

Municipal Building
Chattanooga, Tennessee
October 22, 1996

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

INVOCATION

Invocation was given by Councilwoman Hurley.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: DR. GRACE HEWELL

Dr. Grace Hewell was present to give the Council a report regarding the U.N. Women's Conference held September 28 on the campus of Chattanooga State Technical Community College. She stated it is an honor and privilege for her to come before the Council and report what was done in Chattanooga and to pay tribute to the Council and other residents of the city and nation for their support. She stated the President selected his wife, Hillary Rodham Clinton, as the Honorary Chair; that several issues were addressed and integrated with the national theme of the Interagency Council on Women. She stated they were honored to have Councilwoman Hurley as one of the Honorary Chair Persons for the local event who provided outstanding contributions and leadership to the planning of the Conference. She stated the Conference was held at 400 sites throughout the U.S.; that all worked to develop a national action agenda using the theme, "Women, Work, and Family." She presented each Council member with a gift from the U.S. Naval Reserve, one of the participating agencies, who also presented the colors and pledge of allegiance.

Councilwoman Hurley expressed thanks to Dr. Hewell. She stated Dr. Hewell was very generous in talking about other people who worked, but she (Hewell) did it all!

Chairman Hakeem also thanked Dr. Hewell for her report.

CLOSE AND ABANDON

1996-110: Parkridge Hospital, Inc.

On motion of Councilman Swafford, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
SOUTHEAST AND SOUTHWEST FROM NORTH KELLEY STREET,
BETWEEN OAK STREET AND VINE STREET, MORE PARTICULARLY
DESCRIBED HEREIN, UPON CERTAIN CONDITIONS
passed second reading. On motion of Councilman DiStefano, seconded
by Councilman Swafford, the ordinance passed third and final reading
and was signed in open meeting.

CLOSE AND ABANDON

1996-193: Gloria J. Hinton

On motion of Councilman Swafford, seconded by Councilwoman
Rutherford,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
SOUTHWEST FROM EAST 24TH STREET, BETWEEN DODDS AVENUE
AND 12TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
passed second reading. On motion of Councilman Swafford, seconded
by Councilman DiStefano, the ordinance passed third and final
reading and was signed in open meeting.

1996-97 CAPITAL BUDGET

Councilwoman Hurley stated Admin. Boney has realigned some money in
the budget, but (it) does not change the amount of total budget.

Admin. Boney stated last week there was some discussing during
Committee about certain projects and the department they were
aligned under; that the Capital Budget has been amended without
changing the dollars to realign the Budget for Public Works.

Councilman Swafford made the motion to accept the amendment to the
ordinance; Councilwoman Hurley seconded the motion; the motion
passed.

At this point Chairman Hakeem declared a public hearing in process
for persons wanting to address this issue; there being none the
hearing was duly closed.

CAPITAL BUDGET 1996-97 (Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, AN ORDINANCE APPROPRIATING, AUTHORIZING AND ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1996/97

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

CLOSE AND ABANDON

1996-091: C & C Oxygen Company

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

Chairman Hakeem asked Mr. Bennett if he had any information to share with the Council in reference to what was discussed last week.

Mr. Bennett stated the primary reason for the Staff's recommendation was the narrowness of the alley and the closeness of the existing structure to the fence; that the fence would be moved closer to the adjoining resident's home if the alley is abandoned and closed.

Phil Chadwick, representing C & C Oxygen, stated they want to get the alley closed to have five extra feet and move the fence over; that their tank will stay where it is and the closure will provide for extra parking. He stated the house in question has been vacated for two years and the lady who lived there is deceased; that the son comes by ever-so-often and cuts the yard. He stated they just want to put vehicles on the property and move the fence over five feet.

Councilwoman Rutherford asked Chairman Hakeem if he had an opportunity to look at this site. Chairman Hakeem responded "yes;" that it is the same structure he had in mind where we had denied them once before, because when we move the fence over it will be very close to the windows of the house. He stated the property was posted but he is not sure the gentleman (son) has been around to know what is going on with the request for closure; that we are talking about impacting his property.

Mr. Chadwick stated the fence will remain on this person's property. Chairman Hakeem stated the fence will be in the alley. Mr. Chadwick stated once the alley is closed they would like to move the fence five more feet; that this matter has not been before the City Council but before the Planning Commission; that the Staff denied it and the Commission approved it.

CLOSE AND ABANDON (Cont'd.)

Chairman Hakeem stated this matter has been before the Council; that when Councilman Cotton was on the Council this matter came before the Council.

Mr. Chadwick stated he started this company twenty years ago and it has never been before this body (Council). Chairman Hakeem clarified his knowing that the matter had been before the Council previously.

On motion of Councilwoman Rutherford, seconded by Councilman Eaves,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
SOUTHWEST FROM CALHOUN AVENUE, BETWEEN EAST 36TH STREET
AND EAST 37TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN, UPON CERTAIN CONDITIONS
passed first reading; Councilman Swafford abstained from voting;
Chairman Hakeem voted "no."

CLOSE AND ABANDON

1996-202: Steward, Inc.

Councilman Eaves stated this matter was discussed in Public Works Committee and comes with a request for deferral for thirty days. Councilman DiStefano stated the request was for it to be heard four weeks from today so that additional information can be supplied to Admin. Marcellis and Council members.

City Attorney Nelson clarified that the date for the matter to come back to the Council would be November 19.

On motion of Councilman DiStefano, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING JEROME AVENUE,
LOCATED NORTHEAST FROM EAST 37TH STREET, SOUTHEAST OF
BRANNON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
was tabled until November 19.

TEMPORARY USE

Councilwoman Hurley stated this matter has been requested to be withdrawn as it will be handled in a different way.

TEMPORARY USE (Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING LONNIE A. BURNSIDE TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY
LOCATED IN THE UNOPENED ORR STREET AND AN UNNAMED ALLEY
CONNECTING ORR STREET WITH CREWDSON STREET FOR THE
PURPOSE OF PROVIDING AN ALL-WEATHER SURFACING, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS

was withdrawn.

TEMPORARY USE

On motion of Councilman DiStefano, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING GENO'S LOUNGE TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY
LOCATED ON THE SIDEWALK AT 1420 DODDS AVENUE FOR THE
PURPOSE OF HANGING A FOUR (4) FEET LONG AND TWO (2)
FEET WIDE BUSINESS SIGN, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CHANGE ORDER

On motion of Councilman DiStefano, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1 (FINAL), CONTRACT NO. 134C, HIGHLAND PARK PUMP
STATION, WITH JAMES COVINGTON CONSTRUCTION COMPANY,
WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY
EIGHT THOUSAND, EIGHT HUNDRED SEVENTY-NINE AND 76/100
DOLLARS (\$8,879.76) FOR A REVISED CONTRACT PRICE OF SIX
HUNDRED TWENTY-SIX THOUSAND, EIGHT HUNDRED SIXTY-SIX
AND 76/100 DOLLARS (\$626,866.76)

was adopted.

CONTRACT: MARION ENVIRONMENTAL
INCORPORATED

Councilman Eaves stated the Mayor will call the environmental people
about this; that it was voted in Public Works Committee to allow the
Mayor and Marion Environmental to proceed after contacting the
environmental people for their opinion.

CONTRACT: MARION ENVIRONMENTAL
INCORPORATED (Cont'd.)

On motion of Councilman DiStefano, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
SF-1-96, HOWARD HIGH SCHOOL ENVIRONMENTAL IMPROVEMENTS,
TO MARION ENVIRONMENTAL INCORPORATED, FOR THEIR LOW BID
OF SEVENTY-FOUR THOUSAND, SEVEN HUNDRED NINETY-NINE AND
50/100 DOLLARS (\$74,799.50)
was adopted; Councilman Swafford abstained from voting.

CHANGE ORDER

Councilman DiStefano stated Admin. Marcellis made us aware of
several items relating to this change order; that those items have
been incorporated and includes more soil removal from the site.

Councilwoman Hurley stated the record should reflect that people
from the community were in the Public Works Committee meeting this
afternoon and suggested that the improvements be postponed until the
end of the school year. She stated it is that question the Mayor
will pose to the environmental people recognizing it might be of
value having it done during a period of time when there will be not
students or children in the day care center.

On motion of Councilman DiStefano, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. SF-1-96, HOWARD HIGH SCHOOL
ENVIRONMENTAL IMPROVEMENTS, WITH MARION ENVIRONMENTAL
INCORPORATED, WHICH CHANGE ORDER INCREASES THE CONTRACT
AMOUNT BY FIFTEEN THOUSAND, FOUR HUNDRED SEVENTY-FIVE
AND 35/100 DOLLARS (\$15,475.35) FOR A REVISED CONTRACT
PRICE OF NINETY THOUSAND, TWO HUNDRED SEVENTY-FOUR AND
85/100 DOLLARS (\$90,274.85)
was adopted; Councilman Swafford abstained from voting.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM DONALD E. WHALEY AND ROBBIE F. WHALEY, RELATIVE TO
CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH,
TRACT NO. 3, FOR A CONSIDERATION OF FOUR THOUSAND, TWO
HUNDRED FIFTY DOLLARS (\$4,250.00)
was adopted.

OVERTIME

Overtime for the week ending October 18, 1996 totaled \$14,424.49.

PURCHASE

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

UNITED PUMP

Purchase Order No. A-1143465

Purchase of Underground Storage Tanks; Change Order

\$92,227.45	(Original amount)
<u>5,100.00</u>	(Change Order amount)
\$97,327.45	(TOTAL)

PERSONNEL

The following personnel matters were reported for the department of Public Works:

BESSIE L. ROLLINS - Voluntary Demotion, Recycle Attendant I, City-wide Services, Pay Grade 2/Step 9, \$16,541.00 annually, effective October 14, 1996.

WILLIE L. HOWELL -- Resignation, Laborer II, City-wide Services effective October 16, 1996.

DERES M. BENN -- Suspension (3 days without pay), Alternate Sanitation Worker I/Laborer I, City-wide Services, effective October 16-18, 1996.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, the following purchases were approved for use by the Public Works Department:

APCO, INC. (Lower and Better Bid on All Three Requisitions)
Requisition Nos. 135974, 135975, 135976

PURCHASES (Cont'd.)

Purchase of Fiberglass Reinforced Plastic (FRP) Doors, Frames & Hardware

\$ 4,580.00 (#135974)
51,780.00 (#135975)
17,980.00 (#135976)

MID-SOUTH EQUIPMENT CO.
P.O. #1143124

Change Order #1 to Contract A-1143124 (issued 8/13/96)

\$49,600.00 (Original amount)
2,300.00 (Change Order #1)
\$51,900.00 (TOTAL)

GLOBAL STONE TENN LUTTRELL CO.
(Formerly: TENN LUTTRELL LIME CO.)
Contract No. 1139969

Vendor Name Change (for Quick pebble lime approved by Council on March 5, 1996)

\$72.00/ton
(No change in amount)

PURCHASE

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

G. T. DISTRIBUTORS (Lower and better bid)
Requisition No. 125667

Purchase of Practice Ammunition (12 month contract)

\$35,772.30

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilman Eaves, the following hotel permit was approved:

CHATTANOOGA CHOO CHOO - HOLIDAY INN, 1400 Market Street,
Chattanooga, TN 37402

PURCHASE

On motion of Councilman Swafford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Data Processing Department:

TIBURON, INC. (Single Source)
Requisition No. 132696

Purchase of Software Maintenance Contract Renewal per TCA 6-56-301
\$33,753.00

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman DiStefano, the following purchase was approved for use by the Planning Commission:

BRANDAU, CRAIG, DICERSON CO.
Contract No. A-1142177

Change Order #1; contract approved June 25, 1996 by Council

\$11,375.00 (Original Amount)
960.00 (Change Order #1)
\$12,335.00 (TOTAL)

HEARING

Councilman Lively reported that the committee of the Council hearing the appeal for Officer John Collins made the decision to reinstate Officer Collins with a 28 day suspension.

COMMITTEES

Councilman Lively stated the **Legal and Legislative Committee** met today concerning the resolution which will adopt procedures dealing with personnel cases; that the City Attorney offered a revised version for consideration by the Committee. He stated the Committee will meet on **November 5 immediately following the Public Works Committee** to discuss the revised version.

Councilwoman Hurley stated several people have misunderstood this issue as they thought we were setting up a personnel hearing board; that it should be clear that this is still our current procedure to hear the cases; that we are just adopting different rules.

CANCELLATION OF OCTOBER 29 COUNCIL MEETING

Chairman Hakeem reminded Council members and the viewing public that the Council meeting for October 29 is canceled due to a majority of the Council participating in the Chamber of Commerce's inter-city visit to Charleston, South Carolina.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, November 5, 1996 at 5 p.m.


CHAIRMAN


CLERK OF COUNCIL

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