



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

## **COUNCIL MEETING MINUTES**

September 3, 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 Gilbert led the Assembly in the Pledge of Allegiance. He then invited Executive Pastor Mark Pangel of Venue Church to give the invocation.

### **APPROVAL OF LAST MINUTES**

**On motion of Councilman Smith and seconded by Councilman Mitchell**, the minutes of the last meeting (August 27, 2019) were approved as published.

### **ORDINANCES – FINAL READING:**

**2019-078**  
**Shawn Matthews**  
**Planning Version**  
**District No. 3**

On motion of Councilman Smith and seconded by Councilman Ledford,

#### **ORDINANCE #13490**

**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 affirmed in the meeting that all was good between the Applicant, Mr. Matthews, and the opposition, Ms. Rogers. The Applicant and Opposition both gave a “thumbs up” to the ordinance. The motion carried.

**ACTION: APPROVED**

## ORDINANCES – FIRST READING:

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

### ORDINANCE #13497

**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 FOR ALL OF DISTRICT 9.**

**ACTION: PASSED ON FIRST READING**

### ORDINANCE #13498

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, DOWNTOWN CENTRAL BUSINESS IMPROVEMENT DISTRICT (DOWNTOWN CBID), SECTION 11-531(I) TO PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS BY THE CITY TREASURER.**

Councilwoman Berz noted that there have been good conversations with many people of good will about this ordinance. She gave kudos to Administration for responding to her concerns about the BID and asked that Stacy Richardson, Chief of Staff, come to the podium on behalf of Administration. Councilwoman Berz informed the Council that she put her concerns in writing and received responses from Administration that were not legal responses, but were what she called “in practice” responses. She then read the following responses from Ms. Richardson on behalf of Administration regarding this ordinance:

“I have prepared the following response from the administration's perspective in the hopes that you feel comfortable with this amendment for what it really is--an administrative collections function and nothing more. The City of Chattanooga will not pursue non-payers in the form of liens on property. The City will take zero enforcement actions against non-taxpayers. The City is required to collect because Tennessee Code Annotated specifically notes that a government entity must be responsible for the collections. While the city is supportive of the property owners who want to establish this independent board, we recognize that it is a separately-established legal entity. The City will pass-through only what is collected, even if it is a small amount. The City will not ever add City dollars, even if the amount collected is far less than the DMC budget.”

Ms. Richardson thanked the Council and confirmed that all statements read by Councilwoman Berz are from Administration. She offered to answer any questions regarding the statement; there were none.

**Vice-Chairman Henderson moved** to approve, stating his intent to amend. He was seconded by Councilman Byrd. **Vice-Chairman Henderson moved** to amend with the following language:

*The authority of the treasurer to collect the assessment will be reviewed in one year for continuance. Additionally, the City will collect no less than a 2-percent fee for collections. Also, the City will take zero enforcement actions against non-fee payers.*

Discussion ensued about voting on the amendment first. Chairman Oglesby ruled that the motion to amend would be voted on first. The motion to amend carried upon roll call vote as follows:

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

**YES – Five (5); NO – Four (4)**

**Vice-Chairman Henderson moved** to approve as amended, seconded by Councilman Mitchell. The motion carried upon roll call vote as follows:

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

**YES – Five (5); NO – Four (4)**

**ACTION: PASSED ON FIRST READING**

## **RESOLUTIONS:**

On motion of Councilwoman Berz and seconded by Councilman Byrd,

### **RESOLUTION #30061**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO EXECUTE A RENEWAL AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC. FOR LOAN PORTFOLIO MANAGEMENT SERVICES BETWEEN JULY 1, 2019 THROUGH JUNE 30, 2020.**

The motion carried, with Chairman Oglesby abstaining.

**ACTION: ADOPTED**

On motion of Councilwoman Berz and Councilman Byrd,

**RESOLUTION #30062**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC., FOR MANAGEMENT AND IMPLEMENTATION OF THE HOUSING AND URBAN DEVELOPMENT (HUD) LEAD PAINT ABATEMENT GRANT.**

The motion carried, with Chairman Oglesby abstaining.

**ACTION: ADOPTED**

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

**RESOLUTION #30063**

**A RESOLUTION AUTHORIZING THE CHATTANOOGA DEPARTMENT OF TRANSPORTATION TO ERECT COMMEMORATIVE SECONDARY STREET NAME SIGNS ON ASTER AVENUE FROM CUMMINGS HIGHWAY TO KELLY'S FERRY ROAD DESIGNATING SAID PORTIONS OF ASTER AVENUE AS "BOB WATSON AVENUE".**

**ACTION: ADOPTED**

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

**RESOLUTION #30064**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH THE PUBLIC ENTITY PARTNERS FOR THE 2019 FUND YEAR LIABILITY RENEWAL POLICY FROM JULY 1, 2019 TO JULY 1, 2020, FOR AN AMOUNT NOT TO EXCEED \$49,918.00.**

**ACTION: ADOPTED**

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

**RESOLUTION #30065**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO CONTRACT WITH THE LISTED CHILD CARE PROGRAMS TO PROVIDE HEAD START AND EARLY HEAD START SERVICES FOR 200 CHILDREN, FOR AN AMOUNT NOT TO EXCEED \$961,849.00.**

**ACTION: ADOPTED**

## **DEPARTMENTAL REPORTS:**

**Proposed Purchases: (NONE THIS WEEK)**

## **OTHER BUSINESS:**

### **Labor Event**

Councilman Gilbert informed the Council that the 1<sup>st</sup> Annual Labor Council Parade & Picnic this past Saturday was very successful and enjoyable.

### **CPD Awards**

Chairman Oglesby informed the Council about attending the CPD Awards Ceremony and wanted to express his appreciation of the men and women who serve everyday tirelessly for the City. He heard stories of CPD employees going above and beyond in their work and encouraged CPD to keep up the good work.

## **COMMITTEE REPORTS:**

### *Budget and Finance Committee*

Councilwoman Berz

(No report)

### *Economic and Community Development Committee*

Councilman Byrd

(No report)

- Councilman Mitchell mentioned being excited about the Economic and Community Development Committee meeting next week (September 10) immediately after the 3:00 p.m. Agenda Session.

### *Human Resources Committee*

Councilman Gilbert

(No report)

### *Planning and Zoning Committee*

Councilman Ledford

- The committee met in open meeting today where they covered all items on the agenda.

### *Public Safety Committee*

Councilman Smith

(No report)

### *Public Works and Transportation Committee*

Councilman Mitchell

(No report)

### *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)**

Attorney Noblett read the rules of procedure for persons wishing to address the Council on non-agenda items. Based upon Council rules, Chairman Oglesby did not open the floor to one resident, Marie Mott, because she had addressed the Council twice in a 30-day period. Chairman Oglesby did recognize the following persons:

- **Weldon Brooks** (Chattanooga) – He has property on Greenwood where city water is being dumped on his property. There is supposed to be a drainage ditch, but whenever people come to check it out, they tell him that “somebody” will not let them come and clean it. He put in a work order for a curb, but a curb was put up two blocks one way and one block the other way, but not in front of his house; that area does not have a curb and it is in front of a hill. He brought pictures to show the Council and wanted to know why the city cannot be stop the water from going into his garage.
  - Chairman Oglesby asked Justin Holland, Public Works Administrator, to meet with Mr. Brooks after the meeting. Mr. Holland agreed.

**ADJOURNMENT**

**On motion of Vice-Chairman Henderson**, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, September 10, 2019, at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**