

City Council Building
Chattanooga, Tennessee
December 7, 2004
6:00 p.m.

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present; Councilman Franklin was out of the city on business. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Lively gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

Councilman Littlefield stated that this matter was discussed in Legal and Legislative Committee. He stated it is an amendment to the existing animals and fowl ordinance and provides updating as requested by the Animal Control Division.

On motion of Councilman Littlefield, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, ARTICLES I, II, III, AND IV, SECTIONS 7-1 THROUGH 7-3, 7-
15, 7-10, 7-31 THROUGH 7-34, AND 7-41 THROUGH 7-50, RELATIVE TO
ANIMALS AND FOWL**
passed first reading.

AGREEMENT

Councilman Littlefield stated this is an extension of the existing contract with no increase at all.

On motion of Councilman Pierce, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE, AND THE HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC., IN THE FORM ATTACHED HERETO, FOR THE OPERATION OF AN ANIMAL SHELTER FOR A PERIOD NOT TO EXCEED ONE (1) YEAR

was adopted.

CONTRACT

Councilman Hakeem spoke on behalf of Councilman Franklin and stated that this matter was discussed before the Parks and Recreation Committee on last Tuesday and approval is recommended.

Councilman Page stated this is the project in the East Brainerd area and people are present to address it.

Admin. Mitchell stated that friends from the community of East Brainerd would like to speak in favor of this Resolution, which is an architectural contract that will redesign the building that is part of the property at Heritage Park the City purchased a few years ago. He stated the master plan calls for turning it into a place the community could meet and other programs similar to what was done in the north river area recently with the Civic Center where a successful concert was held this past weekend. He stated that he intends to work with the residents in East Brainerd just as he has with those in Hixson and North River to help come up with ideas.

Sherrill McConnell stated that he lives in the neighborhood near the park and was instrumental when the master plan was developed. He stated Heritage Park was purchased in January of 2000, nearly five years ago, and on July 27 a community meet was held with 60 members attending, as well as others. He stated that the group understands that from the original concept that was presented that the house would be renovated for public usage, however that has not happened and it is time for the project to begin.

CONTRACT (Continued)

Mr. Sherrill stated when the property was purchased the county's appraisal for the house only was \$315,017 and no good business people would abandon anything of this value and size. He stated any building deteriorates when it is vacant and this is a beautiful house with big windows which could be replaced with French doors opening onto the porch from three sides of the house. He stated when it was purchased the use was to be for civic, senior clubs, weddings, and others uses, however nothing has been done, yet the interest is still there, but not available. He stated the residents of East Brainerd pay substantial amounts of property taxes each year and have no public place for community meetings and are anxiously awaiting some action. He stated use of the facility and opportunity from rental fees is being lost and failure to utilize this structure constitutes unjustifiable waste.

Jill Montrey, President of the Friends of East Brainerd Association, added to Mr. Sherrill's comments by stating that they do not have a public meeting place and wanted to talk about the upstairs portion of the house. She stated in the initial renovation it was her belief the upstairs portion would not be for public access as it requires a huge expense to make it handicap accessible. She stated that the upstairs would be renovated for small offices for non-profit groups and the benefit of this would be to have physical presence every day and help promote events in the park, while also promoting the house in many ways in renting for philanthropic endeavors to help continue funding for the house. She presented an artist's rendition of the house that has been used as note cards and in various other ways in marketing and displayed a t-shirt with the image of the house on the sleeve. She stated funds from any sales will go to benefit the house.

Norm Smith, President of the Coalition of Neighborhoods of East Brainerd, stated up to this point when they wanted to have a community meeting in East Brainerd they frequently used churches and have come close to wearing out their welcome! He stated they need community space as there are quite a number of active neighborhood associations and one of the biggest problems they have is finding a place big enough to meet. He stated this is a very nice park that needs completion of this building to make the total picture look good.

Dwayne Cox, President of the Ashwood Homeowners Association, stated as a representative of one of many neighborhood associations there is enormous growth in the East Brainerd community with more subdivisions going on and there will be more homeowner associations. He stated they need a good community place to meet, indicating that it gets harder and harder to find meeting space. He stated it would be tremendously beneficial to have a community house or place, especially in the community.

CONTRACT (Continued)

At this point, Chairman Benson recognized the presence of former Councilman Don Eaves and credited him as founder of the park.

Mr. McConnell stated the residents behind the park look down there everyday and sometimes there is no room for every car to park. He stated if the weather is fair people walk from daylight to dark, sometimes pushing buggies. He stated it is unbelievable as to the amount of use; that they never dreamed there would be that much use.

Chairman Benson stated this is the first allocation of money. Admin. Mitchell stated capital monies exist to do this first phase.

Councilman Littlefield stated that he is a big fan of the house and toured it with people from the neighborhood. He stated there was discussion due to deterioration of tearing it down and building a new facility; that an important term in real estate is "curb appeal" and he knows of no park in Chattanooga or other communities surrounding that has the "curb appeal" Heritage Park has because of the house. He stated it is not an historic structure yet beneficial in that the walls could be opened and still retain the wonderful antebellum outside look. He stated it is his hope in the future there would be access to the second floor and add on to the back to improve the kitchen facility and it is his thought it would be well used. He stated he could not imagine any other route than this.

Councilman Page stated that he knows Councilman Benson "sings" the needs of the East Brainerd area very much to the Council and it is important for him (Page) to hear the community "sing" the needs, as well, and expressed appreciation for their presence. He stated that he knows this is the design phase and there is going to be the need for more capital and does not know how much more. He asked Admin. Mitchell how much would be needed.

Admin. Mitchell stated that there was a preliminary estimate of \$180,000 worth of design toward this; that this would accomplish the work on the first floor, fix the rook that is leaking, as well as create space upstairs for some of the groups. He stated repair of the porch is included as the porch is unstable, now. He stated this amount would get the building usable for the community.

Chairman Benson stated \$180,000 has been set aside and asked if we are able to negotiate with Home Depot would that money would be allocated, as well. Admin. Mitchell responded "absolutely".

Chairman Benson commended Mr. Eaves for getting the project "off the ground".

CONTRACT (Continued)

On motion of Councilman Littlefield, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT WITH ARTECH DESIGN GROUP, INC. FOR CERTAIN RENOVATIONS OF THE HERITAGE PARK FACILITY IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$20,520.00)

was adopted.

AMEND RESOLUTION 23948

Councilman Hakeem stated Resolutions (c) and (d) were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AMENDING RESOLUTION NO. 23948, RELATIVE TO CONTRACT NOS. E-03-021 AND E-03-022, SIDEWALK REQUIREMENTS CONTRACT WITH YERBEY CONCRETE CONSTRUCTION, INC., FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$485,000.00)

was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING CHATTANOOGA LAND COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE 200 BLOCK OF BROAD STREET TO INSTALL MOVEABLE PRE-CAST STEPS TO ALLOW ACCESS TO A RAISED PATIO, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

Admin. Mitchell explained that they have a contractor that is ready to take over operation of the Skate Park and legally have to resolve the existing contract. He indicated that this matter was discussed in last week's Parks and Recreation Committee meeting.

CONTRACT (Continued)

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT TO RELEASE SANCTUARY SKATE PARK, INC. FROM ITS CONTRACT WITH THE CITY TO OPERATE AND MANAGE THE CITY'S SKATE PARK
was adopted.

21ST CENTURY WATERFRONT

Councilman Hakeem explained that the Chattanooga Downtown Redevelopment Corporation (CDRC) is the entity that the City of Chattanooga used in the development of the 21st Waterfront project and it has now come to the point where we need to set the policies and programming guidelines. He stated this entity is made up of representatives from administration, the Council and downtown agencies to oversee guidelines as to how things are run. He stated the matter is recommended for approval per previous discussion in the Legal and Legislative Committee.

On motion of Councilman Hakeem, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION TO ACT AS THE CITY'S AGENT WITH RESPECT TO DEVELOPING POLICIES AND PROGRAMS FOR THE 21ST CENTURY WATERFRONT AREA
was adopted.

OVERTIME

Overtime for the week ending December 3, 2004 totaled \$39,738.88.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **DENNIS MOORE** – Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 3, \$21,106.00 annually, effective November 17, 2004.

PERSONNEL (Continued)

- **ALBERT L. LLOYD** – Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 9, \$27,278.00 annually, effective November 17, 2004.
- **THOMAS A. SMITH** – Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 2, \$20,170.00 annually, effective November 17, 2004.
- **DEREK R. WATTS** – Reinstatement, Crew Worker, Sr., Citywide Services, Pay Grade 5/ Step 2, \$20,170.00 annually, effective November 22, 2004.
- **ADAM D. MOSER, JERRY B. SPRINGS, CEDRIC D. THORNTON** – Hire, Crew Worker, Sr., Citywide Services, Pay Grade 3/Step 1, \$18,850.00 annually, effective November 29, 2004.
- **RANDY BLEVINS** – Suspension (4 days without pay), Crew Supervisor, Citywide Services, effective January 3-6, 2004.
- **RODERICK GILBERT** – Suspension (3 days without pay), Crew Worker, Citywide Services, effective December 1-3, 2004.
- **JERRY L. HATTER** – Promotion, Crew Worker Sr., Citywide Services, Pay Grade 5/Step 3, \$21,106.00 annually, effective November 17, 2004.
- **WILLIAM C. BOYD, DAVID L. MASSENGALE** – Promotion, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 1, \$25,208.00 annually, effective November 24, 2004.
- **LABRONE PARIS** – Promotion, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 4, \$28,911.00 annually, effective November 24, 2004.
- **MAXINE R. BROWN** – Promotion, GIS Specialist, Codes, Pay Grade 10/Step 4, \$26,402.00 annually, effective November 15, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **AMY MCBRYAR** – Family Medical Leave, Communications Officer, effective November 23 – December 24, 2004.
- **CLARA JOYCE RICHEY** – Family Medical Leave, Communications Officer, effective November 22 – December 7, 2004.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **JEFFERY A. KINCER, WAYNE S. EVERETT** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective December 10, 2004.
- **TERI LEE, JAMES A. MAY** – Promotion, Lieutenant, Pay Grade F3/Step 4, \$35,258.00 annually, effective December 10, 2004.
- **CHRISTINE WARREN** – Termination, Lieutenant, effective December 7, 2004.
- **JOHN RICHARD TAYLOR** – Family Medical Leave, Captain, effective December 7, 2004 – February 11, 2005.
- **EARLINE CAMERON** – Suspension (5 days without pay), Teacher Assistant, effective November 29 – December 3, 2004.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for use by the Public Works Department:

TOTER, INC. (Lowest and best bid)
R0078248/B0002020

Universal Rollout Waste Containers

(Price information available and filed with minute material of this date)

CHANGE ORDER

On motion of Councilman Littlefield, seconded by Councilman Pierce,
A RESOLUTION APPROVING CHANGE ORDERS RELATIVE TO A CONTRACT WITH VISIONAIR, INC. FOR A RECORDS MANAGEMENT SYSTEM AND FIELD BASED REPORTING SYSTEM FOR THE POLICE DEPARTMENT WHICH CHANGE ORDERS INCREASE THE CONTRACT AMOUNT BY ONE HUNDRED FIFTY-SEVEN THOUSAND FIVE HUNDRED FORTY-SIX AND NO/100 DOLLARS (\$157,546.00), SAID AMOUNT TO BE PAID FROM GRANT FUNDS AWARDED BY THE U. S. GOVERNMENT
was adopted.

POLICE PROMOTIONS

Councilman Pierce indicated it was his understanding that the Police Department is getting ready to do promotions the first of the year.

Chief "Skip" Vaughn responded "correct".

Councilman Pierce stated that he and other members of the Council would like to look at that before it is presented, indicating that he would like for Chief Parks to address the Safety Committee on that. He asked Chief Vaughn to inform Chief Parks that the Council would like for him to brief the Safety Committee on the promotions.

BREEDING AND KENNEL PERMITS

Admin. Curry stated that upon passage of the animal services agreement, additional language has been included regarding breeding and kennel permits. He stated that he wanted the public to know that there would be an amnesty period to allow them to implement the program to make sure everyone breeding and has a kennel will have an opportunity to get registered with Animal Services. He stated the applications will be ready at the office on Amnicola or can be downloaded off the website at www.chattanooga.gov. He stated the amnesty period begins now through February 1, which will be sufficient time to give all local kennel operators and breeders an opportunity to get registered before enforcement; that their effort is to be customer friendly. He stated Animal Services will run an aggressive and comprehensive education component so all community operators will know how they might comply with regulations prior to enforcement action against them.

REFUNDS

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds of stormwater fees and/or property taxes for 2004 due to overpayments:

Sharon Haas	\$1,194.62
The Village of Ashwood LLC	1,471.61
Secretary of Veterans Affairs	1,135.49

RENTAL HOUSING REHABILITATION PROGRAM

Councilman Pierce addressed Admin. Eichenthal and stated that the new program explained in Committee a couple weeks ago sounded workable. He stated that he has thought about it since and does not know if the department is giving incentives to "tighten up". He asked Mr. Eichenthal to come back to next week's Legal and Legislative Committee and go over it one more time. Admin. Eichenthal stated he would be happy to.

Councilman Pierce stated several programs are starting and indicated that he did not know who would be around to administer them as effectively as Mr. Eichenthal would. He stated that needs to be considered prior to start-up.

Admin. Eichenthal stated that he was doing a full briefing toward the end of this week and would come back to Committee to reflect upon what they are doing and the feedback from administrators. He stated most folks are pretty excited about the opportunity.

CERTIFICATION OF ELECTION RESULTS

City Attorney Nelson stated that he has received certification from the Hamilton County Election Commission the results of the November election in which three Charter amendments the Council proposed were all adopted which reflects a precinct-by-precinct count and the ordinances amended.

In accordance with information contained within the certification documents: **for Ordinance 11590, 31,435 votes "for"** (65.40%) and 16,634 votes "against" (34.60%) were cast for this Ordinance amending the Charter "*so as to require two readings of all Ordinances rather than three*"; **for Ordinance 11591, 40,335 votes "for"** (84.27%) and 7,529 votes "against" (15.73%) were cast for this Ordinance amending the Charter "*so as to require certain information set forth in State law to be part of the annual city budget*"; **for Ordinance 11592, 34,470 votes "for"** (73.53%) and 12,410 votes "against" (26.47%) were cast for this Ordinance "*so as to provide that Ordinances shall take effect upon become law or at such subsequent time as the Council may designate*". **(A copy of the certification document is filed with minute material of this date.)**

SATELLITE VOTING SITES

City Attorney Nelson stated that Ms. Dzik, Administrator of Elections, called on behalf of the Hamilton County Election Commission to see if the city wanted to open satellite voting sites as in the last city election.

SATELLITE VOTING SITES (Continued)

City Attorney Nelson stated the estimated cost would be \$15,000 to open two of them. He stated the matter was discussed in Legal and Legislative Committee earlier today and it was suggested that the Council move ahead and do that and open one in Northgate and one at the Brainerd Recreation Center. He stated if this meets with the Council's approval a motion is needed to authorize him to call Ms. Dzik and incur that expense on the city's behalf.

On motion of Councilman Taylor, seconded by Councilman Page, City Attorney Nelson was authorized to communicate with Ms. Dzik the Council's wish for two satellite voting sites and incur the expense on the city's behalf.

RESULTS OF HEARING FOR DAVID CHANDLER

Chairman Benson reported that an appeal hearing was held for David Chandler on yesterday morning from 9 a.m. until 1 p.m. and after deliberating, the panel unanimously sustained the termination.

RECOGNITION OF ELIZABETH DIXON

Councilman Taylor recognized the presence of Elizabeth Dixon, known as the "Mayor of Alton Park". He stated Ms. Dixon is preparing to move into her new home in The Village and is proud and pleased to have her in the audience.

DISTRICT 7 CHRISTMAS PARTY

Councilman Taylor offered a final invitation to everyone to attend the District 7 Christmas Party at Coolidge Park on Monday, December 13 beginning from 5 – 7 p.m. He stated the twelve days of Christmas would be presented.

SYMPHONY'S WIND QUINTET

Councilman Page expressed thanks to the Parks and Recreation Department for a successful presentation by the Chattanooga Symphony's Wind Quintet this past Friday at the North River Civic Center. He announced that on Friday, December 17 the Hixson High School Band would perform at the Center at 7 p.m.

SPECIAL MEETING OF THE COUNCIL

Chairman Benson announced that the Council would not meet on Tuesday, December 21 and 28. He stated a special Council meeting is scheduled for Thursday, December 23 at 9:30 a.m., prior to the Mayor's Christmas party. He stated the Council would meet to consider one item and allow the audience to address the Council if needed.

COMMITTEES

Councilman Lively scheduled a meeting of the **Safety Committee on Tuesday, December 14, immediately following the meeting of the Legal and Legislative Committee** for a matter the Fire Department has to discuss. He asked Chief Vaughn to communicate with Chief Parks to come to the meeting, as well, to discuss the proposed police promotions.

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, December 14 beginning at 3 p.m.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, January 4, 2005 beginning at 4 p.m.**

NEWLY ASSIGNED TIMES FREE PRESS REPORTER

Duane Gang, reporter for the Times-Free Press, introduced the new reporter who would be covering City Council activities, Herman Wang, from North California.

Chairman Benson welcomed the new reporter and wished him, as well as Mr. Gang, much success.

GREG DIXON

Greg Dixon of 1116 Orangewood Avenue in Eastdale introduced his daughter, Tanya McCallie of 2240 Tunnel Boulevard. He stated he was present because of the flooding that has occurred at his daughter's new home. He stated his daughter's new home was one of several built to uplift the community and this is the first home she has owned; that the home was purchased brand new, yet she is having a problem with flooding. He stated the drainage system is not working properly and displayed photos, indicating that he walked through a path from Tunnel Boulevard on the side of her house to determine the blockage; that the water turns and runs across her property and her back yard looks like a lake.

GREG DIXON (Continued)

Mr. Dixon stated that he called 311 and someone was sent out to look at the situation, however they have not heard anything more from them. He stated that his concern has to do with the flooding and the possibility of an infestation of mosquitoes and all, indicating that there are young babies all around them and they are concerned about the health issue. He stated if his daughter wanted a lake she would have moved toward Harrison Bay, but she is on Tunnel Boulevard and the water is in her back yard. He stated from his walking through the path it is his thought the water is coming from the City's drainage system, indicating that he knows new sewage lines were put in.

Chairman Benson stated that he really understands what Mr. Dixon is talking about and indicated that the City Engineer, Naveed Minhas, was present and would meet with him following the meeting in the hope he could correct the situation. He stated that he has a lot of sympathy for what Mr. Dixon expressed as there was flooding in his neighborhood on yesterday. He stated many others are suffering in the same way.

Mr. Minhas indicated that he would talk to Mr. Dixon and take a look at his situation in an effort to determine the problem.

SISTER BEY

Sister Bey stated that she had a Pontiac on the side of her house last year and the Judge dismissed the case and her two Cadillacs were moved. She stated she is not interested in money but she wants restored what was taken from her. She stated last week she had trouble with her cable and the technician that came to repair it indicated that it is a wonder she had not had a fire. She stated when her Pontiac was moved out of her back yard she knew the fence was knocked down and the cable man said she would have a fire and the only "person" she could charge for this is the City. She displayed copies of the deed and title to her home, as well as the title to one of the Cadillacs that had been removed, reiterating that she is not interested in money. She stated that she heard something go "bam" in her kitchen and found that all the plaster had fallen and has since been told she has to have a new roof; that she paid someone \$50 to stop the leak, wherein it was indicated that the looked as if the nails had come loose and bricks had fallen out. She indicated that she has hired Attorney Wolfe and any comments the city has in regard to this should be given to her attorney (Wolfe).

Chairman Benson asked Sister Bey if this happened today.

SISTER BEY (Continued)

Sister Bey responded that the city is responsible for it as they had no right on her private property. She stated the city tore down the house next door to her and the city does nothing but seize property. She asked that the city “get their act together” and talk to Mr. Wolfe because her house is leaking!

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, December 14, 2004 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)**