

## City Council Building Chattanooga, Tennessee

#### **COUNCIL MEETING MINUTES**

June 11, 2019 6:00 PM

#### CALL TO ORDER

Council Chairman Erskine Oglesby called the meeting to order with Vice-Chairman Chip Henderson and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Darrin Ledford, Jerry Mitchell and Ken Smith. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

#### PLEDGE OF ALLEGIANCE

Councilman Mitchell led the Assembly in the Pledge of Allegiance.

#### APPROVAL OF LAST MINUTES

On motion of Councilman Mitchell and seconded by Councilman Henderson, the minutes of the last meeting (June 4, 2019) were approved as published.

#### **PUBLIC HEARING - BUDGET FOR FISCAL YEAR 2020**

Chairman Oglesby recognized the following speakers:

- **Brad Rayson** (Local 205) He asked members to stand and show their support of the budget increases for employees. He expressed the union's support and thanks for the \$1,250 minimum increase, the \$1,250 bonus for Head Start workers and the approved compensation study. He looks forward to working with the Mayor and Council in the future on behalf of employees.
- Steven Russell (Local 205) He is an accounting technician for the City. He asked the Council to support the Mayor's budget because it increases upward mobility and gives employees on the lower end of the scale a "help up."
- **Juanita Loundmonclay** (District 9) She thanked Councilwoman Coonrod for her appointment to the Youth and Family Development board. She is the board's Head Start Committee chairperson and commended the Mayor giving encouragement to the Head Start employees. She asked the Council to "say yes" to anything YFD is requesting.
- Marie Mott (Oak Grove/District 8) She commented on the proposed budget and how most of it is going to the Police Department. She is concerned with the millions going to special operations at CPD and does not believe in putting the Police above everyone else if there is corruption. She commented on the unsolved murder of Jacobi Smith and the fact that CPD surveillance cameras did not work to reveal the murderer. She is also concerned

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with the amount of CPD's proposed budget going to salaries. She commented on funds for homelessness services going to staff and not the homeless themselves. She also commented on funding going to CPD when other employees, such as Public Works, are underpaid.

- Helen Burns Sharp (Walnut St.) She came on behalf of the organization, Accountability for Taxpayer Money (ATM). She distributed copies of her written comments to the Council and Clerk. [See attached.]
- Robert Ledford (District 2) He is Chief Steward for the SEIU Local 205. He commended the good workers of the City. He noted the union's support of the Mayor's proposed budget and asked the Council to support it, too.
- (Unnamed citizen of Ridgeside) He commented on the City of Chattanooga having the same problems a decade ago. He asked the Council to do something finally with this budget.

Upon no further speakers, Councilwoman Berz made closing comments. She informed the Assembly that the Council will begin discussing and debating the budget next week at 10:00 a.m. She closed the hearing at 6:17 p.m. She turned the meeting over to Chairman Oglesby.

ORDINANCES – FINAL READING: (NONE)

**ORDINANCES – FIRST READING:** 

2019-045
Chazen Engineering Consultants % Justin Tirsun
Planning Version
District No. 1

Agenda Item VI(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY ADDRESSED TO FRINGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM A-1 URBAN AGRICULTURAL ZONE AND R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, C-2 CONVENIENCE COMMERCIAL ZONE AND UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Henderson has spoken to the Applicant, who has requested to defer this case one more week. Therefore, **Councilman Henderson moved** to defer one week to June 18, 2019. He was seconded by Councilman Smith. The motion carried.

ACTION: DEFERRED TO JUNE 18, 2019

2019-047 <u>Lawson Real Estate G.P. % Bill Crawford</u> <u>Planning Version</u> <u>District No. 3</u>

On motion of Councilman Smith and seconded by Councilman Ledford,

#### **ORDINANCE #13467**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6246 DAYTON BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE.

## ACTION: PASSED ON FIRST READING

2019-034 Chazen Engineering % Justin Tirsun Planning Version District No. 3

#### Agenda Item VI(c):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1514 SHELBY CIRCLE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Smith reminded the Council that this rezoning case had previously been deferred. He informed the Council that the community and Applicant still needed more time on this case. Therefore, **Councilman Smith moved** to defer to August 6, 2019. He was seconded by Councilman Ledford. The motion carried.

# ACTION: DEFERRED TO AUGUST 6, 2019

2019-035
Donna Klein & Karen Walters
Planning Version
District No. 4

#### **ORDINANCE #13468**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1106 GREENS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Ledford asked John Bridger, Executive Director of Regional Planning, to read the five (5) conditions:

- 1) No dumpster for trash service permitted;
- 2) Retain the use of existing structure and limited to one story;
- 3) One monument sign which shall be setback ten (10') feet from any property line. The sign shall not exceed forty-eight (48') square feet in area and shall not be more than four (4') feet in height. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any adjoining residential property. The lighting intensity shall not exceed twenty-five (25') foot candles at the face of the sign. No flashing or intermittent lights will be permitted, and no internally illuminated signs shall be permitted;
- 4) Except for existing driveway and parking, no additional surface parking or paving shall be permitted between the structure and East Brainerd Road; and
- 5) No curb cuts permitted onto East Brainerd Road.

Upon no questions, **Councilman Ledford moved** to approve, seconded by Councilman Smith. The motion carried.

## ACTION: PASSED ON FIRST READING

2019-039
Chattanooga Gas Company % Josh McCrary
Planning Version
District No. 5

#### **ORDINANCE #13469**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6421 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE AND R-3 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Gilbert asked Mr. Bridger to read the two (2) conditions of this rezoning:

- 1) Demolition of two (2) existing warehouse buildings; and
- 2) Use limited to gas metering and control station only.

Councilman Gilbert confirmed with the representative from Chattanooga Gas that these conditions were acceptable. Upon no questions, the motion carried. **Councilman Gilbert moved** to approve, seconded by Councilman Ledford. The motion carried.

ACTION: PASSED ON FIRST READING

#### **ORDINANCE #13470**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 12887, PREVIOUS CASE NO. 2014-123 ON PROPERTIES LOCATED AT 6803, 6807, AND 6811 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN.

Councilwoman Berz requested to hear from the Applicant on this case to lift conditions.

## Applicant:

• Chris Anderson – He spoke on behalf of the property owner and explained the request to reduce from the previously approved 20 units to 8 units with this rezoning. They are requesting the lifting of conditions regarding improvements to be made to the neighboring property. Mr. Anderson noted that there has been no opposition thus far.

Councilwoman Berz informed the Council that the Planning Commission denied this because they did not want to lift a condition placed on the property by this Council. Upon no questions, **Councilwoman Berz moved** to approve, seconded by Councilman Smith. The motion carried.

# ACTION: PASSED ON FIRST READING

2019-040 City of Chattanooga Real Property Office % Gail Hart District No. 8

### **ORDINANCE #13471**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2005, 2007, AND 2009 MILNE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Chairman Oglesby asked if there was anyone in the Assembly who was in opposition to this rezoning. He opened the floor to the following:

• **Helen Burns Sharp** - She indicated that she did not have opposition to the rezoning but had a question as to whether this would create spot zoning in a single-family area. Councilman Byrd responded about the mixed uses in this area.

Upon no further questions, **Councilman Byrd moved** to approve, seconded by Councilman Smith. The motion carried.

ACTION: PASSED ON FIRST READING

2019-044
Hi Bam Properties, LLC % Peter Bambalis
Planning Version
District No. 9

#### **ORDINANCE #13472**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 800 MOSS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Coonrod requested a presentation by Mr. Bridger on this rezoning. He presented the case background, zoning history of site, land use plan and Planning Commission Review & Recommendation. Councilwoman Coonrod then informed the Council that the neighborhood

Councilwoman Coonrod noted that the association has met with the property owner and that she has heard from people about the need for affordable housing. Therefore, **Councilwoman Coonrod moved** to approve, seconded by Councilman Byrd. The motion carried.

## ACTION: PASSED ON FIRST READING

2019-049 Oscar Reyes Planning Version District No. 9

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

#### **ORDINANCE #13473**

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1604 ARLINGTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Councilwoman Coonrod asked Mr. Bridger to make a presentation on this case. During his presentation, he noted that blanket rezoning had taken place in this area and that this rezoning would balance the predominant R-1. He also noted that there was no opposition at the Planning Commission meeting. Since there was Opposition present, a hearing ensued, with Chairman Oglesby recognizing the Applicant and members of the Opposition.

#### Applicant:

• Oscar Reyes (Rocky Face, GA) – He is a licensed realtor in Dalton and Tennessee. He bought this property three months ago, which had been vacant for a while. He is trying to bring it up better than it was before. He has met with the neighborhood association president and discussed what the neighborhood wants to do in the area. He understands the problems with landlords not keeping up their property in the past. He is interested in selling the property so that a buyer can take part in the duplex to home ownership program. He wants to improve the living condition.

## Opposition:

• **Ken Smith** (District 8) – He is the President of the Avondale Neighborhood Association. The opposition is interested in getting the property into the duplex to home ownership program with this property if possible. They do not know if Mr. Reyes's property will coincide with the timeline of the duplex to homeownership program.

Councilwoman Coonrod asked Donna Williams, Administrator for Economic and Community Development, to discuss the timeline for the pilot program: duplex to home ownership. Ms. Williams informed the Assembly that she had presented this twice before to the Council and once to the Hamilton County Commission, and was glad to discuss the pilot program here again. She discussed the three properties already approved for the program and the legal aspect of ensuring these backtax properties have a clear title for selling. She indicated that the program is not intended for the traditional landlord investment of buying a property and holding on to it.

Councilman Byrd asked Attorney Noblett if the Council could amend the R-2 rezoning to specify that this property would be designated for the duplex to homeownership program. Attorney Noblett advised that the amendment could not be done because the program is not yet fully established.

Councilwoman Coonrod made comments on this property being a good investment, even though the program is not ready. Therefore, **Councilwoman Coonrod moved** to approve, seconded by Councilman Byrd. The motion carried.

ACTION: PASSED ON FIRST READING

### **RESOLUTIONS:**

On motion of Councilman Smith and seconded by Councilman Ledford,

## **RESOLUTION #29946**

A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER (CIO) TO EXERCISE AND RENEW THE EXISTING BLANKET CONTRACT WITH KCI TECHNOLOGIES TO BE PROVIDERS OF SOFTWARE, LICENSING, TECHNOLOGY SUPPORT, AND PROFESSIONAL SERVICES ASSOCIATED WITH CITYWORKS MANAGED HOSTED SOLUTION, CITYWIDE, FROM JULY 18, 2019 THROUGH JULY 17, 2020, FOR THE AMOUNT OF \$36,284.76.

**ACTION: ADOPTED** 

2019-048 Lawson Real Estate G.P. District No. 3

On motion of Councilman Smith and Councilman Mitchell,

#### **RESOLUTION #29947**

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A CONTRACTOR'S OFFICE IN A C-2 CONVENIENCE COMMERCIAL ZONE FOR PROPERTY LOCATED AT 6246 DAYTON BOULEVARD, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

K-Inc.-MJ Liquor, Inc. District No. 7

On motion of Councilman Ledford and seconded by Councilman Gilbert,

#### **RESOLUTION #29948**

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE, CHANGE IN OWNERSHIP, LOCATED AT 3209 BROAD STREET.

Chairman Oglesby noted his approval of this District 7 matter.

ACTION: ADOPTED

#### **DEPARTMENTAL REPORTS:**

#### **Proposed Purchases**

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

R184932 - Public Works Department

Purchase - Golf Carts - Waste Resource Division -

Public Works Department

Lowest/Best Bidder: Chattanooga Golf Carts

1915 Broad Street Chattanooga, TN 37408

R184622 - Public Works Department

New Blanket Contract - Generator Hauling Services – Waste Resource Division - Public Works Department

Lowest/Best Bidder: Doug Yates Towing & Recovery

2220 East 23rd St. Chattanooga, TN 37407

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Estimated \$70,000.00 Annually

Total \$71,400.00

## PO549379 PO549380 - Public Works Department

Total Estimated \$60,000.00 Annually

Renewal of Two (2) Blanket Contracts - River Sand for

Pickup or Delivery - City Wide Services - Public Works Department Lowest/Best Bidders:

- 1. McKinnley Excavating 411 West 21st Street, Chattanooga, TN 37406
- 2. Ramsey Trucking, Inc. 731 Pineville Road, Chattanooga, TN 37405

#### PO549529 PO549530 - Public Works Department

Total Estimated \$230,000.00 Annually

Renewal of Two (2) Blanket Contracts - Fencing Materials,

Repairs & Installation - City Wide - Facilities Management Division -

Public Works Department

Lowest/Best Bidders:

- 1. River City Fence Inc. 23 Desai Lane, Ringgold, GA 30736
- 2. Heritage Fence & Repair, Inc. 1506 Caramel Circle, Hixson, TN 37343

## R182324 Economic & Community Development

Total Estimated \$70,000.00 Annually

Two (2) New Blanket Contracts - Lead Based Paint

Risk Assessment – Economic & Community Development

Lowest/Best Bidders:

- 1. Alternative Actions, Inc 7505 Middle Valley Road, Suite 113, Hixson, TN 37343
- 2. Frost Environmental Services, LLC 339 Rockland Road, Suite E, Hendersonville, TN 370175

**On motion of Councilwoman Berz** and seconded by Councilman Byrd, all purchases were approved.

# ACTION: ALL PURCHASES APPROVED

#### OTHER BUSINESS:

## **Certificate of Compliance**

Attorney Noblett presented the following: MJ Liquor, Inc. d/b/a MJ Liquor - Certificate of Compliance (District 7). The certificate was signed in this open meeting by five councilpersons.

#### **Expungement of Records**

Councilwoman Coonrod informed the Assembly that Governor Bill Lee had signed a bill to remove the \$350.00 state processing fee for expungement of criminal records. She commended Governor Lee for working to help ex-offenders and encouraged the Assembly to spread the word to their family and friends.

## **Board Appointments (5)**

**Councilman Gilbert moved** to appoint Christy Rashed to represent District 5 on the Police Advisory and Review Committee. He was seconded by Councilman Byrd. The motion carried.

**Councilwoman Coonrod moved** to appoint Jackie Thomas to represent District 9 on the Police Advisory and Review Committee. She was seconded by Councilman Gilbert. The motion carried.

**Councilman Ledford moved** to appoint Michael C. Watkins to represent District 4 on the Police Advisory and Review Committee for a 3-year term. He confirmed that Mr. Watkins was in the

Assembly today. He also read parts of Mr. Watkin's resume. He was seconded by Councilman Mitchell. The motion carried.

**Councilman Byrd moved** to appoint Sylvester Harris to represent District 8 on the Police Advisory and Review Committee. Mr. Harris was also in the Assembly today. He made comments about Mr. Harris's work in the community. He was seconded by Councilman Gilbert. The motion carried.

[Councilwoman Coonrod left the meeting momentarily, prior to following vote.]

**Councilwoman Berz moved** to appoint Richard Gordon to represent District 6 on the Police Advisory and Review Committee. She was seconded by Councilman Smith. The motion carried. She spoke on Mr. Gordon's qualifications and noted that Mr. Gordon would be appointed to a 1-year term with the ability to be reappointed to a 3-year term.

#### **COMMITTEE REPORTS:**

[Councilwoman Coonrod returned during this part of the meeting.]

Budget and Finance Committee Councilwoman Berz reported:

 The committee will discuss the budget next week (June 18) at 10:00 a.m. in the Council's conference room.

Economic and Community Development Committee Councilman Byrd reported:

• The committee will meet next (June 18) to discuss the Business Improvement District (BID) resolution and Short-Term Vacation Rentals. It will take place after the 3:00 p.m. Agenda Session.

Human Resources Committee Councilman Gilbert (No report)

Planning and Zoning Committee Councilman Ledford (No report)

Public Safety Committee Councilman Smith (No report)

Public Works and Transportation Committee Councilman Mitchell (No report)

Youth and Family Development Committee Councilwoman Coonrod reported:

 The committee met today in open meeting. Lurone "Coach" Jennings, YFD Administrator, and Dr. David Banks, Director of Career Development, presented today about YFD's Career Development.

Legislative Committee Vice-Chairman Henderson (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 Oglesby recognized the following persons:

- **Greg Dixon** (District 7) He came to the Council meeting last week and spoke about youth development. The BID greatly bothered him. He believes the BID is privatizing municipal tax dollars. He believes that those who own property in the BID will mitigate to their tenants. He believes tenants will, in turn, push down to consumers through their pricing. He believes transparency is minimal with the BID.
- Charles Paty (Chattanooga) He owns property downtown and believes the Tennessee statute prohibits the from coming back up with in a 12-month period unless the boundaries are changed.
- Monty Bell (Chattanooga) He informed the Council that Councilman Byrd and Councilwoman Coonrod did not grow up on Ocoee Street, so he does not want them working in the area. He mentioned a *Parade* magazine article featuring Jon Kinsey many years ago but noted that a little black boy was not included. He thinks of himself as a news pioneer. He is angry that the NAACP. He came from Atlanta looking for Robert F. Smith. He wants \$40 Billion from the City. He believes the KKK was hired to kill him. He wants other people off the airwaves.

## **ADJOURNMENT**

Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, June 18, 2019, at 6:00 p.m.

	CHAIRMAN
CLERK OF COUNCIL	

<u>Attachments:</u> ATM Statement – Helen Burns Sharp

Helen B. Shapp

# ATM REMARKS AT CITY COUNCIL BUDGET HEARING June 11, 2019

HBS, 129 Walnut St., ATM, a public interest advocacy group focused on tax incentives and government transparency.

## **Big Picture**

A budget consists of two parts--projected revenues and projected expenditures.

Almost all of the attention in budget discussions is focused on how money will be spent.

I would like to mention potential **revenues** that the city does not collect. I hope that Council will begin to pay more attention to the revenue side of the equation as it relates to property tax incentives.

Last year alone, the City did not collect \$15.3 million dollars due to PILOTs and TIFs. The agreements already in place last up to 30 years. This is money that, if collected, could go towards fire, police, streets, workforce development, recreation centers, etc. Maybe that does not seem like a lot of money to you, given the enormity of the entire city budget. But it can make a big difference in projects and programs important to city residents.

Please make 2019/2020 the year you come up with Council policies for PILOTs that will guide decision-making when businesses want to locate or expand. ATM is not against all tax breaks, but we believe that some agreements in the past may have been unnecessary or overly generous or have weak clawback language.

In other words, not all PILOTs should be cleared for takeoff.

# This Budget

VW--The proposed capital budget shows a \$2.5 million cash incentive to Volkswagen relating to their expansion to build an electric vehicle. When VW expanded several years ago to build the Atlas SUV, the City also provided a cash grant. In 2014, the incentive was authorized in a Council Resolution (27960) to enter into a Memorandum of Understanding between the City, County, IDB and VW. The MOU also addressed PILOT benefits for that expansion. I do not recall seeing a new MOU on your agenda recently. Please ask the City Attorney about this.

**Tubman Site**—"Preparing for potential expansion of new jobs at former Tubman site" is mentioned as a capital budget highlight. I did not see any detail or dollar amount. There are rumors in East Chatt/Avondale that a tax increment financing (TIF) district may be in the works for the Tubman neighborhood. If this is the case, please share with the entire Area 3

community so there is not the perception that only a few select few in the neighborhood are in the know.

BID —ATM supports the creation of the BID, provided amendments are added to a revised ordinance to make clear that all government owned properties are excluded from the assessment, that PILOT and TIF properties do not get special treatment, and that "sunshine" law provisions are added.

Is there any money in your proposed budget that is earmarked as a city public contribution to the private BID? Several weeks ago, River City mentioned an amount of \$40,000 as a possible city contribution. If the Mayor's administration is asking you to provide funding, ATM requests—in the spirit of transparency—that it be done through a separate resolution and not just appear as a small line item in a 400-page budget document. We also request a roll call vote.

Thank you—for all the time you spend on the budget and everything else you do for our city.