



Electronic-Conducted (Virtual) Minutes
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

February 9, 2021
6:00 PM

CALL TO ORDER

Council Chairman Chip Henderson called the meeting to order by electronic means. A quorum was present via electronic means that included Vice-Chairman Ken Smith and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Darrin Ledford, and Jerry Mitchell. Other panelists present via electronic means: Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk. Councilman Erskine Oglesby, Jr. was not present. Video of the meeting is available [here](#).

PLEDGE OF ALLEGIANCE

Vice-Chairman Smith led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Vice-Chairman Smith and seconded by Councilwoman Coonrod, the minutes of the last meeting (February 2, 2021) were approved as published. The motion carried unanimously (8-0) upon roll call vote.

ORDINANCES – FINAL READING:

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next two ordinances for one Council vote.

MR-2020-0023

Thomas Coutu and Laura Knight

District No. 2

ORDINANCE #13647

AN ORDINANCE CLOSING AND ABANDONING THE EASTERN RIGHT-OF-WAY OF THE 300 BLOCK OF TUCKER STREET, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

MR-2020-0175

Dane Bradshaw/Riverton, LLC

District No. 2

ORDINANCE #13648

AN ORDINANCE ESTABLISHING AN EASEMENT ACROSS CITY-OWNED REAL PROPERTY LOCATED AT 1210 MERCER STREET FOR THE CONSTRUCTION OF A PUBLIC RIGHT-OF-WAY WITHIN THE EASEMENT.

Councilman Mitchell moved to approve both ordinances. Councilman Gilbert seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: ORDINANCES 13647 & 13648 APPROVED

ORDINANCES – FIRST READING:

2021-0003
Alan Outlaw
Planning Version
District No. 2

On motion of Councilman Mitchell and seconded by Councilman Gilbert,

ORDINANCE #13649

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 802 HAMILTON AVENUE, FROM M-2 LIGHT INDUSTRIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (8-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2020-0179
B & H Estate Holdings, LLC
Alternate Version No. 2
District No. 6

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

ORDINANCE #13650

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6626 SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.

Attorney Noblett read the conditions of the Alternate Version #2.

1. *No drive-thrus permitted;*
2. *Business hours limited to between 7:00 a.m. and 9:00 p.m.;*
3. *No dumpster service between 9:00 p.m. and 7:00 a.m.;*
4. *Lighting directed away from all residential areas;*
5. *Any signage limited to a monument sign with a maximum height of four (4') feet and forty-eight (48') square feet in area per sign surface;*
6. *Provide a Type B Landscape buffer along the rear property line; and*
7. *Compliance with the site plan attached to this ordinance.*

The motion carried unanimously (8-0) upon roll call vote.

ACTION: ALTERNATE VERSION #2 PASSED ON FIRST READING

2021-0012
Edwards Enterprises
Planning Version
District No. 7

On motion of Councilman Ledford and seconded by Councilman Mitchell,

ORDINANCE #13651

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3415 CLIO AVENUE, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE.

John Bridger, Executive Director of Regional Planning, joined the panel and gave a presentation on the Applicant request and proposed use. He presented information on the following:

- Applicant Request
- Map of the Property
- Current Zone
- Zoning History
- Adjacent Land Uses
- Staff Recommendation
- Planning Commission Review

Councilman Ledford asked a question on behalf of Councilman Oglesby in this District 7 matter. The Applicant was present, but no Opposition was present. Upon no further questions, the motion carried unanimously (8-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0015
M&H Properties, LLC
Planning Version
District No. 8

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

ORDINANCE #13652

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1132 EAST MAIN STREET, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

The motion carried unanimously (8-0) upon roll call vote.

ACTION: PASSED ON FIRST READING

2021-0008
SSP Lucey, LLC
District No. 9

Agenda Item VI(e):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 6160 OF PREVIOUS CASE NO. MR-2020-0006 AND MR-2020-0007 FOR RETENTION OF EASEMENT FROM SANITARY SEWER AND STORM DRAIN, FROM PART OF THE ABANDONED 1300 BLOCK OF ANDERSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN.

Councilwoman Coonrod moved to approve. Mr. Bridger informed her that the Applicant had requested a deferral, of which Councilwoman Coonrod not aware. Donna Shepherd, speaking on behalf of the Applicant, joined the panel to affirm the deferral request with Councilwoman Coonrod. Therefore, **Councilwoman Coonrod moved** to defer to February 16, 2021. Councilman Byrd seconded. The motion to defer carried unanimously (8-0) upon roll call vote.

ACTION: DEFERRED TO FEBRUARY 16, 2021

RESOLUTIONS:

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next two resolutions for one Council vote.

Alternate Version
District No. 2

RESOLUTION #30636

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY WAIVER OF REVERSION, IN SUBSTANTIALLY THE FORM ATTACHED, IN FAVOR OF THE SECURITY INTEREST OF FIRST HORIZON BANK, AUTHORIZING THE CITY TO TEMPORARILY WAIVE FOR A PERIOD OF FIFTEEN (15) YEARS, THE RIGHT OF REVERSION ON THE MCKAMEY ANIMAL CENTER PARCEL LOCATED AT 4500 N. ACCESS ROAD, IDENTIFIED AS TAX PARCEL NO. 119H-A-001.04.

RESOLUTION #30637

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A FIRST AGREEMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH HUNTER MUSEUM OF AMERICAN ART FOR AN ADDITIONAL TERM OF TEN (10) YEARS TO LEASE SEVEN (7) LOCATIONS, AS SPECIFICALLY IDENTIFIED IN THE LEASE AGREEMENT DATED OCTOBER 26, 2009, FOR THE DISPLAY OF ART WORK FOR PUBLIC BENEFIT AND ENJOYMENT.

For Resolution #30636, Attorney Noblett confirmed for Vice-Chairman Smith that the language changes regarding the duration of the term had been added to the Alternate Version. **Vice-Chairman Smith moved** to approve both resolutions. Councilman Ledford seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: RESOLUTIONS 30636 & 30638 ADOPTED

PROCEDURAL NOTE: With no objection from the Council, Chairman Henderson instructed the Clerk to group and read the next five resolutions for one Council vote.

RESOLUTION #30638

A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT OF DR. BRYAN JOHNSON AS A MEMBER OF THE ELECTRIC POWER BOARD OF CHATTANOOGA FROM THE EFFECTIVE DATE HEREOF TO SERVE THE REMAINDER OF THE TERM OF WARREN E. LOGAN, JR., DECEASED, THAT CONTINUES UNTIL APRIL 15, 2024, AND THEREAFTER UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

RESOLUTION #30639

A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT OF DR. MINA SARTIPI AS A MEMBER OF THE ELECTRIC POWER BOARD OF CHATTANOOGA TO SERVE THE REMAINDER OF THE TERM OF MARCUS SHAW FROM THE EFFECTIVE DATE HEREOF UNTIL APRIL 15, 2023, AND THEREAFTER UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

RESOLUTION #30640

A RESOLUTION CONFIRMING AND APPROVING THE REAPPOINTMENT OF VICKY GREGG AS A MEMBER OF THE ELECTRIC POWER BOARD OF CHATTANOOGA TO BECOME EFFECTIVE UPON HER PRESENT TERM EXPIRING APRIL 15, 2021, AND CONTINUING THEREAFTER UNTIL APRIL 15, 2026, AND UNTIL HER SUCCESSOR IS APPOINTED AND QUALIFIED.

RESOLUTION #30641

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID LITTLEJOHN AND RE-APPOINTMENTS OF PAUL CONN AND DAN JACOBSON TO THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY.

RESOLUTION #30642

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF BENJAMIN MOORE, JOSH FAIN, AND JAY MARTIN TO THE TREE COMMISSION.

Councilman Byrd moved to approve. Councilwoman Coonrod seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: RESOLUTIONS 30638 - 30642 ADOPTED

On motion of Councilman Gilbert and seconded by Councilwoman Coonrod,

RESOLUTION #30643

A RESOLUTION TO ACCEPT THE CITY OF CHATTANOOGA 2019 DISPARITY REPORT IN ITS FINAL FORM AND TO AUTHORIZE THE OFFICE OF MULTICULTURAL AFFAIRS AND THE PURCHASING DIVISION TO WORK WITH OTHER INTERESTED ORGANIZATIONS, STAKEHOLDERS, AND CITY DEPARTMENTS TO EXPAND AND STRENGTHEN THE CITY'S PURCHASING EQUITY PROGRAMS.

The motion carried unanimously (8-0) upon roll call vote.

ACTION: ADOPTED

PROCEDURAL NOTE: Chairman Henderson turned over the chair of the meeting to Vice-Chairman Smith at this time, prior to the reading of case number 2021-0005.

2021-0005
Pratt Land Development
Planning Version
District No. 1

Agenda Item VII(i):

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTIES LOCATED IN THE 4600 BLOCK OF FIRE PINK TRAIL AND THE 800 THROUGH 1000 BLOCKS OF READS LAKE ROAD, SUBJECT TO CERTAIN CONDITIONS.

A hearing ensued, with Vice-Chairman Smith recognizing members of the Applicant and the Opposition. This hearing may be viewed in its entirety on YouTube by clicking [here](#). Attorney NobleTT read the rules for this hearing.

Mr. Bridger joined the panel again for a presentation on this case. He shared his screen and presented information on the following:

- Applicant Request
- Map of the Request
- Adjacent Land Uses
- Plan Recommendation: Intensity Levels 1 & 2
- Natural Resources
- Site Plan
- Segment 1
- Segment 2
- Segment 3
- Segment 4
- Gross Density vs. Net Density
- Site Plan & Table showing gross density and net density
- Adjacent Densities
- Compatibility with Adjacent Land Uses
- Onsite Useable Open Space

- Staff Recommendation
- Planning Commission Opposition
- Planning Commission Review

Chairman Henderson questioned Mr. Bridger about -.

The Applicant:

- **James Pratt** - He used his allotted seven minutes to detail his plans. He ended his allotted time with a request for a 60-day deferral.

Discussion ensued with Mr. Bridger and Mr. Pratt.

On behalf of the Opposition:

- **Steve Hunt** - He gave the objections from the Friends of Mountain Creek. He presented on the following:
 - Site plan of the proposed PUD.
 - Neighbors who oppose the PUD
 - Neighbor who supports the PUD
 - Low Density North vs. High Density South
- **Bob Geier** - He presented the opposition regarding the Flooding, Springs, and Reads Lake Water Concerns.
- **William "Bill" Todd** - He made comments on the opposition regarding the impact on the roads around the PUD.
- **Jim Faulkner** had joined the panel, but did not have time left to speak.

Discussion ensued with Chairman Henderson questioning Mr. Hunt. Chairman Smith removed the Opposition speakers from the panel.

Rebuttal on behalf of Applicant:

- **Tim Laramore** - He is the Executive Director of the North Chickamauga Creek Conservancy.

Discussion ensued with Councilwoman Berz questioning Mr. Laramore. Councilman Byrd and Councilman Gilbert had questions for Mr. Bridger. Chairman Henderson and Councilman Mitchell made comments.

Discussion continued with additional comments from Chairman Henderson. Chairman Henderson informed the Council that there were over 98 attendees of this meeting raising their hand electronically in opposition to this special exceptions permit request.

Chairman Henderson moved to deny. Councilman Mitchell seconded. The motion to deny carried upon roll call vote as follows:

Mitchell	NO	Byrd	NO
Ledford	ABSTAIN	Berz	NO
Gilbert	NO	Smith	NO
Coonrod	NO	Henderson	NO

YES - Zero (0); NO - Seven (7); ABSTAIN - One (1)

ACTION: DENIED

PROCEDURAL NOTES: Vice-Chairman Smith yielded the chair of this meeting again to Chairman Henderson. With no objection from the Council, Chairman Henderson then instructed the Clerk to group and read the next two resolutions for one Council vote.

RESOLUTION #30644

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO APPROVE CHANGE ORDER NO. 1 (FINAL), FOR SAK CONSTRUCTION, LLC, OF O'FALLON, MO, FOR CONTRACT NO. W-18-019-201, SOUTH CHICKAMAUGA INTERCEPTOR IMPROVEMENTS - PHASE 1, FOR A DECREASED AMOUNT OF \$320,438.30, FOR A REVISED CONTRACT AMOUNT OF \$5,052,561.70.

RESOLUTION #30645

A RESOLUTION TO AMEND RESOLUTION NO. 30180, FOR J. CUMBY CONSTRUCTION, INC., OF COOKEVILLE, TN, TO RESTORE THE ORIGINAL CONTINGENCY AMOUNT OF \$400,000.00, AS PER RESOLUTIONS 29522 AND 29138, FOR A REVISED CONTINGENCY AMOUNT OF \$571,000.00, RELATIVE TO CONTRACT NO. W-16-013-201, CITICO PUMP RELIABILITY IMPROVEMENTS, A CONSENT DECREE PROJECT, FOR A TOTAL PROJECT COST OF \$10,359,483.00.

Councilman Gilbert moved to approve. Councilman Byrd seconded. The motion carried unanimously (8-0) upon roll call vote.

ACTION: RESOLUTIONS 30644 & 30645 ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Byrd,

RESOLUTION #30646

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF YOUTH AND FAMILY DEVELOPMENT TO ENTER INTO A BLANKET PURCHASE AGREEMENT WITH THE ELECTRIC POWER BOARD TO PAY CLIENTS SERVICES PAYMENT FOR THE CITIZENS OF CHATTANOOGA THAT QUALIFY FOR ASSISTANCE UNDER THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) AND THE COMMUNITY SERVICES BLOCK GRANT (CSBG) PROGRAMS FOR A GRANT PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2023, IN THE AMOUNT OF \$8,025,500.00.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

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

R196729 - Water Quality Division, Public Works \$60,000.00

Municipal Parking Lot Sweeping Services
 Lowest/Best Bidder: Clean Sweep, Inc
 4100 Dayton Blvd
 Chattanooga, TN 37415

R207582 - Waste Resources Division, Public Works \$339,699.00

Patterson Vertical Mixed Flow Pump
 Lowest/Best Bidder: Patterson Pump Company
 9201 Ayersville Rd.
 Toccoa, GA 30577

R207612 - Waste Resources Division, Public Works \$16,000 + Freight

Ten (10) Hydromatic Submersible Sewage Grinder Pumps
 Lowest/Best Bidder: Water & Waste Equipment
 2335 Shady Lane
 Cleveland, TN 37312

Councilwoman Berz moved to approve, seconded by Councilman Byrd. The motion carried upon roll call vote as follows:

Berz	YES	Mitchell	YES
Byrd	YES	Smith	YES
Coonrod	YES	Henderson	YES
Gilbert	NO		
Ledford	YES		

YES - Seven (7); No - One (1); Abstain - Zero (0)

ACTION: ALL PURCHASES APPROVED

EMERGENCY PURCHASE:

Mr. Sammons also informed the Council of the following emergency purchase:

Date	Dept	Description	Supplier	Explanation	Event Type
2/3/21	Mayor's Office	Covid-19 Safe Work Place	Base Camp Health	PO# 560313 \$24,000.00 6 month Predictive Workforce Safety pilot program.	COVID

OTHER BUSINESS:

Certificates of Compliance

Attorney Noblett presented the following certificates for Council approval:

- **Ria Group, Inc. d/b/a Ria's Mart #2, Certificate of Compliance, (District 8)**
- **Anju Group, Inc. d/b/a Ria's Mart #3, Certificate of Compliance, (District 8)**

Attorney Noblett informed the Council that the Clerk had received the certificates, both of which required signatures from at least five councilpersons. Chairman Henderson asked the Clerk to secure the electronic signatures of those councilpersons in support of the certificates.

Board Appointments

Health, Education, & Housing Facility Board:

Councilman Mitchell moved to approve Hicks Armor for reappointment to the Health, Education, and Housing Facility Board (HEB). Discussion ensued about the process for group nominations for boards that do not have nine Council appointments. Attorney Noblett informed the Council about efforts to change the membership of the HEB from nine to seven. Chairman Henderson clarified that Districts 1, 2, & 3 were nominating Mr. Armor. The nomination was confirmed unanimously (8-0) upon by roll call vote.

Board of Sign Appeals:

- Councilman Mitchell appointed Christopher Scott Hibberts for District 2.
- Councilman Gilbert reappointed Alexia Phinizey for District 5.

Board of Zoning Appeals:

- Councilman Mitchell reappointed Paul Betbeze for District 2.
- Councilman Ledford reappointed Scott McColpin for District 4.
- Councilman Gilbert reappointed Jeffrey Brown for District 5.

Office of Multicultural Affairs:

- Councilman Byrd appointed Deborah Halfacre for District 8.

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz
(No report)

Economic and Community Development Committee

(Councilman Oglesby - Not present)

- Councilman Mitchell reminded everyone of the ECD Committee meeting taking place next week after the 3:30 p.m. Agenda Session.

Human Resources Committee
Councilman Gilbert
(No report)

Planning and Zoning Committee
Councilman Ledford
(No report)

Public Safety Committee
Councilman Byrd
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee met today in open meeting and will meet again in two weeks (Feb. 23).

Youth and Family Development Committee
Councilwoman Coonrod
(No report)

Legislative Committee
Vice-Chairman Smith
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL
(Listen by clicking [here](#))

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

Speaker Name	District	Primary Topics:
<ul style="list-style-type: none">• Janice Gooden	8	Noise ordinance and increase of railroad noise at night <ul style="list-style-type: none">○ At the request of Councilman Byrd, Attorney Noblett will prepare a resolution that keeps with state and federal laws on railroads.○ Councilman Byrd will send specific instances to Attorney Noblett.

ADJOURNMENT

On motion of Councilman Byrd, Chairman Henderson adjourned the meeting of the Chattanooga City Council until Tuesday, February 16, 2021, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL