

**City Council Building  
Chattanooga, Tennessee  
June 5, 2007  
6:00 p.m.**

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Gaines, Pierce, Rico, Robinson and Rutherford present; Councilman Franklin was out of the city on business. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Benson gave invocation.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: "TOGETHER WE CAN"  
SCHOLARSHIP RECIPIENTS**

Peter Serodino, Chairman of the Scholarship Committee of the Community Foundation stated sixty-eight (68) students are being awarded scholarships by the Council and the Community Foundation to put them into college. He stated Rebecca Smith, Director of Scholarships with the Foundation, makes sure they stay in college! He stated the "Together We Can" Scholarships started in 1997 funded by the City Council and the Community Foundation and this year there is additional funding and matching money from the Community Foundation, an increase by fifty percent. He stated Rebecca is making sure they stay in school and there is an eighty percent retention rate.

**SPECIAL PRESENTATION: TOGETHER WE CAN  
SCHOLARSHIP RECIPIENTS (Continued)**

Rebecca Smith stated that it is her great pleasure to work with the program and it has grown over the last six years. She stated it has grown this year, as Mr. Serodino noted, by fifty percent with the additional funding received from various sources. She stated that it is her great pleasure to follow them through the first four years and graduate school for some. She extended a personal "thank you" to the Council for their assistance.

At this point the students introduced themselves by giving the name of their high school and the university they plan to attend. Students awarded scholarships: Jamichel Arnold, Jalenah Ashmore, Ashley Blake, Robert Brown, Helena Burney, Donaye Calloway, Tracy Careathers, Jr., Shawn Carter, Heather Chang, Kawana Clay, Len'Torry Coleman, Shiniqua Craig, Tiara Dave, Jessica Davis, Tracey Donahue, Karnika Ervin, Jamesha Evans, Chiniqua Favors, Hazdar Ghazi, Roderick Giddens, Louis Goggans, Clarnetta Goodwin, Keunta Graham, Erica Hall, Ami Henley, Jonathan Hereford, Artisha Hollins, Takela Jackson, Ashley Jones, Cordell Jones, Crystal Lawson, Kendall Lewis, Jaskinae McClellan, Cassandra McClendon, Aurelia McConnell, Aaronetta McReynolds, Brittany Moss, Lelee Neou, Una Norwood, Margaret Ogbuozobe, Kandice Parks, Keba Patterson, Cody Pell, Channon Provost, Derricia Pullom, Arnekiya Ray, Eric Ray, Cassandra Reed, LaPorsha Roberts, Otis Rumph II, Clintelya Simmons, Amber Singleton, Aleshia Stewart, Clifford Stone, Charleston Strickland, James Strickland, Andrew Thomas, Darious Trammell, Kiyona Walker, Jeremy White, Corey Williams, Bianca Worrell and Celestine Wynn.

Councilman Rico noted that most of the students are from his District and expressed congratulations to them, nothing that they make the District proud!

Councilman Page asked the students' parents to stand and stated that this is one of the most pleasurable experiences the Council has each year in hearing the students come forward and tell what they plan to do. He stated this is an excellent investment in people; that the city invests in potholes and roads, yet this way we see our investment in the students. He stated that the Council wants them to get an education; to use the funds and come back to Chattanooga and work here! He stated Council members talk about the students from time-to-time and wonder how they are doing and how many students completed the program; that he knows eighty percent has been mentioned and that certainly is an exciting number! He expressed his hope for the best for each student.

## **SPECIAL PRESENTATION: R. V. BROWN**

Al Chapman, Director of Faith Based Initiatives, introduced R. V. Brown, a former Howard football coach who has spoken to thousands and thousands of people around the country, and noted that he was at Columbine the day after the disaster there. He stated that Mr. Brown is in demand as a public speaker and is in the city to meet with high school kids. He stated that Mr. Brown's ministry started in South Carolina but he made his mark in Chattanooga and has returned for this year's 2007 Youth Rally at New Emmanuel Baptist, June 4-6.

R. V. Brown began by stating that he is a (Howard) "Tiger" and expressed that he wanted to share some of his life experiences with young people and wants them to listen. He stated that he is to speak at Revival at New Emmanuel tonight and if the students are not able to get there tonight, it is his hope they can tomorrow. He stated that he is number sixteen of seventeen brothers and sisters and does not want anyone to say they can not make it or was "born on the wrong side of the track". He urged them to "stay on the right track"; that his Mom and Dad could not read or write and sent him off to college with a 1.90 grade point average! He stated that he graduated with a 3.88 average; that he got in the library and studied, received Christ as his Savior and would not let anything stop him from his final destination of graduating from college.

At this point he put on sunglasses that had the colors of the American Flag on the lenses and stated that America is one of the greatest nations in the world and anything can be accomplished. Mr. Brown stated if a student can not go to college, do not get involved with anything that will pull them down nor let anyone drag them down. He stated he was the first in his family to graduate and not to let anybody say what you can not do; go to the library and study! He noted that several young male students were present among the scholarship recipients and noted that they are responsible for leading other young men and asked that they come back to Chattanooga and tell others that college is okay but you have to apply yourself.

Mr. Brown stated that the Mayor will declare June 7 as "R.V. Brown Day" as he has a day camp and he wants to "light a fire under the students" tonight and other students this summer and encourage them to read one-or two books (during the summer); not to let anybody say anything about drugs or stop them from obtaining their college degree. He stated he has been in 48 states and 39 countries and in America dreams can come true; that only in America can a person be dirt poor but become a millionaire. He stated he did not get where he is today because he had holes in the floor of his home, holes in his shoes, chickens under the floor of his house or that his mother and father could not read or write! He challenged them to learn to dream!

### SPECIAL PRESENTATION: R. V. BROWN (Continued)

Mr. Brown asked the students to repeat the phrase, "I am somebody, nobody can stop me; believe in me, I believe in me!" He told the students they must first love themselves and if they loved themselves nobody can stop them. He stated he was one of four out of seventeen that graduated and he was the last to graduate; that he thanked God that his parents were an excellent support system. He encouraged the young men to find a young lady on campus who goes to the library and if they do that, college will be easy; that not to go there and half way go to class as Mama will not be there to hold your hand! He told them to be who they are as they are young adults and not kids; that in America dreams come true if you do the right thing.

Mr. Brown encouraged them to trust in God because God said "He would never leave or forsake them". At this point he asked the young men to stand and face him and told them they were a new breed of young men, to hold their heads high, pull their pants up, hold their shoulders back and to walk and smell like a man; that manners and respect will get them someplace money will not. He told them not to drop out because dreams can come true in America.

Mr. Brown then asked the young ladies to stand and told them they were something beautiful and to believe in themselves; that this is not the time to have "nothing running around your feet"! He urged them to go to school and graduate and make a commitment to graduate from college and come back and impact this community by getting a good education; to be real to themselves as God created them as something special.

In closing, Mr. Brown expressed thanks to the Council and Community Foundation for the students' scholarships and made them aware that he has started something in Tampa, Florida called "Get Yourself Out Of Here!" for students with a 1.90 average because some "C" students might not get in college as they are "on the edge". He stated his long term objective is to get them all in junior college which will automatically give them a bid to the University of South Florida. He reminded the students not to let anybody take their dream. He asked them to hold out their right hand and repeat "my dream is in my hand and I refuse to give it to anybody; it's mine!" On saying "it's mine" they were told to close their fists as a sign of no one being able to take their dream away. He concluded his remarks by thanking the Council for allowing him to address them at this time.

**AMEND CITY CODE**

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE BY  
CREATING A NEW ARTICLE III, DIVISION 8, IN CHAPTER 2, ENTITLED  
"OTHER POST-EMPLOYMENT BENEFITS TRUST" RELATED TO THE  
ESTABLISHMENT OF ADMINISTRATION OF AN OPEB TRUST**

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

**CLOSE AND ABANDON**

**MR-2007-040: Patricia Robinson**

Councilman Benson stated that he intends to vote against this as it is not in the best interest of the citizens of Chattanooga and is certainly in violation of the rights-of-way closure policy under Tier 1 that specifically spells out that rights-of-way that are defined will not be closed unless suitable placement is provided. He stated he will vote against the closure; that he has a resolution for temporary closure that he will pass around when it comes up. He stated the applicant has verified that the permanent closure adjacent to her house is for security purposes; that the professional staff and RPA both recommend approval of the temporary closure on the grounds the alley could be secured by temporary closure in the same way as a permanent closure; that the only difference would be the city and other easement rights would be secured in the event the public right-of-way was needed in the future.

Councilman Benson stated if we give permanent closure in this matter we would be denigrating the credibility of professional staff and RPA; that this action would disparage future professional recommendations resulting in proliferation of zoning decisions based only upon political and special interests. He stated this alley decision is only a very small matter but the precedence in impact would have long range impact on the taxpayers and government's attempt to buy back needed easements given away to individuals without the recommendation of professional staff. He stated we have professional staff and he respects them and their recommendations; that the right decision was made based upon the policy for a Tier 1 alley. He stated he could ask Public Works to speak on the Tier 1 policy as this is different from other alleys; that this is the highest of alleys and this is classified as that.

**CLOSE AND ABANDON (Continued)**

**Councilman Pierce** stated that he did not want to belabor this any further than we have to as there has been a lot of controversy; that at this point it is his thought this discussion is premature and does not know if it will pass either way. He **made the motion to table the matter two weeks, until June 19, when a full Council is present.** He stated if a vote is taken at this time only four votes will be recorded either way and there will not be a conclusion as we do not have a full Council. **Councilwoman Gaines seconded the motion.**

**On roll call vote on Councilmen Pierce and Gaines motion and second to table two weeks:**

<b>BENNETT</b>	<b>"Yes"</b>
<b>BENSON</b>	<b>"No"</b>
<b>GAINES</b>	<b>"Yes"</b>
<b>PIERCE</b>	<b>"Yes"</b>
<b>RICO</b>	<b>"No"</b>
<b>ROBINSON</b>	<b>"No"</b>
<b>RUTHERFORD</b>	<b>"No"</b>
<b>PAGE</b>	<b>"Yes"</b>

**The motion failed with a 4-4 vote.**

**At this point Councilwoman Rutherford made the motion to deny the request; Councilman Benson seconded the motion.**

City Attorney Nelson stated that a motion is needed to substitute; that this matter was reviewed last week and it was discovered that we had to put in BellSouth's request for easement through the alley. He stated that has been added, now, regardless of what the Council feels about the motion.

**Councilmen Rutherford and Rico made the motion and second to substitute the amendment to the ordinance.**

Councilman Pierce expressed that he is a little mixed up and asked why a motion to substitute is necessary if the ordinance is not going to be approved or disapproved.

City Attorney Nelson explained that the Council should vote on the right ordinance; that if it is not going to be approved it does not make any difference; that this has to be substituted first.

**CLOSURE AND ABANDONMENT (Continued)**

Councilman Benson asked for a point of information and inquired as to what the motion is about. City Attorney Nelson explained that the utility companies are given the right to keep their easements and that was not put in the original version; that the substitution to the ordinance gives AT&T an easement, regardless.

**At this point the vote was taken on Councilmen Rutherford and Rico’s motion and second to substitute the amendment to this ordinance; the motion carried.**

**On roll call vote on Councilmen Rutherford and Benson’s motion and second to deny:**

<b>BENNETT</b>	<b>“No”</b>
<b>BENSON</b>	<b>“Yes”</b>
<b>GAINES</b>	<b>“No”</b>
<b>PIERCE</b>	<b>“No”</b>
<b>RICO</b>	<b>“Yes”</b>
<b>ROBINSON</b>	<b>“Yes”</b>
<b>RUTHERFORD</b>	<b>“Yes”</b>
<b>PAGE</b>	<b>“No”</b>

**The motion failed with a 4-4 vote.**

City Attorney Nelson stated that the motion failed and the matter would be brought back next week.

Councilman Pierce stated that a motion was placed on the floor knowing that the Chairman will not be present next week and the Council would go through the same process. He asked why not make it final when all Council members are present.

Councilman Benson stated that all Council members are supposed to be present and we do not know when one has to be absent; that there is no assurance Councilman Franklin will be absent or present the following week. He stated the Council would vote next week and the next week until it is settled.

**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE 1500 BLOCK OF CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS will appear again on next week’s agenda for consideration.**

**CONTRACT**

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2007-2008, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY**  
was adopted.

**ADOPTION OF REGIONAL ADDRESS POLICY**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION ADOPTING THE LATEST VERSION OF THE REGIONAL ADDRESSING POLICY (RAP) DATED JULY 5, 2005**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 WITH RECYC, LLC RELATIVE TO THE AGREEMENT FOR THE BENEFICIAL USE OF CLASS A AND/OR B BIOSOLIDS FROM MOCCASIN BEND WASTEWATER TREATMENT PLANT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO BE EFFECTIVE ON THE ANNIVERSARY DATE OF THE AGREEMENT, APRIL 12, 2007**  
was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO THE CONTRACT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR GROUND WATER MONITORING APPROVED BY RESOLUTION NO. 25107, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$13,600.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FORTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$45,600.00)**  
was adopted.



## GRANT

Councilman Benson stated that this matter was discussed in Legal and Legislative Committee and approval is recommended.

Councilwoman Rutherford inquired as to when the Council would get more information as to how the money will be spent, like with personnel employed or whatever.

David Johnson, Deputy Administrator of the Department of Education, Arts and Culture, stated that the grant application is due June 11; that this application will provide for some of the organizations under Allied Arts "umbrella" to teach arts classes and ballet. He stated that the Theatre Center will be taking them to recreation centers and offering an ongoing program not only during the summer but also after school so that they are growing arts participants and can either take instrumental, dance, crafts or whatever. He stated the money would flow through the city into Allied Arts.

Councilwoman Rutherford asked how the center would be chosen.

Mr. Johnson stated that Education, Arts and Culture would select the recreation center where it is felt there is the greatest need and Allied Arts would provide classes and teaching.

Councilwoman Rutherford asked if all the money would go into programming and not into salaries.

Mr. Johnson responded "that is correct", that it is all for programming.

On motion of Councilman Benson, seconded by Councilwoman Robinson  
**A RESOLUTION AUTHORIZING THE MAYOR AND THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A "LEARNING IN THE ARTS FOR CHILDREN AND YOUTH" GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS IN AN AMOUNT UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), AND THE REQUIRED MATCHING CITY FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), TO BE USED FOR ARTS EDUCATION PROGRAMS AT CITY NEIGHBORHOOD RECREATION CENTERS**

was adopted.

## OVERTIME

Overtime for the week ending June 1, 2007 totaled \$10,784.73.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **ROBERT A. SMITH, JR.** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective May 24-29, 2007.
- **KEVIN S. TONEY** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,000.00 annually, effective May 15, 2007.
- **JAMES BRADFORD MOULDER** – Lateral Transfer, Crew Worker Sr., City Wide Services, Pay Grade 5/Step 3, \$21,739.00 annually, effective May 29, 2007.
- **VANESSA YVONNE HOLLOWAY** – Family Medical Leave, Office Assistant, Traffic, effective June 11 - July 27, 2007.
- **LYDIA JALLOW-JOHNSON** – Family Medical Leave, GIS Specialist, Engineering, effective June 6 - August 29, 2007.

### CHATTANOOGA POLICE DEPARTMENT:

- **KEITH HUDGINS** – Deceased, Police Officer, effective May 26, 2007.
- **JONATHAN DODD** – Hire, Communications Officer, Pay Grade 11/Step 1, \$27,194.00 annually, effective May 29, 2007.
- **LISA MYRICK** – Termination, Communications Officer, effective May 29, 2007.
- **JAMIE FARROW** – Hire, Safety & Training Coordinator, Pay Grade 15/Step 6, \$40,007.00 annually, effective May 31, 2007.
- **DAVID L. YOUNG** – Military Leave (for a period of approximately 400 days), Police Officer, effective June 4, 2007.

**PERSONNEL (Continued)**

CHATTANOOGA FIRE DEPARTMENT:

- **SCOTT BAILIFF** – Family Medical Leave, Firefighter, effective May 29 – August 22, 2007.

FINANCE DEPARTMENT:

- **BARBARA J. CANNON** – Retirement, Payroll Technician, effective May 29, 2007.

**PURCHASE**

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Human Services Department:

**UNIVERSAL HVAC (Lowest and best bid)**  
**R0098911/B0004166**

Heat Pump and Air Conditioning

\$22,920.00

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the following purchase was approved for use by the Parks and Recreation Department:

**AMERICAN RAMP (Best bid)**  
**R0098338/B0004130**

Skate Board Ramps (*The alternate bid submitted by American Ramp was the lowest bid; however, the brand of skate ramp offered in this bid does not match the brand skate ramp used at the skate park.*)

\$12,373.25

**R. V. BROWN**

Adm. Zehnder stated that R. V. Brown would be in South Chattanooga at 6:30 on tomorrow evening to address our kids; that he looks forward to that and expressed hope Council members would attend if they could.

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchase was approved for use by the Public Works Department:

**WINGFIELD SCALE CO. (Lowest and best bid)**  
**R0099035/B0004189**

Weigh Scale Maintenance/Services

**(Price information available and filed with minute material of this date)**

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga Fire Department:

**SEARCH SYSTEMS, INC. (Lower and better bid)**  
**R0098704/B0004148**

Delsar Life Detector

\$12,849.00

**KEITH HUDGINS**

Chief Snyder reported that Saturday before last Investigator Keith Hudgins, a member of the Police Department for ten years, passed and leaves behind a wife, two children and two grandchildren. She stated he would be sorely missed by the department and community.

Chairman Page offered the Council's sympathy and prayers.

## AUXILIARY POLICE

Councilman Benson stated that he thought the person would be present tonight who called him on yesterday to talk about crime in all communities throughout the county. He stated that the caller indicated that there seems to be a movement toward getting support from newly formed auxiliary police in some cities. He asked Chief Snyder if she had any advice or knowledge about a position for support of lay citizens or whether he was "hitting" her blind-sighted.

Chief Snyder stated that it seems years back the department participated in that; that there has not been any discussion. She stated she would have to ask Chief Cooper if it is something he is considering as she has not heard any conversation.

Councilman Benson stated that the man wanted to know as he had moved here from out of town; that where he lived it was indicated it worked very well.

City Attorney Nelson stated that a number of years ago, dating back to the sixties and seventy's, we did have an auxiliary force and it is his thought it was pretty much given up because of the increase in training load they would have to undergo. He stated even if there is an officer with the auxiliary officer, they would have to pretty much train the auxiliary as well as the original officer; so if we go to the expense of training people, then make them employees. He stated at least that was the attitude that led to the conclusion that they would disband the auxiliary force.

## REFUND

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund of property taxes due to inventory reported in error:

<b>HERTZ EQUIPMENT RENTAL CORP.</b>	<b>\$15,406.41</b>
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## PURCHASE

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett, the following purchase was approved for use by the Finance Department, Chattanooga-Hamilton County Bicentennial Library:

**3M (Best bid)**  
**R0098142/B0004134**

**PURCHASE (Continued)**

Self Check Machine (*Although Tech Logic was the lowest bid they failed to meet specifications in some areas.*)

\$52,200.00

**PURCHASE**

On motion of Councilwoman Gaines, seconded by Councilwoman Bennett, the following purchase was approved for use by the Finance Department, City Court:

**COMMUNICATIONS RESOURCES, INC. (Single source)**  
**R0098643**

Telephone System Upgrade per TCA 6-56-304.2

\$35,070.00

**LIQUOR LICENSE**

Adm. Madison presented a liquor license request for Shukra Enterprises, LLC doing business as Atrium Wine and Spirits to be located at 1921 North Gunbarrel Road. She stated the address is located in the East Brainerd area and the applicant has gone through the normal investigative checks. (The documents were presented for signature by five Council members.)

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines, the following purchase was approved for use by the Mayor's Office, General Services Division:

**THURMAN BRYANT (Change Order #1)**  
**R0088860/P0024949**

**PURCHASE (Continued)**

Electrical Supplies (*The original invitation for this requirement resulted in a dual award; this change order will increase the estimated annual contract expenditure from \$26,500 to \$52,500. The request for increase results from the inability of the other contractor, Wesco, to maintain a stock of our most commonly used parts. This increase will cover parts that have been provided to-date and future parts.*)

\$26,500.00 – Original Contract approved 8/8/06  
26,000.00 – Change Order #1  
\$52,500.00 – New Annual Expenditure Amount

**HEARING: OFFICER GOODINE**

City Attorney Nelson stated that he received a request from Chief Cooper to postpone the hearing for Officer Goodine for sixty days. He suggested August 20 as the rescheduled date.

**The hearing for Officer Goodine was rescheduled for Monday, August 20 beginning at 10 a.m. with Councilmen Benson, Pierce and Rutherford serving as the panel; Councilwoman Gaines volunteered as Alternate.**

**COMMITTEES**

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, June 12 at 3 p.m.**

Councilwoman Gaines reminded Council members of the **Safety Committee scheduled for Tuesday, June 12, immediately following the Public Works Committee meeting.**

**PASTOR TIM SYKES**

Pastor Tim Sykes of Pilgrim Rock Baptist Church located at 1726 Church Road, stated that he was present not as Pastor but as a citizen with concerns. He distributed a document to Council members, and particularly to the City Attorney, listing five questions regarding his concern as a taxpayer. He read the first question “*who is responsible for making the decision to hire the Chief of Police*” and noted that he would like to have an answer by next week’s Council meeting.

### PASTOR TIM SYKES (Continued)

At this point, Chairman Page interrupted Pastor Sykes and explained that he did not want appear to be inattentive to his concern; that he had to leave in order to be some place very important. *(It is significant to note that Chairman Page's father-in-law passed and the Family Hour was scheduled to begin at this time.)* He asked Vice Chairman Bennett to serve as Chair for the remainder of the Council meeting.

Remaining questions presented by Rev. Sykes were: “(2) *Since Chief Cooper's hiring, has the City of Chattanooga, TN Personnel Class Specification Class Code 0805 been changed? (See page 3 Minimum Qualifications) 'DEGREE REQUIRED', and seeing that the current Chief has no degree?* (3) *A public copy of the Executive Police Chief states that it was last revised April, 1998, is this correct, or an error due to the Executive Chief position being a newly created position when Chief Parks became Chief?* (4) *On the fourth page of the Personnel Class Specification it states that Chattanooga, Tennessee is an Equal Opportunity Employer, is that supposed to read "The City of Chattanooga, Tennessee"?* (5) *Considering question #2 listed above, is the City of Chattanooga, TN really an Equal Opportunity Employer?"*

Pastor Sykes stated as a taxpaying citizen of Chattanooga, Tennessee he would like to have the questions answered. He stated he is pro-police and supports them as he is a former police officer.

Councilman Pierce stated that a Safety Committee meeting is scheduled for next Tuesday and the City Attorney has indicated he could be prepared to answer the questions presented at that time if Pastor Sykes wants to attend the meeting.

### STEVE DUGGAN

Steve Duggan stated he was present to speak in two capacities to address issues raised last week. He stated he was present as a member of the Christian fellowship and group from the church that has been deprived of providing expressive activities in sharing food for the hungry and was present as an attorney. He stated he has been asked by multiple persons involved in similar expressive activities to look into the restrictions imposed. He stated Charles Skerritt, who was present with him, was turned away from expressing his faith on the sidewalk; that a sister church encountered similar difficulties, which raises issues from a legal perspective. He stated things such as burning the flag have been deemed expressive activity and if burning the flag is a protective expressive activity, sharing a piece of pizza or spaghetti to a hungry person in the name of Jesus and expressing faith is an expressive activity protected by the First Amendment.



**STEVE DUGGAN (Continued)**

Mr. Duggan stated an ordinance would not prohibit what his church does; that he was not addressing other churches as his church does not have a loud speaker; that they come in on a quiet basis, share food and for those who want to talk, talk one-on-one. He stated they were turned away last Sunday and a sister church was turned away the preceding Thursday; that it is his hope the Council can protect the public free speech rights we have.

Vice Chairman Bennett stated that Adm. Zehnder's department is coordinating an effort to help.

Mr. Duggan stated that he tried to place calls and called more than two-to-three weeks ago and has not received a return call.

Vice Chairman Bennett asked Adm. Zehnder to raise his hand so that he and Mr. Duggan could talk after the meeting.

City Attorney Nelson stated that he presumed Mr. Duggan was talking about Miller Park.

Mr. Duggan responded "yes"; that they were not in the Park this Sunday as they were on the sidewalk outside the Park.

City Attorney Nelson stated construction is about to go on in Miller Park and safety measures indicate no more permits will be issued until construction is completed. He stated there are alternative places where groups such as Mr. Duggan's can meet.

Mr. Duggan inquired as to whether Miller Plaza is an acceptable location.

**LILY ROCHELLE**

Lily Rochelle stated that she and her husband were present before the Council on May 1 and were told to talk with personnel; that the Council asked them to speak with Ms. Kelley. She stated that they spoke with her (Kelley) the following day and she was informed that she (Kelley) had no power to do anything about her husband's job. She stated she was asked to come back in two weeks if he did not get anything resolved and it has been over a month, now, and nothing has been resolved. She stated they came back to see what else they can expect Ms. Kelley to do as she did not know what she was supposed to do.

**LILY ROCHELLE (Continued)**

Vice Chairman Bennett recalled that the issue involved a public works employee who was terminated and noted that she did not remember all the details.

Donna Kelley stated that she had some discussion in the office and on the telephone with Mrs. Rochelle; that it is a case of termination some time ago wherein the employee wanted to appeal at the time of termination, but since then he has attended some counseling and has requested his position back. She stated they are working on that but it is not granted at this point by the department; that he is being considered in another department and does not know how that final outcome will be.

Vice Chairman Bennett asked if there is any action to be taken by this Council; whether this is in the Council purview.

City Attorney Nelson responded "no, it is not".

Vice Chairman Bennett thanked Mr. and Mrs. Rochelle for making the Council aware; that public system works is trying to advise as best they can. She stated the matter is "in the system" and waiting to see if a position opens for him.

**ADJOURNMENT**

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, June 12, 2007 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)**