

OPE 22-17

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CA Exemption Could Clear Way For Park Route, Council Told

The State of Tennessee's special attorney in the Overton Park expressway case told the City Council yesterday it would be possible, but difficult, to exempt the city from provisions of the Environmental Protection Act.

Such action, however, could clear the way for construction of the disputed leg of Interstate 40, said J. Alan Hanover.

An exemption would require an amendment to the 1969 act, the interpretation of which threw the Overton Park route into the courts.

A similar congressional exemption resulted in dismissal of a federal court suit involving a controversial expressway segment in San Antonio, Texas, Hanover said.

But sources in San Antonio said last night the matter is still before the Fifth U.S. District Court of Appeals in New Orleans. In the San Antonio case, the State of Texas returned right-of-way and construction money to the federal government, permitting the exemption.

Both Hanover and several councilmen said they were surprised that none of Tennessee's senators or representatives had tried similar action.

The state will continue efforts to build the expressway, Hanover said, either administratively or in the courts.

"They have no idea of giving up."

The state still has about 2½ months to seek Supreme Court review of the Sixth U.S. Circuit Court of Appeals' latest ruling in the case, Hanover said.

During the morning executive session, the council also heard a complaint from Mrs. Dorothy Crump of 2161 Court about a "tremendous prob-

lem with amplified music from Overton Square."

Mrs. Crump played a tape recording of rock music which she said was made about 1 a.m. in her bedroom about a block away from the entertainment complex. The music was audible.

Councilman A. D. Alissandratos said the city's noise ordinance does not set sound levels.

Chairman Ed McBrayer said he will write to the Overton Square Association seeking cooperation in reducing the noise.

The council also:

- Passed on first reading two versions of ordinances to modify the four-fifths zoning protest rule to either two-thirds or three-fifths.
- Passed on second reading an ordinance to regulate bath houses and massage parlors.
- Passed on third and final reading an ordinance transferring the Traffic Violations Bureau from the City Courts to the Budget and Finance Division.
- Rejected 9-1 an ordinance rezoning property at 4983 Carnes owned by Ben Shipley from single-family residential to O-1 office use.
- Appropriated \$50,000 to complete an improvement program at Overton Park Zoo.
- Approved a special permit for construction of a package express building behind the Greyhound Bus Lines terminal at Union and Hernando.
- Appropriated \$500,000 as the city share of land costs for the Chickasaw Basin Authority's reservoirs on Johns Creek.
- Set a public hearing for April 30 on Memphis Light, Gas & Water Division's proposed gas rate increase.