



Electronic-Conducted (Virtual) Meeting
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

April 7 – 8, 2020
6:00 PM

CALL TO ORDER

Council Chairman Erskine Oglesby, Jr. called the open meeting to order with a quorum present via electronic means 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 via electronic means. Video of this electronic-conducted meeting may be viewed [here](#) for the April 7th meeting.

PLEDGE OF ALLEGIANCE

Councilman Ledford led the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Smith and seconded by Vice-Chairman Henderson, the minutes of the last meeting (March 31, 2020) were approved as published.

ORDINANCES – FINAL READING:

MR-2020-0009
Kevin Boehm
District No. 7

On motion of Councilman Byrd and seconded by Councilman Smith,

ORDINANCE #13550

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT WITHIN TWO (2) CLOSED UNNAMED STREETS RIGHT-OF-WAYS ABANDONED BY ORDINANCE NO. 4021 LOCATED IN THE 3000 BLOCK OF BROAD STREET, TAX MAP NO. 155F-C-001, AS DETAILED ON THE ATTACHED MAP.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: APPROVED

MR-2019-0163
Alan McMahon % The Beach Company
District No. 7

On motion of Councilman Byrd and seconded by Councilwoman Berz,

ORDINANCE #13551

AN ORDINANCE CLOSING AND ABANDONING PARTIALLY THE RIGHT-OF-WAY OF THE NORTHWEST AND NORTHEAST CORNER OF 4TH STREET; SOUTHEAST CORNER OF 3RD STREET AND CHERRY STREET; SOUTHWEST CORNER OF 3RD STREET AND WALNUT STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: APPROVED

ORDINANCES – FIRST READING:

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13552

AN ORDINANCE TO AMEND ORDINANCE NO. 13214, KNOWN AS “THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT BUDGET ORDINANCE” SO AS TO APPROPRIATE \$500,000.00 FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT CAPITAL FUND TO THE CHATTANOOGA AREA CHAMBER OF COMMERCE FOR PROCESSING SMALL BUSINESS COVID-19 CORONAVIRUS BRIDGE-GRANTS.

Councilwoman Berz moved to approve, seconded by Councilman Gilbert. The motion carried unanimously (9-0) upon roll call vote. Due to the urgency of this ordinance and the requirement for two readings, **Vice-Chairman Henderson moved** that the Council would recess at the conclusion of tonight’s business and reconvene at 10:00 a.m. tomorrow, April 8, 2020, in order to have a second reading of this legislation. He was seconded by Councilman Byrd. The motion carried unanimously (9-0) upon roll call vote.

**ACTION: PASSED ON FIRST READING;
SECOND READING ON APRIL 8, 2020**

RESOLUTIONS:

PROCEDURAL NOTE: Chairman Oglesby yielded the chair of the meeting to Vice-Chairman Henderson during the reading of the three STVR resolutions and hearings.

2020-04
Erin Spahn
District No. 7

RESOLUTION #30300

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00187 FOR PROPERTY LOCATED AT 1609 LONG STREET #102.

Charles Young, Assistant Director of Development at ECD, gave a presentation that included information on the following:

- Surrounding STVR Applications
- Exterior/aerial pics
- Other photos from street/parking
- Application History

Councilman Mitchell questioned Mr. Young's use of the words "*Opposition letters mailed out*" in his presentation. He requested that future presentations reflect "*Notification letters mailed out*," or similar wording. Mr. Young agreed. Vice-Chairman Henderson then recognized both the Applicant and members of the Opposition.

Applicant:

- **Erin Spahn** – When she looked into applying several months ago, she thought the building was at capacity, but someone sold one of the units, which brought the numbers down below the nine bedroom threshold. She applied afterwards. She allows two renters in her unit. She does not allow smoking. She has quiet hours between 10:00 p.m. and 8:00 a.m. She manages the property so far and has not had any issues with anyone. Her neighbor directly next door watches over the unit. Her parents have been operating in the front of the building for over a year and a half. There is plenty of parking in a private lot in the back. There is also street parking. She does not allow pets out of respect to her neighbors. Most of the units in this building are short-term rentals and have a high turn in sales.

Attorney Noblett requested to know for the record that this particular structure is not part of a portable housing PILOT. Ms. Spahn affirmed that this was not part of a portable housing PILOT.

Vice-Chairman Henderson confirmed that there was no opposition wishing to speak by electronic means. **Chairman Oglesby moved to approve**, seconded by Councilman Byrd. The motion carried unanimously (9-0) upon roll call vote.

ACTION: ADOPTED

2020-05
Bryson Moore
District No. 8

Agenda Item VII(b):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 19-STVR-00184 FOR PROPERTY LOCATED AT 1420 MADISON STREET.

Councilman Byrd informed the Council that no presentation was needed on this application. He explained that he is working with resident Jennifer Madison to organize a meeting with the Bryson Moore, the Applicant. Vice-Chairman Henderson opened the floor to hear from the Opposition that were present in this meeting.

Opposition:

- **Erica & Andrew McCallie** – Ms. McCallie informed the Council of her letter of opposition and wanted to discuss two reasons for opposition: (1) it infringes on their right to peaceful enjoyment as a homeowners and (2) it does not contribute to the long-term vision laid out by the City of Chattanooga. She has recently had to file police reports at least three times due to noise. People she does not know fail to adhere to landscaping codes and misuse their private property. She had to install locks on her trash cans. The neighborhood is 33-percent STVRs, which is above the 1.8-percent city average there. Approval of this rental would make it 36-percent. She is a member of a multi-generational Chattanooga family that has a vested interest in this city. Short-term rentals take away opportunity for people to own homes and have affordable housing. She referenced a Pennsylvania Supreme Court decision from April 2019 that prohibited short-term rentals for single-family homes. She believes that a neighborhood being 30-percent short-term rentals is not acceptable.

Councilman Byrd spoke on the mixed opinions he has gotten from the community on STVRs and gave his phone number so that Ms. McCallie could call him tonight to discuss this matter. **Councilman Byrd moved to defer** one week to April 14, 2020. Councilman Gilbert seconded. The motion to defer carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO APRIL 14, 2020

2020-06
Paula Green
District No. 7

Agenda Item VII(c):

A RESOLUTION APPROVING SHORT TERM VACATION RENTAL APPLICATION NO. 20-STVR-00001 FOR PROPERTY LOCATED AT 1721 W. 39TH STREET.

A hearing ensued. Mr. Young gave a presentation that included information on the following:

- Surrounding STVR Applications
- Street View Pics
- Application History

Vice-Chairman Henderson recognized the Applicant and members of the Opposition.

Applicant:

- **Jill Green** – She has been doing construction on this property for over 14 months. It was a very blighted property on the street. She has \$350,000 in the property now with the intention for it to be a short-term rental property. She knows that parking is an issue. There is parking for four and possibly six with the parking pad. She feels that the complaints about the road is an issue between the residents and the city, or a civil matter between the residents and GreenTech, which built many of the homes. She believes that most of the opposition purchased their homes into after the STVR zone was established, so they knew that there could be short-term rentals in that area. She has installed nest cameras and a noise detection device for security. She matches their driver's license and makes them sign a

contract during the check-in process. She wants to be a good neighbor and a good business person. She loves inviting people to St. Elmo. She is a super host who has been doing this for 15 years and has voluntarily completed a vacation lodging service course with the State of Tennessee.

Opposition:

- **Art and Vickie Lewis** – They expressed safety concerns for their 6-year-old grandson and several children who live in the neighborhood. They argue that W. 39th Street is a fire lane. They described that delivery trucks and fire trucks have problems traveling on this road because it is so narrow.
- **Calvin Lewis** – He lives across the street from this property and heard that the parking pad belongs to GreenTech, not the Applicant. There are problems with people parking on the street. He believes STVRs lower the property values in the neighborhood. He was living in this neighborhood 12 years before STVRs happened in this city. He is especially opposed to non-owner occupied STVRs.
- **Chelsea Kepheart** – She lives across the street from this property and does not consider the Applicant to be a “good neighbor” because she has ever met the Applicant. When she moved into her home, she was told that she could use the parking pad.
- **Ben Grady** – He lives around the corner from this property. He believes the percentage of STVR in this neighborhood is too high, especially non-owner occupied ones. He considers noise to be a problem and disagrees that the yard is maintained at this property.

Chairman Oglesby moved to defer one week to April 14, 2020, so that he can speak with Ms. Green and others in opposition that were not able to speak at tonight’s meeting. Councilwoman Berz seconded. The motion carried unanimously (9-0) upon roll call vote.

ACTION: DEFERRED TO APRIL 14, 2020

PROCEDURAL NOTE: Vice-Chairman Henderson yielded the chair of the meeting back to Chairman Oglesby at this time.

On motion of Councilman Smith and seconded by Councilman Ledford,

RESOLUTION #30301

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO BLANKET CONTRACT(S) FOR HORTICULTURAL AND GREEN INFRASTRUCTURE CONSULTATION, MATERIALS, AND MAINTENANCE CONTRACT NO. S-18-001 FOR VARIOUS CITY PROPERTIES FOR A ONE (1) YEAR TERM WITH FOUR (4) ONE (1) YEAR RENEWALS, FOR THE FOLLOWING FIVE (5) VENDORS: (1) CIRCADIAN CONSULTING, LLC; (2) RANGER ECOSYSTEM RESTORATION, LLC; (3) DAVIS KEE OUTDOOR, LLC; (4) CLEAN SWEEP, INC.; AND (5) HICKORY LANDSCAPES, LLC, FOR AN ESTIMATED CONTRACT AMOUNT OF \$1 MILLION ANNUALLY FOR ALL VENDORS FOR USE BY PUBLIC WORKS-WATER QUALITY.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: ADOPTED

PROCEDURAL NOTE: Vice-Chairman Henderson requested that the Council vote collectively on all four transportation resolutions and noted that these were all in District 5. Councilman Gilbert noted his approval of reading these items collectively. Chairman Oglesby instructed the Clerk to read all transportation resolutions prior to the Council vote. Councilwoman Coonrod was not present during the vote.

[Councilwoman Coonrod left the meeting momentarily.]

On motion of Councilman Gilbert and seconded by Councilman Mitchell, the following Transportation resolutions were unanimously (8-0) adopted upon roll call vote:

RESOLUTION #30302

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH ADAMS CONTRACTING, LLC RELATIVE TO CONTRACT NO. T-14-036-201 FOR CONSTRUCTION SERVICES ASSOCIATED WITH CAINE LANE GREENWAY CONNECTOR, IN THE AMOUNT OF \$647,921.00, WITH A CONTINGENCY AMOUNT OF \$64,792.10, FOR A TOTAL AMOUNT OF \$712,713.10.

RESOLUTION #30303

A RESOLUTION AUTHORIZING PAYMENT TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF CHATTANOOGA'S SHARE OF AN AGREEMENT WITH ARCADIS U.S., INC. RELATIVE TO CONTRACT NO. T-15-032-101 FOR PROFESSIONAL SERVICES ASSOCIATED WITH SOUTH CHICKAMAUGA GREENWAY CONNECTOR CONSTRUCTION ENGINEERING AND INSPECTION, IN THE AMOUNT OF \$55,096.18.

RESOLUTION #30304

A RESOLUTION AUTHORIZING PAYMENT TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CITY OF CHATTANOOGA'S SHARE OF AN AGREEMENT WITH ALFRED BENESCH AND COMPANY RELATIVE TO CONTRACT NO. T-14-036-101, FOR PROFESSIONAL SERVICES ASSOCIATED WITH CAINE LANE GREENWAY CONNECTOR CONSTRUCTION ENGINEERING INSPECTION, IN THE AMOUNT OF \$35,921.60.

RESOLUTION #30305

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AN AGREEMENT WITH JD JAMES, INC. D/B/A NATURE BRIDGES RELATIVE TO CONTRACT NO. T-15-032-201 FOR CONSTRUCTION SERVICES ASSOCIATED WITH SOUTH CHICKAMAUGA GREENWAY CONNECTOR, IN THE AMOUNT OF \$1,739,921.13, WITH A CONTINGENCY AMOUNT OF \$173,992.11, FOR A TOTAL AMOUNT OF \$1,913,913.24.

ACTION: ALL TRANSPORTATION RESOLUTIONS ADOPTED

[Councilwoman Coonrod returned to the meeting.]

DEPARTMENTAL REPORTS:

Proposed Purchases

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

R197268 - Fleet Management Division of Public Works \$365,126.10

Purchase of two (2) 2021 Kenworth T370 Chassis with Heil PT-1000 Rear Loading Refuse Body

Lowest/Best Bidder: Stringfellow
2021 East 23rd Street
Chattanooga, TN 37404

R196606 - Youth and Family Development \$85,000.00

Rental Vans for Transporting Food to Children

Lowest/Best Bidder: Enterprise Holdings
1402 Topside Road
Louisville, TN 37777

On motion of Councilwoman Berz and seconded by Councilman Gilbert, all purchases were approved. The motion carried unanimously (9-0) upon roll call vote.

ACTION: ALL PURCHASES APPROVED

Emergency Purchases

Mr. Sammons reported on the following emergency purchases made during the absence of a City Council meeting:

PO#557417 - Fire Department \$58,128.60

MSA G1 Face piece APR Adapter & MSA 496801 Opti-Filters

Supplier: Safe Industries

PO#557467 - Human Resources \$22,350.00

150 infrared thermometers

Supplier: Ionized LLC

OTHER BUSINESS:

Certificate of Compliance

Attorney Noblett presented the certificate of compliance for Cost Plus, Inc. d/b/a World Market. He asked that it be signed by at least five councilpersons and asked that the councilpersons give their authorization to the Clerk for their electronic signatures during the open meeting.

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee
Councilman Byrd reported:

- The committee met today [electronically] in open meeting to hear about the small business plan.

Human Resources Committee
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford reported:

- The committee met today and will meet again [electronically] on April 28, 2020, to discuss Form-Based Code text amendments.

Public Safety Committee
Councilman Smith
(No report)

Public Works and Transportation Committee
Councilman Mitchell

- The committee will meet [electronically] next week after the 3:30 p.m. Agenda Session.

Youth and Family Development Committee
Councilwoman Coonrod reported:

- The committee will meet [electronically] next week after the 3:30 p.m. Agenda Session.

Legislative Committee
Vice-Chairman Henderson
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL

URL:

Attorney Noblett read the rules of procedure for persons wishing to address the Council. After which, Chairman Oglesby recognized the following persons:

Name (Street, City, District):	Primary Topic:
<ul style="list-style-type: none"> • Marie Mott (Lindbrook Ave./Oak Grove) 	Demands of the people during COVID-19 to suspend rent for public housing, uninterrupted access to public utilities, \$15 per hour minimum pay for city employees, and extend COVID-19 testing throughout city.

COUNCIL RECESS

Chairman Oglesby recessed the meeting of the Chattanooga City Council until tomorrow, April 8, 2020, at 10:00 a.m.

MEETING RECONVENED April 8, 2020 at 10:00 a.m.

Chairman Oglesby called the electronic-conducted meeting to order again with a quorum that included Vice-Chairman Henderson and councilpersons Berz, Byrd, Gilbert, Ledford, Mitchell and Smith. Councilwoman Coonrod joined the meeting after the call to order. Also present were Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk. Video of the reconvened meeting may be found [here](#).

PURPOSE OF RECONVENED MEETING

Attorney Noblett explained that the Council recessed their meeting from yesterday in accordance with the City Charter under Section 8.8 to have a second reading on an ordinance this week. This one ordinance is was placed on today's agenda for final reading and consideration this morning. He noted that City Charter Section 11.2 requires two separate readings anytime there is an ordinance that involves the city and that no ordinance shall be valid if passed on the first and final reading on the same day. He explained that the Council recessed yesterday's meeting based upon notice that was provided in the Council meeting. This notice has been available for the public to appear this morning as another public meeting in the same week.

PLEDGE OF ALLEGIANCE

Councilman Gilbert led the Pledge of Allegiance.

ORDINANCES - FINAL READING

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13552

AN ORDINANCE TO AMEND ORDINANCE NO. 13214, KNOWN AS "THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT BUDGET ORDINANCE" SO AS TO APPROPRIATE \$500,000.00 FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT CAPITAL FUND TO THE CHATTANOOGA AREA CHAMBER OF COMMERCE FOR PROCESSING SMALL BUSINESS COVID-19 CORONAVIRUS BRIDGE-GRANTS.

The motion carried unanimously (9-0) upon roll call vote.

ACTION: APPROVED

Jermaine Freeman, Deputy Chief of Staff, informed the Council about the award process and timeline. He also responded to questions on the following:

- Opportunities for businesses that do not qualify
- Monthly progress report
- Home businesses that qualify
- Grant application's request for written statement on impact of COVID-19
- The committee working on grant awards
- Options remaining when grant funds are exhausted
- City services regarding COVID-19
- Federal plans for hospital overflow
- Clarification regarding for-profit and not-for-profit businesses

OTHER BUSINESS

Follow-up: Certificate of Compliance

Councilman Mitchell followed-up on the electronic signatures that had been requested for the Certificate of Compliance for Cost Plus, Inc. d/b/a World Market. Ms. Gwyn affirmed that she had received the five electronic signatures yesterday needed for the certificate.

ADJOURNMENT

Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, April 14, 2020, at 6:00 p.m.

Editor's Notes Regarding Next Meeting: To join the April 14th electronic meeting, visit <http://council.chattanooga.gov> at the scheduled meeting time. **To address the Council at the end of a 6:00 meeting, please register using [this form](#).** The rules for addressing the Council can be found at <http://cha.city/councilrules>.

CHAIRMAN

CLERK OF COUNCIL