Municipal Building
Chattanooga, Tennessee
October 15, 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 present. City Attorney Randall Nelson, Management Analyst Richard Lanese, and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by Councilman Lively.

MINUTE APPROVAL

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

CLOSE AND ABANDON

1996-205: Curry Brandaw Architects

On motion of Councilwoman Hurley, seconded by Councilman Eaves,

AN ORDINANCE CLOSING AND ABANDONING UNNAMED STREETS LOCATED NORTHEAST FROM SHALLOWFORD ROAD, NORTHWEST OF ASHFORD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS

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.

REZONING

1996-216: C. B. Harbour, III

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 7530 GOODWIN ROAD, BEING ON THE SOUTHWEST LINE OF GOODWIN ROAD SOUTHEAST OF GUNBARREL ROAD, 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 Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1996-218: Hamilton County Government

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6011, 6019, 6023 CENTURY OAKS DRIVE, BEING ON THE NORTHEAST LINE OF CENTURY OAKS DRIVE NORTHEAST OF PRESERVATION DRIVE, FROM M-2 LIGHT INDUSTRIAL ZONE TO O-1 OFFICE ZONE

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

REZONING

1996-222: Ken Millican

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

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 600 BLOCK OF WEST VIEW ROAD, BEING ON THE SOUTHWEST LINE OF WEST VIEW ROAD NORTHWEST OF MOUNTAIN VIEW AVENUE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE 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

1996-223: Congregational Support & Development Division, Inc.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 913 EAST M. L. KING BOULEVARD, BEING ON THE NORTHEAST LINE OF EAST M. L. KING BOULEVARD AT FAIRVIEW AVENUE, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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.

REZONING

1996-225: Larry G. Argenbright

On motion of Councilman Swafford, 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 2001 SOUTH KELLEY STREET, BEING ON THE NORTHWEST LINE OF SOUTH KELLEY STREET AT EAST 20TH STREET, FROM R-4 SPECIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE 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

1996-227: Dillard Limited Partnership

On motion of Councilman Lively, 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 IN THE 3600 BLOCK OF CUMMINGS ROAD, BEING ON ON THE NORTHEAST LINE OF CUMMINGS ROAD AT LABELING WAY, FROM M-2 LIGHT INDUSTRIAL ZONE AND C-1 HIGHWAY COMMERCIAL ZONE

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.

AMEND ZONING ORDINANCE RELATIVE TO FUNERAL HOMES IN THE R-5 SPECIAL ZONE

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND ARTICLE V, SECTION 401(16) AND ARTICLE VIII, SECTION 107(6), RELATIVE TO FUNERAL HOMES IN THE R-4 SPECIAL ZONE

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

CLOSE AND ABANDON

1996-091: C & C Oxygen Company

Councilman Lively and Eaves made the initial motion and second to approve this ordinance.

The applicant was present; there was no opposition.

Mr. Bennett explained that the policy that public works and engineering has advocated over the past several years has been to abandon as many known alleys as possible because the possibility of their never being opened and maintained by the city is very remote; that there are hundreds or thousands of such alley rights-of-way within the city. He stated Planning is in the process of conducting a study right now; that the study came about after the recommendation was made on this particular abandonment, otherwise, they would have recommended referral. He stated they are looking at certain alleys as having the possibility of being utilized for Futurescape provisions they hope to incorporate into the zoning ordinance for possible open space areas, additional parking or loading areas for residential use. He stated that is not to say that is a possibility with all the alleys within the city, but until they can come up with a consistent policy they do not want to recommend approval one week and denial the next because of where the alley is. He stated they need a consistent policy where Planning, Staff and engineering can agree with; that the policy is to maintain it as an open right-of-way until we develop that policy, which is the reason for denial of the abandonment (by Staff).

Councilwoman Rutherford stated she is more confused than ever; that the next abandonment request on the agenda is recommended for approval and the third is recommended for approval with conditions. She stated these three are not consistent with what Mr. Bennett explained.

CLOSE AND ABANDON (Cont'd.)

Mr. Bennett stated the three abandonment requests were considered prior to their looking at the development policy; that these are individual specific situations and are not the same situation.

Councilman Pierce inquired as to whether there is a fee at the time of application. Mr. Bennett responded that the fee is $25.00

Phil Chadwick was present representing C & C Oxygen Company and stated his application was submitted prior to the others on the agenda. Mr. Bennett indicated that has nothing to do with the policy.

Mr. Chadwick stated the alley does not go anywhere; that it dead-ends into the back of another piece of property and could not be a through alley.

Councilwoman Rutherford stated she would like to know if closing the alley is going to inconvenience any of the neighbors.

Chairman Hakeem asked if this has been before the Council previously. Councilwoman Rutherford responded that she didn't think so. The applicant responded "no."

Chairman Hakeem stated he thought it had been before the Council previously because he remembered the discussion regarding the oxygen tank. Other Council members indicated that Chairman Hakeem heard of this during the Planning hearing.

Chairman Hakeem asked the applicant if C & C has property behind this location on Calhoun; the applicant's response was "no." Chairman Hakeem then asked if they have one of the big oxygen tanks on the property; the applicant responded that they do have oxygen tanks.

Chairman Hakeem asked if there is a house next to the large oxygen tank near the alley C & C is trying to close; that he recalls the resident had spoken previously out of concern for the closeness of the tank and closure to her home. Mr. Chadwick stated he has never been before the Council about this alley closure.

Councilman Pierce made the motion to table the matter one week.

Chairman Hakeem stated he would like to have the matter tabled one week to have an opportunity to look at the situation.

CLOSE AND ABANDON (Cont'd.)

The applicant stated they want the alley closed for parking their trucks and other vehicles; that there is a house behind the property.

Mr. Bennett sated in this case they would have some concern about the closeness of the fence to the property; that the abandonment would allow it to be even closer to the adjoining house.

Chairman Hakeem stated the lady that lived in the house has passed away and the son is using the property as rental property, but the house is not rented at this time.

On motion of Councilman Pierce, seconded by Councilman Crockett,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM CALHOUN AVENUE, BETWEEN EAST 36TH STREET AND EAST 37TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS

was tabled one week.

CLOSE AND ABANDON

1996-110: Parkridge Hospital, Inc.

The applicant was present; there was no opposition.

Councilman Swafford asked if this is related to the case the Council has heard previously regarding the two ladies that live near Parkridge. Chairman Hakeem responded "no;" that this is not related as it is Parkridge's property.

Councilman Eaves asked for an explanation as to why one is recommended for approval, one is not and the other "maybe;" that maybe he was not listening properly.

Mr. Bennett explained that all of these requests came before the Planning Commission before we discussed developing a consistent way of recommending something all could agree upon; that one-third of the cases the Council hears every year involves abandonments. He stated it is very important that they are consistent in their recommendations; that these cases are being looked at with each one being based on the merit of each individual case. He stated the primary problem on Calhoun was the closeness of the commercial property to the adjoining property and the closeness of the fence, which is why the Staff recommended denial.

CLOSE AND ABANDON (Cont'd.)

Mr. Bennett stated the second case involving Parkridge was recommended for approval because the Hospital owns all the property surrounding this right-of-way; that it is not in the middle of the block. He stated the third case is recommended for denial for the same reasons as the first one.

Councilwoman Rutherford stated conditions were added. Mr. Bennett stated he can only speak for the Staff's recommendation; that the Planning Commission's recommendation was for denial.

On motion of Councilwoman Rutherford, seconded by Councilman Eaves,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHEAST AND SOUTHWEST FROM NORTH KELLEY STREET, BETWEEN OAK STREET AND VINE STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

1996-193: Gloria J. Hinton

The applicant was present; there was no opposition.

Councilman DiStefano inquired as to whether the alley being addressed is between Dodds and Twelfth Street. Admin. Marcellis stated the open alley is part of the distance; that one part is for the residents off 24th Street which goes alongside and then there is a thicket for two-thirds of the block; that from 25th Street two-thirds of the property is open from the south.

Councilman DiStefano stated it is still a right-of-way that is impassable; that all we are being asked for is closure to that end of it. Admin. Marcellis responded "that is right."

Mr. Bennett explained that there is an open right-of-way and very rarely would we recommend the Council close something that is open; that it is possible it could be opened to provide access to 25th Street at some point in the future and would have to be approved by persons who hold adjacent property; that he does not think the city will go in and maintain it.

Councilman Eaves stated that is what he wanted to ask in regard to what happens if someone wants to use that area.

CLOSE AND ABANDON (Cont'd.)

Gloria Hinton, applicant, stated the reason for asking for the closure is for personal protection of herself and home; that persons park in the alley from 11 p.m. until 4 a.m.; that her home has been hit on three different occasions. She stated one of the times they have actually torn away the mountain stone on her home; that her fence has been hit and torn down twice; that each time there is damage it has created a large assessment on her to have repairs done. She stated the vents on her home have been kicked out and the brick wall has been torn down.

Councilman Swafford clarified that there actually is not a study now but Planning is making the recommendation based on wanting to use the right-of-way in the future.

Mr. Bennett stated that is what they are basing their recommendation on; that in this case and the other we are not in a position to know what other residents' concerns are or their need to use the alley for access at some point. He stated sometimes we are not in a position to be an advocate for them if we see there is that possibility.

Councilman Swafford inquired as to the conditions. Mr. Bennett stated he is sure it involves just the easements, which is standard for every abandonment.

Councilwoman Rutherford stated she wanted to understand that from the point where Ms. Hinton wants it closed it is also overgrown and the rest is unusable. Mr. Bennett responded affirmatively.

Ms. Hinton stated before she submitted her application she spoke with all the neighbors on both sides that would be directly affected and they are all in agreement; that they want it closed, as well. She stated they are having a major problem in that area; that they have a neighborhood watch program and are trying to clean up and clear out some of the things in that area.

Councilman DiStefano stated he has been out to visit Ms. Hinton and residents in this area; that while this is an open alleyway, the city has not done the job in terms of opening it up and keeping it available for people; that he fails to see the logic in keeping it open. He stated if it is going to be overgrown and the only person we are inconveniencing is Ms. Hinton and immediate neighbors he suggested that the Council go ahead and allow it to be closed; otherwise, we (city) will have to go out and clean the alley.

CLOSE AND ABANDON (Cont'd.)

Councilwoman Hurley stated we are formulating a policy to identify certain areas which might be used as an alternative to streets, but we are not in the transition phase. She stated that is one of the ideas that has surfaced from Futurescape; that it does seem right that we do that, which she supports and hopes we can find the resources to keep them clean. She stated she does have some concern about the transition where people have come and are operating under our former philosophy; that until we really make a decision to put the resources in to identify certain areas as alternatives and keep them clean, right now she believes she is where Councilman DiStefano is. She stated on this one we should operate under the old rules; that we should tell people when they come to apply we are in transition and will have to evaluate whether it could be an alternative or a dead end.

Mr. Bennett stated in this case we did send written notice to every person in the area and no one is in opposition.

Councilman Pierce stated people should be informed before they pay the $25 what the recommendation will be so that they will be aware. Mr. Bennett stated at the time of application they are not sure what the recommendation will be; that if there is any impact by closing or abandoning they will probably recommend deferral rather than denial.

Councilman Crockett asked as to whether there is a time frame being considered. Mr. Bennett responded they have not established one at this point; that they are just in the process of meeting with public works and others concerned.

Councilman Crockett stated once a time frame has been determined, people will continue to show up; that people should know of the time frame so that they will not get confused.

Mr. Bennett stated he will get with engineering and others this week to see if they can see how long it will take.

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM EAST 24TH STREET, BETWEEN DODDS AVENUE AND 12TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN

passed first reading.

CAPITAL BUDGET 1996-97

Councilwoman Hurley stated we had several meetings on the capital budget and this matter comes with a recommendation from the Budget Committee for approval.

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1996-97
passed first reading.

ACCEPTANCE OF FIRE HYDRANT

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

DECLARE SURPLUS

Councilman Eaves stated the following resolutions were discussed in last week's Public Works Committee and comes with a recommendation for approval.

On motion of Councilman Eaves, seconded by Councilman Swafford,
A RESOLUTION DECLARING A 1982 MOBILE STREET SWEEPER VIN #820-42V-1683, W-811, AS SURPLUS AND AUTHORIZING THE SALE OF SAID TRUCK TO THE CITY OF ROSSVILLE, GEORGIA FOR A CONSIDERATION OF ONE DOLLAR ($1.00)
was adopted.

CONTRACT: RAINES BROTHERS, INC.

On motion of Councilman DiStefano, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-1-96, FRAZIER AVENUE STREETSCAPE - PHASE I, TO RAINES BROTHERS, INC., FOR THEIR LOW BID OF EIGHTY-TWO THOUSAND, FIVE HUNDRED FORTY-ONE AND 95/100 DOLLARS ($82,541.95)
was adopted.

AGREEMENT AMENDMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO PHASE II OF THE SUMMIT LANDFILL EXPANSION PROJECT, FOR AN ADDITIONAL CONSIDERATION OF NINE THOUSAND, NINE HUNDRED NINETY-FIVE DOLLARS ($9,995.00) FOR A REVISED CONTRACT PRICE OF THREE HUNDRED THIRTY-ONE THOUSAND, THREE HUNDRED NINETY-FIVE DOLLARS ($331,395.00)
was adopted.

CHANGE ORDER

On motion of Councilman Swafford, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. RW-2-96, TREMONT STREET EXTENSION - PHASE II, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FOUR THOUSAND, THREE HUNDRED FIFTY-SIX AND 20/100 DOLLARS ($4,356.20) FOR A REVISED CONTRACT PRICE OF ONE HUNDRED SIXTY-THREE THOUSAND, FORTY-NINE AND 65/100 DOLLARS ($163,049.65)
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM MAXFIELD PARRIS, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 18, FOR A CONSIDERATION OF TWO HUNDRED TEN DOLLARS ($210.00)
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Swafford, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM MATTHEW L. SWOOPES AND BERNICE SWOOPES, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 19, FOR A CONSIDERATION OF ONE HUNDRED TWENTY-FIVE DOLLARS ($125.00)
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM MAXFIELD PARRIS AND CATHERINE PARRIS, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 22, FOR A CONSIDERATION OF TWO HUNDRED DOLLARS ($200.00)
was adopted.

GENERAL SLOPE EASEMENT

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM SISTERS OF CHARITY OF NAZARETH, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 29, FOR A CONSIDERATION OF ONE HUNDRED FIFTY DOLLARS ($150.00)
was adopted.

GENERAL SLOPE EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM EDDIE J. DOZIER AND ADDIE L. DOZIER, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 30, FOR A CONSIDERATION OF ONE HUNDRED DOLLARS ($100.00)
was adopted.

GENERAL SLOPE EASEMENT

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM SISTERS OF CHARITY OF NAZARETH, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 34, FOR A CONSIDERATION OF SIX HUNDRED FIFTY DOLLARS ($650.00)
was adopted.

GENERAL SLOPE EASEMENT

On motion of Councilman Swafford, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM SISTERS OF CHARITY OF NAZARETH, RELATIVE TO CONTRACT NO. RW-5-96, NORTH CHAMBERLAIN AVENUE, TRACT NO. 35, FOR A CONSIDERATION OF TWO HUNDRED FIFTY DOLLARS ($250.00)
was adopted.

TEMPORARY USE

Councilwomen Rutherford and Hurley made the initial motion to approve this request.

Councilman DiStefano stated there was discussion on this item last week in Public Works wherein we added a six month deadline for this temporary usage, and asked where that is stated within the resolution.

Admin. Marcellis stated we agreed after Committee meeting with the petitioners that six months would be adequate in trying to get the cable put in.

City Attorney Nelson amended the resolution to add a fifth condition which makes reference to the six month usage as discussed in Committee.

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

On motion of Councilman DiStefano, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING HIGHER TECHNOLOGY SERVICES, INC., D/B/A/ CHATTANOOGA ONLINE, TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED ABOVE AND BETWEEN TWO (2) BUILDINGS, ONE (1) ON 745 EAST MAIN STREET AND THE OTHER ON 750 EAST MAIN STREET, FOR RUNNING A SPECIAL HIGH-SPEED DATA TRANSMISSION CABLE BETWEEN SAID BUILDINGS, SUBJECT TO CERTAIN CONDITIONS
was adopted.

PROJECT COOPERATION AGREEMENT: DEPARTMENT OF THE ARMY

Councilman Pierce inquired as to what a "streambank" is. Larry Zehnder responded that a "streambank" is a small stream; that this is a project of the Corps of Engineers to protect the streambank from eroding at Ross' Landing.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROJECT COOPERATION AGREEMENT WITH THE DEPARTMENT OF THE ARMY, RELATIVE TO CONSTRUCTION OF A STREAMBANK PROTECTION PROJECT A ROSS'S LANDING

was adopted.

OVERTIME

Overtime for the week ending October 11, 1996 totaled $12,827.04.

PURCHASE

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

MOUNTAIN CITY LANDSCAPE (Lower and better bid)
Requisition NO. 134670

Purchase of Contract to Plant 75 Trees

$13,725.00

PERSONNEL

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

Charles W. Gaston -- New Hire, Loss Prevention Specialist, Risk Management Division, Pay Grade 10/Step 10, $28,550.00 annually, effective October 25, 1996.

PERSONNEL

The following personnel matter was reported for the Public Works Department:

ARTHUR T. SANDS -- Demotion (Involuntary), Laborer I, City-wide Services, Pay Grade 2/Step 10, $17,036.00 annually, effective October 1, 1996.

PURCHASES

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

EUREKA FOUNDRY (Single Source Purchase)
Requisition No. 134246

Purchase of Pedestrian Light Poles (18 @ $1,150 each) per TCA 6-56-301.

$20,700 (total cost)

DIXIE SUPPLY CO. (Lower and better bid)
Requisition No. 132866

Purchase of Twelve Month Contract for Rubber Boots

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Safety Department:

BONNIE J. WELCH -- Hire, School Patrol Officer, Police Department, $20.27 daily rate, effective October 9, 1996.

MARA EAVES -- Hire, School Patrol Officer, Police Department, $20.27 daily rate, effective October 14, 1996.

RITA WARD -- Hire, School Patrol Officer, Police Department, $20.27 daily rate, effective October 14, 1996.

ROSA MAE SLATER -- Resignation, School Patrol Officer effective October 10, 1996.

PURCHASE

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

TGA TECHNOLOGIES (Single Source)
Requisition No. 125680

Purchase of Surveillance Equipment per TCA 6-56-301

$18,800.00

HOTEL PERMIT

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

KINGS LODGE, INC. -- 2400 Westside Drive, Chattanooga, TN

PERSONNEL

The following personnel matters were reported for the department of Finance and Administration:

GLORIA D. FLAKES -- Resignation, Payroll Technician, II, effective October 4, 1996.

SHAWN BRAMLETT -- New Hire, Data Entry Clerk II, Disbursing Division, Pay Grade 5/Step 1, $15,834.00 annually, effective October 18, 1996.

CYNTHIA N. BIGGERS -- Transfer, Payroll Technician I, Pay Grade 7/Step 1, $17,959.00 annually, effective October 18, 1996.

ETHEL L. LEDFORD -- New Hire, Payroll Technician I, Pay Grade 7/Step 1, $17,959.00 annually, effective October 18, 1996.

PURCHASE

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

THE WIND RIVER COMPANY (For CAFR)
THE PRINT FACTORY (For CABR)
Requisition No. 124297

Purchase of design and printing of City Comprehensive Annual Financial Report

$23,636.26 Total

HEARING: SHERLANE DOMINECK

Councilman DiStefano stated a committee of the Council convened to hear the appeal for Sherlane Domineck regarding her termination from City Court. He stated it was the decision of that committee to support the termination as recommended by administration.

HEARING: OFFICER COLLINS

City Attorney Nelson reminded Council members of the hearing scheduled for Officer Collins on Monday, October 21 beginning at 6 p.m.

REINSTATEMENT OF MS. DOMINECK

Councilman Pierce stated he would like to make a motion to ask that Ms. Domineck be reinstated and given a second opportunity for employment with the city. He stated a committee of the Council heard the case last night and (we) all did not agree; that a majority did uphold administration's dismissal of her. He stated he is not asking that the Council go against the ruling, but give her another opportunity; that he talked to Ms. (Donna) Kelley who thought there was somewhere within city government she could be re-employed. He stated the young lady had been here ten years and was at the point of being vested. He **asked the Council by motion to recommend or let Ms. Kelley know we do not have any objection if we can find other employment within the city; Councilman Swafford seconded the motion.**

REINSTATEMENT OF MS. DOMINECK

Councilman Hakeem stated it is his understanding it would be an administrative decision as to whether she would be employed some other place in the city; that it would not be an action of the Council to move forward with this.

Councilman Pierce stated he is asking the Council to make a recommendation.

City Attorney Nelson stated the Council can make a recommendation; that if Ms. Domineck wishes to re-apply it is a matter for administration to determine if they can find other employment and can rehire her; that the Council can make a recommendation but it will be non-binding. Councilman Pierce indicated his acceptance of that.

Councilman DiStefano stated while he understands Councilman Pierce's position, he has concern for this Council to take a position recommending re-hiring of a person that we just upheld a termination on. He stated he would think it would be much more appropriate for the Council not to take that position. He stated if administration felt they wanted to make an attempt to rehabilitate that person they would allow them to make application and hire without prejudice; that it would be a very dangerous precedent to uphold a termination one night and turn around and make a recommendation they be re-hired the next day. He asked the Council to think about it in the overall scheme of what we are trying to accomplish.

Councilman Pierce stated what took place last night was a selected committee of the Council; that he is asking this of the Council as a whole. He stated he did not think the city was adequately prepared. Chairman Hakeem stated he did not think the Council was going to retry the case tonight.

At this point Councilman Lively "called for the question."

Councilman Crockett stated he did not hear the case and will abstain; that he is a little uneasy about the Council making recommendations for employment under any conditions, whether out of a hearing or any other circumstance.

Councilman Lively again "called for the question."

REINSTATEMENT OF MS. DOMINECK

Councilman DiStefano stated Councilman Pierce was right that the committee was a substitution of the Council as a whole but was the only committee that heard the evidence presented by both Ms. Domineck and administration. He stated it would be very difficult for other members of the Council to make that decision regarding that much information; that they might have the short version of what Council members might have reported to them, but thinks it would be a very difficult position this Council would be in in recommending re-hiring without going through the hearing process. He stated all Council members are eligible to serve if they desire; that there is no minimum nor maximum; they had to be there. He stated others could have served but this committee has already done this task, and the Council should uphold what was done last night.

At this point the vote was taken on Councilman Pierce's motion: Councilmen Pierce and Swafford voted "yes," Councilmen DiStefano, Eaves, Hurley, Lively, voted "no," Councilmen Crockett and Rutherford abstained indicating their doing so because they were not at the hearing; the motion failed.

COMMITTEES

Councilman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, November 5 at 5 p.m.**

Councilman Lively scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 22 beginning at 5 p.m.** to continue discussion regarding rules for personnel hearings.

Councilman Eaves reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, October 22** beginning at 4 p.m.

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

VENUS LACY PARKWAY SIGNS

Councilman Swafford stated there was discussion in Public Works Committee regarding the status of the Venus Lacy Parkway signs; that indication was given the signs will be installed on Thursday, October 17.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, October 22, 1996 at 6 p.m.

Yusuf A. Hakeem
CHAIRMAN

Carol O'Neal
CLERK OF THE COUNCIL

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