

**City Council Building
Chattanooga, Tennessee
February 5, 2013
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE

Chairman Ladd led everyone in the Pledge of Allegiance and offered a word of praise the five year old boy in Alabama is safe and out of a bunker and harm's way and will continue to think of him and his family as they recover emotionally.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "SEASON OF NONVIOLENCE KICKOFF"

Admin. Crutchfield stated this kickoff announces the beginning of the inaugural year for the Season of Nonviolence noting that last September Dr. Arun Gandhi was present and all were part of becoming a Season for Nonviolence city which started on January 30. A video was shown at this point encompassing all the partners and schools involved in the Season for Nonviolence, including Howard School and the Washington Alternative School wherein the positive thumb sign created by the Howard Leadership students was shown which references "take it to the top".

Admin. Crutchfield stated she traveled to Memphis in an east/west effort to be the change and create a Season for Nonviolence wherein Congressman Steve Cohen read a proclamation joining Chattanooga in proclaiming a Season for non violence there, as well. At this point she recognized Daphne Kirksey, District Director for Congressman Chuck Fleishman, who read a letter from him recognizing the Season of Non-Violence program.

**SPECIAL PRESENTATION: "SEASON OF
NONVIOLENCE KICKOFF" (Continued)**

Admin. Crutchfield recognized the presence of several partners instrumental in the success of the program: Dr. Paul Smith, David Farley, Dr. Rodney Knox, Josh Coleman, Travis Lytle, Commissioner Tim Boyd, Dr. Steve Ball, Jeffery Wilson, Sheila and Dan Boyington, and T-Ran Gilbert. She publicly thanked Commissioner Boyd for his financial contribution as well as Councilman Rico for the bench in the garden on the west side. She acknowledged the assistance of staff, Melissa Turner and Thaddeus Oliver, and proudly recognized students from Howard School and the Washington Alternative School. She noted the Season of Nonviolence Film Festival was held at Heritage House and extended thanks to Councilman Benson, Chris Holly and Chris Jones. Following the introduction of partners she read a proclamation from Dr. Steve Ball from the faith based community.

Councilman Rico commended Admin. Crutchfield and what she has been doing with the young people in teaching them things and keeping them from joining gangs; that his involvement at the Washington Alternative School was great as he did not know what to expect. He stated the kids were encouraged to talk and one "opened up" and then another about their trouble at home and why they were in trouble noting that he did everything he could to keep from "balling" as there was not a dry eye in the room with teachers wiping their eyes as the students told of their troubles at home. He stated these are kids reaching out wanting someone to care and love them; that he does not have all the answers but going there and being with them allowed for an opportunity to show them someone cares. He stated it is heartbreaking to listen to some of the stories of what some of them are going through; that we need to try to connect and show them we care!

Commissioner Boyd stated it is one thing to talk about doing things together but it is a different agenda when a Commissioner shows up and "walks the walk" which is what he likes to do with the Council. He stated Boyd Patterson and Fred Houser are moving the Gang Task Force along and what he advocates is sustainability, intervention and prevention and what Missy has initiated with the Season of Nonviolence hits on all three as it gets the community, politicians, city and county involved; that Washington Alternative School is an example of a positive amount of work going on there. He stated in a meeting at Heritage House he heard from one who said "we are all one decision away from ending up in a bad place"; that if we think about the kids at Washington we have to recognize the fact they are not all a bunch of thugs and gang members as some just made a bad decision and we have to help them realize there are alternatives.

**SPECIAL PRESENTATION: "SEASON OF
NONVIOLENCE KICKOFF" (Continued)**

Commissioner Boyd stated Missy's initiative is something he continually wants to be a part of and applauded her. He stated every time he shows up he has a little money in his pocket and tonight he has a little more money to share with the city; that over two years ago he talked with Missy about the dilapidated Community Theatre and how something should be done to pull it back together which is happening now, nothing he wants to be part of that. He stated he has presented a little of the money previously for a total of \$2,500 toward the renovation project and is happy to share his discretionary funds with the city as all the community will benefit from the Community Theatre and (he) wanted District 8 taxpayers to be part of that. At this point he presented the balance of the \$2,500 he committed noting he cannot wait for the unveiling of the Community Theatre.

Admin. Crutchfield expressed hope the unveiling will be February 28 and expressed thanks to the Council.

(Councilman McGary joined the meeting at this point.)

RECOGNITION OF MATTHEW AND SEAN SIMMONS

Councilwoman Berz recognized the presence of two special guests, Matthew Simmons and Sean David Simmons, of the Galloway School in Atlanta noting that they are studying medicine, government and a lot of basketball! She proudly informed everyone that they are her grandsons!

REMAND OF TERMINATION GRIEVANCE

Councilman Murphy made the motion to move Resolution (c) forward on the agenda; Councilman Rico seconded the motion; the motion carried.

City Attorney McMahan excused himself from the dais and left the Assembly Room. Attorney Larry Cash joined the Council on the dais at this point.

After the Clerk of Council read the caption of the Resolution Atty. Cash asked if there were questions from the Council noting that an attorney/client meeting had been held a couple weeks ago to review the issue.

REMAND OF TERMINATION GRIEVANCE
(Continued)

On motion of "Councilman Murphy, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE REMAND OF THE EMPLOYEE
TERMINATION GRIEVANCE OF MICHAEL HOBACK TO THE CHIEF OF
POLICE OF THE CITY OF CHATTANOOGA**
was adopted; Chairman Ladd recused from voting.

**(Attorney Cash left the dais; City Attorney McMahan
rejoined the meeting at this point.)**

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 18, GARBAGE AND REFUSE RELATING TO SERVICE
LOCATIONS AND SPECIAL CONTAINERS**
passed second and final reading and was signed in open meeting; Councilmen
McGary and Scott voted "no".

CLOSE AND ABANDON

MR-2012-095: City of Chattanooga c/o Bill Payne

On motion of Councilman Rico, seconded by Councilman McGary,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
BUCKLEY STREET RIGHT-OF-WAY BETWEEN CHAMBERLAIN AVENUE
AND DUNCAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilwoman Scott,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTION 3-55, RELATING TO NEW SCENIC CORRIDOR**
passed first reading.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 502, RELATIVE TO SCHEDULE II, SPEED ON
THROUGH STREETS**
passed first reading.

CONTRACT

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONTRACT FOR
PROFESSIONAL SERVICES WITH MWH AMERICAS, INC. FOR THE
FORMATION OF THE MOCCASIN BEND CLEAN WATER AUTHORITY, FOR
AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS
(\$100,000.00)**
was adopted; Councilwoman Ladd and Scott voted "no".

TITLE SEARCH FEE

On motion of Councilwoman Scott, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING PAYMENT OF A TITLE SEARCH FEE IN THE
AMOUNT APPROVED BY CHANCERY COURT PER TITLE SEARCH
COMPLETED BY TITLE SEARCH PERSONNEL AND SUCH FEE SHALL BE
ADDED AS A COURT COST TO EACH DELINQUENT TAX PARCEL IN
ACCORDANCE WITH THE ATTACHED ORDER BY THE CHANCERY
COURT OF HAMILTON COUNTY, TENNESSEE AND ANY SUBSEQUENT
AMENDMENTS TO THAT ORDER**
was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING ALTON PARK DEVELOPMENT
CORPORATION C/O ELENORA WOOD TO USE TEMPORARILY THE
RIGHT-OF-WAY LOCATED AT 850 MARKET STREET FOR THE
INSTALLATION OF A FREESTANDING HISTORICAL MARKER
(RECOGNITION OF THE 1960 CIVIL RIGHTS SIT-IN AT NEARBY EATERIES)
IN A PORTION OF THE SIDEWALK ADJACENT TO THE SOUTH SIDE OF**

TEMPORARY USE (Continued)

THE BUS SHELTER AT THE INTERSECTION OF NORTH M. L. KING BOULEVARD, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending January 31, 2013 totaled \$31,142.37.

PERSONNEL

The following personnel matters were reported for the PUBLIC WORKS DEPARTMENT:

- **IRVIN PENN** – Demotion, Crew Worker 1, City Wide Services, Range 2, \$28,956.30 annually, effective February 1, 2013.
- **LEON CLARK** – Suspension (1 day without pay), Equipment Operator 3, City Wide Services, effective February 1, 2013.
- **GEORGE DERAMUS** – Suspension (1 day without pay), Crew Supervisor 2, City Wide Services, effective February 4, 2013.
- **JOHN OWENS** – Suspension (5 days without pay), Crew Worker 1, City Wide Services, effective February 1-7, 2013.
- **ANTHONY MITCHELL** – Suspension (2 days without pay), Crew Worker 2, City Wide Services, effective January 1-4, 2013.
- **PRESTON ROBERTS** – Resignation, Forestry Technician, City Wide Services, effective January 18, 2013.
- **ROBERT BAINE** – Family Medical Leave, Equipment Operator 4, City Wide Services, effective January 11 – April 8, 2013.

DONATION

Admin. Zehnder duly reported the donation of a grant in the amount of \$100,000.00 for four trailhead markers to be used on Stringers Ridge for design, fabrication and installation from the Community Foundation to the Parks and Recreation Department.

DONATION

Admin. Crutchfield duly reported the in-kind donation of a Baldwin Grand Piano valued at approximately \$40,000 from the Chattanooga Music Club for the Community Theatre to the Education, Arts and Culture Department. She stated an emergency procurement for staffing was made due to the loss of contract and is working with Purchasing to get proposals in place; however, in the meantime they have event vendors requesting additional staffing to act as ushers.

REFUNDS

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds of property tax and overpayments:

UNIVERSITY OF CHATTANOOGA	\$2,979.13
LAWSON ELECTRIC CO. INC.	\$1,824.83
COVENANT TRANSPORT INC.	\$8,788.50
COVENANT TRANSPORT INC.	\$5,969.25
CTG LEASING CO.	\$34,902.00

PURCHASES

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

PURCHASES (Continued)

CHATTANOOGA POLICE DEPARTMENT:

INSIGHT PUBLIC SECTOR (Lowest and best bid)
R70018/302415

Purchase of Panasonic Arbitrator Maintenance & Support Services

\$28,492.20

INSIGHT PUBLIC SECTOR (Lowest and best bid)
R70383/302410

Purchase of Eight-Seven (87) Panasonic Toughbooks & Accessories

\$381,415.83

CHATTANOOGA FIRE DEPARTMENT:

WYNN FIRE EQUIPMENT/Lowest and best bid
R70544/302409

Purchase of Six (6) Res-Q-Jack Car Jack Sets

\$39,990.00

PUBLIC WORKS DEPARTMENT:

PARSON ENVIRONMENTAL PRODUCTS, INC. (Lowest bid)
R67949/302300

Blanket Contract for Manhole Inflow Dishes

\$50,000.00 – Annual estimation

PURCHASES (Continued)

DLT SOLUTIONS (Lowest bid)

R70466

Purchase of Autodesk Software Subscription Renewals

\$14,108.02

CHATTANOOGA HUMAN SERVICES:

BB&T HUFFAKER & TRIMBLE (BROKER) SELECTIVE INSURANCE COMPANY OF AMERICA (Best bid)

R71391

Blanket Contract for Insurance Coverage

\$12,714.00 – Annual estimation

CANCELLATION OF MARCH 5 COUNCIL MEETING

Councilman Gilbert made the motion to cancel the Council meeting of March 5, due to Election Day which will involve the majority of the Council; Councilman Benson seconded the motion; the motion carried.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, February 12** immediately following the Agenda Session.

Councilwoman Berz reminded Council members of the **Budget and Finance Committee's educational sessions scheduled for Tuesday, February 12 and Tuesday, February 19 beginning at 1:00 p.m.**

NEXT WEEK'S AGENDA: FEBRUARY 12, 2013

Chairman Ladd referred to next week's agenda and inquired as to whether there were questions; being none, the meeting continued.

SHIRLEY DEAKINS

Shirley Deakins congratulated the city on the nonviolence issue and wanted to know why it was coming 30-50 years late, noting today would have been Trayvon Martin's eighteenth birthday. She stated she would like to advocate finding some of the children that are the poorest of the poor and teaching them at Cadek Conservatory in getting a "symphony" of them similar to what is being done in Knoxville and Venezuela. She stated she tried for five or six years with one of the Commissioners and called Mrs. Holmberg but has not heard anything; that she is not sure if it is the idea or the person presenting it; that it would be wonderful if the Council and Mayors past and present would consider there are a number of decent people in this town that never had a chance to do anything to give back. She stated it would be good if the city and county came together to do demographics on people and find they have valuable information; that some of the money thrown away over the years could have been used for a better thing.

PATRICK KELLOGG

Patrick Kellogg of 2510 Oak Street stated he submitted a draft of a proposal for a revitalization effort he is hopeful will occur in East Chattanooga and invited Council members and all candidates to an Inner City Forum on either February 23 or March 2, noting he would be the moderator. He stated the purpose of the packet is to request consideration for CDBG money, Section 108 loan consideration for a project to round up individuals unemployed to get them to work and create a sense of community. He stated he would need to be able to access technical assistance from various organizations within the city and have open records requests complied with as it surrounds federal CDBG money and will presenting this information to ten pastors as required for the problem statements for the Gang Task Force which he was not able to attend due to indication the meeting was closed. He stated he wants to be a participant and the community wants him to be a participant; that he needs to be able to go to the people and know his information is accurate. (Mr. Kellogg handed the Clerk of Council a document entitled "True Revitalization Document of Action for the People" which is filed with minute material of this date.)

BOYD PATTERSON

Boyd Patterson invited Council members to a special event scheduled for Saturday called The Stars of Chattanooga which is a CD release, noting two recreational centers have professional recording equipment and this initiative involves kids from the areas going to the recreation centers who agree to stay positive and stay away from drugs and gangs with the end result being the ability to record songs. He stated they were allowed to record the songs and 13 of the songs were made into a CD which will be released this Saturday at the Hamilton Skate place; that everyone is personally invited.

Chairman Ladd thanked Mr. Boyd for the work the Gangs Task Force is doing as wonderful results are coming in on their work.

Councilman Gilbert stated last week Mr. Kellogg stated he was banished from a meeting held recently that was a public meeting.

Fred Houser stated there is history involved noting he had a personal conversation with Mr. Kellogg about the meeting and his attendance; that he let him know the meetings are primarily for the Gang Task Force Steering Committee and reminded him of his unprofessional behavior some months ago when he attended a meeting; that he did not want to get into detail about it unless the Council says so. He stated Mr. Kellogg spoke out of turn at the meeting and had to be asked to leave, not that what he was discussing was pertinent at that point in time, but he derailed the conversation that was taking place.

Councilman Gilbert stated this is not a discussion as far as a back-and-forth and asked if it was a public meeting. Mr. Houser stated it is his thought their meetings are not public meetings.

City Attorney McMahan asked if the organization was appointed by the Council. Mr. Houser responded "no".

City Attorney McMahan asked if the members are strictly volunteers. Mr. Houser responded "yes". City Attorney McMahan clarified there is no requirement of public notice. Councilman Gilbert stated "that is good".

Councilwoman Robinson stated she is pleased to hear about the students and their recording work noting Mr. Zehnder came to the Council some time back to ask for authorization to purchase recording equipment for the recreation centers followed by a long discussion. She stated it is great to hear the kids are using the equipment and affirms what a good decision that was!

BOYD PATTERSON (Continued)

Mr. Patterson stated this was a partnership between the Gang Task Force, Parks and Recreation Department and Brewer Media.

Admin. Zehnder stated he was able to go to a conference in a very large city that was doing a teen program and was taken to an old fire hall that had been turned into a recording studio; that the kids were introduced to what goes into creating a CD and the whole process. He stated they experienced this at Eastdale two-to-five years ago and tried to get companies to come in to teach and start the program noting it was a slow start; that it was then taken to the South Chattanooga Recreation Center where the same thing was done as part of the prevention and youth development program. He stated it engages the students into something they like, do and see every day and are using skills they can use to further careers; that it truly is a partnership and happy to be part of it.

Mr. Houser stated the third partner to the project was Brewer Media who has been involved from the beginning and agreed after the end of the contest to play the teens' CD tracts on Power94; that in anticipation of playing them repeatedly it is hopeful some of their syndicates would pick up the tracts and play them with the ultimate goal that maybe some national recording CD promoter will sign them as the quality is par excellence and professionally produced.

Councilwoman Berz stated without getting into the substance of the disagreement with Mr. Kellogg, when in a democracy sometimes we have to hear words from people we would rather not deal with which sometimes makes us feel uncomfortable, however when using a great deal of public funds or doing something for the public sometimes it is wiser, provided Mr. Kellogg does not disrupt, although our country was founded on a lot of disruptive behavior. She stated the better way is not to exclude anybody as she does not know if they are private meetings as she heard a lot of people come and sit in attendance; that she would never want to be critical of the good that is being done; however a lot of the good things that happened have happened from people that have been a bit disruptive and asked that democracy be respected as public funds are involved.

Councilman McGary echoed Councilwoman Berz comments and asked if the Council will receive a CD! Mr. Patterson suggested that Councilman McGary check Facebook as it is there.

Councilman McGary asked for clarity as he is not clear on what exactly going forward is the expectation.

BOYD PATTERSON (Continued)

City Attorney McMahan stated the rule is if the body is advising the governing body then that is a "sunshine" body; that if it is advising the Mayor or administration it is not a "sunshine" body. He stated the "sunshine" applies only to legislative bodies.

Councilman McGary stated the only "sunshine" meetings are the only ones that have to be publicly advertised; that since this was an advisory capacity it did not have to be publicly advertised. City Attorney McMahan responded "correct".

Councilwoman Berz stated she was not talking about advertising but allowing the public to be there.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, February 12, 2013 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A full digital audio of the Council meeting of this date is filed in
the Clerk of Council's Office)**

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