

**City Council Building  
Chattanooga, Tennessee  
July 29, 2003  
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, 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, Chairman Franklin gave invocation.

**MINUTE APPROVAL**

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

**RESCIND RESOLUTION 23806**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION RESCINDING RESOLUTION NO. 23806, ADOPTED MAY 20, 2003, AND ENCAPTIONED "A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR REMOVAL AND REPLACEMENT OF THE ROOF AT THE CHATTANOOGA-HAMILTON COUNTY RESCUE BUILDING TO ATLAS ROOFING FOR THEIR LOW BID IN THE AMOUNT OF TWENTY-TWO THOUSAND ONE HUNDRED FIFTY DOLLARS (\$22,150.00)**  
was adopted.

**CONTRACT: JDH COMPANY**

Councilman Littlefield stated this facility is located on Lee Highway near the Ace Hardware Store and is in District 6.

Councilman Pierce inquired as to where this building is located. Chief Coppinger responded that the building was a fire station and was donated or given to Chattanooga-Hamilton County Rescue per an agreement signed several years ago. He stated this Resolution fulfills the City's part for maintenance of the building.

**CONTRACT: JDH COMPANY (Continued)**

Councilman Pierce asked if the County has any input.

Chief Coppinger responded "yes". He stated the Rescue group provides rehabilitation, drinks and food on multiple alarm fires and operates with the SWAT team. He stated this is our contribution back to them for what they give us.

Councilman Taylor inquired as to the higher contract price.

Chief Coppinger stated the contract with Atlas was the lowest and best bid, yet they did not have the license to do the roof at the time, so they came back and forfeited the contract saying they could not get a license to put it on. He stated the bid was then awarded to the next lowest bidder, which was (J.D.) Helton.

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR REMOVAL AND REPLACEMENT OF THE ROOF AT THE CHATTANOOGA-HAMILTON COUNTY RESCUE BUILDING TO JDH COMPANY FOR THEIR LOW BID IN THE AMOUNT OF TWENTY-SEVEN THOUSAND NINE HUNDRED EIGHTEEN DOLLARS (\$27,918.00)**  
was adopted.

**TEMPORARY USE: YACOUBIAN TAILORS**

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

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING YACOUBIAN TAILORS TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 721 BROAD STREET TO INSTALL AN AWNING OVER THE ENTRANCE DOORS AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CHATTANOOGA GOLF AND COUNTRY CLUB, RELATIVE TO CONTRACT NO. W-02-001, NORTH CHATTANOOGA SEWER PROJECT, PARCEL NO. 136G-A-001, TRACT NO. 01, FOR AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00)**  
was adopted.

**SEWER EASEMENT**

Councilman Pierce inquired as to the different in amounts for the two contracts.

Councilman Hakeem stated this was discussed in Public Works Committee and Admin. McDonald has "signed off" on it. He stated the difference has something to do with the location of property and the square footage amount.

Admin. McDonald stated that the secondary is a sodded area which will have to be re-sod afterwards and is part of their golf course. He stated the other was a ditch line area on property that was not particularly valuable and was granted to us for \$1.00.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CHATTANOOGA GOLF AND COUNTRY CLUB, RELATIVE TO CONTRACT NO. W-02-001, NORTH CHATTANOOGA SEWER PROJECT, PARCEL NO. 136H-M-027, TRACT NO. 02, FOR AN AMOUNT NOT TO EXCEED SIX THOUSAND DOLLARS (\$6,000.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Pierce, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM HANOVER PROPERTIES, LLC, RELATIVE TO CONTRACT NO. W-02-001, NORTH CHATTANOOGA SEWER PROJECT, PARCEL NO. 136A-K-021, TRACT NO. 03, FOR AN AMOUNT NOT TO EXCEED FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00)**  
was adopted.

## SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM HANOVER PROPERTIES, LLC, RELATIVE TO CONTRACT NO. W-02-001, NORTH CHATTANOOGA SEWER PROJECT, PARCEL NO. 136A-K-016, TRACT NO. 04, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**  
was adopted.

## OVERTIME

Overtime for the week ending July 25, 2003 totaled \$108,396.71.

## PERSONNEL

The following personnel matters were reported for the various departments:

### **PUBLIC WORKS DEPARTMENT:**

- **JOSEPH BLANKS** – Termination, Concrete Worker, Citywide Services, effective July 21, 2003.
- **GEORGE DERAMUS** – Termination, Equipment Operator, Sr., Citywide Services, effective July 15, 2003.
- **THOMAS M. AKINS** – Retirement, General Supervisor, Sr., Citywide Services, effective July 31, 2003.
- **STEPHEN L. HARRELSON** – Promotion, Crew Supervisor, Citywide Services, Pay Grade 11/Step 1, \$25,633.00 annually, effective July 21, 2003.
- **DAVID F. DELANEY** – Promotion, Light Equipment Operator, Sr., Pay Grade 8/Step 1, \$22,153.00 annually, effective July 28, 2003.
- **GREGORY P. PLEMONS** – Hire, Equipment Operator, Sr., Waste Resources, Pay Grade 8/Step 1, \$22,153.00 annually, effective July 23, 2003.

Admin. McDonald acknowledged the retirement of Thomas M. Akins after 30 years of service, expressing his thanks and wished him well!

## PERSONNEL (Continued)

### CHATTANOOGA POLICE DEPARTMENT:

- **MARCUS EASLEY** – Return from Military Leave, Police Officer, effective July 21, 2003.
- **JOSEPH HOWARD** – Resignation, Police Officer, effective July 3, 2003.
- **DENNIS NORWOOD** – Hire, Manager Information Services, Pay Grade 16/Step 1, \$31,430.00 annually, effective July 25, 2003.
- **CHAD SUTTLES** – Return from Military Leave, Police Officer, effective July 15, 2003.
- **KAREN TAZEWELL** – Return from FMLA, Administrative Secretary, effective July 30, 2003.
- **EUGENIA SHERRILL** – Resignation, School Patrol Officer, effective July 16, 2003.

## HOTEL PERMITS

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following hotel permits were approved:

**HOLIDAY INN EXPRESS** – 3710 Modern Industries Parkway, Chattanooga, TN

**NORTHSIDE MOTEL** – 442 Cherokee Boulevard, Chattanooga, TN

**MOTEL 6 – DOWNTOWN** – 2440 Williams Street, Chattanooga, TN

**HOLIDAY INN EXPRESS** – 7024 McCutcheon Road, Chattanooga, TN

**STONE FORT INN** – 120 East Tenth Street, Chattanooga, TN

**COMFORT SUITES** – 2431 Williams Street, Chattanooga, TN

## "LAST CHANCE" INITIATIVE

Admin. Curry called the Council's attention to last week's activities regarding the Mayor's "Last Chance" initiative that was kicked off on Friday afternoon at 1 p.m. in all strategic neighborhood areas throughout the City. He stated there are over 100 properties in the court system for various reasons that are vacant, abandoned and in a state of disrepair; that property owners have been asked to address their properties in a very productive fashion. He stated ten of the 100 properties have been alerted and they will continue to notify them in an incremental fashion that the Department will be taking the most aggressive and strictest efforts they can take pursuant to *City Code* to create a productive response out of the property owners.

Admin. Curry stated the first ten property owners would be given two weeks to bring their properties into compliance. He stated if there is no compliance a 4 X 4 sign will be erected in the front yard of the property indicating the name of the property owner, the address and that the property is a nuisance. He stated after that time, they will take the property to Environmental Court and the Judge will issue a demolition order or the property may be brought to this body and request that it be placed in the "Spot Blight" designation. He stated the "Spot Blight" Ordinance allows for property to be taken to the Chancellor and assessed by fair market value and then a sale occurs based upon the fair market value, not on the asking price, but the fair market value. He stated that he wanted to take this time to entertain any questions about the "Last Chance" Initiative Council members might have and if more discussion is needed or alerts given he would be happy to meet with Council members individually and privately to talk about it.

Councilman Pierce inquired if he was correct that property owners would be given two weeks to come into compliance. Admin. Curry responded "yes".

Councilman pierce stated that it seems two weeks is a little quick on some properties and asked if consideration would be given if "some attempt" has been made to bring the properties into compliance as opposed to full compliance.

Admin. Curry indicated that Councilman Pierce was right; that on most properties they could not come into full compliance. He stated they are asking that they comply with the *Code* in terms of making a very good effort to show a demonstrated plan or to enter into a contract with someone to exchange property or get the property out of that portfolio in terms of compliance with the *Code* and in terms of making a very good effort to create a productive parcel.

### **"LAST CHANCE" INITIATIVE (Continued)**

Councilman Pierce stated it is his hope that that would be explained to the property owner at the proper time. Admin. Curry stated that they would explain this.

Councilman Taylor asked if this initiative is just for individual residences and whether it would move to businesses.

Admin. Curry stated that this initiative does not address businesses; that businesses will be addressed in an aggressive fashion in a similar way, however, they will not erect the 4 X 4 sign. He stated the Council might see some come before them (Council) if they ask for an appeal of what we are doing.

Councilman Taylor stated Anchor Glass Company has been an eyesore in the community for a long time. He stated the community has been patient and the City has been overly patient! He stated something needs to be done and (he) would appreciate any help Neighborhood Services could give.

Admin. Curry stated that they try to deal with more residential property since they are on a limited budget.

Councilman Benson stated that it was stated at the press conference that the initiative is mainly focusing on one area of town. Admin. Curry stated that the focus is in strategic neighborhood areas.

Councilman Benson stated that it is his hope it would be broadened further than that; that the entire City is strategic! He stated there is a tremendous amount of speculative purchasing of property close to Hamilton Place Mall in his area where houses are purchased and then are left to fall down, hoping it would become commercial at some time. He stated being a property owner carries the responsibility similar to having children and caring for animals; that we in government have the responsibility to encourage responsible ownership of property so properties are not misused, but used in a way that would not lower property values around them. He stated that is what is happening to his area and (he) does not know why this initiative is just for one section.

Admin. Curry clarified that the initiative applies to every area; that for the first level the first ten properties are in a strategic neighborhood area.

Councilman Benson stated some properties in his area are all covered with vines and broken windows and property owners are hoping for a sale for half million dollars! He stated he would like to show the property to Admin. Curry in the next few days for help on that.

### "LAST CHANCE" INITIATIVE (Continued)

Admin. Curry stated that he would be interested in looking at it.

Councilman Littlefield asked Admin. Curry how they arrived at the "top ten" blighting influences and how can Council members nominate properties! He stated that he has people calling him constantly.

Admin. Curry stated that he would rather that the term "top ten" not be used. Councilman Littlefield then indicated they could be called the "model ten"!

Admin. Curry stated that they looked at properties that had a long history in the court system and already had demolition orders against them; that they were placed in the first "leg" of signage. He stated that the Department wants to work with the Council and community to make sure properties that are contributing to decline are in that next "wave".

Councilman Lively stated that it is his hope the Department would look at the entire City rather than one area; that he realizes what they are trying to do, yet all Council members have problem properties they would like addressed.

Councilman Hakeem stated that a resident wanted to address this issue, however, it was discovered that the resident was not present.

Councilman Pierce stated that he might have misunderstood Admin. Curry's comments with regard to having some property owners appeal to the Council.

Admin. Curry stated that the appeal would be for the "Spot Blight" situations. He stated the Council would hear appeals if a property is worth salvaging and the property owner refuses to take the necessary steps to save the property; that the Department is not in the habit of demolishing property if it could be saved for housing stock.

Councilman Pierce stated that it was his thought the Council got out of hearing these cases now that the matters go through the court system; that it was his thought now that the laws are on the books it would be up to Neighborhood Services and the Court to have property owners comply with the *Code*.

Admin. Curry stated that is true with everything except the "Spot Blight" Ordinance, which must be brought to the City Council before entering that designation and then taken to the Chancellor to assess the fair market value. He stated that is the only hearing the Council would have which is why the Council has not heard any cases since the Code was changed.



### **"LAST CHANCE INITIATIVE" (Continued)**

Councilman Pierce inquired as to whether the Chancellor would be in Circuit or City Court. Admin. Curry stated he did not know the designation. Chairman Franklin indicated that it would be the Chancellor in Chancery Court.

Councilman Page stated that the Council is not acting on a new policy this evening; that Admin. Curry's initiative is not anything new just a focus on it. He stated that he thought it had been worked out that the Council would not hear cases and now he is hearing something else that the Council would hear them. He stated there has not been a hearing over the past year and asked that Admin. Curry help him understand what is being done, as he thought the policy was established and is now focusing on a new emergency.

Admin. Curry stated Councilman Page is correct there is no change in the policy and the "Spot Blight" policy is the same. He stated if the property is worth saving that property will be brought to the Council so the Council can make the designation as to whether to enter it into "Spot Blight" and then ask the Chancellor to assess the value and then the property will be placed for sale by the Chancellor's Order. He stated that has not changed; that the "Last Chance" Initiative is actually enforcing the Code that is on the books now, reiterating that there has been no change or enhancement whatsoever. He stated this allows them to utilize the *Code* to the fullest extent.

### **COMMITTEES**

Councilman Littlefield reminded Council members of the Legal and Legislative Committee meeting scheduled to begin at 3 p.m. He stated there would be a brief PowerPoint presentation on the South Broad Street Plan.

Councilman Hakeem reminded Council members of the Public Works Committee meeting scheduled for Tuesday, August 5 beginning at 4 p.m.

Councilman Benson stated the Task Force on Building Community Trust has had three meetings and one more meeting is scheduled, after which they will be ready to report their recommendations concerning community/police relations.

## **SECURITY ISSUE**

Councilman Hakeem stated there has been interest expressed regarding security here at City Hall, not only for Council members but also for the public. He asked Chairman Franklin if he would direct or work with the Safety Committee and evaluate what we have when it comes to safety, and if anything needs to be done to make recommendations to that effect. Chairman Franklin affirmatively acknowledged Councilman Hakeem's request.

## **PAT WOODLAND**

Pat Woodland stated that the last time she was in the Council Assembly Room she did not speak on behalf of animals at the Humane Educational Society (HES) because others spoke of experiences as unfavorable as hers. She stated that she visited the Humane Society last Saturday as she has for the past eight months and took her camera as she always does. She stated her photos are posted on a website with animals to be adopted. She stated this past Saturday she was told she would not be allowed to bring her camera and was told the reason was that a staff member would take photos for the website. She stated her photos also reflect the conditions on the website in addition to animals that could be adopted. She stated that she took her camera, anyway, and once inside she ventured into the outdoor kennels. She stated her visit was at 3 p.m. on a hot July afternoon and found that five of the ten kennels did not have a drop of water in the bowls and buckets! She stated she then went back inside to Private 18 and found four-to-five puppies in a corner in five-or-six inches of blood. She stated that she repeatedly asked if the kennel person could check to see which puppy was bleeding and no one responded. She stated Ms. Creswell repeatedly would not speak to her and would not allow others to speak to her. She stated that she then took her camera out and took a picture.

Ms. Woodland stated that she knows this is not a court of law and she is not present to testify; that at the end of that day she, her son, two police officers and two Humane Society Board members stood in front of the Humane Society giving information and debating who was charging whom with what! She stated all this occurred because she took her camera in and took one picture. She stated that she realizes the Humane Society is a non-profit agency, yet they are funded with taxpayers' money, her money! She stated if the City decides to continue funding this embarrassment called a shelter, any one who pays should be allowed in with cameras or not. She stated those in the community who care about animals are asking for help; that volunteers are needed at the Humane Society and taxpayers deserve better and as caring, compassionate human beings we know better.

### PAT WOODLAND (Continued)

Chairman Franklin expressed appreciation for Ms. Woodland's presence and others with her and indicated the Council would do everything possible to rectify the situation.

Councilman Benson stated the Budget and Finance Committee would review the contract with HES in a week or two. He stated it has already been agreed to accept our contract with the codicil of a representative on the Board and it is hoped it would reflect an Executive Board member; that it is his thought this would be the beginning, as we really need someone to represent this City that is a "heavy hitter" in fundraising development and leadership. He stated this is an embarrassment on the community for an animal shelter situation; that the building is an embarrassment and indicated that paint is coming off in the office area. He stated it is not a place for humans or animals and is not really up to standard for what he would like to think of Chattanooga as a place to live, work and recreate. He stated this is not something you can point to with pride and we have to do something. He asked if anyone knows of anybody that can step forward and are willing to make a large personal contribution and chair a committee to look into correcting this and collect enough funds to get a facility going, now is the time to pool thoughts and get it together. He stated the person should be someone with a personal commitment and financial resources to get the job done.

Councilman Littlefield stated that this organization has lost public confidence and it is tragic that it has come to this. He stated he was pleased to see the photo of the new Executive Director in the paper this morning with a far better description of what he hopes to achieve than what was indicated a few days ago. He stated the gentleman has his work cut out for him just to restore public trust that is so necessary for that organization. He stated some of whom that are present sent information regarding the new shelter in Knoxville and it sounds like an excellent facility. He stated that he has often made the statement that he has never found an animal shelter that is a totally happy place as they frequently have animals that are sick or injured. He stated the new facilities in Knoxville and Nashville sound like the sort of thing we need to be trying to achieve in Chattanooga and expressed that he looks forward to going and visiting those.

Councilman Page stated that it is his belief this Council has moved forward in an action mode with a new contract and Board changes. He expressed thanks to those present for bringing the matter to the Council's awareness and expressed that it is a multi-dimensional issue.

### **PAT WOODLAND (Continued)**

Councilman Page stated that others are involved in this contract with the Humane Society and expressed his hope they have communicated with them, in addition to the City. He stated he sees this as a regional issue and clarified that those in attendance have the Council's commitment.

Councilwoman Robinson commended the citizens for taking the time and energy to come to the meetings; that it is her thought every Council member can say they have been diligent and relentless! She stated having worked for many years in the Chattanooga community in various activities, she knows the value of volunteers and can only imagine what a wonderful shelter we would have if hundreds of people would be willing to serve a shift or take responsibility to help out. She stated citizens of our community are a wonderful resource and expressed that she hopes and prays that the new Executive Director would find this important large volunteer army to help meet the challenges.

Councilman Hakeem stated as a Council we are interested, concerned and are making the effort to move forward. He stated that he has one of the best representatives on the committee, Sylvia Bennett, who keeps him informed, involved and expressed thanks to her for that. He expressed appreciation to others present for what they do.

Chairman Franklin stated that the group was not hearing "lip service" from the Council; that the Council would follow through.

Lou McKenzie gave the Council three names to consider as a voting member of the Executive Board: Councilman Jack Benson, Darde Long and Sylvia Bennett.

Councilman Benson stated if the representative is to be a success, it has to be a "heavy hitter" to come up with a big amount of money themselves and then go to friends and say match it. He stated it would take \$2 million and should be the kind of person who puts together large fundraising. He stated it should not be an animal advocate for a successful venture.

### **ALLEN RIGHTMEYER**

Allen Rightmeyer submitted a copy of the front page of a document of a petition to revoke the "ten day broke down car law" and offered for others in attendance to sign the document.

### **ALLEN RIGHTMEYER (Continued)**

Councilman Littlefield indicated that it would require 14,000 signatures, similar to the two-way street issue, for a referendum on changing an ordinance that exists.

Mr. Rightmeyer stated he would like to see the law put back the way it was. He stated that he has a lot of signatures and no one has refused to sign it. He stated since he started the petition he has received numerous death threats; that his eight-month old Rottweiler was poisoned and he saw the person who did it. He stated the person came in the backyard and poisoned the dog. He stated that he saw the city vehicle as it backed out and drove off.

Councilman Pierce cautioned Mr. Rightmeyer that what the Council was hearing was something that was beyond the Council's purview. He suggested that Mr. Rightmeyer go ahead and get his petition and to contact an attorney for advice. He stated this is not the forum to make accusations toward the Council and the Council is not in the position to change any laws that are on the books. He stated the Council has not been asked to change anything at this point and (the Council) does not need to listen to him (Rightmeyer) anymore! At this point he attempted to make the motion to adjourn, however, Chairman Franklin indicated another person wanted to speak.

### **GARY BALL**

Gary Ball of the Ridgedale community stated that he has been troubled since last week and is before the Council asking for help. He stated that he watched a lady that has lived in the neighborhood thirty years being taken away by police to Moccasin Bend last week. He stated this lady has spoken to police over-and-over about problem properties. He stated that he is afraid if we do not get together on this there could be more ramifications and made reference to a drug house in the area that he e-mailed one of the Lieutenants in the Police Department about. He stated he was basically called and told they (Police Department) had done all they could do and the patrol people were doing all within their ability to do. He stated they are "worn out" and "burned out" in the area and a lady at the Vital Center came to him and asked for help. He stated they cannot seem to get to the bottom of nuisance properties because of this man's civil rights (at one of the nuisance residences); that they cannot get problems resolved at 2104 East 13<sup>th</sup> Street. He made reference to drugs being purchased through an air conditioning slot, yet police say things are better, not great. He stated the drug dealers watched the policemen put the woman in the patrol car and they saw him (Ball) in the street with the police officers and they (drug dealers) thought it was funny!

**GARY BALL (Continued)**

Mr. Ball stated they think he is funny and the City government is funny; that they know they cannot be thrown out of the house until they are ready to go. He stated they have been evicted as the matter went to Chancery Court and it will take a couple weeks to get them out and they know that! He stated he does not know what to tell people at community meetings. He stated they have to have some way to communicate with the police because they are at a point of frustration.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, August 5, 2003 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)**