



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
May 9, 2017
6:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilwoman Berz 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 meetings (April 25, 2017 and May 2, 2017) were approved as published.

ORDINANCES – FINAL READING: (NONE)

ORDINANCES – FIRST READING:

2017-054
Jay Floyd of Jay Bird Partners
Planning Version
District No. 3

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

ORDINANCE #13180

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION OF ORDINANCE NO. 13080 OF PREVIOUS CASE NO. 2016-090 LOCATED AT 5461 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

John Bridger, Executive Director of Regional Planning, made a presentation on this item at the request of Vice-Chairman Smith. The Applicant was present; however, no Opposition was present. He noted that there was no Opposition at the Planning Commission on this item. A discussion ensued with Council regarding the use of the property and the egress proposed on Old Hixson Pike.

Mr. Noblett read the rules of procedure for the Applicant to address the Council. The Applicant, Jay Floyd, was allotted nine minutes to address the Council. During which, he had documents distributed to the Council regarding the use of the property and the access requested. He discussed meeting with the Fire Department and having them on board with the access issue, and discussed other businesses already having ingress/egress on Old Hixson Pike.

Vice-Chairman Smith continued the discussion with Mr. Bridger and Mr. Noblett about the precedence that may be set by allowing this rezoning. Mr. Noblett and Mr. Bridger responded to Vice-Chairman Smith's questions on the company next door that had been previously denied access on Old Hixson Pike and what next steps they might take if this rezoning is allowed. Blythe Bailey, Transportation Administrator, addressed the Council on his department often recommending access from the back of businesses to alleviate traffic on Hixson Pike. Mr. Bailey also responded to questions on the need and type of signage needed for this egress. Vice-Chairman Smith responded to Councilman Henderson's question on why access to Old Hixson Pike as a problem. Vice-Chairman Smith also confirmed that the Applicant was prepared to keep the egress on Old Hixson Pike as "exit only." After no further questions or comments, the motion carried.

ACTION: PASSED ON FIRST READING

2017-055
Berry Engineers, LLC,
Ben Berry, and Sanatan Park, LLC
Planning Version
District No. 4

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

ORDINANCE #13181

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1518 AND 1528 HICKORY VALLEY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE.

ACTION: PASSED ON FIRST READING

2017-051
Christian Thoreson
Planning Version
District 7

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

ORDINANCE #13182

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1615 WEST 40TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Oglesby and seconded by Councilman Ledford,

RESOLUTION #29025

A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF FISCAL YEAR 2017-2018 COMMUNITY BLOCK GRANT, HOME INVESTMENT PARTNERSHIP ACT FUNDS AND EMERGENCY SOLUTIONS GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND PROGRAM INCOME, ALL TOTALING APPROXIMATELY \$3,218,196.00, AS SHOWN MORE FULLY HEREINBELOW.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #29026

A RESOLUTION TO CONFIRM THE MAYOR'S RE-APPOINTMENTS OF ANNA MASSEY AND DAVID HUDSON AND APPOINTMENTS OF JOE BOSHEARS, JOHN COFFELT, BRIAN BUSH, JAMIE BLANTON, AND BRANDON BACON TO THE STORMWATER BOARD.

Chairman Mitchell recognized Mr. Bacon, Mr. Bush and Mr. Hudson, who were all present today.

ACTION: ADOPTED

2017-053

Bobby Adamson of Adamson Developers, LLC

District No. 5

On motion of Councilman Gilbert and seconded by Councilman Henderson,

RESOLUTION #29027

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED AT 4550, 4588, AND 4598 MIDLAND PIKE, SUBJECT TO CERTAIN CONDITIONS.

Councilman Gilbert requested that Mr. Bridger read the conditions into the minutes:

This Special Exceptions Permit shall be subject to a six (6') foot sight obscuring vinyl coated chain link fence with provided where the development abuts lots 8, 9, 10, and 11 of the Shawnee Hills Subdivision, Platbook 18, Page 15.

Councilman Gilbert recognized one community leader who was present today. The community leader confirmed (from his seat in the audience) that he approved of this condition.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29028

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONSENT TO ASSIGNMENT OF CONTRACT NO. W-09-011-201 (ORCHARD KNOB PUMP STATION IMPROVEMENTS RESOLUTION NO. 28530) FROM LAYNE HEAVY CIVIL, INC. TO REYCON PARTNERS, LLC AND ANY OTHER REQUIRED DOCUMENTS IN CONNECTION WITH THE ASSIGNMENT OF THE CONTRACT.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilman Gilbert,

RESOLUTION #29029

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR THOMAS BROTHERS CONSTRUCTION COMPANY RELATIVE TO CONTRACT NO. S-15-012-201, EAST 14TH STREET IMPROVEMENTS AND STREETScape, FOR A DECREASED AMOUNT OF \$18,991.50, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$267,401.50, AND TO RELEASE THE CONTINGENCY AMOUNT OF \$30,000.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29030

A RESOLUTION AUTHORIZING BRIAN WELCH ON BEHALF OF PROPERTY OWNER, TYLER SMITH, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 115 MARYLAND STREET FOR THE PURPOSE OF ACCESSING THE PROPERTIES FOR CLEAN-UP, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

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

RESOLUTION #29031

A RESOLUTION AUTHORIZING JOSHUA RUDISIN ON BEHALF OF PROPERTY OWNER, AMIR ERIC TASLIMI, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 612 E. MAIN STREET FOR THE PURPOSE OF INSTALLING AN OVERHANGING CANOPY, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29032

A RESOLUTION AUTHORIZING PROPERTY OWNER, BRYAN BOYD, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 336 E. MARTIN LUTHER KING BOULEVARD FOR THE PURPOSE OF PLACING CHAIRS AND A RAILING FOR SIDEWALK SEATING, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: ADOPTED

Purchases

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

R152121 - Police Department	\$61,230.00
Purchase of Firearms Training Simulator	
Lowest/Best Bidder: Ti Training Corp	
16050 Table Mountain Parkway, Ste. 100	
Golden, CO 80403	

R152795 - Police Department

\$218,526.00

Purchase of Two (2) Leica ScanStation P40 Laser Scanners
Lowest/Best Bidder: Leica Geosystems, Inc
5051 Peachtree Corners Cir.
Norcross, GA 30092

R151141 - Public Works

Estimated \$400,000 Annually

New Blanket Contract for Supply & Delivery of
Lime Kiln Dust - Waste Resources Division
Lowest/Best Bidder: Mintek Resources, Inc
2440 Dayton-Xenia Rd., Ste. D
Beavercreek, OH 45434

R151469 - Public Works

\$105,320.00

Purchase of One (1) GE 450 HP Electric Motor –
Waste Resources Division
Lowest/Best Bidder: Gexpro
2800 Amnicola Hwy.
Chattanooga, TN 37406

R151504 - Public Works

Estimated \$70,000 Annually

New Blanket Contract for Janitorial & Custodial Services-
Waste Resources Division
Lowest/Best Bidder: Custom Custodial
4300 N. Access Rd., Ste. F
Chattanooga, TN 37415

R152812 - Public Works

\$60,927.36

Purchase of Waste Containers
Lowest/Best Bidder: Wastequip LLC
841 Meacham Road
Stateville, NC 28677

R153084 - Public Works

\$35,050.00

Purchase of Four (4) 30-Yard Roll Off Sludge
Containers - Waste Resources Division
Lowest/Best Bidder: Wastequip LLC
841 Meacham Rd.
Stateville, NC 28677

PO520894 - Public Works

Estimated \$1,000,000 Annually

Blanket Contract Renewal for Bulk Fuel - Top Loading
Lowest/Best Bidder: Jat Oil & Supply Inc
600 West Main St.
Chattanooga, TN 37406

PO538805 - Public Works

Estimated \$500,000 Annually

Blanket Contract Renewal for Equipment Maintenance
and Repair - Waste Resources Division
Lowest/Best Bidder: Stowers Machinery
4066 South Access Rd
Chattanooga, TN 37406

Councilman Ledford requested a briefing on the Police Department purchases, R152121 and R152795. Assistant Chief Eric Tucker briefed the Council on the purposes for the training simulator and scanners being requested. Upon no further questions or comments, **Councilman Henderson moved** to approve, seconded by Councilwoman Berz. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

City Attorney's Report

Attorney Noblett informed the Council of negotiations with Frank Thomas and the Tennessee Farmers Mutual Insurance Company that have resulted in a settlement of \$31, 079.71. He asked the Council to approve a resolution authorizing the settlement.

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29033

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO SETTLE A CLAIM BY FRANK THOMAS AND TENNESSEE FARMERS MUTUAL INSURANCE COMPANY, SUBJECT TO THE EXECUTION OF A GENERAL RELEASE OF ALL CLAIMS AND DISMISSAL, WITH PREJUDICE, FOR SEWAGE BACKUP LOCATED AT 700 ELY ROAD, IN THE AMOUNT OF THIRTY-ONE THOUSAND SEVENTY-NINE AND 71/100 DOLLARS (\$31,079.71).

ACTION: ADOPTED

Orchard Knob Middle School

Councilman Byrd visited Orchard Knob Middle School this week. Due to budget cuts, he asked the Assembly to reach out to the school. He encouraged people to volunteer or lend their financial support to Orchard Knob students.

Mother's Day 2017

Councilwoman Coonrod wished a "Happy Mother's Day" to the mothers in the Assembly.

Special Recognition

Vice-Chairman Smith brought attention to Councilman Byrd's daughter in the Assembly today. Councilman Byrd recognized his three children who came to see him at work today.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilman Henderson

- The committee will meet on next week (May 16) at 1:30 p.m. in the Council conference room to discuss a continuing budget resolution.
- He thanked Councilwoman Coonrod for inviting him to speak at the Glenwood Neighborhood Association meeting recently about Short-Term Vacation Rentals. He asked Council members who would like to add their neighborhoods to the STVR District map should get those boundaries to him for inclusion.

Economic and Community Development Committee

Councilman Oglesby

- The committee met today and heard a presentation on a PILOT proposal that, if passed, will bring 192 jobs with good wages to the city.

HR Committee (Human Resources)

Councilman Gilbert

(No report)

Planning & Zoning Committee

Councilman Ledford

(No report)

Public Safety Committee

Councilman Byrd

(No report)

Public Works and Transportation Committee

Councilwoman Berz

- The committee met today in open meeting to discuss items on tonight's and next week's agenda.

Youth and Family Development Committee

Councilwoman Coonrod

- She toured three YFD sites on Monday with Recreation Director Greta Hayes and will tour three more on Friday.
- She has begun meeting on a weekly basis with YFD Administrator Lurone Jennings.

Information Technology Committee

Vice-Chairman Smith

(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 Mitchell recognized the following persons:

- **Patrick Kellogg (Sherman Street/District 8)** – He described an incident where a code inspector came to his home and insinuated that his mother was a liar. He asked the Council to set up a process or ensure re-training in customer service for code inspectors. He congratulated the new Council and encourages a spirit of unity to compete with other cities.
- **Landon Howard (Concerned Citizens for Justice/District 2)** – He discussed working with CCJ and other organizations to feed residents in the Westside, which is a food desert due to the closing the convenience store in the community. He asked the Council to enact what the people want: a participatory budget. He also commented on the exercise of democracy and the direct control by the people.
- **Aysja Pryor (CCJ)** – She brought data to the Council from the Tennessee Public Health website about the 2015 Food Deserts. She informed the Council that 22 of the 82 tract census was in Chattanooga, and that 55,078 people in Chattanooga lived below poverty level. She requested to schedule a 30-minute presentation before the Council regarding the process of participatory budgeting.
 - Councilwoman Coonrod recommended looking for holistic means to address the problems in the Westside, and recommended finding solutions to black-on-black brutality in the city. She also informed the Assembly that the new owners of the convenience store property offering their property for a police precinct.
 - Councilman Gilbert recommended that CCJ communicate with their Council representative and the new grocery store owner to affect the food desert.
 - Councilwoman Berz recommended that residents start at the community level with meetings in their district to review the budget and give input to their Council representative. She also offered to meet one-on-one with Ms. Pryor.
 - Ms. Pryor will notify Ms. Coonrod of when the assembly will take place in the Westside. She also informed the Council that the event will be announced on CCJ's website.
 - Councilman Oglesby offered to facilitate a presentation for the Council.
 - Chairman Mitchell asked Ms. Pryor to meet him after the meeting. He will give her his phone number so that she can call to set a date for the presentation.
- **Robert Westfield (Orchard Knob/District 8)** – He informed the Council that the house next door to him, 1504 Orchard Knob, has been vacant for a long time. He described kids smoking on the vacant property and gang symbols painted on the house. He also asked the Council to install speed humps to slow down the traffic on the street.
 - Chairman Mitchell asked Donna Williams, whose department runs codes enforcement, to assist Mr. Westfield.
- **Bro. Kevin Muhammad (People United for Change)** – He presented a written plan, the “Feed the Community Program,” that would address some of the food desert needs in the Westside. He detailed the program’s partnership with the Chattanooga Food Bank and the

request for \$250,000 to fund the program. He informed the Council that \$250,000 would be .001-percent of the city's budget, to be donated on the nonprofit's behalf to the Community Kitchen. A discussion ensued around the following:

- Councilwoman Coonrod inquired about bringing the Eat 2 Live business concept to the Westside.
 - Councilman Gilbert inquired about seeking funding from other entities in addition to the City.
 - Councilwoman Berz inquired about Timber Ridge, a complex in her district, which is listed as a food desert in the proposal.
 - Bro. Muhammad invited Councilwoman Berz to join him in two weeks at Timber Ridge while his organization is distributing food to needy residents.
 - Vice-Chairman Smith inquired about the 501(c)3 organization, People United for Change, and whether \$250,000 would allow the organization to maintain or expand its program.
- **Rev. Brian Merritt (Renaissance Presbyterian Church/District 7)** – His church is located in the Westside, so he has participated in many community meetings and food distributions in the community. He asked the City to remove the “No Trespassing” signs in the community. He also asked that the City donate at least \$225,000 for the Feed The Community program since that is the amount, he said, given to the Iron Man event.
 - Councilwoman Coonrod informed Rev. Merritt that she and Councilman Ledford plan to ride the CARTA bus to experience what Westside residents must go through to get to a grocery store.
 - Councilman Ledford commented on the Council listening to the people and asked the people to give the new Council a chance to make a difference.
- **Tressa McCallie (Reed Avenue/District 7)** – She expressed thanks to the Council and commented on hope for everyone.

ADJOURNMENT

Chairman Mitchell adjourned the meeting of the Chattanooga City Council until Tuesday, May 16, 2017, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL