

Municipal Building
Chattanooga, Tennessee
September 17, 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 being present. City Attorney Randall Nelson, Management Analyst Richard Lanese, and Shirley Crownover, Assistant Clerk of the Council, were also present.

INVOCATION

Councilman Ron Swafford gave the invocation for the evening.

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
(JUNIOR LEAGUE)

Chairman Hakeem stated this was a very meaningful presentation in regards to the Junior League's Westside Community Development Program and the work being done by the Junior League. He read a prepared statement (which is made a part of the minute material) recognizing that at the 1996 Annual Conference the Junior League of Chattanooga was recently awarded the Grand Award of the Association of Junior Leagues International/BMW Community Impact Award. He stated that today the City Council formally acknowledged the efforts of the Chattanooga Junior League and their efforts to better the lives of others.

Councilwoman Hurley made a presentation at the podium to Theresa North, President of the Junior League; Sheila Jennings, President of the Westside Residential Association; and Gwen Charles.

Chairman Hakeem presented a Certificate of Appreciation and noted there had been a tendency to hear of good things that will be done and it was so refreshing to have people do what they say they are going to do. He stated they had been responsible for building bridges in our community, and he thanked them again so very much.

REZONING

#1996-184 (BHY CONCRETE FINISHING, INC.)

On motion of Councilman DiStefano, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4123 SHALLOWFORD ROAD, BEING OFF THE NORTHWEST LINE OF SHALLOWFORD ROAD NORTHEAST OF AGAWELA DRIVE, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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.

REZONING

#1996-189 (BENTON HOOD)

On motion of Councilman DiStefano, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 27 WEST 19TH STREET, BEING ON THE NORTHEAST LINE OF WEST 19TH STREET NORTHWEST OF MARKET STREET, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE

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

REZONING

#1996-192 (CHARLES BOBBITT)

On motion of Councilman Swafford, seconded by Councilman DiStefano, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 710 ASHLAND TERRACE, BEING ON THE SOUTHWEST LINE OF ASHLAND TERRACE SOUTHEAST OF THRUSH-WOOD DRIVE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

#1996-197 (PAUL L. MORGAN)

Councilwoman Hurley inquired if the applicant was in the audience. He was, and he was asked if he accepted the conditions that this was subject to the proposed use as an art gallery, art studio, and related sales only. Mr. Morgan stated he was in agreement, but he would like an addition to include one-of-a-kind gift items and imported items. Mr. Bennett stated the Planning Staff would have no problem with this, and Attorney Nelson added gift shop and antique shop to the conditions. **On motion of Councilwoman Hurley, seconded by Councilman Crockett, these conditions were added.**

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1310 HANOVER STREET, BEING ON THE SOUTHWEST LINE OF HANOVER STREET SOUTHEAST OF HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO 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.

REZONING

#1996-204 (CURRY BRANDAW ARCHITECTS)

Councilman Eaves stated that he would like for the City Attorney to spell out the conditions and review this.

Attorney Nelson read that the first condition would read as follows: **Proposed use of a congregate retirement residence only with a maximum of 119 units substantially in accordance with the plans attached hereto and made a part hereof by reference.**

On motion of Councilman Eaves, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7511 SHALLOWFORD ROAD, BEING ON THE NORTHEAST LINE OF SHALLOWFORD ROAD NORTHWEST OF ASHFORD DRIVE, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO 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.

REZONING

#1996-206 (TURBYVILLE CONSTRUCTION SERVICES)

On motion of Councilman Lively, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 927 AND 929 EAST MAIN STREET, BEING ON THE NORTHWEST LINE OF EAST MAIN STREET AT FAGAN STREET, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

#1996-207 (THE RAINES GROUP, INC.)

On motion of Councilman DiStefano, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1740 GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD SOUTHWEST OF IGOU GAP ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO 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.

AMEND ZONING ORDINANCE

On motion of Councilman DiStefano, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE VIII, SECTIONS 107(1), (20) AND (21) (E)5, RELATIVE TO RESIDENTIAL HOMES FOR THE HANDICAPPED AND/OR AGED PERSONS, ASSISTED LIVING FACILITIES, MEDICALLY ASSISTED LIVING FACILITIES, NURSING HOMES, AND HOSPITALS

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.

CLOSE AND ABANDON

#1996-154 (FRUMIN, INC.)

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY
LOCATED EAST OF ALTON PARK BOULEVARD AND NORTH
OF EAST 33RD STREET, MORE PARTICULARLY DESCRIBED
HEREIN

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

CLOSE AND ABANDON

#1996-157 (SAMUEL J. LOY)

On motion of Councilman Lively, seconded by Councilman DiStefano,

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED
STREET LOCATED NORTH OF SHALLOWFORD ROAD AND
EAST OF PRESTON CIRCLE, MORE PARTICULARLY
DESCRIBED HEREIN

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

CLOSE AND ABANDON

#1996-162 (THOMAS E. BERNARD)

On motion of Councilman DiStefano, seconded by Councilwoman Hurley,

AN ORDINANCE CLOSING AND ABANDONING UNOPENED
RIGHT-OF-WAYS LOCATED NORTH OF SHALLOWFORD
ROAD AND EAST AND SOUTH OF PRESTON CIRCLE,
MORE PARTICULARLY DESCRIBED HEREIN, UPON
CERTAIN CONDITIONS

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.

CLOSE AND ABANDON

#1996-190 (CITY OF CHATTANOOGA)

On motion of Councilman Crockett, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING OF PART OF
THE 500 BLOCK OF WEST 19TH STREET EAST OF CARTER
STREET; PART OF THE 1900 BLOCK OF FORT STREET,
NORTH OF RIVERFRONT PARKWAY AND ALLEYWAYS BE-
TWEEN CARTER STREET AND CHESTNUT STREET AND
WEST 19TH STREET AND RIVERFRONT PARKWAY, MORE
PARTICULARLY DESCRIBED HEREIN

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

CLOSE AND ABANDON

#1996-180 (ASTECH INDUSTRIES, INC.)

Chairman Hakeem explained this was under first readings and that the
applicant would be allowed three speakers with a maximum time of three
minutes each and the opposition would be allowed three speakers with a
maximum of three minutes each. He explained the applicant would then
have an opportunity for rebuttal. He stated that we would begin with
a report from Councilman DiStefano, whose district this is in, and
then if the applicant wanted to make any relevant comments, he might
do so. He reiterated that the community could also make comments if
they so desired. He emphasized that the Council only wanted to hear
new and relevant information--that they did not wish to rehash what
they had already gone over.

Councilman DiStefano stated that two weeks ago the Council heard
Astec's request for closure and abandonment, and it had been tabled
for Astec and the neighborhood to communicate. He stated that he
tried to coordinate meetings and two had been held last week--one at
the Astec office with 7-10 community members being present including
Reverend Seymore Talley and Mr. Holmes. He stated the meeting took
about two hours and there was no resolution that evening. He stated
there was a good beginning, and they opened the lines of
communication. He stated they met on Saturday with Mrs. Brenda
Millsaps, President of the Emma Wheeler Homes Residents Association;
that the meeting was open to the public, and they heard a number of
comments; that some of the sentiments expressed were if the applicant
had to do this, then they dearly hoped there would be opportunities
for residents in their area, and Mr. Wagner asked that they put their
comments down in writing and to some degree they would be recognized.

CLOSE AND ABANDON (ASTEC INDUST.)
(CONT'D.)

Councilman Pierce questioned Councilman DiStefano about the first meeting he talked about which was held on Wednesday at Astec. Councilman DiStefano stated that the Fire Marshall and representatives of the City Traffic Engineering Dept. were present to discuss the issue of the closure and the timing of services in the area and another alternative was suggested. Councilman Pierce indicated that he thought the arrangement for the meeting was supposed to be between Astec and the community, and he questioned the arrangement being between Councilman DiStefano and Astec. Councilman DiStefano responded that he was asked to be a go-between and Astec had requested that they come to their place so that they could demonstrate their equipment.

Councilman Pierce stated that he had a memo he wished Attorney Nelson to read in light of that first meeting; that he wanted to know if that meeting was considered a legitimate meeting and whether it was a violation of the Sunshine Law since councilpersons had attended it.

Attorney Nelson stated that he did not know who on the Council was present; that if there was no deliberation towards a decision then the meeting was perfectly acceptable. Attorney Nelson stated there was not enough information in the memo for him to say one way or the other. He stated there seemed to be two Council persons present who made comments.

Councilman Pierce stated he could not detect if there was any deliberation towards a decision.

Councilman DiStefano stated he was not sure of the legality of the Sunshine Law; that in essence it was announced at the September 3rd Council meeting that meetings would be held and Council members could be present if they wanted to; that a member of the media was present. He stated he did not believe there was any violation of the Sunshine Law.

Councilman Pierce maintained that the meetings should have been between Astec and the community; had he known Council members were going to be present that he would have liked to be in on that meeting if he had been notified.

ASTEC CLOSURE (CONT'D.)

Councilwoman Rutherford stated she thought Councilman Pierce was talking about her--that she was present; that there was no deliberation towards a decision; that she thought all of the Council members would be present on Wednesday; that she had asked several to attend with her, and she was saddened that other members of the Council were not present to show support for Astec.

Councilman Pierce indicated that he thought Councilwoman Rutherford had apologized that other Councilmembers were not present. He stated that it was not Councilwoman Rutherford's position to apologize for this Council; that he was elected in District 8, and he did not want anyone representing him--that if anybody needed to be apologized to, he would personally do it; that Councilwoman Rutherford had apologized and some had reacted; that he did not know Councilwoman Rutherford's political gains for going there, but he would like to make it known that he would like to represent himself.

Councilwoman Rutherford stated she would like to know the political gains she was operating under, too; that she felt like Council members had slapped a major employer in the face; that there were five members on this Council who asked for a sales tax referendum for economic development, and they were the very ones who asked that this be deferred for two weeks; that if Councilmembers had been interested, they would have been at the meeting last Wednesday. Councilman Pierce stated he would have been there if he were a mayoral candidate.

Councilman Swafford stated that the support of Astec had never been the issue; that he also took offense to what Councilwoman Rutherford had said, but he did not feel the Council members needed to attack each other; that information from Astec was needed; that as a minority representative he was concerned about the number of minority employees at the plant--that that was what he was interested in; that he did not know if the information had been provided, but he hoped that it had. He stated that he had not "slapped" Astec in the face.

Ms. Brenda Millsaps spoke in opposition to the closure. She stated she was President of the Emma Wheeler Homes Residents Association. She stated she would start with the meeting held last Wednesday--that they did meet with Astec and did not come to any agreement at that time; that Councilman DiStefano and Councilwoman Rutherford were present, but it seemed the community had nobody to represent them and everything was on one side. She stated still no questions had been answered about employees. She stated that Councilwoman Rutherford told them the Council had no right to question an employer about employees; that they had heard from Mr. Wagner, and he had given them a lot of run-around, talk, and rhetoric, and the community seemed to have no voice; that a representative of the NAACP was present and received no answers; that Mr. Wagner stood at the end of the meeting and made

ASTEC CLOSURE (CONT'D.)

some promises to look into the concerns of the community; that he had no idea what the community needed but stated he would take a look at the needs of the community and appoint a liaison person to let the people know of job opportunities in the future; that he gave no specifics; that another meeting was held on Saturday for the community and Astec to get together to take a look at the problems; that she had faxed a letter from Mr. Wagner and would submit a copy of the Fax for the record; that other things were taking place in this area, mentioning Hamill Rd. and 100's of trucks that would be traveling this way and removing coal tar from the creek. She stated the safety of the community would be in "harm's way". She stated they had never thought about the removal of coal tar, but now they had thought about it and the closure of Jerome Ave. would be a detriment to their community's health. She stated they were speaking again in opposition; that their Council person who represented them should have their community interests in mind--that he showed no community interest; that she was insulted by Councilwoman Rutherford, and she came today to let the Council know this.

Councilwoman Rutherford stated Ms. Millsaps was right--that she did tell them that the Council had no authority to ask for employee figures on a zoning matter--that employee figures were not a City Council issue; that if they were, she would like to see the law that gives the Council this authority.

County Commissioner William Cotton spoke next in opposition. He stated that the County gives people 5 minutes to speak rather than 3. He stated he was present to voice his concern as a concerned citizen; that he would like to voice his concern relating to the passage on first reading of this closure and abandonment for Astec Industries of the 1200 Block of East 40th St. and the 3900-4100 Blocks of Jerome Ave. He stated the function of the Hamilton County Planning Commission is to establish long-range plans and goals; that several concerned citizens appeared before the Hamilton County Planning Commission to oppose this closure, along with the Chairman of the City Council and himself as County Commissioner for District 4. He stated at the Planning Commission meeting Astec said the reason why they were asking for this to be closed was for security, safety, and expansion. He stated security belonged to the Chattanooga Police Department; that their concern was economic development, which was a key factor. He questioned where the proposal of what they were going to do was on a long-range basis. He stated he tried to be very fair--that when it comes to their neighborhood (Astec), it becomes economic and that we needed to be fair; that if it were all right for them to do this here, then it should apply to all districts.

Susan Elliott Rich spoke next in opposition. She stated she was an attorney who represented the Rich family--that they owned property on East 40th St.; that they were not here for the meeting last time because they did not receive any notice and were not contacted; that they did get the minutes of the September 3rd meeting; that the Planning Agency had their tenant listed but the Rich family actually owns it. She stated the only access they would have would be on 40th St.; that she did not know the railroad schedule, but it "stopped" up traffic. She mentioned an amendment to the proposal to re-open a street that parallels Jerome Ave.; that if you open that roadway rather than close down another section of Jerome, that that would further limit their access. She explained that Mr. Rich had died and that Dr. Rich, his son, intends to form a new business, and he needs access. She stated she knew Dr. Rich could not compete with what Astec does, but it would be a small business that would grow. She stated if this is closed, they may lose a tenant that needs access and would be basically road-locked. She reiterated that they were not contacted earlier and noted they should have read the signs. She stated the minutes of the September 3 meeting did not reflect that this was an expansion to provide more jobs but an expansion for equipment to be moved more readily, which she stated would probably in essence keep jobs. She ended by saying roads are for public use and not private.

Councilwoman Hurley responded that in answer to Ms. Rich's last question that the expansion was to create jobs; that their headquarters would be on this site. She mentioned other streets that this Council has closed, using as an example West 19th St., to provide Industrial Development sites and noted we were relocating some people out of the Southside District. She noted that Combustion Engineering was asking for closure of one section of a road. She stated she thought it was important that we make every effort to accommodate this industry; that Astec was one of the five or six home-owned companies that we have here, noting that home-owned companies were at a premium. She stated we were spending money to get companies to come and locate here. She stated she was glad that there had been more communication with this neighborhood. **She moved that the Ordinance be passed on first reading; this was seconded by Councilman Lively.**

Councilman Pierce stated he did not think we were talking about job expansion but a convenience to move heavy equipment. He stated we needed to look at the infrastructure; that they would maintain that right-of-way; that expansion has to be on one side or the other; that the Fire Marshall begged them not to close this and also the Traffic Engineer. He questioned where Astec would be today if that street had not been there; that if they want to expand, they have property to the right and to the left. He questioned why close down a street! He begged the Council to please consider this--that it would double the time to get to the grocery store; that he had measured this on his car, which he doubted any other Council person had done.

ASTEC CLOSURE (CONT'D.)

Councilwoman Rutherford stated that she had measured this and that it was exactly 1.6 miles, and she did this at 4:00 P.M. on Wednesday, and it took her a minute and a few seconds longer.

Councilman Pierce still maintained that this was closing a public right-of-way down that was used daily.

As there were some interruptions, Chairman Hakeem reminded the Council that he as Chairman would determine the sequence of those speaking and asked that he please be allowed to do this.

Councilman Lively stated that all the decisions the Council makes affects someone; that the Council has to make the decisions they feel are in the best interest for the community; that Councilman Pierce had mentioned the road--that he doubted the road would be there if not for Astec; that it had been stated that the closure of the road would take away options of getting from point "A" to point "B"; that if we don't close it, we will be taking away options of Astec, and they will move somewhere else. He stated in weighing the minuses and pluses, we have no choice but to do this. He noted that there was now a new Food Lion next to this community.

Councilwoman Rutherford asked Attorney Bethea what the reality would be for more jobs. Attorney Bethea responded there would be additional jobs over a period of time which would be a direct result of this expansion; that if this is not closed, Plan "B" would be to move this expansion out of state and some of the jobs on Jerome Ave. would be directed to another location. He stated failure to close this would eliminate expansion and also jobs and economic impact.

Councilman DiStefano stated that Councilman Pierce was correct in saying that the Fire Marshall was interested in another route; that the Traffic Engineer and Fire Marshall attended the Wednesday meeting, and they expressed their comfort and said they were satisfied with the alternative. He stated this Council was asked many times to consider requests by industrial developers and companies; that we do support economic development; that we have listened to the voices of the citizens in this area that don't want this here because of the inconvenience and think it will be a threat to public safety; that in some cases their assertions are not a great concern; that they feel it will create a great hardship on them to travel to Rossville Blvd.; that experts had examined this issue and found there would be no significant hazard to this re-routing. He agreed there was an inconvenience, but noted professionals had been asked their opinion, and they had assured that the concerns were not significant; that under these circumstances he had to weigh the concerns the residents raised as opposed to the good of Chattanooga as a whole.

ASTEC CLOSURE (CONT'D.)

Councilman DiStefano went on to say he had to look at the economic development of the community; that we need to keep the tax rate as low as we can unless there are situations where this just is not possible. He stated that Astec had made a compelling argument that they have to have this road closed--that there is no other alternative that will work; that they make a compelling argument and job opportunities are needed much more and in the long run it will be a good thing for this City to support this.

Councilman Crockett stated cases like this never go without a lot of conversation; that a lot of people are affected; that they are impacted and there is some inconvenience; that at the meeting on Saturday there was the suggestion of a Study to put a traffic light there instead of closing the road, but this was not a workable solution--that it was a good suggestion but not workable. He stated that the general tone of the meeting was impressive; that a lot of people got pretty emotional; that he thought the community made good suggestions and had good input; that he thought Astec and Mr. Wagner were listening; that he thought there was good communication and good will on both sides; that we had to start with good communication and good will and what he could sense was long-term prospects. He stated he would support the closing of the road; that he hoped the alternative of a parallel road could be looked at between now and second and third readings. He stated he was positive about the prospect.

Councilman Swafford stated he thought everyone supported economic development and noted the recent effort in the City. He stated he did not want it to appear we did not. He asked Mr. Wagner and Mr. Bethea if they had ever determined how many African-Americans they had employed at this site. Mr. Bethea responded 14% overall; that he could not give Councilman Swafford the specific number for this plant. Councilman Swafford verified that Mr. Bethea could not tell him how many African-Americans they had in the Chattanooga plant. Mr. Bethea responded that Astec personnel records are color-blind; that it would take a long time to pull this information. Councilman Swafford inquired if they could not just walk through the building and see how many African-Americans there were. Mr. Bethea responded that "No", they could not just walk through the building because some of their employees were on the road and outside the building. He maintained that they should not be asked to do this. Councilman Swafford maintained that this should not have been that great of a deal to get this information in two weeks. Mr. Bethea stated it was roughly equal between African-Americans and Hispanics.

ASTEC CLOSURE (CONT'D.)

Emma Choice spoke next in opposition. She stated if the Council closed down Jerome Ave. there would be tragedies--that she had seen a little girl die because a train went too long on Hamill Rd. She stated just two Black men worked at this plant; that she was interested in keeping the road open; that it would do danger to someone and someone would be hurt. She stated that people come from everywhere, including Georgia, to use this road--that Jerome Ave. is a busy street. She questioned sick people having to go by the railroad tracks and begged the Council to consider them. She stated they did not have big money.

It was noted by some that more than three people had spoken in opposition. Chairman Hakeem stated that this was an issue of great interest and concern; that Council persons had been allowed to speak as long as they wanted to, and he stated he would let the community be heard.

Charles Shropshire spoke next in opposition. He stated he would hate to see Hamill Rd. closed. He thanked the Council members for giving them the opportunity to meet with Astec.

Chairman Hakeem noted that north of Astec are a couple of businesses--a car business and a paper company that will be negatively impacted. He mentioned the impact on the citizens in this community; that we are talking about using the street in cars; that we are not talking about an upper-class neighborhood; that there are people here who have to walk to the store or pay a taxi to take them there. He stated it would have an impact on their pocketbook. He stated that the community had come to express their concerns to the Council with legitimate reasons, noting that we had had a motion and second to pass this on first reading before we heard the community out. He stated we needed to hear what these people have to say; that they don't have big dollars. Chairman Hakeem noted that he had brought some information to Mr. Bethea's office in regards to minority employees. He asked Mr. Bethea if he felt compelled in any way to provide this information.

Mr. Bethea stated that Chairman Hakeem did deliver some information to his office that he wanted Astec to fill out. He stated the forms and questions dealt with Equal Opportunity Employment and stated that Astec did not discriminate. He stated this information raised several privacy questions and also appeared to be outdated as it mentioned South Africa. He stated he questioned the legal basis for filling out this questionnaire and asked if others had been asked to do this same thing in zoning cases and noted he had several concerns, notwithstanding the fact there were eight pages to be filled out in one afternoon. He stated he did have some legal concerns and felt this went beyond the scope of what the applicant is requesting to do. He stated he hoped he had adequately answered Chairman Hakeem's question.

ASTEC CLOSURE (CONT'D)

Chairman Hakeem stated this was not an adequate answer; that there seemed to be no desire on Mr. Bethea's part, nor the company's part, to provide information that the Council might deem reasonable and appropriate to make a decision. He stated that it was not Mr. Bethea's job to tell the Council what is relevant. He stated Mr. Bethea was saying the Council should not ask for employment information, and he begged to differ! He stated if he had read correctly, the stock of this company (Astec) is 52 weeks low. He questioned if this was the type of environment one expands in.

Mr. Bethea responded that Astec wishes to expand and intends to expand; that some Council members were present at Wednesday night's meeting and saw the investment Astec has made and know they mean what they say.

Chairman Hakeem stated there was no commitment on Mr. Bethea's part to address any of these concerns--that he felt he had his five votes!

Councilwoman Hurley stated that she had made the motion to approve on first reading after three speakers had spoken; that she was perfectly willing to listen; that Chairman Hakeem had said they were insensitive and had not heard the neighborhood out. She stated she was really astonished--that we had spent many hours with RiverValley Partnership in attempting to get out-of-town businesses to relocate here; that we had rolled out the red carpet for companies from allover, from Tennessee to Japan and now we were questioning a major home-owned business! She stated that we did not enter into this lightly; that we should be there for these people. She stated she had enormous respect for Chairman Hakeem, but she could not understand what is going on; that we are not growing in terms of jobs; that this is a company that is home-owned and is producing jobs and is able to grow, and she says "Hallelujah".

Councilman Pierce called for the question.

ASTEC CLOSURE (CONT'D.)

On motion of Councilwoman Hurley, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING THE 1200 BLOCK
OF EAST 40TH STREET AND THE 3900-4100 BLOCKS OF
JEROME AVENUE LOCATED SOUTH OF EAST 19TH STREET
AND NORTH OF HAMILL ROAD, MORE PARTICULARLY DESCRIBED
HEREIN, UPON CERTAIN CONDITIONS
passed first reading on roll call vote as follows:

COUNCILMAN CROCKETT	"YES"
COUNCILMAN DISTEFANO	"YES"
COUNCILMAN EAVES	"YES"
COUNCILWOMAN HURLEY	"YES"
COUNCILMAN LIVELY	"YES"
COUNCILMAN PIERCE	"NO"
COUNCILWOMAN RUTHERFORD	"YES"
COUNCILMAN SWAFFORD	"NO"
CHAIRMAN HAKEEM	"NO"

(AT THIS POINT A FIVE MINUTE RECESS WAS TAKEN)

ZONING POLICY (SHALLOWFORD RD.)

When the meeting reconvened, Chairman Hakeem asked that one Resolution be taken out of order since the majority of those present were here in interest of this case. **On motion of Councilman Lively, seconded by Councilwoman Rutherford, the Resolution regarding the current policy relative to commercial development north of Shallowford Road was heard at this time.**

Mr. Barry Bennett of the Planning Agency made the presentation, stating as the Council would recall, about three months ago they directed the Planning Staff and Traffic Engineering to conduct a Study at Shallowford Rd. and Gunbarrel Rd. He presented a map, which is made a part of the minute material, stating that the boundaries were as follows: **I-75 on the west; Gunbarrel on the east; Shallowford on the south; and McCutcheon on the north.**

ZONING POLICY (CONT'D.)

Mr. Bennett stated the Study had been done by his office and the Traffic Engineer, and they looked at the feasibility of maintaining the current zoning policy of this area which states no commercial development north of Shallowford Rd. He stated they maintained that from Shallowford Rd., both east and west of Gunbarrel, should only be rezoned for O-1 and R-4 low-generating traffic uses. He stated that Traffic Engineering printed numbers and did a Study and tried to estimate the amount of traffic generated if only one-half of the area was built out--that if only one-half of the area was built out, the road system would be operating at capacity (Gunbarrel Rd. and Shallowford Rd. area), and the entire street system would be operating at capacity within five years of development and this was only building up one-half of the area. Mr. Bennett stated that between Shallowford and McCutcheon, once the dominoes start falling, it will happen all the way to Standifer Gap Rd. He noted that the Planning Agency had had several requests for zoning changes--some were pending and some were expected to come in.

Mr. Bennett explained that at the present time, the Council had a case which had been before them and been denied for the church property and property adjacent to the church and a lot on Timberlane. He noted that a Traffic Study had been done of this area showing the amount of commercial development and the subsequent traffic that would be generated, and it had been found that the traffic could be accommodated by the existing streets, taking into account some additional widening. He stated they did not disagree with that Study since the amount of traffic would only involve this particular case's uses. He stated they **were** concerned about the traffic potential that would be generated by the additional zoning changes once the precedent has been established of rezoning large tracts on the north side of Shallowford Rd. in that area. He stated there had been some discussion of re-drawing the boundary lines. He stated their concerns were: (1) Legal ramifications of setting a precedent--could another line drawn north of Shallowford Rd. not be considered arbitrary? and (2) If any of these frontage tracts are rezoned, would it only be a limited amount of property to be rezoned on a first come, first served basis?

Mr. Bennett went on to say that the cases they have pending are the first ones to come in, and if we allow them to be the only ones rezoned it places the remainder of the properties in a "Catch 22" situation in that it limits their marketability and limits the owners from selling for residential use. He stated they favored waiting for street improvements and then asking for rezoning. He stated this was the feeling of the Planning Staff and Traffic Engineering--that they were not trying to be adversarial with developers but were trying to protect the people who live in this area. He stated that the people

ZONING POLICY (CONT'D.)

from the Twinbrook area are aware of the traffic situation that exists; that they are concerned that if the rezoning does begin, and we rezone only a few properties, that no doubt once the zoning changes begin north of Shallowford Rd. there will be requests for all that property, and it will be more difficult to establish a stopping point.

Mr. Bennett stated that what the Planning Staff and Traffic Engineering recommended at this point was not to discuss development; that if we are going to expand in all directions, there is a need for a market study--that this needs to be done properly and the infrastructure needs to be in place. He stated a much more extensive Study needed to be done to see what is needed in the way of traffic generated. He spoke of a proposed connector between HW 153 and Hamilton Place Blvd. to make access to and from the Mall easier. He stated there had also been discussion for the need of a frontage road which will have to be coordinated with the State. Mr. Bennett stated that neither his office nor Traffic Engineering could tell the Council what will be required to handle that much traffic--that we are talking about a significant increase, and the roads cannot accommodate that much traffic; that it will create a gridlock if development occurs prior to infrastructure being in place--that traffic will come to a stand-still. He reiterated that Planning and Traffic Engineering recommend for this point in time to maintain the current policy to hold the line for commercial development north of Shallowford Rd. and not extend the area from the north until further study can be done and the City can make a commitment to get roads and infrastructure in place.

Councilman Eaves stated he would like to hear comments from Traffic Engineering on the "gridlock"--that they have a "gridlock" now and asked what they would recommend.

Mr. VanWinkle agreed that roads are at capacity right now; that in beginning a Study at this particular location you can't look at one interest and determine how well the traffic would operate. He stated they had worked closely with the developer of the property in question (church property on Shallowford Rd.); that they (developer) had done their own traffic study, and they (Traffic Engineering) agreed with their findings; that they could accommodate their traffic but as Mr. Bennett pointed out, we have to look at the bigger picture. He stated that Mr. Bennett had already mentioned what is in line and being proposed--that a new interchange may or may not happen at Standifer Gap Rd. He stated they did believe that this area will eventually become commercial, but if it is done, it needs to be done in an orderly fashion. He stated Traffic Engineering would recommend further rezoning proceed in a way where Traffic Engineering can keep up with this. He explained they would prefer to be

ZONING POLICY (CONT'D.)

ahead of the game for once! He explained there was an advantage in building the roads along with development or prior to it, and it would not be as painful as it has traditionally been. He stated adding a lane on Shallowford Rd. at Napier could accommodate the traffic, but it needed to go beyond that--that this was just one piece of the puzzle. He stated we do not have a clear picture of the impact yet and need a much more detailed and broader Study of Land Use. He stated they would cooperate with Planning in doing a large Study for Land Use--that traffic patterns could be projected and developments and improvements made where needed.

Councilman Eaves asked Mr. Bennett how we would go about working this out--what are we looking at in a time-scale?

Mr. Bennett responded we did not know for sure where development would occur; that we did not know about Hamilton Place and should have made improvements first; that in this case we are not dealing with an "unknown"--that there is an interest in developing north of Shallowford Rd. He reiterated that we are not dealing with an "unknown" and are certain where developers want to go--that if we know development is going there, there is no reason not to plan for roads and get roads in first before the development occurs; that way there should be no major traffic problems that we would not be able to deal with; that there would be nothing close to the problems you would have if development is there first and then we come in and develop the roads. He stated we needed to determine what will be required in the way of new roads to accommodate the traffic if there is 100% build-out and determine where the funds will come from and put the roads there and the infrastructure and the development will come.

Councilman Eaves stated they had a small Southside on the east side; that this leaves him at loose ends; that starting with Thanksgiving, 2/3 of the people in Chattanooga will be in and out of these roads. He asked again how long this would take; were we talking about two or three months. He stated he was at his "wit's end".

Mr. VanWinkle responded it would depend on how much time we have and how much it will cost. Councilman Eaves asked Adm. Marcellis if he could be of any help.

Adm. Marcellis stated we would have to determine what the community can absorb in this area in the way of commercial land use. He questioned if we would need to start with a market approach, doing so many acres in the next five years or so and find where we will go and then build these roads. He stated we needed to get another lane in there; that the next phase might be developing Standifer Gap Rd.; that we need to determine how much it will grow and go in and put the roads there; that it could continue to grow for the next five, ten, and fifteen years, and we needed to plan for this.

ZONING POLICY (CONT'D.)

Councilman Eaves again asked how long this would take and how much money it would cost.

Adm. Marcellis responded they would need to put a proposal together and come back with a figure to share with the Council--that we need a marketing study instead of us trying to guess.

Councilman DiStefano questioned the boundaries, stating Mr. Bennett had mentioned I-75 and Gunbarrel Rd. and now there was talk of McCutcheon and Jenkins. Mr. Bennett responded they realized in working with Traffic Engineering that it was only necessary to go as far as McCutcheon to illustrate the problem that only one-half of the area being developed would be a problem.

Councilman DiStefano asked if Shallowford Rd. was a State road, and the answer was "Yes". He asked Adm. Marcellis if we were pushing for a Standifer Gap exit. Adm. Marcellis responded that the Preliminary Plan was all we had seen for the Standifer Gap Interchange. Councilman DiStefano asked if the State was considering widening of I-75, and the answer was "Yes". Councilman DiStefano indicated that he thought this should be done at the same time and asked what the State's time table was. Mr. Watt, an engineer in the audience, responded it was 3-4 years down the road.

Councilman Lively suggested that this be deferred for 90 days and let Traffic Engineering, Public Works, and Planning get together and come up with a short-range plan. This was seconded by Councilman Eaves.

Chairman Hakeem asked for clarification--were we putting this off for a Study.

Attorney Nelson stated this would give them a chance to accomplish a short-range Plan.

Councilman DiStefano stated he understood Councilman Lively's concern; that we asked Planning to do a Study; that the recommendation of Planning is to continue what we now have in force until we can do a long-term Plan. He questioned why we would need to defer this Resolution--that we already have a current policy, which will remain.

Councilman Eaves stated nothing could be built in the 90-day interim.

Councilman Lively noted we would maintain the same policy--that there are a lot of "if's" and "maybe's" and nothing really in place.

ZONING POLICY (CONT'D.)

Councilwoman Rutherford asked if the current policy was just sort of an agreed policy; that this would actually be a legal policy--that what we are doing now is just agreed? She stated she, too, did not understand a 90-day deferral.

Councilman Lively stated this motion was just to get this off dead-center and start a Planning process.

Councilwoman Rutherford asked if the Council adopted this Resolution, wasn't it legally what we have been doing. She stated she did not know if a Study like this could be done in 90 days.

Councilwoman Hurley stated our current policy is as stated; that this is something that Planning is recommending.

Mr. Bennett stated that the current policy was no commercial development north of Shallowford Road. Councilwoman Hurley asked who established this policy. Mr. Bennett stated it was not a written policy--just a stated policy.

Attorney Nelson stated it was a written policy as far as we have zoning maps of what can go in there. He stated it was pretty much the uniform interpretation.

Councilwoman Hurley stated she was under the impression this policy had the same weight as other Planning documents; that it was not something the Council kind of agreed to here but something referred to us by the Planning Commission in the form of a Resolution. She questioned if information from the State would be more specific, noting that more definitive information might change the Council's view when we re-visit this in 90 days.

Councilman Eaves stated he would tell everyone why he was interested in getting something defined--that this whole area had been piece-meal; that if we did not make plans, we would have the same thing that happened on East Brainerd Rd., and it would be a horror in traffic! He stated he was in favor of Councilman Lively's suggestion to get something definitive as to what we as a City will do.

ZONING POLICY (CONT'D.)

On motion of Councilman Lively, seconded by Councilman Eaves,
A RESOLUTION RECOMMENDING MAINTAINING CURRENT
POLICY RELATIVE TO COMMERCIAL DEVELOPMENT NORTH
OF SHALLOWFORD ROAD
will be deferred for 90 days.

Councilman Eaves stated we would continue as recommended for 90 days and work on a Plan and look at it again.

Chairman Hakeem questioned if 90 days was sufficient time.

Mr. Bennett stated he would like some clarification--were we going to do a market analysis as recommended by Adm. Marcellis and see what the area can absorb? This would calculate the potential traffic to be generated. He questioned if it would be a joint effort between the State of Tennessee and the City of Chattanooga.

Councilman Swafford noted whatever we decide to do in 90 days, we need to keep in mind anything we do in this area is still backing up the traffic more and more and there are constant wrecks. He stated we needed to look at the plans on the table--that traffic is getting worse and worse for the Wilcox Tunnel and the Mall. He urged not to forget about this problem.

Mr. Bennett stated he did not think Planning or Public Works could say how long this would take. **He suggested this be deferred indefinitely** and if it could be done in 90 days, it could be put back on the agenda then. He stated they had no idea how long it would take.

Councilman DiStefano questioned if Councilman Lively wanted to amend the number of days.

On motion of Councilman Lively, seconded by Councilman Eaves,
A RESOLUTION RECOMMENDING MAINTAINING CURRENT
POLICY RELATIVE TO COMMERCIAL DEVELOPMENT NORTH
OF SHALLOWFORD ROAD
will be tabled indefinitely.

At this point, Chairman Hakeem asked those to stand in the room who supported maintaining the present policy; **two people stood.** He then asked those who opposed the present plan in place to stand; **almost the entire room stood.**

ZONING POLICY (CONT'D.)

Peggy Haynes, Realtor, asked to speak. She stated they were for progress and taking good care of people. She stated all of the people had been lovely to work with. She stated what the people present tonight were here for was for one piece of property--that the developer had spent a lot of money to bring work and jobs to this town; that it seemed a precedent was what the Council feared, and she urged to give him a fair hearing; that he had solved his problem; that he had solved his traffic problem and would give the City of Chattanooga an extra lane. She stated this mattered to them; that the developer was from Nashville and had overcome the City's problems and concerns. She stated there were 75 acres here and residential people would be caught in the same traffic. She explained with the freeway intersection and neon signs that these people could not sell their property for residential use. She stated we were only addressing 10 acres here and not the entire 75 acres, and it would not be setting a precedent. She urged the Council to go ahead and consider this and then do their Study to see if others are feasible. She urged that this developer be given a fair hearing--that he had solved his traffic problem. She stated that Mr. Bennett had talked of putting roads in first--that you would have little old ladies with roads in their front yards. She urged to let the investors do their development. She stated she would appreciate the Council hearing what he had to say--that he was their last, best hope. She stated she did not think it was fair the way this was being handled.

Chairman Hakeem explained this was not an Ordinance we were considering; that it was a Resolution dealing with a Study.

Councilman Swafford stated he thought the Council was getting off the track with what was before them tonight. He questioned if we were going to address the zoning issue or what is on our agenda tonight.

Chairman Hakeem allowed Attorney John Anderson to speak. Attorney Anderson stated he would not be repetitive; that he was working with Mike Clark concerning zoning the property on Shallowford Rd. He stated he disagreed with Mr. Bennett--that he did not think the policy should be continued--that the trend is towards commercial development; that there was tremendous pressure for rezoning this property; that it was the last and best frontage available for development and was not suitable for offices. He stated he liked Councilman Lively's suggestion; that Mr. VanWinkle did not have the resources to do a complete traffic study, and they had offered Ed Watt to assist the City in helping the City on the development. He stated that Chattanooga needed to grow with jobs and this would provide in excess of 400 jobs. He stated this would be a tremendous resource and asset for the City.

Chairman Hakeem stated this would be **deferred indefinitely** with Councilman Lively adding, until they reach some sort of a Plan.

(Both Councilman Crockett and Councilman Pierce had left the meeting at this point; Councilman Eaves also left the meeting but returned.)

CLOSURE AND ABANDONMENT

On motion of Councilwoman Hurley, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING EDITH DRIVE
LOCATED NORTHWEST OF JENKINS ROAD, MORE PARTICULARLY
DESCRIBED HEREIN
passed first reading.

AMEND CITY CODE
ONE-WAY STREETS

Councilman DiStefano inquired as to the resolution of the problem that Adm. Marcellis had mentioned in committee meeting. Adm. Marcellis stated they were still trying to work out the problem.

On motion of Councilman Swafford, 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 first reading.

AMEND ORD. NO. 10342
CBL & ASSOCIATES PROP., INC.

Attorney Randall Nelson asked that this Ordinance be taken off the agenda.

On motion of Councilman Lively, seconded by Councilman DiStefano,
AN ORDINANCE TO AMEND ORDINANCE NO. 10342 ENCAPTIONED,
"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 2200 BLOCKS OF BONDS TERRACE AND
NAPIER DRIVE, AND THE 7300 BLOCK OF JODY LANE, BEING ON
THE NORTHEAST, SOUTHEAST, NORTHWEST AND SOUTHWEST LINES
OF BONDS TERRACE, THE SOUTHEAST LINE OF NAPIER DRIVE,
AND THE NORTHEAST AND SOUTHWEST LINES OF JODY LANE,
SOUTHWEST OF SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS." SO AS TO AMEND
SECTION 2 THEREIN
was tabled indefinitely.

CONTRACT (CHATT.HOUSING AUTHORITY)

Councilman DiStefano noted that the next four resolutions were heard in a meeting of the Committee-of-the-Whole, where there was considerable discussion, and they come with a recommendation.

On motion of Councilwoman Rutherford, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR
PROFESSIONAL AND TECHNICAL SERVICES WITH THE CHATTANOOGA
HOUSING AUTHORITY WITH RESPECT TO DOWNTOWN REDEVELOPMENT
PROJECTS
was adopted.

STUDIES AND AMENDMENTS (CHA)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
A RESOLUTION REQUESTING AND AUTHORIZING THE CHATTANOOGA
HOUSING AUTHORITY TO CONDUCT STUDIES AND PREPARE
AMENDMENTS RELATIVE TO THE DOWNTOWN AREA IMPROVEMENT
PROJECT EXPANSION INTO THE SOUTHSIDE AREA
was adopted.

STUDIES AND REDEVELOPMENT PLAN
CHATTANOOGA HOUSING AUTHORITY

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford,
A RESOLUTION REQUESTING AND AUTHORIZING THE CHATTANOOGA
HOUSING AUTHORITY TO CONDUCT STUDIES AND PREPARE A RE-
DEVELOPMENT PLAN FOR THE SOUTHSIDE BICENTENNIAL NEIGH-
BORHOOD AREA
was adopted.

STUDIES AND REDEVELOPMENT PLAN
CHATTANOOGA HOUSING AUTHORITY

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
A RESOLUTION REQUESTING AND AUTHORIZING THE CHATTANOOGA
HOUSING AUTHORITY TO CONDUCT STUDIES AND PREPARE A
REDEVELOPMENT PLAN FOR THE SOUTHERN STREET/ROANOKE
AVENUE AREA
was adopted.

CONTRACT (CONSOLIDATED TECH., INC.)

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
WITH CONSOLIDATED TECHNOLOGIES, INC. FOR THE CONSTRUCTION
PHASE SERVICES RELATIVE TO THE PHASE I GAS SYSTEM IM-
PROVEMENTS, IN AN AMOUNT NOT TO EXCEED SIXTY-TWO
THOUSAND EIGHT HUNDRED THIRTY-EIGHT AND NO/100 DOLLARS
(\$62,838.00)
was adopted.

LEASE AGREEMENT (ALA. REALTORS)

Councilwoman Hurley inquired as to what this was about.

Mr. Zehnder explained that the Alabama Association of Realtors would be having their convention in Chattanooga and wanted to use the Bridge. Councilwoman Hurley established that there would still be public access.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS
AND RECREATION TO EXECUTE A LEASE AGREEMENT WITH THE
ALABAMA ASSOCIATION OF REALTORS RELATIVE TO LEASING
THE WALNUT STREET BRIDGE
was adopted.

CONTRACT (BILLINGSLEY/ARCHITECTURE)

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS
AND RECREATION TO ENTER INTO A CONTRACT WITH
BILLINGSLEY/ARCHITECTURE FOR ARCHITECTURAL SERVICES
RELATIVE TO THE DESIGN OF A NEW ENTRANCE AREA AT THE
CARVER RECREATION CENTER, IN AN AMOUNT NO TO EXCEED
TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00)
was adopted.

AMENDING RESOLUTION 20855
AGREE. WITH ENGEL STAD. & HAM. COUNTY

Councilman DiStefano questioned this Resolution. Mr. Zehnder explained that Engel Stadium was responsible for building the facility, and they ran into a few additions, and the cost ran higher. He explained that the County had already paid and were asking us to reimburse them. It was noted that the County, City and private development are paying for this.

AMENDING RESO. 20855 (CONT'D.)

Councilwoman Rutherford asked if the building was already there and if all were paying equally. Mr. Zehnder responded that the City and County were paying equally.

Councilman Swafford verified that the County has already paid the bill, and we are reimbursing them.

Councilman DiStefano questioned if Engel Stadium was paying, why were we increasing the City's portion. This was explained.

RIGHT-OF-WAY PURCHASE

On motion of Councilman DiStefano, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A
RIGHT-OF-WAY FROM JESSIE BRASWELL AND LURIE
BELL BRASWELL, RELATIVE TO CONTRACT NO. RW-5-96,
NORTH CHAMBERLAIN AVENUE, TRACT NO. 15, FOR A
TOTAL CONSIDERATION OF TWO HUNDRED FIFTY DOLLARS
(\$250.00)
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 L. C. DILLINGHAM, RELATIVE
TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN
AVENUE, TRACT NO. 24, FOR A TOTAL CONSIDERATION
OF TWO HUNDRED DOLLARS (\$200.00)
was adopted.

GENERAL SLOPE EASEMENT

On motion of Councilwoman Hurley, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A
GENERAL SLOPE EASEMENT FROM JUANITA S. FENDER,
RELATIVE TO CONTRACT NO. RW-5-96, NORTH
CHAMBERLAIN AVENUE, TRACT NO. 31, FOR A TOTAL
CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00)
was adopted.

EMINENT DOMAIN PROCEEDINGS

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY
TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST J. KENNETH
HUTSELL AND ALIESE G. HUTSELL FOR PURCHASE OF LAND FOR
A DETENTION FACILITY RELATIVE TO THE FRIAR'S BRANCH/
HICKORY VALLEY STORMWATER DETENTION FACILITY
was adopted.

EMINENT DOMAIN PROCEEDINGS

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY
TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST JIMMY CLYDE
RODEN AND WILMA WHEELER RODEN FOR PURCHASE OF LAND FOR
A DETENTION FACILITY RELATIVE TO THE FRIAR'S BRANCH/
HICKORY VALLEY STORMWATER DETENTION FACILITY
was adopted.

EMINENT DOMAIN PROCEEDINGS

On motion of Councilman DiStefano, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY
TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST WILLIE MAE
SWEENEY FOR PURCHASE OF LAND FOR A DETENTION FACILITY
RELATIVE TO THE FRIAR'S BRANCH/HICKORY VALLEY STORM-
WATER DETENTION FACILITY
was adopted.

(Councilman Eaves returned at this time.)

OVERTIME

Overtime for the week ending September 13, 1996, totaled \$50,390.83.

PERSONNEL

The following personnel matter was reported for the Parks and
Recreation Department:

JASON GRUBB--Change to full-time Laborer II, Pay Grade 4/1, \$14,868.00
annually, effective 9/12/96.

PURCHASES

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

ADVANCE PAPER CO. (Overall low bid):
Requisition No. 135008

Six-month contract for cleaning supplies

(See minute material for individual prices)

GRAYBAR ELECTRIC CO. (Only complete bid received):
Requisition No. 135006

Six-month contract for electrical supplies

(See minute material for individual prices)

PERSONNEL

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

JERROLD J. WHITE--Hire as Community Development Specialist, Pay Grade 11/1, \$22,813.00 annually, effective 9/10/96.

PERSONNEL

The following personnel matter was reported for the Finance and Administration Dept.:

SHERLANE F. DOMINECK--Termination of Court Clerk I, effective 9/12/96.

REFUND

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, the City Finance Officer was authorized to make the following refund on a Municipal Lien:

TOMMY AND IVAN FAY GANN--(TITLE ESCROW)--\$1,965.04--DUPLICATION OF PAYMENT

ADM. BONEY

Adm. Boney brought two items of concern before the Council:

(1) He stated that Human Services Dept. was not covered by the Pay Plan; there would be a one-time bonus with the net effect of the 6% raise, and he would bring it before the Council in the form of a Resolution.

(2) He noted the certification of the RiverBank Stabilization for Grant purposes. He noted there were sufficient funds to enable him to sign the certification.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

BOBBY D. FIELDS--Three-Day Suspension without pay of Laborer I, effective 9/11/96 to 9/13/96.

GARY F. BRIDGES--Three-Day Suspension without pay of Truck Driver II, effective 9/11/96 to 9/13/96.

KEVIN BALL--Hire as Laborer III at Moccasin Bend Treatment Plant, Pay Grade 5/1, \$15,373.00 annually, effective 9/23/96.

BRAD D. CAMPBELL--Hire as Laborer II in Traffic Management, Pay Grade 4/1, \$14,435.00 annually, effective 9/11/96.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Swafford, the following purchases were approved for use by the Public Works Dept.:

PROSCAPE (Lower and better bid):
Requisition No. 132813

12-Month Contract for grounds maintenance at Orchard Knob Pump Station

\$1,062.00

PURCHASES (CONT'D.)

PROSCAPE (Lower and better bid):
Requisition No. 132814

12-Month Contract for grounds maintenance at Brainerd Storm
Station Flood Control No. 3

\$1,062.00

FMC CORPORATION (Lower and better bid):
Requisition No. 132897

Copper Bearing Promal Chain

\$9,566.72

APPALACHIAN SIGNAL & PRODUCTS (Lower and better bid):
Requisition No. 135610

Traffic Signal Controller

\$11,789.93

ADM. MARCELLIS

Adm. Marcellis extended an invitation to the Council for a Collection Event being hosted by the Public Works Dept. and the City of Chattanooga. He explained that this was a Household Hazardous Waste Event at two sites: (1) 3925 N. Hawthorne Street and (2) 6233 Dayton Blvd. (the old K-Mart Building). He explained that the State of Tennessee would be paying for this, and we would get a \$500,000 Grant to purchase a building. He suggested that everyone go through their houses this week and provided a list of items that will be accepted, which is made a part of the minute material, reiterating that the State will totally pay for this. The date is Saturday, September 21, 1996, at 8:00 a.m. to 4:00 p.m.

PERSONNEL

The following personnel matters were reported for the Safety Department:

AMOS D. CROFT--Retirement as Deputy Chief in the Chattanooga Police Dept., effective 10/01/96.

JAMES JACKSON--Five-Day Suspension without pay, effective 9/13/96.

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilman Swafford, the following Hotel Permit was approved:

HOLIDAY INN-CHATTANOOGA, 3800 Cummings Highway

COLLINS HEARING

Attorney Nelson noted that the John Collins' hearing would have to be changed to **October 21, 1996, at 6:00 P.M.** because Attorney Phil Noblett would be in Cincinnati on October 7th.

SHERLANE F. DOMINICK HEARING

Attorney Nelson noted that **Sherlane F. Dominick** had requested an appeal hearing in writing. **On motion of Councilman Swafford, seconded by Councilman DiStefano, a decision on the hearing date will be deferred for one week.**

COMMITTEES

Councilwoman Rutherford noted that the Public Safety Committee met earlier in the day for a very interesting report on local gang activity.

Councilman DiStefano reminded the Council of a **Health, Education, Human Services and Housing Committee at 5:00 P.M. on September 24th for a Wellness Program presentation by Admin. Traugher.** He scheduled another meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, October 1st at 4:00 P.M. for a continuation of the Housing Task Force Report.**

COMMITTEES (CONT'D.)

Councilwoman Rutherford requested a Legal and Legislative Committee meeting be set regarding the policy for personnel hearings. Councilman Lively, Chairman of the Legal and Legislative Committee, stated he thought we had a policy in place--they could cancel one time and that is all. Attorney Nelson stated we had agreed to carry on as we are with some changes in the rules. Councilwoman Rutherford stated she would like to hear about the changes in the rules; that she would like to see it established that once a person starts an appeal, he or she can't stop it. Councilman Lively scheduled a meeting of the Legal and Legislative Committee for Tuesday, October 15th at 5:00 P.M. relative to the policy for personnel hearings. Councilman Eaves stated he thought we should allow someone to put their hearing off once as the Council often puts the hearing off themselves. He suggested the Council be provided with a statement so they don't get hit with a postponement at the last minute. Councilwoman Rutherford stated that a lot of money and time goes into preparing for a hearing; that she felt once a person applied for a hearing, they should go through with the process; that it is costing the City taxpayers for the legal work being done. Councilman DiStefano stated that Councilwoman Rutherford was right--it was a cost to the City; however we had to preserve their right to appeal; that we needed to set a timeframe in which the person should notify us of their intent to drop the appeal.

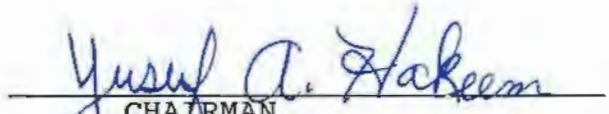
OCTOBER 29TH MEETING CANCELLATION

Councilman DiStefano stated that several of the Council members had signed up to go to Charleston, South Carolina on the Chamber trip; that they would be in route back on October 29th, and he moved that the Council meeting for Tuesday, October 29th be cancelled. This was seconded by Councilman Lively.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, September 24, 1996, at 6:00 P.M.


CLERK OF THE COUNCIL


CHAIRMAN

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