

Municipal Building
Chattanooga, Tennessee
November 19, 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 and Council Clerk Carol O'Neal were also present.

INVOCATION

Councilman Swafford gave the invocation for the evening.

MINUTE APPROVAL

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

RECOGNITION OF COUNCILWOMAN
HURLEY'S FAMILY

Chairman Hakeem recognized the presence of family members of Councilwoman Hurley which included her husband, Bernard Hurley; daughter, Marie Blair; and granddaughters, Marion and Eleanor Blair. He stated this is the first time members of Councilwoman Hurley's family have attended a Council meeting; that he and she go back a number of years, and he thinks of her as a good friend. He stated she is a great inspiration to all.

CLOSE AND ABANDON

1996-091: C & C OXYGEN COMPANY

On motion of Councilman Lively, seconded by Councilman DiStefano,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
SOUTHWEST FROM CALHOUN AVENUE, BETWEEN EAST 36TH STREET
AND EAST 37TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN, UPON CERTAIN CONDITIONS
passed second reading. On motion of Councilwoman Hurley, seconded
by Councilman DiStefano, the ordinance passed third and final
reading and was signed in open meeting.

REZONING

1996-236: Patten Golf, Inc.

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 1000 BLOCK OF MACKEY AVENUE, BEING ON THE NORTHWEST LINE OF MACKEY AVENUE SOUTHWEST OF EAST BRAINERD ROAD, FROM O-1 OFFICE ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading. On motion of Councilman Eaves, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1996-240: Robert and Ava Munger

On motion of Councilwoman Hurley, 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 6178 ADAMSON CIRCLE, BEING ON THE SOUTHWEST LINE OF ADAMSON CIRCLE AT HERITAGE PARK DRIVE, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE 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

1996-243: Ronnie Biggs

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 1907 STUART STREET, BEING ON THE NORTHEAST LINE OF STUART STREET AT SHOLAR AVENUE, FROM M-1 MANUFACTURING ZONE TO R-1 RESIDENTIAL ZONE 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

1996-245: Joseph S. Bird

On motion of Councilwoman Rutherford, 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 7411 ZIEGLER ROAD, BEING ON THE NORTHEAST LINE OF ZIEGLER ROAD SOUTHEAST OF GUNBARREL 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.

REZONING

1996-247: Johnny Foskey

On motion of Councilman DiStefano, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO AS TO REZONE A TRACT OF LAND LOCATED AT 2812 SILVERDALE ROAD, BEING ON THE SOUTHEAST LINE OF SILVERDALE ROAD NORTHEAST OF LEE HIGHWAY, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE

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

1996-248: Bettye L. Stewart

Councilwoman Hurley made the motion to approve the amendment to this ordinance; Councilman Crockett seconded the motion; the motion carried.

On motion of Councilman Swafford, 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 IN THE 8200 BLOCK OF EAST BRAINERD ROAD, BEING ON THE SOUTHEAST LINE OF EAST BRAINERD ROAD NORTHEAST OF GRAYS ROAD, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1996-249: SUSA Partnership, L.P.

On motion of Councilwoman Rutherford, 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 IN THE 600 BLOCK OF COMMERCIAL LANE, BEING ON THE NORTHEAST LINE OF COMMERCIAL LANE SOUTHEAST OF MOUNTAIN CREEK ROAD, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE passed second reading. On motion of Councilman Lively, seconded by Councilman DiStefano, the ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

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 AMEND CERTAIN SECTIONS RELATIVE TO OFFICES IN THE M-2 AND M-3 ZONES 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.

AMEND ZONING ORDINANCE

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND THE RT-1 RESIDENTIAL TOWNHOUSE ZONE, RELATIVE TO SETBACK REQUIREMENTS 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

1996-202: Steward, Inc.

The applicant was present; opposition was in attendance.

CLOSE AND ABANDON (Cont'd.)

Mr. Bennett stated this case has been deferred a couple of times and has gone through the Public Works department for a recommendation. At this point he deferred further comments to Admin. Marcellis.

Admin. Marcellis stated at the Public Works Committee meeting discussion was held regarding the traffic plan that Steward presented, and the department concurs with the request for closure of Jerome Avenue; that the adjoining streets can handle the extra 800 vehicles a day; that it will actually be less than that because they will have some of their own workers coming in-and-out. He stated this is much less of an impact on the two adjoining streets.

Councilman Swafford stated he did not attend the meeting; that in the first paragraph of the initial recommendation the department recommended denial. Admin. Marcellis stated at that time they did not have the traffic study they had asked for which is why their recommendation was against the closure; that since the last meeting Steward did submit the plan, and the adjacent streets can handle the extra traffic.

Councilwoman Rutherford stated she would like to hear what Steward's plans are as to why we would close this street.

Councilwoman Hurley stated she was not at the meeting and asked if there is a plan that can be viewed by all on the screen; that she, too, would like to hear the plans but would like to hear some background, as well.

Mr. Bennett stated the area requested for abandonment is the section of Jerome Avenue from East 37th Street north to East 36th Street which is currently open at the right-of-way; that Admin. Marcellis can explain the alternate traffic plan.

Admin. Marcellis stated the alternate traffic will go down 36th Street and Brannon for any traffic going west; that for any traffic coming east they would go down 36th Street to Calhoun.

Councilman Swafford asked where the people who live behind 37th Street would travel. Admin. Marcellis stated very few vehicles will be coming that way; that the closest way would be for them to go over to Brannon, up to 35th Street and come back down.

Mr. Bennett stated there is not as much traffic that will be coming north because of the previous closure for Astec.

CLOSE AND ABANDON (Cont'd.)

Lee Atchley was present representing Steward. He stated they have expanded over the last ten years at a 20% growth rate; that ten years ago they employed over 150 persons and are now employing 440, which represents a 20% growth rate. He stated if they have that continued growth rate the number of jobs that would occur is roughly 100 in the first year and at the end of five years will be doubled in size to 880-900 jobs. He stated that is what they are hoping for; that the only direction they have is expansion right now in this direction, which is across from Jerome Street. He stated they own the property on either side, but this would allow them to build a facility that will be a combination of warehousing for their products. He stated it could be either to allow increased production in the main building area; that this is the primary reason for the expansion. He stated if they are not able to expand, he is not sure what they would have to do; that the other benefit that would come from this is increased safety for their employees and the neighborhood, as well. He stated this area is bad for people speeding through stop signs; that they have 200 people per day crossing that street which is dangerous for them, the neighbors and children. He stated another part of the request for the closure is in the past couple of years they have experienced vandalism and with the area closed, it will be more secure.

Councilwoman Hurley stated there are a couple of people present who will register their concern and asked if representatives of Steward have met with the neighborhood.

Mr. Atchley stated there is one community that is a chartered community which is the Clifton Hills Improvement Community; that the Chairman, Mrs. Phipps, has endorsed this closure and they are for it. He stated he understands there are others who are in opposition; that they wish to close the street for the reasons he has stated.

Councilwoman Rutherford asked as far as plans to build, does Steward have any immediate plans; whether we are talking about a year or shorter. Mr. Atchley stated they are estimating that in about one year is when they will want to build.

Councilwoman Rutherford asked if they are at the point of planning the facility. Mr. Atchley responded "yes," that they are planning a 10,000 square foot building on that property.

CLOSE AND ABANDON (Cont'd.)

Sally Phipps stated she has been President of this community for a long time; that no one else will have it. She stated they need something done about the traffic; that she was informed by the Police Department when the other closure at the other end of Jerome was discussed that if this closure is passed this will be their best bet for their traffic problem and the "hot rods." She stated there is no one that lives in that area; that they do not have access to Rossville Boulevard and doubt if they would use it much. She stated the stop sign is constantly being run; that there is one lady who lives at the corner and her little girls cannot play in the yard because of the fast cars. She stated closing the street would eliminate that and save some children's lives.

Pauline McClure spoke in opposition to the closure and distributed copies of a signed petition to the Council. She read from a prepared statement and cited that she and others in the community want Jerome Avenue to remain open for use by the residents of the community and requested that provisions be made to avoid any future closing of Jerome Avenue. (A copy of the statement is filed with minute material of this date.)

John Bailey, a resident of the area, also spoke in opposition. He stated he and others in the community are not opposed to progress or the amount of jobs; that most of the community is elderly and have given up one part of the street to Astec; that closing another would "box them in", and they will be dead-ended. He stated they have been going this way for years-and-years; that Steward can put a parking lot next to their plant as it is property they own; that the community has given them the other end and now they want this. He stated if they want parking and safety for their employees they should use their own property; that it makes no sense having to go down 37th Street and back around just to go to Alton Park.

Councilman DiStefano stated we have had two closings on Jerome; that one of the things he wanted to ask is to what extent the petition presented addresses the situation we are dealing with tonight and to what extent does it deal with something that was done months ago. He stated he wants to be clear the petition addresses the current request or something that the Council heard previously.

Chairman Hakeem clarified Councilman DiStefano's statement by asking those present if they are present regarding the closure the Council is dealing with tonight. Mrs. McClure responded "yes."

CLOSE AND ABANDON (Cont'd.)

Councilman DiStefano stated the reason he asked is that in reviewing the list, he sees people who have signed that live at 4300 Jerome Avenue; that he is not sure where that is since we closed the street between 40th and 38th Streets; that if Jerome goes past this, he has not been down there. Mr. Bailey indicated the address in question is between 37th Street and where the Council closed the street the other day.

Councilman DiStefano stated 4300 would be two-and-a-half blocks past this which is much farther down; that he wants to be clear. Mr. Bailey stated seventy-plus people would not have signed the petition if the majority wanted to close it.

Mr. Atchley pointed out the area Steward owns on the wall map; that they do not have plans with regard to beautification; that they are planning to leave it grassy rather than build on it.

Councilman Swafford asked how long the area is we are talking about and how wide the street closure is. Admin. Marcellis responded it is probably 350-400 feet long. Mr. Bennett stated it is 377 feet long and 80 feet wide.

Councilman Swafford asked Mr. Atchley if anyone has talked to him about purchasing the city's right-of-way. Mr. Atchley stated that he had not thought about it; that he certainly would be open to that. He stated there had been a discussion about there not being any additional dead-end streets; that he advised Mrs. Phipps that closing the street would add more security for the neighborhood and does not see that as a big disadvantage. He stated he understands there would be some inconvenience depending upon where they live and pointed out Brannon is only one-fourth of a mile and runs parallel to Jerome; that Calhoun is a half mile to the east and is not that great a distance. He stated this is the only direction they can expand in the near future (at all) and is why they are asking for it.

Councilman DiStefano inquired about the employment figures Mr. Atchley cited, whether the 450 that are employed now are all at the Jerome Avenue site. Mr. Atchley stated they do have another site away from Jerome Avenue where they have about fifteen people working; that at this particular site there are 420-425 people.

Councilman DiStefano inquired as to the number of work shifts. Mr. Atchley responded there are three full shifts on days and weekends; that they operate around-the-clock.

CLOSE AND ABANDON (Cont'd.)

Councilman DiStefano clarified that there are easements that have to be maintained; that Steward will not actually put anything on the road and will only gate the road. Mr. Atchley responded "right."

Councilman DiStefano stated if the purpose is for security, why a gate across the road; that the property they own can be fenced-in for security.

Mr. Atchley stated that could actually be fenced off just with the street being in between; that he agrees that is another option. He stated there is some element of added security of having the entire area closed; that that is not as much a factor as safety would be.

Councilman DiStefano stated Mr. Atchley mentioned there are trucks that block part of the road, asking if the trucks are fully into the bay area. Mr. Atchley stated the trucks are parked parallel on the shoulder of Jerome Avenue; that they are out of the way.

Councilman DiStefano inquired as to the frequency of the trucks loading and unloading. Mr. Atchley responded his best guess would be that they load and unload ten times a day on the average.

Councilman DiStefano inquired as to whether the loading and unloading occurs during the first shift. Mr. Atchley responded, "most, but not all."

Councilman DiStefano stated one thing we discussed was the possibility of not closing the road but allowing Steward to have the road closed during certain hours so that for safety purposes it will be open for the community other hours of the day. He asked Mr. Atchley how this would fit in with Steward's plans; whether it is a feasible option. He stated after 9 p.m. to 6 a.m. it could be closed and other hours of the day it could be open.

Mr. Atchley stated it would be an improvement during those hours; that he had not really thought about having such an operation and closing it at different hours.

Councilman DiStefano asked the same of those present regarding this matter who have safety concerns and made reference to the tractor trailer trucks on the road. He asked whether the suggestion of allowing the road to be closed certain hours of the day would appeal to them; whether it would meet part of their concern about the closure. He stated there are employees who work there that cross the street, trucks parked next to the road, and people who live in the area who are driving up-and-down the street.

Admin. Marcellis made reference to a catwalk being installed for the employees to walk across the street.

Councilman DiStefano suggested that his suggestion be tried for a six months trial to see how much of a problem it generates; that the issue can be re-addressed and then move to make it permanent.

Mr. Bailey stated he would rather see this happen than having the road closed.

Councilman Crockett asked when Steward plans to expand. Mr. Atchley responded they will expand within one year.

Chairman Hakeem inquired of the City Attorney and Admin. Marcellis what type of precedent the Council would be setting when all a person has to do is say they plan to expand and want to close a public street; that he wants to know how the Council can allow one or two to do it and then have a legal right to stop everybody else.

Admin. Marcellis stated the way he would look at it involves the amount of traffic on the road, where everyone (traffic) will have to go, whether we can accommodate the traffic on other streets and the disadvantages and advantages to the community; that he would look at the traffic.

Chairman Hakeem inquired as to the purchase value that could be placed on a street like the one Steward is requesting closed. City Attorney Nelson stated the interest we would have in the street will either be fee simple or the easement; that if we have an easement we will not have a lot of value to it; that we have to look at each case on its own merit as traffic situations will vary. He stated we will have to weigh that against the community interest of having more jobs; that we will have to look at it on a case-by-case basis.

Councilwoman Rutherford asked if the adjacent lot with the grass and trees would be easier to use rather than going across the street. Mr. Atchley responded that area is becoming residential, and they will not be able to use it.

Councilwoman Rutherford asked as far as the land itself and the size of the expansion, what is Steward planning to build. Mr. Atchley stated they are just trying to visualize it; that the size of the lot is probably not too far from the same size that we would be talking about across Jerome Avenue; that it would be pretty close.

CLOSE AND ABANDON (Cont'd.)

Councilwoman Rutherford stated there is the possibility if zoning were changed Steward could expand to the adjacent lot rather than across the street. Mr. Atchley responded that he thought Councilwoman Rutherford was right on that, but it is difficult for him to say; that that could be a way.

Councilwoman Rutherford suggested that Steward be given a couple of weeks to find an answer to the questions raised before making a decision; that the closure depends on the expansion. She stated if they want to use the adjacent land or a catwalk that might solve this problem to everyone's satisfaction.

Councilman DiStefano stated he is not sure about the solution; that the grassy area is acting as a buffer zone; that he is leery of offering that as a potential solution unless we discuss whether we would consider rezoning that.

Chairman Hakeem stated there is a desire for the matter to be explored further. He asked Mr. Atchley to discuss the matter with the residents and get a reaction from them.

Councilman Crockett made reference to Councilman DiStefano's comments; that he thinks it will be important to have the Planning Commission and Staff involved; that you cannot have zoning without going through the planning process.

At this point Councilman Pierce made the motion to table the matter two weeks; Councilman Lively seconded the motion.

Councilman DiStefano inquired as to the date of the next Planning Commission meeting. Mr. Bennett responded the next meeting will be held the second Monday in December; that the deadline for that meeting was the tenth of November. He stated an application would have to be in by December 10 to be heard for the January meeting; that the Staff can look at it and give a report on what their possible recommendation would be within the next two weeks.

Councilman Eaves stated he does not have any objection if that is what everyone wants to do; that the Council is entering into letting one zoning case depend on the other, and we do not know if they (Steward) want that.

Councilwoman Hurley suggested that the people present sit down with the company and see what the options are; that she believes the people want to enable Steward to expand if they want to. She stated they might prefer to expand this way rather than come into the community further; that this is a difficult situation.

CLOSE AND ABANDON (Cont'd.)

Councilman Pierce stated now that they own the grassy property and that adjacent to it that makes it much easier for them to come and get the zone changed; that if they close it, they will automatically come back and ask for a zoning on the property and still continue to intrude into the community. He stated we have to at some point say "enough is enough", and it is up to the community to come to that conclusion. He stated he would prefer to zone the property rather than closing a public street; that he is not in the posture of closing public streets and sees too many (streets) being built in other areas while they're being closed in the inner-city.

At this point Chairman Hakeem announced that discussion was closed on this subject and explained to those present in opposition that they are to sit down with the company within the next two weeks to discuss the matter. He stated Councilman DiStefano will coordinate a meeting to make sure telephone numbers are exchanged.

On motion of Councilman Pierce, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING JEROME AVENUE,
LOCATED NORTHEAST FROM EAST 37TH STREET, SOUTHEAST OF
BRANNON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
was tabled two weeks; Councilman Eaves voted "no".

FRANCHISE: ERLANGER MEDICAL
CENTER

On motion of Councilman Lively, seconded by Councilman DiStefano,
AN ORDINANCE GRANTING UNTO ERLANGER MEDICAL CENTER A
FRANCHISE TO CONSTRUCT A PEDWAY OVER WIEHL STREET, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS
passed first reading.

TEMPORARY USE: CFS PROPERTIES

Admin. Marcellis stated this matter was discussed in Public Works Committee week before last and today; that he has found out the setback was been approved by the Sign Variance Board last month; that the Council is being asked to approve the use of the right-of-way.

TEMPORARY USE: CFS PROPERTIES
(Cont'd.)

On motion of Councilman Eaves, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING CFS PROPERTIES TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED ON THE SIDEWALK AT 203 WEST MAIN STREET FOR THE PURPOSE OF HANGING A BUSINESS SIGN PROJECTING EIGHT (8) FEET INTO THE SIDEWALK, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

GRANT ACCEPTANCE

On motion of Councilman Crockett, seconded by Councilman Lively, A RESOLUTION AUTHORIZING AND ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, OFFICE OF JUSTICE PROGRAMS, FOR THE "LOCAL LAW ENFORCEMENT BLOCK GRANT" PROGRAM, WHICH PROGRAM SHALL NOT EXCEED SEVEN HUNDRED TWENTY-SEVEN THOUSAND, SIX HUNDRED FORTY-EIGHT DOLLARS (\$727,648.00), SEVENTY-TWO THOUSAND, SEVEN HUNDRED SIXTY-FIVE DOLLARS (\$72,765.00) OF WHICH WILL BE LOCAL CHATTANOOGA FUNDS was adopted.

ACCEPT PROPOSAL

On motion of Councilman Crockett, seconded by Councilman Lively, A RESOLUTION ACCEPTING A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO THE WIDENING OF INTERSTATE 75 FROM 0.1 MILES NORTH OF EAST BRAINERD ROAD TO 0.6 MILES NORTH OF SHALLOWFORD ROAD was adopted.

TEMPORARY USE: AAA CHECK CASHING

On motion of Councilwoman Rutherford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING AAA CHECK CASHING TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED ON THE SIDEWALK AT 709 CHERRY STREET FOR THE PURPOSE OF HANGING A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USE: ERLANGER MEDICAL CENTER

On motion of Councilwoman Rutherford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING ERLANGER MEDICAL CENTER TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED ON EAST FOURTH STREET BETWEEN WIEHL AND HAMPTON STREETS FOR THE INSTALLATION OF SHORING TIE-BACKS, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USE: MARION ENVIRONMENTAL, INC.

On motion of Councilman Crockett, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING MARION ENVIRONMENTAL, INC. TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED IN THE ALLEY BETWEEN EAST MAIN STREET AND EAST 16TH STREET FOR THE PURPOSE OF INSTALLING A GROUNDWATER MONITORING WELL, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USE: TENNESSEE AWNING & TENT COMPANY, INC.

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING TENNESSEE AWNING & TENT COMPANY, INC. TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED ON THE SIDEWALKS ON THE MARKET STREET AND FRAZIER AVENUE SIDES OF THE BUILDING AT 10 FRAZIER AVENUE FOR THE PURPOSE OF INSTALLING STANDARD CANVAS AWNINGS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

APPROPRIATION FOR MARKETING

Councilman Lively stated he was against this until we had the meeting today; that he still has some reservations but thinks it is worth an attempt to try to increase advertising at the airport.

APPROPRIATION FOR MARKETING
(Cont'd.)

Councilwoman Rutherford stated she has real concern about this and asked if there is any way to guarantee this would be used for generic advertising as well as distributed to carriers who desire to advertise; that she does not want this to be advertisement for any one airline.

Chairman Hakeem stated he asked that question. Councilwoman Rutherford asked Chairman Hakeem if he "felt good about it," to which he responded "yes."

Councilwoman Rutherford asked Admin. Boney to generate a report as to how the money was spent after it is spent. Admin. Boney responded "he will ask."

On motion of Councilman Lively seconded by Councilwoman Hurley,
A RESOLUTION APPROVING THE PAYMENT OF FIFTY THOUSAND
(\$50,000.00) DOLLARS FROM THE CONTINGENCY FUND TO THE
CHATTAHOOGA METROPOLITAN AIRPORT AUTHORITY FOR THE
PURPOSE OF ECONOMIC DEVELOPMENT AND MARKETING
was adopted.

OVERTIME

Overtime for the week ending November 15, 1996 totaled \$10,611.09.

PURCHASE

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

A & T EQUIPMENT SALES, INC. (Lower and Better Bid for the City of Chattanooga)
Requisition No. 135470

Purchase of 36 Passenger Bus

\$37,883.00

PURCHASE

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

ADUDELLE ROOFING & SHEET METAL, INC. (Lower and Better Bid for the City of Chattanooga)
Requisition No. 134700

Purchase of Roof Replacement

\$60,172.00

PERSONNEL

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

DOUGLAS R. COLLINS -- Family and Medical Leave Act, Body Repair Technician, Fleet Maintenance Division II, effective October 15, 1996.

ANGELA JAMES -- Termination, Benefits Coordinator, Employee Benefits, effective November 7, 1996.

LINDA HATCHER -- Benefits Clerk, Employee Benefits, effective November 7, 1996.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchases were approved for use by the General Services Department:

ESTES EQUIPMENT (Lower Bid Meeting City of Chattanooga Specifications)
Requisition No. 136714

Purchase of Leak Detection System for Underground Fuel Storage Tanks

\$18,294.00

PURCHASES (Cont'd.)

APPLIED INDUSTRIAL TECHNOLOGIES (Formerly Dixie Bearings, Inc.)
Contract No. A-1141885

Name Change for Contract No. A-1141885 approved by Council on June 11, 1996.

PERSONNEL

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

CALVIN B. HUGHLEY -- Resignation, Laborer III, City-wide Services, effective November 8, 1996.

JAMES M. WEYLER -- Dismissal, Sanitation Worker I/Laborer I, City-wide Services, effective October 30, 1996.

MARIE BLEVINS -- New Hire, Scale Operator, Waste Resources, Pay Grade 6/Step 1, \$16,864.00 annually, effective December 2, 1996.

PURCHASES

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

RAY MARLER CONSTRUCTION CO. (Lower and Better Bid)
Requisition No. 136081

Purchase of Contract to Furnish and Install Liner Material and River Rock for the Summit Landfill

\$96,100.00

POWER EQUIPMENT CO. (Lower and Better Bid)
Requisition No. 136042

Purchase of Crawler Tractor

\$222,049.00

PURCHASES (Cont'd.)

VWR SCIENTIFIC (Lower and Better Bid)
Requisition No. 135984

Purchase of Twelve Month Contract for Laboratory Chemical Requirements

(Price information available and filed with minute material)

LANGDALE FOREST PRODUCTS (Lower and Better bid)
Requisition No. 135695

Purchase of Twelve-Month Contract for Traffic Poles

(Price information available and filed with minute material)

REFUND

On motion of Councilman DiStefano, seconded by Councilman Crockett, the Administrator of Finance was authorized to issue the following refund:

STADIUM CORPORATION, Building Permit No. B215036, Stadium project largely funded by City and County, \$11,713.50

PERSONNEL

The following personnel matters were reported for the Safety Department:

SHARON D. FEATHERS -- Return from Family and Medical Leave, Meter Patrol Officer, effective November 11, 1996.

SHARON D. FEATHERS -- Voluntary Demotion, Meter Patrol Officer, Pay Grade 5/Step 10, \$20,386.00 annually, effective November 1, 1996.

RITA A. WARD -- Resignation, School Patrol Officer, effective October 31, 1996.

MARION K. HUNTOON -- Resignation, School Patrol Officer, effective November 1, 1996.

ROY PENNEY -- Retirement, Patrol Officer, effective November 18, 1996.

PERSONNEL (Cont'd.)

JUDY EVERETT -- Hire, School Patrol Officer, \$20.27 daily rate, effective November 13, 1996.

MELODY A. TANNER -- Hire, Secretary, Fire Department, Pay Grade 6/Step 1, \$16,864.00 annually, effective November 22, 1996.

JOHN A. LASATER, JR. -- Job-related disability retirement, Private, Fire Department, effective November 14, 1996.

PURCHASES

Admin. Dinsmore asked that the Council accept Chevrolet's bid so that they could try the Lumina to see how they worked out. Councilman Crockett asked if they have anti-lock brakes, to which Admin. Dinsmore responded "yes," that they "have the whole police package." Councilman DiStefano inquired as to how many are being purchased. Admin. Dinsmore responded there will be 5-15 Chevrolets and 40-45 Fords.

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

HYDRO-VAC (Lower and Better Bid)
Requisition No. 97832

Purchase of Twelve Month Contract for Hazardous Waste Removal
\$300.00 per 55 gallon drum

MARSHAL MIZE FORD, INC. (Lower an Better Bid meeting City of Chattanooga specifications)
Requisition No. 125694

Purchase of Contract for Police Automobiles
\$18,384.00 (Marked)
18,371.00 (Unmarked)

PURCHASES (Cont'd.)

FERGUSON ENTERPRISES (Lower and Better Bid)
Requisition No. 97833

Purchase of Bathroom and Plumbing Supplies

\$18,667.50

HOTEL PERMIT

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

COMFORT SUITES -- 2431 Williams Street, Chattanooga, TN

PERSONNEL

The following personnel matter was reported for the City Council Office:

RICHARD LANESE -- Resignation, Management Analyst, effective October 31, 1996.

HEARING: GRADY RATLIFF

City Attorney Nelson reminded Council members of the hearing scheduled for Grady Ratliff beginning at 6 p.m. on Monday, November 25.

HEARING

City Attorney Nelson stated a hearing has been requested by a Public Works employee but believes the request has come in too late; that the matter will be researched, and the Council will be notified later.

COMMITTEES

Councilman DiStefano stated he distributed information on items discussed during previous Housing Committee meetings regarding the Task Force's report. He stated each Council member was asked to review the information for comments, however, (he) has not had any response. He asked that Council members review the information before the next meeting of the Committee two weeks from now.

COMMITTEES (Cont'd.)

Councilwoman Hurley stated the Personnel Committee met regarding the vacant position left by Mr. Lanese; that the rules have been set for now. She stated an advertisement for the position will be prepared by Personnel within the next two weeks.

Councilmen Lively and Rutherford scheduled a joint meeting of the **Safety/Legal and Legislative Committees for Tuesday, December 10 at 5 p.m.** to discuss the ordinance pertaining to pawn shops.

Chairman Hakeem reminded Council members of the **Committee-Of-The-Whole scheduled for Tuesday, November 26 at 4 p.m.** for a briefing on children's issues. He stated Councilwoman Hurley has been working with him on this to put together something that is beneficial and informative.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, November 26, 1996 at 6 p.m.



CHAIRMAN



asst CLERK OF COUNCIL

(A list of names of persons in attendance is
filed with minute material of this date)