



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 2, 2018
at 4:00 PM
(Earlier start time due to National Night Out)

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chairman Smith 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 (September 25, 2018) were approved as published.

ORDINANCES – FINAL READING:

On motion of Councilwoman Berz and seconded by Councilman Byrd,

ORDINANCE #13374

AN ORDINANCE TO AMEND ORDINANCE NO. 13334, KNOWN AS “THE FISCAL YEAR” 2018-2019 BUDGET ORDINANCE,” SO AS TO APPROPRIATE \$300,000.00 FROM THE DEPARTMENT OF GENERAL GOVERNMENT TO THE UNITED WAY OF GREATER CHATTANOOGA.

ACTION: APPROVED

2018-159
UCI, LLC c/o Kurtis Morris
Alternate Version #3
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13373

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1005 BEASON DRIVE, FROM R-2 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

MR-2018-151
Ken Garner Enterprises
and Kenneth B. Garner, Trustee
District No. 8

Agenda Item VI(a):

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1200 BLOCK OF EAST 28TH STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

Councilman Byrd moved to table, seconded by Councilman Mitchell. The motion carried.

ACTION: TABLED INDEFINITELY

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

ORDINANCE #13375

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 35, ARTICLE VII, PEDAL CARRIAGE AND RICKSHAW, DIVISION 1, SECTION 35-241, DEFINITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29639

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH THE STATE OF TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR A TEN (10) YEAR RENEWABLE LICENSE, AT NO COST, FOR PERMISSION TO USE AND MAINTAIN A MULTI-USE PATH UNDERNEATH THE INTERSTATE 75 BRIDGE OVER CHICKAMAUGA CREEK.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29640

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE AGREEMENT WITH THE STATE OF TENNESSEE, IN SUBSTANTIALLY THE FORM ATTACHED, FOR A TEN (10) YEAR RENEWABLE LICENSE, AT NO COST, TO USE AND MAINTAIN A MULTI-USE PATH UNDERNEATH THE C.B. ROBINSON BRIDGE.

ACTION: ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

RESOLUTION #29641

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO APPLY AND ACCEPT, IF AWARDED, THE BLUECROSS HEALTHY PLACE GRANT, SPONSORED BY BLUECROSS BLUE SHIELD OF TENNESSEE HEALTH FOUNDATION (BCBS), FOR AN AMOUNT NOT TO EXCEED \$7 MILLION.

ACTION: ADOPTED

2018-10
Walter & Carol Mahla
Case no. 2018-10
Application 18-STVR-00059
District No. 2

A hearing ensued on the following:

RESOLUTION #29642

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00059 FOR PROPERTY LOCATED AT 643 HAMILTON AVENUE.

A hearing ensued

On behalf of the Applicant:

- **Walter Mahla (Applicant)** – He and his wife, Carol, have been coming to Chattanooga since 2003 when their son was a student at covenant College and believe this is the city they wish to settle in the future. They bought a home because visiting has been more expensive, especially since they have their father-in-law lives with them, which forced them to buy two hotel rooms. He would like to one day move to Chattanooga, but until then, he would like to generate income from his STVR home to pay the property taxes on their home here. His son, Tim, will manage the property until they are able to move to Chattanooga. It is not in their best interest to rent to people who trash the neighborhood and be a detriment to their neighbors.
- **Tim Mahla** – He has lived in Chattanooga for more than a decade and has been an Airbnb host in the past. He will manage this STVR property for his father until his father decides to move to Chattanooga. He likes that Airbnb has a rating system where both the renters and the hosts rate one another. He will ensure that tenants are aware of the parts of Hamilton Avenue that are one-way and where their designated parking will be. He will emphasize keeping noise to a minimum. He will be careful in vetting renters in this STVR and ensure that they do as required in not causing problems at the property. He looks forward to his parents moving into the house to be with their grandchildren. He gave the Clerk of the Council a letter that had been addressed to the Council regarding the Applicant's position (*see attached*).

On Behalf of the Opposition:

- **Mike Newton (Hamilton Avenue)** – He lives across the street from this home with his wife and two daughters and brought pictures to distribute to the Council. His main objection is the safety concerns due to the uniqueness of the road structure where the road has 2-way traffic on both ends and 1-way traffic in the center. There is a hill on both ends; therefore, visibility is difficult where the road changes to 1-way. There is supposed to be no on-street parking and no parking on the shoulder of the road, but people tend to park on the sidewalk and street. Service trucks have difficulty getting through because people park on the street. There are speed humps on North Hamilton Avenue, which diverts high-speed traffic to Hamilton Avenue instead. People from Woodland Avenue, which turns into Hamilton, which is 2-way at that transition. He sees people coming up the wrong side of the street. He is concerned with STVR renters having parties or social gatherings and causing further traffic problems. Walking on the sidewalk is difficult because people park on it sometimes. He tells his daughters to watch out for cars all the time when pulling out of their driveway.

- **Mark Stephanos** – He lives next door to the STVR property. He has concerns with safety because there’s an alleyway dividing each of the house in this area. There is no on-site management occupying this property. There is no one to monitor inadequate parking and loud or unruly tenants. Renters may put an added burden on the police department. Speeding is a problem, parking constraints. Concerned with protecting their homes. He believes that new homeowners have made a substantial investment, so this permit would adversely affect their property values and hinder new homeowners on Hamilton Avenue. He asks that the impact of STVRs on residential areas be studied further. He asks that the STVR permit be denied.

Rebuttal:

John Anderson (of Grant, Konvalinka, PC) addressed the Council on behalf of Mr. Mahla. He wanted to point out certain facts: the road is well-marked and meets standards of the uniform signs manual. The safety concerns exist for all property owners on the street, regardless of whether this an STVR property or not. He noted that the Mahlas have put \$400,000.00 into this property and consider it an investment they wish to protect.

Councilman Mitchell asked Blythe Bailey, Transportation Administrator, about no parking signs on Hamilton Avenue. Mr. Bailey was confident that those signs are posted, but would check to be sure. Councilman Mitchell asked, regardless of this case, that CDOT look into the parking and traffic problems on Hamilton Avenue. Mr. Bailey agreed. **Councilman Mitchell moved** to approve, seconded by Councilman Henderson. The motion carried.

ACTION: ADOPTED

(Councilman Ledford exited the meeting at this time.)

2018-11

Raamy Investments, LLC

Case no. 2018-11

Application No. 18-STVR-00060

District No. 2

A hearing ensued on the following:

Agenda Item VII(e):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00060 FOR PROPERTY LOCATED AT 720 OLD DALLAS ROAD.

The Applicant:

- **Rex Yannis** – He purchased this property for use as a STVR. He understood that there was some opposition due to the parking issues on Old Dallas Road. He argued that he has a 4-car driveway and a 2-car garage that his renters would use. He understands that the previous owner operated a STVR without a permit and did not restrict the number of people on the premises. However, he is going through the necessary steps to secure a permit and will abide by the rules established by Airbnb regarding the maximum number of people. Regarding the property line with his neighbor, he is willing to put in a small fence to designate where his property ends. He will emphasize the noise restrictions with his renters.

On behalf of the Opposition:

- **Robert Bone** – He has lived on this street since 1972. Traffic and noise has always been a concern in the neighborhood. Heavy traffic and noise are the main

concerns for his property. About the driveway, it's a circular one and a 2-car garage. Yet, Old Dallas Road has heavy traffic due to a nearby school and apartment complex. Noise would be hard to regulate. He has seen a lot of development in this area and fears a precedence in having other STVRs coming into the neighborhood and enundating the neighborhood.

- **Mike Hall** (Auburndale Avenue) – He is not adjacent to this property. He has seen big problems with STVRs. He feels his neighborhood is becoming a big hotel due to the number of rental properties.
- **Katherine Daniels** – She lives around the corner from this property. Her property abutts this STVR from the back. She is concerned with the heavy traffic and impact on property values for full-time residents. She is concerned with the occupancy at this STVR since most of their neighborhood has full-time occupancy, including longer-term rentals at the neighboring apartment complex. Traffic and turning is a problem. If approved, she hopes that the Applicant would make the necessary modifications he suggested, communicate with the neighborhood and ensure noise is not a problem with his renters.

Rebuttal:

Mr. Yanis informed the Council that his daughter and their family will live in the property one day. He spoke on the advantages of Airbnb allowing property owners to be rated. He does not want to harm the neighborhood and does not believe property values will be affected by this STVR.

Councilman Mitchell confirmed that renters will need to back into the street in order to exit the 4-car driveway. He also inquired of Attorney Noblett about adding a condition to this STVR, as in a rezoning case. Attorney Noblett reminded the Council of what they are to look at when considering an appeal. He also noted that either Land Development or CDOT would look into parking compliance.

Upon no further questions, **Councilman Mitchell moved to deny.** He was seconded by Councilman Henderson. The motion carried.

ACTION: DENIED

2018-13

Andrew & Manuela Bresee

Case No. 2018-13

Application No. 18-STVR-00051

District No. 9

RESOLUTION #29643

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 18-STVR-00051 FOR PROPERTY LOCATED AT 225B S. SEMINOLE DRIVE.

Chairman Smith confirmed that there was no Opposition for this STVR request. He did, however, open the floor to the Applicant for comments.

- Andrew Bresee – He and his wife moved to Brainerd late last year and bought to duplexes side-by-side. They live in one of the duplexes. The lot itself has been subdivided. There is a maximum of two renters. Their STVR is a loft apartment, so it is not suitable for large

parties. There is accountability with them living on the premises. If anything happens, they will be right there on the property to deal with it. They have a driveway that can accommodate two (2) cars.

Councilwoman Coonrod indicated that the complaints she heard was about parking and noise. She asked Attorney Noblett spoke about noise limits that are specified in City Code. **Councilwoman Coonrod moved** to approve, seconded by Councilman Byrd. The motion carried. After which, Councilman Byrd questioned if there was any recourse for people not parking correctly and other violations at an STVRs. Attorney Noblett informed the Council that if two violations in two months are documented, the STVR permit could be revoked. The case could go also go before either city or state court if necessary.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilwoman Berz,

RESOLUTION #29644

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH CONVERGINT TECHNOLOGIES FOR CUSTOMER SUPPORT AND MAINTENANCE FOR POLE CAMERAS FOR A FIVE (5) YEAR PERIOD FROM AUGUST 1, 2018 THROUGH JULY 31, 2023, FOR AN AMOUNT NOT TO EXCEED \$128,748.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Henderson,

RESOLUTION #29645

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT REIMBURSABLE FUNDS FOR THE RECYCLING REBATE FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC), IN THE AMOUNT OF \$32,448.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29646

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONSENT TO ASSIGNMENT OF ALL PURCHASE ORDERS FOR VENDOR NO. 855749, GRESHAM, SMITH AND PARTNERS, TO GRESHAM SMITH, RELATIVE TO PURCHASE ORDER NO. 550357 FOR PROFESSIONAL SERVICE ON-CALL WASTEWATER CAPITAL IMPROVEMENT PROJECTS.

ACTION: ADOPTED

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

RESOLUTION #29647

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR, AND IF AWARDED, ACCEPT A TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT THE ALTON PARK RIVERWALK CONNECTOR, WITH THE CITY'S PORTION NOT TO EXCEED \$200,000.00, FOR AN AMOUNT NOT TO EXCEED \$1 MILLION.

ACTION: ADOPTED

PURCHASES:

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

PO549777 - Information Technology Department New Total \$49,928.00
Increase to Purchase Order for Moving Servers,
Information Technology Department
Lowest/Best Bidder: Enviromental Systems Research Institute
380 New York Street
Redlands, CA 92373-8100

R176184 - Information Technology Department Estimated \$65,000.00 Annually
New Blanket Contract, Watson Products Software
Maintenance, Information Technology Department
Lowest/Best Bidder: Data Driven
3144 Stage Post Drive, Ste 116
Bartlett, TN 38133

R176135 - Public Works Department \$48,500.00
Purchase of Salt Spreaders, City Wide Services,
Public Works Department
Lowest/Best Bidder: CMI Equipment Sales, Inc
2405 Dickerson Pike
Nashville, TN 37207

Councilwoman Berz moved to approve, seconded by Councilman Henderson. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Council Member Apology

Councilwoman Coonrod expressed her apologies for her actions last week, which she described as “not becoming,” and asked for forgiveness. She addressed her apology specifically to community members Marie Mott and Isaiah, who both spoke to the Council last week. She

discussed some people's view that she does not deserve a seat on the Council or should not hold the office of Councilperson. She discussed focusing on uniting and working together with citizens like herself who have been told they do not belong.

Voting Reminders

Councilman Gilbert informed the Assembly of the following dates for the November 6 election: voter registration deadline is October 9; early voting begins 17 and ends November 1.

Disability Awareness Awards

Vice-Chairman Oglesby informed the Assembly that this is National Disability Awareness Month and in honor of businesses that pursue hiring of those with disabilities, a Disability Awareness Awards Luncheon would be held on tomorrow, October 3, at 11:30 a.m. at the Bessie Smith Cultural Center.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

(No report)

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee (HR)

Councilman Gilbert

(No report)

Planning and Zoning Committee

(Councilman Ledford not present at this time)

(No report)

Public Safety Committee

Councilman Henderson

(No report)

Public Works and Transportation Committee

Councilman Mitchell

- The Public Works and Transportation Committee met today. Another meeting will take place next week after the 3:00 p.m. Agenda Session to follow-up on proposed changes to brush collection.
- The Planning and Zoning Committee will meet next week to discuss a rezoning matter that had been left off of this week's committee agenda.

Youth and Family Development Committee

Councilwoman Coonrod

(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 Smith recognized the following persons:

- **Marie Mott** – She wanted to give a response to Councilwoman Coonrod’s public apology to her, and expressed her love for Councilwoman Coonrod regardless of their differences on certain issues. She expressed concerns about her neighborhood having basic human needs met, such as a grocery store and place to buy medicine. She discussed the impact of black women in the suffrage movement. She discussed black people working for the right to vote and run for office. She expressed why she keeps coming back to the Council with her questions on issues affecting her community. She asked that she and other millennials be brought to the table to work on the problems that will affecting the city. She expressed her love for the city and her desire to live and work in Chattanooga.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, October 9, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

ATTACHMENT:
STVR Letter from Applicant – Hamilton Ave.

October 1, 2018

To: Chattanooga City Council, Ken Smith, Chairman
Cc: City Council Members
RE: Certificate #: 18-STVR-00059
Applicant Name: 643 Hamilton Ave. LLC
Property Owner: 643 Hamilton Ave. LLC
Zone: E-RA-3

BY HAND DELIVERY

Having only just seen the substance of the opposition to short-term rental of 643 Hamilton Ave, Chattanooga, we wanted to have an opportunity to respond in writing and provide you with some background and our intentions regarding the property.

We have been visiting Chattanooga multiple times a year since our son, Tim Mahla, began attending Covenant College in 2003. Tim, his wife Elea, and their two children have settled in Chattanooga. It is a significant expense staying in hotels in Chattanooga for each visit and it is our hope to make Chattanooga our permanent home sometime in the near future. Accordingly, we purchased 643 Hamilton Avenue. We will be living on the property several times a year. Until we are able to make the move, we would like to offset some of the costs of maintaining the property through STVR.

As it is our intention to make this property our home, we are not only concerned about keeping it in good condition, but we also care about the neighborhood and having a good relationship with our neighbors. Therefore, we have followed the application process and we intend to do the following:

1. Seek to rent the property to people in a similar situation (those who have family in the Chattanooga area and are looking for a place to stay). Only list the property through Airbnb which, through its rating system, allows us to carefully screen our renters.
2. Stipulate house rules with regard to parking, number of occupants, use and care of the property and respect for neighbors.
3. Have our son, Tim, manage the property. Tim will maintain the property and is available to deal immediately with any concerns. We also have installed a security camera so that we can monitor the property.
4. Modify the driveway so that adequate space is available, eliminating the need for on-street parking.

We appreciate the opportunity to respond to the concerns of our neighbors and will do all we can to address and alleviate them.

Respectfully,

Walt and Carol Mahla

