

**City Council Building
Chattanooga, Tennessee
November 15, 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, Councilman Benson gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: GO!FEST VIDEO

Mayor Littlefield stated in speaking for Parks and Recreation there are a few things that the City of Chattanooga is known for and one is we are family friendly; that we have become known and proud of the fact that we are a community for all people and that means people that we used to refer to as disabled. He stated he has the Mayor's Council on Disability and for the time he has been in office we have annually been having a celebration of people with all abilities called Go!Fest which has taken on a "life" of its own and grown every year. He stated it started on the riverfront, then to the First Tennessee Pavilion for a couple years and finally found its true home at the Chattanooga Zoo. He stated if a person really wants their hearts warmed to go on that day in October every year and see people who do not get to come out and enjoy something like a day of happiness, togetherness and communing with people. He stated it has truly set Chattanooga apart and asked that everyone watch the video that shows some of the activities this year and to notice of faces of the participants. (At this point the video was shown.)

SPECIAL PRESENTATION: GO!FEST VIDEO
(Continued)

Following the video, Mayor Littlefield stated there are a number of sponsors who make this possible; exhibitors who help to spread the word and educate the community -- both the disabled and non-disabled community -- about life and how to relate to each other. He stated most of all we have volunteers and this little event accomplishes more goodwill and joy in a very short period of time in one day than anything else we do all year! He introduced two women who work for the city whose hearts are in this program – Kathie Fulgham of the Mayor’s office who works on this tirelessly, and Greta Hayes who brings all the resources of Parks and Recreation to bear on this and our favorite park, Warner Park.

Kathie Fulgham acknowledged Barbara Readnower, the “Queen of Volunteers”, noting that her staff help put together the video and is proud of their work. She stated this effort involved 472 volunteer hours, 88 volunteers and the Mayor’s Council on Disabilities; that we have people from all over our town helping to put together Go!Fest. She stated our Mayor is the one who started this with only 500 people showing up at Go!Fest seven years ago and this year there were 8,000 people! She stated it is growing and doing the job it started out to do and it does not cost the city a dime! She expressed thanks and appreciation to all who come out to Go!Fest.

Greta Hayes reiterated what the Mayor and Kathie stated, noting this is an event the departments looks forward to each year; that they look forward to the participation not just from the resources but what the staff and youth get out of the program because they bring kids from the recreation centers. She stated it is an opportunity for them to be exposed to others, not just when we talk about differences in race or gender, but also with people with disabilities. She stated they learn the importance of inclusiveness and it is so important that we all work together. She stated they wanted to take all the special moments the Mayor talked about and put it into the form of a documentary to continue to show the programs they are participating in throughout the year. She stated copies of the video can be made available to share with others.

Councilwoman Berz inquired as to who made the film.

Barbara Readnower stated she could not work with a finer group of young men; that they not only did this but all their other work, as well, and made an effort to find jobs for all their graduates from last year.

SPECIAL PRESENTATION: GO!FEST VIDEO
(Continued)

Councilwoman Berz stated a couple of them are people we have seen before and are tremendous success stories.

Ms. Readnower stated one of the persons is Bryan who started out with the first meeting with Councilmen Berz and Gilbert.

Councilwoman Berz expressed thanks to Bryan for what he has done.

Councilman Gilbert stated Councilwoman Berz has said it; that it is great they have the opportunity to do what they do, show the talent the students have and this young man's vision in helping the community. He stated Bryan did not talk about himself when he and others came to the Council; that he (Bryan) talked about the other kids and wanted to know what they could do to help others; that he (Bryan) was not about "talk" but all about action. He expressed thanks to everyone for taking the initiative to do what they do with the kids and make a difference.

Chairman Ladd stated we are very proud of our Parks and Recreation Department, what Kathie Fulgham brings "to the table" and every project she takes on, as well as the vision the Mayor had in this event.

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 second and final reading and was signed in open meeting.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING A CHANGE ORDER NO. 1 (FINAL) FOR EAST TENNESSEE GRADING, INC., RELATIVE TO CONTRACT NO. E-09-020-201, VOLKSWAGEN DRIVE AT DISCOVERY DRIVE INTERSECTION IMPROVEMENTS, FOR AN INCREASED AMOUNT OF TWENTY-FOUR

CHANGE ORDER (Continued)

THOUSAND THREE HUNDRED FORTY-SIX AND 93/100 DOLLARS (\$24,345.93), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED FORTY-TWO AND 76/100 DOLLARS (\$1,197,642.76), AND TO RELEASE THE REMAINING CONTINGENCY OF NINETY-TWO THOUSAND NINE HUNDRED FIFTY-SEVEN AND 24/100 DOLLARS (\$92,957.24)

was adopted.

OVERTIME

Overtime for the week ending November 10, 2011 totaled \$2,384.50.

PERSONNEL

The following personnel matters were reported for the various departments:

NEIGHBORHOOD SERVICES:

- **MICHELLE CRUMLEY** – Family Medical Leave (intermittent), Administrative Assistant 2, Codes & Community Services, effective November 1, 2011 – April 30, 2012.

PUBLIC WORKS DEPARTMENT:

- **ROBERT A. SMITH, JR.** – Suspension (3 days without pay), Equipment Operator 4, City Wide Services, effective November 7 – 9, 2011.
- **MARTY HAWKINS** – Suspension (3 days without pay), Project Engineer, effective November 14-16, 2011.
- **TONY BASS** – Retirement, Plant Operator 2, Waste Resources, effective November 1, 2011.
- **WILLIAM SAXTON** – Hire, Inventory Clerk, Waste Resources, Range 5, \$22,350.00 annually, effective October 21, 2011.

PERSONNEL (Continued)

- **DAVID MCDOWELL** – Hire, Landfill Technician, Waste Resources, Range 11, \$29,544.00 annually, effective October 28, 2011.
- **GREG ERDMAN** – Hire, Plant Operator 1, Waste Resources, Range 9, \$26,798.00 annually, effective October 21, 2011.
- **DRAKE BOSCAINO** – Hire, Plant Maintenance Lubricator, Waste Resources, Range 5, \$22,350.00 annually, effective October 25, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **MAURICE BEAMON, DANIEL BRYAN, CARL ELLIS, SAMUEL GUTIERREZ, TODD HALE, SHAWN HAYS, JIM KEIL, MCKENZIE KELSAY, MICHAEL MAHAFFEY, JR., KENNETH MARTIN, JR., ZACHARY MCCOIN, DAI-VI MOON, RICKY MOORE, MATHA MULVANEY, ANTHONY REED, ASHLI REED, DAVID RUFFIN, JEREMY SAUM, QUINTON STATON, TYLER STOUT, JOSEPH THOMAS, MICHAEL VALDHULZEN, RODNEY WILSON, ANDREW WOMAC** – Hire, Fire Cadet, Range F0C, \$32,077.00 annually, effective November 4, 2011.

DONATION

Admin. Zehnder duly reported the donation of \$485 from Belk's Charity Sale for use in Park and Recreation's Therapeutic Recreation Services program.

Admin. Zehnder stated that the Council has heard the Department won the 2013 twelve and under softball tournament from ASA, but ASA provided the city with a surprise for scoring one of the highest scores that the ASA Softball Association gives to various cities. He stated there are three cities in particular who have 95 out of 100 points and they provide some special recognition to those cities; that our score was 98 out of a possible 100 in their evaluation of our city, our program, our services and the facilities we offer. He stated the fact we are able to get this year-after-year, this award helps us to secure additional tournaments each year. He extended "hats off" to Greta Hayes and the staff in Parks and Recreation for these kinds of evaluations we get from them. He stated there will be another announcement shortly from the National Softball Association very soon about another tournament.

Chairman Ladd offered congratulations to Admin. Zehnder, Greta Hayes and staff.

VETERANS DAY ACTIVITIES

Admin. Crutchfield stated she was “running” on Veterans Day from the National Cemetery to the event at the Auditorium which was a very successful event. She stated the East Tennessee Orchestra played and want to do this each year for no charge, noting that the medleys and patriotic hymns were very powerful and people were spellbound. She stated Francis Scott Key’s ancestor, Mike Key, was there to sing his ancestor’s song, the “National Anthem”. He stated a veteran and Native American flutist played “Taps”; that people were moved out afterward so they could walk through the lobby to see the new installation of the Medal of Honor Museum on loan, and hopefully permanently, that figuratively “lights” up the building that is dedicated to each War and more will be installed soon. She stated a huge Medal of Honor banner with a marble base is in the center of the lobby which is gorgeous, as well as other artifacts on display. She stated people are beginning to understand the whole idea behind not just renovation but revitalization. He stated the Mayor read the Proclamation at the Cemetery that morning and then repeated it at the event; that AARP donated \$1,000 of refreshments from Out-of-the Blue and everyone enjoyed the food. She stated it was a wonderful day and was done at no expense to taxpayers. She expressed thanks to Parks and Recreation noting that at 4 p.m. they partnered in Coolidge Park with the Fit Workout of the day and one of the soldiers from Afghanistan and some local people raised almost \$1,000 for us.

Councilman Gilbert stated it was a wonderful program and the orchestra was fantastic; that it was very, very nice and indicated that he knows the veterans appreciated it also. He stated he talked with some of the veterans and they spoke of their past and how they are looking forward to the future and the memorial; that it is a great vision.

Councilman Benson stated if Ms. Crutchfield ever decides to quit working with the city she needs to write a book on how to show enthusiasm!

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following property tax refund due to Error & Release 26378 and 26376 State Board of Equalization Assessment Change:

ARLINGTON CHATTANOOGA APTS. LLC

\$37,715.20

PURCHASES

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

CHATTANOOGA FIRE DEPARTMENT:

MOTOROLA SOLUTIONS, INC. (Single source)
R51264

Purchase of Thirty (30) Motorola Radios and Accessories per TCA 6-56-304.5

\$102,717.00

PUBLIC WORKS:

RAM TOOL & SUPPLY COMPANY (Lower and better bid)
R46887

Blanket Contract for Masonry Materials

\$39,000.00 – Annual estimation

KEY JAMES BRICK (Lower and better bid)
449556

Blanket Contract for Bricks

\$29,000.00 – Annual estimation

MORTON SALT, INC. (Lowest and best bid)
450099

Purchase of Roadway Deicing Salt

\$88,010.00

PURCHASES (Continued)

GENERAL SERVICES:

ATLAS BOLT & SUPPLY INC. (Best bid)

R48213/301404

Blanket Contract for Automotive Industries Fasteners

\$100,000.00 – Annual approximation

AMERICAN PAPER & TWINE (Lowest and best)

R50702/301476

Blanket Contract for City Wide Cleaning Supplies

\$50,000.00 – Annual approximation

FUNDS FROM TORNADO

City Attorney McMahan stated Chief Parker gave him the grant contract between the state and the city with respect to the monies we will get for the tornado last February and would like to add that to the agenda next week so we get our money as soon as possible. He stated Chief Parker was the chief contact for all the city departments with respect to FEMA and he shepherded the project right along to make sure the city was getting as much money as we could from the federal government for the tornado.

BOARDED WALKWAYS

Councilman Murphy stated in talking with the Fire Chef and Mr. Zehnder and after visiting the fabulous South Chickamauga Greenway, he expressed concern that we have now well over two miles of boarded walkway in our city, some of which is remote and not readily observable and some which is not easily accessible by the Fire Department.

BOARDED WALKWAYS (Continued)

Councilman Murphy asked if an ordinance should be drawn prohibiting smoking on those portions of our walkways such as the Walnut Street Bridge and the boardwalk portions of South Chickamauga Creek as we do have some boarded bridges on the Riverwalk, too; that it seems like a risk that is unnecessary. He stated it is decked with wood, especially the South Chickamauga Greenway which is far more than a million dollar investment and is not easily observable from roadways; that if it were to catch fire from a discarded cigarette it could be some time before we would be able to take action to preserve it.

Councilman Gilbert stated it sounds good to him and could be addressed in Parks and Recreation Committee.

COMMITTEES

Councilwoman Scott stated the **Sub-Committee on Beer Code Review would meet on Friday, November 18 in the Conference Room from 10 a.m. – 12 noon.** She announced that the **Personnel, Performance and Audit Review Committee would meet on Tuesday, November 22.**

Councilman Murphy stated the **Legal and Legislative and Safety Committee would meet on Tuesday, November 22.**

Councilman Gilbert announced that the **Parks and Recreation/Education, Arts and Culture Committee would meet on Tuesday, November 29** for a presentation regarding a proposed three story high mural to be located in the downtown area and a discussion regarding boarded walkways.

Councilwoman Berz stated Council members received a draft of the planned website for agency requests; that she heard from all on the Council, noting requests ranged from Councilman Murphy indicating not to send around so much paper to Councilwoman Scott wanting all sorts of different good input. She stated she has been meeting for several weeks with Mrs. Madison, Mr. Burns and the IT people and before we go any further she wanted to know if anyone has any problem going forward. She stated this will allow the public and agencies access to the information on the website; that we are still fine tuning some of the areas, but this is the first step.

COMMITTEES (Continued)

Councilwomen Berz stated it is her hope everyone has had a chance to read it and expressed thanks to Chairman Ladd for her good suggestions, noting that she would like to go forward. She stated the goal is to go ahead and get this to the agencies early while they are making their budgets with a deadline for submission by February 1, 2012. She stated agencies are making their budgets now and we want them to be thinking about this and asked for a response from the Council. She stated if there is anything they do not like to let her know, otherwise they will go forward with this under the guidelines mentioned.

Councilwoman Scott expressed thanks to Councilwoman Berz for bringing us forward and making this a more public process and standardizing the application process to where it is across the board the same for everyone, as well as brining the public along with us so they can see where their dollars are being spent and what good care is being taken to evaluate those programs.

Councilwoman Berz expressed thanks and stated all of the submissions will be in a mailbox that can be accessed and downloaded, but paper will not be wasted. She stated it is her thought they have covered all the bases and expressed thought there might be a few glitches that still needs work. She stated the only piece missing now is the budget form which Mr. Burns is working on. She expressed a great deal of thanks to Mrs. Madison and her staff who spent time with her on this, as well as Randy Burns.

Chairman Ladd stated what she saw was a tremendous improvement and acknowledged all for a good job. Councilwoman Berz stated they will go forward.

ADD RESOLUTION TO NEXT WEEK'S AGENDA

Councilman McGary stated in light of the Occupiers that are here tonight, he knows the Council discussed putting on the agenda an "up or down vote" to allow them to occupy a city park; that in looking at next week's agenda he does not see it and knows it has been two weeks. He asked if the resolution could be added to the agenda for next week since we have discussed it as a Council.

Chairman Ladd stated she is fine adding it and the City Attorney is making the note to add it right now.

AGENDA: NOVEMBER 22, 2011

Chairman Ladd inquired as to whether there were questions regarding next week's agenda which was discussed previously during the 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.

PATRICIA BASZEMORE

Patricia Bazemore of 5003 Fourteenth Avenue was present representing Occupy Chattanooga and stated many know the movement that is here is to stop and end the corrupt influence that corporate money has on our government and the economic injustice that it has caused. She clearly says "end" as they are working toward a means to do that and not just camping, which is a clear distinction that has become muddled in this process; that they are definitely a protesting movement and have actually become a peaceful revolution within the country. She stated there have been many cities that have supported this movement and their First Amendment rights; that the Supreme Court has the history and precedence of making a distinction between sleeping for residency and sleeping as a form of protest and there is a clear difference between the two. She stated they were very apprehensive when they came the first week in approaching the Council and she was very relieved and encouraged when she left as a lot on the Council expressed overwhelming support of their ability to express their freedom of speech and supported their right to express that. She stated the second week they were discouraged by limits as far as no clapping and being treated disrespectfully; that she felt that was something that has been selectively enforced as she noticed clapping today and nothing was addressed and clapping last week for the volleyball team, noting she clapped as well; that she noticed her group was treated differently and it was very disappointing. She stated the third week they were told it would be an open forum at committee meeting and was given a ten minute block of time to discuss back-and-forth which was also disappointing. She stated they were also told it would be on the agenda for next week and personally expressed thanks to Councilmen McGary for having that corrected and put on the agenda (for next week).

PATRICIA BAZEMORE (Continued)

Ms. Bazemore stated as far as polls go the city overwhelmingly supports Occupy Chattanooga's right to camp as a part of a protest; that this is something that has overwhelming public support. She stated this is a peaceful revolution and asked the Council if they do not understand the movement or what is going on to really do due diligence and learn exactly how significant this is and give it their serious attention. She stated this is going to reflect where the Council members stand whether they stand on the side of greed and corruption or on the side of their people.

SCOTT BURNETT

Scott Burnett of 1707 Read Avenue stated he moved to Chattanooga three years ago and was really impressed as he felt the city was growing in the right way, growing green, attracting new business and we find ourselves now in the forefront of technology with the fastest broadband and rated #1 in outdoor destination by a national magazine. He stated we are attracting new businesses, promoting entrepreneurship and right now we stand at an even more important juncture; that stated Chattanooga and the Council can stand and support one of the most enduring of American traditions -- petitioning the government, public protesting in a public forum. He stated this is a chance to stand up and say we believe in freedom of speech, we believe that grievances should be heard, we understand that 99 percent of this population does not work 9 a.m. – 6 p.m. and have weekends off. He stated it is not convenient for them to petition government during daylight hours as they need time to plan, organize and really let this revolution take seed. He asked that the Council continue to support them; that the county sadly has thrown obstacles at them every step of the way. He stated several of the Council members came out and talked to them and worked to give a parking space for an emergency vehicle, brought a trash and recycling bin in sight for them. He stated they have not seen one County Commissioner come out, no support from them except to tell them what they could not do. He encouraged the Council to stand with them, stand for freedom of speech, stand for the right of assembly and let the county know the Council does not appreciate their behavior.

Councilman Benson stated it is his belief Mr. Burnett is the one he met that was raised two doors from Councilman Murphy. Mr. Burnett stated that is right and not to hold it against him (Murphy).

SCOTT BURNETT (Continued)

Councilman Murphy stated he tweeted last week and stated for public consumption that he is very proud of our civics teachers in Rockport, New York! Mr. Burnett stated it is sad civics is not taught in schools anymore.

Councilman Murphy stated it is wonderful what they are doing and made a decision when he campaigned for office not to take political action committee money noting he does not and will not as he thinks that is the right thing to do. He stated at the very least there is the perception that there is a corrupting influence from those funds and whether there is or is not could be debated, but there is a perception that there is. He stated it is his belief we deserve elected officials that do not even have that perception raised. He emphasized what was stated during committee and apologized to Ms. Bazemore that he could not give a half hour discussion time because he had a schedule he had to keep. He stated the Council cannot favor them just because they agree with what they say as the Council has to be absolutely content neutral in our regulation of the exercise of First Amendment rights in the city in terms of our public spaces. He asked that they keep in mind that while the Council may agree with them all day long they still cannot favor them because the Council agrees with them. He stated if they feel like it would be appropriate for a speaker or group whose view the Council found repugnant and odious to do what they are asking the Council to do, the Council would have to allow it and that is the "horns" we are on; that not every organization is as popular as they are. He stated there are some folks who can tell them the Council has had protests that have been exceptionally draining on our police resources in order to protect those protesting.

DANIEL PATTERSON

Daniel Patterson of 428 Patterson Road, Sale Creek, Tennessee was present to say the Occupy movement was occurring in 2,553 cities worldwide however none of the cities have been extremely accepting in awarding a plot of land for people to protest on. He stated he thought Chattanooga could be a leader in those cities and it would be an admirable thing; that as Ms. Fulgham said in the video Chattanooga is seeking to be inclusive and we should also be inclusive of those who wish to be socially active and the fervor for being socially active extends beyond a certain set time in the day, but that extends all night. He stated he does not think that fervor should be limited to business hours; that they need a place to occupy 24/7 because just as the police force is active 24/7 truth and justice are American ideals that do not sleep or do not have business hours.

DANIEL PATTERSON (Continued)

Mr. Patterson stated freedom of speech and caring about your community are also things that do not have a set amount of time in a day but they are 24/7 American ideals. He stated he would appreciate it if the Council would promote those American ideals in a way that has not been seen as much in their recent time.

MONTY BELL

Monty Bell gave P. O. Box 6303 as his address and stated as a homeless journalist he is present tonight on behalf of many of the homeless who feel that the support that Occupy has received from the City Council is somewhat half-centered; that they have not been able to meet to discuss any of their concerns. He stated the fact they are homeless and have no jobs has been their protest for many years and as a result what they have received, particularly him as the spokesman, is jail time and his documentary stolen; that his life has just been turned upside down. He stated he made a statement on Jeff Styles' show that "perhaps the grounds here were rather funky and slippery because there were no restrooms for Occupy" and the very next day the port-o-potties were provided for them. He stated they have seen members of Occupy meet at the Community Kitchen and they did not include them; that he is just saddened that the Council supports a group that is in protest against ills or elitists who ignore the causes of the homeless and the poor and disabled; that he does have facts that the Council has supported this group in more than one way. He stated a Councilman posed as a homeless person and as a result have received nothing. He asked how the Council could on one hand as a legislative body support a group of protestors and continue to exclude and ignore another group that has been out here for many years doing the same thing. He stated he did not see much of a difference with tents here on the grounds of City Council than the tents there at the courthouse as that was their tent city at one time that was bulldozed, knocked down and boarded up by the city. He stated he does not see any difference; that their concerns are their concerns and asked at what point the Council will allow them an opportunity to meet with them to voice their concerns because they are not out there just because they want to be. He stated they have been protesting for many, many years and have not been included. He asked when the Council will include them.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 22, 2011 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)**