

Municipal Building
Chattanooga, Tennessee
September 3, 1996

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Crockett, DiStefano, Eaves, Hurley, Lively, Pierce, Rutherford and Swafford present. City Attorney Randall Nelson and Carol O'Neal, Clerk of the Council, were also present.

INVOCATION

Councilman Crockett gave the invocation for the evening.

MINUTE APPROVAL

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

REZONING

1996-159: City of Chattanooga

On motion of Councilman Lively, seconded by Councilman Eaves,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED IN THE 8300, 8400 AND 8500 BLOCKS OF
APISON PIKE AND THE 4300 AND 4400 BLOCKS OF WOODLAND
DRIVE SOUTHWEST OF LITTLE DEBBIE PARKWAY TO M-1
MANUFACTURING ZONE

passed second reading. On motion of Councilwoman Hurley, seconded
by Councilman Crockett, the ordinance passed third and final reading
and was signed in open meeting.

1996-97 BUDGET

City Attorney Nelson stated the ordinance has been amended to
reflect two personnel changes in the Public Works department.

1996-97 BUDGET (Cont'd.)

Councilman Pierce stated he has not had opportunity to read the budget document and inquired as to whether the tax rate reduction is included in the ordinance. Admin. Boney responded "yes;" that there is a reduction of twenty-eight cents (.28).

Councilman DiStefano made the motion to accept the amended version of the ordinance; Councilwoman Hurley seconded the motion; the motion passed.

On motion of Councilman DiStefano, seconded by Councilman Crockett, AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FY 96-97 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, AND ENDING JUNE 30, 1997, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND AMENDING CHATTANOOGA CITY CODE, PART II, SECTION 11-1

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

GUNBARREL ROAD STUDY

Chairman Hakeem clarified that the discussion involving the Gunbarrel Road study will be held at the Council meeting scheduled for Tuesday, September 17.

CLOSE AND ABANDON

1996-180: Astec Industries, Inc.

Mr. Bennett stated the request is for abandonment of a right-of-way on Jerome Avenue extending from the southeast at Hamill Road to the west end at East 39th Street; that the request also includes abandonment of a spot on East 40th Street extending east on Jerome Avenue. He stated both the Staff and Planning Commission recommend approval of the abandonment subject to certain conditions.

Richard Bethea of Stophel and Stophel represented Astec Industries and distributed information regarding the Company. He introduced Larry Wagner, Vice President of Astec, who was present to answer questions Council members might have.

CLOSE AND ABANDON (Cont'd.)

Mr. Bethea stated Astec has been in Chattanooga since 1972 and was founded and run by Chattanoogaans; that Astec is presently the world's leading manufacturer in hot mix asphalt for road building and construction, milling machines and paving machines. He stated five Chattanoogaans founded Astec and in the first year they did \$5 million in sales and purchased the building out of bankruptcy on Jerome Avenue. He made reference to the information distributed and stated the different colored styles in the material represent the tracks through history Astec has made; that the Astec Plant here in Chattanooga does sales of over \$150 million and employs 900 people from the Chattanooga area.

Mr. Bethea stated Astec has expanded around the United States with subsidiaries in Milwaukee, Wisconsin; Grand Prairie, Texas; and Albuquerque, New Mexico. He stated there is a need to expand their world headquarters located on Jerome Avenue; that over the years it has expanded to use all of its usable space; that all of the land presently usable in the original Astec facility are occupied. He stated the remainder of the property is a wetland and is environmentally protected and a retaining wall has been built. He stated they had to engage in a three step process to acquire additional land across Jerome Avenue and ancillary facilities; that it was determined the use of additional property could be used cost-effectively and are using all their presently available space. He stated Astec is presently doing the hot mix asphalt inside the building facility that has been expanded over the years; that Astec's capital investment to Chattanooga has spent \$40 - \$50 million. He stated presently \$30 million is spent in revenue for payroll, and they now occupy 630,000 square feet in Chattanooga.

Mr. Bethea continued by stating in order to increase their manufacturing capacity they have to be able to move equipment at different stages of development; that they have to expand across Jerome Avenue and gate off Jerome Avenue in order to redo the present facility and move their manufacturing operations along the new and existing building and have free access across Jerome Avenue. He stated there are other options but their preference is to expand their world headquarters. He stated in order to expand they must move across the street; that consolidating their Georgia operations into the world headquarters facility will allow for expansion over the next several years; that this expansion and closure of Jerome Avenue is essential to them. He stated it is their intention to gate Jerome Avenue in two areas: on the East 39th Street end and the Hamill Road end, as well as on 40th Street allowing for access to the property in the back. He stated the majority of the road traffic is Astec-related.

CLOSE AND ABANDON (Cont'd.)

Seymore Talley, Pastor of Galilee Baptist Church, stated he realizes the impact Astec has on the city but is also familiar with the machines they make and their operation. He stated he is present to say closing Jerome Avenue will put Piney Woods' and Wheeler Homes' residents at Astec's mercy. He made reference to ambulances having to go down Rossville Boulevard and then back to Piney Woods or Wheeler Homes which would take fifteen more minutes if this road is closed; that safety would be greatly reduced! He stated if they go around Dorris Street you cannot get out after dark and the same holds true for Central Avenue. He stated he has nothing against expansion but is against putting himself and his neighbors at risk for a company. He stated they do have a beautiful building, but (he) still does not see where this road should be closed; that they have to travel seven additional blocks just to get to the store (Pruett's). He stated Mr. Bethea stated most people traveling the road work for Astec, but they do not; that the residents of the area go through there all the time. He stated people in Piney Woods and Wheeler Homes have to travel the road or go to Rossville Boulevard; that to close off this road would greatly put them at risk.

Tommy Ashford, President of the Alton Park/Piney Woods Community organization and Precinct Chairman for St. Elmo, stated the pictures shown tonight are nice but this closure brings a hardship on Alton Park; that most of the residents use that road to go to the store. He stated as small as the road is, it is not going to give Astec a whole lot of room; that the last time they transferred across the street the traffic was not heavy; that when traffic is heavy it is from their employees going home or going to work. He stated the time they do most of the transporting across the street is in the day, and it is not causing a hazard; that people stop while this is happening, and it is no big thing. He stated if the street is closed we will have to go down to Rossville, or go around 39th Street down Central or Fagan which causes a problem for them (residents). He stated it seems like everything they want changed comes through Alton Park; that they are having to go through the same thing with the highway, now, and have been fighting it for the last six-or-seven years. He asked that Astec think about what they are doing to them out there; that they have a Councilman and district leaders they hope will look out for them. He stated they have put up with this for a long time and hope their Councilman and other city leaders will think about them; that this company is in a predominantly black area, asking how many black people work for them in their plants. He stated when they get ready to do what they (Astec) want to do they (residents) hear about it after it is in process; that they go to the polls to elect people they feel will support them.

CLOSE AND ABANDON (Cont'd.)

Brenda Millsaps, President of the Emma Wheeler Homes Residents Association, expressed her opposition to the proposal for the reasons previously stated by those before her as it causes a hardship on the community. She stated they have people who drive cars and take the short route to the store; that many of the people shop at Pruett's. She stated she stands in opposition because of the lack of color this company hires and is appalled at the other companies that have junk cars around their community. She stated they will be coming back before the Council to discuss that issue at another time as junk cars are everywhere. She asked that the elderly be considered, as well as the children; that they stand together as a community to speak out that they do not want this happening as it will cause a big problem. She presented a petition signed by 300 persons in the area who do not want the street closed. (Petition is filed with minute material of this date.)

Charles Shropshire stated since 1979 he has owned a piece of property a block from Astec. He stated it has been said this road is used only by those employed with Astec; that he sits out on his porch sometimes, and it is as busy as Rossville Boulevard and closing the road would be awful. He made reference to the property that is considered a wetland in the back of Astec's property, stating if that is wetland property they have built on the rest of it.

Mr. Bethea stated these are some of the concerns that were raised at the Planning Commission meeting, and they tried to take a close look at the situation. He stated by their estimate the closing of Jerome Avenue for the discerning driver would mean simply going down Hamill Road, turning on Jerome Avenue and backing onto 37th Street; that they are doing that, coming down from their area turning onto Hamill Road and Jerome Avenue, going over to 37th and coming out to Rossville Boulevard. He stated the most direct route is one going down Hamill Road down to Rossville Boulevard and turning left which is an additional one-to-two minutes of travel in a car; that the City Engineer has confirmed figures on that. He stated they realize for some people this will be a minor inconvenience. He stated they have had consulting engineers studying the traffic pattern and the conclusion was a majority of this traffic is directly related to Astec. He stated Astec is an equal opportunity employer and employs minorities of all races throughout its plants. He could not give specific statistical data, but reiterated the company is an equal opportunity employer and employs persons regardless of color; that if that person is qualified, they have an opportunity to work and that is their commitment to the Chattanooga community. He stated they have 900 people working with Astec from Chattanooga and in and around the community area, but could not give the Council specific numbers. He stated they are very proud of their position on this matter.

CLOSE AND ABANDON (Cont'd.)

Mr. Bethea continued by expressing that there is a misunderstanding; that the equipment going across Jerome Avenue is completed material for storage before shipping. He stated in order to operate they must move some of the manufactured equipment across Jerome Avenue; that on a continuous basis equipment must be taken out and moved across the street.

Councilman Swafford asked for clarification as to Mr. Bethea's knowledge of the percentage of minorities employed with the company. Mr. Bethea stated he could not give exact figures and is concerned about being accurate. He stated they do have minorities in all their facilities around the United States with a percentage of at least 8 - 10 percent, even higher, but could not give the specific number at the Jerome Avenue facility; that Astec is very progressive and forward-looking in that area. He stated the background of the applicant is of no consequence to them; that they would love to have persons in this district to come in and apply.

Councilman Swafford asked if Mr. Wagner knew the percentage. Mr. Wagner responded "no."

Councilman Swafford asked if there was any attempt to sit down and talk with any of the organizations or any attempt to meet with the residents before now. Mr. Bethea stated they did make an attempt and have tried over a period of weeks and months but were unsuccessful in contacting them.

Mr. Wagner stated they interviewed all the people with property adjacent to them that they could identify; that some of this property is owned by out-of-state people. He stated most of the people they looked at were the people they felt would be the most impacted in what they are about to do, reiterating that they contacted just the people who had property adjacent to Astec.

Mr. Bethea stated they heard the concern of the residents at the Planning Commission, and they chatted with some of them and talked to the emergency service people about the concerns the gentleman (Talley) expressed. He stated as far as this is concerned, the emergency companies do not use this area regardless of the area they come from; that the additional time it takes to get to the area is very, very minimal. He stated they made attempts to contact people who had spoken at the Planning Commission to convey information and assure them they are doing everything they can to minimize the problem. He stated they want to make sure they are not going to be a burden to the community.

CLOSE AND ABANDON (Cont'd.)

Councilman Crockett stated the people who do not live adjacent to the property have an interest, as well. He inquired as to the capital expenditures of the company.

Mr. Bethea stated he did not mention what they planned to do in the future; that he made reference to going from five employees to 900 in the last 25 years and went from a \$5 million to \$55 million. He stated they will be able to expand over the next three years an additional 200-300 jobs.

Mr. Wagner stated it cost them \$50,000 to keep the building from leaking and have developed a machine to test paving; that the machine has been patented, and they have sold several of them. He stated they started that job and moved it to Atlanta and need to have a separate facility as they have to keep growing.

Councilman DiStefano stated he noticed in the resolution the city will retain all easements; that it is his understanding Astec is not proposing to build any building and does not need the right-of-way. Mr. Bethea responded "that is correct;" that they are planning to close off traffic on the road; that the underground utilities need to be protected. He stated they will not tear out and build on Jerome Avenue.

Councilman DiStefano stated he had an added thought as an alternative to closure of the road; that some type of franchise arrangement that will grant a franchise to close down certain hours of the day but allow it to be open during peak traffic hours. He stated this will address some of the concerns of the neighborhood and have it closed off during the working day to move equipment back-and-forth during evening and weekends. He asked City Attorney Nelson what options are available under that scenario. City Attorney Nelson responded that he supposed it could be justified from a traffic viewpoint. Admin. Marcellis stated most of the traffic in the morning rush is Astec's; that they have three shifts all day long.

Mr. Bethea stated that would not work; that their shifts run 24 hours per day; that at slower times of the year there are two shifts and for all the day time and evening time the people would tend to use the road.

Councilman DiStefano stated he is not talking about pick-up trucks but large pieces of equipment having to be moved back-and-forth; that he would think Astec would have the ability to schedule that to allow a two-to-three hour window.

CLOSE AND ABANDON (Cont'd.)

Mr. Bethea again stated "that would not work;" that the equipment finishes up in a certain period of time and is a continuous operation. He stated it is simply not practical to do that and that is why this is the step they took.

Councilman Crockett stated this is an important company to Chattanooga and this is also a very active neighborhood. He stated it seems there has not been a full understanding between all the parties and the company to this point about what Astec's plans are. He stated that should happen before we try to make a judgment here and offered that as a suggestion to give ourselves time.

Mr. Bethea stated they are certainly willing to cooperate; that the problem is they have been working on this since February or March and in order to move along, they do have the need to move forward; that they have no problem making contact. He suggested that they make a commitment to the Council that they will arrange to meet with the community and could have a community meeting at Astec to answer questions and explain. He stated as far as an alternative to the closure, there is not any; that he does not want to sound disingenuous as they do care about the concern, but it is a question of their closing to expand or they cannot. He stated they need to be able to move along those roads. He stated they would be happy to commit to those people and do everything they can to help them with their concern, but it will not change the fact they need the closure. He stated they do not want to mislead anyone, but they will be coming back with the same request.

Councilman Crockett stated he understood, but his suggestion was to give enough time for understanding between both parties; that it will be in Astec's best interest. Mr. Bethea stated they would be more than happy to do that.

Chairman Hakeem expressed appreciation for the impact and worth of Astec to the city, but also appreciates the value of our citizens and tries not to have conflict between the two. He stated when we talk about Astec talking with the neighborhood, we are not talking about the businesses around Astec, we are talking about the people who are here (present); that when he heard Mr. Bethea talk about it taking one-or-two minutes more by car, some people in that community do not have cars, and they have to walk and take taxis. He stated there are many senior citizens in that community. He stated he feels there is no flexibility on Astec's part and does not see or hear anything concrete regarding Astec's willingness to look at employing people from that community; that the company does not employ persons of African decent in any real number.

CLOSE AND ABANDON (Cont'd.)

Chairman Hakeem asked what type of neighbor Astec is to the community around them; that there might be some things Astec can do, and the residents will be able to look at this in another light. He stated he has not heard anything from Astec that says they are willing to look at this at all from some type of partnership; that he has heard a lot of vague things. He stated there needs to be a feeling that something concrete can come out of this with some type of partnership. He stated if Astec comes back before the Council, has the same position and has developed no relationship with the community, the people in the community will feel once again that they have been "stepped on by the system." He stated we need to build better relations in our communities than that.

Mr. Bethea stated he understands Chairman Hakeem's concerns; that they need to be able to close that area, and he is not trying to sound arbitrary; that his is an essential element of their being able to expand. He stated they desire to work with the community and would be more than happy to arrange a meeting with the community to explain what it is they are trying to do and explore ways to resolve them. He stated this is a community that is away from our facility and feels he would be disingenuous if he said they will meet with this community to get this passed; that that is not how they operate. He stated their record speaks for itself; that they would like to have members of the community involved in this company and have a close partnership with them and will take steps to do that. He stated they are patriots when it comes to Chattanooga, and they are proud of that area. He stated it would not be honest or fair to give "lip service" to what Chairman Hakeem's concerns are; that they are making a difference in that community and will meet with the community. He stated the only thing they can do is educate them about the opportunities that exist at Astec and encourage them to apply; that they can't not close that road; that they will make a commitment they will meet with the community and facilitate that before the second and third reading.

Chairman Hakeem again stated he sensed no commitment; that we are talking about employment. He stated to say they can come in the door and apply is not developing an understanding; that when you talk about expanding, think about the community Astec is in. He stated he can appreciate what Mr. Bethea is saying but feels as strongly about the people and community Astec is in as Astec feels about the expansion.

Mr. Bethea stated "they do, too;" that Chairman Hakeem is asking Astec to make a concrete, quantifiable commitment. He stated they will hire qualified people from that community.

CLOSE AND ABANDON (Cont'd.)

Councilwoman Rutherford stated Astec has made a tremendous commitment to this community and employs 900 persons; that they have invested millions in this community. She stated she appreciates the attitude of the neighborhood; that traffic islands have been installed in her neighborhood which has inconvenienced her. She stated she understands all that has been said; that the residents will go down Hamill Road and turn left; that two-to-three minutes is not much in the residents' life, but 900 jobs is a lot for Chattanooga.

At this point Councilwoman Rutherford made the motion to approve the request with Councilman Lively seconding.

Councilman Crockett stated all on the Council can appreciate 900 jobs and the value of a Chattanooga-owned company. He stated it has been a practice of this Council on every significant issue involving the community to make sure of getting a "win-win" situation from the start so that companies can be on "good footing" with the community.

Councilman Pierce expressed appreciation for Astec's position and stated the real question has not been answered. He stated we know over a period of time how many millions we have benefited from and we have spoken on the issue of employment about three times but no one can really address the minority participation. He expressed wonderment as to why the road is being closed and the real benefit; that it does not benefit the community nor Chattanooga residents as a whole. He inquired as to whether jobs are being supplied to residents of North Georgia and their being able to come down that road; that these are some of the questions he would need to have answered before he can vote on this; that he will not vote positively tonight, but maybe on second and third reading if it is closed, he might have a different attitude. He stated he would like for Astec to supply this Council with their employment record as to how many minorities are employed and how many are employed from the state of Tennessee; that he does not think that is asking too much.

Councilwoman Rutherford asked if Councilman Pierce is asking for additional time. Councilman Crockett responded he was going to move and amend for a period of time before a vote is taken. Councilman Lively suggested that the matter pass on first reading and hold second and third reading for two weeks.

Councilman Pierce made the motion to table the matter two weeks so that Astec can meet with the community; Councilman Swafford seconded the motion.

CLOSE AND ABANDON (Cont'd.)

Chairman Hakeem stated there needs to be some discussion with the community regarding their concerns; that Astec invited the community to their plant, but the community might want Astec officials to come to the community. He suggested that the Councilperson for the district should be invited. Mr. Bethea stated he will be happy to do that. Councilman DiStefano suggested that Ms. Millsaps and Mr. Ashford could help with this.

Councilman Swafford expressed appreciation for what Astec is doing; that he would like to have a copy of the information regarding employment supplied to all Councilpersons.

On motion of Councilman Pierce, seconded by Councilman Swafford,
AN ORDINANCE CLOSING AND ABANDONING THE 1200 BLOCK OF
EAST 40TH STREET AND THE 3900-4100 BLOCKS OF JEROME
AVENUE LOCATED SOUTH OF EAST 39TH STREET AND NORTH OF
HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, UPON
CERTAIN CONDITIONS

was tabled two weeks; on roll call vote:

Crockett	"Yes"
DiStefano	"Yes"
Eaves	"No"
Hurley	"No"
Lively	"No"
Pierce	"Yes"
Rutherford	"No"
Swafford	"Yes"
Hakeem	"Yes"

ACCEPTANCE OF FIRE HYDRANTS

On motion of Councilman Lively, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF FOUR (4)
FIRE HYDRANTS AND TWO THOUSAND (2,000) FEET OF WATER
MAIN FOR PUBLIC FIRE PROTECTION AT LOCATIONS MORE
PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING PAYMENT
OF THE TARIFF THEREFOR
was adopted.

CONTRACT AMENDMENT: MARCH ADAMS & ASSOCIATES

On motion of Councilman Pierce, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF GENERAL SERVICES TO EXECUTE AN AMENDMENT
TO AN EXISTING CONTRACT WITH MARCH ADAMS & ASSOCIATES
SO AS TO INCREASE THE CONTRACT AMOUNT FROM \$25,944.10
TO \$33,944.10

was adopted.

DEED

Admin. Traughber explained this property is located at the corner of
Winding Road and Town Hill Drive for an ambulance station in Hixson.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED
TRANSFERRING TAX MAP PARCEL 3100H-B-006 TO HAMILTON
COUNTY FOR THE SUM OF \$1.00

was adopted.

AGREEMENT AMENDMENT: PIEDMONT
OLSEN HENSLEY

On motion of Councilman Crockett, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO.
5 TO THE AGREEMENT WITH PIEDMONT OLSEN HENSLEY FOR
ENGINEERING SERVICES DURING SEWER CONSTRUCTION CONTRACT
NO. 73A-2, BIG RIDGE COLLECTION SYSTEM II, WHICH
AMENDMENT INCREASES THE CONTRACT BY FIFTEEN THOUSAND,
TWO HUNDRED DOLLARS (\$15,200.00) FOR A REVISED CONTRACT
PRICE OF NINETY THOUSAND, THIRTY-FIVE DOLLARS
(\$90,035.00)

was adopted.

EMINENT DOMAIN

On motion of Councilman Swafford, seconded by Councilwoman
Rutherford,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST
JANE BELCHER FROST FOR A RIGHT-OF-WAY EASEMENT ON TRACT
NO. 16, CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN
CREEK ROAD

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 2, CONTRACT NO. 73A-2, BIG RIDGE COLLECTION SYSTEM
II, WITH JWT, INC., WHICH CHANGE ORDER INCREASES THE
CONTRACT AMOUNT BY SEVEN THOUSAND, ONE HUNDRED EIGHTY
DOLLARS (\$7,180.00) FOR A REVISED CONTRACT PRICE OF ONE
MILLION, SEVEN HUNDRED FORTY-NINE THOUSAND, ONE HUNDRED
FIFTY-NINE AND 86/100 DOLLARS (\$1,749,159.86)

was adopted.

SEWER EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman
Swafford,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM RICHARD L. BERGSTROM AND KATHRYN L.
BERGSTROM, RELATIVE TO CONTRACT NO. 73B-2, BIG RIDGE
COLLECTOR SEWERS IV, TRACT NO. 705.2, FOR A
CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00)

was adopted.

RIGHT-OF-WAY PURCHASE

Admin. Marcellis explained this is commercial property on the
northwest corner of Hixson Pike and North Point Boulevard.

Councilman Pierce asked if the price is for the whole parcel.
Admin. Marcellis stated they are trying to relocate a traffic signal
controller; that in this coming year's capital budget his department
is asking for road widening, and this will be the first step in that
process.

On motion of Councilman Crockett, seconded by Councilwoman
Rutherford,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM HELEN P. AUSTIN, RELATIVE TO NORTH POINT BOULEVARD
WIDENING, TRACT NO. 2, FOR A CONSIDERATION OF FIFTEEN
THOUSAND DOLLARS (\$15,000.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM CHARLES S. SLOAN AND ALBERTA C. SLOAN, RELATIVE TO
CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT
NO. 9, FOR A CONSIDERATION OF TWO HUNDRED TEN DOLLARS
(\$210.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM EDNA WOFFORD, RELATIVE TO CONTRACT NO. RW-5-96,
NORTH CHAMBERLAIN AVENUE, TRACT NO. 10, FOR A
CONSIDERATION OF TWO HUNDRED FIFTEEN DOLLARS (\$215.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM KATIE WHITE, RELATIVE TO CONTRACT NO. RW-5-96,
NORTH CHAMBERLAIN AVENUE, TRACT NO. 13, FOR A
CONSIDERATION OF ONE HUNDRED SIXTY DOLLARS (\$160.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM DAISY B. REID AND CHARLES MOON, RELATIVE TO
CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT
NO. 14, FOR A CONSIDERATION OF ONE HUNDRED EIGHTY
DOLLARS (\$180.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM DONNY L. TUGGLE, RELATIVE TO CONTRACT NO. RW-5-96,
NORTH CHAMBERLAIN AVENUE, TRACT NO. 16, FOR A
CONSIDERATION OF ONE HUNDRED SIXTY DOLLARS (\$160.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Swafford, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM BERNICE P. BALL, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 21, FOR A CONSIDERATION OF TWO HUNDRED DOLLARS (\$200.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM LUKE JACKSON AND SHIRLEY A. JACKSON, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 23, FOR A CONSIDERATION OF TWO HUNDRED DOLLARS (\$200.00) was adopted.

TEMPORARY USE: "THE BIG MUCH"

Councilwoman Hurley explained this request is for a toy store in District 7.

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING "THE BIG MUCH" TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON THE SOUTHERN SIDEWALK AT 34 FRAZIER AVENUE, FOR THE PURPOSE OF INSTALLING A CANVAS AWNING, SUBJECT TO CERTAIN CONDITIONS was adopted.

OVERTIME

Overtime for the week ending August 30, 1996 totaled \$38,834.20.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

LEONARD RAY -- Disability Retirement, Equipment Operator II, Parks Division effective August 24, 1996.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following purchase was approved for use by the Parks and Recreation Department:

UNITED PUMP & CONTROLS, INC. (Lower and Better Bid)
REQUISITION NO. 135001

Purchase of Fuel Dispensing System

\$92,227.45

Councilman DiStefano stated in looking at the purchase, earlier we agreed to a marina lease. He inquired as to the status of the lease. Admin. McDonald stated they are hoping this will speed that process up; that this will give us the leverage we need to either discontinue the agreement or go further.

Councilman Eaves asked if we have no place to buy gas on the River. Admin. McDonald responded "right."

PERSONNEL

The following personnel matters were reported for the Public Works Department:

STEPHON TRIMBLE -- Employment, Laborer III-E, City-wide Services, Pay Grade 5/Step 1, \$15,373.00 annually, effective September 4, 1996.

NAVEED A. MINHAS -- Employment, Engineering Design Manager, Engineering Division, Pay Grade 17/Step 5, \$38,946.00 annually, effective August 30, 1996.

ROBERT D. FITTEN -- Dismissal, Laborer I, City-wide Services, effective August 13, 1996.

PURCHASE

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Public Works Department:

HOLT SPECIALTY EQUIPMENT (Lower and Better Bid)
REQUISITION NO. 132845

Purchase of Open Top Sludge Containers and Platform Skids

\$87,939.00

HOTEL PERMIT

On motion of Councilman Swafford, seconded by Councilman DiStefano, the following hotel permit was approved:

BLUFF VIEW INN -- 412 East Second Street, Chattanooga, Tennessee

COMMITTEES

Councilwoman Rutherford scheduled a meeting of the **Safety Committee for Tuesday, September 17 at 3:00 p.m.** for a report on gang activity within the city. She stated she had an opportunity to ride with Lt. Jeff Francis who is really quite knowledgeable about gangs; that Lieutenant Francis has asked to come to speak to the Committee about this subject.

Councilman Hakeem stated he and others met with some residents regarding the Howard Landfill; that a committee meeting is scheduled for September 17.

Mayor Roberts stated he has been in touch with the Agency for Toxic Substances in Atlanta and someone is coming down; that they have agreed to take a look at the landfill and do an independent evaluation and let all of us know their findings. He stated the Agency for Toxic Substances is a federal agency that did the Chattanooga Creek study, and they will not be able to conform to the Council's Committee schedule; that they will tell us what they will do, do it, and then come back and tell us what they found. He stated he has been trying to tie them to a date and will have to conform with the availability of the Agency's people.

Chairman Hakeem stated in talking with administrative staff, we have a date of September 12 but not a time.

COMMITTEES (Cont'd.)

Councilwoman Hurley inquired as to whether there is a date as to when the Capital Budget will be ready. Mayor Roberts stated he does not think Admin. Boney will be ready for a full scale meeting; that Councilwoman Hurley can meet with him privately as he is still receiving departmental budget requests through September 6 and will not be ready by next Tuesday. He stated he will ask Admin. Boney to give Councilwoman Hurley a call.

Councilman DiStefano scheduled a meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, September 17 beginning at 4 p.m. and asked the Public Works Committee to meet jointly** with his Committee to hear an explanation as to what we are planning to do with regard to the Howard Landfill.

Chairman Hakeem stated Councilman DiStefano is heading that effort and will provide the community with information; that Dr. Hewell and others will be invited to the meeting.

Chairman Hakeem announced a meeting of the **Committee Of-The-Whole will be held on Tuesday, September 10 at 5 p.m.** to discuss the contract proposal for the Southside project.

PREPARATION FOR CANCELED
PERSONNEL HEARINGS

Councilwoman Rutherford stated last week we were scheduled to have a personnel hearing that was canceled and mentioned that the city spends many hours preparing for those hearings and so many times the person requesting the hearing will cancel. She wondered what the Council could do to prohibit last minute cancellations; that City Attorney Nelson suggested once the process starts, we not allow it to stop and that way people would be more serious when they file for a hearing. She stated this is something we should look into.

Councilman DiStefano stated Councilwoman Rutherford has made an excellent point; that persons filing for a hearing have to make the request in a short period of time; that perhaps we could require advance notification to continue before setting a hearing date; that once the date is set, we go through with the process.

Councilwoman Rutherford stated it is her thinking City Attorney Nelson should advise the Council on this. Chairman Hakeem suggested that this be discussed at the next meeting of the Legal and Legislative Committee. Councilman Lively stated we have taken one step by allowing a one time delay; that we might have to look at making them go ahead with the process.

DR. HEWELL

Dr. Hewell expressed her happiness to have the opportunity to come before the Council to say thanks for the wonderful resolution in support of the September 28 Women's Conference; that it was really the joy of her life as she did not think anyone cared. She expressed special thanks to Councilwoman Hurley for her support in sharing the information and invited all to come and hear the deliberations. She stated the community does not know how hard the Council works in looking at the "pros" and "cons" to make this community better; that we have a lot of positives! She stated women want to support the Council's efforts. She stated the conference will be held at Chattanooga State in the Center for Educational Technology, Room C-30 from 12 p.m. - 5 p.m. She stated she has been asked why this is being done and the response is that this is a follow-up of the President's commitment; that she attended the planning sessions for the Women's Conference that was planned for China but did not go. She stated the White House has appropriated \$1.6 billion to fight domestic violence; that each agency has identified the issues and resources that they could provide for the next six years to have a national agenda to improve the lives of girls, women and their families.

SISTER BEY

Sister Bey stated she is appalled by what the Council is trying to do; that she is asking that the Council not close off Jerome Avenue. She stated this is a new era and asked the Council not to do this.

ANGIE WOOD

Angie Wood a teacher at East Lake Middle School and a member of the CEA spoke on behalf of the teachers of the City School system and expressed appreciation to the Council for the action taken in authorizing additional funding to equalize their salaries with those of the county. She stated she believes the school year is off to a good start; that the additional pay will provide the much needed boost in staff morale.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, September 10, 1996 at 6 p.m.


CHAIRMAN


CLERK OF THE COUNCIL

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