pledge today to get a copy of that document to each of you so that you can groan, and cry, and hurt again when you see where Chattanooga is so far failing so many of our students in education, our underserved in affordable housing, and our least trained who can only earn poverty-level jobs. With the terrible statistics in mind, you may well be able to sit with the mayor and other city employees and with diverse citizens across this city in large and small groups as Chattanooga did in the days of Chattanooga Venture, and come to grips with new ways to galvanize our community—the wealthy and the less wealthy—toward making decisions together—in order to build that city of Chattanooga about which Mayor Berke was speaking. It is never easy. It takes time and belief. But we can do it if we want to; we can do it if we care.