City Council Building September 25, 2001 6:00 P.M.

Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Benson, Littlefield, Lively, Page, Pierce, and Robinson present. Councilmen Franklin and Taylor were absent due to other commitments. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

PLEDGE OF ALLEGIANCE/ INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave the invocation.

MINUTE APPROVAL

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

AMEND BUDGET ORD. NATIONAL EMERGENCY

Adm. Boney explained that this Ordinance needed to be amended to reflect three changes: (I) To consider the period of time between the beginning of the Fiscal Year and the passage of this year's Budget to include that the 16 people who have retired during this period will get retroactive pay. (2) The City will make pension contributions on both the employee and employer's share for those employees called to active duty, and (3) The City will begin negotiations with Blue Cross Blue Shield of Tennessee to explore ways to voluntarily extend medical coverage to families affected by the call-up of reservists beyond the customary six month period.

AMEND BUDGET ORD. (CONT'D.

On motion of Councilman Pierce, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 11175, KNOWN AS THE BUDGET ORDINANCE, SO AS TO ADD A NEW SECTION THERETO TO PROVIDE THAT CITY **EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY DURING THE NATIONAL EMERGENCY FOLLOWING** THE ATTACKS ON THE WORLD TRADE CENTER AND PENTAGON ON SPETEMBER 11, 2001, SHALL BE PAID THE DIFFERENCE THAT THEIR CITY PAY EXCEEDS THEIR TOTAL MILITARY BASE PAY UP TO \$850.00 PER MONTH FROM THE TIME THE CITY EMPLOYEE IS CALLED UP UNTIL RELIEVED FROM ACTIVE DUTY STATUS, NOT TO EXCEED ONE (1) YEAR AND TO TEMPORARILY EXTEND PAID MILITARY LEAVE FOR SUCH EMPLOYEES UP TO A MAXIMUM OF THIRTY (30) DAYS AND AUTHORIZING THE CITY FINANCE OFFICER TO APPROPRIATE THE NECESSARY MONEY FROM OTHER AVAILABLE FUNDS

was substituted. On motion of Councilman Lively, seconded by Councilman Littlefield, the Ordinance passed second reading. On motion of Councilman Littlefield, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORD.

Attorney Nelson stated that Jerry Pace had handed him a note that this Ordinance needs some corrections.

On motion of Councilman Benson, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 705, BY INSERTING NEW LANGUAGE RELATIVE TO PERMITTED ACCESSORY USE OR STRUCTURE TO A DWELLING UNIT AND AMENDING ARTICLE VI, SECTION 102, BY DELETING SUBSECTION (1) AND INSERTING A NEW SUBSECTION (1) RELATIVE TO ACCESSORY BUILDINGS OR STRUCTURES

will be deferred for one week.

AMEND ZONING ORD. BOARD OF APPEALS

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,
BY AMENDING ARTICLE VIII, SECTION 107, BY
INSERTING NEW LANGUAGE RELATIVE TO THE
CRITERIA FOR BOARD OF APPEALS FOR VARIANCES
AND SPECIAL PERMIT ACTIONS

passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE & ABANDON

Belleau Woods Subdivision

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING A
SANITARY SEWER EASEMENT LOCATED WEST OF
TRIANGLE FARM ROAD IN THE 2700 BLOCK OF THE
PROPOSED EXTENSION OF PERSHING ROAD, AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE

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

REZONING

2001-100 (James D. Lee)

On motion of Councilman Benson, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT ROAD, 8207 AND 8217 **PATTERSON** DESCRIBED PARTICULARLY HEREIN, FROM RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, **SUBJECT** TO **CERTAIN** CONDITIONS

passed second reading. On motion of Councilman Page, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-116 (Peggy Pope)

On motion of Councilman Littlefield, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,
SO AS TO REZONE A TRACT OF LAND LOCATED AT
4206 WILKESVIEW DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE
TO R-2 RESIDENTIAL ZONE

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

REZONING

2001-117 (Chestnut Properties, LLC)

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,
SO AS TO REZONE TRACTS OF LAND LOCATED AT
1424 AND 1428 CHESTNUT STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE & ABANDON

John Malone for Dean Construction, LLC

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN
UNOPENED 20 FOOT WIDE RIGHT-OF-WAY LOCATED
IN THE 3900 BLOCK OF WILKINS LANE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS

passed second reading. On motion of Councilman Page, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-122 (Mose & Garrison Siskin Memorial Foundation)

On motion of Councilman Littlefield, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,
SO AS TO REZONE A TRACT OF LAND LOCATED AT
1101 CARTER STREET MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO

CERTAIN CONDITIONS

was adopted.

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

GRANT/HOUSEHOLD HAZARDOUS WASTE

Councilman Benson noted that Resolutions (a) through (h) were discussed in Committee and come with a recommendation.

On motion of Councilman Benson, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF ENVIRONMENT AND CONSERVATION, RELATIVE TO THE CONTINUED OPERATION OF THE HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY AT NORTH HAWTHORNE STREET, IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Benson, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH ERIN YON, RELATIVE TO DESIGN SERVICES FOR TEN GLASS DOORS AT THE DEVELOPMENT RESOURCE CENTER, FOR A TOTAL FEE NOT TO EXCEED TWENTY-FOUR THOUSAND THIRTY DOLLARS (\$24,030.00) was adopted.

TEMP. R-O-W USAGE

On motion of Councilman Pierce, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING NICHOLS FLEET
EQUIPMENT, INC. TO USE TEMPORARILY THE CITY'S
RIGHT-OF-WAY AT 2401 EAST 31ST STREET TO
LANDSCAPE THE FRONTAGE AT THIS LOCATION,
SUBJECT TO CERTAIN CONDITIONS
was adopted.

EASEMENT PURCHASE

On motion of Councilman Benson, seconded by Councilman Littlefield, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT STORM DRAINAGE EASEMENT FROM DOREEN SANDERS, RELATIVE TO CONTRACT NO. SS-1-98, 17TH STREET UNDERGROUND STORMWATER DETENTION FACILITIES, TRACT NO. 6, FOR A TOTAL CONSIDERATION OF FOUR HUNDRED DOLLARS (\$400.00)

was adopted.

EASEMENT PURCHASE

On motion of Councilman Littlefield, seconded by Councilman Page, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT STORM DRAINAGE EASEMENT FROM WILLIAM DUNNIGAN AND ROTHIEL DUNNIGAN, RELATIVE TO CONTRACT NO. SS-1-98, 17TH STREET UNDERGROUND **STORMWATER DETENTION** FACILITIES, **TRACT** NO. 7, FOR Α **TOTAL** CONSIDERATION OF FOUR HUNDRED **DOLLARS** (\$400.00)

was adopted.

EASEMENT PURCHASE

On motion of Councilman Benson, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE PURCHASE OF A
PERMANENT STORM DRAINAGE EASEMENT FROM MARY
KATHERINE BRADFORD, RELATIVE TO CONTRACT NO. SS1-98, 17TH STREET UNDERGROUND STORMWATER
DETENTION FACILITIES, TRACT NO. 8, FOR A TOTAL
CONSIDERATION OF FOUR HUNDRED DOLLARS (\$400.00)
was adopted.

EASEMENT PURCHASE

On motion of Councilman Littlefield, seconded by Councilman Page, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT STORM DRAINAGE EASEMENT FROM SAM C. LEWIS, CLARA PEARL LEWIS AND AZEL WEBB LEWIS, RELATIVE TO CONTRACT NO. SS-1-98, 17TH STREET UNDERGOUND STORMWATER DETENTION FACILITIES, TRACT NO. 9, FOR A TOTAL CONSIDERATION OF FOUR HUNDRED DOLLARS (\$400.00)

was adopted.

EASEMENT PURCHASE

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE PURCHASE OF A
PERMANENT STORM DRAINAGE EASEMENT FROM
IRENE JONES, RELATIVE TO CONTRACT NO. SS-1-98,
17TH STREET UNDERGROUND STORMWATER
DETENTION FACILITIES, TRACT NO. 10, FOR A
TOTAL CONSIDERATION OF FOUR HUNDRED
DOLLARS (\$400.00)

was adopted.

MOCCASIN BEND NAT'L PARK/ZACH WAMP

Chairman Hakeem noted that Congressman Wamp was present at last week's meeting and addressed this initiative; that copies were to be put in all Councilpersons' boxes.

On motion of Councilwoman Robinson, seconded by Councilman Page,
A RESOLUTION SUPPORTING THE EFFORTS OF
CONGRESSMAN ZACH WMAP AND SENATORS FRED
THOMPSON AND BILL FRIST TO CREATE AND
ESTABLISH MOCCASIN BEND NATIONAL PARK,
PURSUANT TO H.R. 980

was adopted.

COVENANT TRANSPORT AD VALOREM TAXES

Councilman Page stated that this came before the Economic Development Committee with recommendation for approval.

On motion of Councilman Page, seconded by Councilwoman Robinson, RESOLUTION TO MAKE CERTAIN **FINDINGS** RELATING TO THE COVENANT TRANSPORT, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE **ENTER** MAYOR TO INTO AND **EXECUTE** AN AGREEMENT FOR PAYMENTS IN LIEU OF AD **VALOREM TAXES**

was adopted.

COVENANT TRANSPORT (CONT'D.)

Councilman Lively recused himself from voting as he has a family member employed by Covenant Transport.

(At this point Chairman Hakeem recognized the presence of Charles Love of the Hamilton County School Board.)

OVERTIME

Overtime for the week ending September 21,2001, totaled \$76,106.78.

PURCHASE

On motion of Councilman Littlefield, seconded by Councilman Benson, the following purchase was approved for use by the Public Works Department:

CHENEY LIME (Low Bid meeting specs.) Requisition R0057230/P0016667

Requirements Contract for High Calcium Lime

\$74.00/Ton

PERSONNEL

The following personnel matters were reported for the Police Dept.:

DAVID E. HOLLOWAY—Resignation of Police Cadet, effective 9/21/01.

MICHAEL L. TAYLOR—Resignation of Police Officer, effective 9/22/01.

PERSONNEL(CONT'D.)

JOY NELSON—Return to duty of Communications Officer, effective 9/24/01.

MICHAEL W. CHOQUETTE—Military Leave from 9/32/01 until 9/23/02.

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Page, the following purchase was approved for use by the Chattanooga Police Dept.:

NEWTON/CHEVROLET-GEO, INC. (Lowest and best bid) Requisition R0054020/B0000620

Two Sport Utility Vehicles

\$50,500.00

Councilman Pierce questioned the use of these vehicles. Chief Dotson responded that they would be used for methamphetamine investigations that are going on. He stated that there were a lot of chemicals to be transported that cannot be done in regular cars and that they had done some research and these were what were being used across the country. Councilman Pierce stated that he was concerned about the cost. He asked if this was a Sports Vehicle or a regular utility vehicle; that he was concerned about the types of cars being purchased throughout the city. Chief Dotson explained that this decision was based on recommendations from other agencies' experience who are doing the same thing and thought this was the best vehicle to utilize. He stated that they wanted to be sure that the officers have the proper vehicle to do what they need to do; that they had a variety of terrains to go over.

GIFTS APPROVAL

Chief Dotson stated that UTC was having a **Salute to America** at their football game Saturday and wanted to honor police officers; that they were giving the officers tickets, as well as their families. **On motion of Councilman Lively, seconded by Councilman Littlefield, unanimous approval was given for acceptance of these tickets.**

REFUNDS

On motion of Councilman Littlefield, seconded by Councilman Page, the City Finance Administrator was authorized to make the following refunds on 1998, 1999, and 2000 property taxes:

MCCALLIE SCHOOL, INC.--\$1,226.28 due to APPEAL RESOLUTION BY THE STATE BOARD OF APPEALS for the years 1998, 1999, and 2000.

ASTEC INDUSTRIES, INC.--\$1,395.68 due to AMENDED REPORT FROM TMA AUDIT for the year 2000.

CITY GATE CHURCH, INC.--\$1,344.72 due to E&R #20576 per TAX ASSESSOR for the year 2000.

BOARD APPOINTMENT

On motion of Councilman Pierce, seconded by Councilman Littlefield, the following Board Appointment was approved:

❖ Appointment of LEROY PARKS to the TREE ADVISORY COMMISSION for a term of four years ending March 5, 2005.

HEARING: J. B. MOORE

Attorney Nelson announced that hearing for **Firefighter J. B. Moore** scheduled for October 8, 2001, with Councilmen Littlefield, Lively and Benson will **not** take place as the matter has been resolved.

CHARLES LOVE

Chairman Hakeem recognized Mr. Love and asked him if he wished to address the Council. Mr. Love thanked the Council for this opportunity, stating that he really wanted to thank the Councilmen who came to the meeting that they had; that he hoped this would be the beginning of discussions on education; that the City was a critical partner in this, and they did not want them to be disengaged and to continue to take part. He stated that they, as a School Board, would try to answer the Council's questions and address their concerns; that they would accommodate the Council. He stated that they were planning on having a follow-up meeting to the one held at Hardy School to discuss the challenges before us. He reiterated that the City is a critical partner in terms of resources, including the \$8 million dollars and the Resource Officers and the other things they did that are intangible. He expressed appreciation for this engagement.

Councilman Pierce expressed his appreciation of the presence of Mr. Love and asked him to speak to the State's position regarding our local schools. He asked how the money that the City is giving the County could be directed to those schools that are falling behind.

Mr. Love responded that there was no policy in place at the State level to designate schools. He explained how requirements are measured in terms of four categories—Language, Math, Science, and Language Arts in grades K thru 5. He stated that the standard used is a certain percentage operating at a grade level using the number 40; that they used a three-year average and the Hamilton County schools that are on the list as unacceptable have been making progress but just have not met the number 40 yet; that some of them had the number 18. He stated that we were moving closer to the goal to take us off this list; that some schools were on the list last year and not on the list this year; that eight of the 11 schools mentioned have new leadership.

CHARLES LOVE (CONT'D.)

Mr. Love went on to say that the Benwood Foundation is beginning this year to address these difficult areas. He stated that they had also put in place Consulting Teachers to work with the deficiencies. He reiterated that progress was being made, but they had not met the #40 yet so that they could be removed from this list.

Mr. Love stated that they wanted to be sure they used their resources efficiently; that the State was saying that after three years they would take over these schools. He stated that they could not afford to do this; that the burden for schools was put on local governments. He stated that the State could make requirements and legislative decisions, but they did not have enough resources to address taking on schools. He stated that in the urban areas where the problems are, that we are not getting enough help from the State and local governments are maxing out, and we can't function like we would like to do because we don't have the resources.

Councilman Benson stated that he wanted to join Mr. Love in saying that the meeting was a wonderful occasion this week and mutually beneficial to the entire area. He stated that he had two concerns that he wanted to bring to Mr. Love's attention: (I) He stated that the years he had spent studying with the Association of Contractors that he had heard a lot of problems that had been generated by the lack of a Technical and Vocational School in the City; that Harrison and Sequoia are not accessible to students within the city; that he felt we needed to replace Kirkman Vocational School; that we are losing a great opportunity of real potential in this area. (2) He wanted to know where we were on the Eastside Gymnasium.

Mr. Love stated that he could respond to Councilman Benson's first concern; that the Superintendent had talked about a Technical and Vocational School to address our needs; that he had talked about adding a program at Howard High School and that Chattanooga State and UTC were working on this. He agreed that there was a demand.

Councilman Benson responded that Mr. Love was missing his point; that he was talking about a strictly technical and vocational school in the core city area. Mr. Love stated that there was the matter of resources; that we did not have the resources unless someone was willing to help subsidize this.

CHARLES LOVE(CONT'D.)

In regards to Councilman Benson's second concern regarding Eastside, Mr. Love responded that the Facility Committee had had no discussion since a month ago; that they were giving serious consideration to the use of the facility and how it could benefit the community. He stated that there would be another Facility Committee meeting in the next two weeks and that any Councilmember could be a part of this and could have input.

Councilman Page thanked Mr. Love for his initiative to have all governmental entities involved in discussions on funding. He stated that sustainable funding should be county-wide or we will continue to struggle, and it is everyone's responsibility to partnership, and we need to get all governments involved.

Councilman Littlefield asked who was on the Facility Committee. Mr. Love responded that Chip Baker was the Chairman; that he (Charles Love) was on the committee, as well as Janice Boydston, Bill Eldridge, and Everett Fairchild. He stated that this committee could change this Thursday.

COMMITTEES

Councilwoman Robinson thanked Mr. Love for being here. She also invited everyone to attend the District 2 Committee Meeting that will take place on **Thursday, September 27**th **at 6:30 P.M. at the Northside Presbyterian Church.** She stated that there would be a preliminary discussion pertaining to the old North Chattanooga Fire Hall that is now vacant on Forrest Ave.

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee** to be held **Tuesday, October 2nd at 3:00 P.M.**

TN-AMERICAN WATER CO.

Councilman Pierce asked if it would be proper to ask Mr. Loftin to give us an update on the Water Company and their new owners.

Mr. Loftin thanked the Council for this opportunity. He stated that their parent company was American Waterworks in New Jersey; that they were being bought by RWE based in Essen, Germany, who also owned a company in London called Thames Water. He stated that the purchase was agreed to Sunday a week ago, and it would take 12-14 weeks for this to be finalized as it had to go to various State Regulatory Bodies; that the timeframe was unclear because each State has different schedules. He stated that they anticipated no changes and would provide the same service that they had provided for over 100 years; that the same people would be delivering water that delivers it now and will be doing so next year, too.

Councilman Pierce expressed that in view of the City wanting to buy the Water Company a few years ago that he thought we would be given the first right of refusal. Mr. Loftin responded that as it is often said in the military "that was above his pay grade". Councilman Benson verified that the Water Company did sell to them.

MICHAEL SIEMER

Mr. Siemer addressed the Council concerning what he felt was a potential danger to the City and the Nation. He reminded the Council that many years ago our forefathers gave their lives to develop an independent Christian nation; that our morals and laws are based on the Lord Jesus Christ and his Holy Book; that the Supreme Court of America would uphold that we are a Christian nation. He stated that he was in the dentist's office when the World Trade Center attack occurred; that his 12 year old daughter asked why this happened. He stated it was because of Moslems who pray to the false prophet, Mohammed. He stated that he wanted to warn the Council that they kill children if they convert to Christianity; that there is a legal system in every Moslem nation and Islam is a bloody religion. He stated that we should love our Moslem neighbors but not trust them; that the Twin Towers were a source of pride and would rise again, but they would not rise without the Lord Jesus but would fall. He stated that

MICHAEL SIEMER(CONT.)

there is unity across the nation and that he had never been prouder to be an American. He then quoted from Judges 16:20 and stated that he wanted to warn this community and urge every American to humble themselves and pray and to seek Jesus. He mentioned that in two days there had been two tornadoes in the State Capitol; that God is serving America a war, and he was asking people to repent and to seek Jesus.

Councilman Benson stated that he had to respond to this; that he knows there is freedom of speech, and we had let Mr. Siemer speak, but he thought that his facts were off base.

SISTER BEY

Sister Bey addressed the Council, stating that Jesus Christ caused us to be enslaved again; that she did not care anything about Mr. Siemer's Jesus Christ, and he could go jump in the lake.

<u>ADJOURNMENT</u>

Chairman Hakeem adjourned the meeting until Tuesday, October 2, 2001 at 6:00 P.M.

	CHAIRMAN		
CLERK OF COUNCIL	-		

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