



John P. Franklin, Sr. City Council Building  
Chattanooga, Tennessee

## **COUNCIL MEETING MINUTES**

July 9, 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. Valerie Malueg, Assistant City Attorney, and Nicole Gwyn, Council Clerk, were also present.

### **PLEDGE OF ALLEGIANCE**

Councilwoman Berz led the Assembly in the Pledge of Allegiance.

### **APPROVAL OF LAST MINUTES**

**On motion of Vice-Chairman Henderson and seconded by Councilman Ledford**, the minutes of the last meeting (July 2, 2019) were approved as published.

### **SPECIAL PRESENTATION**

#### **Proclamation ("50th Anniversary of the Dixie Youth Baseball Program") By Councilwoman Carol B. Berz**

Councilwoman Berz informed the Council about the Dixie Youth Baseball Program being the first program to integrate sports in Chattanooga. She asked the former players and their coach to come forward and introduce themselves. The following were recognized:

- Durant Crawford
- Tim Womack
- Jim Baker
- Jerry Dupriest
- Herman Grier
- Robert Johnson
- Brian Hickey
- Gary Pickett
- Perry Perkins

Mr. Perkins gave a history of the organization and described their accomplishments leading to the 1969 Dixie Youth World Series. He expressed thanks to the Dixie Youth organization and the city's Recreation Department. They wore orange hats today to honor one of their members, Bobby Evanston. He thanked the Council and Mayor for the proclamation and Greta Hayes for her support of baseball over the years. He informed the Council of their travel to Sweetwater on Thursday for the Tennessee State tournament to throw out the first pitch and traveling to Louisiana on August 2 to throw out the first pitch at the Dixie Youth Baseball.

Greta Hayes, Director of Recreation for Youth and Family Development, expressed how the Dixie Youth Baseball Program has impacted youth baseball in Chattanooga. She updated the Council on the RBI program and invited the Council to come to the send-off for the athletes going to the RBI World Series on July 25. She also recognized the RBI players, coaches and their coordinator, Richard West.

Councilwoman Berz presented the Dixie Youth Baseball honorees with a proclamation that read as follows:

**Whereas,** The Lakeside Dixie Youth baseball players were the first team in Tennessee to win the Dixie Youth Baseball World Series; and

**Whereas,** Lakeside Dixie Youth Baseball laid the groundwork for integrated sports teams in Chattanooga; and

**Whereas,** The members of Lakeside Dixie Youth Baseball have made significant contributions over the years, not only in sports- but towards the community as a whole.

**Now Therefore,**

I, Andy Berke, Mayor of the City of Chattanooga,  
do hereby proclaim July 9, 2019 as

***Lakeside Dixie Youth Baseball Day***

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 9th Day of July, 2019.

\_\_\_\_\_  
*Andy Berke, Mayor*

Councilman Gilbert commended the organization and recognized a young athlete called “Butch” who has had a great impact at Lakeside. Chairman Oglesby asked the RBI youth to step to the front of the building for a picture with the Dixie Youth Baseball honorees.

**ORDINANCES – FINAL READING:**

On motion of Councilman Smith and seconded by Councilman Ledford,

**ORDINANCE #13479**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE XV, SECTION 24-511, TO ESTABLISH A MORATORIUM RELATING TO THE OPERATION OF DOCKLESS ELECTRIC SCOOTERS AND BICYCLES.**

**ACTION: APPROVED**

**ORDINANCES – FIRST READING:**

2019-075  
John Wise  
Planning Version  
District No. 2

**Agenda Item VI(a):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 309 AND 313 TREMONT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND E-RM-3 TO E-RA-2 URBAN EDGE RESIDENTIAL ATTACHED 2 STORIES MAXIMUM HEIGHT ZONE AND E-RM-3 URBAN EDGE RESIDENTIAL MULTI-UNIT THREE STORIES MAXIMUM HEIGHT ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Mitchell informed the Council that the Applicant and the City are still working things out on this case; therefore, **Councilman Mitchell moved** to defer two weeks. He was seconded by Councilman Ledford. The motion carried.

**ACTION: DEFERRED TO JULY 23, 2019**

2019-078  
Shawn Matthews  
Planning Version  
District No. 3

**Agenda Item VI(b):**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES IN THE 5100 BLOCK OF HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.**

Councilman Smith confirmed that there was no opposition present in the Assembly. He had discussions with the Applicant. Therefore, **Councilman Smith moved** to defer to August 13, 2019. He was seconded by Councilman Ledford. The motion carried.

**ACTION: DEFERRED TO AUGUST 13, 2019**

Attorney Malueg read the rules of procedure for planning hearings.

2019-065  
Lyle Finley Trust % Arnold Trackett  
Planning Version  
District No. 4

**ORDINANCE #13480**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF AN UNADDRESSED PROPERTY LOCATED IN THE 8200 BLOCK OF APISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Councilman Ledford asked John Bridger, Executive Director of Regional Planning, to read the conditions on this property. Mike Price of MAP Engineers indicated that the Applicant approved of all conditions except condition #3 requiring rear pedestrian access being granted to the adjoining property owner. Mr. Price asked that the condition be removed. Councilman Ledford asked Mr. Bridger to explain the origin of this condition. Mr. Bridger indicated that the condition **had been** added during the Planning Commission, but had not been recommended by Staff.

**Councilman Ledford moved** to approve with the intent to amend. He was seconded by Councilman Smith. The motion carried. **Councilman Ledford moved** to amend by removing condition #3. He was seconded by Smith. The motion carried. **Councilman Ledford moved** to approve, seconded by Councilman Smith. The motion carried.

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

*[Councilwoman Coonrod stepped out of the meeting momentarily.]*

2019-071  
N&R Properties % Ross Timoshchuk  
Planning Version  
District No. 6

A hearing ensued on the following:

**ORDINANCE #13481**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5613 CLARK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Applicant:

- **Mike Price** (MAP Engineers) – He described this site as a “high-end development” at intersection of Clark and Highway 58. The developer had a meeting with the community and discussed the site plan and high demand for housing in this area due to VW. During the community meeting, there was a lot of discussion regarding a traffic signal at Clark and Highway 58. He looks forward to a signal being turned on at that location prior to completion of this development. There was conversation with the community about where the clubhouse and pool would be placed. There was also conversation about the plan for a

convenience store proposed for the corner of the property that would be convenient for people traveling on VW Drive. He noted that Staff supported their proposal.

Opposition:

- **Unnamed Speaker 1** – He came to speak on behalf of 160 residents of Clark Road and surrounding subdivisions. He informed the Council that there is a very narrow corridor of single-family homes on large lots that is county. He sent an email today that outlined his community's key points of opposition. He feels there is a lack of infrastructure to support this development. He believes the development is inconsistent with the neighborhood.
  - Councilwoman Berz noted that one of the main problems at the community was that most of the residents present lived in the county. She indicated that part of the land is in the city, but believes most of Opposition to this development live in the county.
- **Unnamed Speaker 2** – She, too, lives in the county portion, but is also a member of Harris Methodist Church, which is a part of the annexed parcels that are in the city. She also has a petition from the church members and sent an email on behalf of the church members opposing this. She is concerned that there will not be a way to turn north into their parking lot with this development, even with a traffic light. The convenience store will likely sell liquor, but cannot, by law, be within 2,000 feet of a church or school. Harris Methodist will be a lot less than 2,000 feet. She asked that the Council deny this zoning.
- **Unnamed Speaker 3** – She has lived in the county two years. She and her family moved there because of the lot size and quietness. They had no idea that this piece of property would turn into such a development. There is nothing guaranteeing a playground. She assumes that the families moving into the 3-bedroom homes will have children and, from what she has seen, they will have nowhere to play except on Highway 58. She asked the Council to deny this for the safety of children.
- **Unnamed Speaker 4** - He is a county resident, too, and believes the city is using the city/county argument as an excuse to pull support for the city's side. He thinks whether you live in the city or county does not matter because they all will have to deal with this development. He believes that the proposed 234 units will bring up to 600-700 people on this one 14-acre track. He saw that all the sewer pipes were laid on Ferdinand Piech and believes the developer considers approval of the rezoning as a "done deal." He is retired and bought his home to have a quiet neighborhood, yard and buffer away from lots of people. He believes this will be like downtown by adding hundreds of people and a convenience store. He believes there are 25 convenience stores already in the area. He is most concerned with safety in light of the number of accidents already on Ferdinand Piech. He believes that there should be an assurance about safety, specifically a traffic signal at Clark and Highway 58. He believes this development will lower everyone's property values and, thus, lower property taxes.
- **Mark Hanson** (Clark Road) – He calculates that there are nine convenience stores within 5-1/2 miles already in this area, with about three more coming within 2-1/2 miles of the area. The city annexed the first pieces of Highway 58, which is all commercial, so he believes that is why the city should hear the concerns of the residents on the county side. He read rough estimates from Hamilton County GIS about the distance of the proposed convenience store from churches and schools: Harrison Methodist is 400 feet; Cornerstone Baptist is 2100 feet; the current Harrison Elementary is 700; the new Harrison Elementary is 1,000-1,500 feet; Brown Middle School is 1,300 feet; and Central High is 2,000 feet. He believes the turn lane at Clark will end up with more than seven cars at the red light, which will stop the fast lane traffic on Highway 58. There is no guarantee of the traffic signal. He also is concerned with whether or not VW Drive will open.

Rebuttal: Mr. Price noted that their plans laid out for the Council meet all TDOT standards for spacing of intersections. He noted that there is infrastructure supporting this major thoroughfare, including water and sewer. He commented on the appropriateness of the use of the property: commercial use on the East and the R-2 and R-3 (rental properties) on the West. He does not believe this development to be a “bedlam for noise.” In his years of experience with such developments, he does not consider noise to be a major problem. He cannot make promises regarding the traffic signal because he does not control the traffic signals. He believes the City and State staff will work towards the traffic signal.

**Councilwoman Berz moved** to approve, seconded by Councilman Byrd. Discussion ensued, with Councilman Gilbert questioning Mr. Price on the distance of the church from the convenience store that might seek a liquor license. Mr. Price had not checked the distance of the church, but knows that if the convenience store surpasses the distance legally allowed, then it will not be permitted for selling liquor. Upon no further questions, the motion carried.

**ACTION: PASSED ON FIRST READING**

2019-072  
Barry Payne Development % Barry Payne  
Planning Version  
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Ledford,

**ORDINANCE #13482**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

**ACTION: PASSED ON FIRST READING**

**PROCEDURAL NOTE:** Chairman Oglesby turned over the meeting to Vice-Chairman Henderson for hearings on District 7 ordinances 13483 and 13484.

2019-064  
Leopoldo Vargas  
Planning Version  
District No. 7

On motion of Chairman Oglesby and seconded by Councilman Ledford,

**ORDINANCE #13483**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3509 7<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.**

**ACTION: PASSED ON FIRST READING**

*[Councilwoman Coonrod returned to the meeting during the hearing on Ordinance 13484.]*

A hearing ensued on the following:

**ORDINANCE #13484**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES IN THE 3700 THROUGH 3900 BLOCKS OF SAINT ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.**

Mr. Bridger made a presentation on this item. During which, he noted that there was no Opposition at the Planning Commission. He also noted that the Applicant supported 2 of the 6 conditions recommended by Staff. Planning Condition recommended two conditions:

- 1) Auto-oriented uses, wholesaling with accessory warehousing, adult-oriented establishments, and self-storage facilities prohibited; and
- 2) The existing unopened right-of-way extending between parcels 1550-E-002 and 1550-E-001 shall be used for pedestrian connectivity between St. Elmo Avenue and Tennessee Avenue.

Vice-Chairman Henderson recognized the Applicant and members of the Opposition.

Applicant:

- **Ben Berry** (Berry Engineers) – He described this development as a mixed use and pedestrian plan. He discussed the recommendation from the land use plan for this area to be dense commercial use. He has gotten a positive response from meeting with community. everyone he has spoken to supports it once they have heard the details of the plan. There will be a parking deck, focused street scape. UGC accomplishes this urban pedestrian development.

Opposition:

- **Tim McDonald** – He is not in opposition to UGC. He is concerned with the potential for increased traffic and traffic patterns in this area. Traffic is a nightmare during the day, especially during rush hours. He would like to see this item deferred until a traffic study could be authorized or make zoning contingent upon a traffic study. His biggest concern is the safety because of the volume of traffic and the potential changes in volume due to this development.
- **Meghan Spooner** – She lives in Walker County, but commutes several times a day through this area to and from her job in Chattanooga. She works at the YMCA downtown and has worked there for 13 years. She has spoken to several people living in the area and Lookout Mountain who are surprised at the height of this development. She believes a high-density commercial district in St. Elmo is inappropriate and does not fit in character of the community. She has seen so many traffic backups cause people to detour through the neighborhood, some of them with road rage.

- When Ms. Spooner began commenting on downtown issues, Vice-Chairman Henderson reminder her to comment only on this particular case.

Ms. Spooner believes food trucks will stop in streets, clog up the road and cause traffic problems. She strongly opposes this and believes that a single-story commercial district has character to it that preserves the history and beauty of this area.

Rebuttal: Regarding the proposed design, Mr. Berry informed the Council that they are eliminating four existing driveways on Tennessee Avenue, which is where most people refer to as far as congestion. He informed the Council of turning that entire corridor into a pedestrian-oriented environment and limiting vehicular access. He discussed utilizing St. Elmo Avenue as the primary access for the parking garage.

EO has been attending community meetings. There have been mixed responses. It will take it from commercial to UGC, which the community has fought for. Some things heard at the meeting are how to boost small business development and retail. He thanked everyone who came out to voice opinions for this project. Therefore, **Chairman Oglesby moved** to approved, seconded by Councilman Ledford. Discussion ensued prior to the vote.

Councilman Mitchell asked Mr. Bridger to go back to the Staff's recommendation, and questioned Staff's recommendation for building frontage. Mr. Bridger was most concerned with that recommendation and asked the Council to consider it. Councilman Mitchell asked Mr. Berry why he did not want to accept that recommendation. Referring back to the site plan, Mr. Berry informed the Council that in order to have building frontage, the building must be 10-feet of the right-of-way. He informed the Council of the curvature of the road as well as the underground stream and 20-foot deep culvert, which they will have to replace. The culvert must be extended between the buildings where the pedestrian corridor will be developed. The balance that is not occupied by the building is for the pedestrian corridor. The frontage is proposed for less than 70-percent. He also informed the Council of their second obstacle: a billboard that will limit the amount of building frontage. Mr. Bridger confirmed for Councilman Smith that the motion to approve the Planning Version does not require the 70-percent frontage. Chairman Oglesby confirmed his motion to approve the Planning Version. **The motion carried.**

**ACTION: PASSED ON FIRST READING**

**PROCEDURAL NOTE #2:** Vice-Chairman Henderson turned the meeting back over to Chairman Oglesby for the remainder of the meeting.

**2019-077**  
**Lee Helena**  
**Planning Version**  
**District No. 8**

**ORDINANCE #13485**

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1505 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.**

The Applicant was present, but no Opposition was present. Mr. Bridger read the three conditions of this rezoning.

- 1) Single-Family Detached Residential only;
- 2) Vehicular access and parking shall be from the rear alley; and
- 3) Subdivision into no more than two residential lots.

**Councilman Byrd moved** to approve, seconded by Councilman Smith. The motion carried.

**ACTION: PASSED ON FIRST READING**

**Agenda Item VI(i):**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II AND V, SECTIONS 38-2, 38-183(17), 38-305, 38-306, 38-323(5), 38-333(7), AND 38-341(10), RELATING TO OUTDOOR STORAGE AND MINI-WAREHOUSES.**

**Councilman Gilbert moved** to defer to July 23, 2019. He was seconded by Councilman Ledford. The motion carried.

**ACTION: DEFERRED TO JULY 23, 2019**

On motion of Councilman Ledford and seconded by Councilman Smith,

**ORDINANCE #13486**

**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, ZONING REGULATIONS, DIVISION 28, A-1 URBAN AGRICULTURAL ZONE, SECTION 38-453, PERMITTED USES AND ADDING NEW SECTION 38-460 REGARDING APPLICABILITY.**

**Vice-Chairman Henderson moved** to approve with the intent to amend. He was seconded by Councilman Ledford. The motion carried. **Vice-Chairman Henderson moved** to amend by adding wording: "No pasture area shall be closer than 150-feet of any residential structure excluding the shared property line where the adjacent property already maintains livestock." He was seconded by Councilman Gilbert. The motion carried. Mr. Bridger asked for a clarification on whether this amendment would be added to all sections where needed throughout the ordinance. Vice-Chairman Henderson confirmed that the amendment would apply to all sections. **Vice-Chairman Henderson moved** to approve as amended. He was seconded by Councilman Ledford. The motion carried.

**ACTION: PLANNING VERSION AMENDED AND PASSED**

**RESOLUTIONS:**

On motion of Councilman Ledford and seconded by Councilman Smith,

**RESOLUTION #29977**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF LICENSE AGREEMENT WITH RIVER CITY DUCKS, LLC, AS AMENDED, TO FOUR J'S DUCKS, LLC, FOR ACCESS TO ROSS' LANDING RAMP TO PROVIDE ACCESS TO THE TENNESSEE RIVER FOR THE OPERATION OF THE "CHATTANOOGA DUCKS", AMPHIBIOUS LANDING WATERCRAFT VEHICLE, WITH THE TERM EXPIRING MAY 1, 2020, WITH ONE (1) REMAINING OPTION TO RENEW FOR AN ADDITIONAL TERM OF ONE (1) YEAR.**

**ACTION: ADOPTED**

On motion of Councilman Byrd and Councilman Ledford,

**RESOLUTION #29978**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ACCEPT A GRANT FROM THE LYNDBURST FOUNDATION TO SUPPORT PUBLIC ART PROJECTS IN THE EAST LAKE AND MARTIN LUTHER KING NEIGHBORHOODS, IN THE AMOUNT OF \$140,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Ledford and seconded by Councilman Byrd,

**RESOLUTION #29979**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF \$267,852.22 FROM HAMILTON COUNTY AS PROCEEDS FROM THE 2019 REAL PROPERTY BACK TAX SALE, WITH \$258,344.93 BEING APPLIED AS THE CITY'S PORTION; \$3,092.35 BEING APPLIED TO CITY ATTORNEY FEES; AND \$6,414.94 BEING APPLIED TO CITY TREASURER COSTS.**

**ACTION: ADOPTED**

On motion of Councilman Gilbert and seconded by Councilman Byrd,

**RESOLUTION #29980**

**A RESOLUTION AUTHORIZING COLLINS AND COMPANY TO PAY AN ON-THE-JOB INJURY SETTLEMENT TO CITY EMPLOYEE, JAMES RICHARD, FOR A PERMANENT PARTIAL IMPAIRMENT RATING IN ACCORDANCE WITH THE CITY'S INJURY-ON-DUTY POLICY, IN THE AMOUNT OF \$28,988.76.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Mitchell,

**RESOLUTION #29981**

**A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF ZAC GREENE TO THE STADIUM CORPORATION BOARD.**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Byrd,

**RESOLUTION #29982**

**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A ONE (1) YEAR BLANKET AGREEMENT WITH LEICA GEOSYSTEMS, INC. TO PROVIDE SERVICE REPAIRS, UPDATES, AND WARRANTY SERVICE FOR POLICE SCANSTATION EQUIPMENT, BEGINNING MAY 25, 2019 THROUGH MAY 24, 2020, WITH TWO (2) OPTIONAL ANNUAL RENEWALS AND AN ANNUAL SPEND LIMIT NOT TO EXCEED \$40,000.00.**

**ACTION: ADOPTED**

On motion of Vice-Chairman Henderson and seconded by Councilman Smith,

**RESOLUTION #29983**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 3 FOR CDM SMITH, INC. RELATIVE TO CONTRACT NO. W-15-009-101, MBWWTP CONTROL ROOM UPGRADES, FOR AN INCREASED AMOUNT OF \$26,595.00, FOR A REVISED CONTRACT AMOUNT OF \$429,440.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Berz and seconded by Councilman Byrd,

**RESOLUTION #29984**

**A RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY AND THE WWTA TO STUDY FEASIBLE CONNECTION METHODS IN PROVIDING CONSOLIDATED WASTEWATER SERVICES TO ALL CITY AND COUNTY RESIDENTS WHO ARE PROVIDED WASTEWATER SERVICES WITHIN THE SERVICE AREA OF THE WASTEWATER TREATMENT AUTHORITY (WWTA) AND THE CHATTANOOGA WASTEWATER SYSTEM.**

**The motion carried, with Councilman Gilbert voting "Nay."**

**ACTION: ADOPTED**

On motion of Councilman Smith and seconded by Councilman Gilbert,

**RESOLUTION #29985**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR THE MAINTENANCE OF STATE HIGHWAYS WITHIN THE CITY LIMITS OF CHATTANOOGA FOR REIMBURSEMENT TO THE CITY, FOR AN AMOUNT NOT TO EXCEED \$426,177.30.**

**ACTION: ADOPTED**

On motion of Councilman Ledford and seconded by Councilman Gilbert,

**RESOLUTION #29986**

**A RESOLUTION AUTHORIZING PAYMENT TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), IN ACCORDANCE WITH SECTION X(48)(A) OF THE CONSENT DECREE, FOR SANITARY SEWER OVERFLOWS INCURRED DURING THE PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2018, IN THE AMOUNT OF \$188,000.00.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Byrd,

**RESOLUTION #29987**

**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 FOR KLEENCO CONSTRUCTION RELATIVE TO CONTRACT NO. T-17-006-201, COMMUNITY DEVELOPMENT BLOCK GRANT SIDEWALK INSTALL/REPAIR, FOR AN INCREASED AMOUNT OF \$5,562.00, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$422,544.45.**

**ACTION: ADOPTED**

On motion of Councilman Mitchell and seconded by Councilman Ledford,

**RESOLUTION #29988**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH COLE & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES ASSOCIATED WITH ADA TRANSITION PLAN, T-18-011-101, IN THE AMOUNT OF \$580,769.00, WITH A CONTINGENCY AMOUNT OF \$58,076.90, FOR A TOTAL AMOUNT OF \$638,845.90.**

**ACTION: ADOPTED**

**DEPARTMENTAL REPORTS:**

**Proposed Purchases (NONE)**

## **OTHER BUSINESS:**

### **Public Works**

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

#### **RESOLUTION #29989**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH HAWTHORNE AT MOUNTAIN CREEK APARTMENTS, LLC (“HAWTHORNE”) AND TO ACCEPT A DONATION FROM HAWTHORNE, IN THE AMOUNT OF \$32,283.35; AND TO ENTER INTO A PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH WATERWAYS (FORMERLY CARIBBEANSEA-TENNESEA) (“WATERWAYS”) AND TO ACCEPT A DONATION FROM WATERWAYS, IN THE AMOUNT OF \$10,000.00, BOTH OF WHICH WILL HELP FUND THE CONSTRUCTION OF A STREAM BANK STABILIZATION PROJECT WITHIN THE SPRING VALLEY NEIGHBORHOOD LOCATED WITHIN THE MOUNTAIN CREEK WATERSHED, WITH THE CITY PORTION IN THE AMOUNT OF \$32,616.65, FOR A TOTAL PROJECT COST OF \$75,000.00.**

**ACTION: ADOPTED**

### **Board Appointment**

Vice-Chairman Henderson nominated Rick Mincy, Sr. to represent District 1 on the *Police Advisory and Review Committee*. Councilman Ledford seconded. The motion carried, with Councilpersons Gilbert and Coonrod voting “No.”

Councilman Gilbert noted his intent when sponsoring this legislation was to not have a former police officer on this committee. He informed the Council of one current committee member who voiced concerns about speaking freely in the presence of another committee member who is former law enforcement. Councilwoman Coonrod also apologized to someone she identified as “Mr. Green,” who was present in the Assembly. She apologized for having been told the wrong information about former law enforcement becoming members of the committee. Mr. Green, a former police officer, expressed his interest in the committee still. Councilwoman Coonrod said that she would be happy to forward his information to the two councilpersons who are still considering appointments.

### **District 7 Events**

Chairman Oglesby announced the Movie Night at the Southside Park on July 20, 2019. The movie will be Spiderman. The event will start at 7:00 p.m., with the movie starting at 8:00 p.m.

Chairman Oglesby also announced the “Rock-the-Block” event at Miller Park on August 4, 2019, from 1:50 – 4:50 p.m. There will be entertainment and free haircuts and school uniforms.

### **Note of Thanks**

Councilman Ledford thanked Councilwoman Berz for the Dixie Youth Baseball proclamation. He was impressed with the progress that has been made in sports since the 1969 inception.

## COMMITTEE REPORTS:

### *Budget and Finance Committee*

Councilwoman Berz

(No report)

### *Economic and Community Development Committee*

Councilman Byrd reported

- The Council heard a department report today in open meeting by ECD's Workforce Development. He encouraged anyone seeking employment to call Workforce Development at (423) 643-7350.

### *Human Resources Committee*

Councilman Gilbert

(No report)

### *Planning and Zoning Committee*

Councilman Ledford

(No report)

### *Public Safety Committee*

Councilman Smith reported:

- The committee met in open meeting today for a presentation from the Hamilton County Coalition on the opioids epidemic.

### *Public Works and Transportation Committee*

Councilman Mitchell reported:

- The committee met today in open meeting. They will meet again in two weeks (June 23) after the Youth and Family Development Committee.

### *Youth and Family Development Committee*

Councilwoman Coonrod reported:

- The committee will meet in two weeks immediately 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 Malueg read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Oglesby recognized the following persons:

- **Tiffany Howard** – She came to update the Council on an incident in October 2018 where medical assistance was not given to her. The incident has haunted through nightmares of being hunted and injured. She will have permanent scars of what happened that day. She fears retaliation for even coming forth about the incident. She is seeking a full investigation with the County and City since the incident involved two Hamilton County paramedics and officers from the city and county. She is from Conyers, GA and has seen a good police

force and school system. She does not want the City of Chattanooga's reputation to be tarnished by two paramedics. She indicated that the police report on the incident was wrong because it classified the inciting event as a psych visit. She indicated that this case is getting bigger.

- Councilwoman Coonrod encouraged Ms. Howard to seek legal counsel and sue the necessary parties for her injuries. She noted that the Council cannot get involved while there is an active investigation.
- Councilman Byrd recommended that Ms. Howard file a complaint with Internal Affairs. Ms. Howard indicated that she has filed with the Sheriff's Internal Affairs and will also file with the city's Internal Affairs. She is waiting on the results of her complaint with Erlanger Hospital.
- Councilman Gilbert recommended that Ms. Howard keep track of the timeline or statutory limits with her complaints.
- **Peggy Petree** (Main St.) – Her group sent an email regarding their support of STVR owners. They want to inform owners in their group about proposed changes, be invited to discussions on proposed changes and provide owners with information from those discussions. Her group only allows permitted STVR members. They have a survey out now and hope that owners of non-owner occupied STVR will have equity.
- **Daniel Benwall** (Lavergne, TN) – He thanked the City for 23 years of working with the Wastewater Plant. His company had a contract with the city, but lost the contract because of what he called “unfair numbers” on the bid sheet. He had concerns about how hours worked and cost were being calculated with the bid.
  - Councilman Gilbert was curious to find out more about the bid process related to this contract. He asked Maura Sullivan, Chief Operating Officer, to look into it.

*[Councilman Smith exited the meeting at this time.]*

- **Robert Hanson** (Bush St.) – He is going through the permitting process on Long Street for his STVR. His concern is that some councilpersons do not support non-owner occupied STVRs. He believes that the current ordinance is working and should not be changed. He has been in Chattanooga since 2016. He has seen information indicating that half of the residencies in Chattanooga are rentals (long- and short-term). He estimates that non-owner occupied STVRs are a miniscule number of the rentals within this city. He does not want the ordinance to turn into a ban.
- **Betty Maddox Battle** – She is a former police officer who moved back to Chattanooga from Atlanta. Her son was murdered in Atlanta. She believes it is paramount to come together regarding police incidents. She believes someone must be upfront and accountable for the actions of the police. She believes that if the problem with the police is not fixed, then negative incidents will happen again. She asked the Council to come up with a solution and offered the assistance of her organization to sit down with the City to implement a plan. She has already outline her recommendations for a plan. She then reminded the Council of a speech by Dr. Martin Luther King: “We must learn to live together as brothers or perish together as fools.”

*[Councilman Mitchell exited the meeting at this time.]*

## **ADJOURNMENT**

**On motion of Vice-Chairman Henderson**, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, July 16, 2019, at 6:00 p.m.

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**