

Municipal Building
Chattanooga, Tennessee
September 23, 1997

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Crockett, Eaves, Hakeem, Hurley, Lively, Pierce, Rutherford and Taylor present. 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 Hurley, the minutes of the previous meeting were approved as published and signed in open meeting.

REZONING

1997-163: Chattanooga Metropolitan Airport Authority

The applicant was present; there was opposition in attendance.

Chairman Swafford stated that he asked that this matter be passed one week because of the discussion regarding amendments to the ordinance; that he wanted to make sure Airport representatives were aware of the changes. He asked Mr. Davis if he had any questions about the changes.

Hugh Davis, Executive Director of the Airport Authority, stated he had a couple questions; that he read through the conditions and needs clarification. He stated the problem is not with the 50 foot buffer or the site landscaping; that they want to be sure they are clear on what they are doing. He stated there is an existing Electric Power Board easement in the area of the 50 foot buffer where there is a heavy growth of evergreen trees; that it looks as if they are white pines.

REZONING (Cont'd.)

Mr. Davis stated the conditions say that the buffer will be done prior to any other work; that they would ask that if we leave the white pines there that the landscaping be done concurrently. He stated at some point we are expecting the Electric Power Board will abandon that easement and infill that area with growth.

Councilman Lively stated that is what he was referring to last week when he said it was almost impossible to go along with some of the conditions; that there is no way you can do landscaping prior to construction.

Mr. Davis stated there is one point he wanted to be sure the developer is sure about; that if the Electric Power Board relocates the line they will be getting into the buffer zone; that the Power Board will be coming through the trees. He stated he wanted to be clear the Electric Power Board will not be getting into a little of the buffer zone coming through there.

Councilman Crockett stated the only comment in hearing that is to make sure we preserve the most amount of vegetation, which is what he thought he heard the neighborhood saying they wanted.

Madeline Sims stated she was not aware the utility line was going to be moved and inquired as to whether there will just be the 25 foot buffer. She asked how much of the construction work will be in progress during the time this power line work is going on.

Mr. Davis stated their work cannot commence until the power line work gets started; that the 25 foot buffer is in addition to the Electric Power Board's 45 foot easement. He stated we need to go ahead and do the clearing to have a better determination of what we need to do; that he wants to preserve as much as we can of the existing trees.

Ms. Sims inquired as to how long it will take to do the work. Mr. Davis responded that the line work is only a matter of several days; that this work is approximately 45 days.

City Attorney Nelson made the necessary changes to the Ordinance to reflect a change in Condition 3 to read, "The screening material shall be in place concurrent with any other development (including preparation of the remaining land)."

Councilman Crockett made the motion to approve the amendments to this ordinance with Councilman Pierce seconding the motion; the motion passed.

REZONING (Cont'd.)

On motion of Councilman Pierce, 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 100 BLOCK OF HONEST STREET,
BEING ON THE NORTHEAST LINE OF HONEST STREET NORTHWEST
OF LEE HIGHWAY, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO
M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS

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

CLOSE AND ABANDON

1997-164: Chattanooga Metropolitan Airport Authority

The applicant was present; there was no opposition.

Chairman Swafford stated he wants to make if there is ever a
question raised with regard to traffic we keep in mind the concerns
Mr. Siniard and other businesses located on that street; to please
keep them informed and work with them so there will not be a traffic
problem going into their businesses if that ever comes up.

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF HONEST
STREET LOCATED NORTHWEST OF LEE HIGHWAY, SOUTHWEST OF
AIRPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN, UPON
CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

1997-173: Rich Burdick

The applicant was not present; there was no opposition.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF BRAGG
STREET LOCATED NORTHWEST FROM NOAH STREET SOUTHWEST OF
EMMA STREET, AND A PORTION OF AN ALLEY LOCATED
NORTHEAST FROM BRAGG STREET BETWEEN CHAMBERLAIN AVENUE
AND NOAH STREET, MORE PARTICULARLY DESCRIBED HEREIN,
UPON CERTAIN CONDITIONS

was denied.

CLOSE AND ABANDON

1997-175: Dillard Limited Partnership

The applicant was not present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING LOLLA ROAD LOCATED
SOUTHEAST FROM BASSWOOD DRIVE, NORTHEAST OF BONNY OAKS
DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN
CONDITIONS
passed first reading.

APPROPRIATION: CHATTANOOGA AREA
VETERANS COUNCIL

Councilman Hakeem stated this matter was discussed in Budget
Committee and comes with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilman Taylor,
AN ORDINANCE APPROPRIATING TWENTY THOUSAND DOLLARS
(\$20,000.00) FROM THE CONTINGENCY FUND TO THE
CHATTANOOGA AREA VETERANS COUNCIL FOR THE VETERANS
MEMORIAL PAVILION AT THE NATIONAL CEMETERY
passed first reading.

AMEND CITY CODE: JURISDICTION OF
THE BOARD OF SIGN APPEALS

On motion of Councilwoman Hurley, seconded by Councilman Lively,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, BY ADDING A NEW SECTION 3-102(H) RELATIVE TO
THE JURISDICTION OF THE BOARD OF SIGN APPEALS.
passed first reading.

AGREEMENT: ARTECH DESIGN GROUP,
INC.

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF GENERAL SERVICES TO EXECUTE AN AGREEMENT
WITH ARTECH DESIGN GROUP, INC., RELATIVE TO THE
RENOVATION OF THE CHILDREN'S ADVOCACY CENTER BASEMENT
AREA, FOR A CONTRACT AMOUNT OF FOURTEEN THOUSAND, NINE
HUNDRED NINETY DOLLARS (\$14,990.00)
was adopted.

AMEND RESOLUTION 21315

On motion of Councilman Hakeem, seconded by Councilman Pierce,
A RESOLUTION TO AMEND RESOLUTION NO. 21315, ENCAPTIONED
HEREINBELOW, RELATIVE TO THE OVERHEAD BRIDGE STRUCTURE
AT MCCALLIE AVENUE, TENNESSEE DEPARTMENT OF
TRANSPORTATION PROJECT NO. BR-STP-2(18), SO AS TO
INCREASE THE CONTRACT AMOUNT BY FOUR THOUSAND DOLLARS
(\$4,000.00) FOR A REVISED CONTRACT AMOUNT OF ONE
MILLION, ONE HUNDRED SIXTY-FOUR THOUSAND DOLLARS
(\$1,164,000.00)
was adopted.

CHANGE ORDER

On motion of Councilwoman Hurley, seconded by Councilwoman
Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. MB-1-97, MOCCASIN BEND WASTEWATER
TREATMENT PLANT, STORM WATER DETENTION BASIN, WITH CASE
CONSTRUCTION SERVICES, INC., WHICH CHANGE ORDER
INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND, TWO
HUNDRED FIFTEEN DOLLARS (\$6,215.00), FOR A REVISED
CONTRACT AMOUNT OF SEVENTY-SIX THOUSAND, SEVEN HUNDRED
EIGHTY DOLLARS (\$76,780.00)
was adopted.

SUMMIT LANDFILL

On motion of Councilwoman Rutherford, seconded by Councilwoman
Hurley,
A RESOLUTION AUTHORIZING THE RELOCATION OF A 12kv LINE
AT THE SUMMIT LANDFILL BY THE ELECTRIC POWER BOARD OF
CHATTANOOGA, RELATIVE TO CLOSURE OF THE SUMMIT
LANDFILL, FOR AN AMOUNT NOT TO EXCEED SEVENTEEN
THOUSAND, SIXTY-SEVEN AND 46/100 DOLLARS (\$17,067.46)
was adopted.

AMEND RESOLUTION 21385

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AMENDING RESOLUTION NO. 21385, ENCAPTIONED
HEREINBELOW, RELATIVE TO SERVICES BY CONSOLIDATED
TECHNOLOGIES, INC. IN PHASE I GAS SYSTEM IMPROVEMENTS
AT SUMMIT LANDFILL, SO AS TO REVISE THE CONTRACT AMOUNT
TO EIGHTY-SEVEN THOUSAND, NINE HUNDRED TWENTY-FIVE
DOLLARS (\$87,925.00)
was adopted.

AGREEMENT ADDENDUM: COMQUEST,
LLC

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING AN ADDENDUM TO THE ENGINEERING AGREEMENT WITH COMQUEST, LLC, RELATIVE TO THE FRIAR BRANCH-HICKORY VALLEY STORMWATER MANAGEMENT SYSTEM, FOR AN INCREASE OF EIGHTY-FOUR THOUSAND, SIXTY DOLLARS (\$84,060.00) FOR A REVISED CONTRACT TOTAL NOT TO EXCEED TWO HUNDRED THIRTY THOUSAND, SIX HUNDRED EIGHTY DOLLARS (\$230,680.00)

was adopted.

AGREEMENT AMENDMENT: DENNIS W.
SMITH

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING APPROVAL OF A THIRD AMENDMENT TO THE AGREEMENT WITH DENNIS W. SMITH TO CONTINUE TO PERFORM INSPECTION SERVICES ON CONTRACT NOS. 73C, SWM-3-96 AND RW-8-96, BEYOND ORIGINALLY SET COMPLETION DATES, FOR AN ADDITIONAL CONSIDERATION OF THIRTY THOUSAND DOLLARS (\$30,000.00) FOR A REVISED TOTAL AMOUNT OF ONE HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$159,000.00)

was adopted.

SEWER EASEMENTS

Councilman Hakeem asked if we will be reimbursed for this.

Admin. Marcellis responded "no;" that the engineering and easement costs are divided between Georgia and us; that we will pick up the cost of easements in Tennessee, while Georgia will pick up the cost of the easements in Georgia.

Councilman Eaves stated ultimately our share of that will be paid out of revenues. Admin. Marcellis responded "that is right, revenues from North Georgia."

On motion of Councilman Lively, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE PURCHASE OF PERMANENT SEWER EASEMENTS FROM OSBORNE ENTERPRISES, INC., RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NOS. 123RW AND 123.1, FOR A TOTAL CONSIDERATION OF NINE THOUSAND, FIVE HUNDRED DOLLARS (\$9,500.00)

was adopted.

SEWER EASEMENTS

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF PERMANENT SEWER EASEMENTS FROM DIXIE BUILDERS, INC., RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NOS. 125 AND 126, FOR A TOTAL CONSIDERATION OF ONE THOUSAND, ONE HUNDRED FIFTY DOLLARS (\$1,150.00)

was adopted.

TEMPORARY USE: BEER AND WINEMAKERS SHOP

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING BEER AND WINEMAKERS SHOP TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE SIDEWALK AT 336 FRAZIER AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING A CANVAS AWNING OVER THE ENTRANCE TO THE SHOP

was adopted.

TEMPORARY USE: THE CHATTANOOGA LAND COMPANY

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE CHATTANOOGA LAND COMPANY TO USE TEMPORARILY PORTIONS OF THE CITY'S RIGHT-OF-WAY ON THE WEST SIDE OF MARKET STREET AND EAST SIDE OF BROAD STREET BETWEEN 4TH AND 5TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING AWNINGS AND SIGNS

was adopted.

TEMPORARY USE: PIONEER BANK

On motion of Councilwoman Hurley, seconded by Councilman Lively, A RESOLUTION AUTHORIZING PIONEER BANK TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE SIDEWALK AT 3501 ROSSVILLE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING AN ATM SIGN

was adopted.

OVERTIME

Overtime for the week ending September 19, 1997 totaled \$14,979.42.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

KEVIN D. WHITE -- New Hire, Forestry Crew Leader, Forestry Division, Pay Grade 8/Step 1, \$19,510.00 annually, effective September 24, 1997.

ELLEN BRONTE HARRIS -- Resignation, Project Coordinator, Administration, effective September 26, 1997.

Councilman Hakeem inquired as to whether Mrs. Harris left amicably. Admin. McDonald responded "yes," that she is enrolled at UT to complete requirements for her Master's Degree; that it is hoped we will be able to get her back one day as she did a terrific job for us.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following purchases were approved for use by the Parks and Recreation Department:

TOWER CONSTRUCTION CO., INC. (Lower and better bid)
Requisition No. R0003519

Purchase of contract for construction of the Warner Park Zoo Spider Monkey Exhibit

\$174,392.00

TERRY KEITH CO. (Lowest bid)
Requisition No. B0000012

Purchase of Contract for purchase and installation of carpet and flooring for Brown Acres Golf Course Clubhouse

\$35,850.00

VENDOR NAME CHANGE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following Vendor Name Change was approved for the General Services Department:

APPLIED INDUSTRIAL TECHNOLOGIES
Contract No. P1143452

Formerly American Bearing & Power Transmission (Purchase of contract for Bearings and Seals)

PERSONNEL

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

RALPH E. MEANS, JR. -- Family Medical Leave (without pay), Laborer II, Traffic Management Division, effective August 17, 1997 - November 19, 1997.

RICHARD HARRIS -- Voluntary Demotion, Truck Driver III, Waste Resources Division, Pay Grade 5/Step 10, \$20,794.00 annually, effective September 22, 1997.

PURCHASES

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

CHATTANOOGA DOZER PARTS (Lower and better bid)
Requisition No. R0002651

Purchase of Contract for Blades for Dozer/Grader

\$15,392.00

MACCAFERRI GABIONS, INC. (Single source)
Requisition No. R0030030

Purchase of Gabion Baskets per TCA-6-56-301

\$16,775.00

PERSONNEL

The following personnel matters were reported for the Fire Department:

RANDY STARGIN, JR. -- Hire, Laborer II, Pay Grade 4/Step 1, \$15,165.00 annually, effective September 26, 1997.

KENNETH ATKINS -- Suspension (three days without pay), Private, effective September 27, 1997.

PAINTING OF FIRE HYDRANTS

Councilwoman Rutherford expressed that she recently noticed the fire hydrants were being painted and inquired as to who was doing it.

Chief Coppinger responded that the painting of fire hydrants is being done through a program sponsored by the Tennessee-American Water Company. He stated it is the Water Company's intent to paint 1,200 of them by December 1 in an effort to make them more colorful; that the color on the caps will indicate the gallon per minute flow.

PERSONNEL

The following personnel matters were reported for the Police Department:

BERTHA LAWRENCE -- Hire, Dispatcher Trainee, Pay Grade 6/Step 1, \$17,201.00 annually, effective September 19, 1997.

JOHNNY WHITE -- Rehire, School Patrol Officer, \$20.6758 daily rate, effective September 17, 1997.

PERSONNEL

The following personnel matters were reported for the Finance Department:

EUNICE D. WILSON -- New Hire, Data Entry Clerk II, City Court Division, Pay Grade 5/Step 1, \$16,151.00 annually, effective September 26, 1997.

RETAIL LIQUOR LICENSE

Admin. Boney presented a request for approval of a liquor license for operation in the East Brainerd area; that the applicant has been approved by Planning, the Police Department and the Traffic Engineer. He stated the request is located in Councilman Eaves' district and the applicant is present.

Councilman Pierce inquired as to why the Council has to approve this matter. Admin. Boney stated pursuant to State regulations the majority of the Council has to approve it and has to sign, as well. City Attorney Nelson reiterated that the Majority of the Council has to sign the document anyway.

Councilman Taylor inquired as to the location. Admin. Boney responded that the location is 8644 East Brainerd Road. Councilman Eaves clarified that it is in the Winn-Dixie shopping center. Admin. Boney stated this is the thirty-eighth permit out of 54 allowed in the Code.

Councilman Taylor made the motion to table the matter one week so that Council members will have an opportunity to look at the site; Councilman Hakeem seconded the motion; the motion passed.

On roll call vote:

Taylor	"Yes"
Rutherford	"Yes"
Pierce	Abstain
Lively	"No"
Hurley	Abstain
Hakeem	"Yes"
Eaves	"Yes"
Swafford	"Yes"

HARMON HEARING

Councilman Hakeem reported at the conclusion of the personnel hearing for Harold Harmon, there were two votes to affirm his coming back and one abstention. He stated the vote to put Mr. Harmon back to work involved there being no back pay for the time the individual has been off work and will have a one year probationary period. He stated Mr. Harmon will not receive any pay until he meets certification requirements; that all benefits, such as hospitalization, will be protected during that period.

HEARING: TETZEL TILLERY

City Attorney Nelson stated a request for a hearing has been received from Ofcr. Tetzal Tillery for a three day suspension.

Councilman Pierce stated he spoke with the City Attorney earlier and would like for the purpose of the hearing to be plainly stated. He stated based on the hearing last night he did not really know what the hearing was about (until last night); that the City Attorney is aware of the charges.

City Attorney Nelson stated the memo indicates Ofcr. Tillery's version is that he was charged with intimidating an employee of a local hospital during the course of an investigation and was suspended for three days.

Councilwoman Rutherford stated it was her thought that the Council had come up with a policy that we would not hear cases that were three days or less. City Attorney Nelson stated that applies to non-police and fire personnel; that any employee other than that has to have a 10% loss of their salary over a three year period or it is not a matter the Council will hear. He stated under the Charter any suspension is appealable to the Council as long as one is a police officer or fireman.

Admin. Dinsmore stated the three day suspension was given for intimidating a nurse.

Councilman Hakeem stated three days suspension was recommended; that if we look at it and feel it warrants our increasing that amount can we do so. City Attorney Nelson responded, "that is correct".

Councilman Hakeem stated he wants that person to be aware he faces three days now; that if we deem it appropriate we can increase the number.

A hearing for Ofcr. Tillery was scheduled for Monday, October 20 at 6 p.m. with Councilmen Pierce (Chairman), Hurley and Hakeem serving as the panel; Councilmen Swafford and Taylor will serve as alternates if needed. (Councilman Taylor indicated the need to check his calendar to make assure his availability.)

COMMITTEES

Councilman Hakeem reminded Council members of the **Budget and Finance Committee** scheduled for **Tuesday, September 30 at 4:30 p.m.** to finalize discussion regarding the Court Officers and Judicial Assistant.

Councilman Lively stated the **Legal and Legislative Committee** met this afternoon to discuss an amendment to the wrecker ordinance. He stated the Ordinance will be brought before the Council on next week's agenda with a recommendation for approval. He scheduled a meeting of the Committee for **Tuesday, September 30 at 5:00 p.m.** for an update on Futurescape.

LANDFILL LOCATION

Councilman Pierce stated he was under the impression we would be going to Court regarding the landfill concern; that he had a brief talk with the Mayor and was of the impression we were going to try to make some type of decision whether to proceed. He asked the City Attorney to give the Council an update on the matter.

City Attorney Nelson stated the case was originally set for a hearing yesterday morning but was passed for two weeks. He stated last Friday Bowater filed a motion for summary judgment. He stated while that is pending we cannot go in and dismiss our case without prejudice and the matter is now set for Monday week. He stated a non-suit is a voluntary dismissal of a lawsuit without prejudice; that one cannot take a voluntary non-suit while there is motion for a summary motion pending unless it is to be considered a decision on the merits. He stated unless we are willing to do it with prejudice we are precluded from dismissal, even if we wanted to as long as the summary judgment motion is pending.

Councilman Hakeem inquired as to what we are required to do. City Attorney Nelson responded that he will need some direction at some point between the Council and the Mayor as to what you want us to do. Chairman Swafford suggested that the matter be discussed in Public Works Committee.

Councilman Lively stated from all indications unless the County is with us on any action concerning the landfill our chances are nil; that he doesn't know if we should save money and take it out of Court and forget Sale Creek.

LANDFILL LOCATION (Cont'd.)

Councilwoman Rutherford stated if we did ask (to take it out of Court), does it mean we can never, ever go back on that property. Councilman Lively stated there is no such thing as "never, ever". Councilwoman Rutherford asked (in reference to her previous question) if that is true. City Attorney Nelson responded, "in substance, yes."

Councilman Hakeem stated when the City Attorney indicated he "needed direction," what would have been the "direction" on yesterday had the matter been heard.

City Attorney Nelson stated it was his understanding there might not be unanimous decision between all city officials to either go forward or withdraw.

Councilman Swafford stated he promised the people from Sale Creek he would notify them in the event a discussion came before the Council; that there was no way to do that this time as he did not know this discussion was going to take place.

Councilwoman Rutherford asked the City Attorney if we (City) requested a postponement yesterday. City Attorney Nelson responded "yes."

Councilman Hakeem stated he does not like the idea of our giving up options we have available to us; that if we put ourselves in a position where we cannot come back he does not think that is the route we should take. He stated if he is correct from what he heard today the only place that is feasible within the City of Chattanooga to have a landfill is in Lookout Valley.

Admin. Marcellis stated we looked at one site down there but (he) does not know the feasibility of using it; that the site has been discounted from the standpoint of the soil which would not be suitable for a landfill; that there are other sites they looked at. He stated in order to have a landfill you have to look at the soil, rock, depth, etc.; that this is a mountain area and does not have the clay in the soil that is needed for a liner.

Councilman Hakeem stated if we are "backed into a corner" is there a more feasible spot than that within Chattanooga. Admin. Marcellis stated he does not know of any place within Chattanooga.

LANDFILL LOCATION (Cont'd.)

Councilman Eaves stated the County seems to be the "stumbling block"; that the State holds the County liable for operating a landfill. He stated maybe we should stop worrying about it all together.

Councilwoman Hurley agreed that the matter should be taken up in Public Works Committee; that we do have a different administration from the one that originally proposed this drilling. She stated there has been a lot of discussion today that she has not been a part of. She stated this is a very sensitive area and we should not speculate from the Council podium about the location; that this is the first time she has heard about Lookout Valley. She reiterated that the matter should be referred to the Public Works Committee.

Chairman Swafford asked that the minutes regarding this discussion be forwarded to Mr. Morgan of Sale Creek; that he (Swafford) did not know this matter was coming up, therefore there was no way to notify him that we would have a discussion. He stated he committed to Mr. Morgan that he would forward information regarding any discussion; that they did follow through when we asked them to discontinue addressing the issue at Council meetings and they have not been here since. He again asked the Clerk of the Council to notify Mr. Morgan and indicate to him that he is welcome to attend the Public Works Committee on next Tuesday (September 30, 4:30 p.m.) when the matter will be discussed in the Public Works Committee.

SCOTT GLADNEY

Chairman Swafford recognized the presence of Scott Gladney of Boy Scout Troop 214 of Trinity Luther Church in Hixson who was working toward the Eagle Badge.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, September 30, 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)