



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
January 15, 2019
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 Byrd led the Assembly in the Pledge of Allegiance and invited Ken Smith, President of the Avondale Neighborhood Association, to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (January 8, 2019) were approved as published.

ORDINANCES – FINAL READING:

MR-2018-203
John Naylor
District No. 5

On motion of Councilman Gilbert and seconded by Councilman Byrd,

ORDINANCE #13416

**AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT
LOCATED AT ROSEDALE DRIVE AND IN THE 5900 BLOCK OF HANCOCK
ROAD, AS DETAILED ON THE ATTACHED MAP.**

ACTION: APPROVED

MR-2018-219
Dillard Construction % Ryan Dillard
District No. 7

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

ORDINANCE #13417

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED IN THE 1500 BLOCK OF LONG STREET, AS DETAILED ON THE ATTACHED MAP.

ACTION: APPROVED

MR-2018-218
Micah McKee and Susan Webber
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Ledford,

ORDINANCE #13418

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 100 BLOCK OF NOLL STREET, DETAILED ON THE ATTACHED MAP, TO RESOLVE A LEGACY ENCROACHMENT, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

2018-222
MAP Engineers, LLC
Planning Alternate Version #2
District No. 2

ORDINANCE #13419

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND AND LIFT CONDITIONS ON PROPERTY LOCATED AT 706, 710, AND 716 ASHLAND TERRACE, MORE PARTICULARLY DESCRIBED HEREIN. (PLANNING ALTERNATE VERSION #2)

Councilman Mitchell questioned if the word “motor” had been added to the paragraph four regarding the commercial vehicles. Attorney Noblett **Councilman Mitchell moved** to approve the Planning Alternate Version #2. He was seconded by Councilman Henderson. The motion carried.

ACTION: PASSED ON FIRST READING

2018-223
MAP Engineers, LLC
Planning Version
District No. 4

ORDINANCE #13420

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7721 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford asked John Bridger, of the Regional Planning Agency to read the four (4) conditions:

- 1) No dumpsters or structures within fifty (50') feet of any R-1 Residential Zone or single-family residential use;
- 2) The following uses are prohibited: gas stations or convenient stores; drive thru fast food restaurants, auto-oriented uses, and mini-warehouses;
- 3) Building height limited to thirty-five (35') feet; and
- 4) Signage limited to a maximum height of twenty (20') feet.

The Applicant confirmed acceptance of the conditions. Therefore **Councilman Ledford moved** to approve, seconded by Councilman Mitchell.

ACTION: PASSED ON FIRST READING

2018-226
Chazen Engineering % Justin Tirsun
District No. 8

On motion of Councilman Byrd and seconded by Councilman Henderson,

ORDINANCE #13421

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE AN UNADDRESSED PROPERTY LOCATED IN THE 1200 BLOCK OF EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd noted that he has heard no opposition to this rezoning. The motion carried.

ACTION: PASSED ON FIRST READING

ORDINANCE #13422

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNADDRESSED PROPERTIES LOCATED IN THE WEST LINE OF THE 1900 BLOCK OF ROANOKE AVENUE AND FORMERLY KNOWN AS HARRIET TUBMAN HOMES, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO M-1 MANUFACTURING ZONE.

Mr. Bridger gave a presentation that included information on the following: site characteristics; various images; current zoning; Applicant site plan; land use plan recommendation; compatibility with adjacent areas; provide adequate transition/separation; staff comments and recommendation; and PC review and recommendation. He noted that there was Opposition at Planning Commission and that the Commission recommended to deny the Applicant's request and approve the M-1.

Mr. Bridger and Mr. Noblett responded to questions from Councilwoman Berz about putting linear park on Southern. Discussion ensued about R-3 not precluding linear parks and the Council's ability to add conditions to the sale of the city-owned property.

Mr. Bridger and Mr. Noblett responded to questions from the Council on the following:

- Whether housing is included in the Planning Version (Councilman Byrd)
- Input from two nearby store owners (Councilman Byrd)
- Community Benefits Agreement with sale of property (Councilman Byrd)
- Implementing conditions for the sale (Councilman Byrd)
- Use restrictions regarding the linear park (Councilwoman Berz)
- Removing condition #1 and keeping 2A-2D for all M-1 (Councilwoman Berz)

Those in favor:

- **Ken Smith** (Avondale Neighborhood Association) – He discussed the history of Avondale being a multi-family area and how the Tubman Site became a concentration of poverty. Avondale residents asked the City to purchase the site because they wanted bring a good economic development that would later result in more housing. The association would like industrial to come to the site and act as a stimulus to draw other companies. He asked the Council to think about the long gain and long-term impact.
 - Councilman Byrd asked Mr. Smith if he would participate later on a committee to see what the Community Benefit Agreement would look like. Mr. Smith agreed.
 - Councilman Byrd confirmed with Mr. Bridger that the Applicant Version would be M-1 with no residential.
 - Councilman Henderson confirmed with Mr. Smith that the Avondale Neighborhood Association agreed with the M-1 on the entire site with flexibility.

Those in opposition:

- **Dr. Everlena Holmes** – She lives on Kilmer and serves on the Area 3 Advisory Committee, which includes the Avondale area. She is asking the Council to delay any rezoning until the Area 3 plan is complete. She discussed the role of the Area 3 Advisory Committee in

dissiminating information, reviewing drafts and providing forums for thoughts and opinions. She informed the Council of the need for community input on the land use. She recommending bringing neighborhood representatives to the table about their own community. She mentioned the area's desire for jobs creation and housing. She recommended a Community Benefits Agreement for the Tubman site.

- **Eric Atkins** – He is a lifelong resident and the Corresponding Secretary for the Unity Group. He quoted Dr. Martin Luther King, Jr. and discussed East Chattanooga's need for hope and progress. The Unity Group would like M-2 rezoning and that the effective date be April 2. They also want job prospects.
- **Sylvester Harris** – He believes that a few people are dictating the community's lives with this rezoning. He asked the Council to let the community decide how to clean up their own community. He asked the City to go back to the table and see what the people want. He believes the people want to smile and commend the Council for doing the right thing.

Upon no further questions or comments, **Councilman Byrd moved** to approve the Applicant Version with the intent of amending. He was seconded by Councilman Henderson. The motion carried. **Councilman Byrd moved** to amend the Applicant Version by adding conditions 2A-2D from the Planning Version.

2) The following conditions would apply to the M-1 Zone portion of the site:

- a. The following uses are prohibited: blast furnace; boiler works; forge plants; foundries; planning mills; processing of fish, poultry, and meat; rolling mills; smelting; any of the outdoor uses listed in the M-4 Zone (recycle processing centers; coal screening and sieving plants; junk or salvage yards; sanitary landfills; sawmills; stockyards; rock crushers; stone mills or quarries; gravel pits; asphalt plants; cement or concrete plants; and other outdoor industrial use); adult oriented establishments; open air markets; and commercial hazardous waste and medical waste management facilities;
- b. Any use having a similar impact or in character to the above uses is prohibited;
- c. Prior to receiving permits, a transportation impact study shall be submitted to the Chattanooga Department of Transportation office for review that describes the current and projected employee traffic counts across all shifts, and shipping/receiving traffic. The study will address opportunities for using biking, walking and transit to service the employee traffic. The study will develop recommendations for traffic routing of employees, multi-modal transportation accommodation and shipping/receiving routing. Should any transportation improvements be required, they shall be completed prior to the issuance of a Certificate of Occupancy; and
- d. No dumpsters or loading areas or activities permitted within two hundred (200') feet of any residentially zoned area.

He was seconded by Vice-Chairman Oglesby. The motion carried, with Councilman Gilbert voting "No." Councilman Mitchell wanted to request for a Community Benefit Agreement, but withdrew his request because it would be on the way after rezoning.

Councilman Byrd moved to approve the Applicant Version as amended. He was seconded by Vice-Chairman Oglesby. The motion carried, with Councilman Gilbert voting "No." The motion carried. Councilman Henderson commented about his vote tonight and informed the Assembly that he has been engaged with this community to get their input as well.

**ACTION: APPLICANT VERSION PASSED AS
AMENDED ON FIRST READING**

2018-228
Chazen Engineering % Justin
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13423

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1038 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.

ACTION: PASSED ON FIRST READING

MR-2018-174
BKY Enterprises, GP % Bryan Youngblood,
Agent for Owner, Beason View Land Company
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13424

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY IN THE 1000 BLOCK OF BEASON DRIVE TO ALLOW FOR PRIVATE DEVELOPMENT, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

MR-2018-175
BKY Enterprises, GP % Bryan Youngblood,
Agent for Owner, Beason View Land Company % John Ozbeck
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13425

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE UNOPENED 1000 BLOCK OF JAMES AVENUE, AS DETAILED ON THE ATTACHED MAP.

Councilman Henderson informed the Council that Blythe Bailey, CDOT Administrator, has changed CDOT's recommendation to approve this item. Upon no questions, the motion carried.

ACTION: PASSED ON FIRST READING

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13426

AN ORDINANCE CLOSING AND ABANDONING MULTIPLE RIGHTS-OF-WAY IN THE 1900 BLOCK OF ROANOKE AVENUE, FORMERLY KNOWN AS HARRIET TUBMAN HOMES, TO FACILITATE FUTURE DEVELOPMENT, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29767

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO ENGAGE THE LEGAL SERVICES OF GEORGE A. DEAN WITH THE LAW FIRM OF TUNE, ENTREKIN & WHITE, P.C. TO PERFORM DUTIES RELATING TO PLANNING AND ZONING MATTERS.

Councilwoman Coonrod requested an amount for the legal services. Attorney Noblett informed the Council of the amount being between \$25,000.00 and \$30,000.00 for Mr. Dean's services.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Ledford,

RESOLUTION #29768

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO AN OPTION TO RENEW AN AGREEMENT WITH HOST COMPLIANCE, LLC, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE PROVISION OF HOSTED SOFTWARE AND SERVICES TO SUPPLY SHORT-TERM VACATION RENTAL ADMINISTRATION AND COMPLIANCE FOR ONE (1) ADDITIONAL YEAR, WITH THE OPTION TO RENEW FOR UP TO THREE (3) ADDITIONAL ONE (1) YEAR RENEWAL TERMS, FOR A TOTAL OF NO MORE THAN FOUR (4) YEARS, FOR AN AMOUNT NOT TO EXCEED \$40,000.00.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Mitchell,

RESOLUTION #29769

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ACCEPT A DOG PARK DASH GRANT, SPONSORED BY THE BOYD FOUNDATION, IN THE AMOUNT OF \$25,000.00.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilman Byrd,

RESOLUTION #29770

A RESOLUTION AUTHORIZING THE WAIVER OF THE RENTAL FEE OF THE TIVOLI THEATRE FOR THE MLK CELEBRATION 2019 CITY-SPONSORED EVENT HELD MONDAY, JANUARY 21, 2019, IN THE AMOUNT OF \$4,000.00, IN ADDITION TO WAIVING THE PRESERVATION FEE, IN THE AMOUNT OF \$500.00; AND WHEREIN, THE CITY COUNCIL AGREES TO PAY FOR THE LABOR COSTS ASSOCIATED WITH THIS EVENT AND RELATIVE TO THE ATTACHED LETTER AGREEMENT WITH THE UNITY GROUP, FOR AN AMOUNT NOT TO EXCEED \$2,000.00.

ACTION: ADOPTED

PURCHASES:

Maura Sullivan, Chief Operating Officer, briefed the Council on the following proposed purchases:

PO541995 - Public Works Department Estimated \$50,000.00 Annually
Blanket Contract Renewal-Uniforms -City Wide Services –
Public Works Department
Lowest/Best Bidder: Cintas Corporation
2131 Polymer Drive
Chattanooga, TN 37421

PO531016 - Public Works Department Estimated \$200,000.00 Annually
Blanket Contract Renewal - Emergency Service/Disaster
Recovery - Facilities Management Division - Public Works Department
Lowest/Best Bidder: Belfor USA Group, Inc.
4317 North Creek Road
Chattanooga, TN 37406

PO542183 - Public Works Department Estimated \$25,000.00 Annually
Blanket Contract Renewal - Truck Wash Chemicals
& Service - Fleet Management Division - Public Works Department
Lowest/Best Bidder: Etowah Chemical Sales & Service
2100 S. Holly Street
Chattanooga, TN 37404

PO545249 PO545251 PO545253 - Public Works Department

Total Increase \$150,000.00 Estimated Revised Total \$350,000.00 Annually

Increase Blanket Contracts for Services,
Repairs on All Medium & Heavy Duty Vehicles –
Fleet Management Division - Public Works Department

Lowest/Best Bidders:

1. Chattanooga Truck Center, Inc. 1716 Church Road Chattanooga, TN 37421
2. MHC Kenworth dba TN Kenworth, Inc. 7831 Lee Highway Chattanooga, TN 374213
3. Lee-Smith, Inc 2600 8th Avenue Chattanooga, TN 37407

PO547383 - Public Works Department

Estimated \$75,441.60 Annually

Blanket Contract Renewal - Golf Carts –
City Golf Courses - Parks Division –
Public Works Department

Lowest/Best Bidder: E-Z-Go Textron
1451 Marvin Griffin Road
Augusta, GA 30906

PO542267 Public Works Department

Estimated \$25,000.00 Annually

Blanket Contract Renewal - Cooling Tower & Hot Water System
Chemicals - Waste Resource Division - Public Works Department

Lowest/Best Bidders: Culligan Water Systems
2022 Polymer Drive
Chattanooga, TN 37421

R180485 - Public Works Department

Total Purchase \$31,703.00

Purchase - Flottweg Centrifuge Repairs Parts –
Waste Resource Division - Public Works Department

Lowest/Best Bidder: Flottweg Separation Technology, Inc.
10700 Toebben Drive
Independence, KY 41051

Councilman Mitchell moved to approve, seconded by Councilman Henderson. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

District 4 Thanks

Councilman Ledford thanked the Department of Public Works for patching up Davidson Road recently after the heavy rains.

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee
Councilman Byrd
(No report)

Human Resources Committee (HR)
Councilman Gilbert

- The committee will meet next week for an educational session after the 3:00 p.m. Agenda Session.

Planning and Zoning Committee
Councilman Ledford

- The committee met today in open meeting for an update on Steep Slopes and Floodplains. They also heard a follow-up report on Accessory Dwelling Units (ADU).

Public Safety Committee
Councilman Henderson
(No report)

Public Works and Transportation Committee
Councilman Mitchell

- The committee will meet next week (January 22) after the 3:00 p.m. Agenda Session.

Youth and Family Development Committee
Councilwoman Coonrod
(No report)

Legislative Committee
Vice-Chairman Oglesby
(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:

- **Floyd Kilpatrick and Mahmood Abdullah** (Chattanooga) - Mr. Kilpatrick requested to bring concerns before the Council's ECD and Public Safety committees regarding Mr. Abdullah. Mr. Kilpatrick informed the Council of personal issues relative to his needs that necessitate a better relationship with CPD. He requested to appear before the ECD Committee first on these issues. He brought a packet of information for all Council members and distributed it to them directly. He informed the Council that Mr. Abdullah's contact information is listed in the packet.
 - Chairman Smith asked Mr. Kilpatrick to leave his contact information with the Council Clerk. He agreed.
- **Monty Bell** (Chattanooga) - He wanted to discuss harassing incidents happening to him by individuals that he wished to name.
 - Councilman Henderson called a point of order. Chairman Smith asked Mr. Bell to adhere to Council rules and refrain from naming individuals in this open meeting.

- **Charlie Wysong** (Chattanooga) - He wanted to discuss the uncertain times in which we live today. He discussed the sacrifices that Council members must make in serving. He gave a copy of the Ten Commandments from the Bible to each Council member. He also distributed a leaflet of information on how to memorize the Ten Commandments through the finger method. He commended the Council and commented on honoring the Council members for their service.
- **Al Rivers** (District 4) - He informed the Council of traffic problems at Third and Palmetto streets. He saw a pedestrian get hit recently at that corner. He asked if there will be a traffic study now that the new children's hospital has opened at that corner. He asked if there will be an increase or expansion of food trucks in that area. He also informed the Council of problems at the Douglas Heights complex. He believes the owners are not listening to the needs of residents.
 - Chairman Smith asked Mr. Rivers to stay after the meeting to speak to someone about his concerns. Mr. Rivers agreed.
- **Tonya McIntosh** (Swan Road) - She came about the 50 units of apartments being built in the Highway 58 area near the Affordable Tires. She complained about noise in the area due to dumpsters being emptied late at night. She informed the Council of other incidents at the business, such as a man flashing her and another "mooning" her husband. She complained about a man in the area having junk cars that are inoperable in his backyard. She complained about people approaching her husband in this vicinity and making a derogatory, racially-motivated comment to him. She informed the Council that the tire company burned wood with asbestos in it. She believes the tire company is becoming a nuisance. She is selling her home to get away from the mosquito problem in the area.
 - Councilman Gilbert informed Ms. McIntosh that the 51 units being built are houses, not apartments. He is aware of a water runoff problem at the development site. He asked to speak with her after the meeting about the problems she reported. Ms. McIntosh agreed.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, January 22, 2019 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL