



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
May 8, 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, Deputy City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Councilwoman Coonrod led the Assembly in the Pledge of Allegiance and gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (May 1, 2018) were approved as published.

SPECIAL PRESENTATIONS (2)

"City of Chattanooga's Civil Rights Essay Contest Winner"

"Phoebe Mills"

By City Attorney Wade A. Hinton

Wade Hinton, City Attorney, introduced Phoebe Mills, the winner of the City's Civil Rights Essay Contest. He informed the Council that the contest mission was to increase students' knowledge and understanding of civil rights and empower them to make the world a better place for years to come. The contest was open for grades 10-12. They received 40 - 50 essay from students in public, private and charter schools. Subjects ranged from gentrification and redlining and jobs and justice. They are thinking about how to further engage these youth. Essayists were asked to "identify any barriers you see for all Chattanoogaans in experiencing Dr. King's dream and what you and your community can do to overcome those barriers." He described the winning essayist, Miss Mills, as "wise beyond her years" and noted that in addition to being recognized here today, Miss Mills will also receive a \$400 book scholarship. He read a proclamation for Miss Mills on behalf of Mayor Berke. After which, Mr. Hinton acknowledged Miss Mills' mother, who was present in the Assembly, and the team of city employees who judged the contest.

[See attached proclamation]

**“Special Community Recognition” Honoring
Assistant Police Chief Edwin McPherson
and Retired Captain Pedro Bacon”
By Councilman Russell Gilbert**

Councilman Gilbert presented a proclamation to Assistant Police Chief Edwin McPherson after the announcement of his pending retirement. He also presented a proclamation to retired CPD Captain Pedro Bacon. He then read proclamations for each man.

Councilman Gilbert introduced representatives from two other organizations that also wished to honor the two men: the North Brainerd Council, presented by Ezra Harris, and the Chattanooga-Hamilton County Chapter of the NAACP, presented by Dr. Elenora Woods. Members of both North Brainerd Council and the executive board of the NAACP chapter were also present during the presentation. Dr. Woods acknowledged Napoleon “Donut” Williams, the city’s first black detective, in the Assembly today. Bishop Kevin Adams of Olivet Baptist Church spoke about the men on behalf of the clergy of Chattanooga. Councilman Gilbert asked the families of the men to stand as well as the community members who came out today to honor these men.

Chairman Smith recognized the families of both men and addressed each man personally with his thoughts about each man’s service to the city. Chairman Smith also acknowledged the presence of County Commissioner Joe Graham in the Assembly today.

[See both proclamations attached.]

ORDINANCES – FINAL READING:

**2018-042
Jason Geraci
Planning and Staff Version
District No. 8**

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13305

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 906 AND 912 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2018-006
DreamTech Homes, LLC
District No. 4

On motion of Councilman Ledford and seconded by Councilman Byrd,

ORDINANCE #13306

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED AT 1135 MCNICHOL LANE, TAX MAP NO. 1590-A-026.01, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

Change in Order of Agenda

Councilman Mitchell moved to move Agenda Item VI(h) to the top of the agenda for first readings. He was seconded by Councilman Ledford. The motion carried. Chairman Smith instructed the Clerk to read Agenda Item VI(h) first among the other first reading items.

Agenda VI(h):

2018-073 RTB Holdings, LLC and Dartmouth Properties, LLC (R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone properties located at 1841, 1847, 1849, and 1853 (part) Knickerbocker Avenue, more particularly described herein, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone. **(District 2) (Recommended for denial by Planning and Staff)**

Chairman Smith confirmed that there was Opposition in the Assembly today. **Councilman Mitchell moved** to deny, seconded by Councilman Henderson. The motion carried.

ACTION: DENIED

Agenda VI(a):

2018-075 Hillocks Farm Land Company, LLC c/o Duane Horton (Amend Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to amend Condition 2.1 of specific conditions for R-4 Zoning Ordinance No. 12809 of previous Case No. 2014-008 on part of property located at 6100 Highway 153, more particularly described herein, subject to certain conditions. **(District 1) (Recommended for approval by Planning and recommended for denial as to Applicant's request)**

2018-075 Hillocks Farm Land Company, LLC c/o Duane Horton (Amend Conditions). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to amend Condition 2.1 of specific conditions for R-4 Zoning Ordinance No. 12809 of previous Case No. 2014-008 on part of property located at 6100 Highway 153, more particularly described herein, subject to certain conditions. **(Staff Version)**

Councilman Henderson noted that case numbers this case is also related to the next three cases: 2018-077, 2018-078 and 2018-079, herein listed as agenda items VI(b) through VI(d). The Applicant requested that all four items cases be heard on June 12, 2018. Therefore, Councilman Henderson moved to defer until June 12, 2018.

ACTION: DEFERRED UNTIL JUNE 12, 2018

Agenda VI(b):

2018-077 Hillocks Farm Land Company, LLC c/o Duane Horton (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6048 Highway 153, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(District 1) (Recommended for approval by Planning)**

2018-077 Hillocks Farm Land Company, LLC c/o Duane Horton (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6048 Highway 153, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Staff Version)**

ACTION: DEFERRED UNTIL JUNE 12, 2018

Agenda Item VI(c):

2018-078 Hillocks Farm Land Company, LLC c/o Duane Horton (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6046 Highway 153, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone. **(District 1) (Recommended for approval by Planning)**

2018-078 Hillocks Farm Land Company, LLC c/o Duane Horton (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6046 Highway 153, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Staff Version)**

ACTION: DEFERRED UNTIL JUNE 12, 2018

Agenda Item VI(d):

2018-079 Hillocks Farm Land Company, LLC c/o Duane Horton (R-1 Residential Zone to C-2 Convenience Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 6100 Highway 153, more particularly described herein, from C-2 Convenience Commercial Zone to R-4 Special Zone, subject to certain conditions. (District 1) (Recommended for approval by Planning and Staff)

ACTION: DEFERRED UNTIL JUNE 12, 2018

2018-049
Aimee Allen
Planning and Staff Version
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Ledford,

ORDINANCE #13307

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 600 TREMONT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Applicant:

- **Aimee Allen** - She would like to reflect the building use. All have their own meters. Feels it is compatible with the North Shore plan.

Opposition: (Declined the opportunity to speak)

Councilman Mitchell initiated a discussion with Mr. Bridger and Mr. Noblett about adding a condition to amend that would ensure that the existing structure could not be replaced with a different type structure. Mr. Bridger recommended something to this effect: *“subject to retention of existing house.”* Discussion ensued about what would happen to the structure in the case of fire or natural disaster.

After all discussion, **Councilman Mitchell moved** to approve, with the intent to amend. He was seconded by Councilman Ledford. The motion carried. **Councilman Mitchell moved** to amend by adding a condition stating *“no more than five residential dwelling units within existing structure.”* He was seconded by Councilman Ledford. The motion carried. **Councilman Mitchell moved** to approve as amended. He was seconded by Councilman Ledford. The motion carried.

ACTION: PASSED ON FIRST READING AS AMENDED

2018-052
John Jernigan, Jr.
Planning Version
District No. 2

Agenda VI(f):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 512 TUCKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE.

Chairman Smith confirmed that the Applicant was present, but no Opposition was present. Mr. Bridger briefed the Council on the case recommendations and noted no Opposition attended the Planning Commission meeting.

Applicant:

- **John Jernigan** - He informed the Council that the people on Rosewood are looking the back of his and his neighbor's houses. He believes building two new houses there will make Rosewood look better. He believes the street currently looks like an alley. He wants to build the two new houses so that they are facing Rosewood. He will a deep ditch culvert on the street, which may help widen the road.

Opposition:

- **Leah Bridges** - She has lived in North Chattanooga since 1999. She is concerned about the old houses dating back to 1910 are being replaced with mansions. She cites safety, noise and proximity of homes as her reason for opposition. Her home is one of those built in 1910.
- **Ginger Moss** (North Chattanooga) - She says that Rosewood is not good for any type of parking because part of it is still natural. She does not believe the entrance and egress on Tucker Street will help with traffic on Rosewood. The parking and safety issues as her main reasons for asking the Council to keep the property as is.

Rebuttal:

In rebuttal to Ms. Bridges' concerns, Mr. Jernigan does not plan to change the two houses on Tucker. He believes the Zero Lot Line will give him the setbacks that he needs. In rebuttal to Ms. Moss's concerns, Mr. Jernigan informed the Council that he will have driveways on Rosewood, so he does not see how parking would be a problem.

Councilman Mitchell commented on how Rosewood looks like an alley and inquired of Mr. Jernigan about what will happen with rainwater when the culvert is filled. Councilman Mitchell indicated that rezoning has been done on that street before, but he thinks some details can be worked out still on this particular request. Therefore, **Councilman Mitchell moved** to defer one (1) week to May 15, 2018. He was seconded by Councilman Gilbert. The motion carried.

ACTION: DEFERRED ONE (1) WEEK UNTIL MAY 15, 2018

2018-056
John Jernigan, Jr.
Planning Version
District No. 2

Agenda Item VI(g):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 510 TUCKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE.

Councilman Mitchell conferred with Mr. Bridger about not having a public hearing on this property. **Councilman Mitchell moved** to defer one (1) week until May 15, 2018. He was seconded by Councilman Ledford. The motion carried.

ACTION: DEFERRED ONE (1) WEEK UNTIL MAY 15, 2018

2018-054
N & R Properties c/o Ross Timoshchuk
Planning Version
District No. 4

ORDINANCE #13308

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7509 AND 7513 ZIEGLER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE.

Chairman Smith confirmed that the Applicant was present, but no Opposition was present in the Assembly today. Councilman Ledford requested a presentation on the case. Mr. Bridger briefed the Council on the case, discussing the recommendation to deny by Staff and the recommendation to approve by the Planning Commission. Councilman Ledford informed the Council that there was Opposition at the Planning Commission meeting, but since then, the developer and the Opposition have come together with an agreement on this rezoning. Therefore, **Councilman Ledford moved** to approve with the conditions. He was seconded by Councilman Mitchell. The motion carried.

ACTION: PASSED ON FIRST READING

ORDINANCE #13309

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7978 (PART) AND 8012 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Chairman Smith confirmed that someone on behalf of the Applicant and the Opposition were present. Therefore, Councilman Ledford requested a presentation on the case. Mr. Bridger briefed the Council on Staff's recommendation to deny and Planning Commission's recommendation to approve based on conditions. Mr. Bridger mentioned that there was litigation pending on this property. Attorney Noblett noted that the litigation will continue regardless of the Council's actions here today. There were concerns about the proposed use and conservation easement (being worked on through litigation).

On behalf of the Applicant:

- **Mike Price (MAP Engineers)** - He represented Dr. Chris Moore, the owner. He reminded some of the Council that this had come before the Council previously, but the applicant withdrew their request. Regarding today's request, he discussed the property that would be used for an assisted living facility. He discussed the facility cutting down on the slope at the top and a retaining wall on the East. He discussed the landscape buffer. He noted very little traffic related to the stated use and the curb access has maximum visibility. He argued that by limiting the height and setting the building back, and the height has been limited. He believes it will tucked away with the conservation. He noted that the property on the East is RT/Z, so he believes their rezoning request is in keeping with the area.

Discussion ensued with Mr. Price.

- Attorney Noblett inquired about the name of the property owner as well as the names of the parties of the litigation. He confirmed that this rezoning request was not something initiated by the City of Chattanooga.
- Sandy Kurtz of the Urban Century Institute (UCI) addressed the conservancy efforts and her organization's management of the property. UCI They would like to use the property as an educational site regarding native plants. They have developed the initial plans for a Biodiversity Garden on the property. They have come to an agreement with Dr. Moore for garden. Some funding for the work on the garden will come from Clarity Pointe. She believes this will be beneficial for the assisted living residents. She believes this garden will guarantee a greenspace for the area.
- Councilman Ledford inquired of Ms. Kurtz about the partnership required to move forward with the garden. She discussed the maintenance, care and supervision of the property by the UCI. She also discussed this being a garden free to the public.

Opposition:

- **Ms. Mars** - She and her husband came today in opposition because of they would like the Council to defer a vote on this case until the litigation on May 14. She indicated that a judge to determine if this is residential or commercial property. They are opposed to a 60,000-foot, 3-story building in a residential area; she considers that to be a commercial building. Also, she noted that the block before it has five assisted living facilities already. She discussed the quitclaim agreement with the Tennessee Land Trust.
- **Candy Gibson** - She is concerned about the road being installed at that conservation easement. She asks that this be deferred until the judge makes a ruling in the pending litigation.

Rebuttal:

Mr. Price argued that an assisted living facility will not require as much parking as other residential areas. He has worked on a number of assisted living properties. Because it is an assisted living building and not houses, there will be no noise issues and no late-night parties. He discussed the landscape buffer, the driveway, the safety assessment already.

Discussion ensued:

- Councilman Henderson had several questions regarding the driveway, access and the parking.
- Ms. Kurtz noted that the design has been approved by the Tennessee Land Trust and meant to be a passing park. She noted that parking will be across the street on Shallowford Road.
- Mr. Price discussed some parking spaces at the property for the garden and the driveway.
- Councilwoman Berz questioned if the garden will take place if the assisted living facility does not take place. Both Ms. Kurtz and Mr. Price responded on the residential use of the property the affect upon the property sale and the garden.
- Mr. Price discussed his belief that this is a residential use based upon the R-4. Councilman Henderson further discussed the land use and zoning with Attorney Noblett and Mr. Bridger.

Further discussion ensued, with Chairman Smith recognizing Sarah O'Rear of the Tennessee Land Trust, who confirmed the hearing was set for May 14. However, she informed the Council that the land owner that it be postponed to later in the summer.

Councilman Ledford read a statement regarding this green project that requires a partnership to make it work. He read about the land use plan being outdated and under review by Regional Planning. He reminded the Council about the letter from Ms. Kurtz on the partnership between UCI and Clarity Pointe. He asked the Council to only consider the zone request for the parcel that allows for development and calls for 30 homes to be built on a small footprint. He discussed the role of UCI mitigating runoff into Mackey Branch. He researched the adjacent properties as well and sees that parking would be far greater than that at an assisted living facility. Therefore, Councilman Ledford moved to approve with conditions, seconded by Councilman Mitchell. The motion carried with Councilman Henderson voting "No." Attorney Noblett explained that it would require an injunction in the pending litigation in order to hinder development on the property. Mr. Price indicated that he does not intend to develop until the litigation is resolved. Upon no further questions or comments, the motion carried.

ACTION: PASSED ON FIRST READING

Agenda Item VI(k):

2018-071 Danny White (R-2 Residential Zone to M-4 Outdoor Industrial Use Zone). 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. (District 5) **(Recommended for approval by Planning and Staff)**

2018-071 Danny White (R-2 Residential Zone to M-4 Outdoor Industrial Use Zone). 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-1 Manufacturing Zone. **(Recommended for denial by Planning and Staff and Applicant Version)**

Chairman Smith confirmed that the Applicant was present, but no Opposition was present. **Councilman Gilbert moved** to defer for one week (May 15, 2018) to get more information from the Applicant and Mr. Bridger. He was seconded by Vice-Chairman Oglesby. The motion carried.

ACTION: DEFERRED ONE (1) WEEK UNTIL MAY 15, 2018

2018-063
Ragan-Smith
Planning and Staff Version
District No. 6

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

ORDINANCE #13310

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7416 LEE HIGHWAY AND 2735 SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

Chairman Smith confirmed that the Applicant was present, but no Opposition was present. **The motion carried, with Councilman Gilbert abstaining.**

ACTION: PASSED ON FIRST READING

2018-055
Bruce Robins
Applicant Version
District No. 7

ORDINANCE #13311

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5006 13TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

Chairman Smith confirmed that no Opposition was present. Mr. Bridger noted that the Planning and Staff Version mentioned “a portion of,” but the Applicant needed the whole parcel. Attorney Noblett agreed that the Planning and Staff Version did only reference “a portion of.” Councilman Henderson noted that the Applicant Version included the whole parcel. Attorney Noblett noted that the Applicant Version was denied by both Planning and Staff. Mr. Bridger noted why the Applicant version was originally denied by both Planning and Staff.

Vice-Chairman Oglesby moved to approve the Applicant Version, seconded by Councilman Henderson. The motion carried.

ACTION: APPLICANT VERSION PASSED ON FIRST READING

2018-067
City of Chattanooga-Regional Planning Agency
Planning and Staff Version
District No. 7

ORDINANCE #13312

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED OFF OF THE 1800 AND 1900 BLOCKS OF OLD WAUHATCHIE PIKE AND OWNED BY THE LOOKOUT MOUNTAIN CONSERVANCY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, AND R-5 RESIDENTIAL ZONE TO PERMANENT ZONES, SUBJECT TO CERTAIN CONDITIONS.

Chairman Smith confirmed that there was no Opposition present on this ordinance. Mr. Bridger briefed the Council on the notification process for surrounding properties and noted no Opposition at Planning Commission. **Vice-Chairman Oglesby moved** to approve, seconded by Councilman Byrd. The motion carried.

ACTION: PASSED ON FIRST READING

2018-064
Collier Construction c/o Ethan Collier
Planning and Staff Version
District No. 8

On motion of Councilman Byrd and seconded by Councilman Ledford,

ORDINANCE #13313

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 815 EAST MAIN STREET, 1333 CENTRAL AVENUE, AND AN UNADDRESSED PARCEL OF LAND IN THE 1300 BLOCK OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd asked Mr. Bridger if there had been any Opposition. Mr. Bridger noted one member of the Opposition at Planning Commission. He also confirmed for Councilman Byrd the

conditions recommended by Planning and Staff. Chairman Smith confirmed that no Opposition was present in the Assembly today.

ACTION: PASSED ON FIRST READING

2018-072
Matthew Ballard
Planning Version
District No. 8

ORDINANCE #13314

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1302 SOUTH WILLOW 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 if there were Opposition at the Planning Commission. He indicated that the neighbors in Opposition had concerns about operating hours and noise concerns. Mr. Bridger discussed the conditions of the Planning Version and the Staff Version. Chairman Smith confirmed that both the Applicant and Opposition were present in the Assembly today.

The Applicant:

- **Matthew Ballard** - He bought at IRS auction sale and believes it is a beautiful house. He wanted to renovate it and put in a quad unit originally, but due to the proximity to undeveloped areas, they did not. The building was broken into and burned, which made building a quad more intensive. Neighbors watch the property for him and keep vandals away from it now. They found someone who could use the property for a restaurant.

Opposition:

- **Christopher Dahl** - He lives there on Willow Street near this property. He noted that an elderly woman lives across the street and has not been notified about the rezoning. Other neighbors have concerns about a special gathering permit being applied for at this property. He doesn't want anything detrimental in this area. They don't want more traffic. There is a minority-owned restaurant a block away, which could run them out of business if another restaurant opens there.

Rebuttal:

Mr. Ballard indicated that he has been in the restaurant industry a long time. He is not trying to secure a special gathering permit. He originally listed an event space on the application, but he does not intend to open a late-night or entertainment facility. He is trying to build up the community and redevelop this house that has been boarded up for about 12 years now.

Discussion ensued, with Councilman Byrd asking Mr. Bridger to show on-street photos of the site. He asked Mr. Ballard about the jobs in the community. As the landlord, he could not answer that, but he noted that the owner coming in with the restaurant actually lives in that neighborhood. Noting that this building had been unused for so long, **Councilman Byrd moved** to approve, seconded by Councilwoman Coonrod. The motion carried.

ACTION: PASSED ON FIRST READING

Agenda Item VI(q):

2018-065 Chattanooga Neighborhood Enterprise c/o Bob McNutt (R-1 Special Zone to UGC Urban General Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1715 Union Avenue, more particularly described herein, from R-4 Special Zone to UGC Urban General Commercial Zone, subject to certain conditions. (District 9) **(Recommended for approval by Planning and Staff)**

2018-065 Chattanooga Neighborhood Enterprise c/o Bob McNutt (R-1 Special Zone to UGC Urban General Commercial Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone property located at 1715 Union Avenue, more particularly described herein, from R-4 Special Zone to UGC Urban General Commercial Zone. **(Applicant Version)**

Chairman Smith confirmed that there was Opposition present in the Assembly today. Mr. Bridger noted that there was a request from the Applicant to defer for 60 days. Therefore, **Councilwoman Coonrod moved** to defer until July 10, 2018, seconded by Councilman Byrd. The motion carried.

ACTION: DEFERRED UNTIL July 10, 2018

RESOLUTIONS:

2018-01
SE First Holdings
17-STVR-00044
District No. 1

On motion of Councilman Henderson and seconded by Councilman Mitchell,

RESOLUTION #29445

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 17-STVR-00044 FOR PROPERTY LOCATED AT 26 TREWHITT STREET.

The Applicant was present. However, no Opposition was present. Councilman Henderson informed the Council that the Applicant had met with the Hill City Neighborhood Association on Monday and that the Opposition originally only wanted more owner-occupied rentals. Upon no questions, the motion carried.

ACTION: ADOPTED

2018-02
April Collins
18-STVR-00009
District No. 1.

On motion of Councilman Henderson and seconded by Councilman Mitchell,

RESOLUTION #29446

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00009 FOR PROPERTY LOCATED AT 3959 KELLY'S FERRY ROAD.

Councilman Henderson discussed a letter from an objector that had problems with the application trailer parks and "subpar" people. Councilman Henderson did not understand certain language of the letter. Therefore, **Councilman Henderson moved** to approve, seconded by Councilman Mitchell. The motion carried.

ACTION: ADOPTED

2018-03
Will Campbell
17-STVR-00020
District No. 7

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

RESOLUTION #29447

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 17-STVR-00020 FOR PROPERTY LOCATED AT 1609 LONG STREET.

ACTION: ADOPTED

2018-04
Adam Lutz and Peter Upton
18-STVR-00023
District No. 7

RESOLUTION #29448

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00023 FOR PROPERTY LOCATED AT 4302 TENNESSEE AVENUE.

There was Opposition present. Therefore, Chairman Smith allowed a hearing on this matter and recognized members of the Applicant and Opposition.

Applicant:

- **Adam Lutz** - He co-owns this brick bungalow with his friend, Peter Upton. He wants to share his property with others. They are on the property several times a week and are able to keep an eye on the property and make repairs as needed. They want to enable families in St. Elmo residents to bring in their families from out-of-town and stay in the neighborhood when visiting Chattanooga. They find joy in Chattanooga and want to share it with their guests. They are happy to speak with the Opposition to find out what complaints there may be. They also have an opportunity to hire people on short-term basis who need extra work.

Opposition:

- **Kathleen Moseley** (Seneca Avenue) - She lives up the street from this STVR. She feels that owner-occupied homes differ from non-owner occupied homes. She is concerned with the distance between them. She says there is a STVR already next door to this one. She is not necessarily opposed to this property, but wants better monitoring of STVRs.

Rebuttal:

Mr. Matthew spoke on the permitting process. He does not believe that permitting is a problem as far as too many ones.

Vice-Chairman Oglesby informed the Council that he has met with the Applicants. **Vice-Chairman Oglesby moved** to approve, seconded by Councilman Byrd. The motion carried.

ACTION: ADOPTED

2018-044
Saurin Patel
District No. 4

RESOLUTION #29449

A RESOLUTION AUTHORIZING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED IN THE 600 BLOCK OF JULIAN ROAD (GIVEN TEMPORARY ADDRESS OF 805 WORLICK WAY FOR LAND DISTURBANCE PERMIT).

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Henderson,

RESOLUTION #29450

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO EXECUTE A MASTER SERVICE AGREEMENT AND COPLINK LICENSE SERVICE AGREEMENT WITH FORENSIC LOGIC, LLC AND ALSO TO EXECUTE A MEMORANDUM OF UNDERSTANDING CHATTANOOGA AREA NODE SHARE OF COST AGREEMENT RELATIVE TO LAW ENFORCEMENT DATA SHARING SOFTWARE SOLUTION, LICENSING MAINTENANCE, AND DATA SOURCE INTEGRATION MAINTENANCE, IN THE AMOUNT OF \$35,899.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilwoman Berz,

RESOLUTION #29451

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 CDM SMITH, INC. RELATIVE TO CONTRACT NO. W-12-024-101, MBWWTP SOLIDS PROCESS OPTIMIZATION IMPLEMENTATION – PHASE 3 CENTRIFUGE AND DIGESTER UPGRADES, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$334,500.00, FOR THE REVISED CONTRACT AMOUNT OF \$1,708,050.00.

ACTION: ADOPTED

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

RESOLUTION #29452

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. Y-17-016-201 TO JDH COMPANY, INC. OF CHATTANOOGA, TN, REPLACEMENT ROOFING SYSTEM FOR EASTDALE YFD CENTER BUILDING, IN THE AMOUNT OF \$139,225.00, WITH A CONTINGENCY AMOUNT OF \$14,000.00, FOR AN AMOUNT NOT TO EXCEED \$152,225.00.

ACTION: ADOPTED

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

RESOLUTION #29453

A RESOLUTION AUTHORIZING THE CHATTANOOGA AREA CONVENTION AND VISITOR'S BUREAU % SHELDA REES TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG THE NORTHERN SIDE OF THE UNIT BLOCK OF RIVERSIDE DRIVE (BETWEEN CHESTNUT STREET AND THE MARKET STREET BRIDGE) FOR THE PURPOSE OF INSTALLING HISTORIC TVA SIGNS, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

PURCHASES:

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

R168100 - Public Works Estimated \$250,000 Annually
New Blanket Contract for Flow Meter Instrumentation
Maintenance, Support, & Purchase-Waste Resources Division
American Control Service, LLC
106 County Road
1195 Vinemont, AL 35719

R167218 - Public Works \$62,854.98
Purchase of two (2) VFD & Control Cabinets -
Waste Resources Division
Amtech Drives, Inc.
745 Trabert Ave. NW
Atlanta, GA 30318

PO545300 - Public Works New Estimated \$150,000 Annually
Increase of Authorized Expenditure on Blanket Contract
for Generator Service & Repairs-Facilities Management
Energy Systems Southeast, LLC
2490 Weaver Way Atlanta, GA 30340

R166905 - Public Works Total Estimated \$412,400 Annually
New Blanket Contract for Equipment Maintenance &
Repair-City Wide Services
Lowest/Best Bidders:
1. Chattanooga Tractor & Equipment - 2034 Polymer Drive Chattanooga, TN 37421
2. Power Equipment Company - 4295 Bonny Oaks Drive Chattanooga, TN 37406

PO543746 - Public Works Estimated \$42,000 Annually
Blanket Contract Renewal for Hand Tools for
Local Pickup-City Wide Services
Lowest/Best Bidder: Roll-Aid Industrial Supply, Inc.
PO Box 2346
Chattanooga, TN 37409

R167090 - Fire Department \$28,740.00
Purchase of sixty (60) Fire Hoses
Lowest/Best Bidder: Municipal Emergency Service
6701-C Northpark Blvd.
Charlotte, NC 28216

R167166 - Fire Department \$38,378.00
Purchase of Fire Engine Exhaust Removal System
Lowest/Best Bidder: Air Vacuum Corporation
PO Box 517
Dover, NH 03821

PO541634 - Youth & Family Development

Estimated \$26,000 Annually

Blanket Contract Renewal for Cargo and Passenger Van Rental

Lowest/Best Bidder: Enterprise Rent-A-Car
209 Seaboard Lane
Franklin, TN 37067

Councilwoman Berz moved to approve, seconded by Vice-Chairman Oglesby. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Wine Renewal Certificates

Attorney Noblett informed the Council of 12 renewal certifications for grocery stores wishing to sell wine:

1. Food City #715, 703 Signal Mountain Road (District 1)
2. Food City #726, 3600 Hixson Pike (District 2)
3. Food City #703, 5604 Hixson Pike (District 3)
4. Food City #701, 7804 East Brainerd Road (District 4)
5. Food City #706, 4510 Highway 58 (District 5)
6. Food City #759, 4011 Brainerd Road (District 5)
7. Food City #735, 6951 Lee Highway (District 6)
8. Food City #774, 9213 Lee Highway (District 6)
9. Food City #716, 3801 Tennessee Avenue (District 7)
10. Food City #705, 1600 East 23rd Street (District 8)
11. Aldi #92, 5510 Highway 153, Suite 1 (District 3)
12. Aldi #91, 5706 Lee Highway (District 5)

The certificates were signed by at least five Council members in this open meeting.

City Attorney’s Reports (3 matters)

Settlement Request #1:

Attorney Noblett requested a resolution authorizing the settlement of a claim by Michelle Jones, for sewage backup at 4601 Shawhan Road, in the amount of \$33,554.54, subject to a general release of all claims and dismissal with prejudice.

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29454

A RESOLUTION AUTHORIZING A SETTLEMENT OF A CLAIM BY MICHELLE JONES, SUBJECT TO THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND DISMISSAL, WITH PREJUDICE, FOR SEWAGE BACKUP LOCATED AT 4601 SHAWHAN ROAD, IN THE AMOUNT OF THIRTY-THREE THOUSAND FIVE HUNDRED FIFTY-FOUR AND 54/100 DOLLARS (\$33,554.54).

ACTION: ADOPTED

Settlement Request #2:

Attorney Noblett informed the Council of an agreed-upon mediation settlement in the amount of \$150,000.00 concerning claims by Joshua Kilburn on behalf of Stephanie Kilburn, Tiffany Kilburn and Bailey Kilburn, through their attorneys, subject to the execution of general releases of all claims and dismissal with prejudice.

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

RESOLUTION #29455

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SETTLE A LAWSUIT CONCERNING CLAIMS BY JOSHUA KILBURN, INDIVIDUALLY AND AS HEIR AND NEXT OF KIN OF STEPHANIE KILBURN, TIFFANY KILBURN, AND BAILEY KILBURN, THROUGH THEIR ATTORNEYS, PATRICK, BEARD, SCHULMAN & JACOWAY, P.C., ROGER YORK, TIFFANY S. LYON, AND BRETT A. YORK, SUBJECT TO THE EXECUTION OF GENERAL RELEASES OF ALL CLAIMS AND ENTRY OF A DISMISSAL WITH PREJUDICE, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

ACTION: ADOPTED

Disclosure of Conflict Statement

Attorney Noblett informed the Council of a request from the Department of Economic and Community Development regarding a Disclosure of Conflict Statement filed pursuant to Chattanooga City Code, Section 2-753. Employee Regina Partap had disclosed that her husband accepted a position with BrightBridge, Inc., a vendor that (1) receives federal funding and (2) manages two loan portfolios for the City of Chattanooga. The Office of City Attorney determined that Ms. Partap will not be involved in any of the Environmental Reviews for the loans managed by this vendor, and that Ms. Partap will not be involved with the selection, supervision, and the like, with this vendor. The Office of City Attorney gave the opinion that Ms. Partap had satisfied the requirements of the City of Chattanooga Code of Ethics. It was the opinion of the Office of the City Attorney that the perceived conflict does not violate any State of Tennessee or local laws. In order to meet all federal requirements, this opinion must be referenced in a public meeting of the Chattanooga City Council on May 8, 2018, and made a part of the minutes of said meeting.

[See attached opinion]

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- The committee will begin the budget process for FY19 next week (May 15). Administration will present the FY19 budget to the Council at 3:00 p.m. following Public Works and Transportation Committee meeting. The public will also have access to the budget on the city's website next week.

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee (HR)
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford
(No report)

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee will meet next week (May 15) after the 3:00 p.m. Agenda Session.

Youth and Family Development Committee
Councilwoman Coonrod reported:

- The committee met today for a report from the Office of Early Learning. The Council heard about the NLC grant that enables prenatal aid until age 3.

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:

- **Randall Lee Jones, Sr. (District 8)** - He is a veteran who has lived in Chattanooga 48 years. He came previously to talk to Councilman Byrd about problems in the city. He is asking for an investigation from various city departments and wanted to know if there was any developments since he last came the Council. He offered to take a lie detector test if needed to prove his claims. He has also been trying to reach out to the NAACP and Bishop Kevin Adams on his previous concerns stated the last time he was in the Council meeting.
 - Councilman Byrd asked him to reach out to specific individuals in the Mayor's Office who work to assist veterans, and may be able to lead him in the right direction for assistance. One individual, Amy Lowdermilk, offered to speak with Mr. Jones at the end of the meeting.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, May 15, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

Attachments:

Proclamation - Phoebe Mills

Essay by Phoebe Mills

Proclamation - Assistant Chief Edwin McPherson

Proclamation - Retired Captain Pedro Bacon

City Attorney Opinion - Disclosure of Conflict

Proclamation #1

- Whereas,** This year marked the 50th anniversary of the Fair Housing Act; and
- Whereas,** We also remember the life and legacy of Rev. Dr. Martin Luther King, Jr. who was assassinated 50 years ago; and
- Whereas,** Young people have always been a forefront of social justice and change in our nation; and
- Whereas,** We think it is important to engage and involve young people to help us break down barriers preventing all Chattanoogaans from living the lives they desire; and
- Whereas,** This year marks the inaugural Civil Rights Essay Contest.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga,

do hereby recognize

Phoebe Mill

As the winner of the Inaugural Civil Rights Essay Contest
due to her ideas, wise words, and commitment to
help address issues of discrimination in our community and beyond.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 8th Day of May, 2018.

Andy Berke, Mayor

Phoebe Mills

Girls Preparatory

School 12th Grade

Word Count: 494

Alive Dream

We're a community to be built perfectly, as fashioned from the figments of Dr. Martin Luther King's dream for racial equality – it would be composed of individuals who don't cross the street to avoid people they're afraid of, neighborhoods bustling with just as many black families as white, and the highest performing schools filled with just as many bright black students as white students. While Chattanooga is a beautiful city with an abundance of resources, we cannot be called the beloved community of Martin Luther King's dream. Chattanooga's deep history of racial segregation goes back to the Civil War and the boundaries that have existed since have kept the black members of our community from the equal opportunities and resources that they deserve.

Redlining is a prime example of how literal boundaries have encircled people of color in Chattanooga and kept them from resources. Lines of distinction delineated whether or not a neighborhood was fit to be invested in or given loans to and were color coded according to the people who lived in the current neighborhoods. The neighborhoods that housed affluent whites were green, meaning go, safe, worthwhile. The neighborhoods that were either integrated or fully black were lined with yellow and red, meaning stop, avoid, undesirable. This caused integrated or fully black neighborhoods to lose funding and value, and gradually deteriorate. However, today, in some cases like Frazier Avenue and downtown, areas that were once redlined, are thriving community hubs. This was shocking because of how popular and desirable these areas are considered now, but that is because of the process of gentrification.

Chattanooga underwent an enormous gentrification endeavor meant to cleanse the city of slums and repopularize underprivileged areas. While the intentions were good, and this has genuinely

benefited the city in many ways, ultimately it hurt the minority groups who were previously housed in the slums that got torn down or lived near an area that started gaining popularity. The more popular the area becomes, the higher the rent gets, and eventually families with lower incomes are forced out of their houses because they cannot accommodate the rising rent prices. While this endeavor was in the name of good, progress, and revitalization, the exclusion of lower income families in the "New Chattanooga" resulted in increased barriers between races in the community.

While these are factors that have prevented the realization of Martin Luther King Jr.'s dream in our community's past, there is hope for the brotherhood he envisioned. Our city is growing in the direction of progress and, ideally, the light of prosperity will touch all members of our community. However, this can only happen if everyone in Chattanooga makes a concerted effort to consider each of its factions and how they will be affected by movements of change. The redlining and gentrification that defined our past cannot keep our citizens on opposite ends of the streets, in unsafe neighborhoods, and in unequal schools.

Proclamation #2

Whereas, Edwin McPherson is the Assistant Chief of Criminal Investigations Bureau of the Chattanooga Police Department and is retiring after 26 years of service. He is also a graduate of the 243rd F.B.I. National Academy Class of 2010 and a graduate of the Southern Command and Leadership Academy.

Whereas, In May 2016, he was promoted to Assistant Chief of Criminal Investigations and during his tenure, he successfully reorganized several Investigation Units to better serve the citizens of Chattanooga.

Whereas, under the direction of the Mayor and the Chief of Police, he was responsible for developing a gang unit called the "Crime Suppression Unit" which was created to address the ongoing gang issues that target youth violence and serious crimes against persons.

Whereas, As Assistant Chief of Criminal Investigations he has reorganized the entire Investigations Unit by incorporating the necessary personnel to produce positive results in decreasing crime.

Whereas, Assistant Chief McPherson is leaving a legacy and a blueprint that demonstrates the compassion, dedication, sacrifice, and integrity needed to have a successful career. He is a pillar in the community and has served on several community committees.

Now Therefore,

I, Russell Gilbert, Councilman for Council District 5,
do hereby proclaim **May 8, 2018**
as a **DAY OF RECOGNITION** for

Assistant Chief
Edwin McPherson
in the city of Chattanooga, Tennessee.

Russell Gilbert

Proclamation #3

Whereas, Retired Captain Pedro Bacon is a veteran of 25 years with the Chattanooga Police Department. Starting his career as an undercover narcotics officer in 1990, Captain Bacon's path has been well traveled and diverse since coming to the CPD.

Whereas, Being born to teen parents and raised by a single mother led to Captain Bacon's passion for assisting and mentoring of the youth.

Whereas, Captain Bacon simultaneously taught Criminal Justice and earned his professional teaching license at Brainerd High School. He created the Criminal Justice curriculum that is still in use at Brainerd High School.

Whereas, During his stay in internal affairs, he created training modules to assist in better processes for the software utilized by the department's personnel. He also interacted with the city attorney's office on a regular basis, as well as several other institutions such as the TBI, FBI, Federal prosecutor's office, local attorneys and the county district attorney's office.

Whereas, Captain Bacon holds a Bachelor's Degree from Western Kentucky University (1989), where he was a football letterman, and holds a Masters of Business Administration from Western Governors (2015).

Now Therefore,

I, Russell Gilbert, Councilman for Council District 5,
do hereby proclaim **May 8, 2018**
as a **DAY OF RECOGNITION** for

Captain Pedro Bacon

in the city of Chattanooga, Tennessee.

Russell Gilbert

COPY



City of Chattanooga

Office of the City Attorney

Wade A. Hinton
City Attorney

Phillip A. Noblett
Deputy City Attorney

May 9, 2018

Ms. Sandra Gober
Community Development Manager
Department of Economic & Community Development
101 East 11th Street, Suite 200
Chattanooga, Tennessee 37402

RE: Regina M. Partap – Disclosure of Conflict

Dear Sandra:

In response to your request, which is attached hereto as ATTACHMENT A, for an Ethics Opinion, the Office of the City Attorney finds as follows:

Pursuant to Chattanooga City Code, Section 2-753, an “employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the Office of the City Attorney. In addition, the official or employee shall not participate in any way on matters in which they have a personal interest.”

According to our records, Ms. Partap has submitted a Disclosure of Conflict Statement with the Office of the City Attorney disclosing the potential of a conflict of interest based on her husband accepting a position with BrightBridge, Inc., a vendor who receives federal funding, and who manages two loan portfolios for the City of Chattanooga. In this instance, it would be considered an Employment Interest as defined in the Code of Ethics. Based on the submission of this form and the fact that Ms. Partap will not be involved in any Environmental Reviews for these loans, and the fact that she will not be involved in the selection, supervision, and the like, with the vendor, it is our opinion that Ms. Partap has satisfied the requirements of the City of Chattanooga Code of Ethics. It is the opinion of the Office of the City Attorney that the perceived conflict does not violate any State of Tennessee or local laws.

To meet all federal requirements, this opinion will be referenced in a public meeting at the general meeting of the Chattanooga City Council on May 8, 2018, and made a part of the minutes of said meeting.

May 9, 2018
Ms. Sandra Gober
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'W. A. Hinton'. The signature is stylized with a large 'W' and a long horizontal stroke extending to the right.

WADE A. HINTON
City Attorney / Chief Ethics Officer

Attachment



Wade Hinton <whinton@chattanooga.gov>

Conflict of Interest Issue

1 message

Sandra Gober <sgober@chattanooga.gov>

Thu, May 3, 2018 at 8:37 PM

To: Wade Hinton <whinton@chattanooga.gov>

Cc: Donna Williams <dwilliams@chattanooga.gov>, Sandra Gober <sgober@chattanooga.gov>

Mr. Hinton;

I have attached a copy of a "Disclosure of Conflict Statement" completed by Regina Partap, a Community Development Specialist on staff. I believe we will have to request an exception from HUD, as with the case in 2016 involving CD funds, so I also attached the justification for the request.

Regina's husband has been offered the position of Comptroller/Accountant at BrightBridge Inc. He plans to start May 21, 2018. The company manages two loan portfolios for the City, one of which is the Section 108 Loan portfolio. The revolving loan program and portfolio are managed by a CDFI, BrightBridge, Inc. through a sub-recipient agreement, set to expire December 12, 2018. The City's loan is among other federal and CDFI loans managed by the organization, making up about 2.5% of the entity's business.

The 108 loan portfolio was capitalized with a federal loan using CDBG as collateral, thus the loan program is treated like a CDBG activity and carries all of the regulations, including those relating to conflicts of interest.

One of Regina's responsibilities, along with one other team member, is to conduct the environmental reviews (ER) for our HUD-funded projects. An ER is required for each loan, prior to approval. Regina and the other team member indiscriminately split ERs as they come in. This is her only involvement in regards to the program/contract. All ERs related to this contract can be conducted by the other team member. I believe the conflict can be mitigated by removing Regina from the function of conducting ERs for the loans.

The loans are vetted and underwritten by BrightBridge staff and presented to a loan review committee, made up of local citizens and myself, for approval. After my approval, the loan is submitted to HUD for sign-off. I manage the contract and do the on-going monitoring for compliance.

Unless you indicate that we do not have to request an exception, we need the following in order to make the request:

- Proof that of public disclosure of the conflict was made
- A written opinion from the City Attorney stating that the exception does not violate State or local law

I hope the public disclosure can be made at City Council on May 8th, so that we can submit the request to HUD ASAP. He hopes to be able to start May 21st.

If you needed it as a guide, I have all of the documentation from the previous request.

Exh "A"

Sandra Gober