

**City Council Building
Chattanooga, Tennessee
July 1, 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, Councilman Lively gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION

Councilman Littlefield recognized a group of residents from the Brainerd Hills community at this time.

Carol Berz stated she and others from the community were present to make a very special presentation. She stated there has been talk for a long time about sidewalks and repaving East Brainerd Road into three lanes. She stated there is now a Brainerd Hills Plan that includes sidewalks, paving and upgrading the neighborhood. She stated in a meeting with Councilman Littlefield they were trying to think of a way to help the City raise money to underwrite the project, which will cost about \$1.5 million. She stated Councilman Littlefield suggested that they have a sidewalk sale, which they did two weekends in a row and raised \$500 to give to the City toward the \$1.5 million.

SPECIAL PRESENTATION (Continued)

Ms. Berz stated that the NUSA conference came along and the community association was asked to participate, which they did to a great extent and spent over \$400 of the \$500! She stated they did have enough money left over to buy a gift for their Councilperson, which was presented at the NUSA conference. She continued by stating that they wanted Councilman Littlefield to have the pleasure and privilege of having all the Council members see them present the gift, along with the \$1.59 that is in it! She stated they told him they were going to present him with the ugliest pig they could find to remind him of his commitment to the Brainerd Hills area and of their sidewalks! At this point, Ms. Berz presented Councilman Littlefield with a ceramic pig and expressed their love and appreciation for him.

Councilman Littlefield thanked Ms. Berz and the others for the pig and kissed it!

Councilman Benson asked if the pig is a male chauvinist pig!

Ms. Berz stated the pig is from the Brainerd Hills residents, indicating that they appreciate the work of the Council and Councilman Littlefield. She stated Brainerd Hills was taken into the City in the fifties and it took over ten years to get sewers and roads; that it has been another fifty years and widening East Brainerd Road would be very, very nice.

Dr. Roger Meyer spoke, stating that he comes from another half of this group to get East Brainerd Road widened from Brainerd Road out to the railroad bridge near Walker Road with three lanes to have a turning lane. He stated that he has an office on East Brainerd Road and indicated that there had been about thirty accidents since the year 2000 in this section! He stated traffic backs up, including today; that this needs to be changed as it is hurting businesses in this area. He stated older people have told him they would not come to see him at this location; that the traffic is a real problem. He stated that he went through the area and got over 70 signatures on a petition including a memo asking for three lanes and improved traffic conditions on East Brainerd Road. He stated ripple bumps are needed down Igou Gap as there are real problems there. **(Dr. Roger's petition is filed with minute material of this date.)**

CLOSE AND ABANDON

MR-2003-052: Volunteer Realty Management

The applicant was present; others were in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the Ordinance has been corrected closing this right-of-way.

Councilman Littlefield stated that he wanted to make sure other persons present have seen the new map and are satisfied with it.

Pall Mallchok of Volunteer Realty Management stated that Mr. Pace corrected the map and all are clear on what is being closed, what is remaining, what has been removed and they are ready to move forward.

Councilman Page stated that it was his understanding there should be agreement on both sides.

Mr. Mallchok responded "yes"; the others are here.

Councilman Taylor asked if the residents are in agreement.

Mr. Mallchok stated the map before the Council is correct; that Mr. Pace has corrected the map as it should be.

Councilman Benson expressed concern in that one side appears to be in opposition and another agreeable.

One of the residents from the community indicated they had not received a copy of the map.

Mr. Mallchok clarified that all of Manchester Street comes out of the request and showed a copy of the map to those in attendance.

James W. Gentry, Jr. stated that it would be fine the way it is for those in opposition.

CLOSE AND ABANDON (Continued)

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING SEVERAL UNOPENED RIGHTS-OF-WAY BETWEEN WINDING WAY, EDGEWOOD CIRCLE, MANCHESTER STREET AND GLENN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

AGREEMENT: CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT

Councilman Lively stated this matter was discussed in today's Safety Committee meeting and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM AGREEMENT WITH THE CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE MANAGEMENT AND ADMINISTRATION OF CHEMICAL ANTIDOTES (MARK 1 KITS) BEFORE AND DURING A CHEMICAL EVENT
was adopted.

CONTRACT: TDOT

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2003-2004, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY
was adopted.

ALLOCATION

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ALLOCATE ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00) FOR THE AWARD OF 2003-2004 NEIGHBORHOOD GRANTS
was adopted.

CONTRACT: KEY'S CARPET

On motion of Councilman Taylor, seconded by Councilman Littlefield,
**A RESOLUTION AWARDING THE CONTRACT FOR THE AVONDALE HEAD
START CENTER, RELATIVE TO THE INSTALLATION OF CARPETING, TO
KEY'S CARPET FOR THEIR LOW BID IN THE AMOUNT OF TWENTY-FOUR
THOUSAND NINE HUNDRED EIGHTY-NINE DOLLARS (\$24,989.00)**
was adopted.

CONTRACT: EASTMAN CONSTRUCTION

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**A RESOLUTION AWARDING THE CONTRACT FOR THE DAISY HEAD
START/EARLY HEAD START CENTER, RELATIVE TO CONSTRUCTION OF A
CLASSROOM ADDITION, TO EASTMAN CONSTRUCTION FOR THEIR
LOW BID IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND
DOLLARS (\$135,000.00)**
was adopted.

OVERTIME

Overtime for the week ending June 27, 2003 totaled \$179,656.84.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **STACY R. SMITH** – Resignation, Equipment Operator, Citywide Services, effective June 12, 2003.
- ✍ **BERNARD WALLACE** – Promotion, Inventory Clerk, Citywide Services, Pay Grade 5/Step 2, \$19,583.00 annually, effective June 9, 2003.
- ✍ **TIMOTHY H. BROOKS, JR., BRIAN K. CONRY** – Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 2, \$19,583.00 annually, effective June 12, 2003.

PERSONNEL (Continued)

- ✍ **JESSEY L. HARVEY, JR.**, – Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 3, \$20,491.00 annually, effective June 12, 2003.
- ✍ **KENTHEARL HARPER** -- Promotion, Crew Worker, Sr., Citywide Services, Pay Grade 5/Step 3, \$20,491.00 annually, effective June 24, 2003.
- ✍ **BOBBY M. WALKER** – Suspension/Demotion, Crew Worker Sr., Citywide Services, Pay Grade 5/Step 11, \$28,664.00 annually, demotion effective June 23, 2003; suspension effective June 23-26, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **CHAD E. SUTTLES** – Family Medical Leave, Police Officer, effective June 30 – July 14, 2003.
- ✍ **RICHARD B. HUTSON** – Resignation, Police Officer, effective July 7, 2003.
- ✍ **GAY P. SHETTER** – Resignation, School Patrol Officer, effective June 15, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **LAVONNE GRIFFIN** – Resignation, Teacher, Head Start, effective June 13, 2003.

PERSONNEL DEPARTMENT:

- ✍ **PATRICIA WHITTACRE** – Hire, Part-time, Benefits Coordinator, \$11.2082 per hour, effective June 20, 2003.

HOTEL PERMITS

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

HOLIDAY INN EXPRESS – 7024 McCutcheon Road, Chattanooga, Tennessee

HAMPTON INN – 1920 Hamill Road, Hixson, Tennessee

STAYBRIDGE SUITES – 1300 Carter Street, Chattanooga, Tennessee

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds of 2002 real and/or personal property taxes due to assessment changes:

CHASE MANHATTEN BANK TR – 47,695.03

SISKA INVESTMENTS, INC. -- \$3,053.42

COMMITTEES

Councilman Taylor reminded Council members of the meeting of the **Health, Education, Human Services and Housing Opportunities Committee immediately following the Public Works Committee.**

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, July 8 at 3 p.m.** He stated the principal item would be to hear preliminary discussion regarding the Humane Society issue. He stated people would be coming from the Humane Society and a public hearing will be part of the regular Council meeting as part of the hearing for the Budget Ordinance. He stated with regard to the Light Trespassing Ordinance, he met with Planning, who are in turn meeting with various parties that might have issues. He asked for a few more weeks on this issue as there is plenty of time and there is no emergency. He stated it would be three weeks before it is back in Committee.

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, July 8 at 4 p.m.**

Councilman Benson scheduled a meeting of the **Budget and Finance Committee immediately following the Legal and Legislative Committee.** He stated this is a “last change” opportunity at the budget and that it should be a short meeting to answer any last minute questions.

DISTRICT 9 COMMUNITY FORUM

Councilman Hakeem expressed appreciation to the Mayor and his colleagues on the Council for their support at last week’s community meeting. He also expressed great appreciation to the citizens for coming out and expressing their views and perspectives.

DISTRICT 9 COMMUNITY FORUM (Continued)

Councilman Hakeem indicated that the community meeting was the first step on a "journey" to bring about understanding; that one of the things that came out of the meeting are the committee's recommendation and he looks forward to that in an effort to try to "build a bridge" to close the "gap" when it comes to trust and open lines of communication.

STEPHEN HARPER

Stephen Harper, owner of Antiques on Main, stated his business is located just across Main Street from the Union Gospel Mission, which is owned and operated by Highland Park Baptist Church. He stated that he has attended the last two Council meetings and spoke on behalf of the Protection of the Homeless, which includes 35 local business owners in the Southside who are concerned about the destruction of historic buildings by Highland Park. He made reference to the editorial in today's *Times Free Press* entitled, "When Buildings Need Rescue", and gave a brief summary of the article's content indicating the community's alarm at the destruction by Highland Park of four historic brick buildings at a key Southside intersection, and referenced the mention of Councilman Littlefield's proposed ordinance as a "good idea". He stated remaining structures are in imminent danger without an Ordinance in place, urging Council members to consider Councilman Littlefield's proposal. He stated the Council previously questioned the sale price of \$1.2 million for the building and submitted a copy of the sale as listed in the real estate guide. **(A copy of Mr. Harper's statement, the editorial and the real estate guide listing is filed with minute material of this date.)**

ALAN W. RIGHTMEYER

Alan W. Rightmeyer stated that he was present at the Council meeting about three-or-four weeks ago requesting three documents. He indicated that he has not received them and Councilwoman Robinson is his Council member. He displayed two licenses he had purchased from the City and County and a petition signed by persons in the neighborhood explaining that the licenses had been purchased so that he could work on his vehicle; that Neighborhood Services is still trying to have it towed off. He stated that he was told the licenses are not legal unless the City Attorney says they are. He stated he and his landlord have been subpoenaed to Court and he indicated if his landlord has to go to court he and his wife (who is also disabled) would be evicted from their residence.

ALAN W. RIGHTMEYER (Continued)

Mr. Rightmeyer stated that he and his wife are both disabled and on disability. He displayed photos of the vehicle, indicating that he was sent two summonses to go to court, one to his house and the other to a post office box and feels he is being singled out.

Admin. Curry explained that he has reviewed Mr. Rightmeyer's case that was presented by Randy Ridge, Neighborhood Service's Inspector and has received a copy of the business license Mr. Rightmeyer has obtained. He stated what the Inspector instructed Mr. Rightmeyer was that his property is not legally zoned for the type of business he wishes to operate, so, by default, that property cannot be used for a repair business and his personal property, in terms of the vehicles that are under citation, are not operable. He stated there are no engines in the vehicles and they have been in this condition for some time. He stated the procedure is to issue a citation to the address of record and also to issue a citation to the property's tenant, which is why he received more than one citation. He stated the department has been in constant contact with him and he has been informed he can present his case before Judge Millican in Environmental Court to determine what the plans are for his personal property in terms of the vehicles.

Chairman Franklin asked Mr. Rightmeyer if he understood that he could present his case in Court before Judge John Millican.

Mr. Rightmeyer stated if he has to go to court his landlord will evict him and he is unable to move. He stated his wife has just undergone two major surgeries.

Chairman Franklin expressed that the Council is sympathetic to that, restating that the proper venue to satisfy Mr. Rightmeyer's concern is in Environmental Court.

Mr. Rightmeyer stated when he purchased the licenses he was told that the property was properly zoned (R-2) and was told there would be no problem.

Chairman Franklin stated if Mr. Rightmeyer is in an R-2 zone he cannot operate a business of that sort in that zone.

Mr. Rightmeyer stated that he only wants to repair his own vehicle; that once it is repaired he will turn the license back in.

Chairman Franklin stated there have been complaints from others because the vehicles cannot be moved; that the vehicles have to be in operable condition.

ALAN W. RIGHTMEYER (Continued)

Chairman Franklin stated Environmental Court would be the proper recourse for him, as the Council does not have any jurisdiction in this matter.

Mr. Rightmeyer stated that he was told only the City Attorney could say whether the documents are legal; that they took his money to purchase the licenses.

City Attorney Nelson stated that he does not know who took Mr. Rightmeyer's money, that they don't check zoning when issuing licenses.

Mr. Rightmeyer stated that he told the person in the license office that he was repairing two vehicles and that the zoning was R-2.

City Attorney Nelson stated if Mr. Rightmeyer is repairing vehicles he does not need a business license.

Mr. Rightmeyer stated Mr. Ridge is not giving him enough time to repair his vehicles; that Neighborhood Services is trying to take them away.

City Attorney Nelson stated that is one thing for the Court to determine; that there are three branches of government and this is the one that is not involved.

Councilman Pierce stated that he does not know who told Mr. Rightmeyer the licenses were not legal; that Mr. Rightmeyer cannot operate a business of this nature in a residential zone without coming before this body for a zoning change. He stated that the Council needs to look at how to prevent issuing licenses of this nature; that it is a simple mistake.

Mr. Rightmeyer stated that he paid for the licenses.

Councilman Pierce indicated that he would give Mr. Rightmeyer the amount of money he paid for the licenses! He stated the matter has been turned over to the court system at this point and Mr. Rightmeyer has to go before the Judge who is the only one who will make a determination as to how long it will take to eliminate the problem. He stated Admin. Curry did his job in his capacity and if he did not perform we would look for someone to replace him. He stated the licenses should not have been issued; that they still do not give Mr. Rightmeyer the right to operate a business.

Councilman Littlefield stated that the issuance of licenses out-of-zone was dealt with around 1976 and the Treasurer's Office used to have printed on the form that essentially said this does not confirm that a business can be operated, basically.

ALAN W. RIGHTMEYER (Continued)

City Attorney Nelson stated that it says on the license that, **"This licenses does not permit operation unless properly zoned and in compliance with all other applicable laws and rules"**.

Councilman Littlefield stated we used to have this problem all the time and is glad to know it is still on there.

Councilman Pierce asked for clarification that it is still on today's licenses.

City Attorney Nelson responded "yes"; that it is also on Hamilton County's license at the bottom which states, **"This license does not permit operation unless properly zoned and/or in compliance with all laws and rules"**.

Councilman Pierce asked Mr. Rightmeyer if he read that statement on both licenses.

Chairman Franklin reiterated that this matter was out of the Council's jurisdiction.

Councilman Pierce asked if the landlord has to be present in court; that Mr. Rightmeyer is the victim.

City Attorney Nelson stated if the landlord has been cited it would be in his best interest to be there. He stated if the gentleman goes in and admits his problem the Judge may dismiss the case against the landlord.

Councilman Pierce advised Mr. Rightmeyer to talk to the Judge and explain his case in an effort to eliminate the landlord from coming. He stated when the Judge sets out an order he expects it to be done; that the Judge will talk to him prior to the court date any day of the week.

Rev. Overstreet

Councilman Littlefield stated that he received a call a few days ago from Rev. Overstreet who had a question about an alley that runs by his business (Family Mortuary) and the Cedar Hill precinct located at 47th Street and Twelfth Avenue. He stated Rev. Overstreet was present at last week's District 9 community meeting and told him he had searched the records regarding the alley and found that he (Rev. Overstreet) is the proud owner of much of it; that the alley was closed and abandoned in 1959. He presented him with the document signed by Councilman Benson's father-in-law, Pat Wilcox, who was Commissioner of Public Works at that time, and Mayor P. R. Olgiati.

REV. OVERSTREET (Continued)

Councilman Littlefield stated that he wanted to present the document to Rev. Overstreet because he was such a colorful person; that he wanted to present it in a colorful way and congratulate him on being the proud owner of half of a City of Chattanooga alleyway for filing with his deed!

Rev. Overstreet expressed thanks to his Councilman (Littlefield) who so vigorously and rigorously represents him in the sixth district for giving him the property needing to be cleaned up! He stated Councilman Littlefield has his way of taking the "heat of hell" and the "gold out of heaven"! He stated that he remembers two years ago when he stood before the Council fighting about the alley in order to open the funeral home and now two years later it is his alley! He expressed thanks to Councilman Littlefield, expressing that they have developed a working relationship, not barring their differences, but being able to humanely communicate. He expressed thanks to Councilmen Hakeem, Franklin, Benson and others who were at the meeting last week and indicated his plan to work with Chief Dotson and the 800 plus churches in the area to bring about a healing process.

Rev. Overstreet stated that he was disturbed when he came to Chattanooga as the "new kid on the block"; however, he is encouraged when he sees the type of meeting that took place as altruistic and outreaching. He stated his Councilman (Littlefield) was the only "gentleman of color" on the platform and represented well, again expressing thanks to the Council and Mayor who participated and listened with a sympathetic ear to the problems oft times thrown toward racism and it is really not a racist problem, but a deeper and more sensitive problem in our community that transcends the black/white traditional escape hatch. He stated it is next to impossible to believe that all of our police and community problems are derivatives from color exclusively. He stated that he looks forward as a citizen and minister of 44 years of seeing if we can shift the responsibility of our police department and our government and try to create a consensus of identity in the African-American community; that he is convinced unless and until we know who we are it is very, very difficult to interpret who others are.

Rev. Overstreet stated there are some things he does not want the government doing for him; that he never has and never will as his father and mother brought him up that way. He stated Councilman Hakeem braved the crowds and the Mayor had a lot of "fire in him" and the crowd voiced their views; that he saw another side of Chattanooga he has not seen heretofore. He stated that he looks to the Council for leadership; that the Council needs the citizen's support and the citizens need their support; that it is not time to become bitter but to become better.

REV. OVERSTREET (Continued)

Rev. Overstreet stated that he understands the frustration of the families (of the recent shootings). He stated Councilman Hakeem was a good “punching bag” and rose to the occasion in his own inimitable way and brought those in attendance back to order with a simple apology. He stated it is the simple things in politics that really move people. He indicated that he is an admirer of Councilman Benson as he is a seasoned statesman; that he (Overstreet) loves to come to the Council meetings and observe what a Council member should be and in other cases, he comes to see what a Council member ought not be. He expressed thanks to God for the meeting last week and stated that he looks forward to corralling the 800 churches. He stated that he spoke with the Chief who asked for his assistance and he wants to lend it. He stated he is vocal, a “mover and shaker” and smart. He stated he is moving in the right direction to bring about a healing.

Councilman Hakeem expressed appreciation to Rev. Overstreet for his participation last week at the meeting. He stated a lot comes out of the way a meeting starts; that the tone was set and it was a “boiling pot”; that Rev. Overstreet helped to set the tone and keep it civil for everyone to move forward and come forward with recommendations. He again expressed true appreciation for Rev. Overstreet’s participation.

Councilman Taylor stated that he had his own community meeting to attend, which was heated, also. He stated he was in St. Elmo and could not attend the District 9 meeting.

SOUTH CHATTANOOGA RECREATION CENTER

Councilman Taylor stated that he was very proud as far as the short-term solution to the situation at the South Chattanooga Recreation Center. He stated they were able to work it out as to where they are at the Center and will be able to move in as of July 7 for the summer program. He commended the staff for working so hard with the citizens; that they are presently doing a long-term process on the St. Elmo Recreation Center. He expressed thanks to everyone for their support.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, July 8, 2003 at 6 p.m.

CHAIRMAN

CLERK OF THE COUNCIL

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