



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
September 17, 2019
6:00 PM

CALL TO ORDER

Council Chairman Erskine Oglesby called the meeting to order with a quorum present, including Council members Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Darrin Ledford, Jerry Mitchell and Ken Smith all present. Also present was Valerie Malueg, Assistant City Attorney, and Keren Campbell, Council Support Specialist. Vice-Chairman Chip Henderson was not present.

PLEDGE OF ALLEGIANCE

Chairman Oglesby led the Assembly in the Pledge of Allegiance. He then introduced Pastor Roger Woods of Greater St. Mary Baptist who gave the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Smith and seconded by Councilman Ledford, the minutes of the last meeting (September 10, 2019) were approved as published.

SPECIAL PRESENTATION

Minority Health Fair Committee Proclamation By Chairman Erskine Oglesby, Jr.

Chairman Oglesby read the following proclamation regarding Minority Health Fair Committee:

Whereas, The 18th Annual Minority Health Fair was held on Saturday, August 17th, 2019 at the Eastgate Town Center in Chattanooga, TN; and

Whereas, Setting a new record this year, the fair hosted more than 6000 area residents and 130 vendors as organizers aim to close gaps in health care disparities for minorities throughout the Southeast Tennessee region; and

Whereas, The fair, hosted by the Southeast Tennessee Health Consortium, Kappa Alpha Psi Fraternity, Inc., Omega Psi Phi Fraternity, Inc., and Delta Sigma Theta Sorority, Inc., provides a variety of different free health screenings such as diabetes screenings, dental screenings, lab tests, and more; and

Whereas, The event is also designed to be empowering and educate community members on topics such as Health Care 101, prescription education, blood pressure education, fitness and nutrition education, and more; and

Whereas, Since inception, the Annual Minority Health Fair in Chattanooga, TN has provided thousands of free screenings and education to community members and its organizers continue working to close the gap in health care for minorities in our community.

Now Therefore,

I, Andy Berke, Mayor of the City of Chattanooga, do hereby recognize and honor the organizers of the 18th Annual Minority Health Fair:

Partnering Organizations

Dr. Charles Foreman (Kappa Alpha Psi Fraternity, Inc.), Reginald Ruff III (Omega Psi Phi Fraternity, Inc.), & Valera Sample (Delta Sigma Theta Sorority, Inc.)

Southeast Tennessee Health Consortium

Chris Ramsey, Sr., Al Tucker, Saundra Adams, & Anthony Sammons

Founding Members

Irvin Overton, Sr., Gene Suttles, Dr. Michael Greer, &
Dr. Willie Mae Hubbard

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 17th Day of September, 2019

Erskine Oglesby, City Council Chairman

Andy Berke, Mayor

ORDINANCES – FINAL READING:

2019-0111
Joseph Ingram
District No. 6
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Ledford,

ORDINANCE #13499

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6819 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

ACTION: APPROVED

2019-0095
Chazen Engineering
c/o Justin Tirsun
District No. 6
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13500

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 13133, PREVIOUS CASE NO. 2016-0175 ON PROPERTY LOCATED AT 6421 SHALLOWFORD ROAD TO AMEND CONDITION NOS. 1 AND 2, AND LIFTING CONDITION NOS. 3 AND 5, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2019-0094
Darren Hambrick
District No. 6
Planning Version

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13501

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 13133, PREVIOUS CASE NO. 2016-0175 ON PROPERTY LOCATED AT 6401 SHALLOWFORD ROAD TO AMEND CONDITION NOS. 1 AND 2, AND LIFTING CONDITION NOS. 3 AND 5, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

2019-0112
Joseph Ingram
District No. 9
Planning Version

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13502

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNADDRESSED PROPERTIES LOCATED IN THE 2600 BLOCK OF EAST 19TH AND EAST 20TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilman Smith and seconded by Councilman Ledford,

ORDINANCE #13503

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-49, RELATING TO USE OF HAND-HELD MOBILE TELEPHONE OR PERSONAL DIGITAL ASSISTANT PROHIBITED WHILE DRIVING; CHAPTER 24, SECTION 24-50, PROHIBITED USE OF HANDHELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE; AND CHAPTER 24, SECTION 24-51, PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSONS UNDER 18.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #30069

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO EXERCISE OPTION TO RENEW WITH BRIAN M. COTTER, IN SUBSTANTIALLY THE FORM ATTACHED, FOR LEASE OF A HOUSE LOCATED AT 324 BASS ROAD ON TAX MAP NO. 158I-C-021.01, AND FURTHER IDENTIFIED AS THE BROWN ACRES RENTAL HOUSE, IN CONSIDERATION OF EIGHT HUNDRED DOLLARS (\$800.00) PER MONTH, AND THE PROVIDING OF SECURITY SERVICES AT BROWN ACRES AND BRAINERD GOLF COURSES, FOR AN ADDITIONAL TERM OF ONE (1) YEAR, WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL TERM OF ONE (1) YEAR.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30070

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH C.O.R.E. ASSOCIATES FOR THE DESIGN AND CONSTRUCTION OF A NATURAL PLAYGROUND AT EAST LAKE PARK, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #30071

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NON-PROFIT STANDARD LEASE FORM AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH THE FORGOTTEN CHILD FUND, INC. TO LEASE APPROXIMATELY NINETEEN THOUSAND FIVE HUNDRED SIXTEEN (19,516) SQUARE FEET OF WAREHOUSE SPACE AT 1815 E. MAIN STREET, IDENTIFIED AS TAX MAP NO. 156B-D-009, FOR A TERM OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL TERMS OF ONE (1) YEAR EACH, FOR THE AMOUNT OF ONE DOLLAR (\$1.00) PER YEAR.

ACTION: ADOPTED

2019-31
No. 19-STVR-00120
Emile Smith
District No. 7

On motion of Councilwoman Berz and seconded by Councilman Smith,

RESOLUTION #30072

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00120 FOR PROPERTY LOCATED AT 1648 MARKET STREET.

ACTION: ADOPTED

2019-32
No. 19-STVR-00122
Walter & Candace Sims
District No. 7

On motion of Councilman Mitchell and seconded by Councilman Smith,

RESOLUTION #30073

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00122 FOR PROPERTY LOCATED AT 3035 ST. ELMO AVENUE.

ACTION: ADOPTED

2019-33
No. 19-STVR-00123
Adolph & Donna Harkins
District No. 7

On motion of Councilman Byrd and seconded by Councilman Smith,

RESOLUTION #30074

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00123 FOR PROPERTY LOCATED AT 3039 ST. ELMO AVENUE.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30075

A RESOLUTION AMENDING RESOLUTION NO. 29082 ADOPTING A PUBLIC RECORDS POLICY TO INCLUDE RECENT STATE LAW CHANGES TO TENN. CODE ANN. § 10-7-504(a) AND TO INCLUDE REVISED FORMS ATTACHED TO SAID POLICY.

Councilman Ledford requested the attorney read for the record a clarification of the recent state law changes.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Smith,

RESOLUTION #30076

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) FOR FINANCING OF CAPITAL CONSTRUCTION PROJECTS FOR THE DEPARTMENT OF PUBLIC WORKS REQUIRED BY THE CONSENT DECREE FOR THE INTERCEPTOR SEWER SYSTEM (ISS), FOR AN AMOUNT NOT TO EXCEED THIRTY MILLION DOLLARS (\$30,000,000.00).

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #30077

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. M-18-002-201 TO TRI-STATE ROOFING CONTRACTORS, LLC OF CHATTANOOGA, TN, REPLACEMENT ROOFING SYSTEM FOR THE BESSIE SMITH CENTER, IN THE AMOUNT OF TWO HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED FORTY-FOUR AND 80/100 DOLLARS (\$299,544.80), PLUS A CONTINGENCY AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00), FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED FORTY-FOUR AND 80/100 DOLLARS (\$329,544.80).

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #30078

A RESOLUTION TO AMEND RESOLUTION NO. 30018 SO AS TO AWARD CONTRACT NO. S-18-012-201 TO KLEENCO CONSTRUCTION OF TENNESSEE, INC. OF CHATTANOOGA, TN, APPLING STREET DRAINAGE IMPROVEMENTS, IN THE AMOUNT OF ONE MILLION SIXTY-EIGHT THOUSAND EIGHTY-FOUR DOLLARS (\$1,068,084.00), WITH A CONTINGENCY IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED SIXTY-EIGHT THOUSAND EIGHTY-FOUR DOLLARS (\$1,168,084.00).

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Mitchell,

RESOLUTION #30079

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A MUTUAL OPERATION AGREEMENT WITH BIRCHWOOD II, LLC FOR USE OF CERTAIN FACILITIES AND INFRASTRUCTURE AT THE CITY LANDFILL LOCATED IN BIRCHWOOD.

The motion carried, with Councilman Gilbert voting “Nay”.

ACTION: ADOPTED

On motion of Councilman Smith and seconded by Councilman Mitchell,

Agenda Item: VII (I)

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH THE U.S. ARMY CORPS OF ENGINEERS FOR PHASE IV OF THE CHATTANOOGA FLOOD PREPAREDNESS STUDY FOR AN AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), AND AUTHORIZING THE CITY’S FIFTY (50%) PERCENT MATCH IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

Councilman Gilbert moved to approve, seconded by Councilwoman Coonrod. Councilman Smith then informed the Council that he would need to defer this item per the Administrator's request. **Councilman Gilbert moved** to withdraw previous motion. **Councilman Smith moved** to defer for one week, seconded by Councilman Mitchell. The motion carried. Councilwoman Coonrod inquired as to why the deferral was being requested so last minute. Mr. Holland updated the Council that currently there are wording issues that need to be addressed.

ACTION: DEFERRED TO SEPTEMBER 24, 2019

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

RESOLUTION #30080

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH AND ACCEPT A DONATION FROM PARKRIDGE MEDICAL CENTER, INC. FOR THE VALUE OF MATERIAL NECESSARY TO INSTALL IMPROVEMENTS TO THE INTERSECTION OF LYERLY STREET AND OAK STREET, FOR THE APPROXIMATE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00).

The motion carried, with Councilman Gilbert abstaining.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #30081

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH SDP CORP. FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE TRANSIT STOP ACCESSIBILITY PROJECT, T-15-019-201, IN THE AMOUNT OF FIVE HUNDRED TWENTY-FOUR THOUSAND TEN AND 48/100 DOLLARS (\$524,010.48), WITH A CONTINGENCY AMOUNT OF FIFTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$52,400.00), FOR A TOTAL AMOUNT OF FIVE HUNDRED SEVENTY-SIX THOUSAND FOUR HUNDRED TEN AND 48/100 DOLLARS (\$576,410.48).

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases: NONE

OTHER BUSINESS: NONE

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz reported:

- The Council was presented with the City's Bonding process during today's Strategic Planning Meeting.

Economic and Community Development Committee

Councilman Byrd

(No report)

HR Committee (Human Resources)

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 after the 3:00 p.m. Agenda Session.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

Legislative Committee

(Vice-Chairman Henderson not present)

Chairman Oglesby stated that Vice-Chairman Henderson was in Mexico doing missionary work.

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:

- **Christopher Dahl** (Chattanooga) – Expressed concerns for the water company’s use of the 911 call center and concerns that the City could be protecting corporations and that our infrastructure of our City is falling apart. Stated the city is failing its citizens and not protecting its interests. It is no wonder why it is one of the worst-run cities in the United States.

- **Gary Ball** (Chattanooga) – Came before the Council with concerns regarding nuisances that impede neighborhood revitalization. Stated that there is a disconnect with the community and Police department over cars on city right-of-ways in specific neighborhoods. Encouraged dialogue between the two in order to resolve this issue.
 - Councilwoman Coonrod asked Chief McCullough what the policy for abandoned vehicles to be removed is and inquired of Ms. Williams how code enforcements were being executed.

 - Councilman Byrd stated that he’s been working with Chief Scruggs to remove some vehicles from his community with expired tags and would like to speak to Mr. Ball after the meeting so that he can help him with this matter as well.

ADJOURNMENT

On motion of Councilman Mitchell, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, September 24, 2019, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

RECORDER