

**City Council Building
Chattanooga, Tennessee
May 25, 2004**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Franklin, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Assistant Clerk to the Council, Shirley Crownover, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Franklin, followed by the 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.

INTERIM BUDGET

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY
EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS
OF JULY, AUGUST, AND SEPTEMBER 2004, PENDING THE
ADOPTION OF THE 2004-2005 ANNUAL BUDGET**

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

REZONING

2004-052 (Joseph Ryan Cooke)

On motion of Councilman Franklin, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1401 DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second reading. On motion of Councilman Pierce, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

WRECKER ORDINANCE

Councilman Littlefield stated that this was discussed in the Legal and Legislative Committee meeting and has been before the Council many times; it has been reviewed by the Beer and Wrecker Board. This Ordinance raises rates and adjusts the so-called Recovery Class so that others can also do business. He stated that this was approved in committee with one dissenting vote.

On motion of Councilman Littlefield, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 35, ARTICLE IV, SECTIONS 148 AND 160 RELATIVE TO DISTRICT WRECKERS
passed first reading, with Councilman Page voting "No".

Councilman Page explained why he must speak against the motion. He stated that Performance Review did a study of the Wrecker Industry and found that it was out of compliance in many areas, such as over-charging and maintaining joint facilities; that if this has been cleaned up, it is not reflected. He stated that he was very concerned and had seen no evidence of improvement. He called upon the Industry to maintain good operating practices, stating that when 30% was out of compliance, he thought that was major. He continued by stating that he felt that the increase in rates was too much, and he could not support this.

WRECKER ORD. (CONT'D)

Councilman Littlefield stated that in all seriousness, he appreciated Councilman Page's stand. He explained that quite a bit of work had been done by citizens on a committee and that they had gone through all the research that would justify this rate increase. He went on to say that the Industry was being encouraged to adopt higher equipment and service standards in order to get the Interstates open in case of an accident; that if we keep the rates too low, the Industry will not be able to purchase the needed equipment.

Councilwoman Robinson stated going back to Councilman Page's concern with the report, might she request an annual summary report that would take a look at how things are going; that this would give the Council a bit of oversight in respect to being updated and would give an account as time goes by.

Chairman Benson asked if anyone from the audience wished to speak.

Curtis Wilson of United Wreckers addressed the Council and stated that they were putting together a committee and would go out with the Wrecker Inspector and would ask what is expected of them and what they could do to help; that everyone had heard the saying of "a few bad apples in a barrel"—that if anyone was not in compliance, they could put them out! He continued, stating that 70% to 80% were in compliance and that they needed the rate increase; that he did not know what more they were expected to do; that they had cleaned up their act. He stated that he would love to answer any questions about the towing business.

Councilman Littlefield stated that the Office of Performance Review had conducted an audit, and the Council can always ask them to take another look at this; that they had already established a template; that there had been good compliance and cooperation, and we always had the option of taking someone out of rotation; that they had helped all around, and he thought the increased rate would improve service.

Councilman Page asked if the Office of Performance Review had a plan for another Audit to make sure we don't encounter these same problems again.

Mr. Eichenthal responded that he thought the notion of a Performance Audit was relatively new; that as you build up a series of Audits, you can go back on that basis; that it was not in their Plan to do a follow-up, but if the Council requested one, they would take a look at it; that it was easier to do a follow-up than the initial Audit.

WRECKER ORD.(CONT'D)

Mr. Eichenthal went on to say that in working with the Wrecker Inspector, one of the recommendations was to actually provide information to individuals who had cars towed—that the information would be much clearer; that this was not industry-driven self-enforcement but consumer-driven enforcement.

Councilman Lively stated that he would vote for this; that after looking at the figures, he thought the rate request is justified; that most of the complaints were of price gouging and over-charging, and he thought we should deal with these situations harshly; that a good honest business is fine.

Councilman Littlefield noted that several Councilmembers would be out next week and **made the motion to put off second and third readings until the third Tuesday in June, which is June 15th. This was seconded by Councilman Lively and approved by the Council.**

REZONING

2002-221 (Mike Price)

Chairman Benson stated that for the record, Neighborhood Services had called a meeting tonight regarding this issue.

Councilman Franklin stated that he and Mr. Pace had been in contact with Mr. Price and people from the East Chattanooga area; that several individuals wished to speak on this issue and a few of them had been at the meeting earlier; that at the request of Mr. Price, they would like to defer this matter for one week; that the applicant is present. He emphasized that RPA did not call the earlier meeting.

Councilman Hakeem questioned deferring this until next week when all of the Council would not be present.

At this point Chairman Benson asked the Council who would not be here next week and found that there could possibly be four members absent, noting that we would still have a quorum of five.

Councilman Franklin indicated that he did not want this put off for another month; that if we have five or six members present next week, we can go forward.

REZONING (CONT'D)

On motion of Councilman Franklin, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2869 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE
was deferred for one week.

CLOSE & ABANDON

MR-2004-066 (Joe Woodall)

Mr. Pace stated that this was discussed in the Public Works Committee and no one was in opposition; that it was recommended for approval by both Public Works and Planning. Councilman Hakeem verified that this was discussed in the Public Works Committee and comes with a recommendation. He also noted that Ordinance (d) and Resolutions © and (d) were also discussed in committee and come with a recommendation.

On motion of Councilman Pierce, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED PORTION OF THE 3300 BLOCK OF CRESTFIELD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CLOSE & ABANDON

MR-2004-067 (Michael A. Dowlen)

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED SOUTHEAST OF THE 1700 BLOCK OF JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

SALE OF PROPERTY

Councilman Pierce noted that Resolutions (a) and (b) were both discussed in Budget and Finance Committee by Mr. Eichenthal and a recommendation came forward to the full Council.

On motion of Councilman Pierce, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF CERTAIN REAL PROPERTY LOCATED AT 252 THRU 258 EAST 17TH STREET, 1635 AND 1639 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO JOE SLIGER, EASTMAN CONSTRUCTION COMPANY, FOR A TOTAL CONSIDERATION OF ONE HUNDRED THREE THOUSAND SEVEN HUNDRED EIGHTY DOLLARS (\$103,780.00)

was adopted.

DONATION OF PROPERTY

On motion of Councilman Littlefield, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT 0 FLYNN STREET, 826 EAST 8TH STREET, 0 FLYNN STREET, 812 FLYNN STREET, 314 FLYNN STREET, 0 FLYNN STREET, 0 FLYNN STREET AND 701 EAST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, TO THE CAMPUS DEVELOPMENT FOUNDATION, INC.

was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH ORANGE GROVE CENTER, INC., RELATIVE TO CONTINUING TO PROVIDE FACILITIES, EQUIPMENT, LABOR AND SERVICES REQUIRED TO RECEIVE, HANDLE, SORT, PROCESS AND MARKET RECYCLABLES FOR THE CITY'S RECYCLING PROGRAM FOR THE FISCAL YEAR 2003-2004, FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000.00)

was adopted.

Councilman Page stated that he thought it was good to recognize Orange Grove; that this program makes money and helps the City of Chattanooga. He complimented Public Works and Mayor Corker for their efforts to help the less fortunate.

GRANT

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF COMMUNITY ASSISTANCE, RELATIVE TO THE HOUSEHOLD HAZARDOUS WASTE PROGRAM FOR THE FISCAL YEAR 2004-2005

was adopted.

OVERTIME

Overtime for the week ending May 21, 2004, totaled \$12,493.11.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **EMILY SMITH**—Family Medical Leave, effective 5/17/04—8/09/04.

• **CHATTANOOGA POLICE DEPARTMENT:**

- **SHIRLEY CURTIS**—Return to Duty, Police Records Clerk, effective 5/17/04.
- **STEPHEN MILLER**—3-Day Suspension of Officer, effective 5/21/04—5/23/04.
- **EVANDER LLOYD**—3-Day Suspension of Officer, effective 5/24/04—5/26/04.
- **CURTIS PENNY**—1-Day Suspension of Officer, effective 5/26/04.

• **PUBLIC WORKS DEPARTMENT:**

- **DONALD DAVIDSON**—Voluntary Demotion to Plant Operator, Pay Grade 9/2, \$25,187.00 annually, effective 5/26/04.
- **MICHAEL S. REAMS**—Dismissal of Crew Worker, effective 4/30/04.
- **DONALD L. SHOEMAKE**—Suspension of Heavy Equipment Operator, effective 5/20,24,25/04.

- **VAN M. JOHNSON**—Suspension of Equipment Operator, Sr., effective 5/24/04—5/27/04.

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PURCHASE

On motion of Councilman Taylor, seconded by Councilman Hakeem, the following purchase was approved for use by the Fire Department:

BROOKER FORD, INC. (Lowest and best bid)
Requisition R0071808/B0001519

Two F-150 Supercrew Cab Trucks

\$51,070.00

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for use by the Purchasing Division:

PITNEY BOWES GLOBAL MAILING SYSTEM (Best proposal meeting specs.)
Requisition No. R0042720

Pitney Bowes Global Mailing System

\$11,148 (approximately annually)

LIQUOR LICENSE

Mr. Eichenthal presented the Council with a Certificate of Compliance for **Vijay Narsing Chaudhari d/b/a Kanku's Wine & Spirits at 480 Greenway View Drive**. This was duly signed by the Council.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchase was approved for use by the Neighborhood Services Dept.:

MARSHALL MIZE FORD (Lowest and best bid)
Requisition No. R0070775/B0001515

One (l) F-150 Super Cab Truck

**NEIGHBORHOOD
SERVICES**

Mr. Steve Hargis presented the purchase for Neighborhood Services. Chairman Benson asked him to please not to call meetings by Neighborhood Services on zoning matters when the Council is also meeting.

HEARING: THOMAS HORTON

Attorney Randall Nelson noted that a Hearing was held for **Thomas Horton** on Monday. He asked Councilman Lively for a report. Mr. Lively stated that a hearing was held for the termination of Mr. Horton from Parks, Recreation, Arts, and Culture with the committee consisting of Councilwoman Robinson, Chairman Benson, and himself; that they voted to uphold the City's position in the matter.

COMMITTEES

Councilwoman Robinson stated that she would have more information on this at next week's meeting but that the Chattanooga Music Club would present an Organ Recital at the Memorial Auditorium on June 19th at 2:00 P.M. that would be open to the public. She will provide more information next week.

Councilman Littlefield reported that there would be no **Legal and Legislative Committee** meetings for the next two weeks as he would be out of the country. The next **Legal and Legislative Committee meeting is scheduled for Tuesday, June 15th at 3:00 P.M.** Chairman Benson shared that Councilman Littlefield would be on a Peace Mission to Israel and that we had a lot of confidence in him!

Councilman Hakeem reminded everyone that there would be a **Public Works Committee meeting on Tuesday, June 8th at 4:00 P.M.**

Councilman Franklin reminded everyone that there would be a **Parks, Recreation, Arts & Culture Committee meeting on Tuesday, June 1st at 4:00 P.M.**

DANIEL DEANE

Mr. Daniel Deane of 3105 Dee Drive addressed the Council. He thanked the Council for the work that they do. He started out with a request—He wanted to know how to introduce legislative ideas to this Council other than this open forum, stating that he felt sure other citizens would like to learn such skills also.

However, he stated, that was not the reason he was here tonight. He stated that he used a service dog and a few months ago he sent a friend to get a City Tag, and he paid a fee that he felt was unfair; that it was a tax on his disability; that he is not taxed on his wheelchair nor cane or any other device; that the fact that he uses a service dog as an aide makes this a tax on his disability. He requested that the Council provide a leeway clause in the Ordinance, as required under Federal Law, for reasonable accommodations for people with disabilities so that they don't have to pay this fee.

Chairman Benson asked him if he had any certification for the dog. Mr. Deane responded that none was required. Chairman Benson informed him that the Legal and Legislative Committee meets every Tuesday at 3:00 P.M. and suggested that he contact Councilman Littlefield about getting on this agenda. He added that it seemed to him that Mr. Deane needed some sort of accreditation for the dog. Mr. Deane suggested that Chairman Benson read the "Americans with Disabilities Act".

Councilman Littlefield stated that he did not think what Mr. Deane was asking for would be difficult to accomplish; that you had to get a tag for any dog and not just service dogs; that there was no way you could omit the Rabies vaccination. Mr. Deane agreed that this was required, although he was of the opinion that sometimes there is over-vaccination. Councilman Littlefield responded that that was another issue and that we have a Rabies problem in the City; that there could be an exemption in the Ordinance of the fee for a service dog and that he would work on this when he returned.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, June 1st, 2004 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

