

**City Council Building
Chattanooga, Tennessee
December 7, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Scott gave the invocation for the evening.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2010-116: Chattanooga Neighborhood Enterprise, Inc. by Jean Lamb

A representative for the applicant was present; there was no opposition.

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY
EASEMENT ALONG THE SOUTH SIDE OF 17TH STREET AND ADJACENT TO
1702 LONG STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT
TO CERTAIN CONDITIONS**

Passed first reading; **Councilwoman Scott abstained.**

INSTALLATION OF ROOF SIGN

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION APPROVING A REQUEST FOR INSTALLATION OF A ROOF SIGN (LIFESAVERS LOGO) TO BE INSTALLED ON THE WRIGLEY CORPORATION'S BUILDING LOCATED AT 3002 JERSEY PIKE WHICH SHALL BE VISIBLE FOR TRAFFIC ENTERING OR EXITING THE CHATTANOOGA METROPOLITAN AIRPORT

Was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-09-040-201, MODIFICATIONS TO SUMMIT LANDFILL GAS EXTRACTION SYSTEM ADDITIONS, WITH SCS FIELD SERVICES, FOR A DECREASE OF TWENTY-FOUR THOUSAND SEVEN HUNDRED THIRTY-SIX DOLLARS (\$24,736.00) AND A REVISED CONTRACT AMOUNT OF TWO HUNDRED SIXTY-NINE THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS (\$269,524.00), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF TWENTY-THREE THOUSAND THREE HUNDRED FORTY DOLLARS (\$23,340.00)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) TO CONTRACT NO. W-05-007-201, WARNER PARK COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY, WITH HAREN CONSTRUCTION CO. INC., FOR AN INCREASE OF THIRTY-SIX THOUSAND SIX HUNDRED EIGHTY-THREE DOLLARS (\$36,683.00) AND A REVISED CONTRACT AMOUNT OF FOUR MILLION FIVE HUNDRED SIXTY THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$4,560,885.00), AND RELEASING THE REMAINING CONTINGENCY OF ONE HUNDRED THIRTY-FOUR THOUSAND SEVEN HUNDRED FIFTEEN DOLLARS (\$134,715.00)

Was adopted; Councilwoman Scott voted "no".

CONTRACT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A CONTRACT WITH TOWER CONSTRUCTION TO CONSTRUCT A BUILDING TO BE USED BY THE CHATTANOOGA MOBILE COMMUNICATION SERVICES FOR THE MANAGEMENT AND MAINTENANCE OF THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM IN AN AMOUNT NOT TO EXCEED THREE HUNDRED TEN THOUSAND THREE HUNDRED FOURTEEN DOLLARS (\$310,314.00)

Was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AGREEMENT WITH HAMILTON COUNTY AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR A ONE MILLION EIGHTY THOUSAND ONE HUNDRED FORTY-EIGHT DOLLARS (\$1,080,148.00) 2010 TRANSPORTATION ENHANCEMENT GRANT FOR THE NEXT PHASE OF THE DOWNTOWN RIVERWALK CONSTRUCTION AND APPROVING THE CITY'S HALF OF THE REQUIRED MATCH IN THE AMOUNT OF ONE HUNDRED THIRTY-FIVE THOUSAND NINETEEN DOLLARS (\$135,019.00), WITH THE SAME AMOUNT BEING PAID BY HAMILTON COUNTY

Was adopted.

AD VALOREM TAXES

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CHATTANOOGA SEATING SYSTEMS, L.L.C. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

Was adopted; **Councilwoman Scott** voted "no".

INTERLOCAL AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF EAST RIDGE FOR SIGNAL CONTROLLER MAINTENANCE SERVICES AT AN HOURLY RATE OF FIFTY-FOUR AND 25/100 DOLLARS (\$54.25)
Was deferred one week.

INTERLOCAL AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY FOR SIGNAL CONTROLLER MAINTENANCE SERVICES AT AN HOURLY RATE OF FIFTY-FOUR AND 25/100 DOLLARS (\$54.25)
Was deferred one week.

INTERLOCAL AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF COLLEGEDALE FOR SIGNAL CONTROLLER MAINTENANCE SERVICES AT AN HOURLY RATE OF FIFTY-FOUR AND 25/100 DOLLARS (\$54.25)
Was deferred one week.

GRANT

Councilwoman Berz asked if she is correct in thinking this grant has matching funds coming from funds the Department already has for the Community Theatre. Adm. Crutchfield responded "yes".

Councilwoman Berz stated it is also her understanding that Resolutions (k) – (l) do not require matching funds. Adm. Crutchfield responded "that is correct". Councilwoman Berz expressed good luck in getting the money noting that she is proud of Adm. Crutchfield!

GRANT (Continued)

On motion of Councilman McGary, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS
& CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM
THE KRESGE FOUNDATION IN THE AMOUNT OF SEVENTY-FIVE
THOUSAND DOLLARS (\$75,000.00)**

Was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS
& CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM
THE FORD FOUNDATION IN THE AMOUNT OF TWO HUNDRED
THOUSAND DOLLARS (\$200,000.00)**

Was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS
& CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM
THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA IN THE
AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)**

Was adopted.

GRANT

On motion of Councilman McGary, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS
& CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM
THE PEPSI REFRESH PROJECT IN THE AMOUNT OF TWO HUNDRED FIFTY
THOUSAND DOLLARS (\$250,000.00)**

Was adopted.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. W-10-010-201, SANITARY SEWER IMPROVEMENTS OLD LEE HIGHWAY AT APISON PIKE, TO EAST TENNESSEE GRADING, INC. IN THE AMOUNT OF FOUR HUNDRED NINETY-EIGHT THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS (\$498,898.00), WITH A CONTINGENCY AMOUNT OF FORTY-NINE THOUSAND NINE HUNDRED TWO DOLLARS (\$49,902.00), FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$548,800.00)

Was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-07-001-201, RIVER STREET EXTENSION-PHASE ONE, WITH DILLARD CONSTRUCTION, FOR A DECREASE OF SIXTY-FOUR THOUSAND NINE HUNDRED SEVEN AND 95/100 DOLLARS (\$64,907.95) AND A REVISED CONTRACT AMOUNT OF SIX HUNDRED FORTY-FIVE THOUSAND TWO HUNDRED EIGHTY-TWO AND 58/100 DOLLARS (\$645,282.58), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF SIXTY-NINE THOUSAND EIGHT HUNDRED NINE AND 47/100 DOLLARS (\$69,809.47)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-07-007-201, WALNUT STREET BRIDGE NORTH VIADUCT IMPROVEMENTS, WITH TOWER CONSTRUCTION COMPANY, INC., FOR AN INCREASE OF NINETY-EIGHT THOUSAND FORTY-ONE AND 02/100 DOLLARS (\$98,041.02) AND A REVISED CONTRACT AMOUNT OF ONE MILLION FOUR HUNDRED ELEVEN THOUSAND FOUR HUNDRED FIFTY-SIX AND 52/100 DOLLARS (\$1,411,456.52), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF ONE THOUSAND NINE HUNDRED FIFTY-EIGHT AND 98/100 DOLLARS (\$1,958.98)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-07-007-401, WALNUT STREET BRIDGE NORTH VIADUCT IMPROVEMENTS, WITH VOLKERT AND ASSOCIATES, INC., FOR A DECREASE OF THIRTY-THREE THOUSAND NINE HUNDRED FORTY-SEVEN AND 20/100 DOLLARS (\$33,947.20) AND A REVISED CONTRACT AMOUNT OF FIFTY-FIVE THOUSAND NINE HUNDRED FORTY-TWO AND 80/100 DOLLARS (\$55,942.80)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-03-028-202, HAMILL ROAD IMPROVEMENTS-HIGHWAY 153 TO HIXSON PIKE (PHASE TWO), WITH TENNESSEE DIRTWORKS, LLC, FOR A DECREASE OF SEVEN THOUSAND EIGHT HUNDRED THIRTY-FIVE AND 60/100 DOLLARS (\$7,835.60) AND A REVISED CONTRACT AMOUNT OF THREE HUNDRED SIXTY-SIX THOUSAND TWO HUNDRED SIXTY-FOUR AND 40/100 DOLLARS (\$366,264.40), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF THIRTY-SEVEN THOUSAND FOUR HUNDRED DOLLARS (\$37,400.00)

Was adopted.

(Councilwoman Robinson excused herself from the meeting at this point.)

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-09-008-201, NEW EASTGATE PUMP STATION NO. 1 AND FORCE MAIN, WITH EAST TENNESSEE GRADING, IN., FOR A DECREASE OF SEVEN THOUSAND FIVE HUNDRED EIGHTY-TWO AND 45/100 DOLLARS (\$7,582.45) AND A REVISED CONTRACT AMOUNT OF SIX HUNDRED TWO THOUSAND NINE HUNDRED SIXTY AND 75/100 DOLLARS (\$602,960.75), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF FIFTY-NINE THOUSAND FOUR HUNDRED FIFTY-SIX AND 80/100 DOLLARS (\$59,456.80)

Was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) RELATIVE TO CONTRACT NO. W-09-040-201, INVESTIGATION OF SUBSURFACE GAS MIGRATION AT THE SUMMIT LANDFILL, WITH CONSOLIDATED TECHNOLOGIES, INC., FOR AN INCREASE OF ELEVEN THOUSAND THREE HUNDRED DOLLARS (\$11,300.00) AND A REVISED CONTRACT AMOUNT OF ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$129,500.00)

Was adopted; Councilwoman Scott voted "no".

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) RELATIVE TO CONTRACT NO. E-04-036-201, ENTERPRISE SOUTH ROADWAY EXTENSION, PHASE 1, WITH TALLEY CONSTRUCTION COMPANY, INC., FOR A DECREASE OF SIXTY THOUSAND ONE HUNDRED NINETY AND 90/100 DOLLARS (\$60,190.90) AND A REVISED CONTRACT AMOUNT OF ONE MILLION SEVEN HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED FOURTEEN AND 26/100 DOLLARS (\$1,729,614.26)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) RELATIVE TO CONTRACT NO. E-04-036-202, ENTERPRISE SOUTH ROADWAY EXTENSION, PHASE 1B, WITH EAST TENNESSEE GRADING, INC., FOR A DECREASE OF NINETY-NINE THOUSAND SIX HUNDRED TWELVE AND 71/100 DOLLARS (\$99,612.71) AND A REVISED CONTRACT AMOUNT OF ONE MILLION TWO HUNDRED NINETY-SEVEN THOUSAND TWO HUNDRED FORTY-SEVEN AND 81/100 DOLLARS (\$1,297,247.81)

Was adopted.

OVERTIME

Overtime for the week ending December 2, 2010 totaled \$16,649.85.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPARTMENT:

- **EDDIE DAVIS** – Voluntary Demotion, Crew worker 2, Range 4, \$28,137.00 annually, effective December 3, 2010.
- **BOBBY DODD, PAYTON REECE** – Hire, Crew Worker 2, Range 4, \$22,050.00 annually, effective November 30, 2010.
- **DARDE LONG** – Resignation, Zoo Director, effective December 2, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **GROVER WILSON** – Military Leave Extension, Police Officer, effective October 1, 2010 – January 2012.
- **KEVIN MOSES** – Return from Family Medical Leave, Police Officer, effective December 10, 2010.
- **JASON IRVIN** – Reinstatement, Sergeant, Range PD.6, \$50,000.00, effective December 3, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **SONJA YORK** – Resignation, Personnel Assistant, effective December 1, 2010.

PUBLIC WORKS DEPARTMENT:

- **TIMOTHY BROWN** – Hire, Equipment Operator 3, City Wide Services, Range 8, \$25,521.00 annually, effective November 15, 2010.
- **TERRY MOORE** – Hire, Equipment Operator 5, City Wide Services, Range 12, \$31,021.00 annually, effective November 19, 2010.

PERSONNEL (Continued)

- **DAVID DELANEY** – Termination, Equipment Operator 4, City Wide Services, effective November 23, 2010.
- **KENT ROSSI, JR.** – Resignation, Accident Investigator, City Wide Services, effective November 23, 2010.

HOTEL PERMITS

On motion of Councilwoman Berz, seconded by Councilman Gilbert, the following hotel permits were approved:

BEST WESTERN HERITAGE INN, 7641 Lee Highway, Chattanooga, TN

ECONO LODGE, 7421 Bonny Oaks Drive, Chattanooga, TN

QUEST HOUSE INN, 2201 Park Drive, Chattanooga, TN

HAMILTON INN, 6860 Lee Highway, Chattanooga, TN

HAMPTON INN, 7013 Shallowford Road, Chattanooga, TN

HOMEWOOD SUITES-HILTON CHATTANOOGA, 2250 Center Street, Chattanooga, TN

MAINSTAY SUITES, 7030 Amin Drive, Chattanooga, TN

REFUND

On motion of Councilwoman Berz, seconded by Councilwoman Ladd, the Administrator of Finance was authorized to issue the following refund of property taxes:

WESTINGHOUSE ELECTRIC CO. LLC \$10,587.94

PURCHASES

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

PURCHASES (Continued)

PUBLIC WORKS DEPARTMENT:

SERVPRO OF NORTH CHATTANOOGA (Best bid)

R34851/300698

Purchase of Blanket Contract for Sewer Spill Cleanup and Repair

\$8,000.00 (approximate amount)

INFORMATION SERVICES:

COLEMAN TECHNOLOGIES, INC.

R36838

Purchase of Blanket Contract for Network Equipment per State Contract No. 4037995

Contract No. 4037995

\$100,000.00 (not to exceed)

CHATTANOOGA FIRE DEPARTMENT:

TENNESSEE FIRE EQUIPMENT (Lower and better bid)

R34546/300730

Purchase of Blanket Contract for Firefighter's Protective Equipment

\$30,000.00 (approximate amount)

SETTLE CLAIM

City Attorney McMahan requested Council approval to settle a claim to retired firefighters who retired and claimed they were not properly paid with respect to their "Kelley" days; that one of the cases was tried and the judge ruled that the city should have paid for the "Kelley" days, not on equalized basis but on the basis of day-to-day.

SETTLE CLAIM (Continued)

City Attorney McMahan stated as a result of that the total claim is \$110,000 for 42 firefighters; that the city won some other issues in the case and it is believed this is in the best interest of the city to recommend settlement of the 42 claims.

Councilwomen Ladd and Berz made the motion and second to approve; the motion carried with Councilman Gilbert abstaining.

COMMITTEES

Councilwoman Scott stated the Economic Development Committee met today and will not meet next week.

Councilman Murphy stated the **Legal and Legislative Committee is scheduled to meet on Tuesday, December 14** to discuss matters within the Committee's jurisdiction.

Councilman McGary reminded Council members of the meeting of the **Education, Arts and Culture Committee scheduled for Tuesday, December 14** for an update regarding wine and alcohol sales at the Tivoli and Memorial Auditorium.

Councilwoman Berz reminded Council members of the meeting of the **Budget, Finance and Personnel Committee scheduled for Tuesday, December 14** to continue discussion regarding the Fire Department's FLSA issue.

AGENDA: DECEMBER 14, 2010

Chairman Rico stated matters on the agenda for December 14 were discussed earlier today during the agenda session.

TOBIA TOMIN

Tobia Tomin of 605 Marion Street, Apartment C, stated the last time he was before the Council to talk about the food crisis and the closing of the Dollar General on the West Side the Council gave him a ton of very helpful suggestions about how to go about helping people on the West Side get groceries closer to their houses and shuttle services to deliver the groceries.

TOBIA TOMIN (Continued)

Mr. Tomin stated a lot of miraculous things have happened since then as he followed through on some of the suggestions, especially about the community garden that Councilwoman Robinson talked with him about. He stated a lot of that is going forward and some folks said it would be a miracle if he and his friends could bring together the neighbors of the West Side to organize a solution to this problem; that miracles have been happening left and right! He stated he was appointed as leader of the West Side Chattanooga Organized for Action (WCOA), a new chapter; that they have had five-to-ten different meetings since the last time he was before the Council and have decided to do a food march on December 18 from noon – 3 p.m. and are looking for volunteers. He stated the leadership is already provided by members of the community who live on the West Side. He stated the purpose of the march is to show how far the elderly and disabled have to travel to get groceries now that Dollar General has shut down; that it was formerly a five minute walk that is now a half hour walk. He stated they will start at the Dollar General, go to the Towers to meet with the elderly and disabled; that Carl Kendricks of Gateway Towers asked him to invite the Council and then march with them down M. L. King, turn left on Market Street to Buehler Brothers grocery. He stated this has been talked about as the biggest human rights march on the West Side in the history of Chattanooga and the media is involved. He asked the Council to volunteer to do door knocking, provide or cook food and to see him to get signed up as a volunteer.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, December 14, 2010 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)