

**City Council Building  
Chattanooga, Tennessee  
March 30, 2010  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman McGary gave invocation.

### **MINUTE APPROVAL**

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

### **CONTRACT: FREEMAN COOPER**

**Councilmen Rico and Robinson made the motion and second to approve this resolution.**

Chairman Benson asked if the Council would agree to allow opponents and proponents three minutes each to speak on this matter.

Councilman McGary asked that speakers' comments be limited to three persons "for" and three persons "against" for three minutes each; Council members agreed.

**Gene Hay** of Stonewall Farms in Hixson stated that he would like to see the Sheriff take over. He stated he has been fighting with the city about annexation and all the other items and thinks Mayor Littlefield came up with a good recommendation last Sunday in letting Sheriff Hammond take over as Chief of Police for the city. He stated it would save the city a good amount of money and would start coordinating the city and county getting together to see what they can do about a total consolidation package someday.

**CONTRACT: FREEMAN COOPER (Continued)**

Mr. Hay stated he heard comments about Councilman Benson not hearing anything good about this and that is what got him to come down tonight; that Councilman Benson stated he had not heard anybody in favor or against it.

Chairman Benson asked for clarification. Mr. Hay stated the comment was about the Sheriff taking over. Chairman acknowledged he did not say he had not heard anyone In favor of the Sherriff taking over.

Mr. Hay stated as far as he was concerned the city should start looking at this and as far as comments he has heard people are saying it would be a down grade to the city police; that there is an Assistant Chief who could step up to the ranks of Acting Chief and give him the interim position so the Sheriff would be working closely with him to represent all the police in the city. He stated he could see where this could be a good benefit to everybody and to at least give it a six month-to-one year trial before starting the other contract.

**Gordon Anderson** of 7623 Asherton Lane stated he was present in opposition to the resolution; that he thinks it is time now for some effort to begin to remove the double taxation of our citizens here in Chattanooga. He stated they are already paying through their taxes for the county police department; that in no way should it be construed he is negative toward our current police as he is not because he has utmost respect for them and appreciates their job and the work they do. He stated it is his thought the recent events show the need for us to improve our communication between our police forces; that the gangs and criminals know no jurisdiction between city and county lines; that we need to improve communication with our police forces and to help to start reducing some of the tax burden being placed upon our city residents.

Councilman McGary asked for clarification if the business of the Council tonight is to vote up or down or approve the current resolution; that the Council will not make a decision as to whether "for" or "against" consolidation as it will happen on a separate date. He stated the vote tonight is whether or not to keep Chief Cooper or accept his retirement.

Chairman Benson stated Councilman McGary is exactly correct; that the Council is talking about whether to enter into a contract with Chief Cooper as Chief of Police for another period of time.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilwoman Scott stated before and after last week's vote, she had numerous conversations with supportive police officers in favor of a continuation of Chief Cooper; that she also had conversations with police officers that were not so favorable. She stated she has had no conversation with any police officer that did not feel Chief Cooper was fair, honest, compassionate and totally dedicated to the police department. At this point she thanked Chief Cooper for 28 years of public service to the Chattanooga Police Department, noting he has done an excellent job. She stated since last week, there have been a lot of half-truths in the media, there have been a lot of misinterpreted facts and there has been an enormous amount of political wrangling. She stated these issues and these things have dominated Chattanooga and it is poppycock to say monies that would be paid under a contract could instead significantly increase the number of police officers on the street. She stated unfortunately the public has started to question the merits and costs of the police DROP benefit and the police pension plan; that many individuals that have an incomplete understanding of these programs somehow or another in all of the discussions and things that they have read or in conversations they have had with individuals have somehow or another concluded it is some sort of an underhanded jackpot deal for police officers and that is unfortunate because it is not!

Councilwoman Scott stated thanks to this controversy regarding a contract we have had a tremendous amount of emotional distress within the police department and also with the public; that, in fact, so much so the public trust regarding this issue has been undermined. She stated this controversy is not healthy and it has not been productive for the city of Chattanooga. She stated the efforts of the City Council, the Mayor and the police department need to be focused on one primary thing, and that one thing is not a personal advancement of one police position, that one thing is not the overall focus of easing the transition of consolidation. She stated while those things matter they are not the most important thing; that the one thing is the preservation of public safety -- that overrides all. She stated she will not vote to approve a one dollar contract for the Sheriff and knows that is not what we will vote on today; that it has no reflection whatsoever to do with the Sheriff, it is just she does not think this is the time to make that happen as we are not ready for that.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilwoman Scott stated she would not be voting to approve a contract for Chief Cooper and that is not a reflection on him as she has stated previously he has been a good leader. She stated it is not because he cannot do the job because she knows he can, he has done the job. She stated it is simply the public's trust has been fractured on this issue. She stated this contract has become a distraction; that those who have distorted the facts and inflamed this controversy ought to be ashamed and added that those that have questioned her motives on this issue should also be ashamed. She stated the most important thing is public safety for the city of Chattanooga and nothing else! At this point she "yielded the floor".

Councilwoman Robinson echoed Councilwoman Scott's comments in reference to the dedication that Chief Cooper has brought to his service and our community for 28 years and especially her contact with him since he has been Chief. She stated she often gets in touch with Chief Cooper on one matter or another and goes directly to him and usually communicates with e-mail and without exception she hears back from him within five-to-ten minutes every single time she has ever communicated with him. She stated he is devoted and dedicated and has spent 28 years of his life serving our community and the reason she is going to support Chief Cooper staying in this position is we are undergoing a remarkable transformation as a community and it is amazing to her when the microphone was "open" tonight that the first two people who came forth talked about consolidation and they are comfortable with that. She stated that is a process, not a decision the Council can make tonight, but it is amazing to her to see people embracing the idea that we might be able to have a form of consolidation countywide. She stated it is true the "bad guys" do not know what a district line is as it is happening all over the county and she is intrigued with the Mayor's proposal that we will consolidate our services; that it is her thought we have a Chief in place who is comfortable and will work with us and the county as we pursue our alternatives and work through that. She stated as Councilwoman Scott has indicated there are many issues we will have to "iron out"; that in the meantime we have a Chief who will lead his troops with the same dedication tomorrow and will serve our community with the same dedication he has had for the past 28 years.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilwoman Robinson stated our police officers have earned their retirement and their DROP; that these are men and women who have spent probably most of their lives in a bullet proof vest – that they have earned it and are not like the rest of us in this room who will be collecting social security checks; that at the end of the day we will have to pay all of our men and women in uniform when they retire this same benefit they have spent their lives earning. She stated tomorrow we will have to hire a new police chief, so by not approving Chief Cooper the citizens of Chattanooga are not going to save one dime, not one; that it will cost exactly the same to go forward with him as it would if we accepted his retirement and then went out and hired a new police chief. She stated she is very sorry this message got hijacked and got turned into a referendum for one of our really fine officers who serve our community with distinction. At this point she “yielded the floor”.

Chairman Benson stated the Council had open discussion today in Committee which was transparent and most people did voice their opinions. He stated if some on the Council do not speak up and just vote it is not because they did not do a lot of talking in Committee today. He stated he pledged he would keep his mouth shut just to vote after all the discussion this afternoon.

Councilman McGary also echoed the sentiments of his colleagues and gave kudos to Chief Cooper. He stated last week the Council was presented with a resolution as to whether to rehire Chief Cooper and to ask him to continue for three more years as our police chief with the option of staying on if the next administration and the next Council so chooses. He stated the question went out as to what were our options: would there be another chief appointed if Chief Cooper was not accepted by this Council; that we asked further exploratory questions as to what would be the reality of the police force if Chief Cooper was not rehired. He stated the answer he received, and if he is wrong he asked to be corrected, was that if he was not rehired that the safety of our citizens would be in jeopardy because the police force would be subject to some form of chaos. He stated as an elected official the notion of the safety and quality of life for our constituents is something we take very seriously; that the notion our police force would be subject to some confusion or be in any way affected in its quality of service is something no one on the Council takes lightly. He asked two subsequent questions: (1) would our police force be in jeopardy because we do not have able bodied men and women who would be able to step up as police chief assuming Chief Cooper was not rehired or (2) is it because those same able bodied men and women were not willing to assume this responsibility.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilman McGary stated Councilman Murphy received communication with the Assistant Police Chiefs to the latter notion that they are not willing at this point in time to assume responsibility should we not rehire Chief Cooper and that being the case, it is his belief the best route forward if the Council was to move would be for us not to accept the current resolution on a three year basis with the option of renewal. He stated he would only be comfortable with a one year contract which would do two things: (1) give the police force and Chief Cooper, if he was rehired, the opportunity to train the next individual to insure if the Council did not approve that contract the following year that individual would be ready. He stated since that was not the motion that was made tonight he would not be able to vote in favor of it and would only be able to vote in favor if it were amended.

Councilwoman Berz stated this has been an extremely difficult time for her; that it is her thought public safety is the foremost thing we should consider and what has upset her a great deal is people getting off track and at time being purposely led off track that somehow we should attack the pension plan because of some sort of double dipping and that is not the issue. She stated every one of these people in the fire and police pension fund have earned it; that it is their right and it should never be in question. She stated another issue that comes to mind is the fact we should be concentrating our energy on better pay for our police, restoring the longevity pay we required earlier and giving them the number they need, in other words, more academies. She stated that is totally separate from the fact that the Mayor as Chief Executive has the right to propose names for his cabinet and we have the equal right to turn it down should we not approve, however that has not been the gist of the conversation. She expressed agreement with both Council Ladies that the discussion has gotten way off track. She stated the other thing that happened is we heard from all the Assistant Chiefs they had a great deal of respect for their Chief and they want him to remain; that the other consideration on the board was the fact that a Mayor has said that he is interested and is pushing for consolidation, which was in his State of the City speech; that she does not know what was expected when he, in turn, nominates someone who can help with that transition.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilwoman Berz stated there are a lot of goals and objectives that need to be met in the department that are not being met now; that she has heard from a number of her constituents, actually good things about the police and as she told the Council earlier today there were only a small number of negatives and unfortunately those negatives had to do with either the performance of the Mayor which has nothing to do with this conversation or racism, which she will not tolerate. She expressed agreement very strongly with Councilman McGary and stated that you just do not hire somebody and then what happens tomorrow; that she is not willing to vote for a three year contract at this point, however she knows she has an obligation for orderly transition of government whether it be to a new chief or whether it be to a metro situation. In addressing Chairman Benson she asked that we amend the present proposed resolution for a one year contract with the goals being not only to address in that contract the needs of our city relative to gangs, to pay that needs to be increased – that she wants the Chief to work toward that and saying so as Chair of the Budget and Finance Committee because it is her thought the police and fire personnel are not well paid and very often not well respected. She stated what has happened in the past week is an abomination to a department that does wonderful, beautiful things every day that unfortunately the press does not report. She asked that the resolution be amended for a one year contract.

**Councilwoman Berz made the motion to amend the resolution to reflect a one year contract; Councilman McGary seconded the motion.**

City Attorney McMahan amended the caption to read "***A resolution authorizing the Mayor to enter to a contract with Freeman Cooper to be Chief of Police for a term of one year***".

Councilman Murphy stated the Chief is an excellent man and counts him as a friend and expressed hope he counted him as a friend, also; that he has tendered notice of his intent to retire as the correspondence from him indicates and the official record indicates. He expressed concern unless this is a very limited one year contract that it leaves the department with a question about future leadership; that sometimes when something is difficult to do it is best to do it quickly. He stated if the Chief is going to go next year or the year after it may well be best for the department that he be granted his stated official expressed intent, which is to retire and that we move on with the leadership direction for the future.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilman Murphy stated he will vote "no" and do it acknowledging the Chief has done for 28 years what he (Murphy) said earlier in the day he does not think he could do for a week! He stated that he has the utmost of respect for him and wishes him the best in his retirement should that be the case.

Councilman Gilbert stated that it is still his belief and always will believe we have a great police force; that these individuals put their lives on the line daily. He stated the newspaper "painted a picture" of someone making quite a bit of money, but we should remember that was the Chief, not the guys and women out there putting their lives on the line every day. He stated that he understands that the police and fire personnel do not receive social security like most people in this room; that their pension is their social security. He stated a lot of people might not know that firefighters, especially, and police also, life spans are not as long as others because of exposure to different things in a burning fire that they are not aware is in the house, asbestos, chemicals and other things; that the same is true with policemen when they have to go to a meth lab and get things out of that particular house; that they are exposed to these things for us. He stated that the pension definitely should always be there for these guys who have put their lives on the line; that we have capable people in the police department to carry on if Chief Cooper retires. He stated if something had happened to Chief Cooper two years ago we should have someone in place automatically, that is good business; that someone or a group of people should be ready "in case of". He stated he knows we are an efficient city and we have someone "in case of" if something happens to someone and we need to start looking at that particular group of people to be Chief.

Chairman Benson reminded the Council the vote would be on the amendment to the resolution.

Councilman McGary called for the question on the motion to amend.

**At this point the roll call vote was taken on the motion and second to amend the resolution to reflect a one year contract:**

SCOTT	NO
ROBINSON	YES
LADD	NO



**CONTRACT: FREEMAN COOPER (Continued)**

GILBERT	NO
BERZ	YES
RICO	YES
MCGARY	YES
MURPHY	NO
BENSON	NO

**The motion failed.**

The original motion and second made by Councilmen Rico and Robinson was on the floor at this time.

Chairman Benson stated the contract does not say how much time; that it does not say three years.

City Attorney McMahan clarified that the contract states “... *subject to renewal upon mutual agreement for three additional one year terms. The original term from April 1, 2010 to April 30, 2013 shall be subject to renewal upon mutual agreement for three additional one year terms ...*”

Prior to the vote, Councilwoman Ladd stated as her colleagues have stated this has been a tough issue because she feels so good about the police chief and what he has done and what he means to this community. She stated she received several e-mails and phone calls, also; so many that she has not gotten them all returned as of this evening. She stated a lot of input has been gathered and agrees and always believed the retirement system and DROP payment has nothing to do with this decision. She stated when things get convoluted for her she likes to go back to the basics and the basics are we have a police chief that has turned in a request to exercise his retirement rights; that the DROP program was set up to encourage retirement at a certain time frame of service so that others within the department could move up and be placed in leadership roles.

**CONTRACT: FREEMAN COOPER (Continued)**

Councilwoman Ladd expressed her belief by doing the contract we are circumventing the intent of that retirement and DROP program; that when we go around and circumvent something that was placed for a reason usually there are consequences that come with it. She stated it would set up a precedence that would be ongoing for others to consider attempting to retire and remain in their position on contract and it is hard to deny something once it has been allowed. She stated that is why she going back to the basics of what the program was set up and designed to do and the wishes of the police chief, initially. She stayed it is her belief we have extremely well trained and adequate officers to step in line and take the leadership role of this department.

Councilman McGary called for the question.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH FREEMAN COOPER TO BE CHIEF OF POLICE**

**Failed; on roll call vote:**

<b>ROBINSON</b>	<b>YES</b>
<b>LADD</b>	<b>NO</b>
<b>GILBERT</b>	<b>NO</b>
<b>BERZ</b>	<b>ABSTAIN</b>
<b>RICO</b>	<b>YES</b>
<b>MCGARY</b>	<b>NO</b>
<b>MURPHY</b>	<b>NO</b>
<b>SCOTT</b>	<b>NO</b>
<b>BENSON</b>	<b>NO</b>

**PAYMENT**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING PAYMENT TO THE SOUTHEAST TENNESSEE  
DEVELOPMENT DISTRICT FOR 2010 DUES IN THE AMOUNT OF THIRTY-  
SIX THOUSAND THIRTY-EIGHT DOLLARS (\$36,038.00)**  
Was adopted; Councilwoman Scott voted "no".

**GRANT**

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR  
AND ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, OFFICE  
OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE, IN THE  
AMOUNT OF FOUR HUNDRED SEVENTEEN THOUSAND ONE HUNDRED  
SIXTY DOLLARS (\$417,160.00) TO BE USED FOR SOLVING COLD CASES  
WITH DNA FUNDS TO COVER OVERTIME, TRAINING, SUPPLIES, AND LAB  
TESTING WITH MATCHING FUNDS OF FORTY-SIX THOUSAND SIX  
HUNDRED SIXTY-EIGHT AND 57/100 DOLLARS (\$46,668.57) TO PAY  
FOR BENEFITS**  
Was adopted.

**CHANGE ORDER**

On motion of Councilwoman Ladd, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER  
NO. 2 (FINAL) RELATIVE TO CONTRACT NO. E-06-006-201,  
NORTHPOINT BOULEVARD EXTENSION PHASE 1, WITH STEIN  
CONSTRUCTION COMPANY, INC., FOR A DECREASED AMOUNT OF  
ONE HUNDRED TWENTY-TWO THOUSAND ONE HUNDRED SEVENTY-  
EIGHT AND 81/100 DOLLARS (\$122,178.81) FOR A REVISED CONTRACT  
AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED FORTY-ONE  
THOUSAND SEVEN HUNDRED FORTY-EIGHT AND 30/100 DOLLARS  
(\$1,141,748.30), AND TO RELEASE THE ONE HUNDRED ELEVEN  
THOUSAND THREE HUNDRED NINETY-TWO AND 89/100 DOLLARS  
(\$111,392.89) IN CONTINGENCY FUNDS**  
Was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-03-028-201, HAMILL ROAD IMPROVEMENTS – HIGHWAY 153 TO HIXSON PIKE PHASE 1, WITH STEIN CONSTRUCTION COMPANY, INC., FOR A DECREASED AMOUNT OF FIFTEEN THOUSAND EIGHT HUNDRED EIGHT AND 75/100 DOLLARS (\$15,808.75), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED SIXTY-NINE THOUSAND SEVEN HUNDRED THIRTY-SIX AND 10/100 DOLLARS (\$569,736.10), AND TO RELEASE THE SIXTY THOUSAND DOLLARS (\$60,000.00) IN CONTINGENCY FUNDS**

Was adopted.

**TEMPORARY USE**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING LLOYD STANLEY, III ON BEHALF OF CLYDE M. REEVES II TO USE TEMPORARILY A PORTION OF THE RIGHT-OF-WAY BEGINNING AT THE END OF THE PAVED 2400 WOOLSON ROAD TO REMOVE EXISTING HARDWOODS AND CONSTRUCTION OF A PRIVATE DRIVE LEADING TO 570 N. CREST ROAD, AS SHOWN ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS**

Was deferred.

**GRANT**

On motion of Councilwoman Ladd, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A “GRANTS FOR SAFE ROUTES TO SCHOOL” FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR SIDEWALKS AT BIG RIDGE ELEMENTARY SCHOOL AND FOR CROSSWALKS AND RELATED WORK IN THE VICINITY OF BATTLE ACADEMY, BROWN ACADEMY, CHATTANOOGA MIDDLE, DALEWOOD MIDDLE, AND THRASHER ELEMENTARY SCHOOLS IN THE AMOUNT OF THREE HUNDRED FORTY-SIX THOUSAND TWENTY-NINE DOLLARS (\$346,029.00)**

Was adopted.

**CHANGE ORDER**

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-06-006-202, NORTHPOINT BOULEVARD EXTENSION PHASE 2 AND 3, WITH STEIN CONSTRUCTION COMPANY, INC., FOR A DECREASED AMOUNT OF FIVE THOUSAND SEVEN HUNDRED TWENTY-NINE AND 15/100 DOLLARS (\$5,729.15), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION NINE HUNDRED EIGHTY-FIVE THOUSAND FIVE HUNDRED TWENTY-FOUR AND 70/100 DOLLARS (\$1,985,524.70), AND TO RELEASE THE TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) IN CONTINGENCY FUNDS**

Was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-04-008-201, LAKE HILLS INTERCEPTOR RELOCATION, WITH HAREN CONSTRUCTION COMPANY, INC., FOR AN INCREASED AMOUNT OF FIFTEEN THOUSAND TWO HUNDRED FIFTY-FOUR AND 12/100 DOLLARS (\$15,254.12), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED SIXTY-NINE AND 12/100 DOLLARS (\$425,469.12), AND TO RELEASE THE REMAINING TWENTY-FOUR THOUSAND SEVEN HUNDRED FORTY-FIVE AND 88/100 DOLLARS (\$24,745.88) IN CONTINGENCY**

Was adopted.

**CHANGE ORDER**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. S-008-004-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SLAP), WITH C&C CONSTRUCTION SERVICES, LLC, FOR AN INCREASED AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00) AND FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOURTEEN THOUSAND SEVEN HUNDRED DOLLARS (\$14,700.00)**

Was adopted.

**AGREEMENT**

On motion of Councilwoman Berz, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF PERSONNEL TO EXTEND THE ADMINISTRATIVE SERVICES AGREEMENT WITH PHP COMPANIES, INC. D/B/A/ CARITEN TPA SERVICES TO PROVIDE "RUN OUT" INSURANCE BENEFITS FOR CERTAIN RETIREES BEGINNING MARCH 1, 2010, THROUGH MAY 31, 2010, FOR A TOTAL COST OF APPROXIMATELY EIGHT THOUSAND DOLLARS (\$8,000.00)**

Was adopted.

**PAYMENT**

Councilwoman Scott requested that a report be given in six months and another one year from now as an update of where we are legally on the insurance settlement for this since it is not an expense that the city should be paying. She stated she would like for this request to be part of the minutes.

Chairman Benson asked Jerry Stewart if the report could be provided. Mr. Stewart responded affirmatively.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO PAY STOWERS MACHINERY THE MONTHLY RENTAL FOR A TRANSFORMER NEEDED AT THE OXYGEN PLANT IN THE AMOUNT OF TWENTY-SEVEN THOUSAND SEVEN HUNDRED EIGHTY-SEVEN AND 50/100 DOLLARS (\$27,787.50)**

Was adopted.

**ACCEPT PROPOSAL**

Councilwoman Scott expressed thanks to Mr. Thornton and others that worked on this contract stating it is a great improvement over the last one we had and preserves our interest for the city very well.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIRECTOR TO ACCEPT A PROPOSAL FROM EMERSON BURCH FOR THE PURCHASE OF THE OLD ST. ELMO FIRE HALL IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00)**

Was adopted.

**HONORING SERVICE OF CHIEF FREEMAN COOPER**

Chairman Benson stated Councilman Murphy has a very heartfelt resolution to bring at this time.

Councilman Murphy asked that the resolution be read in its entirety.

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION HEREBY HONORING THE SERVICE OF POLICE CHIEF  
FREEMAN COOPER FOR HAVING GIVEN OF HIMSELF TWENTY-EIGHT  
(28) YEARS OF FAITHFUL AND HONORABLE SERVICE IN THE  
PROFESSION AND CALLING OF POLICE WORK. BEST WISHES TO  
POLICE CHIEF FREEMAN COOPER ON HIS RETIREMENT THAT HAS BEEN  
ABLY EARNED**

Was adopted.

**OVERTIME**

Overtime for the week ending March 25, 2010 totaled \$44,267.45.

**PERSONNEL**

The following personnel matter was reported:

**FIRE DEPARTMENT:**

- ❖ **DAVID BROOKS** – Demotion, Staff Captain, Range F4C, \$50,102.08 annually, effective March 26, 2010.

**HOTEL PERMITS**

On motion of Councilman McGary, seconded by Councilwoman Berz, the following hotel permits were approved:

**DAYS INN & SUITES** – 101 East 20<sup>th</sup> Street, Chattanooga, TN

**HAMPTON INN** – 2420 Williams Street, Chattanooga, TN

**POLICE DEPARTMENT RECOGNITION**

Chief Rawlston reported that he had the pleasure this weekend of appearing in front of the Commission on Accreditation for Law Enforcement Agencies; that the Chattanooga Police Department received unanimous recommendation and was re-accredited for the fourth three-year term as an accredited police agency. He stated the Council can be proud of the Police Department.

Chairman Benson stated the city is proud, all through the ranks! (Applause was given at this time.)

**REFUNDS**

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds of personalty tax and water quality fees:

<b>CHATTANOOGA HOUSING AUTHORITY</b>	\$13,248.00
<b>SCHWERMANN REAL ESTATE &amp; DEVELOPMENT CORP.</b>	2,649.60
<b>SOUTHERN CHAMPION TRAY CO. #1</b>	26,532.64

**PURCHASES**

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchases were approved for use by the various departments:

**PUBLIC WORKS DEPARTMENT:**

**MATERIAL MATTERS, INC. (Single source)**  
**R25681**

Purchase of Biosolids Management System Support Services per TCA 6-56-304.2

\$39,500.00



**PURCHASES (Continued)**

**EUREKA ENVIRONMENTAL (Lowest and best bid)**

**R24125/B0006523**

Purchase of Contract for Monitoring Equipment

\$16,440.00

CHATTANOOGA POLICE DEPARTMENT:

**W. B. HUNT COMPANY (Best complete bid)**

**R23248B0006509**

Purchase a Blanket Contract for Photographic Supplies

\$12,500.00

**PURCHASING MANUAL**

Councilman McGary stated a couple months ago the Council was approached with the local preference ordinance and it was determined the ordinance would be tabled and items under discussion would be placed in an upcoming purchasing manual. He inquired as to the status of the manual.

Councilman Rico stated that Paul Page heads that department.

Councilman McGary asked if a report could be given next week as to the manual's status. City Attorney McMahan stated he would be happy to take on that responsibility.

**HEARING: SHAWN CUNNINGHAM**

City Attorney McMahan reported that a hearing for Shawn Cunningham was held on Monday and a portion of Tuesday morning, March 29-30, regarding his termination from the Chattanooga Police Department. A panel composed of Councilmen Ladd (Chair), Murphy and Scott voted unanimously to uphold administration's recommendation of termination.

**HEARING: MICHAEL DOUGLAS**

City Attorney McMahan reported that Michael Douglas has asked for a continuance of his hearing originally scheduled for Monday, April 5 at 4 p.m.

**The hearing for Michael Douglas was rescheduled for Monday, June 7 at 4 p.m. with the same panel originally scheduled: Councilmen Gilbert (Chair), Rico and Benson with Councilman Murphy as Alternate.**

**HEARING: WALTER A. MORGAN**

City Attorney McMahan reported the request for hearing from William Alexander Morgan regarding his termination as Electrician at the Moccasin Bend Waste Water Treatment Plant.

**A hearing for Mr. Morgan was scheduled for April 19, 2010 beginning at 4 p.m. with Councilmen McGary (Chair), Benson and Murphy hearing the appeal; Councilwoman Scott volunteered as alternate.**

**COMMITTEES**

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, April 6** to discuss matters within the Committee's jurisdiction.

Councilwoman Berz reminded Council members of the meeting of **Budget, Finance and Personnel Committee scheduled for Tuesday, April 6 following the Agenda Session** to discuss the Whistleblower Ordinance from the Council's Audit Committee and distribution of the 2010-11 budget schedule and requests from the various departments.

**SHIRLEY DEAKINS**

**Shirley Deakins** stated the issue she wanted to mention to the Council has to do with the methamphetamine house that was "busted" a week ago; that when she heard about it and read how long and how many people had been going in there and doing whatever they were doing, she put it upon herself after she got off from work to go and look at the house.

**SHIRLEY DEAKINS (Continued)**

Ms. Deakins stated she drove by the location and it is a horrible thing; that it is in worse shape than hers which was built in 1882. She stated nothing has been done to it that she could see since the teens or twenties; the house is a mess, the area is a mess and it is less than a block from East Side School. She stated it was less than half a block from the Resurrection Baptist Church and four other churches. She stated she does not know how that got missed, but she found out who owns it and discovered the owner owns properties everywhere and they are slum properties. She stated it is a shame and disgrace that it was overlooked and does not know how in the name of God anyone could have gone through the neighborhood and not noticed that house for something! She stated whoever is in charge of that area need to take a good look and spend some of their real genuine efforts looking toward things of that magnitude; that those children matter, too!

Chairman Benson asked Ms. Deakins to give the address to the Clerk of Council and referred the matter to Tony Sammons, Deputy Administrator of the Neighborhood Services Department, who was present.

**GERALD WEBB**

**Gerald Webb** of 1020 Norfolk Green stated he has lived in Chattanooga all his life except when he attended Middle Tennessee State University and attended law school at Cumberland at Samford University. He stated when he came back to Chattanooga he and his wife wanted to come back here to live as it was the only place they wanted to live and (he) went to work with District Attorney General Bill Cox as a Prosecutor and prosecuted crimes ranging from fishing without a license up to first degree murder here in Chattanooga and in Hamilton County. He stated he was born and raised in Eastdale and proud of that fact; that his younger brother is Counsel at EPB and an attorney, as well; that his oldest brother is in Houston right now and has gone on and received MBA degrees and things of that nature. He stated he is trying to say he cares a great deal about this city, not just Eastdale, but the entire city of Chattanooga. He stated the things he has been seeing currently in Eastdale and throughout this entire city concerns him a great deal. He stated the Council has the ability to do some things and expressed hope the Council would do everything within their ability to work with the police department to make sure that things that have traditionally occurred in certain areas of Chattanooga do not bleed over into this entire city.

**GERALD WEBB (Continued)**

Mr. Webb stated we are having problems all over the city and that he goes to Coolidge Parks with this wife and three small children and spends a great deal of time at the different attractions. He stated they were at Coolidge Park earlier in the day on Saturday and it scares him to think people go to some of these things not realizing; that it is like an attractive nuisance. He stated we have a beautiful city and we bring people into the city but there are areas in the city that are attractive but danger lurks just underneath the surface. He stated he has worked with the men and women of the Chattanooga Police Department who are some of the finest men and women we have in this entire city; that he has stood alongside them as a Prosecutor, helped prosecute their cases and rejoiced when they won cases and felt badly when they lost. He stated we need more police officers, people patrolling on foot in areas in this city and we need to have this happen and hopes the Council would work with the police and the new chief coming in, whoever that may be, in helping to insure all of us can continue to be proud of this city we all love.

Chairman Benson expressed appreciation for Mr. Webb's comments noting it is very interesting to show he is interested in the entire city; that if one part of this city goes down we all go down. Mr. Webb stated it is a struggle we all face.

Councilman Murphy stated he represents Eastdale now and thanked Mr. Webb on any number of counts, one for just coming back to Chattanooga as not everyone of Mr. Webb's generation that attains the educational achievement he has returns to Chattanooga; that it is difficult for us historically to compete with the lures of Atlanta and Charlotte and other places. He again thanked him for choosing to come back and raising his family here. He asked Mr. Webb if he is still with the District Attorney's office.

Mr. Webb responded "no"; that he does health care law now but still has a love of criminal law and interested in what goes on in the city. He stated his father is 75 years old and his mother is 72 and both still live in Eastdale; that he goes there every day and they are afraid to sit on their front porch at night. He stated his father served in the Army and worked at DuPont for almost 40 years and his mother was a nurse; that for them to have done the things they have done in this city and raised the children they have and done their very best, they are now afraid of their own area. He stated their own neighborhood is sad as are many people throughout this entire city, not just Eastdale, who feel the same way.

**GERALD WEBB (Continued)**

Councilman Murphy stated when he was campaigning he went door-to-door and heard that time and time again from people whose doors he knocked; that they did not feel comfortable outside of their own home when the sun went down. He stated they did not feel comfortable having their children and grandchildren play even on the front porch, which is something that needs to be rectified. He thanked Mr. Webb for coming and being part of the discussion and noted he has taken it as a habit of reviewing the publicly available criminal arrest records of everyone we catch who is alleged to have committed a murder lately; that when he sees 21 year old young men with four page arrest records and 19 year old men who are not even 20 that have two page arrest records, the pattern always seems to include narcotics and illegal firearms possession. He stated he does not see the 11/29's that get suspended and never sees them get "kicked into play"; that he is left scratching his head because so many of the murders in and round his district are circumstances where people were not driving around with a firearm "at the ready" and the murder probably would not have happened. He welcomed Mr. Webb to the discussion and expressed that he would have a lot to contribute.

Councilman McGary also welcomed Mr. Webb and wanted to be assured he heard his (Webb) request correctly that we increase the number of police officers and foot patrolmen.

Mr. Webb responded "that is correct"; that he understands the city has budgetary issues and knows it is financially difficult for state, city and county governments. He stated one of the greatest things we have as a community is downtown Chattanooga which one of our greatest assets. He referenced Coolidge Park and the Aquarium and stated if we allow those things to be taken over, we have lost something we may never get back again and that is his fear. He stated we have to increase the number of police officers that we have in the city, not just riding around in patrol cars but actually walking. He stated when he heard the shooting took place when there were police officers already there, that let him know something that he saw in his years in the District Attorney's office, which was the criminal out there is now becoming more and more callous and does not care; that they do not have value on their lives or on others lives.

Chairman Benson stated it all starts with good parenting and we have to push that; that the police cannot do it all on their own. He expressed agreement we can all do better -- parenting, as well as the police.

**GERALD WEBB (Continued)**

Councilman Gilbert expressed appreciation to Mr. Webb for coming down to express himself. He stated even though Mr. Webb does not live in Eastdale, he actually came to one of the events we had outside and volunteered his services to start having dialogue with our District Connection. He stated one of their goals is to deal with crime and we have to start sitting down with the DA and the Judges to get some type of agreement that we can take the criminals off the street. He stated we have a state law saying DUI's stay in 48 hours; that DUI's might cause a little problem but they can do community service; that people with child support could do community service and the ones causing the problem should be put in jail, kept there and let them know we will not tolerate it! He stated he looks forward to working with Mr. Webb to start dialoguing about what can we do and how can we work together to solve this problem.

Mr. Webb stated Councilman Benson is correct that it has to start at home; that God blessed him with two parents at home and grandparents who loved him. He stated we have to start with discipline in the home and the problem that we face now is in addressing the issue; that in talking about dealing with five and six year olds is one thing, however when dealing with 15-17 year olds there is a completely different issue at hand. He stated if they did not get it from parents, at that point they are not going to get it; that the only thing we have left as a city at that time is strict and vigorous enforcement of the laws that are on the books and hard hitting prosecution, not only from the DA's office but from the federal prosecutor's office, as well. He stated we are going in a bad direction right now and he does not know what needs to happen to get us moving in a different direction, but it is his hope we will get started on it soon because if we do not we will not recognize certain parts of the city in three-to-five years, it will be that bad.

**JERRY TRIPLETT**

**Jerry Triplett** of 3114 Waterfront Drive in Tiftonia stated if he is out of order in what he has to say to please let him know. He stated he wanted to tell the Council something they already know -- that if they had set out to handle the Freeman Cooper issue as badly as they could they could not have done a better job! He stated he was present to complain bitterly about the way this was handled and is sorry Mayor Littlefield is not here because he takes a great deal of the blame; that this City Council takes blame for ever allowing this to occur.

**JERRY TRIPLETT (Continued)**

Mr. Triplett stated he does not understand why the Council entertained the addition of an item to the agenda of this financial magnitude at such a late hour, inquiring as to the procedure and time limits/procedure for adding agenda items.

City Attorney McMahan responded that the Rules of Council procedure state the Chair, Vice Chair or two members of the Council can add an item to the agenda.

Mr. Triplett asked why an item of this financial magnitude was added and its consequence to the community at such a late date; that that never should have occurred.

Councilman McGary stated this is a sentiment he shares and thinks some of the other Council members share the same concern. He stated the letter that Chief Cooper submitted in regard to his intent to retire was dated March 1 and that letter rightly was submitted to Mayor Littlefield. He stated the item on the agenda the Council entertained to determine whether or not to uphold the contract or whether to deny it came before the Council last week, a good two weeks transpired between the March 1 date the letter was submitted and the time it came before Council; that it was not a decision anyone on this Council made as it was a decision made by administration as to when it was presented before us. He stated it was not our choice as to when the item came on the agenda.

Mr. Triplett stated if the Council does not have a choice in when they discuss matters of that magnitude, they have a real problem and so do the citizens of the city of Chattanooga. He asked how many times do we get to bring these items up; that he does not normally attend the meetings and admitted he is significantly ignorant of the procedures the Council follows. He stated when a resolution of this magnitude fails on a vote of 4-4, how does it get back on the agenda again and had it failed this time, which it did, will it be on the agenda next time, as well.

Councilman Murphy stated when the matter was presented last week it was presented with less than a day's notice which was, in his opinion, an error on the part of the Mayor.

**JERRY TIPLETT (Continued)**

Councilman Murphy stated there was a 4-4 vote and at that time Councilwoman Robinson was not here and because it was a major decision with regard to the future and the administration in this city, he moved out of courtesy to Councilwoman Robinson to let her wishes be heard that it be put on for the following week and Councilman McGary seconded that; that they are the two Council people that put it on. He stated in the meanwhile, Councilman Benson asked that he (Murphy) essentially represent him as Council Chair in discussions with Mayor Littlefield to see if some middle ground or compromise could be found. He stated they were not able to reach any compromise and that was the result tonight.

Mr. Triplett stated that he would respectfully request that when the Council is dealing with a matter of this import, of this consequence of these dollar amounts that the Council not freeze the citizens out of that process because if that "thing" had passed last week that is exactly what the Council would have done.

Chairman Benson stated the Council is not in disagreement with Mr. Triplett; that they know it was not done as they would have liked for it to be done, but it was a little bit out of their control for a moment or two. He assured Mr. Triplett Council members received plenty of input all last week; that the citizens did a good job on input.

Councilman Gilbert stated last week he and others expressed strongly there was not enough time for something like that to be put on the agenda in a day's notice. He expressed hope this will not happen again in the future; that there are some things we do have to place on the agenda such as a generator breaking down, but something like that should have been given more notice and it was expressed to the Mayor.

Councilwoman Scott stated that normally for agenda items they are posted on the city's website under the category of City Council; that agenda items will predominantly be there and also posted out on the bulletin board in the lobby, as well. She stated for the more typical items that generally come before us they are posted in advance so that the public can know, attend, or come down for those items.

Mr. Triplett stated that he knows about the city's website; that he looks at the agenda, the minutes that are posted and challenged the Council to not let this happen again.



**JERRY TRIPLETT (Continued)**

Chairman Benson expressed acceptance of Mr. Triplett's challenge and acknowledged that the Council feels the same way.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 6, 2010 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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