



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

COUNCIL MEETING MINUTES

February 18, 2020

6:00 PM

CALL TO ORDER

Council Chairman Erskine Oglesby, Jr. called the meeting to order with a quorum present that included 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 Byrd led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (February 11, 2020) were approved as published.

ORDINANCES – FINAL READING:

2020-0006
Nathaniel S. Goggans
Planning Version
District No. 1

On motion of Councilman Smith and seconded by Councilman Ledford,

ORDINANCE #13534

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1331 BURGESS ROAD, FROM R-1 RESIDENTIAL ZONE TO A-1 URBAN AGRICULTURAL ZONE WITH SPECIAL PERMIT.

ACTION: APPROVED

2019-0011
Joseph Ingram
District No. 3

On motion of Councilman Smith and seconded by Councilman Ledford,

ORDINANCE #13535

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 12019 OF PREVIOUS CASE NO. 2007-0143 FROM PROPERTY LOCATED AT 2817 NORTHPOINT BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN.

ACTION: APPROVED

2020-0005
W. Rondon Construction
Planning Version
District No. 4

On motion of Councilman Ledford and seconded by Councilman Smith,

ORDINANCE #13536

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 2400 BLOCK OF GUNBARREL ROAD AND 7400 BLOCK OF MIN TOM ROAD, FROM R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE WITH CONDITIONS TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2020-0003
Byrd's Automotive
Alternate Version
District No. 5

On motion of Councilman Gilbert and seconded by Councilwoman Berz,

ORDINANCE #13537

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 4431 BONNY OAKS DRIVE, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2020-0010
Joseph Ingram
Planning Version
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13538

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6811 MCCUTCHEON ROAD, FROM R-3MD MODERATE DENSITY ZONE WITH CONDITION TO R-3 RESIDENTIAL ZONE.

ACTION: APPROVED

2020-0001
Jason Scott
Planning Version
District No. 7

On motion of Councilman Ledford and seconded by Councilman Mitchell,

ORDINANCE #13539

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5291 USHER DRIVE FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

Councilman Ledford heard no objection from Chairman Oglesby on this District 7 item.

ACTION: APPROVED

2020-0004
Good Guys Relocation
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilman Smith,

ORDINANCE #13540

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 2000 STUART STREET, FROM R-1 RESIDENTIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

020-0014
Leyui Lopez Perez
Staff Version
District No. 8

Agenda Item VI(a):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1915 SOUTH GREENWOOD AVENUE, FROM M-1 MANUFACTURING ZONE TO O-1 OFFICE ZONE.

Councilman Byrd informed the Council that he had spoken to John Bridger of the Regional Planning Agency about the need to defer this item. Therefore, **Councilman Byrd moved** to defer, seconded by Councilman Gilbert. The motion carried.

ACTION: DEFERRED TO FEBRUARY 25, 2020

RESOLUTIONS:

On motion of Councilman Byrd and seconded by Councilman Mitchell,

RESOLUTION #30232

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO NEGOTIATE A DONATION AGREEMENT WITH THE AIM CENTER, INC. FOR THE DONATION OF PROPERTY LOCATED AT 1815 EAST MAIN STREET FOR THE DEVELOPMENT OF SIXTY (60) UNITS OF PERMANENT SUPPORTIVE HOUSING CONTINGENT UPON THE PROPERTY BEING ACCEPTED INTO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) BROWNFIELD VOLUNTARY AGREEMENT (BVA) PROGRAM AND THE AIM CENTER, INC. BEING AWARDED FINANCING FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY.

Councilman Byrd asked that everyone in Assembly to stand if they came in regards to this agenda item. After thanking those who came regarding this item, he informed them that the timeline for deferring this agenda item would cause problems for the grant deadline. He confirmed with Attorney Noblett that this agenda item authorizes “only the discussion” of the agreement. Attorney Noblett also confirmed that the land donation must come back before the Council and that reversion language has already been added to the agreement. Therefore, **Councilman Byrd “moved** the discussion,” seconded by Councilman Mitchell. The motion carried. Councilman Byrd also informed the Assembly of neighborhood association meetings—Eveningside, Morningside and Highland Park—where this agreement will be discussed.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Mitchell,

RESOLUTION #30233

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO APPLY FOR, AND IF ACCEPTED ENTER INTO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) BROWNFIELD VOLUNTARY AGREEMENT (BVA) PROGRAM AS IT RELATES TO PROPERTY LOCATED AT 1815 EAST MAIN STREET.

ACTION: ADOPTED

PROCEDURAL MATTER: Chairman Oglesby turned over the chair of the meeting to Vice-Chairman Henderson prior to the reading of Resolution #30234.

2020-01
David Luzurigga/Trish Morgan
District No. 7

RESOLUTION #30234

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00177 FOR PROPERTY LOCATED AT 113 OCHS HWY.

Charles Young, ECD's Assistant Director of Development, gave a presentation on the application that included the following:

- Surrounding STVR applications
- Aerial view
- Street views
- Application History

A hearing ensued, with Vice-Chairman Henderson recognizing the Applicant and members of the Opposition.

Applicant:

- **David Luzurigga** – He and his wife bought this house in November. The prior owner used it for short-term rentals. He has completed all requirements on the application checklist. He has met with the neighbors, and brought one letter of support from one neighbor adjoining his parking area. From what he understood, the two letters of opposition had been rescinded.

Opposition:

- **Lynn Rutherford** (Ochs Highway) – She lives next door to this property and opposes non-owner occupied STVRs because guests will be strangers in the neighborhood. She would prefer real neighbors. The property feels more like a hotel to her, as if no one is living there. She gave examples of her neighbors helping her at various times in life. She, too,

collaborates with her neighbors, dealing with kudzu and flooding, for instance. She does not feel safe living next to an STVR. The previous owner did use the house as an STVR, but that former owner also lived in the St. Elmo community.

- **Jeff Malvo** (Ochs Highway) – He does not like neighbors with a rotation of house guests. He spoke on the “use value” and “exchange value” for this property, neither of which are benefitting people in Chattanooga, he argued. He believes St. Elmo is becoming transient due to the number of STVR. He reminded the Council that Nashville has banned non-owner occupied STVRs because of the impact on neighborhoods. He noted that there are two more STVR applications pending in the area after this case. He believes that long-term family tenancy would be more profitable for the community.

Chairman Oglesby informed the Council of meeting with the Applicants as well as the surrounding neighbors. Therefore, **Chairman Oglesby moved** to approve, seconded by Councilman Byrd. The motion carried, with Councilwoman Coonrod voting “No.”

ACTION: ADOPTED

2020-02
Brad Burcham/Laura Farren
District No. 7

RESOLUTION #30235

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00182 FOR PROPERTY LOCATED AT 3043 ST. ELMO AVE.

Vice-Chairman Henderson confirmed that there was no opposition present for this case. **Chairman Oglesby moved** to approve, seconded by Councilman Gilbert. The motion carried.

ACTION: ADOPTED

PROCEDURAL MATTER: Vice-Chairman Henderson turned over the chair of the meeting to Chairman Oglesby prior to the reading of agenda item VI(e).

2020-03
George Stanford, III/Thomas Diller.
District No. 9

Agenda Item VI(e):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00186 FOR PROPERTY LOCATED AT 2411 IVY STREET.

Councilwoman Coonrod moved to deny, seconded by Councilman Byrd. The motion carried.

ACTION: DENIED

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

RESOLUTION #30236

A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON MARCH 17, 2020, THE DEANNEXATION OF A CERTAIN PARCEL ADJACENT TO THE CURRENT CITY LIMITS WHICH IS LOCATED AT 2815 MILITARY ROAD, WITHIN THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE.

Councilman Ledford heard no objection from Chairman Oglesby on this District 7 item.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

RESOLUTION #30237

A RESOLUTION TO DIRECT THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO PROCEED WITH AREA PLAN 10 AS PART OF THE STRATEGY FOR GREAT PLACES.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30238

A RESOLUTION TO DIRECT THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO PROCEED WITH AREA PLAN 11 AS PART OF THE STRATEGY FOR GREAT PLACES.

ACTION: ADOPTED

[Councilman Gilbert exited the meeting at this time.]

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #30239

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-19-010 TO TALLEY CONSTRUCTION, FERDINAND PIECH WAY WIDENING, IN THE AMOUNT OF \$1,449,059.23, PLUS A CONTINGENCY AMOUNT OF \$144,905.92, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,593,965.15.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

Anthony Sammons, Deputy Chief Operating Officer, briefed the Council on the following proposed purchases:

R195646 Public Works Department Total Cost \$51,496.36

Purchase - Utility Cab Tractor - Waste Resource Division –
Public Works Department

Lowest/Best Bidder: Kubota of Chattanooga
2628 Rossville Blvd.
Chattanooga, TN 37404

R193878 - Public Works Department Total Estimate \$40,000.00 Annually

New Blanket Contract - Erosion Control Materials –
City Wide Services Division - Public Works Department

Lowest/Best Bidder: Groundscape Concepts, LLC
1332 Stuart Street
Chattanooga, TN 37406

R194158 – Public Works Department Total Estimate \$150,000.00 Annually

Two New Blanket Contracts - Standard Valves -
Waste Resource Division - Public Works Department

Lowest/Best Bidders:

1. Piping Supply Company, Inc. - 3008 N. Hickory Street, Chattanooga, TN 37406
2. Consolidated Pipe & Supply Co., Inc. - 1332 Stuart Street, Chattanooga, TN 37406

PO548606 and PO548607 - Public Works Department Total Estimate \$125,000.00 Annually

Two Blanket Contract Renewals –
PVC Pipe & Fittings - Waste Resource Division –
Public Works Department

Lowest/Best Bidders:

1. Piping Supply Company, Inc. - 3008 N. Hickory Street, Chattanooga, TN 37406
2. Consolidated Pipe & Supply Co., Inc. - 1332 Stuart Street, Chattanooga, TN 37406

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

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

District 8 Meetings

Councilman Byrd announced neighborhood association meetings on this coming Thursday, February 20, to discuss the proposed AIM Center donation. *[Editor's Note: Feger Place (which*

includes the Eveningside and Morningside streets mentioned by Councilman Byrd) will meet at 6:00 p.m. and Highland Park will meet at 7:00 p.m.] Councilman Byrd confirmed with Tyler Yount, Director of Special Projects, that there will be representatives at these meetings to respond to questions on the subject.

Board Appointment

Vice-Chairman Henderson re-appointed Randall Addison to represent District 1 on the Youth and Family Development board.

Proposed State Legislation

Councilwoman Coonrod informed the Assembly about Tennessee House Bill 0137 and Senate Bill 0036, which, “as introduced, enable a person who has been disqualified from exercising the right to vote due to a felony conviction to apply for restoration of voting rights if making payments in accordance with a payment plan for court costs, restitution, or overdue child support.” She encouraged residents to contact their state legislator in support of these bills.

District 9 Meetings

Councilwoman Coonrod announced a meeting taking place tonight at the Chattanooga Cigar Bar to discuss Economic Mobility.

Councilwoman Coonrod also reminded everyone of the “Mailbox Gathering” for District 9 at the Avondale YFD Center on this Friday, February 21, at 6:00 p.m.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz
(No report)

Economic and Community Development Committee

Councilman Byrd
(No report)

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 reported:

- The committee met today and will meet again in two weeks (March 3).

Youth and Family Development Committee
Councilwoman Coonrod
(No report)

Legislative Committee
Vice-Chairman Henderson
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL
(Non-Agenda Items) – URL: <https://youtu.be/S8zSL5CIGMU?t=1877>

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:

Name (Street, City, District):	Primary Topic:
• Ernest Henderson (Chattanooga)	Police harassment/criminal trespass charges <ul style="list-style-type: none">○ Councilman Byrd asked to speak to Mr. Henderson after the meeting.
• Charles Paty (Chattanooga)	Downtown CBID Waiver for Non-profits <ul style="list-style-type: none">○ Chairman Oglesby had information from an earlier meeting about this subject matter that he wanted to share with Mr. Paty after the meeting.

ADJOURNMENT

On motion of Councilman Ledford, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, February 25, 2020, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL