

**City Council Building
Chattanooga, Tennessee
February 21, 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 Councilman Murphy gave the invocation for the evening.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: "MY HOPE FOR
CHATTANOOGA"**

Councilman McGary recognized the presence of Joli Anderson and a special group of individuals, noting that he and Ms. Anderson have known each other for awhile. He stated that she facilitated a tutoring program and brought in a group of Baylor Students to tutor after school in the Harriett Tubman Homes and is glad to know she is still hard a work at that task and is now working on an after school program on the west side. At this point he asked Ms. Anderson to stand and introduced Logan Davis and other students who will present their vision for the city of Chattanooga.

Logan Davis, a senior at Baylor School, stated for the past 16 years Baylor and the Harriet Tubman community have had a partnership in an after school tutoring program; that several of the students are present to share something that cannot be ignored.

**SPECIAL PRESENTATION: "MY HOPE FOR
CHATTANOOGA" (Continued)**

Elisa Cullen an eleventh grader at Baylor stated over the summer she secured a grant to fund a cookout on "M. L. King Day" at the Harriet Tubman housing site and during the cookout children and adults from that special community wrote their hopes for the future of Chattanooga and tonight they will share a few of their dreams which everyone will find compelling.

A.J. Morgan introduced his friend, **Joe Jenkins**, who stated his hope is that "he wants people to stop shooting and everyone to stop 'gang banging'".

Jordan Sapman introduced **Timothy Thompson** who stated his hope is "he wants people to stop shooting and going to jail; that most importantly, he wants everyone in his family to live peacefully and happy ever after and wants his dad to come into his life".

Deondre Thompson stated his goal is to "finish school and get a quality education".

Terrence Ferguson stated he helps tutor at Harriet Tubman development and tutors **Jakya Watson** who could not be present tonight and read her message: "My name is Jakya Watson. I am smart and think with my brain and not my first. My hope for Chattanooga is to stay alive".

Ms. Logan stated the children shared their concerns about gang violence and other issues affecting their futures in this city. She expressed appreciation for the Council's time and looks forward to following up at a future meeting. She asked that they help all the children in Chattanooga to have a better future.

Councilman McGary thanked Ms. Anderson for bringing the students and expressed his surprise that no one wanted to be a politician! A round of applause for the students was given by all in attendance.

Chairman Ladd thanked Councilman McGary for bringing this opportunity to the Council to meet and hear from such outstanding young people as they did a fantastic job, as well as the tutors and the ones the Council heard from noting that her hope is that their hopes will be realized!

PROVISION OF LAND

On motion of Councilman Benson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEEDS, EASEMENTS, A RELEASE AND TRANSFER TERMS, CONDITIONS, COVENANTS, AND RESTRICTIONS, AND ANY OTHER NECESSARY DOCUMENTS TO PROVIDE LAND FOR THE CONSTRUCTION OF THE VOLKSWAGEN WELCOME CENTER AND TO THE TENNESSEE VALLEY AUTHORITY FOR TRANSMISSION LINES
was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE CHATTANOOGA HOUSING AUTHORITY AND DOGWOOD MANOR TO ENTER INTO AN ANNUAL CONTRACT FOR BEDBUG ERADICATION WITH TERMINIX FOR SERVICE AND INSPECTION, FOR AN AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) TO BE PAID FROM THE DOGWOOD MANOR OPERATING FUND
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE APOINTMENT OF JACKIE BORN AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA PUBLIC WORKS DEPARTMENT, LAND DEVELOPMENT OFFICE, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE APOINTMENT OF DONNA THOMAS AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA NEIGHORHOOD SERVICES DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 FOR MATERIAL MATTERS, INC. RELATIVE TO THE PROVISION OF BIOSOLIDS DATA MANAGEMENT SYSTEM SUPPORT AND SERVICES IN CONJUNCTION WITH THE USE OF THE MATERIAL MATTERS, INC. DATABASE, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SEVENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$74,500.00)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PARTNERSHIP AGREEMENT WITH JEDCO, LLC RELATIVE TO PROJECT NO. E-11-008-801, COWART STREET STREETScape IMPROVEMENTS, AND RECEIVE A DONATION IN THE AMOUNT OF EIGHT THOUSAND DOLLARS (\$8,000.00) FOR PROJECT RELATED COSTS
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. C-11-002-201, CITYWIDE SERVICES TOOL BUILDING ROOF REPLACEMENT TO J. D. HELTON ROOFING COMPANY, INC., IN THE AMOUNT OF ONE HUNDRED FIFTY-SIX THOUSAND THREE HUNDRED EIGHTY-ONE DOLLARS (\$156,381.00), WITH A CONTINGENCY AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-ONE THOUSAND THREE HUNDRED EIGHTY-ONE DOLLARS (\$171,381.00)
was adopted.

CONTRACT ADDITIONAL AMOUNT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING AN ADDITIONAL ESTIMATED AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00) EXTENSION TO THE BLANKET CONTRACT WITH EXCALIBUR INTEGRATED SYSTEMS
was adopted; Councilmen Scott, McGary and Murphy voted "no".

FINAL PUD

2011-105: Chattanooga Construction Co., Inc. Bent Creek Golf Villas (formerly Creek Plantation Condominiums)

The applicant was present; there was no opposition.

Mike Price stated the property was in great distress and in foreclosure and if not for the help of key individuals with the city, namely Steve Leach and Public Works, John Bridger, Karen Rennich and Greg Haynes with the Regional Planning Agency and Bill Payne with the Engineer's Office, he would not have been able to bring this matter to the Council tonight. He stated with their help they are able to now take a piece of property that has been distressed and essentially develop in the same manner and fee simple proposition that previously was tried as condominiums. He expressed appreciation for all the staff support in bringing this to the Council.

Chairman Ladd expressed appreciation for the staff, as well.

Councilwoman Berz stated she would appreciate it if the City Attorney's office would include the districts on matters coming before the Council on the agenda.

Chairman Ladd clarified that this is a matter that is within her district, District 3. Councilwoman Berz stated that it is her thought it is a matter of courtesy to include the districts.

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS BENT CREEK GOLF VILLAS (FORMERLY CREEK PLANTATION CONDOMINIUMS), ON TRACTS OF LAND LOCATED AT 110 THROUGH 286 TEMPLETON LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AMEND AGREEMENTS

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO AMEND THE AGREEMENTS WITH PM ENVIRONMENTAL AND TERRACON TO

AMEND AGREEMENTS (Continued)

COMPLETE THE NECESSARY ASSESSMENTS AND CLEAN-UP PLANS FOR THE REQUIREMENTS OF THE EPA BROWNFIELD GRANT IN ORDER TO INCREASE THE AMOUNT BY NO MORE THAN FIVE THOUSAND ONE HUNDRED DOLLARS (\$5,100.00), FOR A TOTAL PROJECT COST IN THE AMOUNT OF TWO HUNDRED TWENTY THOUSAND SIX HUNDRED DOLLARS (\$220,600.00)

was adopted.

ACCEPT LOW BID

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ACCEPT A LOW BID FOR A NEW ROOF ON THE POLICE STATION LOCATED AT 702 EAST 11TH STREET IN THE AMOUNT OF FIFTY THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$50,470.00), WITH A CONTINGENCY OF TWO THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$2,525.00)

was adopted; Councilmen Murphy and McGary voted "no".

CONTRACT

Councilwomen Berz and Robinson made the motion and second to adopt this Resolution.

Councilman Gilbert stated he will vote for this and referenced the comments Councilman Murphy said earlier about this study noting what he said made a lot for sense; that there are some things we know going forward and some things we do not know and expressed hope consideration will be given for that.

Councilwoman Scott stated she does not plan to support this because in looking at the five tasks the things we really do not know, other than the things pointed out by Councilman Murphy earlier today, is we do not know the information for Task 3 and we do not know the information for Task 4 which has not been collected. She stated we have a heck of a lot more than anecdotal information with our police department as they have been meeting in a gang task force far longer than we have been talking about this and (she) does not think that information has been tapped.

CONTRACT (Continued)

Councilwoman Scott stated we clearly already know where the problem is located and what communities are primarily affected by it and going back and spending additional money to just transfer it over to another sheet of paper is, to her, not where we ought to spend our money. She stated it is not that she is denying we need to collect information but does not think we need to ignore the information we already have.

Councilman McGary expressed support for the need for an assessments but will not be supporting the proposed amount for the fact earlier in Committee he asked a question based upon the documents received as to the approaches to taking an assessment, one being to utilize only experts, another to totally utilize a community and the third option was a combination of the two. He stated when he asked was there any consideration given to a community approach he was told "no"; that the committee which recommended the Ochs Center only wanted to see experts take on that task and it is a process he disagrees with. He stated it is his hope if this passes tonight there would be further consideration given to some of the comments made as to how we can best utilize a community versus simply paying \$75,000 to "experts".

Councilman Murphy stated he would be voting "yes" and want people to understand there is work that needs to be done in this assessment; that we do have some data as pointed out by Councilwoman Scott but we do not have all the data that the report will compile and make useable which is the first thing. He stated the second and most important thing for citizens to take away is if we do not do it there is a whole lot of funding that will not be available to us to address the problem; that this has been set up as the bureaucratic way of becoming eligible for funding for various things we will have to do in this community and this a "hoop" we have to go through so let's "jump through the hoop"!

Councilman Gilbert stated he wanted to make sure constituents know this is not the \$75,000 that we had set aside for minority businesses; that this is totally different and wanted to make sure it is understood.

On motion of councilwoman Berz, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH OCHS CENTER AS THE LEAD AGENCY TO PERFORM
THE COMPREHENSIVE GANG ASSESSMENT, FOR \$69,940.00 WITH A
CONTINGENCY OF \$5,060.00, FOR AN AMOUNT NOT TO EXCEED
SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00)**

was adopted; on roll call vote:

CONTRACT (Continued)

SCOTT	NO
ROBINSON	YES
BENSON	YES
GILBERT	YES
BERZ	YES
RICO	YES
MCGARY	NO
MURPHY	YES
LADD	YES

RESOLUTION OF SUPPORT

On motion of Councilman McGary, seconded by Councilwoman Berz,
**A RESOLUTOIN IN SUPPORT OF HOUSE BIL 2754 AND SENATE BILL 2601
RELATIVE TO THE FORMATION AND APPOINTMENT OF LOCAL LIBRARY
BOARDS**
was adopted.

RESOLUTION OF SUPPORT

**Councilmen Rico and Murphy made the motion and second to adopted this
Resolution.**

Councilman Gilbert stated that he struggled with this Resolution and has mixed feelings about it and is why he went in the back during Committee to speak with Mr. Patterson and the police to explain in detail what this law actually does. He stated his understanding is it is the worst of the worst we are trying to get off the street which he agrees; that his concern is some of the other entities that have one offense or two and not killing someone would not be in the same category of the worst of the worst.

RESOLUTION OF SUPPORT (Continued)

Councilman Gilbert stated he was reassured it will not be that way and will hold them accountable if there is any difference than what he was told today! He reiterated that he struggled with this and we have to do something with the gang situation and wanted to make sure it is done in the right way.

Councilman McGary stated we are looking at more opportunities to incarcerate which generates into more jail time; that the actual cost borne by the county to incarcerate more individuals is actually borne by the citizens. He stated when we talk about funding as mentioned by Councilman Murphy earlier some of the approaches taken are strategic and tactical, trying to put things in place to leverage for more dollars and resources. He asked if he is correct in thinking the actual cost of incarcerating more people immediately falls on county taxpayers.

Boyd Patterson, Coordinator of Gang Relations, stated this is a RICO statute for penitentiary time that actually ends up putting folks in the state system which is a state taxpayer; that "yes" as state taxpayers we would be funding it but would not fall just upon Hamilton County.

Councilman McGary stated as far as the local component there will be no additional cost to local taxpayers, it is all state.

Mr. Patterson responded "no"; that once they finally go away for the longer period of incarceration they will be in the state system, while they are awaiting time they will be in our jail so there will be those costs associated while they awaiting trial in jail.

Councilman McGary stated generally speaking how long of a time period is that.

Mr. Patterson stated from personal experience it depends on the charge, the case and the defense attorney; that we try to get cases to trail within a year. He stated big cases would probably be closer to a year.

Councilman McGary stated he knows according to Councilman Gilbert the idea is to get the worst of the worst off the street and knows there was a statistic put out a month or so ago that there were at least 1100 individuals that the police department has identified as actual gang members. He stated he is curious what segment of that population do we consider the worst of the worst; if we have any idea what number of people we are trying to go after.

RESOLUTION OF SUPPORT (Continued)

Mr. Patterson stated from his personal observation a lot of the criminals on that gang list would not necessarily pass muster and following up on the conversation with Councilman Gilbert a lot of the folks that are validated gang members may not be part of one of the hyper-violent gangs we have here whose members would qualify as a criminal street gang which would then allow them to qualify under the RICO statute. He stated as far as percentage-wise he cannot tell whether there is ten percent or 25 percent; that he can tell that the cut off that currently exists does not allow the gang prosecution through the enhancement statute to even be applied to some people who we know are gang members but they are just not part of a gang who has a sufficient number of members that qualify it as a criminal street gang that allows us to use the statute.

Councilman Benson stated the people we are talking about incarcerating will cost something to incarcerate them, but how much might it cost the society in the lives and dollars if we do not incarcerate them.

Mr. Patterson stated when we get into how much money we will spend for what part of the comprehensive gang assessment, whether it is putting outreach workers in place later or whether it is funding things that allow for greater incarceration, whether we pay on the front or back end. He stated the phrase keeps coming up "it is easier to help kids who need guidance than fix broken men"; that the earlier we can get them we will pay for it one way or another. He stated if those guys are committing crimes out on bond when they could have been prosecuted and sent away forever if they are the worst of the worst, they are going to continue incurring those costs upon society by not being in jail.

Councilman Gilbert asked Mr. Patterson to share some of the conversation they had earlier; that some of the concerns of the constituents was throwing everyone in jail would help them understand that does not mean that.

Mr. Patterson stated we are talking about the RICO statute; that the RICO statute we put forth references a statute that is already on the books called the Gang Enhancer statute; that there are four components to the statute with one being easy to satisfy and basically lays out the criteria that a person is a gang member. He stated the other three are almost like inserts within the other criteria, meaning it has to be proven that the group is a criminal street gang and to prove that one the element is to prove they engage in a pattern of criminal activity and to prove that it has to be shown a certain number of crimes have been committed.

RESOLUTION OF SUPPORT (Continued)

Mr. Patterson e stated all of those are quite strenuous on the part of the state to try to have to meet and to answer the question earlier will this put everybody in jail the answer is "no". He stated he personally worked on cases where it was clearly gang activity and related the case of a kidnapping where someone was stuffed in a trunk as part of a gang initiation. He stated the actual group that was involved did not meet the criteria, so it was a group of folks that even though they committed this one violent act did not fit the criteria for the Gang Enhancer Statute, but if they were part of the hyper-violent gangs that are setting up here then they would. He stated that is the statue that allow the application of RICO as we have submitted it; that it is not going to allow for just the picking up of anybody who happens to be wearing red in a group of other folks wearing red; it is going after the worst of the worst.

Councilman McGary stated he wondered if a "red herring" has been presented whether it is prevention, does RICO falls on the prevention side or we allow, as Councilman Benson noted, individuals to take from our community either by life, property or some combination of the two. He stated he is a little confused and not following the logic; that the purpose of the RICO Act is to put away the worst of the worst and it seems if we are utilizing that language worst of the worst by Mr. Patterson's admission who stated by a certain number of crimes or type of crimes which suggests worst of the worst can only be identified by people who commit crimes repeatedly or people who commit a certain type of crime. He asked if it is fair to say this is preventative if we are going after the worst of the worst and they are committing crimes that justify the title of worst of the worst.

Mr. Patterson stated that it fits more squarely into suppression and to answer Councilman Benson's question we are going to pay for it on the front or back end was answering his question in that context. He stated if he is being asked if it fits more into prevention, intervention or suppression, it is suppression, but the reality is if these folks are in jail as range two offenders serving 12-20 years under RICO they are not out committing crimes after serving 30 percent of an eight year sentence. He stated in that context what he said was accurate, but the way he presented it might have been better.

Councilman McGary stated he is trying to get a good grasp of who constitutes the worst of the worst; that if we are not going after every one and going after the worst of the worst, what properly constitutes that description.

RESOLUTION OF SUPPORT (Continued)

Mr. Patterson stated it is his belief Councilman McGary finished his first question about what types of crimes. He stated the three types of crimes in the Gang Enhancer Statute, which is part of RICO, are crimes of violence, crimes of selling narcotics for money, crimes of selling guns for money – those are the gang crimes already enumerated in the statute. He stated some person who repeatedly commits crimes does not necessarily fit that criteria of the sex offender registry; that moving violations and things like that, even car thefts, would not qualify; that a repeat offender that likes to steal cars would not qualify because it is not a crime of violence, not selling dope for money and not moving guns for money.

Councilman Murphy stated there is a poster child for this law that he has been face-to-face with on a police ride along who has prior convictions for firearms crimes, a validated gang member and was arrested for killing execution style two people just over the line in Councilman Gilbert's district. He stated in all likelihood in fear for her life a witness would not testify, so the double murder charges were dismissed; that we can prove repeated drug transactions and other things and rely more heavily on law enforcement witnesses. He stated he wants that person out of our community and does not want our police officers to keep pulling him over if he happens to be moving a quantity of drugs from one side of the city to the other and has a drive out tag on a stolen car and shoots a police officer when they come to the window. He stated this is the worst of the worst and we have a couple handfuls of them in this city; that he wants to get this to our officers for their safety and our safety.

Councilman Gilbert asked Mr. Patterson to explain we are not just talking about putting people in jail but the alternative programs that will be set up.

Mr. Patterson stated the comprehensive gang model has **four separate dimensions: prevention**, which deals with reaching out to kids before they make that decision to join gangs, hopefully helping to get their literacy rate up, helping them find something special about themselves that is worth protecting when someone offers them that same type of feeling of accomplishment by joining a gang – prevention, reaching down as early as the second grade which is one of the programs we are putting together now through the Sheriff's Office called the GRIP Program. He stated **intervention** deals with reaching into the gangs, finding gang members who have not wrecked their lives, yet, and picked up those aggravator robbery convictions, who for whatever reason decided their needs are met through the social structure of a gang.

RESOLUTION OF SUPPORT (Continued)

Mr. Patterson stated it is reaching in and finding out why that individual gang member is part of the gang, do they need a job or need that feeling of belonging, whatever it happens to be, intervention is the dimension that allows for that to hopefully meet the needs of that particular demographic. He stated **suppression level one** is his background, a state level prosecution arrest and (they) can send people away for a good bit of time for certain crimes, but usually there is a re-entry component involved with that; that it deals a lot not with prosecution at the state level but also involves probation. He stated **the fourth is suppression level two** for hard core gang members who will not accept any outreach; for the hyper-violent gang that needs to be dismantled and that is coming through a federal dope case or some type of federal action where there is a long term investigation with the result of dismantling the gang. He stated the point is "yes" suppression is part of it and "yes" RICO can help a lot but a lot of the effort deals with outreach, prevention and intervention.

Councilwoman Scott asked for a roll call vote on this Resolution.

Chairman Ladd thanked Messrs. Patterson and Lea for their hard work; that they have worked to get this to Nashville and knows Mr. Lea is following this closely and spending a lot of time in Nashville; that everyone appreciates their efforts!

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION IN SUPPORT OF SENATE BILLS 3004 AND 3005 AND HOUSE BILLS 2868 AND 2869 GIVING OUR LOCAL AND STATE LAW ENFORCEMENT AGENCIES MORE OPPORUNITIES TO INCARCERATE A GREATER NUMBER OF CRIMINAL STREET GANG MEMBERS FOR LONGER PERIODS OF TIME AND TO PROTECT OUR CITIZENS AND THEIR RIGHTS

was adopted; on roll call vote:

ROBINSON	YES
BENSON	YES
GILBERT	YES
BERZ	YES
RICO	YES
MCGARY	YES

RESOLUTION OF SUPPORT (Continued)

MURPHY	YES
SCOTT	YES
LADD	YES

OVERTIME

Overtime for the week ending February 16, 2012 totaled \$4,607.77.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **CAROLE ABRAHAMSON** – Hire, Clerk III, Head Start, \$24,897.00 annually, effective January 27, 2012.
- **SARAH ANDREWS** – Hire, Teacher Assistant, Head Start, \$20,475.00 annually, effective February 10, 2012.
- **ERICA FOOTE** – Hire, Teacher Assistant, Head Start, \$20,925.45 annually, effective February 10, 2012.
- **CLAUDIUS PRATT** – Hire, Family Service Advocate, Head Start, \$20,475.00 annually, effective February 10, 2012.
- **JESSICA TIEDE** – Hire, Family Service Advocate, Head Start, \$23,205.00 annually, effective February 10, 2012.

PAYROLL DEPARTMENT:

- **HEATHER BROOKS** – Promotion, Payroll Technician, Range 11, \$29,544.00 annually, effective February 10, 2012.

PERSONNEL (Continued)

PARKS AND RECREATION DEPARTMENT:

- **GREGORY STRONG, CURTIS BAKER** – Hire, Crew Worker 1, Range 2, \$22,350.00 annually, effective February 10, 2012.

CHATTANOOGA POLICE DEPARTMENT:

- **STEPHEN TODD COLEMAN** – Resignation, Police Officer 1, effective February 15, 2012.

PUBLIC WORKS DEPARTMENT:

- **JAMES H. WILLSON, III** – Suspension (3 days without pay), Crew supervisor 2, City Wide Services, effective February 13-15, 2012.

EDUCATION, ARTS AND CULTURE ACTIVITIES

Admin. Crutchfield reported on the “can do” spirit of the EAC Department which does more with less noting that she is really proud of that. She stated sometimes their impact is not viewed as strongly because they are small and do not have a big budget, but are making a big impact and working as hard as they can. She stated they kicked off a hard hat tour that the Council will be reading about soon with great media coverage; that today marked the second day of their Black History emphasis at Mary Walker Towers and had Notre Dame students present doing community service, as well as Howard students. She stated there were stories from the senior citizens of their experiences during the Civil Rights movement and referenced a partnership with The News Chronicle that will be ongoing year round.

Councilman Gilbert thanked Admin. Crutchfield for explaining the Department's activities, acknowledging that the Department does a lot with less and what they are doing is fantastic in dealing with the community and the Howard students who are learning the history of local people, which means a lot!

HOTEL PERMITS

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

DAYS INN/LOOKOUT – 3801 Cummings Highway, Chattanooga, TN

ECONO LODGE – 7421 Bonny Oaks Drive, Chattanooga, TN

KING’S LODGE – 2400 Westside Drive, Chattanooga, TN

REFUNDS

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

SHALLOWFORD MEDICAL INVESTORS LLC \$1,200.00

LISA D. HAILEY \$1,499.00

Upon completion of her report Admin. Madison stated Admin. Crutchfield's department does not get special treatment; that she does a good job!

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

DLT SOLUTIONS (Sole source)
R52806

Purchase of Autodesk Subscription Renewals and Upgrades per TCA 6-56-304.2

\$23,293.02

PURCHASES (Continued)

CMI EQUIPMENT SALES (State contract)

R54499

Purchase of Four (4) Mowers and Mountain Services per TCA 6-56-304.2

\$176,800.00

CHATTANOOGA POLICE DEPARTMENT:

ROBOTEX (Lower and better bid)

R43774/301675

Purchase of a Tactical Robot

\$11,445.00

BLACKFOX TACTICAL (Best bid)

R43771/301678

Purchase of a Recon Scout XT (*Less Lethal submitted a bid with the same pricing as Blackfox Tactical; however, they are not an authorized reseller in the state of Tennessee.*)

\$14,895.00

GENERAL SERVICES:

JACOBS WHOLESALE (Lowest complete bid)

R53652/301679

Blanket Contract for City Wide Paper Goods

\$299,834.00 – Annual approximation

FWL ENTERPRISES

45082/301337/511167

Amend City Wide Minor Electrical Services Blanket Contract

\$20,000.00

COUNCIL HOLIDAY

Councilman McGary stated he has two items to mention to the Council, noting that the first comes from him and Councilman Murphy, noting today is "Fat Tuesday" and indicated there has been some concern about having time off on Tuesday and asked if the Council could have a discussion about having the Tuesday prior to "Ash Wednesday", the beginning of the Lenten period, as a holiday.

He stated the second item, in looking at the agenda and sees five items that have been added by permission and knows Robert's Rules of Order allows the Chair, Vice Chair or two Councilmen to add something to the agenda at any time. He stated he wanted to reference an e-mail circulated by Councilwoman Scott regarding items placed on the agenda the day of and the amount of times that gives the Council to consider a matter or allow for discussion. He asked how it is determined whether or not something is placed on the agenda the day of; that he knows there are certain issues that are time sensitive, other issues he does not get that impression as much; however, they are added to the agenda that day and does not know whose committee that would fall under but would love to have a full discussion.

Chairman Ladd suggested taking the matter up during the agenda session and will try to make some room next week to have that discussion. She stated she has done everything she knows to discourage the late entries and have asked for exactly what is the emergency and the backup; that she has been as hardnosed as she can be about it but when they have to conduct their business and they are under time crunches that is what they have to do. She stated we will be glad to have the discussion as she would like for the staff to know and have told them they are putting her in a horrible position to come this late in asking her to get it on, especially if it involves a lot of money or a contract. She stated she has tried to work hard to keep this from happening.

At this point Councilwoman Robinson asked if Councilman McGary was kidding about allowing "Fat Tuesday" as a day off! Councilman McGary stated he would like to have discussion about it.

Councilwoman Robinson made the motion to not permit discussion on the matter, which was seconded by Councilwoman Berz.

Councilwoman Scott stated she was a little confused as she thought Councilwoman Robinson's motion was not taking the day off and the other issue was a discussion about whether we are going to have conversation; that she is not sure what we are voting on at this point!

COUNCIL HOLIDAY (Continued)

Chairman Ladd stated it is her understanding the statement was for discussion.

Councilman McGary stated he did not want a motion, just discussion.

It was then determined to just let the matter go and the motion and second was withdrawn.

Councilwoman Scott stated she wanted to follow-up on not the issue of taking the day off, but the issue of wanting to say that one other reason other than for people to be able to prepare for what the vote is going to be is when these items come on the agenda at the last minute the public has no way of being aware of them or being prepared if they want to make comment. She stated for the purpose of transparency not only for the Council but for them as well she encourages discussion and wants to take part in that discussion.

Chairman Ladd clarified that the discussion will be in agenda session next week.

WEST SIDE MEETING

Councilman Gilbert stated there was a meeting today at the West Side at 2:30 p.m. and knows people in the area; that in the past we have always set meetings at 5 p.m. or 6 p.m., not at 2:30 p.m. He expressed hope that was not done because they did not want people to come because we do need participation from the West Side to see what they want in their area, especially in the towers. He stated he is concerned about that because if they move out to other places on Section 8 there is no guarantee Section 8 will be around and if it is not what will they do. He stated this needs to be looked at closely and have more voice in the decision making for that area. He stated if there is another meeting to make it at 5:00 pm. so other people can come to voice their opinion.

Chairman Ladd stated she does not know who set the meeting up.

Councilman McGary stated he heard of a meeting and knows Councilman Gilbert is referring to the conversation initiated by Councilwoman Robinson concerning Purpose Built; that when the presentation was made the conversation ended with no public comment but a future point when the public would have an opportunity to voice their concerns.

WESTSIDE MEETING (Continued)

Councilman Gilbert stated there was a meeting held today at James A. Henry at 2 p.m. and heard of it through back channels two-to-three days ago and does not know if there was a formal announcement made and would like to know who made it or if any other Council person was invited as he was not. He stated if there is someone actually holding the meetings he would encourage them to make the meeting as public as possible and at a time when Council persons can attend, particularly on Tuesday which is very difficult for Council members to attend any meeting outside their scheduled meetings. He stated he does not know who made the announcement and is not sure if there was a formal announcement, but there was a meeting called to discuss Purpose Built today at 2 p.m.

Councilman Rico stated he does not think anyone on the Council heard of it; that we had a meeting here on a totally different agenda and had planned that. He stated he was not told about it.

Chairman Ladd inquired as to how the meeting was set up.

Richard Beeland stated the meeting was set up by Mayor Littlefield and he did that because the last time the group was here they did not have an opportunity to comment and was set up for an opportunity for them to come out; that fliers were put out through CHA and there was a good turnout today.

Chairman Ladd stated in the future it would be good if the Council also was made aware of that for their attendance; that she wanted to hear the residents' comments.

Mr. Beeland stated there will be more opportunities to do that.

Councilman Rico stated this is a HUD project and does not know if the Council has any jurisdiction on what they do.

Chairman Ladd stated a lot of us wanted to hear what their concerns were.

Councilman Rico countered by stating that is federal and we are city and we do not have input on what they can or cannot do.

Chairman Ladd stated the Council might have a vote on it in the future.

WESTSIDE MEETING (Continued)

Councilman McGary stated according to the testimony of the Mayor three weeks ago a site has not be selected but through circulation whether a rumor, there seems to be indication that the West Side, College Hill Courts is in the targeted area regarding a possible site for Purpose Built. He stated in regard to decision making power that is CHA and Purpose Built, but as a representative of the districts that are affected he would like to be aware of what is actually taking place so he can be part of the conversation; that it is certainly very uncomfortable to be approached about a meeting that took place that he had no idea was taking place and be asked what happened and totally caught "with your pants hanging down!" He asked if a follow-up meeting has been scheduled.

Mr. Beeland responded "not yet".

Councilman Benson stated we have had this problem quite a bit and when we ignore the Councilman of the district, he does not think that should happen; that the district Councilman should be notified if an official agency in this city is having a meeting in their district.

Mr. Beeland responded they will make sure that happens.

Councilman Gilbert stated to address what Councilman Rico indicated, anything happening in the city regardless of whether it is our district or not we need to be concerned about it; that we do have a voice and the public looks to us for things that go on in the city that we can make decisions on.

Councilman Rico expressed agreement; that he is concerned and saw what happened in his district with HOPE VI; that the last time they came in it was as if it was our fault and we had nothing to do with what was going on.

Councilman Murphy pointed out with redistricting that site will be in Councilman Rico's district next time; that the Tubman site is not in his district but can "sneeze and hit it" from his district and he and Councilman McGary will be excited if Purpose Built were going to look at that location simply because it is going to be vacated. He stated if we are going to have discussions about that site he knows he and Councilman McGary are passionately interested in that location as Councilmen McGary and Rico are interested in the West Side.

Later in the meeting Councilman McGary stated the Mayor has indicated no site has been selected and asked why we are holding meetings asking for input from the West Side if no site has been selected.

WESTSIDE MEETING (Continued)

Mr. Beeland responded the group of residents who showed up were concerned about it and the Mayor wanted to make sure all their questions were answered in the meeting.

Councilman McGary stated it is his understanding there will be other sites where people will be holding meetings or only on the West Side.

Mr. Beeland stated they have not selected a site, yet, and there is no other area where citizens were as concerned as they were in the west side.

COMMITTEES

Councilwoman Scott stated the Personnel, Performance and Audit Review Committee met today and had a quarterly report from the Fire and Police Pension Board, a report from Donna Kelly on a wellness provision ordinance, an update on the Council's policies for ethics training and an educator position.

Councilwoman Robinson stated the Housing Committee met this afternoon at 2:30 p.m. for an informational meeting from Admin. Johnson regarding the Home Investment Partnership Act Funds and the Emergency Solution Grant Funds that will be administered for local use by the CDBG. She stated the Regional Planning Agency is conducting a study of infill housing and that report will be presented as soon as the information is complete; that it was originally thought the Committee would meet next Tuesday but the report will not be ready and the meeting will be scheduled when it is ready as it is work that is very much underway.

Councilman Rico scheduled a meeting of the **Public Works Committee on Tuesday, February 28 following the Agenda Session.**

Councilwoman Berz stated Council members received notice that next week in the J. B. Collins Conference Room at 2:30 p.m. Admin. Madison will present the budget request to us; that she will just present those, go over the format and will not be answering any questions at that time other than format. She stated because we have been talking about transparency, what Council members will find out is all the requests for non-profit and quasi-governmental and governmental will be on the web; that all received directions as to how to access all the agency information.

COMMITTEES (Continued)

Councilwoman Berz stated once Council members have had a chance to “get their arms around” all of that the public will have total access. She stated on March 6 beginning at 1:30 in the J. B. Collins Conference Room we will have work sessions, not hearings, but work sessions so that we can begin getting information relative to our concerns and questions. She stated we will begin at 1:45 p.m. with Allied Arts and go through fifteen minute intervals; that these are just to get the Council educated so when constituents have questions and concerns Council members will be able to answer to the best of their ability. She stated the information requested is all electronic according to our promise and the public will be able to access within a week; that everything has been vetted and since everyone received the e-mail she wanted to make it part of the record.

Councilman Murphy stated River City Company has been classified as a non-profit agency and “yes” it is non-profit just as the Chamber Foundations is, but their mission really is economic development and probably ought to be quasi-governmental.

Councilwoman Berz clarified that she did not do the classifications, however, some of the agencies had to reschedule and we have had to move it around; that some agencies are not in the bailiwick they have been assigned. She asked that Council members not pay much attention to that noting we are not interested in the classification so much as it is the information and we will try to keep the Council updated about who will be where. She stated this is education only and Council members are not required to attend if they do not need to know anything, yet they are scheduled as a courtesy to Council to get themselves “up to snuff” about the workings and requests.

AGENDA: FEBRUARY 28, 2012

Chairman Ladd inquired as to whether there were questions regarding next week’s agenda previously discussed during the Agenda Session; being none, the meeting continued.

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.

GLORIA GRIFFITH

Gloria Griffith of 1115 Grove Street read from a prepared statement and stated weeks ago the West Side residents came to the City Council to discuss the future of our community and our voices were silent but we were promised a meeting at the end of the month. She stated that meeting was today at 2:30 and the City Council was not present; not many folks who live in the West Side, either, because they did not know. She stated some folks got fliers six days ago and some folks not at all; that whole sections of the West Side got no notice and were only invited because other West Side residents went door-to-door knocking and telling them. She stated West Side was excluded from the West Side meeting from the state; that those who could make it showed up just to further be excluded and disrespected by the Mayor. She stated Mayor Littlefield did not let them speak, did not give them time to have their voices heard, but they heard folks from Purpose Built Communities and their words were clear; that the representative from Purpose Built Communities stated they were looking at the West Side, not Harriet Tubman which is already being demolished and the residents being displaced. She stated they are looking at the West Side because it is prime real estate, because it is attractive to the land developer which is the truth behind this. She stated in Chattanooga there are already more than 500 homeless people, 1500 people on closed public housing waiting lists and more than 5000 people on Section 8 Housing lists. She asked how we can justify reducing public housing; that this Mayor can justify it because some developer can make dollars. She stated their question to the Council is where were they today during the meeting on the West Side and will they stand with the people living on the West Side and the folks being displaced from Harriet Tubman or with the Mayor and land developer who want our homes. **(A copy of Ms. Griffith's statement is filed with minute material of this date.)**

Chairman Ladd stated it is her thought Ms. Griffith might have heard some of her answers tonight.

Councilman McGary stated it is hard to attend a meeting the Council did not hear about and as far as the official invitees the Council was not invited and that is one way of looking at it; that going forward it is his hope that will not be the case. He addressed Mr. Beeland and noted Ms. Griffith indicated she was told by a representative of Purpose Built that the West Side is being considered and understood her language to mean the West Side is being considered over and above any other piece of property CHA owns, asking is that is his understanding.

Mr. Beeland emphatically responded "no site has been selected".

GLORIA GRIFFITH (Continued)

Councilman McGary clarified that is not his question; that Purpose Built made the statement that the West Side is being considered as a potential site.

Mr. Beeland stated that has been vetted before.

Councilmen McGary asked if the West Side is being considered over and above any other site.

Mr. Beeland responded "not at this point".

LEROY GRIFFITH

Leroy Griffith of 1115-A Grove Street stated his experience in planning and economic development suggests that some proposal will be written and the Council will be asked personally or as a body to sign off on it or support it. He stated he received a flier that looked like it came from the Mayor's office although the grammar was terrible; that his neighbor upstairs did not receive one and he is one of the people who circulated copies of the flier around and found out there were people in the College Hill Courts who got the fliers and some did not. He stated in Dogwood Manor there was no circulation of the invitation to the people there, however, some were put on bulletin boards and it fell off. He stated he is sorry the Council was not called noting that he was called this morning and reminded.

Councilman McGary stated when Councilwoman Robinson introduced the idea of Purpose Built to the Council it was a fact finding session and the question was asked of the Council is this a conversation we wish to continue; that as a Council we voted unanimously so that we do hope to entertain further conversation. He asked what particular conversation is there left for the Council to have on this issue.

Councilwoman Robinson stated she has not scheduled anything; that the Mayor's office has scheduled a public meeting at the end of the month.

Councilman McGary stated as far as Councilwoman Robinson understands she has scheduled no additional conversation for the Council to have on this issue.

Councilwoman Robinson responded "no".

LEROY GRIFFITH (Continued)

Councilman Benson stated we have tried to get involved on the Fairmount issue and CHA told us it was not in our domain. He asked if the Council is going to have some legal rights in this matter.

City Attorney McMahan stated he heard someone mention Dogwood Manor and knows we have legal rights with respect to Dogwood. He stated he hated to say it but he is not at all familiar with this matter, except for what he heard being discussed here today.

CARL E. KENDRICK

Carl E. Kendrick, a resident of Gateway Towers, 1100 Gateway Avenue, stated he is President of the Council and noted his problem is not getting to hear any information about any meeting at any time! He stated there are twelve floors of residents, 125 apartments and they heard nothing; that he is the President of the Council and heard nothing from anyone about any meeting; that he just got the "scum bug" about the meeting today by a few words and was in another meeting when he heard them! He stated he has a lot of residents that are very unhappy when they do not hear about things happening in their neighborhood; that they are hearing they are going to be put out and everything will be torn down on the West Side. He stated they are very unhappy about it.

PERRIN LANCE

Perrin Lance of 961 East Fifth Street, Unit 1, spoke next and gave the Council the exact quote they got from Carol Naughton who gave the Purpose Built Communities presentation. He stated they are engaged in conversation as a group from the West Side and Chattanooga Organized as to why Purpose Built was making its first initial presentation in the West Side and why not Harriet Tubman or old Maurice Poss Homes or somewhere else; that Ms. Naughton said in a partial quote "what is the difference between land and prime land". He stated Harriet Tubman is land, West Side is prime line; that they are in the West Side because the developer is interested in the West Side. He stated the Council has to ask what the bigger picture here is -- somebody wants that land. He stated he felt the quote was good enough that the Council should hear it.

Councilmen Rico stated he would like to know if they have talked to HUD officials.

PERRIN LANCE (Continued)

Mr. Griffith stated some of them may be going to Washington, DC to confront the issue of housing justice and they would like to have the Council to come along with them!

Perrin Lance stated there is a question as to the Council's authority or status over the decisions that are made regarding housing, especially housing redevelopment converting public housing into a mixed home or HOPE VI. He stated not everyone here on this Council was present in 2000 when the Council passed a Resolution to give \$22 million in-kind cash contributions, services, infrastructure repairs to the HOPE VI development project that converted the old McCallie Homes in Alton Park. He stated that purposeful action by the Council was a housing policy in favor of gentrification and in favor of taking away housing from low income and poor people; that the city has acted in direct fashion to transfer public housing into gentrified mixed income housing before and this is an action that has been taken, so there is a precedent thus far in the action in Council's prior.

Councilman McGary he is concerned about being kept out of the information loop and we as a Council are all trying to get our hands on good accurate information, reliable information. He stated we should be partners in the search for truth but is not against them; that he does not feel they are against the Council, nor against him. He expressed hope as they have information they will share it publically and as we have information we will share it with them. He assured them as a representative of the area there is no intention to keep anyone in the dark; that he has been looking for information and asking for information and related the first time he heard of Purpose Built was when Roxanne Patton and Adair came before the Council and said "please do not tear down our homes" and the Council asked what they are talking about. He stated he had no idea what they were talking about and that is how he learned about Purpose Built. He stated there is no secret information on his part that he is withholding and anything he knows he tries to share and will continue to do so and asked that they do the same.

Councilman Murphy pointed out we have a site that everyone would like to see redeveloped; that the figures he has been told by CHA is the reason why Tubman is closed is they need \$33 million in repairs and the CHA does not have that money. He stated the move to Section 8 vouchers and the move away from a traditional housing development community is a national move involving federal priorities and funding. He expressed agreement they are right to go to Washington and right to raise the issue; that we are fortunate enough to have one of our US Senators reside in this city who is here on the weekends.

PERRIN LANCE (Continued)

Councilman Murphy stated CHA has no "magic hat of money"; that if the federal government stops funding repair and maintenance what we are seeing is inevitable and it is going to happen. He stated as someone who is no stranger to places like Harriet Tubman he would not want this mother living in Harriet Tubman with the conditions that property has fallen into and would not want anyone else's; that fortunately the stock on the West side is better than that. He expressed thanks to them for coming and the discussion; that he does not think we as a community want to demagogue Purpose Built because there is a place he would love for them to go and do work in this community and thought they would, too!

Councilman Benson stated he wanted them to understand the Council at that time did make that appropriation to HOPE VI and it was done because they wanted enhancements; that they had no control over it, no authority and did not even have to give it to them as there was federal money that came in on a grant or two that we passed through money. He stated HUD is the one making the decision on this; that they need to be talking to CHA.

MONTE BELL

Monte Bell of P. O. Box 6303 stated he is a homeless journalist. He stated he was very embarrassed because he brought someone here to his city tonight and for them to hear the deceitful behavior of our Mayor and the confusion of our City Council was quite embarrassing; that this is the norm for him and why he has to come before the Council time and again. He stated in reference to a conversation with Councilman McGary this "seals" it; that he was also misguided in terms of a meeting; that he came down to discuss the \$75,000 minority money and was misguided and was told he could not enter the committee meeting which is why there was a conflict of interest on Mr. McGary's radio show. In addressing the City Attorney, Mr. McGary made the statement that he was Interim Executive Director of the Homeless Coalition at which time he was "tossed underneath the bus" on the radio show, but in 2010 the City Attorney also thought he (McGary) was the Interim Executive Director and addressed a letter to him when he (Bell) reported to the media it was a conflict to have him as Interim Director or any other position once being a member of the Council. He stated he has had a difficult time getting anyone from the Homeless Coalition to address their concerns as homeless people and cannot understand why we have a panel that is against its citizens and has been that way since he has been here in Hamilton County.

MONTE BELL (Continued)

Mr. Bell stated what he cannot understand is why his community has a house for all souls where there are only gay men there and do not have any housing for women and children as some still sleep in abandoned housing, cars and do not have a fair assessment numerically as to how many homeless are here in the city. He stated he has to go before the courts next week in reference to an officer who charged him as a suspicious person on Main Street, also in Mr. McGary's district. He stated the City Attorney's office confirmed there was not a 911 call because when he is stopped by one of the officers and told he received a 911 call to arrest him and no one can find this 911 call and he has people talking about arresting every African American man in his community that becomes a protest. He expressed hope someone will meet with him because he has had a judge who repeatedly tried to arrest him.

Chairman Ladd stopped Mr. Bell because his time has expired. She advised in the future she will ask him to keep any comments that may relate to discussion he has had with Mr. McGary on his radio show on the radio or with him personally because his radio show is not the business of the Council.

Mr. Bell stated he understands but on occasion Mr. McGary discusses matters of the Council.

Chairman Ladd stated that is his radio show and does not want any discussion of his radio show here on the Council.

FRANKLIN DAVIS

Franklin Davis of 1624 Hickory Place stated he has property with his mother at 807 Bell Circle in the North Brainerd area; that he had an investigation for felony theft and the case has not appeared on the docket and is being sent to the grand jury. He stated he is trying to find out what he can get done to have the police department investigate this.

Chairmen Ladd referred Mr. Davis to the captain with the police department that is present who can direct or give information.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, February 28, 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)**