

City Council Building  
Chattanooga, Tennessee  
November 5, 2002  
6:00 p.m.

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. 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 Councilman Lively, seconded by Councilman Franklin, the minutes of the previous meeting were approved as published and signed in open meeting.

**AMEND BUDGET ORDINANCE AND SET FORTH THE INTERCEPTOR SEWER SYSTEM BUDGET**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 11285, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, AND ENDING JUNE 30, 2003, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 6 (c); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM**  
passed second reading. On motion of Councilman Franklin, seconded by Councilman Page, the Ordinance passed third and final reading and was signed in open meeting.

## AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 31, ARTICLE II, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE  
TO SEWER SERVICE CHARGES AND FEES**

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

## AMEND CITY CODE RELATIVE TO NEIGHBORHOOD SERVICES

Chairman Littlefield stated this matter was before the Legal and Legislative Committee last week and the Ordinance replaces the Better Housing Commission with the procedure to refer all such matters, eventually to Environmental Court, to be handled by staff of Neighborhood Services. He presented a PowerPoint presentation prepared by Terence Martin, the Council's Intern from UTC, chronicling historical information about the Better Housing Commission. He stated the PowerPoint presentation would also be made at the last meeting of the Better Housing Commission scheduled for Wednesday, November 20.

Chairman Littlefield stated that the Better Housing Commission has a long and successful history beginning with its founding in 1953, almost 50 years ago. He stated the formulation of the Commission was the result of a proposal from the Citizens Tax Payers Association. He stated what moved the Commission to action was the 1950 Census Report which found 44% of Chattanooga's housing were inadequate or substandard based upon a housing unit being considered unfit for human residence if it was dilapidated, lacked hot running water, and did not contain at least one working flush toilet. He stated the habitation criteria was expanded in 1962 by adding requirements for indoor bathing facilities, a sound structural foundation and wiring for electric lights, all of which were later expanded and made part of the Chattanooga City Code.

Chairman Littlefield stated that the Commission issued a statement shortly after inception by putting landlords on notice that they “. . . *have no right to rent a dwelling that is dilapidated, not painted regularly, does not have a flush toilet and is not wired for electricity*”. By the same token, a statement to renters was issued which referenced “. . . *renters do not have the right to stay in the unit if they pile rubbish in it, fail to keep it reasonably clean or are destructive to the facilities*”.

**AMEND CITY CODE RELATIVE TO NEIGHBORHOOD SERVICES (Continued)**

The presentation included memorable Commission cases such as the Douglas Street issue of 1954 involving 116 units being shut down, the Ninth Street issue in 1969 with forty-five units found to be in horrendous condition, the issue of a 2406 Union Avenue address that was deemed unfit for habitation, the Alamo Plaza Apartments in 1991, which was the subject of legal battles and years of delay prior to demolition, and the dilapidated condition of the Citico Court Apartments issue in 1992, which were finally demolished in January 2002. The presentation ended with a listing of the Commission members who have served over the years.

Judge Williams expressed agreement that the Better Housing Commission served well in the City. He saluted the members who have served diligently down through the years, stating that he started working with the Better Housing Commission in 1982 as the Special City Attorney to represent Better Housing and stayed in that position for nine years until his election to the bench. He stated that he has seen a lot of good things happen with the Commission as was mentioned in Committee; that it is time for a change and it is well to make this change at this time and recognize people who have served and served well.

On motion of Councilman Benson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 18, ARTICLE VII, SECTION 18-123(h); CHAPTER 21, ARTICLE I, SECTIONS 21-1 THROUGH 21-25; CHAPTER 31, ARTICLE II, SECTIONS 21-26, 21-28, 21-30; CHAPTER 21, ARTICLE III, SECTIONS 21-36 AND 21-40; CHAPTER 21, ARTICLE VII, SECTIONS 21-101 AND 21-123; CHAPTER 24, ARTICLE X, DIV. 3, SECTIONS 24-341(c) AND 24-345(c); CHAPTER 31, ARTICLE I, SECTION 31-2(b); AND CHAPTER 32 ARTICLE III, SECTION 32-174, RELATIVE TO NEIGHBORHOOD SERVICES**  
passed first reading.

**RESOLUTION OF APPRECIATION**

Chairman Littlefield presented a resolution of appreciation for Brian Smith who served as the Commission's Vice Chairman from 1976-1977 and became Chairman after that and has served in that capacity ever since! He stated that he has served in a "Herculean way" and the City could not possibly repay him for the time he has spent on this particular task. He stated Mr. Smith's service was simply done because of love for what he had to do.

**RESOLUTION OF APPRECIATION (Continued)**

Chairman Littlefield stated the Resolution would be framed and presented to him (Smith) at the last meeting of the Better Housing Commission on November 20. He stated other members of the Commission would be recognized for their service, as well.

At this point, Chairman Littlefield expressed thanks to Terence Martin for putting the PowerPoint presentation together. He stated that he “believes in interns” as he has had a number work with him on special projects while employed with Planning. He stated Mr. Martin is an aspiring law student majoring in Political Science. Councilman Hakeem echoed Chairman Littlefield’s comments.

On motion of Councilman Page, seconded by Councilwoman Robinson,

**RESOLUTION**

**Whereas:** The Chattanooga Better Housing Commission was established in 1953 in response to a finding by the United States Census that 44% of the City’s housing stock was substandard; and

**Whereas:** Over the years, almost 100 of the community’s citizens have served as members of the Board of Directors of the Better Housing Commission; and

**Whereas:** Brian C. Smith was first appointed to the Board in 1974, served as Vice Chairman from 1976 to 1977, and then accepted the significant responsibility as Chairman in 1978 - a position that he has continued to hold until the present time; and

**Whereas:** Brian C. Smith has been instrumental in helping the Better Housing Commission to improve and maintain the quality of Chattanooga’s housing; and

**Whereas:** The Better Housing Commission and all those who have served have made a significant contribution to improvement to the strength and stability of neighborhoods in Chattanooga through the remediation and rehabilitation of blighted property.

**Now, Therefore Be it Resolved** by joint resolution of the Mayor and Council of the City of Chattanooga that the community expresses heartfelt appreciation to Brian C. Smith and wishes to extend special recognition and honor for his many years of service.

**RESOLUTION OF APPRECIATION (Continued)**

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 5th day of November, 2002.

/s/ Bob Corker, Mayor /s/ Ron Littlefield, Council Chairman  
was adopted.

**CLOSE AND ABANDON**

**MR-2002-154: Timothy Scott Voss**

The applicant was present.

On motion of Councilman Page, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING THE 3000 BLOCK OF  
30<sup>TH</sup> 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 first reading.

**GRANT**

Councilwoman Robinson stated Resolutions 7(a), (b) and (c) were discussed in the Parks and Recreation Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO  
EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE  
ACCEPTANCE OF A GRANT IN THE AMOUNT OF NINETEEN THOUSAND  
TWO HUNDRED FIFTY DOLLARS (\$19,250.00) FROM THE LYNDHURST  
FOUNDATION, RELATIVE TO THE EXPANSION OF THE SOUTH  
CHICKAMAUGA CREEK GREENWAY**  
was adopted.

**CONTRACT: JDH COMPANY**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT TO RE-ROOF THE GLENWOOD RECREATION CENTER TO JDH COMPANY FOR THEIR LOW BID IN THE AMOUNT OF THIRTY-SIX THOUSAND EIGHT HUNDRED SIXTY-NINE DOLLARS (36,869.00)**  
was adopted.

**AGREEMENT: FRANKLIN ASSOCIATES ARCHITECTS, INC.**

On motion of Councilman Taylor, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE AN AGREEMENT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC., RELATIVE TO DESIGN WORK FOR IMPROVEMENTS AT THE MEMORIAL AUDITORIUM AND TIVOLI THEATER, IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 7, RELATIVE TO THE MARTIN LUTHER KING CSO CONTROL FACILITY, CONTRACT NO. CSO-6-99, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHT THOUSAND SIX HUNDRED FORTY-SIX AND 90/100 DOLLARS (\$8,646.90), FOR A REVISED CONTRACT AMOUNT OF THREE MILLION FIVE HUNDRED EIGHT THOUSAND EIGHT HUNDRED FIFTY-EIGHT AND 75/100 DOLLARS (\$3,508,858.75) AND INCREASING THE CONTRACT TIME BY TEN (10) DAYS**  
was adopted.

**MASTER INTERLOCAL AGREEMENT: HAMILTON COUNTY GOVERNMENT**

Councilman Benson stated this matter was discussed in the Legal and Legislative Committee and received the Committee's endorsement.

**MASTER INTERLOCAL AGREEMENT: HAMILTON  
COUNTY GOVERNMENT (Continued)**

Chairman Littlefield stated that the County is expected to take up the agreement at their meeting tomorrow with the same language.

On motion of Councilman Franklin, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MASTER  
INTERLOCAL AGREEMENT WITH HAMILTON COUNTY GOVERNMENT  
RELATIVE TO THE DEVELOPMENT OF ENTERPRISE SOUTH INDUSTRIAL  
PARK**  
was adopted.

**OVERTIME**

Overtime for the week ending November 1, 2002 totaled \$79,604.93.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **MICHAEL E. JONES** – Family Medical Leave, Equipment Operator, Sr., Citywide Services, effective October 23, 2002 – January 15, 2003.
- ✍ **CATHY BARONAVASKI** – Return from Medical Leave, Light Equipment Operator, Citywide Services, effective October 28, 2002.

**CHATTANOOGA POLICE DEPARTMENT:**

- ✍ **CAMMIE TUDORS** – Family Medical Leave (twelve weeks of FMLA will be exhausted), Police Officer, effective October 14 – 20, 2002.
- ✍ **JUDIE JOHNSON** – Medical Leave of Absence, Police Records Clerk, effective October 30 – November 24, 2002.
- ✍ **BRIAN LITTLE** – Termination, Police Officer, effective October 30, 2002.
- ✍ **RICHARD COOK** – Termination, Police Officer, effective October 31, 2002.

## PERSONNEL (Continued)

- ✍ **GREGORY HARRELL MARDIS** – Return from Military Leave, Police Officer, effective November 1, 2002.
- ✍ **ELAINE H. SMITH** – Resignation, Police Records Clerk, effective November 1, 2002.

### CHATTANOOGA FIRE DEPARTMENT:

- ✍ **RANDY L. JACKS** – Promotion, Resource Chief, Pay Grade F5/Step 6, \$52,014.00 annually, effective November 1, 2002.
- ✍ **MISHELLE A. KINCER** – Hire, Executive Assistant, Pay Grade 13/Step 1, \$27,952.00 annually, effective November 1, 2002.

### PARKS, RECREATION, ARTS AND CULTURE DEPARTMENT:

- ✍ **NATHANIEL DONEGAN** – Termination, Crew Worker, effective September 19, 2002.
- ✍ **ELAINE E. ADAMS** – Hire, Therapeutic Specialist, Pay Grade 13/Step 1, \$27,952.00 annually, effective November 1, 2002.
- ✍ **PATRICIA L. CLARK** – Hire, Office Assistant, Sr., Pay Grade 5/Step 1, \$18,674.00 annually, effective October 18, 2002.
- ✍ **BRANDON BURGER** – Termination, Crew Worker, effective October 25, 2002.
- ✍ **REGINALD COTTON, DAVID PARROTT** – Hire, Crew Worker, Pay Grade 3/Step 1, \$18,100.00 annually, effective October 25, 2002.
- ✍ **ROGER BRASWELL, LARRY D. HELTON** – Termination, Crew Worker, effective November 1, 2002.

## DECLARE SURPLUS

Chief Dotson explained that several officers are going on a mission trip to Arad, Romania. He stated police officials in Arad have requested vests the Chattanooga Police Department no longer uses.



**DECLARE SURPLUS (Continued)**

On motion of Councilman Lively, seconded by Councilman Franklin, the following items were declared surplus for the Chattanooga Police Department:

**TWELVE BULLET PROOF VESTS**

Donation to Arad, Romania Police Department. Applicable paperwork will be processed to transfer the vests.

**No Cost**

**FINAL MEETING OF BETTER HOUSING COMMISSION**

Admin. Curry expressed thanks to the Council for their leadership in bringing forth the new Neighborhood Services Ordinance. He extended an invitation to the Council to attend the final meeting of the Better Housing Commission scheduled for Wednesday, November 20 at 2 p.m. in the Council Assembly Room.

**HEARING: FIREFIGHTER BILAL MUHAMMAD**

City Attorney Nelson stated the request for a hearing to appeal a fourteen-day suspension has been received from Firefighter Bilal Muhammad.

**A hearing date for Mr. Muhammad was scheduled for Monday, December 2 at 3 p.m.** with Councilmen Benson, Hakeem and Page serving as the panel hearing the request.

**COMMITTEES**

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, November 12 at 3 p.m.** to discuss street solicitations as requested by the Police Department and the City Attorney. Chairman Littlefield stated a Resolution to make a matter of record the findings of the Blue Ribbon Tax Committee is scheduled for discussion in the Legal and Legislative Committee and then on the agenda for Council action.

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, November 12 at 4 p.m.**

## **PUBLIC ART MEETING**

Councilwoman Robinson announced that the Public Arts Steering Committee and Mayor Corker need the public's participation again at a public workshop in an effort for the public to tell them what they think in helping to reach a great public art plan that will reach all corners of our City. She stated the meeting is scheduled for Monday, November 11 at 5:30 p.m. at the Chattanooga; that it will be an interesting workshop with state-of-the-art electronic polling. She stated parking is free, light refreshments will be served and they are hoping for a big turnout!

## **CLARENCE WILLIAMS**

Clarence Williams of the North Brainerd Neighborhood Association expressed gratitude to the Public Works Department for picking up animals in the neighborhood on yesterday considered undesirable. He stated that he believes in giving praise when praise is due, again expressing thanks to the department for helping the neighborhoods in the City.

## **THOMAS MCDANIEL**

Thomas McDaniel stated that he has been an employee of the City for the last 22 years and was present to bring up a matter that was before the Council about three weeks ago that Councilman Pierce brought up. He stated the City Attorney distributed information regarding a State Law against purchasing his police vehicle. He stated what he is requesting does not meet the criteria of the State Law for the vehicle he is trying to purchase. He stated it is not drivable and will not be going to auction because it is going to the Siskin strip yard and the City will receive \$55 or \$65 dollars for it. He reiterated that the car is at the strip yard and that it still has his equipment on it. He related hundreds of dollars he has put into the car with various equipment including a camera system, stereo system, alarm, new seats and new carpet. He stated that the car is a 1993 Crown Victoria and that a letter from Fleet Management reflects that the car has been declared surplus and is no longer useful to the Police Department as the parts for the car are obsolete.

Mr. McDaniel continued by stating that all he is requesting is to buy it or pay \$60 dollars. He stated the camera was installed as the result of an altercation he was involved in in 1992 while on a police call. He stated that the side of his head was crushed, his jaw was broken, (he) lost his right eye and (he) has gone through 54 surgeries. He stated in the past cars have been donated to Erlanger and horses and dogs have been given to officers.

**THOMAS MCDANIEL (Continued)**

Mr. McDaniel stated all he is asking for is \$60 worth of scrap metal; that the motor is bad and the transmission needs repairing. He stated he would like to repair the car and keep the camera system on it.

Chairman Littlefield stated that he remembers issues such as this coming up several years ago during the days of the former City Commission or at the beginning of the Council, and for this reason it was his understanding the police department discouraged officers from putting personal money and items into the vehicles.

Councilman Pierce asked the City Attorney if it would be illegal to transfer the car the way Mr. McDaniel has requested; that it is not out of the ordinary for the Council to declare it surplus and donate the car under the circumstances, since it is not drivable. He stated that he talked with the Chief who has verified that the car is in no condition for auction.

City Attorney Nelson stated that it is his thought there is another way to handle this matter and asked to speak with Mr. McDaniel following tonight's meeting.

Councilman Benson expressed agreement with Councilman Pierce. He stated a similar situation happened in the school system where installations of water fountains occurred, which created a problem as to who would use them. He stated the City Attorney has related that there is a State Law or local policy that once items are installed into City property it then becomes the City's property.

Chairman Littlefield stated that the matter is being left with the City Attorney to work with Mr. McDaniel and the Police Department.

Mr. McDaniel expressed his thanks.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, November 12, 2002 at 6 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)