

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
November 27, 2007**

Chairman Page called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Feely, Gaines, Pierce, Rico and Robinson present. Councilman Franklin was absent due to a prior commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Jack Benson, followed by invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION:  
TONY WILLIAMS AND  
JAYLEN ANDERSON**

Councilwoman Robinson stated that she was hoping that Judge Moon might be coming, and it was noted that he was present. She asked him to join her at the podium, along with Tony Williams, Jaylen Anderson, and Pam Williams. She asked Judge Moon to explain to those present what these two young men have done to bring such honor to them. She stated that the City has a Proclamation to read and that Mr. Williams' mother was also present. She also asked Dr. Hill to join everyone at the podium.

Judge Moon first of all thanked the Council for taking time to recognize these two special young men. He stated that a few weeks ago he was at the Taco Bell and after ordering his food and sitting down, he felt a "tap" on his shoulder and Tony and Jaylen were standing there, stating that they thought he had dropped \$5.00. Judge Moon stated that he asked the boys where they got the money, and they told him that he had dropped it at the cash register. Judge Moon asked them why they didn't just keep it, and they somewhat "scolded" him and told him that it was not theirs.

**SPECIAL PRESENTATION:**  
**(CONT'D)**

Judge Moon stated that he took the money and thanked them and that it was overwhelming to him, and he watched them and before they ate, they said "grace". He stated that he went over and thanked them again, and they told him they went to Hixson Middle School. He added that Tony was an all-county football player. Judge Moon stated that he then went out to the car and met Tony's mother (Pam Williams) and introduced himself as Judge Moon and Ms. Williams asked "what has my son done"? Judge Moon stated that he told her "something wonderful". He asked her to tell their teacher that he would come over to their school. He went over to the school and presented Tony with the \$5.00 bill that was framed and told him that he appreciated his honesty and good example and that he also gave him some money.

Judge Moon went on to say that he ran into a fellow at the courthouse (he promised not to mention names), and he was moved by this experience and asked that we find out what district these young men lived in and have them come down to the City Council for recognition. Judge Moon went on to say that Kevin Adams had provided scholarships for each of them in the amount of \$2,000. Judge Moon stated that he had talked about these two boys and this particular "unnamed" fellow wanted to give them money, too, and had stuffed some money in his pockets.

He went on to say that he had received e-mails about this from as far away as Boston, Massachusetts and that he had two short stories that he would like to relate.

The first story began at a popular restaurant where a lady came up to him and said "you're Judge Moon". She went on to say that she was a teacher at a prestigious private school and told him what a wonderful, wonderful story that was about the two young men who did what was right when no one was looking. The teacher said that the next morning in her math class she posed the question to her kids and told them how privileged they were to be able to attend this school, and she asked them if someone gave them more change than what they were due, what would they do? She stated that she asked them to write down their responses, and she took the responses and analyzed them and "teared" up because 52% said they would not give the money back because it was the cashier's fault; that 25% said that money was no issue in their family and that they did not even count their change. He said that this story said a lot about these two boys.

**SPECIAL PRESENTATION:**  
**(CONT'D)**

The next story that Judge Moon told related to Stan Lanzo. He stated that Mr. Lanzo came to his office and shut the door and told him about stopping at an old hardware store in South Alabama, stating that when he got his change he realized that it was too much—that it was \$2.00, and he decided just to pass on since he didn't live here; that he got to the door and remembered the story about Tony Williams, and he went back and told the old man that he had given him \$2.00 too much; the old man thought that he had shortchanged him \$2.00; however when he understood that he had given Mr. Lanzo \$2.00 too much, he asked him to keep one of the dollars for his honesty.

Judge Moon went on to say that Rosa Parks sat down for justice and now it was time for all young people to stand up for respect and integrity; that Rosa Parks had sat down so that these young men were able to stand up. He went on to say that their families had instilled honesty in them—that people have to be taught to be honest. He stated that this whole experience had been a blessing to him; that this was just a simple thing, but we “live in our guts”, and these young men had been honest when no one was even looking—that this told what a person is all about. He thanked the Council for allowing him this time and expressed to Councilman Pierce that he did not even mention his name! He thanked Councilman Pierce for his “kind” heart.

At this point Councilwoman Robinson asked Dr. Hill to speak.

Dr. Hill thanked the Council on behalf of higher education, stating that she taught at UTC and one of the things she did was to inspire young African-American youths and all other young people to rise up to the level of our expectations; that the expectations of these two young men's parents was huge, and the parents had set very high standards; that we need to make sure that such acts do not go unnoticed and to let them know that honesty and integrity are two of our most precious assets; that if one maintains honesty and integrity, it will take one through life and people will notice that you are different. She stated that at this time she would like to present to each of these young men a certificate for exemplary character and honesty; that it would make them mentors for their peers and also she would like to present them with a shirt and tie and a complimentary lunch or dinner at Haven's Buffet. She stated that she would like for them to wear the shirt and tie to dinner, with their “pants up”.

**SPECIAL PRESENTATION:**  
**(CONT'D):**

Dr. Hill went on to say that she also had something to give to Judge Moon; that she had worked with kids all her life and when they do good things it most often goes unnoticed but when they do bad things, everyone knows about it; that these two young men had honesty and integrity and came from good homes and had Judge Moon not done what he did, no one would have known about this and that the young men needed to know that honesty counts and should be rewarded for this. She presented a certificate, also, to Judge Moon and stated that she had a certificate for him to go to Haven's Buffet, also. (Judge Moon, laughingly said that it should be to Taco Bell, with Dr. Hill stating that Judge Moon should have some "soul food".)

Councilwoman Robinson stated that in addition, the City of Chattanooga also had certificates for each young man in recognition of their loyal and dedicated service to this City; that they were signed by Chairman Dan Page and herself. She presented the certificates along with pins of the City to each of them and thanked Judge Moon and Dr. Hill. She added that this story had "made our Christmas".

Chairman Page stated that this had been an inspiration and thanked everyone for coming.

**AMEND CITY CODE**  
**ANIMAL WASTE**

On motion of Councilman Benson, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 7, ANIMALS AND FOWL, SECTION 7-15, BY  
ADDING A NEW SUBSECTION (e) RELATIVE TO ANIMAL  
WASTE DISPOSAL**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman Feely,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 26, BY DELETING SECTION 26-58 IN ITS  
ENTIRETY**

passed second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**(MR-2007-153 R & D Properties/Michael Doubleday)**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**AN ORDINANCE CLOSING AND ABANDONING A PART OF  
THE 3800 BLOCK OF BALDWIN 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 and final reading and was signed in open meeting.

Councilman Pierce confirmed that it was the 3800 Block.

**REZONING**

**(2007-137 Phillip Mucci)**

Councilman Benson stated that the way this is written, it is confusing.

Mr. Haynes with RPA stated that the applicant had requested that this case be withdrawn; that it was the case in Highland Park that wanted a duplex. He explained that the applicant had already applied for a Special Permit to bring this into compliance rather than asking for a rezoning to R-2; that he had applied for the new Special Permit for a duplex under special circumstances, and this would be coming back to the Council in January.

Councilman Pierce questioned why the Resolution was not done at the same time? Mr. Haynes explained that this matter was deferred several weeks ago in order to get the new permitting process in place. Councilman Pierce indicated that he did not support the permitting process.

**REZONING (CONT'D)**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1507 KIRBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE**  
was withdrawn.

**INTERLOCAL AGREE.  
HOMELAND SECURITY**

On motion of Councilman Rico, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, FOR THE PURCHASE OF HOMELAND SECURITY PORT SECURITY CAMERA/SURVEILLANCE EQUIPMENT IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED TWENTY-THREE THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS (\$523,538.00), WITH HAMILTON COUNTY GOVERNMENT REIMBURSING THE CITY OF CHATTANOOGA FROM A FY 2007 INFRASTRUCTURE PROTECTION PROGRAM GRANT PROVIDED TO HAMILTON COUNTY, TENNESSEE, BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH BARGE, WAGGONER, SUMNER & CANNON, INC. FOR ENGINEERING AND DESIGN SERVICES RELATIVE TO THE SOUTH CHICKAMAUGA CREEK GREENWAY PROJECT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-ONE THOUSAND DOLLARS (\$241,000.00), SUBJECT TO APPROVAL OF SAID CONTRACT BY THE CITY ATTORNEY'S OFFICE**  
was adopted.

**TEMPORARY USAGE**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING FIDELITY TRUST COMPANY  
TO USE TEMPORARILY A PORTION OF THE SIDEWALK IN  
FRONT OF THE OLD HAMILTON HOTEL AT 714 CHERRY  
STREET FOR THE PLACEMENT OF A PLANTER, AS SHOWN  
ON THE DRAWING ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO CERTAIN  
CONDITIONS**  
was adopted.

**OVERTIME**

Overtime for the week ending November 23, 2007, totaled \$67,958.80.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- **LEROY COOPER**—Hire as Survey Instrument Tech., Pay Grade 10/7, \$33,845.00 annually, effective 11/05/07; Resignation, effective 11/21/07.

**CHATTANOOGA POLICE DEPT.:**

- **MICHAEL HAYNES**—Resignation of Property Service Clerk, effective 11/24/07.

**CHATTANOOGA FIRE DEPT.:**

- **DAVID N. TALLENT**—FMLA for Lieutenant, effective 11/21/07—02/12/08.

**PERSONNEL (CONT'D)**

**PERSONNEL/BENEFITS DEPT.:**

- **MADLINE GREEN**—Hire as Occupational Safety & Wellness Manager, \$63,963.00 annually, effective 12/10/08.

**HOTEL PERMITS**

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following hotel permits were approved:

**ECONO LODGE—LOOKOUT MOUNTAIN**—150 Browns Ferry Rd., Chattanooga, TN

**COMFORT INN**—7620 Hamilton Park Dr., Chattanooga, TN

**PURCHASE**

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the General Services Division:

**MUNICIPAL EQUIPMENT, INC. (Lowest and best bid)**  
**Requisition R0102776**

Automated Bodies for Garbage Trucks (3)

\$322,134.00

**HEARING:**  
**OFFICER DERRICK STEWART**

Attorney Nelson reminded Councilmembers of the hearing set for **Officer Derrick Stewart** on **Monday, December 3<sup>rd</sup> at 9:00 a.m.** The panel consists of **Councilmen Pierce, Gaines and Benson.** The alternate is Councilwoman Robinson.



**COMMITTEES**

Councilman Benson reminded everyone of the **Legal and Legislative Committee meeting scheduled for Tuesday, December 4<sup>th</sup> at 3:00 p.m.** He stated that we were not yet ready with the Transportation Ordinance, but next Tuesday some time will be spent on the Air Pollution Board amendments to the Ordinance.

Councilwoman Bennett stated that there would be a **Budget and Finance Committee meeting to immediately follow the Legal and Legislative Committee on Tuesday.**

Councilman Pierce stated that he thought Ms. Kelley would be present tonight. In her absence, he asked Ms. Madison if she could give the Council an update on the Pay Study.

Ms. Madison stated that even though she was coming to the podium, she could not give an update; that she understood a meeting was to be held; that there was no report ready and Ms. Kelley would be back tomorrow.

Councilman Benson stated that he was getting questions about the Study and also an e-mail that a scheduled session had been cancelled. He stated that he would like to have an update on the information since employees were told that this would be ready in October, and he needed the information as there were a lot of rumors about the Study being "scuttled".

Ms. Madison agreed that the Study was not occurring as scheduled; however it was moving along and Ms. Kelley would be back tomorrow, and she would ask that Ms. Kelley call the Councilmembers regarding this.

Councilman Benson asked that Ms. Kelley e-mail the entire Council with a status report.

**RAY WEST**

**Mr. Ray West** approached the Council, stating that he was Vice-President of the Young Professionals, a group that has grown to 450 people. He stated that they were young in their state of mind and were also professionals that used their skills to pay their bills. He stated that they wanted to be active and civic-minded and be a part of this community as good citizens. He noted that there were a number of Board members present tonight who wanted to be a part of the community and were eager to participate. He asked them to stand. He stated that the Young Professionals could be a great asset to the Council; that the young professionals were as important to the City as bandwidth is to the Internet. He stated that he appreciated this opportunity and wanted to tell the Council that they were here and wished to partner as good citizens and would be watching in the future as to the growth of the City.

Chairman Page expressed that the Council had great interest in these young people staying in Chattanooga; that they were our future.

**WALTER RHEA**

**Mr. Rhea** stated that he lived on S. Clayton Ave.; that about a month ago a house came up for sale, and it had been nothing but a headache; that 12 people were living in one dwelling in the Crestview Subdivision; that most of the people in this area had lived here over 50 years; that he had raised his family here and had lost his first wife here; that he had woke up this morning and two moving van trucks were parked on this narrow street and if he should need an emergency call, no one could get there. He stated that his wife was sick and both he and his wife had been in the hospital. He stated that this had been a good neighborhood, and he did not like what was going on; that one house had burnt down, and they had cleared the lot, and the man next door had bought the lot, and Mr. Rhea had asked him if he was going to build on it, and he said "no"; that he had a \$250,000 house and that this neighborhood was going down, and he was not going to sit there and let it go down and his property value go down. He stated that the man just wanted to control this lot until he could sell his house; that he had been there since 1960. Mr. Rhea stated that he was not this kind of people; that one of his neighbors was a retired army man; that they all had problems because people were coming and going day and night.

**WALTER RHEA (CONT'D)**

Chairman Page had to stop Mr. Rhea because of time but assured him that the Council understood his problem.

Councilman Benson asked if Clayton Ave. was off of Gunbarrel? Mr. Rhea explained that it was off South Seminole and John Ross Rd.

Councilwoman Gaines stated that it was in her district, and she had communicated with Mr. Rhea many times, and it was nice to finally meet him. She stated that she would share with the Council their conversations concerning his issues, which she had shared with the 311 Department. She stated that first of all, she thought that most of his complaints were relating to trash and vehicles in the yard and unruly neighbors with 13-14 in one house. Also, he had a problem with the hours they keep; that there were several other issues and maybe some that Chattanooga government can resolve. She stated that with her last conversation with 311, both the vehicles and trash had been removed; that an engineer had been out to speak to Mr. Rhea about a possible fire hazard. She stated that it was her understanding that by law, unless our Building Code inspector has a reason to come in, they cannot enter a home; that there was no reason for the City to enter this dwelling at this time.

Mr. Rhea stated that the roof was falling in and needs repair; that if the roof falls down, it will catch fire.

Councilwoman Gaines responded that that will be the time when the City will have reason to approach the building; that right now they could not enter.

Adm. Beverly Johnson was called to the podium.

Chairman Page stated that he thought it would be a good idea for Ms. Johnson and Mr. Rhea to have their talk in private and then they could bring Councilwoman Gaines up to date. He thanked Mr. Rhea for coming before the Council.

**JOSH BRAZZEL**

**Josh Brazzel** approached the Council, stating that he lived on E. 10<sup>th</sup> St.; that he wanted to talk about experiences that he had had since he had lived there so that the Council would know of his issues. He stated that he lived and worked downtown and was really concerned about the homeless shelter; that he moved to the City because he wanted to be a part of the revitalization effort, and he had bought his home and was getting involved with his community and had “set up shop”. He stated that ever since he had been in the neighborhood there had been a challenge—that it was not the best neighborhood and with the homeless shelter being there they would constantly have problems with people asking for money, food, and alcohol. He questioned what would happen to their community; that he might have to put his house on the market, and he had a small child on the way. He questioned if he wanted to justify putting his family at risk because of a bad element. He urged the Council to help them out with this big problem because people were going to have to leave to find a more comfortable situation. He stated that his confidence was waning because the Council is not being prudent and is not telling them what is going on.

Chairman Page responded that for his part, number one, he knew that we approved the Interfaith Hospitality Network last week and that he voted “yes” for this, and the Blueprint is under review, and it will not specify the location of facilities. Secondly, a member of this committee that was putting the Blueprint together was present last week, along with seven others, and they said that this was not in conflict with what is in the Blueprint. Thirdly, he had looked at the services that they offered; that homeless people were not located at the Interfaith Network, and he did not see this as a problem; that he knew that Mr. Brazzel had a problem; but he felt that Interfaith was okay and that it could improve the area. He emphasized that the Council has **not** approved anything else, and he would judge anything else by his own personal feelings. He stated that these were the issues the Council was facing and that no one wants to destroy Mr. Brazzel’s neighborhood. He admitted that he did not know the answer but pledged that he would review the situation and come up with the best solution he could and that he would listen to him. He stated that these were his personal thoughts, and he appreciated Mr. Brazzel’s time in coming tonight.

**JOSH BRAZZEL (CONT'D)**

Mr. Brazzel responded that he appreciated Chairman Page's thoughtfulness, but he wanted to be sure that every bit of diligence is done and that we don't take steps backward; that they were concerned and that they appreciated the Council's time. He stated that a lot of people were very worried and wanted to leave the neighborhood and a lot of things would be abandoned.

**CARTISHA SALES**

**Ms. Sales** approached the Council, bringing to them the issue of public transportation; that her issue was to try to get out of herself and to help other people with their problems; that she was dealing with issues of young girls; that these young girls were having to get young men to bring them back and forth to work because there were no busses in the area; that these young women were beginning new lives and learning how to live as adults, and we needed to think about these other citizens. She went on to say that public transportation did not go as far as this; that bus drivers were not hospitable but were nasty and rude and that they did not sanitize their busses; that there was garbage in them and people that had to ride busses to work would get sick, and it was just nasty. She asked the Council to take into consideration public transportation so that people could get back and forth from work safely; that sometimes these young women had to "hook" up with thugs to get them to work because they could not rely on busses.

Chairman Page stated that he would make a suggestion. He suggested that Ms. Sales write a letter to Mr. Tom Dugan and copy it to the Council; that she should write down her specific problems and let the Council know by copy of her letter. He stated that Mr. Dugan needed to address this and that Ms. Sales could get his address from Ms. Crownover.

**ADJOURNMENT**

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, December 4, 2007 at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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