

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JULY 22, 2003**

Chairman Franklin called the meeting of the Chattanooga City Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, and Robinson present. Councilman Taylor was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crowover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Vice Chairman Benson gave the invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

Mr-2003-081 (City of Chattanooga)

On motion of Councilman Lively, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING A SANITARY
SEWER EASEMENT, REFERENCE NO. 50231, LOCATED IN
LOT 2, CORRECTIVE PLAT OF CBL'S ADDITION OF
HAMILTON PLACE MALL, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**

passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Page, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2003-084 (City of Chattanooga)

On motion of Councilman Page, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY
LOCATED ON THE NORTH LINE OF THE 2200 BLOCK OF
EAST 23RD STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**

passed second reading. On motion of Councilman Littlefield, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

CONTRACT CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE
ORDER NO. 1, RELATIVE TO WORK AT THE LAKESIDE
CONCESSION STAND, WITH EASTMAN CONSTRUCTION
COMPANY, WHICH CHANGE ORDER INCREASES THE
CONTRACT AMOUNT BY THREE THOUSAND EIGHT
HUNDRED EIGHTY-FIVE DOLLARS (\$3,885.00), FOR A
REVISED CONTRACT PRICE OF ONE HUNDRED FORTY-
THREE THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS
(\$143,345.00)**

was adopted.

Councilman Benson stated that it was explained in committee meeting that this was more than just a concession stand, but he always had people calling him about a Lakeside Concession Stand costing this much; that the way this is written, it implies that it is just a concession stand. He asked Adm. Mitchell to explain what this entailed.

Adm. Mitchell explained that this also included ADA restrooms, a meeting room, and storage room, all consisting of 4800 sq. ft. Councilman Benson stated that this needed to be called something else.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT, RELATIVE TO RECONSTRUCTION AND EXPANSION OF THE PARKING LOT AT SHEPHERD RECREATION CENTER, WITH ROBERT SMITH PAVING COMPANY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00)

was adopted.

PROPOSAL ACCEPTANCE

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION ACCEPTING THE PROPOSAL OF ALWAYS ON LINE AS THE BEST PROPOSAL FOR AN AFTER HOURS ANSWERING SERVICE FOR THE 311 CALL CENTER AND AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A CONTRACT WITH ALWAYS ON LINE FOR SAID SERVICE

was adopted.

Councilman Hakeem stated that Resolutions (d), (e) and (f) were all discussed in Public Works Committee and come with a recommendation for approval.

TRANSFER OF FUNDS

On motion of Councilman Hakeem, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO TRANSFER AN AMOUNT NOT TO EXCEED SEVENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$74,757.00) FROM THE PUBLIC WORKS CAPITAL PROJECTS FUND P416, TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION ("TDOT") LGIP ACCOUNT NO. 3-33-731-10, RELATIVE TO PROJECT NO. LP #3269, STP-M-9202(79), SHALLOWFORD ROAD BRIDGE OVER FRIARS BRANCH

was adopted.

EASEMENT PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A
SANITARY SEWER EASEMENT FROM JERELINE SANDERS,
RELATIVE TO CONTRACT NO. 02-A, MISCELLANEOUS
SANITARY SEWER REQUIREMENTS, PARCEL NO. 145LD-B-
005.01, TRACT NO. 22, FOR AN AMOUNT NOT TO EXCEED
FIVE HUNDRED DOLLARS (\$500.00)**

was adopted.

EASEMENT PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A
PERMAMENT SEWER EASEMENT FROM NAISHER
TENNESSEE ASSOCIATES LIMITED PARTNERSHIP,
RELATIVE TO RELOCATING SEWER LINES AT MOUNTAIN
CREEK ROAD FOR THE WIDENING PROJECT, PARCEL NO.
1170-A-001, TRACT NO. 13, FOR AN AMOUNT NOT TO
EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS
(\$1,500.00)**

was adopted.

OVERTIME

Overtime for the week ending July 18, 2003 totaled \$32,176.53.

PERSONNEL

The following personnel matters were reported for the various departments:

CITY COUNCIL OFFICE:

- ✍ **NATALYA N. BAINE** – RIF Council Assistant, effective 7/17/03
- ✍ **GRETCHEN E. DUNIGAN** –RIF Council Assistant, effective 7/10/03

PERSONNEL (CONT'D)

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **WILLIAM ANDREWS, STEVEN ARNOLD, ROBERT BATES, ACE GARDNER, JOYCE HAYNIE, IVAN HICKS, TERRI LEE, DAVID LINAM, HAROLD MANNING, JOHN C. MEADOWS, JOHN BRIAN PERMBERTON, FRANK ROZZEL, ALAN ST. CLAIR, CHARLES R. THOMPSON, AND GABRIEL THRASH** – Promotion to Senior Firefighters, F2/3, \$30,150.00, effective 7/25/03.
- ✍ **KENNETH JOURNIETTE AND BRIAN WILSON** – Termination from Fire Academy, effective 7/21/03.
- ✍ **LARRY D. TAYLOR** – Retirement of Senior Firefighter, effective 7/25/03.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **RACHEL WORKMAN** – Termination of Teacher Assistant, effective 7/11/03.

PARKS, RECREATION, ARTS & CULTURE DEPARTMENT:

- ✍ **MARK CLARK** – Resignation of Landscape Crew Worker, effective 7/29/03.
- ✍ **CALVIN SMITH** – Termination of Custodian at Memorial Auditorium, effective 7/9/03.
- ✍ **DREW THOMAS** – Custodian at Tivoli deceased, effective 7/10/03.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **OMEGA GUFFEY**—Retirement of Administrative Secretary, effective 7/31/03.
- ✍ **DAVID MESSERLY** – Resignation of Police Officer, effective 7/7/03.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Lively, **all bids were rejected and the following requisition was cancelled for the Human Services Dept.:**

Requisition #R0068222/B0000807

Classroom remodeling at the Cedar Hill Head Start Center.

PURCHASES

Councilman Pierce first asked if all six of these purchases could be handled at one time. Attorney Nelson stated that if it were “blanket” approval they could. On motion of Councilman Pierce, seconded by Councilwoman Robinson, the following purchases were approved for use by the Parks, Recreation, Arts and Culture Department:

PARK EQUIPMENT (Lowest and best bidder)
Requisition #R0069790/B0000842

Requirements Contract for Topsoil

\$6.00 per cubic yard

BOBBY FRYAR TRUCKING (Lowest bidder meeting specs.)
Requisition #R0069789/B0000845

Requirements Contract for White Ball Field Sand

\$13.00 per ton

EARTHSCAPES AND KELLEMS RECYCLING
Requisition #R0069791/B0000846

Requirements Contract for Playground Mulch

\$14,850.00 for application only—Earthscapes
\$22,500.00 for mulch product—Kellems

PURCHASES (CONT'D.)

ACE LOCK & KEY (Lowest bid meeting specs)

Requisition #R0069788/P0019793

Requirements Contract for locksmith and key services

(See minute material for various prices)

DUFFIELD AQUATICS (Single Source Purchase)

Requisition #R0069760/B0000843

Requirements Contract for Chlorine Briquettes

\$86.00 per 50-pound container

A-AFFORDABLE FENCING (Only bid meeting specs)

Requisition #R0069777/B0000805

Requirements Contract for fencing

(See minute material for various prices)

EMERGENCY PURCHASES

The emergency purchase, Purchase Order R69016, for traffic signal heads for the Traffic Engineering Division to Temple, Inc. in the amount of \$22,451.00 was approved and duly signed in the Council meeting.

The emergency purchase, Purchase Order R0070643, for professional cleaning services for flood clean-up to Wonder Window Washers in the amount of \$51,344.76 was approved and duly signed in the Council meeting.

Councilman Pierce asked Mrs. Johnson about the brush pickup schedule—if we were running behind? Mrs. Johnson responded that the routine pick-up was on schedule—that there were still isolated areas from the storm damage but that we were making progress. Councilman Pierce indicated that they had not come through his neighborhood for brush pickup in over a month from storm damage. He also questioned what size pick-ups they would accept.

PUBLIC WORKS CONCERNS

Mrs. Johnson explained that for the storm damage, they did not stick to the established policy; that they were picking up what is out there that was created by the storm. Councilman Pierce explained that a couple of trees fell on his house and one-half was still on his house, as he was waiting until all the brush had been picked up to put out more. Mrs. Johnson explained that no distinction was being made between tenants and landlords; that she would get with Mr. Norris and then get with Councilman Pierce tomorrow. She asked that Councilman Pierce give her the location, and she would make Mr. Norris aware of this.

BOARD APPOINTMENTS

On motion of Councilman Hakeem, seconded by Councilman Lively, the following board appointments were approved:

HISTORIC ZONING COMMISSION BOARD:

Bob McNutt, Cullon Hooks, and Donna Williams—with terms ending May 1, 2007.

REFUND

On motion of Councilman Littlefield, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund:

JENKINS ROAD, LLC—Refund of Stormwater Fee in the amount of \$2,226.16 due to impervious condition of 18,000 sq. ft., for tax year 2000, Map #159P-B-013.

PURCHASE

Ms. Madison presented a purchase to the Council that was not included in their packets for a local telephone service maintenance agreement with the Chattanooga Electric Power Board Telecom. These circuits are currently being provided by BellSouth, and this agreement will expire on August 1st. Ms. Madison explained that going with the Electric Power Board will result in a \$26,000 savings over the next two years.

PURCHASE (CONT'D)

Councilman Pierce questioned if we did not go out for bids on this. Ms. Madison explained that it was not necessary because EPB is a government organization. Councilman Pierce asked if they went back to BellSouth after they realized that EPB would result in this much savings to give them a chance. Ms. Madison responded that she was not sure—that this savings was based on the current rate being charged by BellSouth. Councilman Pierce noted that the communication industry was very competitive and that BellSouth might adjust their rates or might even have a better rate.

Councilwoman Robinson agreed that BellSouth might match this rate.

Ms. Madison asked Councilman Pierce if he was suggesting that BellSouth might go lower than the \$26,000 savings.

Councilman Pierce stated that it was up to the Council to sign off on this.

Councilman Littlefield stated that he did know that Administration had talked about a number of things that were going on with EPB and that he thought this was a natural thing to do, and we could see how it worked out. He added that he thought Administration would have a good understanding of what BellSouth would charge and would be surprised if they would be lower.

Councilman Page stated that he was not sure what we were voting on and asked Ms. Madison to explain further.

Ms. Madison explained that it was a Service Maintenance Agreement for our local telephone service for 13 dedicated circuits that support outbound and inbound calls to and from the Police Service Center, the DRC, Public Works City Wide Services, and other City locations. The term of the agreement will be for 24 months for Information Services Division.

Councilman Page stated that we own EPB, and this seems to be a Catch 22. He questioned if we had planned to competitively bid this and then did not.

Ms. Madison stated that Information Services worked on this; that her understanding was that another governmental agency is a natural inclination and the BellSouth agreement was expiring at the end of the month, and we would realize a substantial savings.

PURCHASE (CONT'D)

Councilman Benson expressed an uneasiness about this and questioned why it was not in committee. Councilman Littlefield explained that purchase items normally are not in committee, and it is getting close to the end of the month. Councilman Benson still maintained that he did not know enough about this.

Attorney Nelson added that if we don't give this to the Power Board and continue with BellSouth that we will have to put this out for public bid, and it will take at least another month, and we are 2-3 months into the process.

Councilwoman Robinson confirmed that when we renew, we have to put it out for bid. Councilman Pierce stated that if we delayed a month it would just cost us \$2,000 in the savings. Councilwoman Robinson corrected that it would be \$1,000 a month savings. Councilman Pierce stated that he was asking that this be put in committee, and it would just amount to one month's service.

Councilman Lively stated that we would not accomplish anything by delaying this, and he did not think that BellSouth would drop \$26,000 because it would look like they are "sticking it to us" now. He stated that he thought we were making an issue out of something that was not an issue.

Councilman Benson asked if this contract was for 24 months and what the previous contract time was. Ms. Madison responded that she thought it was longer.

Councilman Page stated that we were contracting with ourselves and there was some logic in that and suggested that we do this, adding that telecommunications is competitive and difficult, and we probably are saving money.

On motion of Councilman Littlefield, seconded by Councilman Page, the following purchase was approved for use by the Finance and Administration Department:

EPB TELECOM (Single Source Purchase from another governmental agency)
Requisition #R0069634

Local Telephone Service Maintenance Agreement for Information Services Division

\$4,003.30 per month

Ms. Madison noted that the previous agreement was for five years.

PERSONNEL HEARING

Attorney Nelson reminded Councilmembers of the hearing set for **Officer Sabrina Smith for Monday, July 28th at 3:00 P.M.** The panel consists of **Councilmen Benson, Pierce, and Franklin, with Councilman Taylor as backup.**

COMMITTEES

Councilman Hakeem reminded Councilmembers of the **Public Works Committee meeting scheduled for Tuesday, August 5th at 4:00 P.M.**

Councilman Littlefield reminded Councilmembers that there would be a **Legal and Legislative Committee meeting on Tuesday, July 29th at 3:00 P.M.**

SISTER BEY

Sister Bey stated that she trusted that the Council had heard from the President; that she had put pressure on him for running around the world and trying to impress other people when we have problems here. She stated that this morning some inspector talked smart to her about the property next door that CNE was supposed to fix; that she did not understand this as Zach Wamp had told the City to do this. She stated that things were not real, and she did not believe in living in a dream world. She urged the Council to get their act together and do away with Home Rule. She ended by saying she wanted Better Housing to close down.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, July 29th at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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