



City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
June 4, 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 Henderson led the Assembly in the Pledge of Allegiance and read James 3:17 of the Bible prior to giving the invocation.

## **APPROVAL OF LAST MINUTES**

**On motion of Councilman Gilbert and seconded by Councilman Ledford**, the minutes of the last meeting (May 28, 2019) were approved as published.

## **PUBLIC HEARING - *Downtown Central Business Improvement District (BID)***

Attorney Noblett read the rules of the hearing. Chairman Oglesby then opened the floor to Kim White of River City to make introductory remarks. Ms. White yielded to former mayor Jon Kinsey.

In Support of the BID:

- **Jon Kinsey** – He is partners with Tim Hennan and own 4-5 buildings in the distict that comprise eight different restaurants. He believes the city is losing tax dollars. He is willing to be assessed for the inclusion in the BID. He noted that 82-percent of property owners in the Bid are “for” it and willing to tax themselves for it. He asked everyone in support of the BID to stand in the Assembly.
- **Steve Hunt** – He manages Republic Parking and four other properties, with over 100 tenant companies. He met with his tenants and found that most were in favor. Representing his tenants is his number one priority. He supports more taxes to do more downtown.
- **Mitch Patel** (411 Broad Street) - His company has 37 hotels across the country: 12 in Chattanooga and 5 within the BID district. He informed the Council that most BIDs have happened in urban communities. He believes that BIDs create cleaner, safer and friendlier urban districts. He believes this is an investment in downtown and noted the competitive nature of BIDS across the South, such as Greenville and Asheville.
- **Ken Defoor** (801 Broad St.) – He and his brother have invested \$90 Million in Westville (hotel, salon, etc.) and will possibly invest another \$30 Million. He discussed how the first impressions of a city matter, and how improving downtown helps with that first impression for those coming to the city.

- **Charles Perry** (800 Market St.) – He and his wife, Dana, have been property owners (condominium) and residents since 2004. They are willing to pay the assessment for the work to improve the district. He believes the BID is an idea whose time has come. It represents civic democracy and civic capitalism.
- **Keith Sanford** (1 Broad St.) – He is the CEO of the Tennessee Aquarium, which supports the BID. He believes that for a nonprofit like the Tennessee Aquarium to willingly be taxed \$28,000 in the BID, he feels it is worth it. As Tivoli Board Chair and CVB Board Chair, he feels it will help those downtown business as well.
- **Cynthia Robinson** (800 Market St.) – She is a school board member and has invested \$35 Million downtown in the BID area. She believes the BID is important to the historical buildings downtown and bringing jobs to the district. She understands that property owners will take on the responsibility for the cost of the BID and that it cannot be a pass-through their tenants since they are locked into leases with tenants.
- **Chris Gobble** (811 Broad St.) – He is the Senior Director of Public Policy for the Chattanooga Area Chamber of Commerce and wanted to express the Chamber’s support of the BID. He informed the Council that the Chamber’s support for the BID was approved unanimously in the 2019 Public Policy agenda in November. As a member organization and property owner in the BID, they give their full support and look forward to the opportunity that the BID will afford to downtown Chattanooga.

In Opposition to the BID:

- **Greg Dixon** (1920 Chestnut St.) – He sees how oppressive the BID can be by concentrating power in the hands of a few. West Village is “white washing” to him. It is easy to influence when you have money. Small businesses are pushed out. Food trucks are also oppressed.
  - Councilwoman Coonrod later questioned Mr. Dixon and found that he was not a property owner within the BID boundaries. Chairman Oglesby apologized for allowing someone outside of the BID boundaries to speak during this hearing. Chairman Oglesby ruled to not allow others outside of the BID boundaries to speak during this hearing.
- **Charles Paty** (17–39 Patton Pkwy.) – Neither he nor his sister received the notice that was supposed to be mailed to each owner in the BID boundaries. He asked the Council to “follow the money” and check that the property tax structure is fair. He believes this BID is about bond money and argues that no auditing procedures are included in it currently. He also pointed out that there is nothing in the ordinance about the Sunshine Law.
- **William Wise** – He owns three properties, two of which are on vacant on Market Street. He has not been given the opportunity to opt out of the BID. He believes the BID will be a hardship on properties with no current income and will become a burden on tenants. He believes the BID will bring a hardship for services that do not address the real problems affecting downtown.
- **Pamela Reimer O’Dwyer** (17 Patton Pkwy. to end of block) – They are already negatively affected for the next year because of the upcoming changes to the Parkway. She cannot lease her building due to the upcoming construction. All of Patton Parkway is bordered by land that is not in the BID. She believes the ability to “opt out” should be included in the BID because they do not need ambassadors to take care of their property; they take care of their own property. She considers the assessment to be an undemocratic tax.

- **Peter Stein** (Second Presbyterian) – The church is owned by the Presbytery, but the BID assessment would come from the individual church’s budget. The church is opposed because they have a 0-sub-budget. Programs would suffer in the BID. Ten percent of funds go to missions projects within the city and that’s where they would prefer to spend their funds. They take care of their own property (including garden, sidewalk and parking lot). They have benefitted from the West Village project, but the church would rather opt out of the BID.

During and after public comments, Ms. White and River City’s legal counsel, Rachel Ruiz, responded to questions on the following topics:

- Mail notification for public hearing (Councilpersons Berz and Henderson)
- Bonding concerns (Councilwoman Berz)
- Opting out (Councilpersons Berz and Gilbert)
- Annual reporting (Councilwoman Berz)
- Open meetings (Councilpersons Berz and Ledford)
- Tax abatement – PILOTs (Councilman Ledford)
- Self-imposed assessment vs. “tax” (Councilman Ledford)
- BID board composition and steering committee (Councilman Ledford)
- Nonprofit assessments (Councilman Henderson)
- Role of the “Ambassadors” (Councilman Gilbert)
- Self-perpetuating boards (Councilwoman Berz)
- Excluding government entities (Councilman Henderson)

Chairman Oglesby closed the public hearing at 6:37 p.m.

## **ORDINANCES – FINAL READING:**

### **Agenda Item VI(a):**

**An ordinance to amend Chattanooga City Code, Part II, by adding a new Chapter 11, Article XXI, Downtown Central Business Improvement District (Downtown CBID), Sections 11-525 through 11-534.**

**An ordinance to amend Chattanooga City Code, Part II, by adding a new Chapter 11, Article XXI, Downtown Central Business Improvement District (Downtown CBID), Sections 11-525 through 11-534. (Alternate Version)**

**Councilman Mitchell moved** to approve, seconded by Councilman Byrd. Discussion ensued, with councilpersons offering amendments to the ordinance. Councilman Smith called a *point of order* to alert Chairman Oglesby to lights on his control panel for councilpersons wishing to speak who had not yet been recognized. Chairman Oglesby ruled in favor of continuing the discussion. The following topics were discussed further:

- Concerns with BID process (Councilman Smith)
- Board oversight (Councilman Ledford)
- Order of dissolution (Councilwoman Berz)

The following amendments were recorded by the Clerk:

- **Councilwoman Berz moved** to amend by adding that all meetings are held according to State Sunshine Law. She was seconded by Councilman Henderson. The motion carried.
- **Councilwoman Berz moved** to amend by adding that independent audits be performed every year before budget time. She was seconded by Councilman Henderson. The motion carried.
- **Councilwoman Berz moved** to amend by adding a statement a liability statement holding the City harmless. She was seconded by Councilman Mitchell. The motion carried. She also clarified that State law already holds the City harmless.
- **Councilman Henderson moved** to amend 11-5-31(b) regarding real property by adding that “all government-owned properties as defined by Tennessee code...” He was seconded by Councilman Mitchell. The motion carried.
- **Councilman Gilbert moved** to amend that the one individual, Mr. Charles Paty, could opt out the BID. He was seconded by Councilwoman Coonrod. Councilman Ledford added a friendly amendment by adding that “any person in opposition is exempt” from the BID. Councilman Gilbert moved the friendly amendment, seconded by Councilwoman Coonrod. Attorney Noblett confirmed by state law (7-84-515) that opting out could be allowed. The motion carried, with Councilman Mitchell voting “Nay.”
- **Councilman Ledford moved** to amend by striking the second tax abatement (PILOT). He was seconded by Councilman Gilbert.
- **Councilman Ledford moved** to amend Section 11-5-29 with a new sub-section (f) by adding that the City Council will confirm the original nine members chosen by the steering committee. He was seconded by Councilman Gilbert. The motion carried upon roll call vote as follows:

<b>Berz</b>	<b>Yes</b>	<b>Ledford</b>	<b>Yes</b>
<b>Byrd</b>	<b>No</b>	<b>Mitchell</b>	<b>No</b>
<b>Coonrod</b>	<b>No</b>	<b>Smith</b>	<b>Yes</b>
<b>Gilbert</b>	<b>Yes</b>	<b>Oglesby</b>	<b>Yes</b>
<b>Henderson</b>	<b>Abstain</b>		

Yes – Five (5); No – Three (3); Abstain – One (1)

Attorney Noblett repeated the full list of amendments that had been voted on by the Council.

- Revision to district boundaries - Under 11-5-25
- Approval of BID Board - New section 11-5-29(f)
- Exclude government-owned property - Under 11-5-31
- Strike 11-5-31(g) regarding PILOTS
- Provision for Auditing and Open meetings - Combined under 11-5-32(k)
- Indemnify the City (hold harmless) – Under section 2 of ordinance

**Councilman Byrd moved** to approve the ordinance as amended. The motion failed due to a lack of a second.

**ACTION: FAILED**

On motion of Councilman Mitchell and seconded by Councilman Ledford,

**ORDINANCE #13465**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 11, ARTICLE XX, SHORT TERM VACATION RENTAL CERTIFICATE, SECTION 11-510, BY AMENDING THE DEFINITION OF "SHORT TERM VACATION RENTAL DISTRICT" TO ADOPT A NEW SHORT TERM VACATION RENTAL OVERLAY DISTRICT MAP.**

**ACTION: APPROVED**

On motion of Councilman Smith and seconded by Councilman Ledford,

**ORDINANCE #13466**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-2, RELATING TO POLICE JURISDICTION OVER INTERSTATE HIGHWAYS; AND CHAPTER 24, SECTION 24-21, RELATING TO SLOW POKE LAW.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING: (NONE)**

**RESOLUTIONS:**

On motion of Councilman Mitchell and seconded by Councilman Gilbert,

**RESOLUTION #29942**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH RIVERMONT YOUTH ATHLETIC ASSOCIATION, INC., FOR THE USE OF PROPERTY LOCATED ON A PORTION OF TAX MAP NO. 118K-A-009 AT 1096 LUPTON DRIVE FOR AN ADDITIONAL TERM OF ONE (1) YEAR.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and Councilman Ledford,

**RESOLUTION #29943**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH LAKESIDE YOUTH ASSOCIATION, INC. FOR THE USE OF PROPERTY LOCATED AT TAX MAP NO. 129C-A-018 FOR AN ADDITIONAL TERM OF ONE (1) YEAR.**

**ACTION: ADOPTED**

2019-24  
Michael & Holly Acord  
District No. 8

**Agenda Item VIII(c):**

**A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00044 FOR PROPERTY LOCATED AT 1793 E. 12TH STREET.**

Councilman Byrd informed the Council that he has spoken to the neighborhood and they are still at odds against non-occupied STVRs. Therefore, **Councilman Byrd moved** to deny. He was seconded by Councilman Gilbert. The motion carried.

**ACTION: DENIED**

On motion of Councilman Mitchell and seconded by Councilwoman Coonrod,

**RESOLUTION #29944**

**A RESOLUTION TO AMEND RESOLUTION NO. 29359 TO ACCEPT REIMBURSABLE FUNDS FOR THE 2018/2019 STATE OF TENNESSEE JUSTICE ASSISTANCE GRANT FOR THE CONTINUATION OF THE BEYOND SCHOOL WALLS PROGRAM FOR A THREE (3) YEAR PERIOD WITH THE CITY OF CHATTANOOGA AS THE SUB-RECIPIENT AND BIG BROTHERS BIG SISTERS OF GREATER CHATTANOOGA AS THE SUBCONTRACTOR, FOR AN AMOUNT NOT TO EXCEED \$121,565.00.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

**RESOLUTION #29945**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. RELATIVE TO CONTRACT NO. T-17-008-101 FOR PROFESSIONAL SERVICES ASSOCIATED WITH TRANSIT SIGNAL PRIORITIZATION AND ACCESSIBILITY PROJECT, IN THE AMOUNT OF \$681,300.00, WITH A CONTINGENCY AMOUNT OF \$68,130.00, FOR A TOTAL AMOUNT OF \$749,430.00.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Proposed Purchases**

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

**R185713 - Chattanooga Police Department** Total \$84,206.18  
Purchase - Replacement Ammunition at HCSO/CPD  
Firing Range - Chattanooga Police Department  
Lowest/Best Bidder: Precision Delta Coproration  
205 West Floyse Street  
P.O. Box 128  
Rulesville, MS 38771

**R165109 - Public Works Department** Estimated \$35,000.00 Annually  
New Blanket Contract - Custodial Services at  
Family Justice Center – Facilities Management Division –  
Public Works Department  
Lowest/Best Bidder: ABM Industry Group, LLC  
4295 Cromwell Road, Suite 412  
Chattanooga, TN 37421

**R179096 - Public Works Department** Estimated \$70,000.00 Annually  
New Blanket Contract - Grounds Maintenance for  
Riverwalk Extension - Parks Division - Public Works Department  
Lowest/Best Bidder: Sikes Services, LLC dba CityGreen Services  
206 Merriman Avenue  
Chattanooga, TN 37415

**PO549781 - Public Works Department** Estimated \$550,000.00 Annually  
Blanket Contract Renewal - Cleanup Sewer Backup Services –  
Waste Resources Division - Public Works Department  
Lowest/Best Bidder: Disaster Master  
4605 Shawhan Road  
Chattanooga, TN 37402

**PO550065 - Public Works Department** Estimated \$60,000.00 Annually  
Blanket Contract Renewal - Sewer Treating Chemicals –  
Waste Resource Division- Public Works Department  
Lowest/Best Bidder: Chemsearch  
2727 Chemsearch Blvd.  
Irving, TX 75062

**On motion of Councilman Henderson** and seconded by Councilman Ledford, all purchases were approved.

**ACTION: ALL PURCHASES APPROVED**

**OTHER BUSINESS:**

**Board Appointment**

Councilwoman Coonrod appointed Edward Green, Jr., to represent District 9 on the *Board of Sign Appeals*.

## **Council Building Dedication**

The building dedication in honor of John P. Franklin, Sr., will take place on June 25, 2019, at 5:15 p.m. The building will be renamed the “John P. Franklin, Sr. Building.” He thanked Tony Sammons and Amy Lowdermilk of the Mayor’s Office for their work in coordinating the event.

## **Vocational Center Conversations**

Councilman Henderson apologized to the Council for missing today’s 1:30 p.m. and 3:00 p.m. meetings. He informed the Council that he had been in a meeting with the AGC about bringing back the Kirkman Vocational center to the old Barger Academy. Chattanooga State has been taking part in these conversations. Today, leaders from the Hamilton County Department of Education joined the meeting about the vocational center. He believes this center will be a transformational in the city.

## **COMMITTEE REPORTS:**

### *Budget and Finance Committee*

Councilwoman Berz reported:

- The Budget Education Session #3 took place today from 10:00 a.m. – 1:30 p.m. There will be one more session next week. The Council will have decide how and when to have the first and second reading. Currently, the budget readings are scheduled for the last two Tuesdays of this month.

### *Economic and Community Development Committee*

Councilman Byrd

(No report)

### *Human Resources Committee*

Councilman Gilbert

(No report)

### *Planning and Zoning Committee*

Councilman Ledford reported:

- The committee met today in open meeting to review all planning and zoning items. They also heard an update on Steep Slopes & Floodplains.

### *Public Safety Committee*

Councilman Smith

(No report)

### *Public Works and Transportation Committee*

Councilman Mitchell reported:

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

### *Youth and Family Development Committee*

Councilwoman Coonrod reported:

- YFD will make its budget presentation on next Tuesday, June 11, at 10:00 a.m.
- The committee will also meet next week for the department report after the 3:00 p.m. Agenda Session.

*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:

- **Alexis Phineazy** (District 5) – She is Chair of the Board of Sign Appeals. She came to inform the Council about vacancies that are making it difficult for the board to make quorum for conducting business. She asked the Council to fill vacancies to continue the business of the board.
- **Christopher Dahl** (Highland Park) – He is appalled with the police. He indicated that there was a lack of responders recently when a man was found lying on the curb with his head close to the street. He reported that the police blocked off the road because of the man, but grabbed him by the arms and pulled him to his side. He also believes there was a lack of responders at the recent Waffle House incident that resulted in a victim lacking treatment. He is concerned with a lack of training in the department and asked the Council to look at Dylan’s Rule.
- **Marie Mott** (Oak Grove) – She supports Councilwoman Coonrod in the requested police investigations. She noted that the Chief of Police was over Internal Affairs when people were allegedly raped. She believes that rape has been covered up and that now is the time to take accountability over CPD. She asked the Council to reign in CPD and ensure an extensive investigation into Internal Affairs. She also asked the Council to table their Police Advisory and Review Committee.
- **Chris Dossett** – He moved from Operator I to Operator IV position with the city’s Department of Public Works. Yet, he has not received the 6-percent raise from being promoted. It has been four years since the raise was supposed to take place. There were 10 promotions, but three people, himself included, did not get their raise. Two of those three people are now retired, but he is still employed. He asked what could be done to get this resolved.
  - Maura Sullivan, Chief Operating Officer, offered to speak with Mr. Dossett after the meeting. He agreed.

**ADJOURNMENT**

**On motion of Councilman Mitchell**, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, June 11, 2019, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**