

**City Council Building  
Chattanooga, Tennessee  
October 23, 2012  
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Murphy, Rico and Scott present; Councilman McGary joined the meeting later; Councilwoman Robinson was absent due to personal commitment. Assistant City Attorney Phil Noblett, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Gilbert gave the invocation for the evening.

**SPECIAL PRESENTATION: GO!FEST VIDEO**

**Kathie Fulgham** stated the eighth annual Go!Fest has just been held and introduced Phillip Stevens, President of the Mayor's Council on Disabilities, and Karl Epperson, former member of the Council, noting both have helped guide them with their initiative of living, working and playing together regardless of their abilities. She stated she is proud of Go!Fest noting they have gone from 150 people in attendance to the recent Go!Fest event of 85,00 people attending, which is miraculous! She stated the video will show all the magic of Go!Fest and explained no tax payer dollars pay for this; that each year they raise \$15,000 - \$30,000 to host the event at the Zoo and each year they earn media sponsorships from Channels 9 and 12 and Fairway Outdoor and have a lot of good support in Chattanooga. She stated they have very generous in-kind donations such as Chick-fil-A, Coca-Cola, Moon Pies and Walgreen's. She extended a special thanks to the Prevention Youth Development (PYD) services who worked on Go!Fest and produced the video and all of the people who help put on Go!Fest, especially Parks and Recreation and Therapeutic Recreation as they could not do it without them. She stated the video speaks for itself!

**(Councilman McGary joined the meeting at this point.)**

**SPECIAL PRESENTATION: GO!FEST VIDEO**  
**(Continued)**

Following the video, Chairman Ladd expressed thanks to Ms. Fulgham for bringing the video to the Council noting that she (Fulgham) was correct, the video spoke for itself! She expressed hope to see other great involvement with this event in the future.

Councilwoman Scott expressed thanks to Mr. Epperson for helping with this effort and Mr. Stephens noting the first e-mail she ever received from the city's address was from Mr. Stephens back in 2009 and never actually saw him, noting this is a real treat!

**MINUTE APPROVAL**

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

**ANNEXATION/ADOPT PLAN OF SERVICES**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING  
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE,  
BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT  
CORPORATE LIMITS OF SAID CITY, OWNED BY BARRIER PROPERTIES,  
LLC d/b/a CAMBRIDGE SQUARE BEING MORE FULLY DESCRIBED  
HEREIN**

passed second and final reading and was signed in open meeting.

**(Councilman McGary excused himself from the meeting at this point.)**

**AMEND BUDGET ORDINANCE NO. 12622**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12622 KNOWN AS "THE  
FISCAL YEAR 2012-2013 BUDGET ORDINANCE" SO AS TO  
APPROPRIATE TWO MILLION THREE HUNDRED SIXTY-FOUR THOUSAND**

AMEND BUDGET ORDINANCE NO. 12622  
(Continued)

ONE HUNDRED THIRTY-THREE AND 18/100 DOLLARS (\$2,364,133.18)  
FROM GENERAL FUND RESERVES AS A WRITE-OFF OF A RECEIVABLE  
FROM DOGWOOD MANOR, LLC

passed first reading.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN  
AGREEMENT WITH FRANKLIN ARCHITECTS FOR ARCHITECTURAL  
SERVICES FOR RENOVATIONS AT HIXSON COMMUNITY CENTER FOR A  
FEE OF ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED  
EIGHTY-FIVE DOLLARS (\$129,585.00), PLUS A CONTINGENCY FEE OF  
THIRTEEN THOUSAND DOLLARS (\$13,000.00), AND REIMBURSABLE  
EXPENSES NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00),  
FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-SIX  
THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$145,585.00)

was adopted; Councilwoman Scott voted "no".

CHANGE ORDER

Councilmen Rico and Berz made the initial motion and second to adopt this Resolution.

Councilman Murphy stated there were questions left over from this afternoon's Committee meeting and asked if anyone were present from Information Services; being none he made the motion to defer the matter one week with Councilwoman Scott seconding the motion.

On motion of Councilman Murphy, seconded by Councilwoman Scott,

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 WITH ACCELA,  
INC. RELATIVE TO THE INTEGRATED VOICE RESPONSE (IVR) SYSTEM, IN  
THE AMOUNT OF SIX THOUSAND FIVE HUNDRED FIVE DOLLARS  
(\$6,505.00), FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED  
THREE THOUSAND SEVEN HUNDRED NINETY-THREE AND 83/100  
DOLLARS (\$103,793.83)

was deferred one week.

## CONTRACT

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE GANG TASK FORCE TO EXTEND THE CONTRACT WITH OCHS CENTER AND THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA CENTER FOR APPLIED SOCIAL RESEARCH TO PROVIDE SERVICES IN THE DEVELOPMENT OF AN IMPLEMENTATION PLAN, PER THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMPREHENSIVE GANG MODEL, BASED UPON THE DATA ACCUMULATED FOR THE COMPREHENSIVE GANG ASSESSMENT, FOR AN AMOUNT NOT TO EXCEED FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00)**

was adopted.

## GRANT

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) GRANT TO BE USED FOR THE PURCHASE OF RADAR UNITS FOR TWO (2) UNMARKED ENFORCEMENT VEHICLES AND EIGHT (8) MOTORCYCLE UNITS, IN THE AMOUNT OF THIRTY-ONE THOUSAND SIX HUNDRED FORTY-NINE DOLLARS (\$31,649.00)**

was adopted.

## OVERTIME

Overtime for the week ending October 18, 2012 totaled \$50,770.53.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS:

- **TRACY BROWN** – Promotion, Plant Operator 3, Waste Resources, Range 13, \$34,556.70 annually, effective October 12, 2012.
- **CHARLES BLOW** – Promotion, Plant Operator 2, Waste Resources, Range 11, \$29,544.00 annually, effective October 5, 2012.

### PERSONNEL (Continued)

- **CHARLES THOMAS** – Promotion, Plant Operations Supervisor, Waste Resources, Range 21, \$57,000.00 annually, effective October 5, 2012.

#### CHATTANOOGA POLICE DEPARTMENT:

- **GREGORY L. SMITH** – Resignation, School Patrol Officer, effective September 4, 2012.
- **JOSHUA TURNER** – Military Leave (approximately 365 days), Police Officer 1, effective September 24, 2012.
- **CHAD MILLER** – Resignation, School Patrol Officer, effective October 1, 2012.

#### CHATTANOOGA FIRE DEPARTMENT:

- **JOSHUA CLARK** – Resignation, Firefighter, effective October 12, 2012.

### INVITATION

**Greta Hayes**, Assistant Director of Parks, invited Council members to the grand opening of the Warner Park Outdoor Health Trail on Monday, October 29 at 12:30 p.m. which has been installed by the Fitness Center and goes down to Frost Stadium. She stated the fitness stations were donated by PlayCore and installed by the Athletic Facilities crew at Warner Park.

Councilman Murphy jokingly asked if all members of the Council are required to wear work out gear for that!

### INVITATION

**Admin. Crutchfield** stated the Education, Arts and Culture Department is excited to have the inaugural event of “Masque of the Phantom” at Heritage House in East Brainerd on Friday from 7-9 p.m.; that the tickets are \$5 each and they may be close to being sold out. She stated five actors will sing selected songs from “Phantom of the Opera” and expressed hope it will become an annual event and possibly “spill over” to one of the over venues, possibly the Tivoli. She stated she knows Councilman Benson is excited about this!

**INVITATION (Continued)**

Councilman Benson inquired as to whether there would be dancing, to which Admin. Crutchfield responded affirmatively. Councilman Benson then stated Councilman Rico could come (referencing his previous participation in a local dance event)!

**FIREFIGHTERS IN PINK T-SHIRTS**

Chief Parks stated members of the Fire Department have purchased pink t-shirts and noted proceeds go to the Breast Cancer Foundation in support of Breast Cancer Awareness for the month of October. He stated firefighters will be wearing pink t-shirts for the remainder of the month and wanted to explain why he was dressed in the pink t-shirt as opposed to uniform and why it is being worn. He clarified his thought that the previous statement to Councilman Rico about dancing was supposed to be a "slam" on him (Rico), noting that he (Rico) won for his performance in a previous local "Dancing With the Stars" event.

**REFUND**

On motion of Councilman Rico, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following property tax refund:

<b>LONE WOLF PROPERTIES LLC</b>	\$72,924.93
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**COMMITTEES**

Councilman Murphy scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday, October 30 immediately following the Agenda Session** to talk about a problem that has happened for many years in our city of older vehicles being misappropriated and wind up in scrap yards to see if there is something further the city could do to help address this issue.

**NEXT WEEK'S AGENDA: OCTOBER 30, 2012**

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

## RULES OF PROCEDURE

Assistant City Attorney Noblett read the Council's Rules of Procedure with reference to persons addressing the Council during non-agenda matters.

**(Councilman McGary rejoined the meeting at this point.)**

### REV. BULLARD

**Rev. Ronnie Bullard** was present representing the Good Neighbors, Inc. organization and requested that the Council grant the naming of Park 48 to "Whiteside Park"; that he is present because in 2004 the city provided a park for Whiteside Manor under a 40 year lease to do maintenance and repair. He stated the park has been recognized by the city's Parks and Recreation Department as Park 48 and has been a great asset for Whiteside Manor, the residents and the Good Neighbors, Inc. organization. He asked that the park be named "Whiteside Park" as Dr. Bill Whiteside and his wife, Sister Maudette Whiteside, were the founders of the Good Neighbors organization which has been a service provider for the community for over 60 years providing food, emergency shelter and utility payments for those who cannot pay rent; that they have been part of the city for over 60 years providing service for the community. He again asked that the city name the park "Whiteside Park" in honor of Dr. Bill Whiteside and Sister Maudette Whiteside.

Councilman Gilbert expressed thanks for Rev. Bullard's presence and stated he personally knew Dr. and Mrs. Whiteside and everything Rev. Bullard stated is true. He stated not only did they help seniors they also helped youth and young entrepreneurs who did not have funds and were able to help them with their financials to assist in being good citizens in business. He stated they have done a lot for this community; that he knows people who live there and Whiteside Manor is well kept and this should be an opportunity for us to recognize these persons because they gave back to the community and did not ask for anything. He stated they gave to the community and surrounding area and expressed agreement that the park should be named after the Whitesides.

Chairman Ladd asked if a Parks and Recreation Committee could be scheduled to discuss the matter and thanked Rev. Bullard for bringing the matter forward. Councilman Gilbert stated he would schedule a meeting of the Committee.

### REV. RONNIE BULLARD (Continued)

Councilman Benson asked for clarification that the Whiteside are deceased and Rev. Bullard confirmed affirmatively. Councilman Benson stated a few years ago the Council had some real problems naming things prior to someone's "passing on".

As the representative for the area, Councilman McGary expressed thanks to Rev. Bullard for bringing this matter to the Council noting it is his understanding it will be taken up in Committee. He stated he has conferred with the City Attorney and it is a simple matter of preparing a resolution and it would not be an issue moving forward. He stated he would be happy to put the resolution forward and get it taken care of. **On motion of Councilman McGary, seconded by Councilman Gilbert the matter was approved to be placed on the agenda in resolution form following Committee discussion.**

### MONTY BELL

**Monty Bell** stated he currently has no address; that as a homeless individual he has discovered recently that not only because of the post office box that he had some time ago after the Community Kitchen decided they could not longer use their address, it has become a situation for many of them that they have no way to identify themselves on the street. He stated to his embarrassment, not long ago in Georgia while assisting a family he realized not only did he not have any voter registration capability because of the post office box which renders him incapable of being registered to vote. He stated he also discovered while in Georgia that he had no Tennessee driver's license and it is an embarrassing situation he is presenting to the Council because he came before the Council on many occasions requesting the Council's permission, as well as police permission, to ask officers to stop stopping him while complaining against some of the ills that were occurring on the street in reference to the homeless and African American males. He stated not once did any of the officers or anyone in authority say to him – not even the *Times-Free Pres* who put his court history in the newspaper — he did not have a valid drivers license in Tennessee. He stated without a valid license and physical address it is impossible to walk the streets of Chattanooga and makes it impossible to go to any other area. He stated as a homeless African American male he is geographically deprived because he has no identification; that he found out in his efforts to re-register for his driving privileges that for the past five years he has not been legally registered to vote because he has been using his post office box.

### MONTY BELL (Continued)

Mr. Bell stated that he had to tell Bill Knowles there is a registration form in his office that says on line 3 that with a post office box he is ineligible to vote because it does not recognize that as a place of residency. He stated he cannot obtain a driver's license because he does not have an address and is present tonight to ask as he has to have valid identification on these streets as it is imperative that all of them on the street have a valid Tennessee driver's license if they are a citizen. He stated they have to work with the state and the Community Kitchen as the post office boxes are going to be eliminated if the post offices are going to be eliminated; that they have to have some form to identify themselves with the law enforcement agencies. He stated he has to go to Georgia next week to tell them because of his state it was not on his own that he traveled through their city without a valid Tennessee license . . .

Chairman Ladd informed Mr. Bell that his three minute time limit had expired.

Councilman McGary stated licenses are issued by the state of Tennessee and as a City Council we have no authority regarding whether or not his address or the location he wishes to use can be produced on that license; that Mr. Bell mentioned a post office box which is federally issued and governed by the United States federal government. He stated in regard to the Council's jurisdiction to provide remedy to his situation, the Council's "hands are tied" and it is a matter that can be discussed and is hopeful it can be given more thought concerning whether or not there is something the Council can do on a city level and deferred to the city attorney to see if there is anything from a city perspective we can do because he does not believe there is.

Assistant City Attorney Noblett responded unless there is some method to have a general location within the city that Mr. Bell lives, there has to be an address somewhere; that he does not know if that would be the Community Kitchen if he is there most of the time, but that is only the address he can give him.

Mr. Bell stated at one point they did use the Community Kitchen as their address and held up a taped copy of a show he did in 2009 noting it was immediately after his interview on the television program that it was announced before the homeless community they could not longer use that address. He stated as a result of that, many of them were forced to get a post office box number, which rendered them ineligible to register to vote; that when they are at the Department of Human Services they have to fill out a form which asks if they are registered to vote and if they do not fill it out, sometimes it is rejected; that they are being forced to fill out a form to register to vote and if they have a post office box number it is not valid anyway.

### MONTY BELL (Continued)

Mr. Bell stated he has not been eligible to vote and is almost concerned that his voting rights with a post office box four years ago was an invalid vote because they are not recognizing the post office box as a legal address.

Councilman Murphy stated he would not give Mr. Bell legal advice from the podium but suggested that he contact Legal Aid or the Southeast Tennessee Legal Services with regard to his efforts to obtain valid identification; that if his memory serves from the last time he looked at this type of thing, homeless folks, for purposes of voter registration, can use the place that they most usually frequent as their legal address. He stated Councilman McGary is on the ballot for a state senate district and there are two state senate districts in Hamilton County and people have to be in one or the other if they are in the county which is really the purpose for having a residence – and homeless people have residences; that they may not be street numbered addresses but if they are on the street many have a place where they lay their head. He suggested that Mr. Bell contact Legal Aid as they will be able to help.

Councilman Benson stated we have done all we can as this Council, by a majority vote, passed a resolution to be sent to the State Legislative Delegation asking that other forms of identification for voting be considered other than a photo I.D. as he did not have a photo I.D. at the time, himself. He stated that is up to the State Delegation and Mr. McGary will be there pretty soon and maybe he will sponsor a Bill to open up other forms of identifying so that people that should vote can vote. He stated Mr. Bell is in the wrong venue and needs to be talking to the State Legislators; that he could register at the Community Kitchen as others do and use that address.

Mr. Bell stated he is not permitted to use that; that Mr. Murphy mentioned in reference to vehicles being towed, during his illegal incarceration his van, which was his home, was towed, but he was able to register the vehicle with a suspended driver's license; that it is not just a state issue, it affects the citizens of the state of Tennessee. He stated he was able to register a vehicle with a suspended driver's license unbeknown to him and can use the same suspended driver's license to purchase beer and cigarettes but cannot use the same to have as a residence. He stated when he tried to change to the Community Kitchen, the address on that driver's license, the city police officers do not recognize that and that is the problem he has had.

**MONTY BELL (Continued)**

Chairman Ladd stated the Council follows Mr. Bell's dilemma and encouraged him to seek out the couple ideas given; that as of right now the Council has extended all they can to assist him with this. She encouraged him to look into the couple suggestions that have made and wished him luck in getting that accomplished.

Mr. Bell expressed his thanks.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, October 30, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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