

**City Council Building
Chattanooga, Tennessee
July 23, 2002
6:00 p.m.**

Vice Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Lively, Page, Pierce, Robinson and Taylor present; Chairman Littlefield was absent due to personal commitment. 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, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: BOB EDWARDS/HAMM,
GERMANY GUESTS**

Bob Edwards, President of the Sister City Association, stated that this year marks the 25th Anniversary of the Sister City relationship with Hamm, Germany; that the history surrounding this relationship began with the DuPont Factory as both had one located in their city. He stated we were fortunate last fall when a large group of adults from Hamm came to Chattanooga in October and this year one of the largest groups of exchange students is visiting Chattanooga, indicating that a few of them are present tonight. At this point, he introduced Karen Claypool.

**SPECIAL PRESENTATION: BOB EDWARDS/HAMM,
GERMANY GUESTS (Continued)**

Karen Claypool stated that the exchange program has been going on for a number of years and indicated that Hamm has a reciprocal program. She confirmed that a large group of exchange students are visiting this summer who have been in Chattanooga two weeks and will be here for five weeks altogether. She stated the students have indicated that they love Chattanooga and would like to stay longer!

Mr. Edwards expressed thanks to the Convention and Visitors Bureau and the Mayor's office for the VIP passes the students enjoyed while visiting many of Chattanooga's attractions.

Vice Chairman Franklin expressed thanks for the Hamm guests' presence and asked that they stand, along with those who serve as sponsors. He expressed hope that they will enjoy their stay in Chattanooga!

CLOSE AND ABANDON

MR-2002-042: Pro Properties of Chattanooga

On motion of Councilman Lively, seconded by Councilman Taylor,

**AN ORDINANCE CLOSING AND ABANDONING A FIFTY FOOT (50')
WIDE RIGHT-OF-WAY LOCATED IN THE 2200 BLOCK OF BALDWIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, WITH THE TENNESSEE AMERICAN WATER COMPANY AND
THE CITY OF CHATTANOOGA RETAINING THEIR UTILITY EASEMENTS IN
THE FULL WIDTH OF THE EXISTING RIGHT-OF-WAY OF BALDWIN STREET**

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

CLOSE AND ABANDON**MR-2002-097: Sashi Madan**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
1000 BLOCK OF METRO DRIVE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, WITH THE ELECTRIC POWER BOARD
MAINTAINING THEIR UTILITY EASEMENT**

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

AMEND CITY CODE RELATIVE TO ANIMALS

Councilman Franklin indicated that this matter has been discussed thoroughly in the Safety Committee over the past several months and approval is recommended. He stated the Ordinance deals with those things that would intrude on the citizenry as it relates to the rights of owners and individuals who may be so affected.

Paul Miller, Director of Animal Services, expressed thanks to the Task Force and indicated that many hours were spent on this Ordinance. He asked members of the Task Force present to stand, stating that it was a very diverse group, which included rescue groups, attorneys, veterinarians and others covering the gamut of all animal-related industries. He stated the Ordinance is divided into three parts; that the first deals with potentially dangerous dogs, the second with dangerous dogs and the third with guard dogs. He stated the third part of the Ordinance does not become effective until January 2003 and addresses the commercial properties that have dogs for the purpose of guarding that property and keeping people off.

Mr. Miller stated a lot of time was spent on the first two parts and applies only to dog and no other animals. He stated that it applies to dogs exhibiting behavior that is determined potentially dangerous or dangerous, does not apply to specific breeds and does not classify a breed as more dangerous than the other. He stated that the Ordinance deals with dogs that attack and/or threaten other animals, not only people; that it is hoped the potentially dangerous part is more or less an educational tool to inform owners of the possibility there is a problem.

AMEND CITY CODE RELATIVE TO ANIMALS
(Continued)

Mr. Miller stated City Court would determine whether a dog is deemed **potentially dangerous**, indicating that four things have to be done if a dog has been deemed potentially dangerous: (1) inspection, (2) notify property owner if renting or leasing property, (3) attend obedience classes and (4) the dog has to pass the AKC canine obedience test, which are “good manners” for dogs. He stated a dog could be removed from the potentially dangerous dog list if there are no incidents within an 18-month time period.

Mr. Miller continued by stating **dangerous dogs** are identified by City Court and there are 16 mandates which have to be met which include micro-chipping, obedience training, neutering, inspecting, notification of landlord, DNA sampling, fencing, purchasing \$100,000 liability insurance, wearing a special collar and tag, muzzled when off property, attending behavioral modification courses and no chaining of dog when outside of property, to name a few. He stated the Court has an opportunity to impose other restrictions. He stated other points would be dogs acting in self-defense off their property; that if another dog runs at him in an attack or aggressive mode this does not designate him as potentially dangerous, but reacting in self-defense.

Councilman Page commended Mr. Miller and the Task Force for their great work. He asked if an owner places a “beware of dog” sign at his home does this imply that person has a dangerous dog and should be so declared?

Mr. Miller responded under the definition, “no”; that it is probably not a good idea to do that. He stated the dog has to come off the property and exhibit behavior to be so designated.

Councilman Hakeem expressed surprise by the number of responses that came to him from residents who are supporting this action. He stated one of the persons who called him is present this evening, who has had a problem not only with dogs, but also with bulls and chickens! He stated something of this issue is very meaningful to residents.

Mr. Miller stated in the last sixty days his department has been tracking complaints and average probably 12-15 per month; that incidents that would fall under potentially dangerous and dangerous dogs averages out to every day or every other day (complaints) and are evenly spread between aggression to humans and other animals, especially cats.

AMEND CITY CODE RELATIVE TO ANIMALS
(Continued)

Vice Chairman Franklin expressed appreciation to Mr. Miller and others for their work, as well as the input from the citizenry and the Committee who helped tweak the Ordinance and provide the "teeth" to make sure citizens are safe and have the rights they deserve.

On motion of Councilman Lively, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
 CHAPTER 7, RELATIVE TO ANIMALS**
 passed first reading.

CLOSE AND ABANDON

MR-2002-079: Holy Temple Church

On motion of Councilman Pierce, seconded by Councilman Taylor,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
 LOCATED ON THE NORTHEAST LINE OF CRUTCHFIELD STREET, MORE
 PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
 ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
 passed first reading.

LIFT CONDITIONS

2002-110: Peter Gibson - Nino Piccolo Architect

Councilman Taylor stated this matter has been requested for deferral an additional week.

On motion of Councilman Taylor, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
 IMPOSED IN ORDINANCE NO. 11108 ON PROPERTY LOCATED AT 615
 WEST BELL AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN,
 SUBJECT TO CERTAIN CONDITIONS**
 was deferred an additional week.

CLOSE AND ABANDON

MR-2002-104: Mitchco, LLC

On motion of Councilman Hakeem, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING PART OF THE 2300
BLOCK OF OHIO AVENUE SOUTHWEST OF LATTA STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

AD VALOREM TAXES

On motion of Councilman Benson, seconded by Councilman Lively,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE KENCO
GROUP, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE
INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON,
TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND
EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM
TAXES**
was adopted.

AD VALOREM TAXES

On motion of Councilman Page, seconded by Councilwoman Robinson,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE LJT OF
TENNESSEE, LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE
INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON,
TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND
EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM
TAXES**
was adopted.

UTILITY EASEMENT

Councilman Hakeem stated Resolutions 7(c) – (e) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
**A REOLUTION AUTHORIZING THE PURCHASE OF A UTILITY EASEMENT
FOR A TRAFFIC CONTROL DEVICE LOCATED AT 650 MCCALLIE
AVENUE, TAX MAP NO. 145D-P-006, FROM THE FIRST CHRISTIAN
CHURCH OF CHATTANOOGA, INC., RELATIVE TO CONTRACT NO. SS-
9-00, UNIVERSITY OF TENNESSEE STREETCAPES, FOR A TOTAL
CONSIDERATION OF THREE THOUSAND FORTY-EIGHT AND 55/100
DOLLARS (\$3, 048.55)**
was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Lively, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
 PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM CHARLES
 DUNLAP, ET UX, RELATIVE TO THE TENNESSEE RIVERBANK
 STABILIZATION PROJECT, TAX MAP NO. 118N-F-001, LOT NO. 55,
 TRACT NO. 608E, FOR A TOTAL CONSIDERATION OF ONE THOUSAND
 ONE HUNDRED FORTY-FIVE DOLLARS (\$1,145.00)**
 was adopted.

**DEED OF PERPETUAL CHANNEL IMPROVEMENT
EASEMENT**

On motion of Councilman Taylor, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF
 PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM STEPHEN M.
 NICELY, ET UX, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION
 PROJECT, TAX MAP NO. 118N-D-008, LOT NO. 47, TRACT NO. 609E,
 FOR A TOTAL CONSIDERATION OF SIX HUNDRED TWENTY-TWO
 DOLLARS (\$622.00)**
 was adopted.

**APPROVAL/ADOPTION 21ST CENTURY WATERFRONT
PLAN**

Councilman Page stated this matter was discussed thoroughly in today's
 Economic Development Committee meeting and approval is recommended.

On motion of Councilman Page, seconded by Councilman Pierce,
**A RESOLUTION APPROVING AND ADOPTING THE 21ST CENTURY
 WATERFRONT PLAN, A COPY OF WHICH IS ATTACHED HERETO AND
 MADE A PART HEREOF BY REFERENCE**
 was adopted.

OVERTIME

Overtime for the week ending July 19, 2002 totaled \$21,366.54.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **CHARLES E. SANDERS** – Return from Family Medical Leave, Crew Supervisor, Citywide Services, effective July 17, 2002.
- ✍ **JACKIE WALDEN** – Promotion, Crew Supervisor, Sr., Waste Resources, Pay Grade 12/Step 1, \$26,792.00 annually, effective June 5, 2002.
- ✍ **STACY R. SMITH** – Family Medical Leave, Equipment Operator, effective July 17, 2002.
- ✍ **WILLIE A. BIRDSONG** – Suspension, Crew Supervisor, Sr., effective July 23-25, 2002.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **MICKEL GENE HOBACK** – Return From Military Duty, Policeman, effective July 19, 2002.
- ✍ **CARY WOOTEN** – Resignation, Police Officer, effective July 17, 2002.
- ✍ **PATRICIA WIDELL** – Resignation, Police Officer, effective July 30, 2002.
- ✍ **TIM CHAPIN** – Suspension (7 days without pay), Police Officer, effective July 20-26, 2002.
- ✍ **STANLEY STILES** – Suspension (3 days without pay), Animal Services Officer, effective July 30 – August 1, 2002.
- ✍ **JOE HARPER** – Suspension (2 days without pay), Police Officer, effective July 25-26, 2002.
- ✍ **PHILLIP NARRAMORE** – Suspension (2 days without pay), Police Officer, effective July 25-26, 2002.

PERSONNEL (Continued)

COMMUNITY SERVICES DEPARTMENT:

- ✍ **PATRICIA A. WHATLEY-BRYAN** – Transfer, Secretary, Sr., Community Development, Pay Grade 7/Step 2, \$22,018.00 annually, effective July 26, 2002.
- ✍ **SCOTT B. LINDSEY** – Resignation, Manager, Human Rights, effective July 9, 2002.

MAYOR'S OFFICE/EXECUTIVE DIVISION:

- ✍ **DAVID EICHENTHAL** – Hire, Director, Office of Performance Review, \$97,500.00 annually, effective June 28, 2002.

BETTER HOUSING APPEAL

City Attorney Nelson stated this matter has been tabled for the past two weeks regarding an appeal by Heather Bell involving property located at 711 Highland Park.

Admin. Curry stated this property has been before the Better Housing Commission and is scheduled for demolition. He stated the owners of the property, Jonathan and Heather Bell, indicate that it covers one acre and was purchased for a rehabilitation project. He stated at this point they have been unable to rehabilitate the house and Better Housing brought the matter before the Commission as the community registered a complaint. He stated the Bells have agreed to work aggressively to sell the property and liquidate their assets and think they have a potential buyer for the property. He **asked that the matter be deferred for 60 days in an effort to work with the Bells as opposed to having the Council hear the matter at this time.**

On motion of Councilman Pierce seconded by Councilman Benson, the matter received approval for delay for 60 days.

City Attorney Nelson stated in the event an appeal before the Council is necessary, a hearing date of September 24, 2002 was scheduled to immediately follow the Council meeting.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, July 30 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, August 6 beginning at 4 p.m.**

(Councilman Lively excused himself form the meeting at this point.)

SISTER BEY

Sister Bey asked for Admin. Curry's resignation, indicating her distaste for the condemnation of houses as decided through the Better Housing Commission. She stated Admin. Curry is condemning everything and that she is still waiting on information regarding her cars that were seized. She stated that she would let the President and Chief Justice handle this matter.

GARY BALL

Gary Ball of the Ridgedale Community Association stated that he wanted some assurance the Council Office is working on the problem Better Housing has. He stated that he wanted to make sure the Council is aware that that body is not functioning well; that he took time off from work last week and had people attend with him, as well, regarding a particular piece of property they were trying to get demolished. He stated the Better Housing Commission is supposed to have 15 people present, however, only 5 were present; that they "hung around" for 45 minutes and someone called the City Attorney's Office and found the attorney that was scheduled to attend the meeting told them that he would come if someone else could be found to constitute a quorum. He stated 19 cases were scheduled for that day and the meeting had to be called off and everything was moved to next month's meeting, in addition to other cases. He stated a couple elderly ladies were with him and were upset by this; that he looked at the City's statutes and found there was nothing that sets a requirement for people to serve on this Commission. He stated he was told by Mr. Penn that they like to have people with real estate backgrounds so that what was presented was understood.

GARY BALL (Continued)

Mr. Ball stated that it seems that if that group is going to continue, it would be better off for the Council to find citizens that are able to attend; that one member is on their "death bed", one had a stroke, and it got to the point that the stories were somewhat comical as to their absence. He stated their non-attendance penalizes others who are conscientious in attending and take the Commission's business seriously. He encouraged the Council and Mr. Penn to do something to change the Commission as quickly as possible.

Councilman Benson expressed appreciation to Mr. Ball for bringing the matter to the Council's attention. He stated what Mr. Ball stated was fact; that it is not peculiar just to the Better Housing Commission, unfortunately, as there are problems with attendance with the Appeals, Beer and Sign Appeals Boards. He stated that the problem getting volunteers is that they have to give up the entire day, especially with the Appeals Board, which starts at 9 a.m. He stated it is true there is a need to try to find volunteers that can serve competently; that the Legal and Legislative Committee discussed the matter involving the Board of Appeals last week.

Mr. Ball stated that this is just the most recent episode; that he is not in any way intending to single out any board; that there is a problem with all of them.

Councilman Hakeem stated that he has heard there is an effort to reconstitute the Better Housing Commission, and asked Admin. Curry if he was in a position to discuss it this evening?

Admin. Curry responded "no"; that he is not in a position to share the information just yet. He stated they are working on the legalities along with Chairman Littlefield who has taken a special interest in the Better Housing Commission and reconstitution of the Code that addresses how we deal with abandoned, dilapidated and deteriorated structures. He stated in the very near future he will be coming before the Legal and Legislative Committee to present alternatives as to how we deal with those properties. He expressed realization that the Better Housing Commission has been in existence for 25 years and has morphed into something different from its original construction. He stated they are working to identify ways to better serve the community and citizens like Mr. Ball and others who could not be heard in that forum. He stated that they have also channeled cases that do not require Better Housing's deliberation to the Environmental Court and have instituted a neighborhood court directly in the community for some cases so persons in the neighborhood can be there to present their cases and talk about the seriousness of the houses and other issues, such as junked and abandoned cars and vacant lots. He stated it is possible to have a plausible solution within the next 30-60 days.

GARY BALL (Continued)

Sylvia Bennett indicated that Admin. Curry mentioned that some cases are being moved to Judge Williams' Court and to a neighborhood court. She asked that the neighborhood leaders be forewarned and given a docket of cases so they will know; that their neighborhoods are important to them.

Vice Chairman Franklin indicated that Ms. Bennett's request is so noted.

ADJOURNMENT

Vice Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, July 30, 2002 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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