

LEGAL AND LEGISLATIVE COMMITTEE

October 2, 2001

3:00 P.M.

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

Others present included Adm. McDonald, William Penn, and Henry Brooks.

BRUSH AND TRASH POLICY

Chairman Littlefield convened the Legal and Legislative Committee meeting and stated that the Noise Ordinance would not be discussed tonight, and it was the intent to get beyond the committee level on the Brush and Trash Policy, which is to be on the agenda week after next. He stated that Adm. McDonald, Beverly Johnson, and himself met with the Neighborhood Associations group in a questions and answers session about the new Ordinance. He stated that we would discuss any continued concerns about this Ordinance tonight with no additional committee meeting before this is brought before the Council in two weeks. He noted that the Council committee had already discussed this in conjunction with the Educational Program and that Todd Womack was getting him a copy of the educational component and that he would make copies of this educational policy for other councilpersons.

Chairman Littlefield went on to say that there seemed to be concerns about reducing the level of service; however the new drop-off centers seemed to be a higher level of service to him. He stated that this would all be in the Ordinance and that Mike McMahan was "tweaking" the Ordinance; that basically everything was already in the Ordinance, and we were trying to get back to a more disciplined approach to keeping our city clean. He stated that brush, and limbs, and trash being separated was always a part of our Ordinance, and we can stay on schedule if we adhere to the Ordinance; that we are attempting to get on a schedule and a more disciplined way of handling this that had worked for years but now we were behind. He noted that there had been a number of questions.

Adm. McDonald stated that the meeting with the Neighborhood Associations last night was very productive and input would be incorporated into the policy and there were things that needed to be clarified even though there were no real changes. He noted that they were guilty of reading the policy so many times that they might miss some of the things that a person reading it for the first time might see. He stated that they would clarify points raised last night.

A gentleman who represents the Neighborhood Associations, who was present at last night's meeting, stated that the meeting showed that neighborhood associations want to play a major part in this endeavor; that some of them felt that the penalties were not stiff enough to deter people, and they wanted to make sure that once we are on a schedule that we will stay on the schedule and debris won't be on the roads for weeks. He thanked those from the City for being with them.

Ms. Jean Cuzzort stated that before we had this problem, garbage was picked up two times a week and now it is only once and another day for recycling; that it had been that there was brush pickup every other Wednesday, and the City had stopped that and the problems started. Chairman Littlefield responded that we had not had bi-weekly brush pickup in years; that for the last 12 years it had been once a month; that when it was bi-weekly we had a lot more people and trucks; that it had been once a month for the last 12 years. Ms. Cuzzort replied that we had had this problem, too, for the last 12 years; that trash is out on the streets all the time. Chairman Littlefield explained that we were trying to get back to a situation where people understand when the trucks are coming; that this had gotten out of hand.

Henry Brooks noted that 20 years ago we had drop-off points.

Ms. Cuzzort stated that she lived in a senior citizens' area and people don't have ways of getting items to dump-off sites. Chairman Littlefield stated that the City would still be picking up brush and trash; that we would emphasize Trash Flash plus the additional drop-off centers for those who are able-bodied; that he knew some could not get to them, but the able-bodied could and a lot of people would do this; that this would allow more services to be available for others who could not get to the sites.

The man from the Neighborhood Associations stated that we needed an educational process telling people the do's, don'ts, and why's within a 90-day period; that we needed this much time to educate the public.

Councilman Hakeem asked if we were in the situation we were in because of the weather and special events—if these things had thrown us behind and if we had anything in place to deal with this. Adm. McDonald responded that what we do now is to pull people off of construction to help us get back on schedule; that the weather does affect us; that we anticipate this and do what we can to get back on schedule.

Chairman Littlefield stated that getting on schedule and staying there was the key. He recalled a storm that went through Hixson some years back right after they had just gotten on a schedule, which threw them off again. He stated that he thought if we got the word out, people would understand.

Councilman Benson stated that he thought this needed to be coordinated with some things other than what we have spoken about here; that it needed to be coordinated with the Police Dept., too; that if people put trash in trucks and drove fast enough that the trash would be all over the streets; that he thought the litter laws should work in conjunction with this; that he thought driving trash to the sites would redistribute trash all over the city. Adm. McDonald responded that he thought what Councilman Benson was talking about was garbage. Councilman Benson stated that someone needs to be responsible. Adm. McDonald noted that there is a Litter Law. Councilman Benson still maintained that this would be dangerous with people dropping things on the highway; that it would be hard to keep things in the truck.

Councilman Taylor asked in looking at our present law, what is the major difference in this.

Adm. McDonald responded that as far as the Ordinance, there is very little change; that the big change is that we will now be enforcing it; that there will also be three drop-off sites that we did not have at Access Rd., Airport Rd. and one in South Chattanooga with dumpsters where people can drop trash.

Attorney McMahan stated that the major change was that if anyone puts trash on the street, and it creates a nuisance that they can be charged with the cost of clean-up; that there is a bigger substantive charge; that any person who sets out trash, which is in violation of the policy, can be fined and will also have to pay the cost of clean-up. Chairman Littlefield noted that this was a way of supplementing the \$50.00 fine. Councilman Taylor asked if we were speaking of trash. Attorney McMahan responded “or brush—all of it”. Councilman Taylor clarified that they would be cited to Court and the Judge could fine them. Attorney McMahan verified this and added, also the charge for clean-up. Councilman Taylor stated that there were a lot of piles in his district; that he was not just seeing piles of brush and bushes but other items were included in the trash piles. Attorney McMahan explained that in “tweaking” the Ordinance, this was a violation; that this trash could not be put in with brush.

Councilman Taylor noted that in this case, everyone in his district would be fined; that this is a reality. He asked others that they ride through his community and see what is there. He reiterated that one inspector had made an even bigger mess in saying that this was a violation. He stated that we needed to encourage citizens to participate and get there on schedule; that once we clean up, after the truck leaves, there is another pile. He asked if the people separated this into two piles, would the City pick up the two piles. Adm. McDonald responded “no”—just brush only! Councilman Taylor stated that elderly people could not get to these dump-off sites, and this was a problem. Adm. McDonald explained that anything that could be put in a garbage can or bag would be picked up; that they would pick up garbage and recyclables on the street. Councilman Taylor stated that this would work if we could get them on a cycle to pick up—that putting it on the street at the proper time would be a major help; however he stated getting them to separate would be a major problem.

Councilman Benson stated that as he understood it, there would be no more trash pick-ups. Adm. McDonald explained that large items such as furniture, appliances, etc. could be picked up by Trash Flash. Councilman Benson asked about tires. Mr. Brooks stated that the City had never picked up tires. Adm. McDonald added that they could be taken to the pick-up sites—that tires are considered hazardous waste. This prompted Councilman Benson to ask the definition of trash?

Chairman Littlefield reiterated that it all needed to be separated into parts; that it becomes “trash” when you mix things up with brush.

Councilwoman Robinson noted that we needed to identify the terms.

Councilman Page stated that he believed in the educational part; that this is one service that is very important to residents of this city and is a very basic service; that it is a multi-dimensional issue; that we have a problem with illegal dumping; that sometimes people have long weekends and want to clean out their garages and houses and won’t be able to put this on the road. He noted that we have restrictions with burning permits. He stated that this was a real big issue, and it scared him that we might exacerbate it rather than solving it. He commended Adm. McDonald on what he had done and added that he was really concerned with this; that he felt we might be making this a bigger problem rather than solving it; that he was most concerned about creating a hardship on people.

Councilwoman Robinson stated that we were talking about lots of things, and we needed to make sure we were understanding the terms at this table; that she thought this was a definition problem, and we needed to educate the public; that the City will not be picking up trash, but we will have Trash Flash; that brush and leaves are very different, and people in her district are concerned about leaves just being picked up once a month; that she thought people understood the garbage “piece” and also building and remodeling supplies but got confused about the schedules; that large items are handled with Trash Flash and everything else has to be bagged.

Adm. McDonald verified that everything small needs to go in garbage cans; that they had been picking up bags but since we have cans, everything should be put in cans so that they could be picked up by automated trucks. He emphasized that things needed to go in garbage cans; that furniture, appliances, and hot water heaters can be picked up by Trash Flash; that these items should be put out the day they are scheduled to be picked up; that if a person calls, these items can be picked up 24 hours later.

Councilman Benson asked if the city would pick up anything that is placed in garbage cans, like paint cans. Adm. McDonald responded that such things needed to be taken to the North Hawthorne Hazardous Waste Center. Mr. Brooks added that dry paint cans are not hazardous.

Chairman Littlefield noted that we had stopped telling people how things work; that people don't know about “Trash Flash”; that he had a neighbor who had lived in his neighborhood for 50 years and was putting out a commode and three fans; that he (Councilman Littlefield) called Trash Flash, and these items were gone very shortly, and the man was amazed. He reiterated that educating people is the key—that people need to know that if they do not mix up brush and trash that they will disappear faster. He stated that he saw piles, too—that these piles needed to be broken into parts; that brush should not go in the landfill. He stated he knew of no plans to change the leave collection. Mr. Brooks added that leaves should not be mixed with brush. Chairman Littlefield asked that they be kept separated.

Councilman Taylor stated that he was hearing we needed a stronger educational piece, and this was fine; that we needed to get the city cleaned up. He asked if the reason Public Works was off schedule was because brush and trash were mixed. Adm. McDonald responded that professional tree cutters were putting brush out and contractors were putting remodeling items on the streets and this had caused them to be off schedule. Councilman Taylor asked in this case, why not just go after them! Adm. McDonald stated that it was not being enforced; that they were picking up everything out there, with no citations. Councilman Taylor added that they had cited several in his community. Adm. McDonald noted that this was because of illegal dumping on lots. Councilman Taylor stated that they were going after everybody in his community.

Chairman Littlefield explained that there would be four inspectors working on this. Adm. McDonald added that Public Works would be in charge of pick-up and warnings. Chairman Littlefield added that there would be a price for clean-up.

Councilman Taylor stated he was still having a problem with the separation piece. Chairman Littlefield noted that separation was the key. Councilman Taylor urged other Councilpersons to drive through their communities and see what is on top of the brush and the problems that they are going to have.

Councilman Pierce stated that we tried to educate people 6-7 years ago on the blue bags and making this change will be a problem; that we will never get them educated. He stated that he thought we would create a lot more illegal dumping sites; that some would be cited and some would not; that the average person does not have a pick-up truck to take trash to these sites. This prompted Adm. McDonald to question how they would be getting to illegal dump sites without a truck.

Councilman Benson asked if a barbecue grill would be taken care of with a Trash Flash call.

Councilman Page stated that he thought the problem here was that we had an Ordinance with no teeth.

Chairman Littlefield stated that there would be four inspectors from Public Works and minor changes in the Ordinance and ways of recouping our clean-up costs.

Councilman Page stated that we were having an enforcement issue as we speak; that we need to enforce what we have on the books that we are not enforcing.

Chairman Littlefield stated that we had enforced nothing in several years, and we needed to get people knowledgeable about everything.

Ms. Cuzzort asked if the City would pick up brush and tree limbs, and people should keep leaves separate. Councilwoman Robinson asked if leaves had to be put in bags, and the answer was "no".

Adm. McDonald explained that brush can be mulched but not if you have trash in it. If there is trash mixed in then it has to be hauled out to the landfill, and we are filling up our landfill; that this is one of the reasons we are trying to do something; that we have a mandate from the State to get brush out of the land fill and once trash is mixed in, it can't be separated.

Councilman Taylor asked if a person has an old barbecue grill should he start a separate pile. He verified that Public Works would pick up brush on a monthly basis, and he asked about the trash pile. Adm. McDonald explained that Public Works would pick up the trash on call, but it had to be something you could not put in a garbage can. Councilman Taylor asked how they would foresee problems when separating was done, and they were getting calls from all over the communities. Mr. Brooks added that Trash Flash is a next day service.

Councilman Pierce asked about the proper way to put garbage cans out. Mr. Brooks explained that with the automated trucks the cans should be 3 ft. of anything like a car or a mailbox; that it is difficult to pick up cans that are near a mailbox; that if they have to leave the cans, they tell the citizen why.

Councilman Page stated that he still said education was part of this; that he had no problem with separating; that if trash is not picked up, then the people would have to call. Adm. McDonald reiterated that they would call for bulky items but would put little piles in their garbage cans; that they would not pick up little piles; that if you call about a large item, it would be picked up within 24 hours. Councilman Page stated that people could not necessarily clean up their yards when they wanted to as there would be a schedule for brush. Mr. Penn responded that they would need to do it when the brush pick-up is scheduled in their area or they could get a sway car. Mr. Brooks explained that an individual can get a sway car two times a year; that people who use them usually use them every year, and they like it. Councilman Page reiterated that the biggest thing is education.

Chairman Littlefield reiterated that Todd Womack would give him the educational material.

Councilman Hakeem asked, concerning the education piece, if there would be a number that people could call with maybe a menu. Adm. McDonald stated that he thought they needed a "manned" telephone. Councilman Pierce noted that this would involve a sensitivity issue, to which Adm. McDonald agreed. Mr. Penn noted that there was a menu in the telephone book already.

Councilman Taylor verified that people would need to separate their trash and brush and once a month the brush would be picked up and Public Works would come the next day on anything that would not fit into the garbage can. Mr. Brooks urged that people not put trash out until they had called Public Works. Councilman Taylor stated that he foresaw a problem in people calling about trash and there being enough manpower to handle it. Chairman Littlefield stated that once people are cooperating, there should be fewer problems. Adm. McDonald noted that there is not that much big stuff to be picked up; that small things can be put in garbage cans and only call Trash Flash for legitimate big stuff.

Councilman Page made mention of tree contractors that are leaving brush out for the city to pick up. It was explained that there is a 6" diameter rule; that up to 6" in diameter, we pick it up; over 6", we don't. Mr. Brooks added that any city resident who has a chain saw to cut limbs will probably have a pick-up truck to haul them away.

Ms. Cuzzort mentioned that she lived right on the Georgia line on 51st Street and that people in Georgia will walk across the street and dump things. Chairman Littlefield mentioned someone dumping a sink on the street, and the person could not see the tag number.

Adm. McDonald added that there was a tire company that was dumping tires all over the city now. Mr. Brooks explained that you could get rid of four tires at the drop-offs.

Chairman Littlefield stated that this would be considered again by the Neighborhood Associations next week. **Councilman Lively made the motion to carry this to the Council and be ready for first reading on October 16th. This was seconded by Councilman Page.**

The meeting adjourned at 4:00 P.M.

