

**City Council Building  
Chattanooga, Tennessee  
August 7, 2012  
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, 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**

Councilwoman Berz led those in attendance in the Pledge of Allegiance.

### **MINUTE APPROVAL**

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

### **SPECIAL PRESENTATION: PRETREATMENT EXCELLENCE AWARD TO WRIGLEY**

Mayor Littlefield stated he was present to recognize one of our local companies for something that might sound obscure to some but very important to our whole community. He stated one of the things that set us apart when we go out seeking new industry is the fact that we have a world class sewage treatment regional system; that we have a high quality system that does good work that has kept us in good stead. He stated as we have recruited new industry the fact that we have a very large, sophisticated way of dealing with output of an urban area, including diverse industries, is one of the qualities that enables us to compete on the world stage. He stated tonight he is recognizing a company for pretreatment of the output from the factory which does not just come to us as it flows out of the factory; that all the companies have pretreatment programs that they do a lot on their own before it ever gets to us.

At this point Mayor Littlefield asked Pretreatment Supervisor Rick Tate to join him at the podium along with the award. Mayor Littlefield read the history of the Chattanooga facility, which has been spread upon the minutes:

**SPECIAL PRESENTATION: PRETREATMENT  
EXCELLENCE AWARD TO WRIGLEY (Continued)**

*The Chattanooga Wrigley facility was built in 1973. Standard Brands bought the land and constructed the facility to produce stackable chips and other Planter's snacks. Nabisco and Standard Brands merged in 1981 and in 1984 the facility was expanded by 27,000 square feet. During 1985 Nabisco and RJR merged, and in 1991 the facility began co-packing the Gummie Savers brand. From 1991-2000 the facility started producing and packaging Lifesaver Gummies and Crème Savers hard candy. Kraft Brands then purchased the facility in 2001. Planters Cheese balls and snacks were discontinued in 2004 when the William Wrigley Jr. Company announced its purchase of the facility. With the purchase brought the Altoids and Altoids Sours business and a plant expansion of 50,000 square feet. In 2008 MARS Inc. acquired the William Wrigley Jr. Company and shortly following the acquisition in 2010 Lifesavers Mints were brought to the Chattanooga factory for production. Today the Chattanooga factory produces Lifesavers Mints, Lifesavers Gummies and Altoids Mints for North America and employs 371 full-time associates.*

Mayor Littlefield stated this company has survived through all the changes. He stated Wrigley was chosen for the Pretreatment Excellence Award because they had **no** wastewater discharge permit violations for the entire calendar year 2011 and none so far for calendar 2012; that they efficiently operate and maintain a wastewater pretreatment system that includes a pH neutralization system with acid and caustic chemical addition, screening system to prevent discharge of excessive solids and have a spill prevention/slug control plan to ensure proper management of large quantities of granulated sugar, vegetable oil, flavorings and numerous other ingredients used in the candy making process. He stated Wrigley has always been recognized by the City of Chattanooga as a leader in environmental compliance issues and for that reason we are presenting them with the Pretreatment Award. He asked Bruce VerBurg and Chuck Hill from Wrigley to join him and presented them with the award.

**Bruce VerBurg** expressed thanks to the Council noting that it is always good to work with the city of Chattanooga; that they would not be thriving without them. He stated on behalf of Wrigley and MARS it goes a long with them that they want to be environmentally impact free and have a mission to be off the footprint in 40 years and are on the way to doing that. He stated they were recently certified landfill free, meaning they are over 95 percent recycling at the site with a goal of 100 percent by the end of the year; that they take the environment very seriously and again expressed thanks for the award.

**SPECIAL PRESENTATION: PRETREATMENT  
EXCELLENCE AWARD TO WRIGLEY (Continued)**

Councilwoman Robinson spoke on behalf of the Council and expressed thanks for what Wrigley is doing as they grow and increase productivity and profit margins. She stated the city appreciates the work they do to reduce their footprint and asked that they extend to all personnel and workers the Council's sincere appreciation and to share the recognition the Mayor has read into the record.

Mr. VerBurg stated they could not do without their associates; that it is a team effort.

Chairman Ladd expressed appreciation for Wrigley's outstanding corporate citizenship in Chattanooga and added that she uses Altoids everyday and chews on them constantly noting that she meets more people she wishes would also use them!!

**CLOSE AND ABANDON**

**MR-2012-034: Jay Heavilon**

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE CLOSING AND ABANDONING THE 1600 BLOCK OF  
READ AVENUE FOR AN ALLEY WAY BEGINNING AT READ AVENUE  
GOING NORTHWESTWARDLY TO ANOTHER UNOPENED ALLEY, MORE  
PARTICULARLY DESCRIBED HEREIN**  
passed second and final reading and was signed in open meeting.

**AMEND BUDGET ORDINANCE**

On motion of Councilman McGary, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE 12622 KNOWN AS "THE  
FISCAL YEAR 2012-2013 BUDGET ORDINANCE" TO APPROPRIATE TWO  
HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO THE  
CHATTANOOGA HISTORY CENTER FROM THE ECONOMIC  
DEVELOPMENT FUND**  
passed second and final reading and was signed in open meeting;  
**Councilwoman Scott voted "no".**

## AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 22, LIBRARIES, RELATIVE TO THE BOARD OF DIRECTORS**  
passed second and final reading and was signed in open meeting.

## AMEND BUDGET ORDINANCE

**Councilmen Gilbert and McGary made the initial motion and second to approve this ordinance.**

Councilwoman Berz asked if this is to be a one-time bonus payment, a one-time check.

City Attorney McMahan stated he would assume payroll would adjust the payroll to reflect the pay change; that it could be handled either way.

Adm. Madison stated if this is going to be one-time lump sum sort of bonus the preferable way is to be in one check; that if it is to be a permanent amount they would allocate it among all the paychecks in the year. She stated she is not sure what the Council's final position is in terms of what they want this to be.

Councilwoman Berz stated her final position is it not be given monthly to look like a raise on a paycheck; that it be a bonus like it was meant to be if it passes.

Adm. Madison stated if it is a bonus they can do it as a one-time check and the timing of that check can be whenever the Council decides; that they will give the longevity pay as a one-time lump sum check and generally do that the first pay period in December.

Councilwoman Berz asked if an amendment is needed

City Attorney McMahan responded "yes"; that we should change the word "pay adjustment to "pay bonus" and also provide "it shall be paid" suggesting that it be late in the year as employees may not be around to earn it -- maybe April.

Councilwoman Berz stated she is not putting a time on it; that when we start making it look like a pay raise it become one and if that is not what we are looking for, we are looking for a one-time bonus and it needs to look like that.

## AMEND BUDGET ORDINANCE (Continued)

Councilman Murphy stated the 54 employees identified are the folks that have been capped out and under the newest motion would be a three percent bonus. He asked if there are people on the form from personnel who were within three percent of their cap, that there are many more people who got one percent or two percent.

Adm. Madison responded "that is inclusive".

Councilwoman Robinson stated she finds this as deserving as our employees are a little troubling and thinks that is the reason we all like the longevity pay so much because it goes in the instance of the couple of people she has talked to who are capped out. She stated the longevity really does mean a lot because one in particular has been with the city maybe 30 years and he actually has been capped out before when there have been pay increases. She stated she is strongly supportive of longevity pay and another reason why this troubles her a little is that she does not think this ordinance is going to "touch" everybody as there is still going to be those who do not receive the three percent payment. She stated the police and firemen have pointed out this does not come to them, so it is really not an across-the-board as we have a lot of people who are working for the city who even with this ordinance tonight would not receive another check. She stated at the risk of being redundant, the longevity will reach them.

Councilman Benson asked if we have brand new employees who are at the top of the scale, one that has been hired the last few months. Adm. Madison stated she did not know; that it is a possibility but is a very rare situation.

Councilman Benson stated he does not know if this would include them or not. Adm. Madison stated it would not include anyone who was hired after February 28.

Councilman Benson asked if this is going to cost. Adm. Madison stated an estimate of about \$70,000 was given for all funds.

Councilman Benson asked where the \$70,000 would come from. Adm. Madison responded "the ordinance points out it would be covered through vacancy control".

## AMEND BUDGET ORDINANCE (Continued)

Councilman Benson stated if this is a onetime bonus next year they could take a reduction in salary couldn't they. Adm. Madison stated they will not receive a reduction in their base pay, but will receive a reduction in the amount for money they will receive in total annual pay.

Councilman Benson asked if this will open "Pandora's Box" for any other irregularities, concerns or contested salaries.

Adm. Madison stated the Council had a very good discussion on that during the committee meeting earlier; that whenever exceptions are made to a pay plan without thoroughly considering the implications long term to all the employee groups or individuals that do not receive that opens it up and that was part of the reason they proposed as it was proposed because there are other groups who are maxed out.

Councilman Benson stated it was "proposed as proposed", but asked if this Council understood there would be some people that would not get a raise.

Adm. Madison stated she thought the Council recognized any raise would be within the parameters of the existing pay plan and if that was an erroneous assumption she apologized; that, "no", she did not think the Council believed that this would cover those people that were already maxed out.

Councilman Benson asked if any Council members knew we were missing out on giving some three percent other than the police.

Councilman Rico responded "after I read it, "yes", and called for the question.

Councilman Gilbert stated the call for question has to be noticed by the Chair as referenced in *Robert's Rules*. He stated going back to what he said earlier, this is a small amount of money for the people at the bottom of the list; that we do have categories called "non-planned" that are sitting at a non-plan who do not receive any more or less but received the three percent. He stated we need to look at the small people who did not receive a raise; that he was under the assumption everyone from general services would receive the three percent raise and to do this for someone topped out; that he has seen other private companies do the same thing - people have topped out and they think enough of the employees to give them a one-time deal. He stated for us to say it has not been done, it has been done in the corporate world and a lot of times we say we want to do corporate things this is one of the things that has been done in the past.

**AMEND BUDGET ORDINANCE (Continued)**

Councilman McGary called for a point of order noting that Councilwoman Berz issued an amendment to the ordinance.

Chairmen Ladd stated she did not hear an amendment; that Councilwoman Berz gave her opinion about it but would entertain a motion.

**Councilwoman Berz** stated there are two things that are bothering her: (1) we keep using the word "salary" and (2) we are not clarifying that it is not salary. She stated it is her belief if we are going to vote on something it should be **amended to say a "one-time bonus payable in lump sum"**; **Councilman Rico** seconded the motion; the motion carried with Councilmen Robinson, Rico and Scott voting "no".

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND SECTION 7(a) OF ORDINANCE 12622  
KNOWN AS "THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE" SO  
AS TO PROVIDE A ONE-TIME PAY ADJUSTMENT FOR CERTAIN  
EMPLOYEES**

failed; on roll call vote:

MCGARY	YES
MURPHY	NO
SCOTT	NO
ROBINSON	NO
BENSON	NO
GILBERT	YES
BERZ	YES
RICO	NO
LADD	NO

**AGREEMENTS**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO AGREEMENTS WITH SIGNAL CENTER, INC.; CHILDREN’S HOME-CHAMBLISS SHELTER; AND CHILD CARE NETWORKS OF HAMILL ROAD FOR EARLY HEAD START AND HEAD START SERVICES FOR THREE HUNDRED ONE (301) INFANTS, TODDLERS, AND PRESCHOOL CHILDREN DURING THE SCHOOL YEAR TERM OF 2012-2013, FOR A TOTAL AMOUNT OF ONE MILLION THREE HUNDRED NINETY-FIVE THOUSAND FOUR HUNDRED THIRTY-SIX DOLLARS (\$1,395,436.00), AS SET FORTH MORE FULLY HEREIN, WHEREIN ALL THESE AGREEMENTS SHALL BE FUNDED BY GRANT FUNDS FOR HUMAN SERVICES FROM THE UNITED STATES GOVERNMENT**

was adopted.

**SURVEYING SERVICES**

On motion of councilman Murphy, seconded by Councilwoman Robinson,  
**A RESOLUTION TO ACCEPT THE QUALIFICATIONS FOR SURVEYING SERVICES FROM ARCADIS; THE RLS GROUP, LLC; EARTHWORX, LLC; AND THOMPSON ENGINEERING AND TO ENTER INTO FOUR (4), ONE (1) YEAR BLANKET CONTRACTS WITH THESE PROFESSIONAL FIRMS SUBJECT TO ONE (1) YEAR RENEWAL OPTIONS FOR PROFESSIONAL SURVEYING SERVICES ESTIMATED AT THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) TOTAL ANNUALLY FOR ALL FOUR (4) PROFESSIONAL FIRMS FOR USE BY ALL DEPARTMENTS**

was adopted.

**MEMORANDUM OF UNDERSTANDING**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ERLANGER HOSPITAL AND THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM FOR ERLANGER HOSPITAL’S PARTICIPATION IN THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM**

was adopted.



## AGREEMENT

Councilwoman Scott recognized Atty. Phil Noblett and Bill Payne noting that they did a lot of extra work to bring this together; that it was a major project and the fixing of it is going to be really beneficial for the area it is in. She stated they did a great job!

On motion of Councilwoman Berz, seconded by Councilman Benson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JOHN SCOTT RELATIVE TO PROJECT NO. S-12-007-801, 3948 BRAINERD ROAD WPA DITCH REPAIR, SAID AGREEMENT ESTABLISHES RESPONSIBILITIES AND COVENANTS PERTAINING TO THE REPAIR OF THE EXISTING WPA DITCH AND THE ABC LIQUOR BUILDING**

was adopted.

## AGREEMENT ADDENDUM

On motion of Councilman McGary, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN ADDENDUM TO THE ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING RELATIVE TO THE SCHEMATIC DESIGN PHASE FOR THE ROSS' LANDING PARK REHABILITATION PROJECT BY AMENDING THE PRESENT CONTRACT NO. E-10-012-101, TO INCLUDE AN ADDITIONAL TWO HUNDRED EIGHTY-EIGHT THOUSAND ONE HUNDRED FIFTY DOLLARS (\$288,150.00)**

was adopted.

## OVERTIME

Overtime for the week ending August 2, 2012 totaled \$6,192.55.

## PERSONNEL

The following personnel matters were reported for the various departments:

### **PARKS AND RECREATION:**

- **MICHAEL JACKSON** – Termination, Crew Worker 1, effective July 23, 2012

**PERSONNEL (Continued)**

**CHATTANOOGA FIRE DEPARTMENT:**

- **JACK THOMPSON** – Military Leave, Firefighter Senior, effective July 15-August 6, 2012.

**DONATION**

Adm. Swafford duly reported the donation \$1,915.65 from the Electric Power Board and Tennessee American Water Company for Project Warm Neighbors and Project Water Help, as well as the donation of \$71.00 from Sherry Black for door prizes for in-service training for the Foster Grandparents Program.

**LIQUOR STORE APPLICATION**

Adm. Madison reported the request for a liquor license in District 4 at 7703 Lee Highway and circulated the signature page to be signed by five Council members.

**REFUND**

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund of property taxes for 2010 and 2011:

<b>KOMATSU AMERICAN MANUFACTURING CO.</b>	<b>\$18,047.33</b>
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**PURCHASE**

On motion of Councilman McGary, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

**INNOVYZE (Single source)**

**R62436**

Purchase of Sewer Modeling License Agreement & Annual Maintenance per TCA 6-56-304.2

**\$14,345.00**

## BOARD RE-APPOINTMENTS/APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman Murphy, the following Board re-appointments/appointments were approved:

### BOARD OF SIGN APPEALS:

- Re-appointment of **BROOKE BRADLEY-KING** representing District 2 and **ROBERT MERRITT** representing District 6 for three year terms expiring August 11, 2015.

### PUBLIC LIBRARY BOARD:

- Re-appointment of **DR. CHRISTAL PARTRIDGE** and **JAMES D. KENNEDY, III** for three year terms expiring August 16, 2015.
- Appointment of **TIFFANIE ROBINSON, BRIAN MAY** and **THERESA LIEDTKA** for three year terms expiring August 7, 2015.

## COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, August 14** immediately following the Agenda Session.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, August 14** following Public Works to discuss the Moccasin Bend-Stringer's Ridge Gateway Plan and other Departmental matters.

## NEXT WEEK'S AGENDA: AUGUST 14, 2012

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

## JEFF PERLACKY

**Jeff Perlacky** of 319 West Hills Drive addressed the City Attorney and Councilwoman Scott by stating he spoke against the TIF for Black Creek Mountain and Bill Horton is filing contempt of court charges against him because it is felt he violated the spirit of the court order since Black Creek and Obar "would have the right to seek governmental assistance as they deemed necessary for such construction activities". He stated he would like to find out if the City is being sued or just him.

**JEFF PERLACKY**

City Attorney McMahan stated we have not received notice of such a suit.

Mr. Perlacky stated there was a very well written article published in *The Chattanooga*, noting that he also has had articles published in *The Chattanooga*; that one of the issues he had was the map presented to the Council was incorrect and showed some of his property in the TIF. He stated afterward they were told not to worry about it, that somebody else that worked on the map was unfamiliar, but his concern was it actually was in violation of the court order because it severed their access via Aetna Mountain Road, as well as Tower Road; that he thought a competent law firm such as Miller and Martin would have presented the Council with an accurate map for the TIF. He expressed his guess that the city should be expecting to be sued unless it is just him!

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, August 14, 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)**