

**LEGAL AND LEGISLATIVE COMMITTEE**  
**September 4, 2001**  
**3:30 P.M.**

The meeting of the Legal and Legislative Committee was called to order by Chairman Littlefield, with Councilpersons Robinson, Benson, Pierce, Franklin and Hakeem present. Councilmen Lively and Taylor joined the meeting later. Attorneys Randall Nelson and Mike McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included William Penn, Henry Brooks, Adm. McDonald, Dana Stoogenke, Dave Buckner, Mike Compton, Adm. Boney, Beverly Pasley Johnson, Kenardo Curry, and Todd Womack. Judge Williams, Chief Dotson, Shelley Parker, and Adm. Mitchell joined the meeting later.

**GLENWOOD NEIGHBORHOOD PLAN**

Councilman Littlefield allowed Dana Stoogenke of Planning to go over the Glenwood, Churchville, and Orchard Knob Neighborhood Plan. She invited the Council to attend a Public Planning Workshop on **Thursday, September 6<sup>th</sup> at 6:00 P.M. to be held at the Glenwood Recreation Center.** She explained that this was a public meeting and everyone was invited. This is a kick-off meeting that Councilman Hakeem requested in the spring, and they are just now getting to it. The boundaries of the area included are Orchard Knob, McCallie Ave., the Ridge, and Memorial Hospital. She stated that everyone was excited about the process, and they had gotten positive press. She stated that they needed to get folks out to the meeting, noting that a lot of institutions are involved such as Memorial Hospital, Orange Grove, and Notre Dame. There is also a strong residential component. She stated that they hoped to bring this to the Council in February and would keep the Council updated. She reiterated that everyone was welcome to come to the workshop/charette this week.

Councilman Hakeem stated that some had questioned "Why not Wilcox?" Ms. Stoogenke explained that they were working with three distinct neighborhood associations and had gone with the Churchville boundaries and that the neighborhood associations helped them shape these boundaries.

Chairman Littlefield asked if there were any questions and thanked Ms. Stoogenke.

**NOISE ORDINANCE**

Chairman Littlefield explained that this was the Legal and Legislative Committee for those new to the process; that the committees were divided among the Council persons, and this was his committee to chair. He stated that there were other things to consider in addition to Dana Stoogenke's presentation on Glenwood. He explained that zoning studies and plans end in an amendment to the policy or the City Code, which this committee is responsible for in making recommendations to the full Council.

He continued with the Noise Ordinance, showing a quick video concerning the Noise Ordinance. He stated that he had distributed packets to the Council with background material on how several other cities handle this. He noted that our Ordinance is "quaint" in terminology and lacking in enforceability. He stated that it is our intent to update this, and it will take work between the Council and the City Attorney's office. At this point he showed a video from New York City, stating that if a community like New York can bring this under control, surely a city like Chattanooga can do the same. He went on to say that he gotten sample ordinances off the Internet, and the best ones that compare to us are Knoxville and Huntsville, where they use decibel limits in noise violations. He stated that Judge Williams would welcome decibel limits and meters as it would be easier to enforce in court. He explained that this would be written in the general guidelines; that it is now 50' away, and we would put in specifics. If there is a violation and the officer is not there with a decibel meter, he can write a citation. Chairman Littlefield stated that \$250.00 is the average cost for a decibel meter; that he would like to see these provided to police precincts so that the police will be equipped at the precinct level. He stated that there was no action to request at the Council level today but that he would be working with Attorney Mike McMahan on this.

Councilwoman Robinson stated that there were two other areas that needed to be looked at. Some businesses in the downtown area have music that blasts out and she questioned what we can do about motorcycles leaving bars that are adjacent to residential areas late at night. She stated that it was not just boom boxes that cause noise pollution.

Chairman Littlefield noted that there would be some provisions written in for special events.

**REFUSE COLLECTION POLICY DRAFT**

Chairman Littlefield asked Adm. McDonald to present the proposed Refuse Collection Policy. Adm. McDonald stated that they would go over how we will comply with the Ordinance; that there will be three sites where residents may deposit trash; that they will set up three sites. He noted that they would be concentrating on the enforcement part of the policy in regards to compliance. He called on William Penn to go over the Policy.

Mr. Penn stated that the Brush and Trash Collection services 58,000 households, collecting 200 tons at the curb. He explained that the Code gives specific guidelines concerning such things as leaves, grass and rubbish and the frequency of collections. It also speaks as to where it is to be placed at the curb. He noted that the guidelines are already in place but there is still a problem because people are not following the guidelines. He went over acceptable items that can be set out on the curb such as wood waste including tree trimmings, brush trimmings, and leaves. Non-acceptable items are building material, old carpet, roofing materials and hazardous materials. He went on to say that we are two to three weeks behind schedule as this is a peak calling period.

Mr. Penn went on to say that the solution to this problem is an effective means of education, telling people what we expect and there needs to be a means of enforcement to effectively deal with this. He stated that we would have four inspectors to identify piles that are not in compliance and people will have seven days to abate this, and if this is done, no further action will be taken and there will be no charges. After the 8<sup>th</sup> day, the person will be cited to court and fined and assessed a court cost. The inspectors will leave a notice attached to the pile that is in violation. He stated that before this begins that there will be a clean sweep of the City; inspectors will be looking at piles in violation and tagging them for “warnings only”. This will go on for four weeks and then enforcement will begin. He explained that in the initial “sweep”, tagged piles will be collected and after that anything they found would be tagged and subject to court.

Mr. Penn went on to mention “Trash Flash”, where people can make a call and bulky items such as furniture, appliances, mattresses, hot water heaters, etc. will be picked up within 24 hours. There is also “Sway Car Service” for large amounts of wood waste and trash items such as old carpet, clothing and small appliances.

Mr. Penn stated that there would be three Refuse Collection Centers, and that four tires per visit could be taken to these sites: These sites are (1) Airport Rd., (2) Access Road in Hixson, and (3) a site pending in the South Chattanooga area. These sites will be open from 9:00 a.m. to 7:30 p.m. each day except Sunday when the times will be from 2:00 p.m. to 7:00 p.m. None of these sites will accept hazardous materials. The sites will be manned to make sure prohibited items are not dumped. Mr. Penn stated that this should allow us to stay on schedule and approve the appearance of our neighborhoods and reduce the number of illegal set outs.

Councilman Pierce asked how many Sway Cars we had, and the answer was ten.

Councilman Franklin noted that people had been setting out trash and some of it was prohibited items; that some neighborhood associations were going to help the City and the residents by posting signs so that people would know the day the trash is supposed to be picked up. He stated that people were putting things out a day after Public Works came, and it would be out there until they came again. He asked if this could be incorporated in the new policy some way.

Councilman Benson commended Public Works for taking this on. He stated that in his district people brag about the Fire and Police but there are two problem areas—Stormwater and Trash pickup. He stated that they could handle both by letting stormwater wash the trash into Chairman Littlefield's district. He stated that he was glad the City was attacking this. He went on to say that it would take a lot of education; that he had listened carefully and had heard mention of prohibited items, but they could be picked up by Trash Flash or getting a Sway Car. He noted that there were *no* prohibitive items. Adm. McDonald stated that they were prohibited on the curb, prompting Councilman Benson to note that he was making a point. Adm. McDonald explained that we would inform our citizens when to do this and what to put out. Councilman Benson stated that the important thing was to be there when you said you would be there; that we were looking at four to five weeks some times. Adm. McDonald stated that if it is put out in the proper way, they could stay on schedule. Councilman Benson stated that teaching needed to be at the lowest denominator and pick-up times need to be when we say we will pick-up.

At this point Todd Womack of the Mayor's Office spoke. He stated that they were getting ready to instigate and getting geared up for a media campaign; that there would be significant publicity and education. He stated that he thought citizens wanted a beautiful city as much as we do; that this is a complex policy, and we will work with the media sources and educate people. He stated that a kick-off was anticipated as the first piece of education and there will be subsequent TV, Radio, and Newspaper ads to keep getting the word out. He stated that neighborhood associations would also help spread the word and that Kenardo Curry would be working with them on this; that people can make phone calls to the city and someone will help them through the process. He went on to say that they would canvas neighborhoods with leaflets and if people had questions, they could refer to their leaflets. He ended by saying that it was our responsibility to educate people on the parameters, and he thought people would comply.

Councilman Benson mentioned that Birchwood was closed at noon on Saturday, and this places a hardship on people who work throughout the week and then this closes at noon. He stated that this might need to be reconsidered. He noted that the three new sites would be kept open later, stating that noon was an early closing. He also noted that someone had said that they charged him at Birchwood. Attorney McMahan stated that pick-up trash is free for citizens. Councilman Benson reiterated that this man said they tried to charge him.

Councilman Lively stated that he thought when you do this at three points that the rules have to be upfront; that when you look at piles of refuse, 90% of it is from remodeling houses and contractors have to pay to put this in landfills. He stated that he was afraid that contractors would try to drop at these three locations to avoid being charged at the Landfill. Chairman Littlefield explained that these three sites would have to be manned with someone who could say “no”; that this would not be a totally smooth process.

Councilman Taylor verified that anything could be dropped at these three sites with the exception of toxic waste. Adm. McDonald reiterated that it would be for residents only and not businesses. Councilman Taylor asked what if you were redoing a room as a resident—how would you distinguish between the two. Chairman Littlefield answered that the person manning the site would have to question the person. He stated that he used to get all kinds of calls; that if a person has three truckloads of roofing material, then we could assume that it was not a citizen doing his roof; that some would slip through; that the person manning the site would have to ask the right questions. Councilman Taylor went on to ask about the four inspectors—if these would come from Neighborhood Services or if they would be separate. Adm. McDonald explained that they would be inspectors from Public Works under the control of the Brush and Trash Division. Chairman Littlefield added that they would be people who are reassigned and not new hires. Councilman Taylor asked how long the media blitz would last—would it be ongoing and not just a big campaign? Mr. Womack responded that initially it would be a big campaign and then it would be ongoing to remind people of the procedure. Councilman Taylor asked if it would be announced on radio stations. Mr. Womack responded that they would make an effort to have it on TV and Radio, on the morning shows, and it would remind people that we want to keep our city clean, and they would be going to neighborhood meetings and working with Kenardo to keep this alive. Councilman Taylor stated that he was trying to avoid starting a big campaign and then dropping the ball.

Attorney McMahan stated that the Ordinance would have to be “tweaked”; that they should have something in draft in about a week; that essentially it is the same policy.

Councilman Lively asked about tires and if there would be a charge for tires. Adm. McDonald responded that a resident could bring four tires and drop them off at a pick-up site.

Judge Williams stated that the County had modified their policy and now one could bring 30 tires per year to the workhouse. He stated that this policy would help; that some people leave tires out. He stated that he supported this 100%; that in addition when there are hard-pressed cases involving elderly people who don’t understand, that someone from his staff will sit down and explain this to them; that they might not understand the media blitz, and they would really explain this to people; that they would hold them by the hand and say “this is the spot to put it”. He stated that they would be friendly to people and that this was a new day for Public Works to work with people, and he supported this 100%. Chairman Littlefield noted that Judge Williams would be the first one to deal with people who fail to get the word.

Mr. **Bob Brown** stated that this fits in with their Plan; that we needed to get the media enlisted with the campaign for awareness. He stated that the timing was excellent, and they would help anyway they could. He asked about illegal dumpsites where we don’t know the perpetrators, specifically Roberts Mill Rd. and York Street. He stated that these dumpsites were major blights, and we would have to identify the perpetrators to clean them up. He stated that this was as much a problem as trash in front of houses.

Adm. McDonald stated that the inspectors would work on flexible hours and hopefully identify these sites and keep some surveillance. He stated that they would tag and try to locate the perpetrators.

Judge Williams stated that some communities are putting up cameras at dumpsites; that way the vehicles and offenders could be passed on to the Police Department. They have rotating cameras around the community. He mentioned a site where he had blocked a person and called the police. He stated that we needed to do some surveillance and one option was rotating cameras. Adm. McDonald stated that they hoped if people had an option to take trash to one of these three sites that they would not seek out illegal sites; that now people would have some place to go.

**Bob Pomeroy** of Ft. Wood spoke next. He questioned what you do with repeat offenders. He stated that in his area you have cars parked on the street day and night and people are encouraged to put their trash on the streets; that the trucks come by and can not get the trash because of the cars. He stated that the cars even pull on top of piles of limbs. He stated that it was difficult to get them picked up. Councilman Pierce asked him to talk about BFI pick-up. Mr. Pomeroy stated that they came at 9:30 this morning; that he now had an e-mail address and could communicate with Larry Angel; that using the e-mail, it gets cleaned up.

**Gary Ball** of Ridgedale was the next speaker. He stated that their problem was absentee landlords and tenants would not call Trash Flash. He stated that this was not going to work in their neighborhood. Chairman Littlefield agreed that it would not work in all neighborhoods; that some would require a change in State law. Mr. Ball stated that the burden would fall on the community representative. Chairman Littlefield stated that we would need to have a time limit and then it would be removed.

Chairman Littlefield stated that this meeting was running into the next one—that people love to talk about trash.

The meeting adjourned at 4:15 p.m.