

City Council Building
Chattanooga, Tennessee
January 3, 2012
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 Councilwoman Robinson gave the invocation for the evening.

MINUTE APPROVAL

Councilman Gilbert asked that the minutes of the previous meeting be amended as one of his constituents, Cynthia Cash, stated a few things were left out of her comments regarding the Wilcox Tunnel. He stated the minutes should have reflected "... *the tunnel was trashy and water inside the tunnel is real heavy ...*". He stated another sentence referencing the rules of procedure read by the City Attorney during Council meetings should have read "... *'some' Council members need to have these rules read to them ...*". He noted he would give the corrections to the Assistant Clerk, Shirley Crownover, who clerked the meeting when Ms. Cash spoke. (Upon consultation with the Assistant Clerk, it was noted that the first paragraph of the minutes of December 20, 2011 regarding Ms. Cash reflected her comments referencing water and trash in the tunnel.)

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

PAYMENT AUTHORIZATION

On motion of Councilman Murphy, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING PAYMENT TO ARTHUR J. GALLAGHER FOR RENEWAL OF PROPERTY, EQUIPMENT AND FLEET INSURANCE FOR 2012, WHICH INCLUDES THE LIBRARY LOCATIONS, FOR AN ANNUAL PREMIUM OF THREE HUNDRED SIXTEEN THOUSAND SIXTY-ONE AND 40/100 DOLLARS (\$316,061.40)

was adopted.

OVERTIME

Overtime for the weeks ending December 22, 2011 (\$4,409.24) and December 29, 2011 (24,506.57) totaled \$28,915.81.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **KAREN MEIVES** – Retirement, Accounting Technician 1, effective December 30, 2011.
- **CRAIG JOHNSON** – Retirement, Police Sergeant, effective December 29, 2011.
- **JEFFREY GAINES** – Extension of Military Leave, Police Sergeant, effective March 30, 2011 – January 1, 2012.

FINANCE DEPARTMENT:

- **TIMOTHY SCOTTON, JR.** – Hire, Accountant 1, Range 17, \$42,000.00 annually, effective December 19, 2011.

REFUNDS

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refunds of water quality fees and/or property taxes:

MOJTABA KARIMIAN	\$1,266.81
LEE S. CARMICHAEL	\$1,661.08
MICHAEL C. MILLER	\$1,661.65
SYLVIA ANN SHERRILL	\$2,070.35
JAE YONG LEE	\$2,745.73
CYNTHIA BUNGO	\$1,211.40
AURORA LOAN SERVICES, LLC	\$1,052.08
WILLIAM SAM JONES SR.	\$1,654.73
LESLIE A. DRAPER	\$1,132.89
WILLIAM E. BROCK IV	\$1,617.20
KATHRYN NASH COPELAND	\$1,178.49
SAMUEL E. EVANS	\$1,003.01
CHARLES G. PAYNE	\$1,188.89
ROBERT LANGGOOD	\$1,063.04
DAVID L. GLIDDEN	\$1,405.93
HENRY CRANE	\$1,173.30
AMANDA HERRITT	\$1,003.01
MARK WILCOX BENSON	\$1,377.07

REFUNDS (Continued)

ANGEL R. PIERCE	\$1,364.95
JAMES E. BOYLES	\$3,174.05
DANIEL S. W. MOORE JR	\$1,165.22
WILLIAM S. REASON	\$1,030.14
SEAN F. RANSON	\$1,130.58
KIM CHAMBERLAIN	\$1,668.84
ERIC GRIFFITH	\$1,883.89
RONALD HEFFNER	\$1,321.65
SHALIN TEJANI	\$2,009.16
JOHN T. KELLY III	\$2,008.00
DAVID K. MARCKEL	\$1,210.24

LIQUOR LICENSE

Councilman Benson stated he received a call from Brad Labon who thought he needed to be present for a liquor license that is to be signed by Council members.

Admin. Madison stated she did not have a liquor license to present tonight.

Councilman Benson stated he told Mr. Labon to be here by 6:15 p.m.

Admin. Madison stated that the request goes through the Treasurer's Office, first, noting that she does not have a form to present.

Councilman Benson stated he would try to catch Mr. Labon when he arrives and tell him there is no license to presence tonight.

SUPPORT FOR PAT SUMMIT

Chairman Ladd stated she is wearing the "We back Pat" t-shirt tonight in support of Pat Summit, Coach for the Lady Vols basketball team, who is struggling with dementia. She asked that everyone think about those that suffer from dementia and Alzheimer's; that she has a family member that is suffering from it and it is very tough. She stated tonight our Lady Mocs travel to Knoxville to play the Lady Vols and those who are cheering for those teams will not lose tonight!

COMMITTEES

Councilwoman Scott stated the **Council's Beer Code Sub-Committee will meet on Friday, January 6 from 10 a.m. – noon in the J. B. Collins Conference Room.**

Councilwoman Robinson stated she does not have any meetings scheduled at this time, however as we go forward she has asked John Bridger from RPA to come back in February and update us; that she has asked David Johnson from CNE to come and give a quick update on housing and some of the initiatives they have underway. She stated in addition, Dale Mabee has been in contact with a group that has a wonderful project called Purposeville, a new plan for how we occupy our spaces and create businesses and homes as we go and grow forward. She stated when Mr. Mabee's group is here from Atlanta again she would like for the group to come and brief the Council; that if the Council is not in regular session there may be a committee meeting scheduled.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 10.**

Councilwoman Berz stated it is budget time again and meetings will start very soon. She scheduled a meeting of the **Budget and Finance Committee for Tuesday, January 10 immediately following the Agenda Session** for follow-up discussion regarding previous presentations by United Way, the Urban League and the Chamber of Commerce. She stated everyone received notes in an effort to make sure all questions are cleared up; that as we heard from the Mayor today there may be a new "wrinkle" in how we will make those decisions. She advised that the Council has to make the decision as it gives her "marching orders" on how we will set up the meetings and needs the Council's help on that. She stated if there are questions between now and then Council members are to give her a call.

Councilman Murphy stated the **Legal, Legislative and Safety Committee would meet on Tuesday, January 10.**

NEXT WEEK'S AGENDA

Chairman Ladd stated the agenda for next week was discussed earlier during today's Agenda Session.

CHESTER HEATHINGTON

Chester Heathington of 4717 Bonny Oaks stated he is a Vietnam Veteran and a retired person from the City of Chattanooga. He stated he is present regarding the disturbing remarks made a couple weeks ago by Councilman Rico concerning the black community. He displayed a medal given to him by his country while serving in Vietnam and presented his birth certificate legitimizing him. He asked Councilman Rico to present his naturalized birth certificate to the citizens of Chattanooga as he does not believe he has one. He stated he has searched the records in Texas and cannot find one and expressed hope Councilman Rico would produce one in the next six weeks.

JEFF BERSTEN

Jeff Bersten of 3922 Volunteer Drive stated he has questions of clarification regarding today's earlier discussion as it is his understanding on December 6 the Council consented to split the ten percent rule away from the ten page disciplinary document; that at some point there would be a vote on the ten percent up or down. He stated now it is his understanding in two weeks the city will come back with this document with supposedly the ten percent out of it; that he thought the consensus was it was going to be voted on first and taken out of the ten page document. He stated secondly on the comment portion, he is not speaking for the police and fire as it is his understanding they have different rules and do not have the ten percent, obviously, and it is not his wish to change that as he is sure they would not like that changed, either! He stated it is his belief everyone should be equal to them; that the employees who are not police and fire should be able to appeal any suspension or whatever that may be.

Councilman Gilbert expressed agreement with Mr. Bersten comments and expressed how we do not go backwards when it comes to fire and police and take them down to a percentage that they currently do not have. He stated the other entities do not want that to happen either as they just want everyone to have a "fair shake" when it comes to grievances and not have a ten percent rule for anyone. He expressed hope that will not happen when it comes back to the Council.

JEFF BERSTEN (Continued)

Chairman Ladd asked if there is a response to Mr. Bersten's question.

Councilman McGary stated if he understood the question, it is his belief administration and Mr. Johnson can speak to the matter if he heard incorrectly; that he understands administration will take the ten percent language out of the recommendation that will be presented to the Council. He stated it is his understanding Mr. Bersten wanted this matter to come before the Council with an up or down vote with the ultimate goal of having the language removed, asking if he were correct.

Mr. Bersten responded "yes" as that was his impression to have it voted on separately from the ten page document; that within two weeks the ten page document will be presented with the ten percent out of it and the Council would vote on the whole thing.

Councilman McGary stated it is his understanding from Mr. Johnson that the ten percent language will be removed and we do not need to vote; that the language presented will actually be their recommendation of how we should proceed forward.

Mr. Bersten stated that is fine; that he did not know that was the consensus on December 6.

Councilman McGary asked if he understood Mr. Johnson correctly. Dan Johnson responded "yes".

Councilman Benson stated he would like for the Council to go on record, and expressed hope they would, that the Council would treat all employees the same; that whatever it is we treat all employees the same

Chairman Ladd asked if Councilman Benson was making a motion.

Councilman Benson stated he is asking that we try to make all employees treatment the same and stated that is his motion; Councilman Gilbert seconded the motion.

Councilman McGary expressed hope the language presented to the Council would best reflect fairness and that certainly would be our goal as a Council.

Councilman Benson stated that is what the motion means.

JEFF BERSTEN (Continued)

Councilman Rico stated the Council should read the document first to see and make sure it does; that it does not make sense to vote on something we do not even know as we might not even agree with it.

Chairman Ladd asked if Councilman Rico was making a motion to defer.

Councilman Rico made the motion to defer the matter; Councilwoman Robinson seconded the motion; the motion carried with Councilmen Benson and McGary voting "no".

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, January 20, 2012 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)**