

City Council Building
Chattanooga, Tennessee
September 24, 2002

Chairman Littlefield called the meeting of the Chattanooga City Council to order with Councilman Benson, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. Councilman Franklin was absent due to the death of his mother. City Attorney Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Page gave the invocation.

MINUTE APPROVAL

On motion of Councilman Lively, seconded by Councilman Taylor, the minutes of the previous meeting were approved as published and signed in open meeting.

JUDGE WILLIAMS

Chairman Littlefield noted that there were no Special Presentations on tonight's agenda; however Judge Williams was present, and the Council had the opportunity to hear from him things they needed to hear.

Judge Williams expressed his appreciation at the opportunity to speak. He apologized for not giving notice, stating that he was very busy and on his way to funeral homes, which was a part of life. He stated that the Tennessee Municipal League was trying to get the votes to amend the State Constitution to allow them to assess fines greater than \$50.00 without a jury trial. He explained that this \$50.00 limit had not changed in years and \$50.00 is really nothing now as far as being a deterrent. The Tennessee Municipal League voted to take leadership in getting the votes to amend the State Constitution. If they get the votes, the State Legislature will be able to impose the amount of the fines. Judge Williams stated that he had been traveling around the State to give some leadership to this effort and that he had a trunk full of placards, and more coming, to get the word out to the people. He stated that this would be **Question 2** on the Ballot, and they thought there was support for doing this. The key is that in order to vote for governor, one must also vote on the lottery and this proposal.

JUDGE WILLIAMS (CONT'D.)

Judge Williams handed out a packet to each Councilperson, which contained a copy of a Resolution. He asked the Council to adopt a similar Resolution, stating that this was important and a matter of fairness. He went on to explain that he had been fining \$50.00 per day and had found creative ways to make a “sting” on people who violate the law continuously.

Judge Williams went on to relate an incident involving Brown Furniture Company. He stated that they had been “Going Out of Business” for 90 days; had filed their inventory and their inventory was decreasing but the “Going Out of Business” sale was such a good one that they had contacted their attorney to find out what the Judge could charge them if they continued their sale for two weeks past the 90-day limit. Their attorney told them that the Judge could only fine them \$50.00 a day, when in reality we could go up to \$500.00 a day. Based on their attorney’s advice, they made a business decision and when they came to Court, they told Judge Williams that their attorney had told them they could be fined up to \$50.00 a day—unfortunately, for them, it was \$500.00 a day, and this turned out to not be a good business decision after all. Judge Williams stated that we needed “teeth” to deal with people who intentionally violate City law. He noted that November 5th is the cut-off date.

Judge Williams stated that he had been in Jackson, Tennessee and some of the Judges were concerned about excessive fines for such things as speeding. He stated that he thought this was a matter of fairness and related to the Council that if there were any questions, he would be happy to entertain them.

Chairman Littlefield stated that this matter would be referred to the Legal and Legislative Committee, and the Resolution could be brought before the Council in two weeks; that we had a companion item also on the ballot regarding city fines, as well. He explained that this was not to say that we would “go wild” with fines, but the State Legislature would put a limit on this; that we would love to get the limitations we are under now removed and punish those who intentionally violate the law.

Attorney Nelson noted that we hear about City Court being a “Cash Cow”, but he thought this was looking at it the wrong way; that we get frequent complaints about people speeding through neighborhoods and endangering citizens and children; that raising the limit is not too much to ask as a deterrent to protecting the lives of our children and citizens; that we need to look at this from the standpoint of law abiding citizens who do not break the laws; that we need to make our community safer and change the Charter.

Judge Williams urged everyone to vote “yes” on **Question 2**.

CLOSE AND ABANDON

MR-2002-143 (Sequatchie Concrete Service)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING ALL ALLEYS
AND RIGHTS-OF-WAY WITHIN THE PROPERTY LINES OF 1401
EAST 39TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**

passed second reading. On motion of Councilman Lively, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**21ST CENTURY WATERFRONT
CAPITAL PROJECTS FUND**

Councilman Benson stated that this was reviewed in the Legal and Legislative Committee and after much discussion comes with unanimous approval to pass.

Chairman Littlefield asked Adm. Boney to give a brief overview of this for the benefit of those not present at the committee meeting.

Adm. Boney stated that we are embracing the 21st Century Waterfront Plan; that this is a tremendous joint effort between the public and private sector, with the public side being facilitated by the Hotel-Motel tax, and this will guarantee funds with the money borrowed that it will be used specifically for the purpose we are establishing it for and everything will be appropriated into this Capital Projects Fund and be restricted for use for the 21st Century Waterfront Plan.

Councilman Page questioned which Resolution also dealt with this. Adm. Boney stated that it could either be Resolution (e) or (f).

Councilman Pierce asked if this money was totally associated with the Hotel-Motel tax and will pay the entire bond off. Adm. Boney responded "yes".

Councilman Hakeem asked if there was any advantage to us doing this right now in regards to looking at the ratings. He questioned if this was the best and most appropriate time. Adm. Boney responded in the affirmative, noting that we want this built at a rapid pace, and interest rates have not been lower in 30 years.

**21ST CENTURY WATERFRONT
(CONT'D.)**

Councilman Page asked that it be clarified for him if Resolution (f) included providing for reports to the Chattanooga City Council on a quarterly basis and questioned if this should not just be a part of this Ordinance.

Attorney Nelson responded that it did not make any difference; that it could be in either Ordinance (a) or Resolution (f). Adm. Boney added that they went through this same discussion; that he would make sure that it was reported to the Council on a quarterly basis; that projects relating to this effort would also be reported to the Council. Attorney Nelson explained that Ordinance (a) was a city matter, establishing a City Fund. Resolution (f) deals with changes to the Charter of the Southside Redevelopment Corporation and controls of the organization.

On motion of Councilman Benson, seconded by Councilman Lively,
**AN ORDINANCE ESTABLISHING THE 21ST CENTURY
WATERFRONT CAPITAL PROJECTS FUND AND
APPROPRIATING CERTAIN SUMS OF MONEY TO SAID FUND**
passed first reading with Councilman Pierce voting "no".

Councilman Pierce explained his opposition by noting that he did not support these funds being tied up for this many years, stating that he thought it was inappropriate to tie funds up for this period of time.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH STOKES, BARTHOLOMEW, EVANS &
PETREE, P.A., RELATIVE TO LOBBYING SERVICES FOR
FISCAL YEAR 2002-2003, FOR AN AMOUNT NOT TO EXCEED
FIFTY THOUSAND DOLLARS (\$50,000.00) PLUS
REASONABLE OUT-OF-POCKET EXPENSES**
was adopted.

SURPLUS PROPERTY

On motion of Councilman Pierce, seconded by Councilman Taylor,
**A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED
IN THE 500 BLOCK OF WEST 12TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND
AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE
ANY AND ALL DOCUMENTS NECESSARY TO CONVEY SAID
PROPERTY TO THE WESTSIDE COMMUNITY DEVELOPMENT
CORPORATION FOR THE DEVELOPMENT OF A WELLNESS
CENTER, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

TEMP. ROW USE

On motion of Councilman Lively, seconded by Councilman Hakeem,
**A RESOLUTION AUTHORIZING GAYATRIGURU
INVESTMENTS, INC. TO USE TEMPORARILY THE CITY'S
RIGHT-OF-WAY OF CARTER STREET TO INSTALL FABRIC
AWNINGS, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

Councilman Benson stated that Resolutions (d) through (f) were discussed in the Legal and Legislative Committee and all come with a recommendation for approval.

**LAW ENFORCEMENT
BLOCK GRANT**

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO
APPLY FOR AND ACCEPT A GRANT FROM THE UNITED
STATES DEPARTMENT OF JUSTICE, LOCAL LAW
ENFORCEMENT BLOCK GRANT PROGRAM FOR THE PERIOD
OF SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2004, IN THE
AMOUNT OF FOUR HUNDRED NINETY-THREE THOUSAND
EIGHT HUNDRED NINETY-TWO DOLLARS (\$493,892.00),
WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING
FUNDS OF FIFTY-FOUR THOUSAND EIGHT HUNDRED
SEVENTY-SEVEN DOLLARS (\$54,877.00)**
was adopted.

ISSUANCE & SALE OF BONDS

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED FIFTY-FIVE MILLION (\$55,000,000.00) DOLLARS PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION BONDS, SERIES 2002 AND THE DELEGATION OF CERTAIN RESPONSIBILITIES RELATED THERETO

was adopted.

**SOUTHSIDE REDEVEL.
CORP. CHARTER**

On motion of Councilman Hakeem, seconded by Councilman Benson,
A RESOLUTION APPROVING CHANGES TO THE CHARTER OF THE SOUTHSIDE REDEVELOPMENT CORPORATION, INCLUDING A CHANGE IN THE NAME TO CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND TO PROVIDE FOR REPORTS TO THE CHATTANOOGA CITY COUNCIL

was adopted.

Councilman Page stated that he thought “quarterly reports” should be included in this. It was pointed out that “quarterly reports” is mentioned in the last paragraph of the body of the Resolution.

FIRE ADMIN. GRANT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE UNITED STATES FIRE ADMINISTRATION IN THE AMOUNT OF NINETY-FOUR THOUSAND FIVE HUNDRED THIRTY-SEVEN DOLLARS (\$94,537.00), TO CREATE A TAKING FIRE SAFETY TO THE NEIGHBORHOODS PROGRAM, WITH LOCAL MATCHING FUNDS BEING MET THROUGH ALLOCATION OF EXISTING STAFF TIME

was adopted.

FIRE SAFETY TEACHING PRO.

On motion of Councilman Taylor, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ACCEPT FUNDING FROM THE INTERNATIONAL ASSOCIATION OF BLACK PROFESSIONAL FIREFIGHTERS (IABPFF) IN THE AMOUNT OF NINE THOUSAND SEVEN HUNDRED FORTY-FIVE AND 30/100 DOLLARS (\$9,745.30), FOR FIRE SAFETY TEACHING PROGRAMS IN ALL SCHOOLS IN CHATTANOOGA
was adopted.

OVERTIME

Overtime for the week ending September 20, 2002 totaled \$92,283.72.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **JOHNNY WILLIAMS** – Suspension of Crew Worker, effective 9/23-25/02
- ✍ **ROY A. SCOFFIELD** – Return from Family Leave of Senior Crew Worker, effective 9/03/02.
- ✍ **MICHAEL B. RICHIE** – Hire Tree Trimmer, Pay Grade 8/1, \$22,153.00 annually, effective 9/18/02
- ✍ **EDWARD KING** – Retirement of Sewer Con. Superintendent, effective 9/30/02
- ✍ **CLARENCE THOMAS** – Promotion to Heavy Equipment Operator, Pay Grade 10/3, \$26,871.00, effective 9/11/02
- ✍ **CHARLES F. BISHOP** – Lateral transfer to Senior Crew Worker, Pay Grade 5/2, \$19,583.00 annually, effective 9/25/02

PERSONNEL (CONT'D)

CHATTANOOGA POLICE DEPT.:

- ✍ **BRENDA HAFLEY** – Return from Family Leave of Absence of Sergeant, effective 9/18/02

CHATTANOOGA FIRE DEPT.:

- ✍ **CHARLES A. DUGGAN** – Retirement of Firefighter, effective 10/17/02

FINANCE & ADMINISTRATION DEPT.:

- ✍ **MARIO GURROLA** – Promotion to Bldg. Maintenance Mech., Pay Grade 7/4, \$24,066.00 annually, effective 9/20/02
- ✍ **ROBERT LEDFORD** – Lateral Transfer to Bldg. Maintenance Mech., Pay Grade 7/2, \$22,018.00 annually, effective 9/27/02

MAYOR'S OFFICE—PERFORMANCE REVIEW:

- ✍ **MARILYN FORSYTHE** – Hire as Secretary, Pay Grade 6/1, \$19,834.00 annually, effective 9/20/02.

Beverly Johnson stated that we no longer report personnel action but that she would like to take this opportunity to recognize a long-term employee who is retiring. This person is **Ed King**, who is retiring at the end of the month and who has 28 years and 10 months of service. She stated that he would be very much missed. Chairman Littlefield noted that he is familiar with Mr. King and would like to be invited to his retirement party. Ms. Johnson stated that the party was held last Friday.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Pierce, the following purchase was approved for use by the IS Dept.:

MUNICIPAL SOFTWARE CORPORATION(Maintenance Contract)
Invoice Number 12168

Maintenance Contract for CityView System

\$10,000.00

BOARD RE-APPOINTMENTS

On motion of Councilman Hakeem, seconded by Councilman Pierce, the following Board re-appointments were approved:

SIGN APPEALS BOARD:

Re-appointment of **BRAD ALLEN**, representing District 4, for a term expiring **July 31, 2005**.

POLICE DEPARTMENT CITIZEN REVIEW COMMITTEE:

Re-appointment of **ROSE MARIE ENGLE**, representing District 4, for a term expiring **July 1, 2004**.

BETTER HOUSING COMM.
APPEAL

Chairman Littlefield noted that under "Other Business" on the Agenda we had listed an Appeal for Heather Bell, mentioning that this should have been after the adjournment of the meeting. He stated that this had been resolved amicably, and the item had been taken off the agenda.

COMMITTEES

Councilman Benson reminded everyone of the **Legal and Legislative Committee** scheduled for **Tuesday, October 1st at 3:00 P.M.**

Councilman Hakeem questioned how Chairman Littlefield had been able to get all of the additional items on the agenda tonight. Chairman Littlefield responded that it was usually Councilman Pierce who questioned this. He noted that there were a number of things added tonight; that many of them were related to getting to the Bond Market in a timely fashion so that we could save the taxpayers money. Councilman Pierce stated that he started earlier to make a comment about the additions; that he noticed the Chairman informed Judge Williams that his concern would be discussed in committee, and it would be two weeks before it would be on the agenda. He questioned this since the Chairman had the power to do it tonight if he wanted to. Chairman Littlefield explained to Councilman Pierce that everything that was added tonight went through a committee meeting this afternoon.

Councilwoman Robinson stated that a Parks, Recreation, Arts & Culture meeting was held earlier in the day; that we heard an update concerning "Art in Public Places Master Plan"; that we would be asked next week to vote on establishing this Plan for the City. Councilwoman Robinson went on to say that we would be well represented at the IDC meeting in Boston; that a number of delegates from Chattanooga will be traveling there and speaking on panels and telling the "Chattanooga Story" internationally.

Chairman Littlefield stated that he had spoken to a number of realtors about what is being invested in the downtown area and the fact that nothing is coming out of the taxpayers' pockets; that there is a considerable private investment; that this is going to get better, and he stated that he was glad Councilwoman Robinson and Councilman Benson are going to Boston to represent us and to tell our story well.

Councilwoman Robinson stated that this had been of keen interest for a long time, and we had gotten a lot of recognition and good press because of the generosity of the private sector and our public leadership.

J. D. KELLIS

Mr. J. D. Kellis stated that he lived on Cash Canyon Rd. in Lookout Valley; that there is 110 acres involved and someone from Marion County is “logging” out logs. He stated that Cash Canyon Rd. is a chip seal and gravel road and will only accommodate five tons and three-axle trucks, and there is a safety concern that they will get crushed by the trucks. He stated that Councilman Lively knows what he is talking about. He went on to say that they had no sewers or water and are having to pay a run-off tax; that they have no sidewalks and their tax dollars are not being used here to help them. He stated that this person is coming from Marion County into the City of Chattanooga and bringing out logs. He asked Attorney Nelson is this was legal.

Chairman Littlefield stated that this was something that it was proper to bring to the Council; that the Public Works Department might play a part as well. He mentioned the discussion of the effects of logging in Councilman Benson’s district.

Councilman Benson stated that he could empathize with Mr. Kellis; that the same thing happened in his district on Concord Rd.; that they did everything they could to prevent it legally; that they probably had an Agriculture Permit to harvest trees; that there was a limit of three-axle trucks on their road also, and they were told that the laws excluded commercial activities.

Attorney Nelson noted that it does not cover more than three-axle vehicles that have business in an area; that it might be that we could help these people because they are passing through the city and going to Marion County.

Mr. Kellis stated that they did not want to go out the Marion County way but wanted to come through Chattanooga; that he had lived here seven years and had seen 18-wheelers stuck on this road. Attorney Nelson asked if there was a way for them to go through Marion County. Mr. Kellis explained that he did not want to do this because they would make him pay \$50,000 to put the gravel back if he damaged the roads.

Attorney Nelson explained that the law does not cover more than three-axle trucks in a neighborhood because such trucks as moving vans have to come into neighborhoods and have a license to be there; that he thought we could help these people since the person in question was going through a neighborhood and not ending up in a neighborhood inside the city limits.

J.D. KELLIS (CONT'D.)

Councilman Hakeem stated that he was familiar with Cash Canyon Rd. and questioned if the man could get a truck through there. Mr. Kellis stated that he did not know if he had tried yet—that right now he is just clearing logs.

Chairman Littlefield stated that in Georgia they require bonds on roads for any damage done; that the person has to put the road back in good condition.

Mr. Kellis stated that their road was pretty rough—that it was a chip seal road, and they would like to be getting something for their tax dollars.

Chairman Littlefield stated that if we could get enough money put in place in terms of bonds, that we might could improve the road; that we need to take a look at the laws to assist in this situation; that a chip seal road would be expensive to put back. He noted that the Public Works Committee will be meeting next week, and we can look for a legal solution and put this on the Council agenda if it is required.

Councilman Lively stated that several months ago someone applied for a Permit for a flatbed 18-wheeler and was denied; that this road was not capable of handling a straight back truck; that this was for safety reasons; that the individual cutting the trees thought that if any damage was done to the roads that it would be repaired by the City.

Ms. Johnson stated that Adm. McDonald, staff, Traffic Engineering, and herself had driven down this road about a year ago and that they had determined that it was not adequate to support logging activity and had denied this individual's request; that they would not repair this road at the taxpayers' expense. She stated that they were actively working on this and any legislation they could come up with they would take under advisement as to the costs and the traffic safety issues.

Attorney Nelson stated that this was an excellent example of why we needed to raise the limit of the \$50.00 fine in cases where a person deliberately breaks the law.

PENNY THOMPSON

Ms. Thompson stated that the people present tonight who live on Cash Canyon Rd. pay over \$2,500 in city taxes alone; that the City paves other roads that do not need repairing nearly as badly as theirs do; that they have no city services except that their trash is picked up. She stated that they wanted more for their tax dollars.

Chairman Littlefield reminded her that they do have fire and police protection and that with fire protection they get a reduction on their fire insurance rating. Ms. Thompson responded that should they have a fire on this road, the fire truck could not make it down Cash Canyon Road fast enough to put out the fire; that they needed better roads for the fire trucks to get to them. **Carolyn Gentry** stated that she agreed with Ms. Thompson totally.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, October 1, 2002 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS
FILED WITH MINUTE MATERIAL OF THIS DATE)**