

City Council Building
Chattanooga, Tennessee
November 4, 2008
6:00 p.m.

Vice Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gaines, Page, Pierce, Rico, Robinson and Shockley present; Councilwoman Bennett was with a delegation representing the City of Chattanooga in Wuxi, China, Chattanooga's Sister City. 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, City Attorney Nelson gave invocation;

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2008-141: James Schwall

On motion of Councilman Rico, seconded by Councilwoman Berz,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN UNOPENED ALLEY LOCATED BETWEEN THE FORMER 1600 BLOCKS OF FIRST STREET AND EAST 29TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

RIGHT-OF-WAY NAME CHANGE

2008-PW-006; City of Chattanooga c/o Bill Payne, City Engineer

Councilman Pierce made the motion to move Resolution (j) forward on the agenda; Councilman Shockley seconded the motion; the motion carried.

Councilman Pierce stated that Sgt. Carter asked him about the change of the right-of-way name of Carter Street to Reggie White Boulevard and after that several became involved to make this a reality. He stated before he gets too involved in making comments, he wanted to openly thank members of the Public Works Department who assisted with this and named Jackson Bennett, Debie Mikel, Angela Patton, Ben Taylor, Jeff Gilbert, Curtis Busby and Ken Doyle. Later in the meeting he realized he unintentionally failed to thank one other person and openly acknowledged Steve Leach's assistance in moving this forward. He expressed deep appreciation to all for their efforts.

He stated Carter Street was symbolically named as a tribute to Reggie White but now it will officially be known as Reggie White Boulevard. He stated that he learned two weeks ago that the matter would be on the agenda next week and was glad to see it coming up, however, he got to thinking how symbolic it would be if it were put on the agenda tonight with the significance of what is going on today. He stated he does not know who will be elected as the next President, but regardless whether it is Democrat or Republican history will be made to know on this day we sought to change the street name to honor Reggie White! He stated he will always say Reggie represented this city well and as a result, he asked Reggie's Coach, Lurone Jennings, to say a couple words, as well as Sgt. Carter.

Coach Lurone Jennings thanked Councilman Pierce and the Council and invoked God's blessings upon each of them for the work they do for the city as a whole. He stated he was not only Reggie's former Coach but a personal friend and again thanked the Council for recognizing and honoring him as he represented the city well; that this is a grand honor and privilege. He stated Reggie's mother has been in the hospital and was released today and could not attend, which is why no family is present; however, they are really excited about this happening and are very grateful. He thanked God for Sgt. Carter for spearheading this and the Committee.

At this point Councilman Pierce presented the street sign to Coach Jennings to pass on to the family expressing hope that within the next couple weeks there will be a change of signs on Carter Street. He stated he would work that out with Public Works and the Committee and family members could meet on the site and officially place the sign in display.

RIGHT-OF-WAY NAME CHANGE (Continued)

Sgt. Carter thanked everyone for their service to the city, noting that he has been with the department twenty years, explaining that police officers do other things in the community. He stated he has been coaching at Howard for the last twelve years, again stating police officers do other things in the community. He stated he and Coach Tarver wanted to do something at Howard that would leave a legacy; that Reggie was a good man and was a spokesman for the city. He stated changing the street sign will actually benefit more than people know, especially when the Division 1 Championship Game comes in December – everyone will walk, drive and pass by Reggie White Boulevard and know he was from Chattanooga! He concluded his comments by expressing thanks to all.

Councilman Pierce recognized other members of the Committee who were present – Herman Prater, Sr., Mae Adams and Coach Alvin Tarver.

Vice Chairman Benson expressed appreciation to everyone for what they have done for Reggie, noting that he was a good role model; that the good he did for everyone goes back to them!

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 1600 THROUGH 2100 BLOCKS OF CARTER STREET (BETWEEN WEST MAIN STREET AND 21ST STREET) TO THE 1600 THROUGH 2100 BLOCKS OF REGGIE WHITE BOULEVARD, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT A 2009 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS CLEANUP GRANT FOR CLEANUP OF PROPERTY AT 400 WEST 45TH STREET, TAX MAP NO. 167C-H-002, IN AN AMOUNT UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), AND FURTHER AUTHORIZING THE REQUIRED MATCHING FUNDS OF TWENTY PERCENT (20%), OR AN AMOUNT UP TO FORTY THOUSAND DOLLARS (\$40,000.00)

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT A 2009 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS REVOLVING LOAN FUND GRANT IN AN AMOUNT UP TO ONE MILLION DOLLARS (\$1,000,000.00) TO ESTABLISH A REVOLVING LOAN FUND FOR BROWNFIELDS CLEANUP AND DEVELOPMENT, AND FURTHER AUTHORIZING THE REQUIRED MATCHING FUNDS OF TWENTY PERCENT (20%), OR AN AMOUNT UP TO TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)

was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO CY YOUNG INDUSTRIES, INC. TO RECOVER THE SEATS ON THE MAIN FLOOR AND BALCONY AREA OF THE TIVOLI THEATRE IN A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-FOUR AND 62/100 DOLLARS (\$117,974.62)

was adopted.

ALLOCATION MANAGEMENT

Councilwoman Robinson stated this matter was discussed in Committee in detail by Beverly Johnson, Administrator for the Department. She stated the deadline for this is very important and approval is recommended tonight in order to qualify to receive funds within the deadline stipulated.

Councilman Rico asked if there is a need to amend the resolution in reference to a different figure. Dan Johnson confirmed that the amount is covered in the resolution.

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO MANAGE AN ALLOCATION OF TWO MILLION ONE HUNDRED THIRTEEN THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$2,113,757.00) FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AWARDED UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM AND ANY SUB-ALLOCATIONS FROM THE STATE OF TENNESSEE THAT MAY BE AWARDED TO THE CITY UNDER THIS SAME PROGRAM

was adopted.

CHANGE ORDER

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. S-07-010-201, PRIVATE SANITARY SEWER SERVICE LATERAL REPAIR (SLAP), WITH STREET CUTS, LLC, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND DOLLARS (\$1,000.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THIRTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$13,250.00), AND RELEASING THE CONTINGENCY FUNDS IN THE AMOUNT OF EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$875.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. S-08-002-201, PRIVATE SANITARY SEWER SERVICE LATERAL REPAIR (SLAP), WITH STREET CUTS, LLC, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND FOUR HUNDRED DOLLARS (\$3,400.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$25,900.00), AND RELEASING THE CONTINGENCY FUNDS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. S-08-003-201, PRIVATE SANITARY SEWER SERVICE LATERAL REPAIR (SLAP), WITH STREET CUTS, LLC, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$1,125.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOURTEEN THOUSAND FIFTY DOLLARS (\$14,050.00), AND RELEASING THE CONTINGENCY FUNDS IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$1,875.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 RELATIVE TO CONTRACT NO. W-05-007-102, WARNER PARK COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-ONE THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$471,550.00)

was adopted.

AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE AMENDMENT 2 TO AN AGREEMENT BETWEEN GSL ENERGY SOLUTIONS, LLC (GSL) AND THE CITY OF CHATTANOOGA WHICH PROVIDE BIOSOLIDS AND WOOD MULCH FOR THE EXPRESS PURPOSE OF ALLOWING GSL TO PERFORM A FULL SCALE TEST OF THEIR PROCESS TO CONVERT BIOSOLIDS AND/OR WOOD MULCH INTO BIO-OIL. THIS AMENDMENT 2 EXTENDS THE TERM OF THE AGREEMENT BY ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE END DATE OF OCTOBER 25, 2008 OF AMENDMENT 1. ALL REMAINING CONDITIONS IN SECTION 10 SHALL REMAIN IN FORCE

was adopted.

OVERTIME

Overtime for the week ending October 30, 2008 totaled \$5,767.77

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **TERRY MARTIN** – Return from Military Leave, Captain, effective November 2, 2008.

PERSONNEL (Continued)

- **CHRISTOPHER LAFERRY, DEMETRIC OWNERS, MICHAEL ERVIN** -- Promotion, Senior Firefighter, FD2A, \$36,004.00 annually, effective October 24, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- **APRIL BOLTON** – Family Medical Leave, Police Officer, effective October 29, 2008 – January 21, 2009.
- **SARAH REGGLE-FULLER** – Family Medical Leave, Police Officer, effective October 21 – December 16, 2008.

PUBLIC WORKS DEPARTMENT:

- **JAMES H. FRANCIS, JR.** – Return from Leave of Absence, Equipment Operator 4, City Wide Services, effective October 27, 2008.
- **HAROLD J. MURRAY, III** – Return from Family Medical Leave, Equipment Operator 3, City Wide Services, effective October 27, 2008.
- **ARLEY L. HARVEY** – Return from Family Medical Leave, Equipment Operator 3, City Wide Services, effective October 24, 2008.
- **HAROLD J. MURRAY, III** – Family Medical Leave, Equipment Operator 3, City Wide Services, effective October 21, 2008 – January 13, 2009.
- **WILLIAM M. DUNSTAN** – Family Medical Leave, Crew Worker 1, City Wide Services, effective October 10, 2008 – January 2, 2009.

GENERAL GOVERNMENT DEPARTMENT:

- **PAMELA SWINNEY** – Hire, Internal Auditor 1, PR/19, \$51,000.00, effective October 10, 2008.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following hotel permits were approved:

HOTEL PERMITS (Continued)

COURTYARD BY MARRIOTT – 2210 Bams Drive, Chattanooga, TN

HOLIDAY INN EXPRESS & SUITES – 440 West M. L. King Boulevard, Chattanooga, TN

PETTIT HOUSE – 109 Ochs Highway, Chattanooga, TN

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilman Shockley, the Administrator of Finance was authorized to issue the following refunds for Water Quality Fees and/or Property Taxes Overpayments, Exemption by the TSBE on Land and Buildings, and Assessor of Property Equalization Value Change for Personalty Tax Portion of In Lieu of Taxes, respectively:

LBC CHATTANOOGA NO. 1, Map. No. 110A-B-001, \$7,717.05

AIM CENTER, INC., Map No. 145C-B-008, \$4,354.28

AERISYN INC., Personalty 1032125, \$1,937.56

WNA AMERICAN PLASTIC INDUSTRIES, INC., Personalty 1028502, \$3,975.38

CUSTOM BAKING COMPANY, Personalty 1029293, \$1,877.38

DUPONT-SABANCI INTERNATIONAL, LLC, Personalty 1030855, \$2,148.49

REGIS CORPORATION, Personalty 1016109, \$1,394.48

SIGNAL MTN. CEMENT, Personalty 1021974, \$13,551.37

BOARD APPOINTMENTS

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following Mayoral appointments/re-appointments to the ***COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE*** were approved:

- Re-appointment of ***LARRY HIGH*** as the Alton Park Representative required by *City Code*, for a two-year term expiring November 4, 2010.

BOARD APPOINTMENTS (Continued)

- Appointment of **JEREMY KLUTZ** as the South Chattanooga Representative required by *City Code* for a two-year term (filling the expired term of Larry Means) for a term expiring November 4, 2010.
- Appointment of **CHRISTY BONNER** as the North Chattanooga Representative required by *City Code* for a two-year term expiring November 4, 2010.
- Re-appointment of **ELLA BRYANT** as the Public Housing Resident Representative required by *City Code* for a two-year term expiring November 4, 2010.
- Re-appointment of **SHARI JUMP** as the Highland Park Representative required by *City Code* for a two-year term expiring November 4, 2010.

BOARD APPOINTMENTS

On motion of Councilwoman Berz, seconded by Councilwoman Gaines, the following District appointments to the **COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE** were approved:

- Appointment of **SCOTT LOUISELL** for a term expiring November 4, 2011 representing District 2.
- Appointment of **PETER YAKIMOWICH** for a term expiring November 4, 2011 representing District 6.
- Appointment of **ROBERT L. PARIS** for a term expiring November 4, 2011 representing District 8.

DEPARTMENTAL PURCHASES

On motion of Councilman Rico, seconded by Councilman Shockley, the following purchases were approved for use by the various departments:

GENERAL SERVICES:

AMERICAN TEST CENTER (Lowest and best bid)
R0114213/B0005569

DEPARTMENTAL PURCHASES (Continued)

Annual Blanket Contract for Aerial Testing Services, December 1 – 31, 2008

\$10,428.00

BATTERY ZONE, INC. (Best evaluated complete bid)
R0114607/B0005560

Requirements Contract for Radio Batteries, November 5, 2008 – November 4, 2009 (*Both lower bids offered by Power Products Unlimited, Inc. and Alexander Technologies were considered non-responsive for submitting incomplete bids*)

\$17,332.50

INDUSTRIAL WELDING & SUPPLY (Lowest and best bid)
R0113621/B0005550

Requirements Contract for Welding Gases, November 5, 2008 – November 4, 2009

Based on Unit Prices Bid

CHEROKEE TRUCK EQUIPMENT (Single source)
R0112542

Requirements Contract for Genuine OEM Heil Truck Parts per TCA 6-56-304.2

Based on Unit Prices Bid

PUBLIC WORKS:

POWER EQUIPMENT COMPANY (Single source)
R0113750/B0005542

Annual Blanket contract for Komatsu/Dresser Heavy Equipment, November 6, 2008 – November 5, 2009 per TCA 6-56-304.2 (*Power Equipment Company is the only authorized Komatsu parts and service center in the Chattanooga area.*)

Based on Hourly Unit Prices Bid

DEPARTMENTAL PURCHASES (Continued)

TEMPLE, INC. (Single source)
R0115398

Wireless Detectors per TCA 6-56-304.2

\$11,266.00

TEMPLE, INC. (Single source)
R0115407

Traffic Control Cabinets per TCA 6-56-304.2

\$22,085.00

PARKS AND RECREATION DEPARTMENT:

FRANK ELLIS (Only bid)
R0113742

Annual Blanket Contract for Carousel Restoration and Repair Services per TCA 6-56-304.6

Based on Hourly Unit Price Bid

SINGLE SOURCE PURCHASE INQUIRY

Councilwoman Gaines inquired as to the single source purchase with Komatsu, noticing that there were five bids but it was a single source purchase. She asked if it is common to receive five bids if the purchase falls within TCA 6-56-304.2.

Dan Johnson responded that five bids were sent out and only one was received; that districts for power equipment have a franchise in this area.

Councilwoman Gaines stated that she understands that and continued to question the necessity to send out five bids when using a single source supplier.

SINGLE SOURCE PURCHASE INQUIRY (Continued)

Mr. Johnson stated five bids were sent out to the distributors for Komatsu/Dresser equipment to various districts and as he understands it only one replied; that sometimes they try to get competition but some will not do it.

Councilwoman Gaines stated when TCA 6-56-304.6 "goes" with a company why the need to send out bids.

Mr. Johnson expressed that he understood, noting there was not a need to send out to five bidders.

FIRE HAT

Councilwoman Berz directed attention to the fire hat on the dais in front of her, noting that it was presented to her by the Fire Department for helping with a project for which she takes absolutely no credit. She stated the Department is to be commended for a project in her area in conjunction with the Red Cross in delivering smoke detectors.

Asst. Chief Parker stated that the smoke detectors were donated by the Board of Realtors, who came out to help install them. He stated there was a great turnout of about 70 people, which is the largest turnout ever. He stated the only thing they need to work on is the start time that may need to be "bumped back"; that they started at 8:30 a.m. and woke some people up! He stated it was a good day, great weather and expressed appreciation to Councilwoman Berz for coming out and walking with them.

Councilwoman Robinson expressed thanks to the Fire Department and Councilwoman Berz!

COUNCILMAN SHOCKLEY

Mention was made that this was Councilman Shockley's last evening with the Council; however, clarification was given that it was not.

Councilwoman Robinson stated if it is his last night she wanted to report that it has been a pleasure to sit next to him these past few months and that he has served the city well. She stated she wanted to be the first to say it has been a pleasure to work with him.

Vice Chairman Benson stated if there is ever a need for a replacement the Council will not have to interview him (Shockley)!

COUNCILMAN SHOCKLEY (Continued)

Councilwoman Shockley responded that he would be unavailable!

Councilman Pierce stated it would be at least a couple weeks before the vote is verified and Councilman Shockley's vacation is not quite ready to start.

City Attorney Nelson stated Councilman Shockley represents District 5 and is doing a fine job. He stated as it relates to his replacement, that will be voted upon today and he does not know when plans are for the Election Commission to meet to certify the winners. He stated if they meet before next Tuesday, then we bid Mr. Shockley a fond farewell; if not, he will be called upon to continue for another week.

Councilman Pierce asked the City Attorney if he has ever known the Election Commission to meet that soon to verify.

City Attorney Nelson responded that there has been a time or two.

Vice Chairman Benson acknowledged that he has enjoyed serving with Mr. Shockley.

Councilman Page stated that he has enjoyed with him in case it is his last night, but expressed his thought that he would be "on board" awhile.

Councilwoman Berz stated from experience he would be on the Council another two weeks. She stated she has enjoyed every minute of his being on the Council and that he is doing a great job!

Councilman Pierce asked if anyone has reminded Councilman Shockley that December 19 is the last qualifying date.

Councilman Shockley responded "vaguely"!

COMMITTEES

Councilman Rico reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, November 11 immediately following the agenda session** to discuss items on the agenda for the current and following week.

COMMITTEES (Continued)

Councilman Page stated the Economic Development Committee met this afternoon to discuss the Scenic Industries PILOT that will be coming forward next week for action. He stated during the discussion of the PILOT agreement and abatement of taxes, Daisy Madison was asked to look at what the city is doing in terms of educational programs for youth; that the focus of the discussion was to give companies that come before us for abatement of taxes an opportunity to invest in young people in our community by the various educational programs we do through the Arts and Culture Department and our Recreation Department. He stated we do have after-school programs, tutoring and a lot going on like that to consider, giving companies that come before us an opportunity to help with the focus on our youth and the future of our city in those endeavors.

Vice Chairman Benson stated that the city does spend quite a bit on education and if the PILOT program is helping the county we need to see how much we are spending. He expressed thanks to Councilman Page for his creativity in thinking this through.

City Attorney Nelson stated as part of the Public Works Committee next week, one of the topics will be the EPB cable franchise and there may be interested people who want to be present.

GARY POOLE

Gary Poole spoke as a resident of District 5 and expressed sincere appreciation to Councilman Shockley for his time and efforts in representing the District.

ADJOURNMENT

Vice Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, November 11, 2008 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)**