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Piper defends CDE hiring

Former city mayor answers questions at press conference

BY BRIAN EASON
THE LEAF-CHRONICLE

CDE Lightband Superintendent Johnny Piper defended his hiring to the public utility Friday, a day after the City Council voted 11-1 to denounce it.

Piper said he never considered the job to be a "career move," but something he wanted to do to fix CDE's financial situation.

"The reason I'm out here is my love for the city of Clarksville," Piper said at a press conference he called to address the council's actions. "I saw one final department that needed some guidance and support — maybe some things that I could offer. And I chose to accept this challenge for a minimal period of time."

Piper, whose second term as mayor ended Dec. 31, was offered the job in late December by the Power Board, and signed a letter accepting the position on his first day out of office. The hiring ignited public outcry, as council members, state lawmakers, the public and The Leaf-Chronicle questioned the move's ethics and its legality.

The city code prohibits council members or the mayor from being hired by the city as a department

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ROBERT SMITH/THE LEAF-CHRONICLE

Clarksville Department of Electricity Superintendent Johnny Piper talks about a Tennessee Supreme Court ruling Friday afternoon at CDE. Piper held a press conference defending his hiring to the public utility a day after the City Council passed a resolution denouncing it.

Council asks board to resign

McMillan breaks tie, votes for resolution

BY BRIAN EASON
THE LEAF-CHRONICLE

In separate votes late Thursday night, the City Council denounced the Power Board's hiring of former Mayor Johnny

Piper to the CDE Lightband superintendent job and asked the board to resign.

The resolution denouncing the hiring passed 11-1, after a failed attempt to table the vote until the state attorney general could issue an opinion on the action.

The resolution asking the board to resign passed after city Mayor Kim McMillan voted in its favor to break a 6-6 tie.

The Power Board offered Piper the job

in his final days as mayor. A city ordinance prohibits elected officials from being hired as an administrator of any city department within a year of leaving office.

The board's attorneys, however, argue the council lacks the authority to regulate the Power Board because the board is governed by state law. On McMillan's behalf,

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Letter signing comes with surprise — dad's back

Northeast senior to play football for Naval Academy

BY JAMES GALLOWAY
FOR THE LEAF-CHRONICLE

Friday was one of the happiest days of Jeremiah Rutledge III's young life.

As it turned out, though, it was even better for his father.

The Northeast senior signed a letter of intent to play football for the U.S. Naval Academy on a full-ride scholarship.

In a surprise appearance at Northeast High School, his father, Staff Sgt. Jeremiah Rutledge Jr., was on-hand to watch his son put pen to paper.

While on stage, Rutledge III shed tears of joy throughout the course of the pro-

gram announcing eight Northeast seniors who signed national letters of intent on Friday. As the program progressed, the Eagles cornerback remained oblivious to the momentous event that was about to take place.

His mother and sister stood behind him when it was his turn to speak. In one short sentence, Rutledge III explained why he chose the Naval Academy. He told the crowd he considered the future, and the academy would provide the best one for him.

That's when his father appeared with full-ride scholarship papers. Rutledge Jr. had come home unannounced from a tour in Afghanistan.

Rutledge III immediately hugged his father, whom he hadn't seen in a year, as his sister covered her mouth and his

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JAMES GALLOWAY/FOR THE LEAF-CHRONICLE

Jeremiah Rutledge III, second from left, signs a letter of intent to play football for the U.S. Naval Academy on a full-ride scholarship on Friday. Standing behind him are his mother, sister and father, Staff Sgt. Jeremiah Rutledge Jr., whose appearance at the event came as a surprise to his son.

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FROM THE FRONT

COUNCIL

FROM PAGE 1

state lawmakers in January asked the state attorney general to issue a legal opinion.

"I know that we're waiting on the AG's opinion," said Ward 4 Councilman Wallace Redd, who proposed the resolution denouncing the board for hiring Piper. "This won't affect the AG's opinion one way or another. What I'm asking for is the opinion of the council."

"It's just saying that what took place was wrong and against our city code," he said.

Ward 8 Councilman David Allen, who in July proposed eliminating the city's restriction on hiring elected officials, was the only one to vote against the resolution.

"Whether we like it or not, this council is on trial, too," Ward 12 Councilman Jeff Burkhart said. "We are being looked at by the public to do something. I've lived here going on 40 years — I've never seen the outrage on one subject like I do now."

Burkhart proposed the resolution asking the board members to resign.

Council members Deanna McLaughlin and Bill Summers asked the council to vote down Burkhart's resolution, which is mostly symbolic. They said that state law has a means to remove board members by force, through formal charges and public hearings. Summers said the council should go through the hearings process if it is serious about board members resigning.

Ward 6 Councilman Marc Harris said the point of the resolution is to make a statement.

"Tomorrow morning, I would like the paper to read that Councilman Harris disagrees with everything that's been taking place at CDE," he told the council.

Said Burkhart: "There's other things we can do. I think the first step, and what I was intending here, is asking them to do the right thing."

Burkhart has a history with Piper that dates back to his days as a firefighter. In 2008, Piper fired Burkhart for insubordination after he refused to transfer to the Building and Codes Department. Burkhart sued for wrongful termination, and his case is still under appeal after being upheld by a lower court.

Nick Steward, James Lewis, Geno Grubbs, McLaughlin, Allen and Summers voted against Burkhart's resolution. The votes were cast after The Leaf-Chronicle's deadline for publication on Friday.

In the council's other business:

- Bryce Sanders, former chairman of the Industrial Development Board, was appointed to fill the unexpired term of Gene Washer on the Power Board. Washer resigned last month without explanation.

- A resolution that would have empowered the city to take out a future loan to finance the city's share of the airport terminal failed. The vote was 5-7, with Candy Johnson, Joel Wallace, Kaye Jones, Grubbs and Harris voting for it.

- A Johnson-proposed resolution expressing support for the 100% Graduation program passed.

Brian Eason, 245-0262

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CDE

FROM PAGE 1

head for a year after leaving office. The Power Board's attorneys have argued that the city has no authority to restrict the board's hiring practices because the department was set up under the state Municipal Electric Plant Law of 1935.

Piper reiterated the position of the board's attorneys Friday, and presented a second opinion from lawyer Tim Harvey, dated Feb. 3.

In the new opinion, Harvey cites as evidence a Tennessee Supreme Court ruling from 1951 where a state Housing Authority law conflicted with the Chattanooga city charter. The court concluded that where the two were in conflict, the state law took precedence.

Piper defended the Power Board members who voted to hire him, noting that many of them are prominent business leaders. Piper appointed all five of them while he was mayor.

"They have not spent their entire lives building their fortunes and building their integrity to throw it out the window based upon one decision," Piper said. "And that's important for the public to know — these people are deliberate in their decisions."

Piper said he was disappointed in the effect the public backlash was having on CDE employees.

"We keep them upset —

and my personal family," Piper said. "I'm not real pleased about what they have to go through. It's not real fair to them when we try to do everything above board."

Council decision

The City Council on Thursday voted 11-1 to denounce the hire because it violated the spirit of the city code. In a separate 7-6 vote, with Mayor Kim McMillan casting the tie-breaking vote, the council asked the Power Board members to resign.

Piper criticized the moves, noting that a month ago the council decided it would wait for an attorney general's opinion to act on the issue.

"If you make decisions, you make enemies," Piper said. "And it's unfortunate that they wouldn't do what they said they'd do, and that was to wait for an attorney general's opinion."

Later, he said that such an opinion is not binding.

"I'll go with the Supreme Court over that opinion, over the attorney general's opinion," Piper said.

State Rep. Curtis Johnson, who joined Rep. Joe Pitts and state Sen. Tim Barnes in asking the attorney general to rule on the matter, said he checked with the attorney general's office twice this week and was told the opinion was in the works, and might be issued in "a matter of days."

Hiring ordinance

Piper addressed questions about the months leading up to the hire.

He reiterated a statement he made last month, that the board members first approached him for the job in October.

The Leaf-Chronicle reported in November that Piper was a candidate for the job, and that two council agenda items appeared to foreshadow his interest in the job. In July, Ward 8 Councilman David Allen proposed erasing the hiring restrictions placed on elected officials. In October, the council was scheduled to vote to reappoint two Power Board members although their terms didn't expire until March 2011.

When questioned by a reporter if he asked Allen to change the hiring ordinance, Piper requested more information to jog his memory.

"Would you tell me a little bit more about what you're asking?" he said.

After a brief explanation, Piper said: "I remember what happened. I think what David went on to say was that (he) noticed in the news that the county hired (County Commissioner) Jerry Allbert as a department head. He didn't think it was right that the county had the authority to hire department heads when the city lived under stricter restrictions."

Asked if Allen's proposal was a coincidence, Piper said: "As far as I'm concerned it is. Actually, I wasn't even involved in this (the CDE job) until sometime in October, November."

Brian Eason, 245-0262

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DAD

FROM PAGE 1

mother cried. The whole family then joined in an embrace on stage.

People in the crowd cried and gave the Rutledges a standing ovation. Eagles coach Isaac Shelby said what happened Friday was a "one-in-a-million thing."

Rutledge Jr. said words couldn't express how proud he was of his son, and he added that Friday was the happiest day of his life.

"I was ecstatic," Rutledge Jr. said. "I'm just happy to be back in the states and to be able to pull the wool over his eyes. Him and my daughter both not knowing anything about this was a great feeling."

Rutledge III went on to thank God and his parents for keeping him on the right track. He also thanked his coaches.

"I know my future is set, and I won't let y'all down at the next level," he said. "I promise with all my heart, I'm not going to let y'all down."

Rutledge Jr. thanked the entire community for showing his son and family support throughout the year he was gone.

"I am beside myself with pride, and there are so many people I need to thank in helping him throughout this whole year," he said. "The faculty and staff at Northeast High School have been nothing but fantastic. Words can't express how indebted to them I feel."

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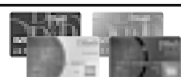
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GOVERNMENT CALENDAR

MONDAY, FEB. 7 12:30 p.m. — Regional Airport Authority meeting at Outlaw Field, Building 1, 200 Airport Rd.

4 p.m. — Community Development Committee meeting at Community Development, One Public Square, 2nd Floor.

5 p.m. — Meeting with CTAS Representative at Montgomery County Courthouse, One Millennium Plaza.