

**City Council Building
Chattanooga, Tennessee
October 25, 2005
6:00 P.M.**

Chairman Robinson called the meeting of the Chattanooga City Council to order with Councilpersons Bennett, Benson, Hakeem, Page, Pierce, Rico, and Rutherford present. Councilman Franklin was absent due to a prior commitment. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Mr. Dan Johnson, followed by invocation by Reverend Bernie Miller.

MINUTE APPROVAL

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

STUDENT INTERN

Chairman Robinson noted that we had several events under Special Presentations, stating that she wished to welcome a student who had spent the day with the City Council and the Mayor. Her name is **Codee Bayless**, who is a senior at GPS, and this was one of her assignments. She asked Miss Bayless to say a few words.

Miss Bayless thanked everyone for the incredible experience, stating that she was in the process of thinking about possible career paths and politics was a forerunner. She stated that meeting with the Council and the Mayor had been excellent experience and that she was looking forward to reporting this experience to her classmates.

Chairman Robinson thanked Miss Bayless.

FLOYD KILPATRICK(PUSH)

Mr. Floyd Kilpatrick, President of PUSH, addressed the Council, expressing his appreciation for the opportunity. He thanked Mayor Littlefield, the City Council, and the general public present tonight. He explained that he had asked to be placed on the agenda concerning an issue that was particularly important to him and to all city employees—that he was talking about career track employees and whether the current Personnel Policy is adequate. He questioned, particularly, termination or job elimination without notice to the employee, stating that he was concerned that we do have a policy that is uniform and fair to all departments. He stated that he had talked to the City Council about their concerns and would like to address them all tonight; that he had talked to Dan Johnson, Mayor Littlefield, and also Todd Womack about a uniform employee policy. He noted that Mayor Littlefield was going to announce a Blue Ribbon Committee to make recommendations for change, stating that this was an important step, but this also needed to be handled by the City Council as a legislative matter in the form of an Ordinance.

He went on to say that this issue is high level—that they had taken an uncomfortable situation and were getting good results by looking at the real issue facing city employees; that both Black and White employees have concerns about their job safety, and there is low morale; that we need to send a message to employees and our citizens that people do not have to be worried about losing their job and income.

At this time he stated he would like to yield the rest of his time to Bernie Miller, who would talk about the appropriate way to handle the Personnel Policy.

Rev. Bernie Miller addressed the Council, thanking them for the opportunity. He stated that he had a 90 second prepared statement that he would like to read because he realized that time is of the essence. The prepared statement is as follows:

I'm not here to ask this body to reinstate Messrs. Crutcher and Williams. My request is for you to consider making a change in policy that will protect all city employees, because as a pastor, my role is to articulate the longings and aspirations of all the people.

REV. BERNIE MILLER(CONT'D)

Let me start by thanking the honorable members of the City Council for giving me an opportunity to voice a major concern and to offer a suggestion to correct what I feel is an injustice to all city workers.

Many city employees are living in fear and frustration. Fearful that their jobs will be eliminated and frustrated because no one seems to care how they feel. The recent departmental down sizing in Parks and Recreation, the termination of a Public Works employee who had been with the City for 10 years, and the termination of the first African American female in administration in Parks and Recreation, Ms. Janice Miller, have only added to worker anxiety.

*So, I'd like to request that the Legal and Legislative Committee consider adopting an Ordinance that would protect the jobs of **all** city employees that have seniority; from Public Works to Parks and Recreation, from the Police and Fire Departments, to the Administrative Secretaries and Security Guards. **After all, seniority should count for something.***

This is not a Black vs. White issue, the issue is the need for the City of Chattanooga to be fair and honest in its dealings with all of its city employees, regardless of color, religion, sexual orientation or what candidate one supported.

*Martin Luther King, Jr. said in Memphis before being murdered for standing up for the striking sanitation workers, "**Somewhere I read that the greatness of America is the right to protest for right.**" I'm protesting for what's right. The right thing to do is consider a resolution that will remove the air of cronyism from city government. Once the Legal and Legislative Committee put together a plan, I'm asking this honorable Council to strongly consider unanimously passing the Resolution, because it will send a message to each city employee, **seniority counts for something.** May God bless each of you.*

FLOYD KILPATRICK (CONT'D)

Mayor Littlefield spoke next, commending Mr. Kilpatrick and Rev. Miller for their statements, stating that he had nothing to take issue with; that there had been a good and productive meeting yesterday; that there were a number of issues facing us currently, including the Personnel matter. He explained that we do have a section of the Chattanooga City Code dealing with Personnel, and it does have an item referring to seniority now. He stated, however, anything that has been passed or adopted by a legislative government body bears scrutiny from time to time and perhaps improvement also.

He stated that he was recommending that we set up a Blue Ribbon Task Force to look specifically at Personnel issues and to address issues like seniority—that this is a complex issue that would require specific and careful wording to give employees the protection they deserve. He noted that he himself had been a city employee and had seen down-sizing involving 100's of employees, and it was a painful process and needs to be handled carefully; that we can learn from experience. He explained that he was asking each Council member to select someone to serve on this committee—that it was a Human Resource matter and would require a skilled person such as one who had retired from a Personnel Dept. or a person from a Labor Union, an attorney or such; that each Councilman would appoint one person and that he would appoint three and if there were a lack of balance, he could appoint someone else. He explained that this would be a recommending body, and he would ask them to go beyond with another step—that everyone had discussed the possibility of changing the way Personnel Hearings are held; that they are presently heard before the City Council and would require a Charter change and being put on the ballot to change this; that ideally it would be put on the ballot in August of next year and would call for a body of citizens to review personnel cases rather than the City Council, and he would like for some recommendation to come from this Task Force; that this would be a valuable tool and give us guidance. He stated that this was his recommendation to the Council, and he acknowledged that Mr. Kilpatrick, Rev. Miller, and Charlene Kilpatrick had helped work out this concept.

FLOYD KILPATRICK (CONT'D)

Councilman Hakeem stated that he would like to make a comment; that Mayor Littlefield had cleared up something—that he thought he was hearing two things in regards to the Blue Ribbon committee—that he liked the concept of reviewing our Personnel Policy very much. He stated, however, that he did have a “bone of contention” with a portion of Mayor Littlefield’s statement where he talked about who hears Personnel Hearings—that this Blue Ribbon committee would make a recommendation concerning this, and the Mayor had mentioned retired, professional people and to have flavor, Councilman Hakeem mentioned average citizens. He went on to say that this change would be something that the people would have to vote on—whether the City Council would continue to hear Personnel Hearings or not; that he felt that the people want those they hold accountable on such matters to conduct the hearings as other people might not have the same commitment in dealing with the hearings on personnel matters.

Councilman Pierce asked, concerning the Blue Ribbon Committee, at what tentative date the Mayor would like for Councilmembers to have their representative submitted; that he needed to get a date as to when the Council should respond.

Mayor Littlefield responded that it could start next week; that he just needed the nine names to establish the group and to set the wheels in motion.

Councilman Pierce asked that he give the Council a date, with Councilman Rico stating that it should be as soon as possible.

Mayor Littlefield reiterated that the Council could come up with their nine names in a week and it could get going.

Councilman Page stated that he was real excited about this proposal; that it was a great way for our City to go and asked if a Resolution was needed to allow the Mayor to form a Blue Ribbon Committee to discuss personnel matters of the City, **and he would make a motion to that effect.**

Councilman Benson suggested that the names be reported by next Tuesday in the Legal and Legislative Committee and asked Councilman Page to add this to his motion. Councilman Page stated that he would be happy to do this.

FLOYD KILPATRICK(CONT'D)

Councilman Pierce asked if this had to be in the form of a Resolution and Attorney Nelson stated it did not have to be in such form.

Councilman Hakeem stated that this was both a community and government effort to come up with a clear understanding of the lines of demarcation and to review this is progressive; that at some times there are those who may feel that the Mayor is going around the Council, and we need to all do this together—that he did not want to see the Mayor caught in the middle.

Mayor Littlefield assured Councilman Hakeem that he did know that the Council and Mayor had to work together; that this was local government at its best, and the issue was moving in a positive direction and should reap benefits for the whole community and not just these two employees.

Councilman Page again made his motion that we recommend the Mayor to set up the Blue Ribbon Committee, with Councilmembers submitting the names of their representatives by next Tuesday.

Mayor Littlefield stated that this could come back to the Legal and Legislative Committee, which meets every week, and we can flush out changes.

Councilman Benson stated that the Council needed to select the best people they could to be on this committee of nine; that he did not feel that the Council should be “hamstrung” and have to pick someone out of their District; that it was more important to get the best job done, and he questioned if the rest of the Council was agreeable to this. Councilwoman Rutherford stated that she was agreeable.

Councilman Page agreed to amend his motion to include that the representative did not have to come from each Council person’s district. It was seconded by Councilman Pierce that this go forward.

Chairman Robinson admonished the Mayor to go right to work!

AMEND CITY CODE
CHICKENS & PERMITS

On motion of Councilwoman Rutherford, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 7, REGARDING CHICKENS AND PERMITS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE
BUSINESS PARKING LOTS

Councilman Pierce stated that he had a question about this Ordinance and owners having to post their property; that the City Attorney had advised him that this is legal. He mentioned a situation on the West side involving private property. He stated that he had not read the Ordinance per se but understood that if the property owner did not police his own property, he could be subject to a fine up to \$50.00.

Attorney Nelson explained that it is a nuisance for property owners to permit more than 30 people to gather on a lot within 200 ft. of any residence between the hours of 12:00 a.m. and 5:00 a.m.; that a property owner can still permit people to gather if he is present at the time; however most people don't want to be at their property 24 hours a day; that there is a special provision that they can post a sign saying "No Loitering and Cruising" and that will suffice; that this Ordinance does not require a property owner to post a sign—that if there are no problems on his lot, he won't get cited anyway.

Councilman Pierce asked if there were no restrictions against such signs in the Sign Ordinance. Attorney Nelson responded not in all cases; that people can have "For Sale" signs on their own property and typically there are other things a person can use without the Sign Ordinance being a problem. Councilman Pierce went on to say that he had had experience with Westside and the police not being able to enforce; that he felt this was placing too much on the property owner, and we were taking one incident and piling laws on the books which won't be enforced, and he felt it was a waste of time and paper.

BUSINESS PARKING LOTS
(CONT'D)

Councilman Benson explained to Councilman Pierce that if he would recall, this had been discussed extensively in the Legal and Legislative Committee; that Chief Parks was there and his response was that this would help the police if there is a situation where more than 30 are gathering; that it makes it more effective for the Police to deal with these situations than if we did not have such an Ordinance; that they believe it is easier to police with this Ordinance.

Councilman Pierce went on to say that one reason is the noise, and we already have a Noise Ordinance on the books, and we don't need another law.

Councilman Benson explained to him that it is not **just** noise; that when crowds get 30 or over there is a certain change of atmosphere and it is much more difficult to control the crowd. He reiterated that this had been discussed at length in the Legal and Legislative Committee.

Councilwoman Rutherford noted that Councilman Pierce was out of the City when this was discussed in committee.

Councilman Benson went on to say that we went into this matter with much detail and all questions were answered.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 25 BY ADDING A NEW SECTION 25-74
REGULATING CROWDS ON BUSINESS LOTS BETWEEN
MIDNIGHT AND 5:00 A.M.**

passed second and final reading and was signed in open meeting, with Councilman Pierce voting "No".

REZONING

(2005-153 Reid M. Henson)

Mr. Jerry Pace, RPA Director, explained that this case had been deferred from last week; that the applicant was requesting an additional 5 ft.; that the Planning Staff had recommended that only the back part be rezoned; that first the Staff recommended denial of the original request and then recommended that the southern portion be rezoned to R-4 for office use only. The Planning Commission recommended C-2 for the northern most 25 ft. so that there could be expansion; however the applicant was now requesting an additional 5 ft. He explained that if there is expansion, the property would need to be re-subdivided, which would make a more sub-standard lot. He reiterated that the Planning Staff had concerns about the original request.

Mr. Pace went on to say that we are previously having a Study done, and he had spoken to Councilwomen Robinson and Bennett concerning this; that all concerned felt that this case should be deferred until the Study is complete, which should be in December.

Councilwoman Bennett confirmed that this is a Study area and stated that if we deny this, it would be nine months before it could be brought back up. She suggested deferring until January to give the applicant an opportunity to come back.

Councilwoman Rutherford stated that she must have slept since this was discussed! She noted that we passed this on first reading on October 11th and the Study was going on then and nothing was said about it; that we held it for second reading to simply look at an additional 5 ft. ruling, and we did not approve it on second reading last week. She stated that she felt the Council should go ahead and give this applicant what we approved on first reading two weeks ago and just forget about the additional 5 ft., or she suggested that maybe a variance could be applied for to take care of the addition.

REZONING (CONT'D)

Mr. Pace explained that this could not be handled by a variance; that the Study had gotten underway, and he had a meeting yesterday with the two Councilpersons involved, and the thought came up to defer it. He stated that the Study might actually help the property; that the Staff had already recommended to deny C-2 and had recommended R-4 to keep the residential structure and to use it for an office; that the Planning Commission made the recommendation for C-2 for 25 ft. and then the applicant asked for 30 ft. and parking to the rear; that the Plan calls for parking to the rear.

Councilwoman Rutherford stated that she understood one person owns all of this.

Chairman Robinson mentioned one other aspect; that we got a report back from the "big" neighborhood meeting; that it was a Land Use Plan, and we just got it this week and there were lots of comments, and the Design Studio was sifting through this. She stated that this area falls within the scope of the Study, and we need time to recommend this, and they had talked to the Planning Staff about this.

Councilwoman Bennett stated that she had had a chance to sleep, and we needed a little more time to talk with Planning; that there is a Land Use Plan in place, and if we voted tonight, she would vote to deny this; that until new information is maintained, she would vote to defer this until January.

Chairman Robinson stated that we could select a date in January now; that it could be January 3rd, 10th, 17th, 24th, or the 31st. Councilwoman Bennett suggested January 17th.

An unidentified lady in the audience who was representing the applicant asked if this meant they were not getting R-4 at this point. Chairman Robinson explained to her that she would have to wait until January 17th.

Councilwoman Rutherford asked if on January 17th, it would be second reading or if the applicant would have to start all over. It was determined that it would be second reading.

REZONING (CONT'D)

On motion of Councilwoman Bennett, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 327 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred until January 17, 2006, with Councilwoman Rutherford voting "No".

CAPITAL BUDGET

Councilman Page stated that this was discussed in the Budget and Finance Committee with a recommendation for approval. He expressed appreciation for the Staff's work in putting this together.

On motion of Councilman Page, seconded by Councilman Pierce,
AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENT BUDGET FOR THE FISCAL YEAR 2005/2006 AND TO AMEND THE FISCAL YEAR 2005-2006 BUDGET ORDINANCE NO. 11728
passed first reading.

5-YEAR CAPITAL IMPROVEMENT PLAN

Councilman Page stated that this also came with a recommendation for approval from the Budget and Finance Committee.

On motion of Councilman Hakeem, seconded by Councilman Page,
A RESOLUTION APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN SUBJECT TO FUTURE REVISION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

TEMPORARY USAGE

Councilman Hakeem noted that Resolutions (a) through (e) were discussed in the Public Works Committee meeting today and all come with a recommendation for approval.

On motion of Councilman Hakeem, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING HUBERT L. WEATHERS TO USE TEMPORARILY THE UNOPENED ALLEY WEST OF 2232 EAST 19TH STREET TO INSTALL A POST GATE TO PREVENT CRIMINAL ACTIVITY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USAGE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING HUBERT L. WEATHERS TO USE TEMPORARILY THE UNOPENED 2200 BLOCK OF EAST 19TH STREET WEST OF LYERLY STREET TO INSTALL A FENCE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CODES TRAINING CONF.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT TO THE CHATTANOOGA CHOO CHOO FOR EXPENSES ASSOCIATED WITH THE 2005 CODES TRAINING CONFERENCE HELD OCTOBER 7TH AND 8TH IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL RATE CONSULTANTS, INC. RELATIVE TO CONTRACT NO. S-05-013-101, STORMWATER LEVEL OF SERVICE/COST OF SERVICE ANALYSIS, INCLUDING PUBLIC INPUT, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$191,500.00)

was adopted.

**ACCESSIBLE AMERICA
GRANT**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE MAYOR'S OFFICE TO APPLY FOR AND, IF APPROVED, ACCEPT AN ACCESSIBLE AMERICA GRANT IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE NATIONAL ORGANIZATION ON DISABILITY

was adopted.

OVERTIME

Overtime for the week ending October 21, 2005, was reported in the amount of \$12,839.58.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **CEDRIC L. NEAL**—Suspension of Equipment Operator, 3 days without pay, effective 10/21,24,25/05.
- **ERIC T. CROSS**—Suspension of Equipment Operator, 24 working days without pay, effective 10/21—12/01/05.
- **GILBERT J. LOTT**—Dismissal of Concrete Worker, effective 10/20/05.

FINANCE DEPARTMENT:

- **MICHELE R. PICKETT**—Resignation of Programmer Analyst, effective 10/21/05.

CHATTANOOGA POLICE DEPT.:

- **KRISTINA C. SALTER**—Resignation of School Patrol Officer, effective 9/23/05.
- **EUGENIA SHERILL**—Hire as School Patrol Officer, \$28.22 a day, effective 10/21/05.
- **MARTE E. WILLIAMS**—Hire as School Patrol Officer, \$28.22 a day, Effective 10/21/05.

NEIGHBORHOOD SERVICES DEPT:

- **JASON CHAUNCEY**—Accommodation Transfer, Codes Enforcement Inspector, Pay Grade 11/2, \$27,695.00, effective 10/14/05.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Public Works Dept.:

**WATER SERVICES (Lowest and best bid);
Requisition No. R0085002/B0002557**

Cooling Tower & Hot Water System

\$8,600.00

**SUN VALLEY LIGHTING, INC. (Single Source Purchase):
Requisition R0085104/B002613**

Pedestrian Light Poles & Fixtures

\$159,630.00

**CHARLES WILLIAMS & ASSOCIATES & MID TENN TURF, INC.(Lowest
bids)
Requisition No. R085058/B0002603**

Sod

\$15,000.00

BOARD APPOINTMENTS

On motion of Councilman Pierce, seconded by Councilman Rico, the following Board Appointments were approved:

HUMAN RIGHTS & HUMAN RELATIONS COMMISSION:

- Appointment of **RACHEL WANTANABE**, with term expiring **July 28, 2008**, representative from District 7.
- Appointment of **ARMELIA WILLIAMS**, to complete unexpired term of Leonard Wellington, with term to expire on **July 28, 2006**, representative from District 6.

At this point Chairman Robinson noted that the computers had been down in the Council Office; that she had 100 e-mails that she was unable to acknowledge; that a cable had been mistakenly cut, but it should be up and running by tomorrow.

Chairman Robinson also noted that Missy Crutchfield, Administrator of the Department of Education, Arts and Culture had given a very informative presentation about her Plan, which was very exciting. She went on to say that we are fortunate to have Ms. Crutchfield as Chairman of this department; that there are initiatives underway, and we will hear more as the weeks go by.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Fire Dept.:

ARAMSCO, INC. (Lowest and best bid)
Requisition No. R0085402/B0002605

MSA Millennium Air Purifying Respirators

\$11,115.00

CHIEF COPPINGER

At this point, Chairman Robinson stated that she was really between “a rock and a hard place”; that Chief Coppinger did not want any fuss or fanfare, but at the same time we would be derelict in our duty if we failed to express to him our feelings; that he had served the City faithfully for 28 years—eight years of which he had been Fire Chief.

CHIEF COPPINGER (CONT'D)

Chairman Robinson read from a prepared statement:

Chief Coppinger, you've placed the Council between a rock and hard place. We recognize that you have endeavored to minimize any fuss and fanfare that would otherwise be expected on the occasion of your retirement. At the same time, we would be derelict of our duties if we failed to express to you, on behalf of all our citizens, our sincerest gratitude for the 28 years of outstanding service to the City of Chattanooga, as a firefighter, fire investigator, OSHA officer, public information officer, fire inspector, and for the past eight as our Fire Chief. Under your leadership, the department achieved an upgrade to a Class 2 Public Protection Classification, for which our entire community owes you a debt of thanks. You have worked to increase the professionalism within the department and through your own behavior have set high standards for respect, compassion, and ethics. Your actions, such as ensuring that upon retirement the Council publicly recognizes a firefighter's years of service, have demonstrated your concern for the men and women of your department.

We realize the job has not been an easy one, but we thank you for the years of quality, conscientious service you have given us. Your retirement is well deserved, and we wish you the best in whatever you choose to do next.

Chief Coppinger responded by thanking the Council, stating that this was somewhat humbling and embarrassing; that you get a lot of credit when you do things well and a lot of blame if things go poorly. He stated that he would like to share in the positive comments about the Fire Department; that it was a team effort, and he was proud to be a member of the team; that it had been a privilege to share with the men and women in the Fire Department and their dedication made it easy to come to work each morning; that he wished his successor, whomever he or she might be, much success. He also thanked the Council for the pleasure of serving with them, stating they had always been fair to him and for that, he thanked everyone. He also thanked members of this Administration and previous department heads, stating there was nothing like their knowledge and efforts. He thanked everyone, stating that he planned to enjoy his retirement.

CHIEF COPPINGER

Chairman Robinson stating that the comments about Chief Coppinger were well deserved, and she thanked Randy Burns for getting this information in order for us, stating that his help was invaluable.

Councilman Benson stated that he had retired three times and retirement had never stopped him and that it would not stop Chief Coppinger. He asked him what district he lived in and was told it was Councilman Page's district. Councilman Benson inferred that if Chief Coppinger lived in his district he would make full use of his abilities.

APPROVAL OF SALE

Councilman Hakeem stated that this was discussed in the Public Works Committee and comes with a recommendation for approval and that he would also like to add that these items are surplus, and we have no need for them.

On motion of Councilman Pierce, seconded by Councilman Rico, the Finance Department was given approval to sell surplus radio controllers and spare parts to Cobb County Georgia for a price of \$20,000.

PERSONNEL HEARING:
JACQUELINE MCCAIN

Attorney Nelson explained that this hearing had been postponed due to the death of one of Shelley Parker's friends. A hearing for **Jacqueline McCain, Chattanooga Police Dept.**, has been rescheduled on **Monday, November 7th at 9:00 a.m.** **The panel will consist of Councilmen Hakeem, Robinson and Benson. Councilman Pierce will serve as alternate.** (Councilwoman Rutherford was on the previous panel but was not available on November 7th).

PERSONNEL HEARING:
CHARLES E. MCMAHAN

A personnel hearing was scheduled for **Charles E. McMahan, Chattanooga Police Dept. on Monday, November 14th at 10:00 a.m.** The panel will consist of Councilpersons Rutherford, Pierce and Rico, with Chairman Robinson as alternate.

COMMITTEES

Councilman Benson scheduled a **Legal and Legislative Committee meeting for Tuesday, November 1st at 3:00 p.m.** At this time he commended Department Heads for being present, stating that Mr. Johnson was “batting 1000” tonight. He stated that this gave the Council comfort and security. Chairman Robinson added that it was nice to have this expertise around.

Councilman Hakeem reminded Councilmembers of the **Public Works Committee meeting scheduled for Tuesday, November 8th at 4:00 p.m.** He also announced a **District 9 Meeting on November 14th at 5:30 p.m. at Carver Recreation Center,** noting that Mayor Littlefield would be the guest speaker.

ELIZABETH BUSH

Ms. Elizabeth Bush addressed the Council, stating that she would make this short. She stated that she was a resident of the Tunnel Blvd. section; that she worked for the Chattanooga Police Dept. and had worked for them 21 years, and she thanked the Council for taking on the personnel issue. She stated that it took her 30 years, with the help of Councilmen Hakeem and Pierce, to get sidewalks in the Tunnel Blvd. area; that she was hoping she could ride in the neighborhood and enjoy it. She stated that we have a good Police Department, but we need more manpower; that they only had four officers patrolling her area, and it was a real hot spot! She mentioned the Jiharra Night Club in the Tunnel Blvd. and Wilcox area and also the Conoco Station, stating that four officers cannot do the whole area, and she felt they had the best officers on the force in this area; that the majority of the policemen are good.

ELIZABETH BUSH(CONT'D)

Ms. Bush went on to say that she did not know the solution; that she had been talking to everyone, and they all say we are short of manpower. She stated that people in her area could not go down the street or call anyone on their cell phones; that they could not go to the store without people bothering them. She stated that Councilwoman Rutherford knew the situation and asked what they as citizens could do; that the police officers could not do anymore. She mentioned having to have undercover men, stating that it was almost like Watts in their area.

She asked the Council to give the police force more men—that ladies can't drive and get out of the neighborhood. She asked what they, as citizens could do, as they had worked so hard to enjoy their community. She reiterated "What do we do"; again noting that she worked for the Chattanooga Police Dept.; that the Council should either help the citizens or help the Police—that it was a shame it had gotten to this. She again stated that she worked at the Police Department and loved all of them and hoped that they loved her. She urged the Council to do something to help the Police Force, and she was also asking them to please help the community.

Chairman Robinson suggested that she talk to Chief Cooper, who was present tonight.

Ms. Bush stated that she had already talked to Chief Cooper—that they have no manpower and no more money—that she worked there! She stated that it was not Chief Cooper and Chief Parks' fault; that everyone knows the problems; that she had gone through the right channels, and everyone knows the problem; that four men could not control the whole sector. She stated that there should be something that could be done; that the Police had tried; that there was a chain of command, and she would not disrespect the people she worked for; that she was asking for help.

Chairman Robinson suggested that this be discussed in committee next week. Councilwoman Rutherford noted that she was not planning on having a Safety Committee meeting next week.

ELIZABETH BUSH(CONT'D)

Councilman Benson agreed that this was a serious problem.

Councilwoman Rutherford noted that there were four policemen in the Delta Sector and four in the George Sector; that this is a serious problem, and we need to give officers every tool possible. She mentioned the impact and help that the Ordinance we just passed tonight would have on the police; that we can't come up with the money to spend more on the street; that this had to be a creative thing, and she did not think more police officers was the answer.

Chairman Robinson stated that we could talk about this at the next Safety Committee meeting.

Councilwoman Rutherford scheduled a **Safety Committee meeting for Tuesday, November 8th at 3:00 p.m.** She asked Ms. Bush to be sure and come.

RECESS OF MEETING

Chairman Robinson recessed the meeting of the Chattanooga City Council until **Friday, October 28th at 3:00 p.m.**, at which time Mayor Littlefield will be present to announce the appointment of the new Chief of the Fire Department.

**City Council Building
Chattanooga, Tennessee
October 28, 2005
3:00 p.m.**

Chairman Robinson called the recessed session of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, and Rico present. Councilmen Pierce and Rutherford were absent. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**APPOINTMENT OF FIRE
CHIEF**

Mayor Littlefield expressed appreciation to the Council for coming out this Friday afternoon at an unusual time and noted that longtime Fire Chief Coppinger is retiring today. He stated at the close of this evening, and unless action is taken today, we will not have a Fire Chief or he would have to make a special selection to put someone in temporarily. He stated that he has been wrestling with this issue since taking office in April and learning that Chief Coppinger planned to retire at the end of his 28 years and that time has come.

Mayor Littlefield stated he has gone through a lengthy process of talking with firefighters at all levels and meeting with union people, including the Fraternal Order of Firefighters, the Black Firefighters and others; that he has gathered resumes and letters of interest from all who had expressed an interest in the Chief's position. He stated he has gone through all those papers, gathered and analyzed them, noting that there is one individual and only one who has both a Bachelor's and Master's Degree in Public Administration and that is Wendell Rowe. He stated Captain Rowe retired from the department in December 2001 and has a file full of all of the special training he has undertaken; that he is a skilled and capable administrator and has proven that. He stated he has mentioned to some and would state publicly that he met Capt. Rowe many years ago back in the 1990's when he (Littlefield) was teaching a course at UTC and he (Rowe) was a student in a graduate level class and became aware of his communication skills.

**APPOINTMENT OF FIRE
CHIEF (Continued)**

Mayor Littlefield stated that he recommends Captain Rowe to the Council as Chief and noted that he had distributed his resume in detail when he brought Captain Rowe over to meet with the Council with the City Attorney present so there would be no question of whether or not the “sunshine” was being violated. He stated at that time the Council had an opportunity to ask questions and to meet Randall Parker, who will be Deputy Chief. He stated Captain Parker is known quite well and has unique abilities also. He stated that he went back and forth on the two individuals and decided on an opportunity to put a team in place. He reminded the Council that the only person the Council has to confirm according to the *Charter* is the Chief and again recommended Wendell Rowe as Chief of the Chattanooga Fire Department. He stated if he is confirmed he would have the most educational credentials determined of any Chief in the Fire Department at any time.

Councilman Franklin stated that he certainly is very pleased to have had an opportunity to chat with the two candidates and was very impressed with Captain Parker and former Captain Rowe; that both resumes speak highly of them and this department. He acknowledged that Chief Coppinger has done an excellent job during his tenure and put together a department that reflects diversity, not necessarily culturally or ethically, but as far as skill levels are concerned and being able to have a group that works well together; that it certainly is a professional department. He stated Captain Rowe is an excellent individual both as a human being and as a professional firefighter and will represent this department very well; that it is his thought the rank and file of those who work with him and have worked with him would say the same. He stated there are still positions in this department that are to be filled and (he) trusts the Battalion Chief and captains and others involved will have the utmost confidence in knowing they will be involved with the highest quality individual, as well as a professional. At this point he **made the motion to approve the appointment of Wendell Rowe and Chief of the Chattanooga Fire Department.**

Councilman Hakeem stated after having an opportunity to talk with the two gentlemen he concurred that they are “up for the job” and qualified. He stated that it is his thought they would make an effort to make some “healing” within the department where it is needed.

APPOINTMENT OF FIRE CHIEF
(Continued)

Councilman Hakeem stated that he wanted citizens to know that the Council questioned the gentlemen with the City Attorney present and did ask Mr. Rowe whether he would have to show the system how well he can give a black man a hard time and he articulated a good response to that. He stated Mr. Parker was asked if there was anything in his past that would come back, in a sense, to “bite” him in his relationship with people of color and it is his (Hakeem’s) understanding the Mayor went beyond background checks and both are in very good standing. He stated one point of clarification he would like for the City Attorney to address is a question that was raised more than one time in regard to pension and an individual coming back to work.

Mayor Littlefield stated that he just talked with Chip O’Dell and contacted the Fire and Police Pension Board and the pension is, in his opinion, a deal that can be worked out a number of ways; that he has not really sat down and confirmed compensation with Messrs. Rowe and Parker nor administrative details, as well. He stated the Pension Board has not really faced a situation like this, although we know the city has quite often in the past allowed people to be on city pension and rehire them under contract, which is one option. He stated the other, which was mentioned by Councilman Benson, is to suspend pension payments and pay as a regular employee and contribute to the pension once again. He stated something will have to be worked out with the Pension Board and noted that he was told today that he was a member of the Pension Board! He stated the matter would be resolved one way or the other and is one we can clearly handle. He stated their qualifications speak for themselves and this is a great opportunity for the city to move forward in a positive direction.

Councilman Benson stated that he met both candidates and started out a little negative and adversarial and apologized to both gentlemen if he came on too hard on a couple issues, even though one issue still worries him. He complimented them for the way they responded and especially Mr. Rowe for the way he responded on the pension issue, assuring him he would go the minimum route and probably forestall his pension now, “stopping it in its tracks” and go on regular pay. He stated if that is the minimum route it can be worked out and is an administrative issue. He expressed concern for morale by bringing people back from retirement when we have staff who have worked their entire life and aspired for this type of promotion.

**APPOINTMENT OF FIRE
CHIEF (Continued)**

Councilman Benson stated there is a past precedent for doing this and is certain it is a precedent that is good and bad. He stated that he sincerely believes it is a bad precedent to bring someone back once they retire and still feels pretty adamant about it. He stated in looking “at the big picture” and the way they responded, not only graciously and with dignity, but with astuteness which he thought was a good managerial leadership example. At this point he **stated he was willing to second the motion to appoint Wendell Rowe as Chief of the Chattanooga Fire Department.**

Councilman Page expressed thanks to Chief Coppinger for a job well done; that he did a good job for the department and appreciates his work. He stated Jim Coppinger is from District 3 and Mr. Rowe is from District 3, also, noting that there must be something going on out there to make a good Chief of the Fire Department! He stated that he believes administration has a right to select their own people and administration as they want to. He stated that he has one question for Mr. Rowe as he has not met him and knows he is coming out of retirement and asked why he wants the job.

Wendell Rowe stated that he answered the question in the back during questioning prior to Councilman Page’s arrival. He stated that he has a love for the emergency services and never actually retired from them. He stated he has always been involved since 1975 and when you talk about retirement and stopping work and pursuing a certain field or area, it is his thought they are two different things. He stated part of the reason for retirement from the Chattanooga Fire Department involved a policy at the time; that there was a major exodus of firefighters to take advantage of the drop plan or incentive pay. He stated that he is certain a lot who took advantage of that would rather be working than on leave. He stated that he has a driving desire to be in emergency services and still reads all the professional journals and (still) attends organizational meetings, such as the one in Nashville next month on November 11. He stated he has to say he is retired as it is officially called, but noted that he really does not feel retired and never actually lost interest or stopped pursuing the latest developments and has always kept abreast.

Councilman Page expressed appreciation for Mr. Rowe’s response and noted support for him.

**APPOINTMENT OF FIRE
CHIEF (Continued)**

Chairman Robinson stated that it is her thought all in Chattanooga often talk about local people taking leadership roles in our community and how fortunate we are when we can find local leadership rather than a world search for someone to come in. She referenced Mr. Rowe's educational attainment that he worked so many years for as an adult student, noting that learning is a lifetime process; that a person never stops learning and for a person to continue in their thirties and forties pursuing higher education speaks highly of his commitments.

Chairman Robinson concluded her comments by echoing a statement Councilmen Hakeem and Franklin stated earlier and several Council members commented on regarding the importance of having good role models in our community for our youth. She stated she does not know of any little boy who has not dreamed of becoming a fireman; that she thinks Mr. Rowe will be a wonderful role model for youth and noted her hope that he will work in the schools and do community outreach as a hands-on administrator as he works across the board in our city.

At this point the vote was taken on the motion and second by Councilmen Franklin and Benson to appoint Wendell Rowe as Chief of the Chattanooga Fire Department; the motion carried unanimously.

Chairman Robinson welcomed Chief Rowe aboard!

**JACQUELINE MCCAIN
HEARING**

City Attorney Nelson stated earlier in this meeting on Tuesday evening when the Council initially met, the hearing for Jacqueline McCain was reset for Monday November 7 at 9 a.m. He stated it now turns out that Chiefs Parks and Cooper cannot be there at that time but can be later on the same day. He stated they would like the **hearing time to be moved from 9 a.m. to 1 p.m.** Councilmen Hakeem, Benson and Robinson, the panel hearing the request, agreed to the change in time.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, November 1, 2005 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)**