

Municipal Building  
Chattanooga, Tennessee  
November 5, 1996

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

INVOCATION

Councilman Crockett delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: MAYOR  
ROBERTS: GFOA "AWARD OF  
EXCELLENCE" TO BUDGET DEPARTMENT

Mayor Roberts informed the Council that the Finance Department has received the Government Finance Officers Association's "Award of Excellence" for budget reporting. He introduced the Budget Section staff beginning with James Boney, the Chief Financial Officer, who was formerly an Air Force Aviator, as well as Comptroller and managed a \$19 billion dollar budget; that for the last four years he has managed a little less than that (with the city). He stated Daisy Madison was hired away from the county government to be Jim's Deputy Finance Officer; that she has been everything the county said she was -- which was really good -- and even more. He stated Jim and Daisy have made a great team in the finance office; that they have won for the last four years the top award for the annual audit report from the Government Finance Officers Association.

SPECIAL PRESENTATION: MAYOR  
ROBERTS: GFOA "AWARD OF  
EXCELLENCE" TO BUDGET DEPARTMENT  
(Cont'd.)

Mayor Roberts continued by stating this year they decided to take on a new project which goes beyond the audit, that being the overall financial operation of the city. He stated the project leader was Simone Gaddist who came to the city three-or-four years ago out of Clemson University who put the report together. He stated working with her were Fredia Forshee, CPA; Brian Smart, CPA, who has transferred since he did this and has been promoted to Internal Auditor; Randy Ray, Budget Analyst; and Chris Haley, Certified Financial Analyst, who was formerly the Chief Disbursing Officer. He stated the Assistant Finance Officer is Don Bain; that Don, Daisy and Jim constitute the top finance officers. He stated this was their first submission of a budget analysis and won the top award. At this point he presented the award to Ms. Gaddist to display in the finance office.

Chairman Hakeem thanked the Mayor and the Budget Staff and thanked administration for allowing one of the young employees to take the lead; that evidently there is a working relationship which speaks well for the total department as a whole. He stated this speaks well for the leadership within the department; that the budget staff is to be commended for job they all do.

CLOSE AND ABANDON

1996-091: C & C Oxygen Company

Councilwoman Rutherford made the initial motion to approve this request, with Councilman Lively seconding.

Councilman Pierce asked why Planning recommended denial and Public Works recommended approval.

Councilman DiStefano stated in discussing this previously, the Planning Staff, after going through the process of Futurescape, are developing an internal plan not to do any more closure of alleys until the plan is defined.

City Attorney Nelson stated the primary reason they did not want to see this alley closed is because it would move the property line over closer to the side of a house where there is a fence.

Mr. Bennett stated they were concerned about the adjacent property owner; that the owner of the house is not living in that residence, now.

CLOSE AND ABANDON (Cont'd.)

Chairman Hakeem stated he talked with the property owner yesterday and has given the name and (telephone) number (of the property owner) to the City Attorney. He stated the Council was told the lady that lived in that house died two years ago, however, the current property owner said she died a year ago. He stated the Council was told the house was vacant; however, the property owner has indicated the house has been rented out for the past year. He stated the Council was told that the matter has not been before this body before; however, the property owner indicated it has come up before. He stated the City Attorney is going to look into the record to see if there is something to back this up. He asked that the matter be tabled indefinitely until we can find out.

**At this point Councilman Pierce made the motion to table.**

Councilman DiStefano stated he will not oppose the table but there needs to be a time frame set; that he will second the motion if the motioner will amend the motion to reflect tabling the matter for two weeks.

**Councilman Pierce then amended his motion to reflect a two week tabling period; Councilman DiStefano seconded the motion.**

At this point there was indication there was unreadiness on the floor; however, City Attorney Nelson reminded the Council a motion to table is undebatable.

Councilman Crockett inquired as to how resolution 7(a) relates to this matter. Chairman Hakeem stated that was his reason for asking that the matter be tabled indefinitely, until the moratorium being proposed by Planning and Staff is worked out.

Councilman Eaves stated this request was applied for prior to the request for a moratorium.

Councilman Pierce stated when he asked his question regarding Planning's denial and Public Works' approval, he did not realize the request had been passed for two-or-three weeks; that he thought we were going to go along with the applicants who had filed prior to the moratorium.

Chairman Hakeem stated what Councilman Pierce stated is fact; however, it is fact there is a "cloud" regarding the information we have been given on this issue.

CLOSE AND ABANDON (Cont'd.)

On motion of Councilman Pierce, seconded by Councilman DiStefano,  
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED  
SOUTHWEST FROM CALHOUN AVENUE, BETWEEN EAST 36H STREET  
AND EAST 37TH STREET, MORE PARTICULARLY DESCRIBED  
HEREIN, UPON CERTAIN CONDITIONS  
**was tabled two weeks** to allow the City Attorney to conduct research  
on the request; **Councilmen Lively and Rutherford voted "no."**

AMEND CITY CODE RELATIVE TO SEWER  
SERVICE CHARGES/FEEES

On motion of Councilman Lively, seconded by Councilwoman  
Rutherford,  
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43,  
RELATIVE TO SEWER SERVICE CHARGES AND FEES  
passed first reading.

AMEND BUDGET ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Lively,  
AN ORDINANCE TO AMEND ORDINANCE NO. 10465, ENTITLED "AN  
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 PRIVILEGE ARE DUE, HOW THEY SHALL BE PAID, WHEN  
THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR  
INTEREST AND PENALTY ON DELINQUENT TAXES AND  
PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN  
THE PERSONNEL POSITIONS SET OUT IN SECTION 7(c); ADD  
SECTION 7(a)(7); AND TO SET FORTH THE BUDGET OF THE  
INTERCEPTOR SEWER SYSTEM  
passed first reading.

AMEND BUDGET ORDINANCE

Councilman Lively asked if the only changes are the ones that are in  
the Council members' packets. Admin. Boney indicated "yes;" that  
Cavalier's appropriation was approved over a year ago and now is the  
time to do the appropriation of their money.

AMEND BUDGET ORDINANCE (Cont'd.)

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 10465, ENTITLED "AN 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 PRIVILEGE ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5; AND SO AS TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(c) passed first reading.

MORATORIUM ON CLOSURE AND ABANDONMENTS

Councilmen Swafford and DiStefano made the initial motion to approve this request.

Mr. Bennett stated this resolution needs to be made specific to make reference to alleys. Councilman DiStefano inquired as to whether this meant both open and unopened alleys. Mr. Bennett responded "yes."

The inquiry was made as to how long the process will take. Mr. Bennett responded it should not be much longer; that they still have to get with Admin. Marcellis and the City Engineer to find some type of consistent policy. He stated the surveys are complete and they will get with them and get with the Council as quickly as possible.

Councilwoman Rutherford asked if there are any applications pending. Mr. Bennett responded "possibly," that they have closure and abandonment requests each month.

Councilwoman Rutherford stated once they have applied will they be affected by this. Chairman Hakeem stated what was determined at a previous meeting was that the three that were on the agenda would not be affected by this, including C & C's request; that those that are in the "pipeline" will not be affected by this.

MORATORIUM ON CLOSURE AND  
ABANDONMENTS (Cont'd.)

Councilman Pierce stated applicants should have been informed at the time they made application that this was being considered; that he would be in agreement to go ahead and follow the normal procedures on the ones that have applied. He made the recommendation that the Council continue the regular procedure until we can get the study back.

Councilman Hakeem stated there seems to be a consensus of the Council to do this.

Councilman Lively made the motion to make it effective as of today's date that anything not in the "pipeline" will abide by the moratorium and the others that are not will be considered on an individual basis; there was no second to the motion.

The caption and body of the ordinance was revised in open meeting by City Attorney Nelson to reflect a "moratorium on closure and abandonments of alleys."

Councilman Swafford made the motion to approve the amendment to the resolution with Councilman Lively seconding the motion; the motion carried. (Councilmen Lively and Crockett then made the motion to approve the resolution in it's final amended form.)

On motion of Councilman Lively, seconded by Councilman Crockett,  
A RESOLUTION DECLARING A MORATORIUM ON CLOSURE AND  
ABANDONMENTS OF ALLEYS UNTIL THE CHATTANOOGA HAMILTON  
COUNTY REGIONAL PLANNING COMMISSION CAN ACT  
was adopted.

INSTALLATION OF FIRE HYDRANTS

On motion of Councilman DiStefano, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE INSTALLATION OF THREE (3)  
FIRE HYDRANTS AND APPROXIMATELY EIGHT HUNDRED (800)  
FEET OF WATER MAIN FOR PUBLIC FIRE PROTECTION AT  
LOCATIONS MORE PARTICULARLY DESCRIBED HEREIN, AND  
AUTHORIZING PAYMENT OF THE TARIFF THEREFOR  
was adopted.

AGREEMENT: CONSOLIDATED  
TECHNOLOGIES, INC.

On motion of Councilman Swafford, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO  
ENGINEERING SERVICES FOR THE CITICO CSO CONTROL PLAN  
FOR A CONTRACT AMOUNT NOT TO EXCEED THIRTY-ONE THOUSAND  
DOLLARS (\$31,000.00)  
was adopted.

AGREEMENT: CONSOLIDATED  
TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO DESIGN  
SERVICES FOR THE UPGRADE AND EXPANSION OF THE 19TH  
STREET PUMP STATION FOR A CONTRACT AMOUNT NOT TO EXCEED  
FORTY THOUSAND DOLLARS (\$40,000.00)  
was adopted.

AGREEMENT: PIEDMONT OLSEN HENSLEY

On motion of Councilman Eaves seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH PIEDMONT OLSEN HENSLEY RELATIVE TO ENGINEERING  
SERVICES FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF  
THE WILLIAMS STREET CSO CONTROL FACILITY FOR A CONTRACT  
AMOUNT NOT TO EXCEED THREE HUNDRED FORTY-TWO THOUSAND,  
EIGHT HUNDRED DOLLARS (\$342,800.00)  
was adopted.

AGREEMENT: CONSOLIDATED  
TECHNOLOGIES TECHNOLOGIES

Councilman DiStefano inquired as to the direct discharge of the  
three CSO projects into the Tennessee River and Chattanooga Creek.

Admin. Marcellis stated the project we are dealing with in  
resolution 7(e) and this one {7(f)} go to the Creek and the other  
one on Williams Street goes to the Creek, also. He stated the  
Citico project in 7(c) goes into Citico Creek.

AGREEMENT: CONSOLIDATED  
TECHNOLOGIES TECHNOLOGIES  
(Cont'd.)

Councilman DiStefano stated after further reflection he is still a little concerned about using the Creek for an overflow facility; that it is not a fast moving flow of water. Admin. Marcellis stated they will have the solids screened out; that they are still going to screen seven million gallons of water. He stated as the water comes on in it will flow slowly toward Moccasin Bend, then eventually it will get full and have the overflow that will be in rainwater coming down.

Councilman DiStefano stated what we are doing is a corrective action to reduce the number of discharges; that it is an improvement. Admin. Marcellis stated it is not perfect; that it reduces the amount of overflow and sanitation.

Councilman DiStefano inquired as to whether we have any other types of overflow and whether this problem is addressed elsewhere. Admin. Marcellis responded "no;" that we only have this problem downtown where there are combined sewers.

Councilman Swafford asked if this will have any effect on any of the studies we talked about relative to Howard School and EPA. Admin. Marcellis responded "no;" that the CSO structure will be in part of the demolition landfill; that they will have to have a permit presented from the solid waste people to put this structure in; He stated it is much closer to the Creek than any other structure going on at the High School.

Councilman Swafford reiterated that there has to be a permit; Admin. Marcellis responded "yes."

On motion of Councilman Eaves, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO  
ENGINEERING SERVICES FOR THE DESIGN OF THE ADAMS  
STREET/CENTRAL AVENUE (HOWARD HIGH SCHOOL) CSO CONTROL  
FACILITY FOR A CONTRACT AMOUNT NOT TO EXCEED THREE  
HUNDRED EIGHTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS  
(\$388,500.00)

was adopted.

APPLICATION AUTHORIZATION

On motion of Councilman Eaves, seconded by Councilman DiStefano,  
A RESOLUTION AUTHORIZING APPLICATION TO THE TENNESSEE  
DEPARTMENT OF TRANSPORTATION FOR ASSISTANCE IN  
CONSTRUCTION AND COMPLETION OF THE PROPOSED INDUSTRIAL  
ACCESS HIGHWAY UNDER THE PROVISIONS OF THE INDUSTRIAL  
HIGHWAY ACT OF 1959  
was adopted.

CONTRACT: W.C. TEAS COMPANY

On motion of Councilman Eaves, seconded by Councilman Crockett,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.  
TS-3-96 TRAFFIC SIGNAL INSTALLATION, HAMILTON PLACE  
BOULEVARD AT COMMONS BOULEVARD, TO W. C. TEAS COMPANY  
FOR THEIR LOW BID IN THE AMOUNT OF EIGHTEEN THOUSAND,  
TWO HUNDRED SEVENTEEN AND 65/100 DOLLARS (\$18,217.65)  
was adopted.

AGREEMENT: CBL TERRACE LIMITED  
PARTNERSHIP

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS TO EXECUTE AND THE CITY  
FINANCE OFFICER TO ATTEST AN AGREEMENT WITH CBL TERRACE  
LIMITED PARTNERSHIP FOR THE INSTALLATION OF TRAFFIC  
SIGNAL CONTROLS AT HAMILTON PLACE BOULEVARD AND COMMONS  
BOULEVARD  
was adopted.

CONTRACT: MAYSE CONSTRUCTION  
COMPANY

On motion of Councilman Crockett, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.  
SR-1-96, HIGHLAND PARK SEWER REPLACEMENT, TO MAYSE  
CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF  
ONE MILLION, THREE HUNDRED EIGHTY-NINE THOUSAND, TWO  
HUNDRED SEVENTEEN AND 50/100 DOLLARS (\$1,389,217.50)  
was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER  
NO. 1, REPLACEMENT OF BRIDGE ACROSS NORTH CHICKAMAUGA  
CREEK AND ROADWAY RENOVATIONS OF OLD HIXSON PIKE, WITH  
W & O CONSTRUCTION COMPANY, WHICH CHANGE ORDER  
INCREASES THE CONTRACT AMOUNT BY TWO HUNDRED  
SIXTY-EIGHT AND 45/100 DOLLARS (\$268.45) FOR A REVISED  
CONTRACT PRICE OF FIVE HUNDRED NINETY-SEVEN THOUSAND,  
FOUR HUNDRED FORTY-FIVE AND 43/100 DOLLARS  
(\$597,445.43)  
was adopted.

SEWER EASEMENT

On motion of Councilman Crockett, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER  
EASEMENT FROM GUY R. FULCHER AND NANCY N. FULCHER,  
RELATIVE TO CONTRACT NO. 73C, BIG RIDGE COLLECTION  
SYSTEM V, TRACT NO. 530.1, FOR A CONSIDERATION OF SEVEN  
HUNDRED DOLLARS (\$700.00)  
was adopted.

EMINENT DOMAIN

On motion of Councilman Lively, seconded by Councilwoman Rutherford,  
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY  
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST  
WILLIAM B. TATE AND DOROTHY E. TATE, FOR A SEWER  
EASEMENT ON TRACT NO. 541, CONTRACT NO. 73C, BIG RIDGE  
COLLECTION SYSTEM V  
was adopted.

SEWER EASEMENT

On motion of Councilman Swafford, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER  
EASEMENT FROM J. ALAN CARMICHAEL AND MARY T.  
CARMICHAEL, RELATIVE TO CONTRACT NO. 73C, BIG RIDGE  
COLLECTION SYSTEM V, TRACT NO. 979, FOR A CONSIDERATION  
OF EIGHT HUNDRED FIFTY DOLLARS (\$850.00)  
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilman Swafford,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM EVERETT E. MILLER AND BARBARA J. MILLER, RELATIVE  
TO CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD  
NORTH, TRACT NO. 5, FOR A CONSIDERATION OF ONE  
THOUSAND, ONE HUNDRED DOLLARS (\$1,100.00)  
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman  
Crockett,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM MICHAEL A. PRICE AND ALEIDA H. PRICE, RELATIVE TO  
CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH,  
TRACT NO. 7, FOR A CONSIDERATION OF ONE THOUSAND, THREE  
HUNDRED FIFTY DOLLARS (\$1,350.00)  
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Swafford, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY  
FROM FRANK J. KINSER, RELATIVE TO CONTRACT NO. RW-7-96,  
WIDENING OF GUNBARREL ROAD NORTH, TRACT NO. 11, FOR A  
CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00)  
was adopted.

EMINENT DOMAIN

On motion of Councilman Lively, seconded by Councilman DiStefano,  
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY  
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST C.  
Y. LIU AND RUTH LIU, FOR A RIGHT-OF-WAY ON TRACT NO. 1,  
CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH  
was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Swafford,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST ELIZABETH GABY HOSKINS, FOR A RIGHT-OF-WAY ON TRACT NO. 4, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH

was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST MERLIN RETZLAFF AND VIDA M. RETZLAFF, FOR A RIGHT-OF-WAY ON TRACT NO. 8, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH

was adopted.

EMINENT DOMAIN

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST SUMITRA H. PATEL, FOR A RIGHT-OF-WAY ON TRACT NO. 9, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH

was adopted.

EMINENT DOMAIN

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST SUMITRA H. PATEL, FOR A RIGHT-OF-WAY ON TRACT NO. 9B, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH

was adopted.

EMINENT DOMAIN

On motion of Councilman Lively, seconded by Councilwoman Rutherford,  
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY  
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST  
PRYOR E. BACON, JR., FOR A GENERAL SLOPE EASEMENT ON  
TRACT NO. 10, CONTRACT NO. RW-7-96, WIDENING OF  
GUNBARREL ROAD NORTH  
was adopted.

EMINENT DOMAIN

On motion of Councilman Swafford, seconded by Councilman Lively,  
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY  
ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST  
JAMES A. FOLKNER AND VALERIE G. FOLKNER, FOR A  
RIGHT-OF-WAY ON TRACT NO. 8, CONTRACT NO. RW-8-96,  
WIDENING OF MOUNTAIN CREEK ROAD  
was adopted.

AGREEMENT: TN DEPARTMENT OF HUMAN  
SERVICES

On motion of Councilman Swafford, seconded by Councilwoman  
Rutherford,  
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH THE STATE OF TENNESSEE, DEPARTMENT OF  
HUMAN SERVICES, RELATIVE TO THE FAMILIES FIRST PROGRAM,  
FOR A CONTRACT AMOUNT NOT TO EXCEED TWENTY THOUSAND,  
SEVEN HUNDRED TWENTY-TWO DOLLARS (\$20,722.00)  
was adopted.

OVERTIME

Overtime for the weeks ending October 26, 1996 and November 1, 1996  
totaled \$69,541.59.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Human Services Department:

ATLANTIC DISTRIBUTORS  
Contract No. A-1140548

Renewal of Contract for An Additional 12 Months for Cold, Dry and Cooler Space

\$1.50 per case

PERSONNEL

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

LORENZO WHITE -- Promotion, Equipment Operator II, Parks Division, Pay Grade 8/Step 3, \$20,322 annually, effective October 23, 1996.

SHARRON JONES -- New Hire, Laborer II, Plaza Division, Pay Grade 4/Step 1, \$14,858.00 annually, effective October 30, 1996.

CYNTHIA HARRISON -- Resignation, Planner/Designer, Administrative Office, effective October 24, 1996.

CHIP H. WARD -- Promotion, Greens Superintendent/Brainerd, Pay Grade 16/Step 1, \$31,759.00 annually, effective November 8, 1996.

PATRICK L. SKINNER -- New Hire, Greens Superintendent/Brown Acres, Pay Grade 16/Step 1, \$31,759.00 annually, effective November 14, 1996.

Councilman DiStefano inquired as to the resignation by Cynthia Harrison. Admin. McDonald explained that Mrs. Harrison's husband has secured a position with a firm in Nashville and has moved there; that the Department is sorry to lose her.

PURCHASES

On motion of Councilman Swafford, seconded by Councilman DiStefano, the following purchases were approved for use by the Parks and Recreation Department:

HAVRON CONTRACTING CORP. (Lower and better bid for the City of Chattanooga)  
Requisition No. 135054

Purchase of Asbestos Abatement and Building Demolition

\$87,294.00

VIKING EQUIPMENT CO. (Lower and better bid for the City of Chattanooga)  
Requisition No. 136604

Purchase of Two 4-Wheel Utility Vehicles (\$7,262.14 each)

\$14,524.28

PERSONNEL

The following personnel matter was reported for the General Services Department:

GRADY RATLIFF -- Termination, Welder, Fleet Maintenance, effective October 24, 1996.

PERSONNEL

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

ROBERT W. BAINE -- Resignation, Truck Driver III, City-wide Services, effective October 18, 1996.

RODERICK L. HEATHINGTON -- Promotion, Foreman, City-wide Services, Pay Grade 8/Step 3, \$20,322.00 annually, effective November 8, 1996.

LARRY G. FRIZZELL -- Promotion, Foreman, City-wide Services, Pay Grade 10/Step 2, \$22,121.00 annually, effective November 8, 1996.

PERSONNEL (Cont'd.)

EDUARDO PALACIOS, JR. -- Promotion, Truck Driver IV, City-wide Services, Pay Grade 7/Step 13, \$25,266.00 annually, effective October 31, 1996.

ROBIN KILBY -- Dismissal, Laborer I, City-wide Services, effective October 2, 1996.

JOSHUA D. PARISH -- Employment, Laborer II, City-wide Services, Pay Grade 4/Step 1, \$14,858.00 annually, effective October 30, 1996.

PURCHASES

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

SHERMAN-DIXIE (ONLY BID MEETING CITY OF CHATTANOOGA SPECIFICATIONS)  
Requisition No. 135739

(Price information available and filed with minute material)

TRI-STATE SECURITY AGENCY (Only bid received)  
Requisition No. 135890

Purchase of Twelve-Month Contract for Security Guard Service

\$7.82 per hour  
(\$8.29 per hour as of 9/1/97)

LEE-SMITH, INC. (Lowest bid meeting City of Chattanooga specifications)  
Requisition No. 135787

Purchase of Eight yard Rear Load Garbage Truck

\$52,413.00

FLEX O LITE, INC. (Lower and better bid for the City of Chattanooga)  
Requisition No. 135656

Purchase of Twelve Month Contract for Glass Beads

\$0.2149/lb.

PURCHASES (Cont'd.)

DIXIE FILTERS (Single Source)  
Requisition Nos. 135989, 135990, 135991

Purchase of Twelve Months Contract to Supply and Install Odor Control Filter Media

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Safety Department:

SHARON D. FEATHERS -- Family and Medical Leave, Communications Clerk, effective October 11 - December 16, 1996.

JOHN COLLINS -- Reinstatement per action of Disciplinary Panel of City Council; termination of June 14, 1996 is rescinded, Patrolman, Pay Grade/Step 10/4, \$23,721.00 annually, effective October 22, 1996.

JOHN COLLINS -- Suspended per action of the Disciplinary Panel of the City Council (28 days without pay), Patrolman, effective June 14, 1996.

PEDRO L. BACON -- Reinstatement, Patrolman, Pay Grade 10/step 7 \$26,119.00 annually, effective November 8, 1996.

JACKIE MCCAIN -- Suspension (one day without pay), Dispatcher, Police Department, effective November 5, 1996.

HOTEL PERMIT

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

KNIGHTS INN -- 103 Patten Chapel Road, Chattanooga, Tennessee

PERSONNEL

The following personnel matter was reported for the Finance Department:

SHERRYL HALL -- New Hire, Microfilm Clerk II, Disbursing Division, Pay Grade 4/Step 1, \$14,868.00 annually, effective November 8, 1996.

EASEMENT PURCHASES

Councilman DiStefano stated there have been several changes in purchasing procedures; that the amount for purchases that have to come before the Council for approval has been raised to \$10,000; that we still have contract adjustments for easement purchases. Admin. Boney indicated the easement purchases are not in the same category as the other type purchases coming through Purchasing.

City Attorney Nelson indicated the easement purchases are not bid upon.

Councilman DiStefano asked if there are any legal reasons to continue to do things like this; that there doesn't seem to be a uniform "playing field."

City Attorney Nelson stated this is in a different category of property; that if the Council wants to establish a limit we can take a look at it.

Councilman DiStefano stated the matter can be brought up in a Committee meeting.

Councilman Eaves stated he is reluctant to do this; that it is his opinion the property owners have a right to be heard.

HEARING: RONALD GUSTER

City Attorney Nelson stated a a Better Housing appeal has been requested by Ronald Guster for property owned at 801 Tunnel Boulevard. A hearing date of **December 3, 1996 beginning at 6 p.m. was scheduled.** He stated the committee hearing this case must consist of at least five Council members.

HEARING: GRADY RATLIFF

City Attorney Nelson stated Grady Ratliff has requested a personnel hearing regarding his termination from the General Services Department.

Councilman Pierce stated he would like to recommend for future hearings that the Council try to convene a full Council to hear these requests; that he thinks it would be fairer to persons rather than a committee of three. He stated there will be further recommendations coming, but at this point he feels this would be fairer; that he thinks it is a duty we are obligated to have the hearings. He stated Council members need to live up to their expectations as elected officials.

Councilman DiStefano stated certainly any of the Council members are available to serve on any of the committees; that his question is who will chair the hearing.

Chairman Hakeem stated the Chairman of the Council will appoint someone for the hearing; that it is his intent that it will not be the same person to chair each hearing.

A hearing date of **Monday, November 25, 1996 beginning at 6 p.m. was scheduled**; Chairman Hakeem appointed Councilman Swafford to serve as Chairman.

BOARD APPOINTMENT

On motion of Councilman Pierce, seconded by Councilman DiStefano, the following board appointment was approved:

Hospital Authority Board:

--Reappointment of MARY G. GARDENHIRE for a term to expire November 1, 2000.

COMMITTEES

Councilman DiStefano reminded Council members of the Health, Education, Human Services and Housing Committee meeting scheduled for Tuesday, November 12 at 4 p.m. to continue discussion regarding the report of the Housing Task Force.

COMMITTEES (Cont'd.)

Councilman Lively stated the Legal and Legislative Committee met this afternoon to discuss a resolution regarding disciplinary action procedures; that there were some changes and additions put forth by the City Attorney. He stated the amended document should be reviewed by all Council members; that it will be placed on next Tuesday's agenda for a vote.

Chairman Hakeem stated there is a matter that needs to be dealt with regarding personnel within our department; that he will get with Councilwoman Hurley so that a Personnel Committee meeting can be scheduled.

Councilman Swafford stated a meeting of the Parks and Recreation Committee was held this afternoon for a report of the department's various programs. He stated the "In Your Face" Neighborhood pictorial program was discussed which is co-sponsored by the Community Foundation and Allied Arts. He expressed thanks to the Parks and Recreation department for all their efforts.

WARREN LOGAN, JR.

Chairman Hakeem recognized the presence of Warren Logan, Jr., Executive Director of the Chattanooga Area Urban League.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, November 12, 1996 at 6 p.m.

  
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CHAIRMAN

  
\_\_\_\_\_  
CLERK OF COUNCIL

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