

Municipal Building
Chattanooga, Tennessee
September 24, 1996

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Crockett, DiStefano, Eaves, Lively, Pierce, Rutherford and Swafford present; Councilwoman Hurley was out of the city due to personal commitment. City Attorney Randall Nelson, Management Analyst Richard Lanese, and Council Clerk Carol O'Neal were also present.

INVOCATION

Councilwoman Rutherford delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL RECOGNITION: BROWNSVILLE,
TEXAS DELEGATION

Chairman Hakeem welcomed special guests from Brownsville, Texas to Chattanooga and asked Commissioner Jackie Lockett of the delegation to come forward and introduce others with her.

Commissioner Lockett stated the Brownsville, Texas Council is comprised of four Commissioners and a Mayor that run their city of 135,000. She stated across a very small river is the city of 500,000 people that comprise Matamoros, Mexico. She stated Brownsville, like Chattanooga, is a River Delta and a Borderplex city. She stated the delegation's presence in Chattanooga is a follow-up to the Habitat II Conference held in Istanbul where she was pleased to meet Mayor Roberts and Councilman Crockett. She stated she has been so impressed with what Chattanooga has done, especially with the way Chattanooga has involved the community and others; that she is grateful for the hospitality that has been extended and invited the Council to come to her Borderplex city.

SPECIAL RECOGNITION: BROWNSVILLE,
TEXAS DELEGATION (Cont'd.)

Commissioner Lockett introduced others in the delegation: Dr. Lockett, her husband; Judy Rubinstein, an educator in Brownsville; Judy Adams, a grass roots organizer in Brownsville; and Maribel Bermudez, an Eco-Industrial Park Conference Worker in Matamoros, and indicated that Brownsville is working on an eco-industrial park. She concluded her remarks by presenting each Councilmember with a Brownsville lapel pin.

Councilman Crockett stated there are four places in the country working with unique ways to design industrial parks: Brownsville, Texas; Cape Charles, Virginia; Matamoros, Mexico; and Chattanooga, Tennessee.

HAPPY BIRTHDAY, J.B. COLLINS!!

Chairman Hakeem expressed appreciation and gratitude to J.B. Collins on the occasion of his 79th birthday! He stated Mr. Collins' knowledge and history of this city is unparalleled to others, and he has become the "tenth Councilperson" because of his knowledge and understanding of our government. He stated many feel he should be teaching in a school of journalism somewhere in this city because of what he has to share with us and this community as a whole. He stated he, the Mayor, and others on the Council take this opportunity to recognize him on his birthday.

Mayor Roberts stated when he was not much over 20 years old he worked with J.B. at the Free Press doing every job you could think of, except typing, and learned a lot from people like him. He stated J.B. has been reporting for more than 50 years. (J.B. interjected his having been at City Hall since 1943!)

Mayor Roberts stated J.B. is 79 today and still hustles as hard as many young reporters in Chattanooga; that he goes to work at 5:30 p.m. and stays until noon. At this point the Mayor presented a "Certificate of Appreciation" to J.B. and a replica of the key to the city on behalf of himself, Chairman Hakeem, and all of the City Council members.

SPECIAL PRESENTATION: LORENZO
ERVIN -- POLICE CONTROL COUNCIL

Lorenzo Ervin addressed the Council regarding information distributed to them relative to the Police Control Council. He asked Council members to strike out information contained on the last four pages of the information distributed as it was unintentionally included with the packet. He stated he is a lifelong resident of Chattanooga and is present representing the Ad Hoc Committee Against Police Brutality which is affiliated with the Anti-Racist Action group. He stated the proposal submitted is in reference to police control; that he has never accepted the Human Rights/Human Relations Committee because it is not an independent body, nor is the Police Review Board proposed by Mayor Roberts; that this proposal provides an alternative of what the Mayor has proposed. He read the General Purposes of the Police Control Council and stated the lengthy document entails how a police department would actually be run. He stated the document is based upon actual research and work conducted by the National Alliance Against Racist and Political Repression, as well as the Police Review Commission of Berkeley, California. He stated what does not work is putting this in the hands of the police and not in the hands of the community.

Councilman DiStefano expressed his thoughts that basically what the Council has received is a suggestion for a potential recommendation; that he knows there will be a committee meeting within a couple weeks to discuss this along with other items, suggesting that this matter be placed in committee along with the other recommendations.

Councilwoman Rutherford clarified that this is different from what will be discussed in committee; that the committee meeting was scheduled to discuss personnel hearings. She stated she would be glad to schedule a meeting but will wait to schedule to do so. She asked if the Mayor is developing a concept similar to this. Chairman Hakeem responded that there is nothing to his knowledge that is moving forward.

Councilman DiStefano stated Mr. Ervin read the General Purposes of the proposal that racism and discrimination will be abolished; that he would go on record to say there are instances where police officers have a bad attitude, but as a department we have worked very hard to eliminate that; that he does not want anyone to suggest otherwise that that is the case.

SPECIAL PRESENTATION: LORENZO
ERVIN -- POLICE CONTROL COUNCIL
(Cont'd.)

Councilwoman Rutherford stated she will be out of the city and will wait until her return to schedule a meeting; that she would think since the Mayor has had meetings on this we will need several meetings on his idea as well as Lorenzo's, and would appreciate waiting to schedule a meeting.

(A copy of Mr. Ervin's proposal is filed with minute material of this date.)

BOY SCOUT TROOP 431

Chairman Hakeem recognized the presence of members in Boy Scout Troop 431 and asked the Troop Leader to come forward and introduce the group.

Jim Umeda, Troop Leader, stated the Scouts are working on their Citizenship and Community badges, which require that they attend a City Council meeting to have an opportunity to see city government at work; that it is hoped they will learn a lot. He expressed appreciation for the opportunity to bring them to the meeting and introduced members of the Troop, as well as the Assistant Troop Leader, Bob Shumake.

CLOSE AND ABANDON

1996-180: Astec Industries, Inc.

The applicant was present; opposition was in attendance.

Chairman Hakeem indicated those in opposition want to address the Council and asked that they come forward. Councilman Lively indicated a hearing on the matter has been held twice and questioned anyone speaking in opposition on second and third reading.

Chairman Hakeem stated there is much information that was not shared with the Council previously and can come before us at this time.

Chairman Hakeem asked City Attorney Nelson to address the matter since there appeared to be some disagreement among Council members regarding those in opposition wishing to speak.

CLOSE AND ABANDON (Cont'd.)

City Attorney Nelson stated it is not improper for them to come forward; that if the Council does not wish to hear them, the Council can vote to that effect.

With no motion made to prevent those in opposition from speaking, James Anderson, of Anderson, Buck, and Ray, came forward to speak. He stated he represents the Alton Park/Piney Woods Neighborhood Improvement Corporation; that his partner, Dorothy Buck, was also present. He made reference to information distributed to the Council which lists the recommendations and action members of the Improvement Corporation would like for the Council to consider. He stated during his presentation he will be raising issues that are sensitive and it is not his preference to do that in a public forum but has to do it because he will not be able to at any other opportunity. He stated if we look at the public record, adequate documentation does not exist to support that public safety has been safeguarded, that adequate notice has been given to residents of the community, and no provision to compensate those who would be adversely affected. He stated this giving of an abandonment for a private concern rises to the level of governmental assistance; that the city of Chattanooga receives funds for the maintenance and construction of its roads, and under Title VI, once assistance is received, all roads would then come under Title VI. He stated he has not been able to find that a Title VI review has been conducted; that the purpose of this project is to maintain and expand employment; that information available causes him to believe this company has not had a good history of employment of African Americans. He stated based on the record, the issue was raised as to whether serious problems of compliance exist; that he would like to make the Council aware this community is predominantly black and will be adversely affected and appropriate action should be enacted.

Dorothy Buck spoke next and stated she had spoken with people of the community and has come to the conclusion some things need to be followed through before the Council makes a decision; that they would like for the Council to explore 13-7-201 of the Code that cites zoning regulations; that the zoning is for M-1 in the area, but it is very close to an R-3 which might be adversely impacted. She stated there needs to be some review of the situation regarding distance from residences and a review of the parties that would be adversely affected by the road because they run a business or are a resident of the area. She stated interested parties include anyone who would be negatively impacted, as well as those who abut the property who would be entitled to some type of compensation. She stated it is their understanding that if there are needs for ingress and egress, the municipality cannot prevent people from doing that and made reference to the law which states you cannot affect the private rights of people.

CLOSE AND ABANDON (Cont'd.)

Atty. Buck stated people are opposing this because they would be impacted; that they have a right to an easement through the property. She asked the Council whether it is necessary for the road to be closed; that there is a request to close a 60 foot piece of that which would cause a dead-end and prevent ingress and egress into the property.

Deborah Matthews, representing the Alton Park/Piney Woods Neighborhood Improvement Corporation, asked the Council to delay any action so that Astec can come to the community to bridge some gaps; that the community needs to be made aware of Astec's ten year plan. She stated they are "kissing cousins" to the (Chattanooga) Creek, and the community doesn't know what contaminants will be disrupted by their expansion construction. She stated the community has a high number of unemployment and asked Astec to work with them.

Atty. Anderson stated they are not necessarily opposed to Astec's proposal but would like for them to look at alternatives; that he believes the possibility exists that an investment might make it possible for less of an impact on the populace; that they would like to share in Astec's prosperity. He stated they have done an extensive review of Astec's financial position and would like for the residents to have an opportunity to benefit from that since they will be adversely impacted by the proposal.

At this point, Councilwoman Rutherford "called for the question."

Councilman DiStefano stated much of what is being requested is already being anticipated to be done by Astec in terms of a letter to the resident community that make reference to opportunities in the future; that the letter was presented to us by the President of the Emma Wheeler Tenants Association last week and not by Astec. He stated this closure is before us after we have had two sets of hearings on the subject; that this is an effort to force Astec into a difficult position. He stated he believes opportunities are available to the community with or without delay and does not believe a delay is appropriate.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
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
passed second reading.

CLOSE AND ABANDON (Cont'd.)

On roll call vote:

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

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting; on roll call vote:

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

CLOSE AND ABANDON

1996-173: Dennis Winger

On motion of Councilman Eaves, seconded by Councilwoman Rutherford, AN ORDINANCE CLOSING AND ABANDONING EDITH DRIVE LOCATED NORTHWEST OF JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN

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

AMEND CITY CODE RELATIVE TO ONE-WAY STREETS

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 24-504, SCHEDULE IV, RELATIVE TO ONE-WAY STREETS DESIGNATED

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

EMINENT DOMAIN

On motion of Councilman DiStefano, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST
ROBERT L. HUMBLE FOR A RIGHT-OF-WAY EASEMENT ON TRACT
NO. 2, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL
ROAD, NORTH
was adopted.

AGREEMENT AMENDMENT: MATTHEW KENT
WHITAKER

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND
ATTEST AN AMENDMENT TO THE AGREEMENT WITH MATTHEW KENT
WHITAKER, FREELANCE DESIGNER, TO DEVELOP A MASCOT AND
HELP PROFESSIONALLY TO CONTINUE "CLEAR CHOICE"
PUBLICATION AND OTHER RELATIVE PUBLIC RELATIONS
MATERIAL FOR THE STORMWATER PROGRAM FOR A FURTHER
PERIOD OF TWELVE (12) MONTHS ENDING JUNE 30, 1997, FOR
AN ESTIMATED AMOUNT NOT TO EXCEED FOUR THOUSAND DOLLARS
(\$4,000.00) WITHOUT PRIOR APPROVAL
was adopted.

CHANGE ORDER

On motion of Councilman Crockett, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. 73B-1, BIG RIDGE COLLECTION SYSTEM
III, WITH JWT, INC., WHICH CHANGE ORDER INCREASES THE
CONTRACT AMOUNT BY TWENTY-NINE THOUSAND, SEVEN HUNDRED
EIGHT AND SEVENTY-FIVE ONE-HUNDREDTHS DOLLARS
(\$29,708.75), FOR A TOTAL NOT TO EXCEED ONE MILLION,
SIX HUNDRED THREE THOUSAND, ONE HUNDRED THIRTY-NINE AND
SEVENTY-FIVE ONE-HUNDREDTHS DOLLARS (\$1,603,139.75)
was adopted.

FIRE HYDRANT INSTALLATION

On motion of Councilwoman Rutherford, seconded by Councilman
DiStefano,
A RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1)
FIRE HYDRANT FOR PUBLIC FIRE PROTECTION AT LOCATIONS
MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING
PAYMENT OF THE TARIFF THEREFOR
was adopted.

FIRE HYDRANT INSTALLATION

On motion of Councilman DiStefano, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR PUBLIC FIRE PROTECTION AT LOCATIONS MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING PAYMENT OF THE TARIFF THEREFOR was adopted.

ONE-TIME SUPPLEMENTAL PAYMENTS

On motion of Councilman Swafford, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO MAKE ONE-TIME SUPPLEMENTAL PAYMENTS TO FULL TIME EMPLOYEES OF THE DEPARTMENT OF HUMAN SERVICES NOT COVERED BY THE CITY'S PAY PLAN was adopted.

OVERTIME

Overtime for the week ending September 20, 1996 totaled \$12,330.27.

PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Crockett, the following personnel matters were reported for the General Services Department:

H & H TIRE COMPANY (Lower and Better Bid)
Requisition No. 135338

Purchase of contract for field tire service

(Price information available and filed with minute material)

PERSONNEL

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

WARREN TILLISON -- Suspension (one day without pay), Laborer II, City-wide Services, effective September 18, 1996.

PERSONNEL (Cont'd.)

BOBBY D. FIELDS -- Suspension (three days without pay), Laborer I, City-wide Services, effective September 11,12,18, 1996.

AARON P. MASSENGILL -- Withholding of Step Increase, Laborer I, City-wide Services, effective September 25, 1996.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Crockett, the following purchases were approved for use by the Public Works Department:

NOLAND COMPANY (Lower and Better Bid)
Requisition No. 132876

Purchase of Twelve Month Contract for Black Plastic Rolls

\$57.00/roll

VULCAN MATERIALS (Only One Bid - Only known local source)
Requisition No. 135740

Purchase of Twelve Month Contract for Emulsion

(Price information available and filed with minute material)

HEARING: SHERLANE DOMINECK

City Attorney Nelson stated he received a letter from Ms. Domineck requesting that a hearing date be set at as early as possible; that Mike McMahan will be handling this case. He stated he has not had a chance to coordinate schedules with Mike but is sure he can be made available.

The personnel hearing for Sherlane Domineck was scheduled for **Monday, October 14 beginning at 6 p.m.** with Councilmen DiStefano (serving as Chairman), Lively, Pierce, Eaves and Swafford serving as the Committee to hear the case. Councilman Swafford indicated there might be a conflict with his schedule and will let Councilman DiStefano know well in advance of the hearing date.

Councilman Pierce inquired as to the reason for the hearing request. City Attorney Nelson stated Ms. Domineck is appealing her termination from the City Court Clerk's office.

COMMITTEES

Councilman DiStefano reminded Council members of the meeting of the **Health, Education, Human Services and Housing Committee** scheduled for **Tuesday, October 1, beginning at 4 p.m.**

Councilman Lively reminded Council members of the hearing scheduled for Officer John Collins on October 7. Councilwoman Rutherford clarified that Officer Collins' hearing has been rescheduled for October 21.

PUBLIC WORKS UPDATE REQUEST

Councilman Swafford requested Admin. Marcellis to update the Council on two items at the next Public Works Committee meeting. He stated the first item involves his providing a status report on the Venus Lacy Parkway marker/signs and the other is in regard to drainage problems at 6214 Fisk Avenue. He stated it appears nothing has been corrected on Fisk Avenue and would like to have a report regarding the matter. Admin. Marcellis affirmatively responded his compliance with Councilman Swafford's request.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, October 1, 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)