



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
May 22, 2018
6:00 PM

CALL TO ORDER

Council Vice-Chairman Erskine Oglesby called the meeting to order with a quorum present, including himself and Councilpersons Carol Berz, Anthony Byrd, Russell Gilbert, Chip Henderson and Darrin Ledford. Wade Hinton, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

Council Chairman Ken Smith, Councilman Jerry Mitchell and Councilwoman Demetrus Coonrod were not present this meeting.

PLEDGE OF ALLEGIANCE

Vice-Chairman Oglesby led the Assembly in the Pledge of Allegiance and gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Henderson and seconded by Councilman Ledford, the minutes of the last meeting (May 15, 2018) were approved as published.

SPECIAL PRESENTATION

“Proclamation for Avondale YFD”
“Initiators of Tobacco Policy Change”
By Councilman Anthony Byrd

Councilman Byrd recognized and honored four students from the Avondale community-- Desman Ware, Jai Nolan, Mike Green, De'Koryon Powell and Dereke Townsend--and proclaimed the following:

Proclamation

Whereas, Four local high school students worked with the Avondale Youth and Family Development Center and Hamilton County Coalition to show their support for a more comprehensive tobacco-free policy for all Hamilton County schools.

Whereas, These students are part of a statewide youth tobacco prevention movement called "TNSTRONG," which stands for "Tennessee Stop Tobacco and Revolutionize Our New Generation" and whose mission is to make the next generation of Tennesseans tobacco-free.

Whereas, The old Hamilton County Schools policy prohibits smoking inside the buildings but did not address new nicotine products such as e-cigarettes. The students recommending a broader policy that would protect them and their peers from the harmful effects of tobacco and e-cigarettes.

Whereas, These students discussed how e-cigarette are being marketed as less harmful, but still have dangers that are not well understood. The students also discussed how addictive nicotine can be for youth and young adults.

Whereas, These four students made a powerful impact upon the Hamilton County Board of Education and successfully advocated for a new and comprehensive tobacco-free policy for all Hamilton County school campuses.

Now Therefore,

I, Anthony Byrd, Councilman for City Council District 8,
do hereby proclaim **May 22, 2018**, as a **DAY OF RECOGNITION**
in the city of Chattanooga, Tennessee, for

**Desman Ware, Jai Nolan
Mike Green, De'Koryon Powell
and Dereke Townsend,**

who are all change leaders for the lives of Hamilton County students.

Anthony Byrd

ORDINANCES – FINAL READING:

2018-071
Danny White
Alternate Version
District No. 5

On motion of Councilman Gilbert and seconded by Councilman Byrd,

ORDINANCE #13316

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3439 LIGHTFOOT MILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-4 OUTDOOR INDUSTRIAL USE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2018-060
MAP Engineers/Napier Associates
% Ken DeFoor
District No. 4

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13315

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 7300 BLOCK OF MCCUTCHEON ROAD TO ALLOW FOR PRIVATE DEVELOPMENT, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING: (NONE)

RESOLUTIONS:

2017-006
MBSC Black Creek, LLC % Doug Stein
/Obar Investments, LLC
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29464

A RESOLUTION AMENDING RESOLUTION NO. 28922 TO INCORPORATE THE CORRECT MAP ATTACHED TO THE RESOLUTION DUE TO CLERICAL ERROR.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29465

A RESOLUTION AUTHORIZING THE CHATTANOOGA CHIEF OF POLICE TO APPROVE AND ACCEPT A GRANT CONTRACT WITH THE STATE OF TENNESSEE, DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CRIMINAL JUSTICE PROGRAMS FOR THE VICTIM OF CRIME ACT OF 1984 (VOCA) GRANT, FOR A TOTAL AMOUNT OF \$600,000.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29466

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. Y-17-017-201 TO JDH COMPANY, INC. OF CHATTANOOGA, TN, REPLACEMENT ROOFING SYSTEM FOR JOHN A. PATTEN YFD CENTER BUILDING, IN THE AMOUNT OF \$314,205.00, WITH A CONTINGENCY AMOUNT OF \$30,000.00, FOR AN AMOUNT NOT TO EXCEED \$344,205.00.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Henderson,

RESOLUTION #29467

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR RAINES BROTHERS, INC. OF CHATTANOOGA, TN, CONTRACT NO. R-17-002-201, MIDDLE STREET OFFICE RENOVATION PROJECT, FOR AN INCREASED AMOUNT OF \$2,469.00, TO RELEASE THE REMAINING CONTINGENCY AMOUNT OF \$15,831.00, FOR A REVISED CONTRACT AMOUNT OF \$185,629.00.

Councilman Ledford noted that this was in Vice-Chairman's district. The motion carried.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29468

A RESOLUTION AUTHORIZING THE APPOINTMENTS OF RHEMA HARRIS, TYLER LOWE, AND DESIRAE TURNER AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA), TO DO SPECIAL DUTIES AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #29469

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ACCEPT THE BID AND CONTRACT WITH CHATTANOOGA JUNIOR GOLFERS DEVELOPMENT PROGRAM TO MANAGE AND OPERATE THE EDUCATIONAL AND LEADERSHIP ENRICHMENT PROGRAM FOR FISCAL YEAR 2017-2018, IN THE AMOUNT OF \$40,000.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29470

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ACCEPT THE BID AND CONTRACT WITH CHATTANOOGA FOOTBALL CLUB FOUNDATION TO MANAGE AND OPERATE THE EDUCATIONAL AND LEADERSHIP ENRICHMENT PROGRAM FOR FISCAL YEAR 2017-2018, IN THE AMOUNT OF \$23,000.00.

Discussion ensued about this item being reflected correctly on the current agenda. Attorney Hinton confirmed that the legal name of the organization had been changed previously and that the amount of \$23,000 was correct. Upon no further discussion, the motion carried.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

RESOLUTION #29471

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ACCEPT THE BID AND CONTRACT WITH CHATTANOOGA BASKETBALL TO MANAGE AND OPERATE THE EDUCATIONAL AND LEADERSHIP ENRICHMENT PROGRAM FOR FISCAL YEAR 2017-2018, IN THE AMOUNT OF \$100,000.00.

ACTION: ADOPTED

PURCHASES:

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

R123091 - Public Works Estimated \$250,000 Annually
New Blanket Contract for Playground & Outdoor
Fitness Equipment and Services- City Wide- Parks Division
Lowest/Best Bidder: Game Time Inc.
150 Playcore Drive SE
Fort Payne, AL 35967

PO543534 - Public Works Estimated \$37,000 Annually
Blanket Contract Renewal for Tree Planting Services
Lowest/Best Bidder: Mountain City Landscape Inc.
4165 South Creek Road
Chattanooga, TN 37406

PO543750 - Public Works Estimated \$80,000 Annually
Blanket Contract Renewal for Alarm Monitoring Services
& Supplies- Facilities Management Division
Lowest/Best Bidder: Action Alarms of Chattanooga, Inc.
1601 Old Lafayette Road
Fort Oglethorpe, GA 30742

PO547168 - Fire Department New Estimated \$735,000 Annually
Increase to Authorized Expenditure for Blanket Contract
for Firefighter's Protective Clothing
Lowest/Best Bidder: North Alabama Fire Equipment Inc.
1515 W. Moulton St.
Decatur, AL 35601

R167949 & R305065 - Public Works \$82,915.60
Purchase of Butterfly Valves- Waste Resources Division
Lowest/Best Bidder: Consolidated Pipe & Supply
1332 Stuart Street
Chattanooga, TN 37406

PO520703 - Information Technology Estimated \$500,000 Annually
Blanket Contract Renewal for Verizon Wireless
High Speed & Cell Voice and Data Services
Lowest/Best Bidder: Verizon Wireless
5959 Shallowford Road
Chattanooga, TN 37421

PO532250 - Purchasing Division Estimated \$450,000 Annually
Blanket Contract Renewal for Staples -
Office Supplies and Toner
Lowest/Best Bidder: Staples
PO Box 405386
Atlanta, GA 30384

Ms. Woodward informed the Council about the description on their paperwork for PO547168 needed correction. She also clarified department name for PO547168. [Editor's Note: The purchase, PO547168, herein reflects all corrections discussed in this open meeting.] Upon no further questions or comments, **Councilman Henderson moved** to approve, seconded by Councilman Ledford. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

City Attorney's Report

Attorney Hinton had informed the Council about a mediation settlement to Kristen Hopper in the amount of \$225,000.00. He asked the Council to authorize the settlement to resolve this claim.

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29472

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SETTLE A LAWSUIT CONCERNING A CLAIM BY KRISTEN M. HOPPER THROUGH HER ATTORNEY OF RECORD, SPEARS, MOORE, REBMAN & WILLIAMS, P.C., SUBJECT TO THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND ENTRY OF A DISMISSAL WITH PREJUDICE, IN THE AMOUNT OF TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00).

ACTION: ADOPTED

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

- The Council held its first FY19 budget education session today from 10:00 a.m. to 2:30 p.m.
 - Vice-Chairman Oglesby thanked her for the leadership in the process.
- The next budget education session will take place next week (May 29) at 10:00 a.m.

[Councilman Gilbert exited the meeting during Councilwoman Berz's report.]

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee (HR)

(Councilman Gilbert - Not present at this time in meeting)

(No report)

Planning and Zoning Committee

Councilman Ledford

(No report)

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
(Councilman Mitchell - Not present this meeting)

Youth and Family Development Committee
(Councilwoman Coonrod - Not present this meeting)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (Non-Agenda Items)

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

- **Christopher Dahl (Chattanooga)** - Mr. Dahl spoke regarding the public comment portion of the Council's agenda. He advised the Council on the following to guide the public comment sections of the agenda: Robert's Rules of Order; the Tennessee Public Meeting law; Tenn. Code Ann. § 5-5-108 defining a public body and a quorum of the public body; and the Telephone Cooperative Transparency Act of 2011 about public attendance to meetings of telephone cooperatives. He discussed how public bodies cannot hinder free speech due to a person's topic or viewpoint. He discussed the Supreme Court "Doctrine of Public Forum" and protections by the First Amendment.
- **Rick Carpenter (Chattanooga)** - Mr. Carpenter assisted Mr. Dahl by continuing informing the Council about the public comment section of the agenda. The Tennessee Constitution regarding the right to peaceful assembly to instruct their representatives, petition grievances and address other proper purposes. He informed the Council about substantive due process and how it limits the Council's procedural limitations. He discussed case law that embraces free speech. He discussed the Council opening itself to Class Action litigation regarding First Amendment rights to free speech. He discussed Robert's Rules of Order ensuring orderly meetings and fair processes for Council meetings.
- **Gary Ball (Ridgedale Community)** - Mr. Ball spoke on behalf of his community and his company. Councilwoman Coonrod came to his office recently about CNE. He believes CNE is competing with his business in developing housing in three Council districts. He indicated that CNE receives funding from the City of Chattanooga but did not go through the RFP process in recent housing developments. He informed the Council that he met with CNE and went to the Planning Commission to tell them what the community wanted regarding CNE's developments. He does not believe the CNE embraces communities and indicated that they went against what the community wanted. He considers CNE to be a quasi-governmental agency.

ADJOURNMENT

On motion of Councilman Ledford, Vice-Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, May 29, 2018, at 6:00 p.m.

VICE-CHAIRMAN

CLERK OF COUNCIL