

Municipal Building
Chattanooga, Tennessee
August 5, 1997

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

INVOCATION

Councilman Crockett gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: SANDRA BOWERS

Chairman Swafford stated the request has been made that Ms. Bowers' presentation be rescheduled; that she is in involved with the DARE Conference and could not be present.

SPECIAL PRESENTATION; BRAINERD HILLS NEIGHBORHOOD ASSOCIATION

Dr. Carol Berz spoke on behalf of the Brainerd Hills Neighborhood Association and stated she lives in Brainerd and has been a resident for a very long time, and it is a pleasure to have lived, worked and grown here. She stated she wanted to talk about the quality of life in Chattanooga; that when we say Chattanooga is in a new era we are talking about a lot of paradigm shifts in a new way at looking at planning and zoning in the city. She expressed thanks for having a far-sighted Mayor, Planning Commission and developers in our community that are taking a new look at how decisions are made and not trying to play petty power politics but think globally for the City of Chattanooga. She stated Chattanooga is at the "cutting edge" and there are difficult decisions to make that imply serious planning on our part; that we can afford ill-thought out spot zoning and people have to participate in government.

SPECIAL PRESENTATION; BRAINERD
HILLS NEIGHBORHOOD ASSOCIATION
(Cont'd.)

Dr. Berz continued by stating that in her area in March citizens and government clashed and from that grew the "seeds" of a lot of people saying citizens and government should come together; that it should not be a win/lose situation but a win/win situation were government does not tell citizens what to do and not allow them to participate in the process. She stated they decided to form a consortium of developers, government and contractors; that they went to Nashville and spoke with the Commissioner of Transportation. She stated they came up with a plan to save the quality of the neighborhood; that the citizens want jogging trails, sidewalks and the ability to use State funds to make that happen. She stated the Commissioner of Transportation was extremely amenable to working out what they as a community want to come up with; that they found Mayor Kinsey also amenable to working out plans.

Dr. Berz asked the Council not to make any decisions that are not well thought out with Futurescape planning so that we can save the fine neighborhoods we have, ensure the safety of our citizens and give proper attention to quality of life and economic growth. She urged the Council not to make any more decisions until there are quality plans in place; that they are with the Council as far as growth and change are concerned but in a planned, mature, non-Cro-Magnon way.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II,
CHAPTER 32, ARTICLE IX, SECTIONS 32-167, 32-168,
32-196, AND 32-198, RELATIVE TO ESTABLISHMENT OF STREET
NAMES AND NUMBERING
passed second reading. On motion of Councilwoman Rutherford,
seconded by Councilman Pierce, the ordinance passed third and final
reading and was signed in open meeting.

REZONING

1996-278: Commercial Management Corporation

The applicant was present; opposition was in attendance.

REZONING (Cont'd.)

Barry Bennett briefed the Council on this request by stating the request is for rezoning to R-4 on 48 acres of property located between East Brainerd Road and I-75. He stated the primary access to the property is by Dave L. Brown Drive, a dead end street; that the property development includes 160 apartment units and 320,000 feet of office space. He stated the surrounding zoning includes R-4, C-2, R-3 and R-1; that the land use indicates all property is currently vacant with the highest concentration of R-1 to the west; that development to the north includes single family as well as multi-family residential and the Alhambra Shrine property is in the area to the right of the site. At this point he displayed a preliminary plan for the development and stated the recommendation from Planning was to approve subject to conditions.

Councilman Hakeem asked if the recommendation is from the Staff and Planning Commission. Mr. Bennett stated the recommendation from Planning and Staff at that time was to defer pending further information regarding the traffic situation.

Mayor Kinsey stated he has gotten very involved in this situation because of the necessity of working out traffic in accordance with recommendations with the Staff; that the original recommendation was in order to provide for this zoning, East Brainerd Road was to become five lanes. He stated he was at the Commissioner of Transportation's office (the following day the residents from Brainerd Hills were there) to meet with the Commission regarding Shallowford Road and getting it ready for five lanes; that he really thinks we need to look at alternate solutions to traffic and that road. He stated he has met several times with developers and the neighbors; that he, the developers and Public Works believe we can accommodate this future growth for our city by aligning Dave L. Brown Drive and Vance Road. He stated we need to have this road aligned and signaled and our thinking is that will be sufficient to provide for this City.

Mayor Kinsey stated the future of East Brainerd Road is not a determination whether this zoning is approved or not; that it is okay as is. He stated he looks forward to working with neighbors and people who are there, and we need to do more of that as we need more citizen input; that this is a great example where everyone can come out ahead. He stated he is saying our City will do those requirements at the appropriate time to accommodate the development if the zone is approved; that this will be an appropriate use of economic development funds from our State sales tax. He stated the Health Source development that was planned was what the State was going to spend money on; that he thinks the City needs to do this.

REZONING (Cont'd.)

Councilman Pierce inquired as to the cost for the alignment of the roads and the pace at which this will be done. Mayor Kinsey stated the project will ultimately cost \$425,000; that as far as the pace is concerned in all likelihood the State will pay for the five lane road; that he does not know when that will happen. He stated we will endeavor to get as much or all of our funds back; that he will not tell the Council we can get all the funds back. He stated his recommendation is we spend the money to accommodate new development in that area; that it is needed right now, in his opinion.

Chairman Swafford stated his comment has to do with the widening of Shallowford Road; that he does not want this to be confused with this project as there is a heavy residential section past Noah Reid Road and has some concern about all the funds it will take for the right-of-way. He made reference to the area in which Wilcox runs into Palmier; that he is certainly in favor of widening that turning lane or whatever we have to do as traffic is backed up tremendously. He stated he would have some concern about heavy residential but is certainly in favor of whatever we intend to do on Shallowford.

Tom DuPre of the Cumberland Realty Group represented the applicant and stated this parcel is a 48 acre tract that lies at the rear of Dave L. Brown Drive; that the Alhambra Shrine is 150 feet away on an elevation above this property. He stated what is critical about this development is it gives Chattanooga the opportunity to have a development of this style that we presently do not have. He made reference to the topography of the property and the natural retention pond; that it has a natural buffer built-in. He stated the location gives them the ability to attract small to medium companies from Nashville, Birmingham and Atlanta that might want to put a regional office in this area as it would be an ideal location. He stated this site will generate \$1 million in property tax per year; that as far as landscaping is concerned there are a lot of natural trees. He stated a building similar to the CBL headquarters is the typical type of building that would be in this project and asked that the Council consider voting in favor of this request.

Ed Reeves spoke in support of this request stating he was present for another matter and did not know this was on the agenda tonight; that he owns Brainerd Shopping Center right down the road and heard about the realignment of the road. He stated the proposed project would bring office tenants to his Center and if the traffic pattern could be enhanced in East Brainerd Road, it will enhance the Center as the traffic is a "mess" in the afternoon.

REZONING (Cont'd.)

Gordon Perkins, spokesperson for the Alhambra Shrine, read from a prepared statement which indicated there is no signaling on East Brainerd Road and Dave L. Brown Road; that East Brainerd Road is too narrow to accommodate any increase in traffic. He went on to indicate the original application called for 320,000 square feet of office space and 160 apartment units and inquired as to whether there is a site plan and the type of businesses that will be in the office complex. He indicated that the signaling and widening should be complete prior to construction if the zoning is approved and that East Brainerd Road is State Highway 310 and is a narrow two lane highway that requires appropriate measures be taken to insure safety of vehicular/pedestrian traffic. (Mr. Perkins' statement is filed with minute material of this date.)

Donald Tatum spoke in opposition to the request and indicated his representing the residents of Timber Ridge Apartments, a complex of 156 units and 312 residents who are against the rezoning of the 47.9 acres of land at the end of Dave L. Brown Drive. A petition signed by the residents expressing their opposition to the rezoning and development of this land was filed with the Council Clerk. He stated it is ironic it took 20 years for the City government to consider the residents' request for a traffic light at this intersection which is proposed if the rezoning occurs and the development is allowed. He stated City government did not consider the residents' wishes but is willing to consider the developer's request for making money; that it is their wish if the Council proposes going through with this, it is his understanding the problem is waiting for the five lanes; that this will be obtrusive to the neighbors. He stated it is their wish to have only three lanes at the red light and reiterated their being against the rezoning.

Monique Lewis of the Brainerd Hills community spoke in opposition to this request, also, and stated she and the majority of informed citizens in the community are against this rezoning; that the major reason involves the excessive amount of traffic this development will add to East Brainerd Road and Dave L. Brown. She stated this residential area cannot support this devastating increase in traffic; that it is a well-balanced neighborhood. She stated they would all like to believe the development of this property and widening of East Brainerd Road have nothing to do with each other; that in order to make the number of proposed apartment dwellings and the office complex work, a traffic light has been proposed. She stated the problem this represents in stalling that light and widening the road are too numerous to mention at this time; that there are other reasons for not supporting this development. She stated there are other sites in the City for this development that will create fewer problems for the City and citizens.

REZONING (Cont'd.)

Ms. Lewis continued by stating they do not want their entire neighborhood to go commercial; that the residents of Timber Ridge have begged for a traffic light for years; that citizens are wary of attempts to tell us this development is in the interest of progress. She stated she does not envy the Council's task; that whether for progress or change, they view it as change which does not involve the lives of the citizens. She stated they do not approve of this in their neighborhood.

Mr. DuPre stated discussion has been held regarding the time frame as to when tenants will move in; that no engineering studies have begun or drilling for the site; that between the time to begin engineering studies and design, there are utilities that have to be put in before the first building goes up. He stated this is not something that happens overnight; that very large construction vehicles will come onto the site that will stay there and will not increase the traffic. He stated the road is now 30 feet wide with a 50 foot right-of-way, and the street has the capacity to be widened now; that this would reduce the traffic load in the area.

Councilman Hakeem asked Admin. Marcellis if it is reasonable or logical on the City's part to look at that type of development and in widening the road to five lanes are we actually going to take care of the traffic flow.

Admin. Marcellis stated this growth will take some time; that it might take three-to-five years to build this many office buildings and apartments. He stated we are going to align the roadway, put a traffic light in and build some extra lanes for some distance that will provide for the capacity for the intersection and the traffic there and future traffic for a number of years. He stated by that time the City, neighborhood and State will get together to see what the most feasible solution is to build East Brainerd Road to. He stated by that time the construction should begin and still be ahead of this project.

Councilman Hakeem stated the bottom line is if this project is developed there will be increased traffic, and we will have to make a decision whether we are assuming that cost or not. Admin. Marcellis stated we are planning to widen the roadway.

Councilman Hakeem stated at full capacity would Admin. Marcellis see the need for widening to the level we are talking about. Admin. Marcellis stated he could see widening it to the three lanes we are talking about.

REZONING (Cont'd.)

Councilman Hakeem stated he is not trying to imply one is better than the other, but to use a phrase he asked the Mayor if he hears a large "sucking sound" from downtown going into this area. Mayor Kinsey responded that he did not see that; that he thinks we need to have diverse situations.

Councilman Hakeem stated we talked last week about involving our people in this project; that the Mayor has suggested using economic development money which is money collected for all our citizens. He asked Mr. Dupre if he sees broad participation in the development of this project.

Mr. DuPre responded "sure do;" that Councilman Hakeem mentioned the Chattanooga Industrial Council (CIC) of which he (DuPre) was unaware existed. He stated he reviewed information from that and passed it on to the developer; that they will be glad to "sign on it" and make the document part of the construction documents and will try to use as much of the Chattanooga population as much as possible. Councilman Hakeem asked if Mr. Dupre was referring to the CIC in his statement; Mr. Dupre responded "yes."

Councilman Eaves stated a number of developers who want to develop have been wanting to help with the widening of the road. He asked if Mr. Dupre's people will help with that; that Dave L. Brown has to be at least four lanes without backing traffic up. He reiterated his statement that other developers have been more than willing to help defray those costs.

Mr. DuPre stated one of the built-in vehicles are the property taxes. Councilman Eaves again asked if they are willing to defray costs. Mr. DuPre stated that is one vehicle; that he is not the developer and will let Lane Ford respond; that this was addressed before Mayor Roberts and he (DuPre) has no familiarity with it.

Lane Ford, representing Commercial Management Corporation, stated they would be able to be involved with this intersection; that they are willing to participate to an extent.

Councilman Eaves stated Dave L. Brown will have to be four lanes; that his point is are they willing to make that a four lane road. Mr. Ford stated he cannot say they will be willing to assume the entire cost, but they will participate in this intersection; that he does not know the cost and cannot commit to a dollar amount.

REZONING (Cont'd.)

It was indicated that the Mayor indicated the cost would be \$425,000. Councilman Pierce stated that was for the intersection and not the road. Admin. Marcellis clarified that the cost represents the intersection and the approach to that intersection.

Councilman Crockett stated from the site plan the Council has not seen the actual project; that the Council has seen the concept. He stated for a project of this magnitude we have seen much more detailed site plans for much smaller projects; that we would like to see more; that he hopes between now and whatever we vote on tonight that we want to take the ambiguity out of the working arrangement on sharing the costs. He stated we have had people make offers and all property owners pay property taxes.

Councilwoman Rutherford stated many have been working on this project for many months; that she thinks this is a good investment and beneficial to this community. At this point she **made the motion to approve the request on first reading; Councilman Lively seconded the motion.**

Councilwoman Hurley stated she is going to vote in favor of the request; that she would hope this would be a model project; that we had one proposal for Lookout Valley that was not carried forward; that she hopes in exchange for our infrastructure this would be a model project for mixed use and landscaping. She stated it is her understanding we have three issues: one is the rezoning, and the second is the long overdue interchange of the roads which she agrees should go forward; that the Mayor found it had fallen off the list and will move forward with it; that it will include \$400,000+ in capital monies and we will try very hard to get the State to pay us back. She stated the third issue involves the issue of East Brainerd Road; that we are taking a new look at the widening of all roads; that her district has become a race track which will happen when widening occurs when you go from three-to-four or more lanes; that people just go faster. She reiterated her feeling that there are three-to-four different issues; that in her conversation with Mr. Dupre she was convinced by him this is the type of project that does not cause you to hear the "sucking sound." She stated Nashville, Knoxville and other places do not have this opportunity for a different and unique development; that if he has fooled her shame on her and him!

At this point Councilman Hakeem made the motion to defer the matter; Councilman Eaves seconded the motion.

REZONING (Cont'd.)

Councilman Hakeem expressed his thoughts that there could be more of a site plan for the Council to be made more aware of; that in reference to the infrastructure costs it has been said there will be some participation but at what level. He made reference to the involvement of CIC in the project, as well as the widening of the road in three-to-five years; that he feels these are things we need to talk about and have greater understanding before we make a final decision.

Councilman Crockett expressed concurrence with Councilwoman Hurley's remarks; that since this is a unique opportunity he would hope it would have some design features; that he wants to make it clear that his vote depends on having a couple of questions answered regarding the project.

Councilwoman Rutherford stated this has been deferred many times; that if it is to be deferred she thinks we should go ahead and vote it up or down on first reading and let the deferral come on second and third reading and give the developer a list of what we would like answers to so that they can be addressed prior to second and third reading. She stated the developer has been on hold a long time, and she thinks if the Council is not going to approve it, let's go on about our business tonight and address it.

Chairman Swafford expressed that it is an exciting-sounding project; that he is concerned about some of the proposals; that residents have been asking for a light for a long time; that we need to look at that.

Councilman Hakeem stated he understands what Councilwoman Rutherford is saying about the time element; that he thinks it is incumbent upon the Council to be as thorough and knowledgeable as possible on this subject; that in passing this on first reading it gives the implication we are going to move forward. At this point he "called for the question."

The question arose as to how long the matter would be deferred; Councilman Lively indicated this request has been held since January 14.

Councilman Hakeem stated he did not know if two weeks would be long enough; that Council members need to write down their questions. A 30 day time frame was decided upon for tabling this matter.

REZONING (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilman Eaves, 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 1100 BLOCK OF DAVE L. BROWN DRIVE, BEING ON THE SOUTHWEST LINE OF DAVE L. BROWN DRIVE, SOUTHEAST OF EAST BRAINERD ROAD, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was tabled 30 days (September 2); on roll call vote:

Crockett	Yes
Eaves	Yes
Hakeem	Yes
Hurley	No
Lively	No
Pierce	Yes
Rutherford	No
Swafford	Yes

CLOSE AND ABANDON

1997-104: The University of Tennessee at Chattanooga

The applicant was present; there was no opposition.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING BALDWIN STREET LOCATED NORTHEAST FROM RIVERFRONT PARKWAY, NORTHEAST OF DOUGLAS STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

1997-106: Southern Properties Group

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM EAST 18TH STREET, BETWEEN LYERLY STREET AND WATKINS STREET, MORE PARTICULARLY DESCRIBED HEREIN
passed first reading.

CLOSE AND ABANDON

1997-120: Carl E. Anderson, Peggy A. Smith and Ann A. Simpson

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING UNNAMED STREETS
LOCATED NORTHEAST FROM NORTH RUNYAN DRIVE, SOUTHEAST OF
RUNYAN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS
passed first reading.

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II,
SECTION 24-242(3), RELATIVE TO SPEED LIMITS IN
RESIDENTIAL AREAS
passed first reading.

INSTALLATION OF FIRE HYDRANT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE INSTALLATION 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.

AGREEMENT: DOWNS ENGINEERING, INC.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH DOWNS ENGINEERING, INC., RELATIVE TO CONTRACT NO.
SR-2-95, ROANOKE AVENUE SEWER REPLACEMENT, FOR AN
AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND, NINE HUNDRED
DOLLARS (\$39,900.00)
was adopted.

CONTRACT: NABCO ELECTRIC COMPANY

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. TS-1-97, TRAFFIC SIGNAL INSTALLATION, BROAD STREET AT 5TH STREET, TO NABCO ELECTRIC COMPANY FOR THEIR LOW BID IN THE AMOUNT OF FIFTEEN THOUSAND, SEVEN HUNDRED THREE DOLLARS (\$15,703.00) was adopted.

TEMPORARY USE: THE BIG CHILL

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE BIG CHILL TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE WESTERN SIDEWALK AT 427 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR HANDING A BUSINESS SIGN was adopted.

TEMPORARY USE: LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC. TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 3127 BROAD STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR THE PURPOSE OF INSTALLING A GROUNDWATER MONITORING WELL was adopted.

TEMPORARY USE: PHAT WRAPS

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING PHAT WRAPS TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE WESTERN SIDEWALK AT 409 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR HANGING A BUSINESS SIGN was adopted.

SEWER EASEMENT

On motion of Councilman Eaves, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM DAVID H. MYRICK AND KAREN R. MYRICK, RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NO. 109a, FOR A CONSIDERATION OF NINE HUNDRED DOLLARS (\$900.00) was adopted.

SEWER EASEMENT

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM H.D.A. REALTY, INC., RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NO. 117b, FOR A CONSIDERATION OF SEVEN THOUSAND SIX HUNDRED DOLLARS (\$7,600.00) was adopted.

SEWER EASEMENT

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM FOUNTAIN BLEAU APARTMENTS LP, RELATIVE TO CONTRACT TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NO. 117C, FOR A CONSIDERATION OF FIFTEEN THOUSAND, EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$15,875.00) was adopted.

OVERTIME

Overtime for the week ending August 1, 1997 totaled \$74,729.34.

PERSONNEL

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

RODERICK A. SIMS -- Resignation, Laborer II, City-wide Services, effective July 31, 1997.

DAVID A. MORGAN -- Employment, Electrician I, Traffic Operations, Pay Grade 12/Step 1, \$24,899.00 annually, effective August 1, 1997.

DANNY J. WILBANKS -- Employment, Electrical Sign Inspector, Inspection, Pay Grade 9/Step 1, \$20,370.00 annually, effective August 1, 1997.

ROLAND D. DARDEN, SR. -- Resignation, Laborer II, Waste Resources, effective July 18, 1997.

TONY SPENCER -- Promotion, Laborer III, City-wide Services, Pay Grade 5/Step 8, \$19,198.00 annually, effective July 23, 1997.

PERSONNEL

The following personnel matter was reported for the Fire Department:

VANESSA MEYER -- Lateral Transfer, Secretary, Pay Grade 6/Step 8, \$20,964.00 annually, effective August 15, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

CORA M. MOBLEY -- Hire, Dispatcher Trainee, Pay Grade 6/Step 1, \$17,201.00, effective August 1, 1997.

JEANETTE GAINES --- Resignation, School Patrol Officer, effective July 25, 1997.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchase was approved for use by the Police Department:

JENKINS ENTERPRISES (Lower and better bid)
Bid No. B00000004

Purchase of Contract for Budget and Planning Division, Furnishing & Installation of Split Face Block for Parking Lot

\$23,245.00

HOTEL PERMIT

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the following hotel permits were approved:

DAYS INN/RIVERGATE, 901 Carter Street, Chattanooga, TN
HAMPTON INN/HIXSON, 1920 Hamill Road, Chattanooga, TN

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Eaves, the following purchase was approved for use by the Chattanooga-Hamilton County Bicentennial Library:

CARL CORPORATION (Sole Source)
Requisition No. R0001812

Purchase of Carl Gateway Server

\$39,500.00

COMMITTEES

Councilman Hakeem reminded Council members of the **Budget and Finance Committee meeting scheduled for Tuesday, August 12 at 4 p.m.**

Councilwoman Hurley stated a meeting of the Parks and Recreation Committee was held earlier; that the Committee touched upon some of the Resolutions that will come before the Council on the forestry program and the designation of the Tennessee River as an American Heritage River.

COMMITTEES (Cont'd.)

Councilwoman Hurley stated the Committee discussed the supportive efforts that have taken place in the community in the last week bringing hundreds of thousands of people to town and has asked that a Resolution be drawn thanking various organizations and the National Softball Association and Merrell Eckstein of the Greater Sports Committee for their work in implementing this. She stated the Committee also touched upon an issue that needs further exploration regarding the Parks and Recreation's personnel involvement in these activities which she assumes will be reflected in the overtime report. She stated there is a belief there should be some type of reorganization of the impact of hotel/motel and sales tax; that this is clearly an economic development issue, and we need some better way of representing that to the public.

TERRY YATES' HEARING REQUEST

Councilman Pierce stated last week the City Attorney informed the Council of the hearing that has been requested by Terry Yates; that he is concerned about the hearing. He stated the City Attorney stated we did not have to have the hearing, but it would be beneficial if we did; that he (Pierce) has been giving this a lot of thought and feels what we are doing is setting a precedent having a hearing on a disciplinary action that never happened. He stated we are here to sit in on disciplinary hearings and this was a promotion made through Administration; that this would be setting a precedent to have this hearing, and he does not think we are doing our job to sit in on this hearing.

City Attorney Nelson stated basically the request came within time; that it was two weeks before he brought it before the Council as he was having many of the same thoughts as Councilman Pierce. He stated he really does not feel like it is a disciplinary matter; that it was a matter where a promotion was mistakenly given and right now there is no record to be submitted to Chancery Court. He stated if it is filed in Chancery Court the Chancellor will send it back to us. He stated the promotion was void when given but did not follow procedure which is the argument he will be making before the Council, and it was not a demotion. He stated, again, there is no record of this in any written form or any testimony shown; that it is hard to argue that to the Chancellor without a record.

TERRY YATES' HEARING REQUEST
(Cont'd.)

Councilman Pierce stated his position is if we do not have a hearing then Mr. Yates does not have a case to appeal; that if we do this every employee within the City would have this same right to come back for a second hearing. He stated two members of the Council volunteered to sit on the hearing and he feels, personally, that he would like to recuse himself and hopes "one other Council person" will recuse, also; that he feels the case is prejudice and does not think we can sit here and make an honest judgment of the case.

Councilman Crockett stated he thinks it is an interesting question about setting a precedent and asked if this takes the Council into anything involved with administrative matters of personnel.

City Attorney Nelson stated generally, the Charter gives Fire and Police personnel more rights than they give regular employees; that regular employees are restricted unless they lose 10% of their earnings over the next three years. He stated Fire and Police personnel are given the right in the Charter to come before the Council regardless of the 10% rule for any demotion or adverse personnel action for any religious, political or other arbitrary thought. He stated given the history of this case, the allegation will be made in Chancery Court his "demotion" was for an arbitrary reason and at that point the Chancellor has to accept that to be true. He stated the only way he could make a ruling is to submit it back to the Council and again that is why he recommends we short circuit that step; that if the Council wants him to go argue the matter he will be glad to do so.

Councilman Lively expressed his thoughts that this is a complete aberration and does not think it will be setting any precedent one way or the other.

Councilwoman Rutherford stated if Councilman Pierce was referring to her ability to serve, she feels she can be unbiased and her volunteering to be on the hearing panel remains.

Councilman Pierce stated he will remain on the hearing panel, as well; that his reason for remaining will be known.

Councilwoman Rutherford stated it concerns her when a Council member says to her under his breath that he will "work to kill her vote;" that this is an unbiased hearing.

TERRY YATES' HEARING REQUEST

Councilman Pierce stated a full page statement was made by Councilwoman Rutherford regarding this matter, and she has the audacity to say she can be unbiased.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, August 12, 1997 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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