

Municipal Building  
Chattanooga, Tennessee  
December 16, 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 Taylor delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RECOGNITION  
OF ROBERT FISHMAN (HONOLULU,  
HAWAII)

Councilman David Crockett recognized the presence of Robert Fishman, Managing Director the the City and County of Honolulu, Hawaii, island of Oahu, who was in Chattanooga on a reciprocal visit. He stated he was recently in Honolulu and met with the city and county officials and a number of economic development groups during a statewide initiative to look at different things in Hawaii's economic future. He stated he had a good exchange with them; that they have picked cities for a series of meetings as a modeling point. He stated we can learn a lot from them; that they have a strong Mayor form of government with nine Councilmen and thinks there might be some opportunities along Asian-Pacific economic development for a partnership with the two cities.

SPECIAL PRESENTATION: RECOGNITION  
OF ROBERT FISHMAN (Honolulu,  
Hawaii)

Robert "Bob" Fishman stated he is honored to be present; that he did not believe he would have a chance to see everyone in this way. He stated Chattanooga has surpassed all his expectations; that the community has taken hold of its initiatives and has moved forward in a very positive way. He stated he is on a marathon visit and has visited several places; that he hopes there will be ways Honolulu can share activities in the future; that he thinks in some ways Chattanooga is ahead of Honolulu. He stated Honolulu has some complicated problems to solve as they tend to trail the rest of the country in some of the economic areas; that they have something to learn from Chattanooga. He thanked everyone involved for showing him a wonderful time and bade the Council aloha.

REZONING

1997-239: Charles A. Thompson, Jr.

On motion of Councilman Pierce, seconded by Councilman Taylor,  
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT  
OF LAND LOCATED AT 2006 CUSHMAN STREET, BEING ON THE  
SOUTHWEST LINE OF CUSHMAN STREET SOUTHEAST OF ROANOKE  
AVENUE, FROM M-1 MANUFACTURING ZONE TO R-2 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.

ADD CONDITION

1997-250: George and Barbara Edwards

On motion of Councilman Crockett, seconded by Councilwoman  
Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE  
ZONING ORDINANCE, AS AMENDED BY ORDINANCE NO. 10586, SO  
AS TO ADD AN ADDITIONAL CONDITION TO THE CONDITIONS  
IMPOSED IN ORDINANCE NO. 10586 ON A TRACT OF LAND  
LOCATED AT 4706 HIXSON PIKE, BEING ON THE SOUTHWEST  
LINE OF HIXSON PIKE SOUTHWEST OF WILLIAMS ROAD

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

REZONING

1997-255: Mrs. Myrtle Inglis

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7148 LEE HIGHWAY BEING OFF THE SOUTHEAST LINE OF LEE HIGHWAY NORTHEAST OF MCCUTCHEON ROAD, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

1997-251: Sterling House Corporation

The applicant was present; opposition was in attendance.

Sara Key spoke in opposition to this request and made reference to the parking problems that would exist if this rezoning is approved. She stated the parking area would allow lights from cars to shine directly into her bedroom; that she talked with Barry Bennett about this. She stated she knows assisted living facilities are not bad neighbors; that she is just against the parking lot being against where she lives. She stated there will be ten parking spaces and if this is reversed the ten spaces will be on the opposite side of the lot.

Chairman Swafford stated this was not discussed last week. Mrs. Key stated she was unable to attend the Council meeting last week.

George Elder of George S. Elder Co. represented the applicant and displayed a drawing of the site plan for the development and made reference to the detention pond that will be a part of the project. He stated the original intent was to put in a 50 foot buffer from this parking lot to the property line and indicated the position of Mrs. Key's home. He stated the whole point was to put in a 50 foot buffer and leave the existing trees that are there; that these are big trees that are 50 - 75 years old, reiterating that the agreement was to leave the 50 foot buffer rather than bulldoze them down. He stated there is 50 feet from Mrs. Key's property line and then another 50 feet from her property to the parking lot, then the distance from the building to this property line which is about 116 feet in all.

REZONING (Cont'd.)

Mr. Elder stated the architect said they cannot "flip" the plan as we would end up with 30 feet between the building; that the problem is you cannot leave all those trees in; that all the trees would be taken out and a buffer of pine trees will be put in. He stated they will put in a buffer behind the trees but it will not block like this dense forest. He stated they had this discussion and they are interested in what the people of Drake Forest think; that prior to the Planning Commission meeting he wrote a letter to every resident and followed it up with a meeting; that instead of leaving it at that, he had his Secretary call every home to invite them. He stated they addressed the concerns and Mrs. Key brought this issue up at that time. He stated Sam Beamont can address the vehicular traffic; that this is not a retail facility and people who live in these facilities do not drive cars. He stated people who visit them do not visit at night and this will not be a late night facility as this is not a party place.

Sam Beamont stated he did not know whether the Council has had opportunity to see what it is they are building and distributed information regarding the development. He stated they started in business in 1990 in Wichita and they are the largest provider of assisted living in the country with over 2,000 units in 19 states and they are now coming into Tennessee. He stated they have facilities in Knoxville and other parts of East Tennessee and are moving toward Nashville. He stated the average age of persons living in their facilities is around 78 years old; that of all the units they have there are approximately fifteen people that have a car, and of the 15 four-or-six still use them. He stated the living arrangement in the home is that have their own apartment and go and come as they please. He stated this is the step prior to going to a nursing home.

Chairman Swafford reminded Mr. Beamont that the Council has heard the presentation regarding the facility; that the issue of parking is to be addressed.

Mr. Beamont stated they are working with the City regarding the drainage issue; that they do have to provide retention ponds; that retention is very important. He stated the other issue is that of parking; that in all the areas they are in it is almost a non-issue; that the only time you have people in the parking lot are on Mother's Day, Christmas and nothing in the evening; that the facilities have seven-or-eight employees and three shifts. He stated they have tried to "flip" the building but they cannot as it is not feasibly possible. He stated you cannot build a building that size and leave all the trees; that they would have to remove the trees.

REZONING (Cont'd.)

Mr. Elder stated they are willing to restrict this use for use as an assisted care facility so there will not be a misunderstanding. He stated they have another issue which is they do not want to be restricted to the number of units.

Mrs. Key stated she had neighbors who wanted to come tonight who could not; that there is another situation other than the parking lot which is that of the location; that between her house and a neighbor's is a vacant lot. She stated she and the neighbor suggested that the building be moved back; that the trees we are talking about are not huge round trees, but tall slim trees and the light will go through them. She stated this parking lot is right next to their house and the light will go through her bedroom. She asked the Council how they would like to have a parking lot in their back yard; that there is room if they moved it back; that it could be where the vacant land is between the two houses; that this needs to be looked into.

Councilman Eaves stated to be quite frank he has been worried about that area; that if an R-1 went in this subdivision would be in great jeopardy with 7,500 feet to a house with all the people that could come in on an R-1; that the Council has no control on an R-1. He stated when this came along he had some questions because he had not seen it and wanted to hold up on it until he got a chance to see it. He stated in all fairness this is the best development you can possibly get and it will not be crowded with automobiles, the schools will not be crowded with extra children, and you will not have any noise. He stated with a 50 foot natural growth buffer if it is not bothered or mowed there will be enough brush and trees; that if you allow 20 feet or more on Mrs. Key's side there will be nothing to worry about. He stated Mrs. Key might disagree now but she will find sooner or later her neighbors are the best she will ever possibly get. He stated it is in the Ordinance that this R-4 can only be used for this stated use.

City Attorney Nelson amended the ordinance to add a condition that the R-4 be "for assisted living for elderly only."

Chairman Swafford stated the applicants wanted that condition in the ordinance. Mr. Elder stated they do not want any restriction on the number of units stated in the ordinance.

REZONING (Cont'd.)

On motion of Councilman Eaves, 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 7600 BLOCK OF SHALLOWFORD ROAD BEING ON THE SOUTHWEST LINE OF SHALLOWFORD ROAD NORTHWEST OF GUINEVERE PARKWAY, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

DELEGATION OF AUTHORITY/AGREEMENT  
FOR PAYMENTS IN LIEU OF AD VALOREM  
TAXES

Councilman Crockett stated Resolutions 7(a) and (b) were taken up in Committee and were recommended by Administration and approved by Committee for submission to the total body for approval.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE NATIONAL PRINT GROUP, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

DELEGATION OF AUTHORITY/AGREEMENT  
FOR PAYMENTS IN LIEU OF AD VALOREM  
TAXES

On motion of Councilman Pierce, seconded by Councilman Crockett, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE TOP FLIGHT, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

AMEND CONTRACT: PIEDMONT OLSEN  
HENSLEY

On motion of Councilman Lively, seconded by Councilman Pierce,  
A RESOLUTION AMENDING RESOLUTION NO. 21296, ENCAPTIONED  
HEREINBELOW, RELATIVE TO A CONTRACT WITH PIEDMONT OLSEN  
HENSLEY, INC. FOR DESIGN OF THE HOUSEHOLD HAZARDOUS  
WASTE FACILITY, SO AS TO INCREASE SAID FEE BY  
TWENTY-ONE THOUSAND, FOUR HUNDRED DOLLARS (\$21,400.00)  
FOR A REVISED CONTRACT FEE OF THIRTY-ONE THOUSAND,  
EIGHT HUNDRED DOLLARS (\$31,800.00)  
was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilwoman  
Hurley,  
A RESOLUTION AUTHORIZING THE APPOINTMENT OF PAUL GOINS  
AS A SPECIAL POLICEMAN FOR ERLANGER HOSPITAL, TO DO  
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN  
CONDITIONS  
was adopted.

AGREEMENT: CONSOLIDATED  
TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilman Taylor,  
A RESOLUTION AUTHORIZING THE PUBLIC WORKS ADMINISTRATOR  
AND THE CITY FINANCE OFFICER TO EXECUTE AND ATTEST,  
RESPECTIVELY, AN AGREEMENT WITH CONSOLIDATED  
TECHNOLOGIES, INC., RELATIVE TO OSHA PROCESS SAFETY  
MANAGEMENT AND HAZARDOUS WASTE MANAGEMENT FOR A TOTAL  
COST NOT TO EXCEED SIXTEEN THOUSAND, ONE HUNDRED SIXTY  
DOLLARS (\$16,160.00)  
was adopted.

CONTRACT: W. C. TEAS COMPANY

On motion of Councilman Lively, seconded by Councilman Taylor,  
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.  
TS-2-97, TRAFFIC SIGNAL INSTALLATION, LEE HIGHWAY AT  
VANCE ROAD AND LEE HIGHWAY AT HICKORY VALLEY ROAD, TO  
W. C. TEAS COMPANY FOR THEIR LOW BID IN THE AMOUNT OF  
TWENTY-EIGHT THOUSAND, TWO HUNDRED SEVEN AND 60/100  
DOLLARS (\$28,207.60)  
was adopted.

SEWER EASEMENT PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Pierce  
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER  
EASEMENT FROM GENEVA LORENE BATES, RELATIVE TO CONTRACT  
NO. 99C, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS  
CONTRACT, TRACT NO. 7, FOR A CONSIDERATION OF FIVE  
HUNDRED FIFTY DOLLARS (\$550.00)  
was adopted.

MOCCASIN BEND ADVISORY BOARD

City Attorney Nelson stated a resolution request did not get to his  
office or there was some miscommunication regarding a resolution to  
designate Councilman Hakeem as the City's liaison to the Friends of  
Moccasin Bend and to serve as representative on the Moccasin Bend  
Citizens Advisory Panel.

On motion of Councilwoman Hurley, seconded by Councilman Lively,  
A RESOLUTION TO DESIGNATE A LIAISON TO THE MOCCASIN  
BEND CITIZENS ADVISORY PANEL ("CAP") AND TO THE FRIENDS  
OF MOCCASIN BEND NATIONAL PARK ("FRIENDS") ORGANIZATION  
FOR THE PURPOSE OF PARTICIPATING IN A STUDY OF MOCCASIN  
BEND ("THE SITE") BY THE NATIONAL PARK SERVICE ("NPS")  
was adopted.

RECOGNITION OF NORMAN BURNS

Councilwoman Hurley recognized the presence of Norman Burns, the new  
Director of the Regional History Museum. She stated Mr. Burns has  
been in Chattanooga for over a month and she is delighted to have  
him here; that the Museum is one of the organizations we fund.

Chairman Swafford welcomed Mr. Burns and expressed how pleased he is  
to have Mr. Burns present at the Council meeting.

OVERTIME

Overtime for the week ending December 12, 1997 totaled \$17,861.60.



PURCHASES

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

TOWER CONSTRUCTION (Lower and better bid)  
Requisition No. R0005058

Purchase of ADA Accessible Unisex Restroom  
\$13,603.00

T. H. PAYNE (Lower overall bid)  
Requisition No. R0005963

Purchase of Office Supplies

(Price Information Available and Filed with Minute Material)

PERSONNEL

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

JAMES R. FOSTER -- Family Medical Leave, Concrete Worker, City-wide Services, effective December 3, 1997 - February 20, 1998.

RANDY BRADY, JR. -- Dismissal, Truck Driver II, City-wide Services, effective September 30, 1997.

RONALD D. BEARDON -- Suspension (without pay), Laborer III, City-wide Services, effective December 15 - 17, 1997.

JESSE P. HUSBAND -- Retirement, Equipment Operator II, City-wide Services, effective December 31, 1997.

EDDIE L. BURNETTE -- Family Medical Leave, Laborer II, Traffic Management, effective December 10, 1997 - March 3, 1998.

PURCHASES

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

APPALACHIAN SIGNAL (Single source)  
Requisition No. R0027253

Purchase of Two (2) Traffic Signal Controllers With Cabinets @ \$5,700.00 each

\$11,400.00 (Total)

F. M. RUSSELL CO. (Lower and better bid)  
Requisition No. R0030074

Purchase of Twelve Month Requirements Contract for Guardrail & Fittings

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Fire Department:

JAMES G. GASTON -- Five day suspension (without pay), Fire Fighter, effective December 20, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

SCOTT RANDOLPH -- Suspension (3 days without pay), Police Officer, effective December 13, 1997.

YVONNE JONES -- Termination, Police Clerk, effective December 11, 1997.

MILDRED BUGBEE -- Resignation, School Patrol Officer, effective December 1, 1997.

ELMER KING -- Resignation, School Patrol Officer, effective December 6, 1997.

PARKING OF BUSINESS VEHICLES  
DOWNTOWN

Councilwoman Rutherford inquired as to whose jurisdiction the parking meters fall under, whether they come under Public Works. Admin. Marcellis responded "yes;" that his department purchases, installs, maintains and collects the money.

Councilwoman Rutherford inquired as to who decides how much time will be allowed on the meters. Admin. Marcellis stated people who are parking decides that; that they surveyed what the demand in a particular block is; that most meters in the central core (downtown) area are 20 - 30 minutes, then as we go farther out there are one, two, and five hour meters.

Councilwoman Rutherford stated a man came to see her and his complaint is legitimate; that he works for the telephone company and installs equipment. She stated if he parks on a 30 minute meter he gets a ticket and if he is in the loading zone there is still a 30 minute time frame. She asked where people who are service workers are supposed to park so that they do not get a ticket.

Admin. Marcellis stated if they are parking in the central core that is a difficult problem, other than their going to a parking lot. Councilwoman Rutherford stated a parking lot is not the answer; that many face this same dilemma. She asked if we ever entertained an idea of providing spots for service vehicles.

Admin. Marcellis stated at one time years ago there was the use of a window sticker for those type people and the practice was abused. He stated this is a difficult matter; that the person you referred to can still park in a loading zone and unload his equipment and then go to a lot; reiterating that this is a difficult thing if he is working in the downtown area.

Councilwoman Rutherford stated she thought we were going to make it easy for people to make a living in Chattanooga; that this is something we need to think about and come up with a solution. She stated we are talking about a truck with a company name and logo on it.

Chairman Swafford stated the matter needs to go to Committee for discussion. It was decided that the matter would be added to the Public Works Committee's agenda scheduled for December 30. Admin. Marcellis stated he would have John VanWinkle present for the Public Works Committee meeting.

COMMITTEES

Councilwoman Rutherford stated a meeting of the Youth and Family Support Committee met today to hear a report from Rae Bond regarding what is going on in our City about children without fathers and other social aspects.

Councilman Hakeem scheduled a meeting of the **Budget and Finance Committee for Tuesday, December 30 at 5 p.m.** for a review by the Management Analyst of the last years' capital budget projects by District; that the capital budget ordinance will be on the agenda that evening for first reading.

CANCELLATION OF DECEMBER 23, 1997  
COUNCIL MEETING

Chairman Swafford reminded everyone there will not be a Council meeting on Tuesday, December 23, 1997 in observance of the Christmas Holidays.

SISTER BEY

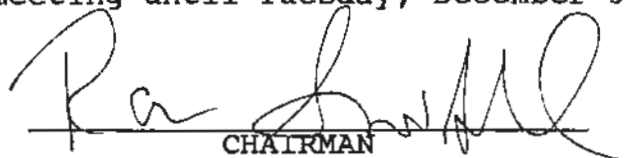
Sister Bey read a letter from Gov. Frists' office in response to an inquiry she made regarding proposed construction at Carver Center. She stated she has been trying to get in touch with Ken Hays of Mayor Kinsey's office but has not been successful in doing so. She stated the letter indicates if any of the elected officials have comments to make that they should address those comments to her. She stated she has not hear from anybody.

MERRY CHRISTMAS

Chairman Swafford extended Christmas Greetings to everyone on behalf of the Council!

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, December 30, 1997 at 6 p.m.

  
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CHAIRMAN

  
\_\_\_\_\_  
CLERK OF COUNCIL

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