

City Council Building  
Chattanooga, Tennessee  
November 8, 2011  
6:00 p.m.

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

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

Following the Pledge of Allegiance, Chairman Ladd gave the invocation for the evening.

#### **MINUTE APPROVAL**

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

#### **APPROPRIATION**

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**AN ORDINANCE APPROPRIATING TWENTY THOUSAND DOLLARS  
(\$20,000.00) FROM THE GENERAL FUND CONTINGENCY TO THE EAST  
CHATTANOOGA IMPROVEMENT, INC. TO BE USED FOR THE  
CONTINUATION OF THE WEED AND SEED PROGRAM**  
passed first reading.

**AGREEMENT**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LITTLEJOHN ENGINEERING ASSOCIATES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-11-009-101, BACK-UP ELECTRICAL POWER FOR MOCCASIN BEND WASTEWATER TREATMENT PLANT, AND OTHER ISS SITES, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-THREE THOUSAND DOLLARS (\$253,000.00)**  
was adopted.

**GRANT**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION AND TO EXECUTE A PARTNERSHIP AGREEMENT FOR THE BALDWIN STREET ROADWAY AND GREEN INFRASTRUCTURE PILOT PROJECT, PROJECT NO. S-11-004-801, IN THE AMOUNT OF ELEVEN THOUSAND DOLLARS (\$11,000.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 TO THE AGREEMENT WITH INTEGRATED STRUCTURAL SERVICES (ISS) TO ADD ITEMS TO THE PROPOSED IRRIGATION SYSTEM, FOR AN INCREASED AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$14,560.00), FOR A REVISED AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED THIRTY-SEVEN AND 35/100 DOLLARS (\$147,637.35)**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH JDH COMPANY, INC. FOR THE RE-ROOFING OF THE CHATTANOOGA CITY HALL ANNEX BUILDING IN THE AMOUNT OF NINETY-THREE THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$93,225.00) AND A CONTINGENCY OF FOUR THOUSAND SIX HUNDRED SIXTY-ONE AND 25/100 DOLLARS (\$4,661.25), FOR A TOTAL AMOUNT NOT TO EXCEED NINETY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY-SIX AND 25/100 DOLLARS (\$97,886.25)**

was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO AMEND THE AGREEMENT WITH MORRIS & MCDANIEL, INC. FOR THE DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL TESTING FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN AND TO AUTHORIZE AN INCREASE OF THE ASSESSOR TRAVEL EXPENSES IN THE AMOUNT OF FIFTEEN THOUSAND SEVEN HUNDRED FIFTY-SEVEN AND 90/100 DOLLARS (\$15,757.90), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHTY-SEVEN THOUSAND TWO HUNDRED FIFTY-SEVEN DOLLARS (\$87,257.00)**

was adopted.

**OVERTIME**

Overtime for the week ending November 3, totaled \$28,776.81.

**PERSONNEL**

The following personnel matters were reported:

**PUBLIC WORKS:**

- **JAMES BOYNTON** – Family Medical Leave, Plant Operator 2, Waste Resources, effective October 10 –November 11, 2011.

### PERSONNEL (Continued)

- **JOHN HAUSTEIN** – Voluntary Demotion, Plans Review Specialist 2, Land Development, Range 12, \$36,629.22 annually, effective October 28, 2011.
- **STACY WILEY** – Demotion, Crew Worker 1, City Wide Services, Range 2, \$22,350.00 annually, effective October 25, 2011.

#### CHATTANOOGA POLICE DEPARTMENT:

- **SHARON FEATHERS** – Retirement, Police Service Technician 2, effective October 31, 2011.
- **SUSAN ELLIOTT** – Resignation, School Patrol Officer, effective November 1, 2011.
- **VIVIAN LOWERY** – Retirement, Executive Assistant, effective November 1, 2011.

#### CHATTANOOGA FIRE DEPARTMENT:

- **BYRON COLE** – Retirement, Fire Equipment Specialist, effective October 31, 2011.

#### CITY ATTORNEY'S OFFICE:

- **ANGELA DAVIS** – Termination, Administrative Support Specialist, effective November 3, 2011.

#### PERSONNEL:

- **PATRICIA PEREZ** – Hire, Personnel Technician, Range 11, \$29,544.00 annually, effective November 4, 2011.

**DONATION**

Admin. Zehnder duly reported the donation of grants in the amount of \$2,500 from the Lyndhurst Foundation to support recruitment efforts for the position of Director of Parks and \$20,000 to support of the Ross' Landing Park study.

**NOTE OF THANKS**

Admin. Kelley expressed thanks to the Council for participating in the recent "Respect in the Work Place" training; that it meant a lot to her, the department and the trainers and look forward to many more!

Chairman Ladd complimented Admin. Kelley noting that today's information shared in the Personnel, Performance and Audit Review Committee meeting was a good meeting.

**PURCHASES**

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

CHATTANOOGA POLICE DEPARTMENT:

**GULF STATES DISTRIBUTORS (Lowest and best bid)**  
**R49089/301421**

Purchase of Thirty (30) AR15 Rifles

\$21,300.00

PUBLIC WORKS DEPARTMENT:

**VULCAN SIGNS (Lowest and best bid)**  
**R49944**

Blanket Contract for Traffic Sign Faces

\$20,000.00 – Annual estimation

**PURCHASES (Continued)**

CHATTANOOGA HUMAN SERVICES:

**RELIABLE BUILDING SOLUTIONS, INC.**

**R50721**

Ratify the Payment of Floor Cleaning Services (*in excess of the \$10,000 limit over a twelve 9120 month extended period*).

\$3,500.00

CHATTANOOGA PUBLIC LIBRARY:

**METRO JANITORIAL SERVICES, INC. (Best bid)**

**R49167/301426**

Blanket Contract for Janitorial Services

\$11,520.00 – Annual estimation

PARKS AND RECREATION:

**SOUTHERN ATHLETIC FIELDS, INC. (Lower and better bid)**

**R50637**

Blanket Contract for Infield Dirt Mix

\$20,000.00 -- Annual approximation

**GATEWAY PLAN**

Councilwoman Scott announced for the general public, Council and anyone else wanting to attend the Regional Planning Agency's debut for public feedback the Gateway for the North Shore Park District Plan to be held at the UTC Center in the Tennessee Room beginning at 10 a.m. until 5 p.m. with Open House, noting anyone wishing to review maps and give feedback on the plan can be taken at that time.

## GATEWAY PLAN (Continued)

Councilwoman Scott stated the architects of the Plan will be there and those in attendance will be able to make suggestions or just see how that Plan may affect your neighborhood or neighborhoods in terms of the park district. She stated from 5:30 p.m. – 6 p.m. there will be a formal presentation of the Plan and from 6:30 p.m. – 7 p.m. there will be a public question and answer period. She stated persons can come to any or all of the events on November 14 at the UTC University Center in the Tennessee Room. She stated for more information call 423-643-5901 or e-mail [northshoreparksgateway@chattanooga.gov](mailto:northshoreparksgateway@chattanooga.gov).

## COMMITTEES

Councilwoman Scott stated the **Sub-Committee on Beer Code Review will occur on Friday, November 11 from 10 a.m. – 12 noon in the J. B. Collins Conference Room** and the public is invited. She stated Council Sub-Committee members are Councilmen McGary and Berz.

Councilwoman Robinson stated today there was a joint meeting of the Housing and Legal and Legislative Committees; that in the first part of the meeting that dealt with housing, the Regional Planning Authority reported to the Council their draft of a scope of work to develop a recommended one-to-three year action plan with benchmarks that are going to measure the progress that the city has when it addresses the housing development and blighted housing needs that we face as a community. She stated they will be meeting periodically.

Councilman Rico reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, November 15** immediately following the Agenda Session.

Councilman Murphy stated the **Legal and Legislative Committee will meeting next week, November 15, following Public Works** to take up Administrative Hearing Officer issues and redistricting.

## AGENDA: NOVEMBER 15, 2011

Chairman Ladd asked for questions regarding next week's agenda noting that the agenda was discussed previously during today's Agenda Session.

**RULES OF PROCEDURE FOR  
ADDRESSING THE COUNCIL**

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

**SELA RANDAZZO**

**Sela Randazzo** stated 31 years ago she ran for the State Assembly in Nevada noting though that she did not win the seat she was asked, because of the fundamentals and the public notice of her campaign, to serve as a lay consultant for rating legislation that ultimately accomplished what her campaign's goals were which was higher standards of care for preschools and for geriatric and mental health facilities. She stated she is an AAMA and nationally board certified Psychologist and a public author who has a book internationally renowned for being an alternative and holistic medical text book. She stated we have come to a point in our socio-economic journey that finds greed trumping democracy; the infiltration of money into our process of self-government has created a plutocracy which is rule or power by wealth. She stated the same compromised moral conduct of financial and political leaders alike has corrupted the standards of freedom of the very press by its ownership; that our right to have truth in communication has been violated by those who have been assigned that public trust. She stated we have our jobs, homes, freedoms and our futures gambled away from us on greed's whim which leaves "we the people" no weapon for defense except our voice and our presence as it is protected by the First Amendment. She stated this course we are on is unsustainable; that people are exerting their right to assemble and share ideas for the purpose of coming up with solutions together. She stated this is the only legal process left unmolested by the infiltration of money influence that we have. She stated the generations that follow will look always at this crossroads time in history when we make the decision to break free of oppression in a global cooperative of humanity. At this time she asked those in attendance in support of the Occupy Movement to stand and stated this occupy process is a people's protest that insures the status quo cannot stand.



## VICTORIA FLORES

**Victoria Flores** of 5405 Towne Hills Lane, Hixson, Tennessee, asked that fellow Occupiers remain standing and stated she is blessed to have a place of employment, a roof overhead and the ability to provide for her family; that she is faced with moral and ethical issues that are now the main focus of our country. She stated she can no longer be complacent and must take a stand against the injustices of our people now faced on a daily basis; that our people have lost their only source of income to businesses that have outsourced their positions overseas and other selfish reasons. She stated they have focused on the bottom line, the money at the expense of their employees; unemployment and despair are rising. She asked where the "American Dream" is; that it has been lost to the bail out of banks deemed too big to fail; that it has been portrayed by corporations that dictate public policies and government officials that were bought by them. She stated they now see the "American Dream" is in danger of destruction but they refuse to let this happen; that they choose to fight to hold onto that dream. She stated they intend to take our country back; that they occupy our cities to proclaim to the world they will stand for their First Amendment rights and no long be blind or easily swept aside; that they are the 99 percent!

## ROB HINTON

**Rob Hinton** of 611 Houston Street also asked that his fellow Occupiers remain standing and stated he is just a simple college student and does not know all of the intricate details that go into the decision-making process of this august body; that what he does know are the basic principles that every boy and girl is taught in school; that we elect representatives to act in the interest of their constituencies and knows in that spirit that is the reason the men and women here have been elected. He stated it is in that same spirit they are here because they represent their constituencies; that they represent the constituencies of every elected official in this county, every leader in this world, even those that do not rule by the blessing of their people. He stated they are here today to ask the Council to help them; to help the people that they are also here to help; that they are here today to say they are simply trying to make this town, this state, this nation a better place. He stated it is in that interest that he would like to ask the Council to work with them to make their jobs easier; that there are enough people in this city that support them and it should be obvious to anyone looking at it with an unbiased eye to know that what they are doing is just.

### **ROB HINTON (Continued)**

Mr. Hinton stated anyone in this city that was within any distance of this building this week saw them, but more importantly they saw the support and the love the citizens poured out to them; that they saw them standing there day and night, in the cold and rain. He stated they did anything they could at a moment's notice to bring them comfort and aid; that they supported them and we support them. He asked the Council to support them and to continue supporting them.

Chairman Ladd commented on the articulate, well-versed speakers that have been before the Council tonight noting that they did an excellent job.

Councilman McGary expressed thanks to the Occupiers and stated thanks are in order to them for their willingness last week to address this body, as well as their willingness after last week's meeting to convene and discuss the issues. He stated all of them made the right decision last Tuesday not to go to jail and give democracy the chance it deserves. He expressed thanks to Chiefs Dodd and Kennedy who are exemplars for the City as to reasonableness, willingness to support and engage; that this body made the right decision electing him (Dodd) Chief and it one of the more prouder accomplishments this body has made. He also thanked Council members and staff who have approached Occupiers outside, having dialogue and exchanging ideas; that to the concern mentioned earlier for this body to work with the Occupiers, that has already taken place and it is his understanding it will continue. He thanked Patricia and Ricky who came before the body this afternoon, another sign that this body is willing to work with the Occupy movement; that there was a very frank, open and thorough conversation that took place, noting Peter Murphy handled it in an appropriate manner as Chair of Legal and Legislative. He stated as indicated last week the conversation that took place at that time was not the end, it was but the beginning; that it is his belief as they have asked this body to hear, we have heard; that they have asked them to consider and we have considered and in the days to come this body will raise the issues that have been addressed by this group in a public format. He thanked them for being part of the process with the Council.

### **GARY BALL**

**Gary Ball** was present representing the Community Police Interaction Committee for Sector II and gave his business address as 2520 East 14<sup>th</sup> Street.

### GARY BALL (Continued)

Mr. Ball stated that he felt the people who were present last week did not leave quite the information he had hoped. He stated he has been a founding member for ten years of that Committee and the police department has graciously met with them for over those ten years and have covered a lot of territory; that they had a lot of fist fights but have made some strides forward. He had information distributed and stated he wants the Council to know this is not just about prostitution, but all the petty crimes that go with thievery and drugs that "dove tails" together; that when they started one of the primary efforts was to combat that one item to see if they could make a difference. He stated the police department, through different leaders in the Vice Squad, has consistently done their job as far as running stings and getting the girls off the street. He stated there is documentation in the documents distributed that shows Attorney General Cox was a signed-on member after members of the police department and Council people went downtown with them and met with them and explained the necessity to try to do something about this problem. He stated they have worked diligently on this, but somewhere along the line the police department continues yearly, weekly, monthly to expend money on this problem, but General Cox and his people - not the judges - who decided 11, 10 and 14 charges over the years. He stated the law was very specific and the map shows there is no place in the city of Chattanooga within 1.5 miles of a school except a little stretch of road in Tiftonia. He stated the police have consistently charged properly and have never changed their strategy, but General Cox and his people are not supporting them, noting that Mrs. Swafford had died and Mrs. Hammonds has all kinds of medical problems. He stated he knows this body says they do not have anything to do with county government but somebody up there could get with them and the police department and set up a meeting without the General, first, and decide whether we can get him back to doing his job like the Chattanooga Police are doing theirs.

Councilman Murphy expressed thanks to Mr. Ball for coming noting he represents many neighborhoods affected by the blight of prostitution and offered to go ahead and set up that. He stated he police personnel will come with him and they will have a very "heart-to-heart" with the DA. He stated several other neighborhoods he represents would be all in on this. He stated getting rid of an illegal mechanic shop made him a hero to a neighborhood because of all the improper things it attracted and in getting rid of prostitution he would be "king for life" in District 9 if he could!

**GARY BALL (Continued)**

Councilman Murphy stated he is happy to help in any way; that with a six and four year old nobody ought to have to tell third kids to get off the front porch because seeing things like prostitutes getting picked up at the street side and soliciting "johns", nobody ought to have to go through that anywhere. He stated he will go with them; that it is in his jurisdiction, too, because he is blessed with the police department as part of his jurisdiction, now.

Chairman Ladd expressed the Council's continued thoughts and prayers for Mr. Ball's speedy recovery!

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 15, 2011 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)**