

Municipal Building
Chattanooga, Tennessee
January 20, 1998

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 Lively gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL RECOGNITION: JAPANESE
DELEGATION FROM KITAMI CITY, JAPAN

Chairman Swafford stated the Japanese visitors are not present at the moment; that the Council will recognize them when they arrive.

REZONING

1997-264: Fidelity Trust Company

On motion of Councilman Lively, 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 1809 AND 1813 GUNBARREL ROAD, BEING ON THE NORTHWEST LINE OF GUNBARREL ROAD NORTHEAST OF CRANE ROAD, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-270: Inman, LLC

Councilman Lively made the motion to accept the amendments to the ordinance; Councilwoman Rutherford seconded the motion; the motion passed.

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1101 WEST 40TH STREET, BEING OFF THE
NORTHWEST LINE OF WEST 40TH STREET NORTHEAST OF
TENNESSEE AVENUE, FROM R-3 RESIDENTIAL ZONE AND M-1
MANUFACTURING ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-273: George W. Walls, Jr.

City Attorney Nelson stated the ordinance has been amended over the
week to write-in the design standards that were written by the
Design Center; that this puts the building department on notice of
what the conditions are.

The applicant was not present, however, it was indicated the
applicant understands the conditions; that he was present last week.

Councilman Lively made the motion to accept the amendments to the
ordinance; Councilwoman Rutherford seconded the motion; the motion
passed.

On motion of Councilman Lively, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 138 MARKET STREET, BEING ON THE
NORTHWEST LINE OF MARKET STREET AT EAST 2ND STREET,
FROM R-4 SPECIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-274: Homer McBryar

On motion of Councilwoman Hurley, 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 4500 BLOCK OF OAK HILL ROAD, BEING ON THE SOUTHWEST LINE OF OAK HILL ROAD NORTHWEST OF HIGHWAY 58, FROM R-3 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-276: Jack C. Hale

On motion of Councilman Pierce, 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 7740 LEE HIGHWAY, BEING ON THE SOUTHEAST LINE OF LEE HIGHWAY NORTHEAST OF BONNY OAKS DRIVE, FROM C-1 HIGHWAY COMMERCIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-277: Ralph Zigner

On motion of Councilwoman Hurley, 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 607 CHEROKEE BOULEVARD, BEING ON THE NORTHEAST LINE OF CHEROKEE BOULEVARD AT BLACK STREET, FROM R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1997-182: JoAnn W. Sivley

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TWO TRACTS OF LAND LOCATED IN THE 800 AND 900 BLOCKS OF SIGNAL MOUNTAIN ROAD, AND THE 100 BLOCK OF RUSSELL AVENUE, BEING ON THE NORTHEAST LINE OF SIGNAL MOUNTAIN ROAD RUSSELL AVENUE, AND THE NORTHWEST AND SOUTHEAST LINES OF RUSSELL AVENUE NORTHEAST OF SIGNAL MOUNTAIN ROAD, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND 4-5 RESIDENTIAL ZONE TO O-1 OFFICE ZONE FOR PARCELS 117J-C-040, 041, THE NORTHWEST FIFTY (50) FEET OF PARCEL 117J-C-039 AND THE SOUTHEAST FIFTY (50) FEET OF PARCEL 117J-C-042, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

1997-121: Lowell E. Sterchi

On motion of Councilman Hakeem, seconded by Councilman Crockett, AN ORDINANCE CLOSING AND ABANDONING LATTA STREET LOCATED SOUTHEAST FROM ROANOKE STREET, NORTHEAST OF CRUTCHFIELD STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, SECTION 10-5, SO AS TO EXCLUDE TWO (2) TRACTS FROM THE FIRE DISTRICT BOUNDARIES

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.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
SECTION 10-8, RELATIVE TO TIE-DOWN, SKIRTING, LANDING
AND PORCH REQUIREMENTS OF MANUFACTURED HOMES
passed second reading. On motion of Councilwoman Rutherford,
seconded by Councilman Lively, the ordinance passed third and final
reading and was signed in open meeting.

REZONING

1997-233: William E. McCallie

The applicant was present; opposition was in attendance.

Barry Bennett stated this request was tabled from the December 9,
1997 Council meeting.

Atty. Fred McClure was present representing the applicant, William
E. McCallie. He stated he did not know if there is anything
significant to add from the prior discussion of December 9; that
earlier today he spoke with Mr. Bennett to review some of the items
in the package presented at the prior meeting. He stated he called
the Assessor's Office today and was advised this property continues
to be assessed at a commercial rate, which has been the question all
along, whether it has been assessed as commercial for some period of
time. He stated the property has been in the McCallie family since
1929 and has been used continuously as a commercial property in
excess of 35 years. He stated the City annexed the property in
1971, deannexed it and then re-annexed it; that in 1972 there was a
letter from a member of the City's Planning Commission Staff
verifying that it was zoned C-2. He stated the only reason this
came up is that the Inspectors were out and saw this property in
what appeared to be a residential area and operating as commercial;
that this is the way you "clean it up" which is consistent with the
Planning Staff's letter of 1972.

Deede Gram of Longview Road stated she considers this to be a spot
zone; that the property behind her is R-2 and this is a piece of the
property in the middle. She stated the McCallie's presently have
the property for sale with a commercial Realtor and zoned R-2
selling in the \$300,000 range; that it has been expressed to her
that Mr. McCallie was concerned about the property and was not happy
with the R-4; that it has been there for ten years and was a beauty
shop and later became a small car lot.

REZONING (Cont'd.)

Ms. Gram stated Mrs. Toms, an elderly resident, indicated the property was the house the McCallies' were raised in and was not commercial; that the corner lot is where the business was and a small hotel. She stated residents of the area feel Mr. McCallie is a non-resident owner and his interest in the community seems to be financial; that if he is concerned he would have been more considerate about what would go in. She stated all the residents believe R-4 is fine with them since it has been that way for so long; that a gas station or hotel is something they would not be happy with. She stated the company there has been a good neighbor and made reference to the condition of the road; that the residents of the community believe no C-2 business has any place mixed in with their homes. She asked the Council to vote for the R-4 zoning for this property.

Mr. Bennett stated the only thing that Planning can rely on as far as use is what the property owner or previous property owner might tell them; that office records and the historical zoning maps indicate that the property was never zoned commercial. He stated the letter Atty. McClure made reference to did come from the Planning office a number of years ago but based on our records, the letter was in error; that they may say it was zoned residential and not grandfathered-in. He stated it could have been that it was used at the time it was annexed; that it was not clear if it was a legal use in the county.

City Attorney Nelson asked if anyone has checked with the Treasurer's Office for a business license issued during the early seventies.

Atty. McClure stated most of the places he called just did not keep records back that far; that due to good record keeping by the McCallies is how the letter surfaced; that they kept this copy of the letter in their files.

Councilman Eaves stated if the ordinance's condition stated they were trying to put this in the neighborhood he would not have to think about it and would say "no;" that he remembers the property out there and the original motel and all. He stated he is convinced that it was used commercially when the City took it over, and we accepted it as it was in C-2.

At this point Councilman Eaves made the motion to approve this ordinance with Councilwoman Hurley seconding.

REZONING (Cont'd.)

Councilwoman Rutherford asked if the property is now a car lot and how long has it been that. Atty. McClure stated the McCallie's operated a car lot at this location; that after they operated one Mr. Erwin came in; that there was never a lapse in the use of the lot as commercial.

Councilwoman Rutherford asked if the reason Mr. McCallie does not want R-4 is because you cannot put a parking lot on R-4; that the plan is to keep a car lot. Atty. McClure responded "yes."

Ms. Gram stated it was an unsurfaced lot; that it was recently operated by Southeastern Recovery as a repossession lot. She stated since this has come up they have changed it into a used car lot; that the motel is not on this property.

On vote of Councilmen Eaves' and Hurley's motion, the motion passed with Councilmen Rutherford and Taylor voting "no".

Atty. McClure asked if the ordinance could be held for two weeks; that the applicant will be out of the City next week.

Councilman Eaves then made the motion to hold the matter for second and third reading until the Council meeting of February 3; Councilwoman Hurley seconded the motion.

Councilwoman Rutherford stated so often we require vegetative screening for the protection of the neighbors and their property; that this is the least we can do. Atty. McClure stated there is a four acre buffer on it right now.

Councilwoman Rutherford stated without it being in the ordinance you can cut the trees down and plow the land under; that she would like to see this buffer included in the ordinance.

Chairman Swafford asked Mr. Bennett if Planning has a recommendation as far as a buffer is concerned. Mr. Bennett stated Planning recommended the R-4 zone; that they will have to come up with additional conditions.

Atty. McClure stated if it satisfies Councilwoman Rutherford the applicant is amenable to adding at least a 30 foot buffer.

REZONING (Cont'd.)

Councilman Pierce stated the motion has been carried through. Chairman Swafford stated the ordinance could be amended prior to second and third reading. City Attorney Nelson stated the ordinance cannot be amended without amending it tonight as the caption would have to be amended to add "conditions."

Councilman Pierce made the motion to rescind the previous motion; Councilman Taylor seconded the motion; the motion passed with Councilmen Lively and Eaves voting "no".

Councilwoman Rutherford then made the motion to amend the ordinance by adding a condition which would require thirty feet (30') of natural vegetation to protect the neighborhood; Councilman Pierce seconded the motion.

City Attorney Nelson then amended the caption of the ordinance to reflect ". . . subject to a certain condition," and the body of the ordinance to reflect, ". . . upon condition that the owner of said property maintain a thirty foot (30') site obscuring vegetative buffer on all sides of the property contiguous to a residential zone, except the side with street frontage".

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 6808 CONNER LANE BEING ON THE
SOUTHWEST LINE OF CONNER LAND SOUTHEAST OF LEE HIGHWAY,
FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL
ZONE, SUBJECT TO A CERTAIN CONDITION
passed first reading.

SPECIAL RECOGNITION: JAPANESE
DELEGATION FROM KITAMI CITY, JAPAN

At this time Councilman Crockett recognized the delegation from Kitami City, Japan; stating that Chattanooga is honored to have present people from Kitami City's government, university, and radio station. He stated Kitami is in the northern part of Japan and gets a great deal of sunlight which is why Kitami is doing a lot of solar energy research. He stated the delegation has had a day here looking at our battery-powered buses, meeting with University people, and observing our research efforts.

SPECIAL RECOGNITION: JAPANESE
DELEGATION FROM KITAMI CITY, JAPAN
(Cont'd.)

Councilman Crockett introduced members of the delegation: Dr. Kimio Kanayama, Delegation Leader and Instructor of Engineering at the Kitami Institute of Technology; Hisataka Shirikawa, Kitami City Councilman; Shigetoshi Takagi, City Hall employee in International Promotions and Planning; Satoru Ito, City Hall employee and Curator of the Kitami Museum of Science and History; Sutomu Arai, Owner of a clothing company; and Keiji Oda, Interpreter for the group. Other members of the group were not present due to their attending a women's network meeting (Mrs. Litsuko Ishikawa, Swimming instructor; Mrs. Asako Takizawa, Television/Radio Announcer; and Miss Sayuri Inoue, City Hall employee in Civic Affairs).

Messrs. Shirikawa and Kanayama addressed the Council at this time; both expressed their happiness at being present and their appreciation regarding the hospitality that has been extended to them. They stated both will take Chattanooga's successes back home with them and expressed hope at visiting again.

REZONING

1997-236: United Family Services

The applicant was present; considerable opposition was in attendance.

Chairman Swafford stated if there is additional information regarding this request both sides will be heard; that this matter came up for a vote without a full Council last month and did not receive a majority vote "for" or "against". He stated the matter has been placed back on the Council's agenda for a full Council vote.

Eleanor Warren, Business Administrator for United Family Services (UFS), stated when they were before the Council previously certain documents were distributed that she did not have an opportunity to review or see; that since that time she has acquired the documents and feels the need to come forward and present proof of the claims made; that it appears the Council has reasons to doubt UFS. She made reference to the communication from State Representative Brenda Turner which made reference to a letter from the Tennessee Department of Children's Services in Nashville wherein she stated "no one can do business with children in State custody unless they have a contract account . . . and there is no contract and there will not be a contract."

REZONING (Cont'd.)

Ms. Warren stated UFS has been doing business for children in State custody since this agency started; that they have a license to provide services for Hamilton County Managed Care and the Regional office of Southeast Managed Care; that they have contracts to provide emergency shelter under these contracts. She then read a letter from the Southeast Community Services Agency's Regional office dated December 12 expressing their ". . . satisfaction with the care children have received and the prompt response to needs by Ms. Tinsley and her staff (at UFS)" which clarifies the use of UFS for providing custody to children.

In another communication Ms. Warren read a letter received from the Chattanooga-Hamilton County Managed Care for Children regarding ". . . acceptance of (UFS') proposal for Flexible Funding For Families Program . . . and the Provider Agreement went into effect October 1, 1997." She stated this is their current contract and indicated that they have had a contract with them since 1996. She also read from a portion of the contract regarding emergency residential services for State custody children. She stated the letters she has presented and read refute Rep. Turner's communication that indicated contracts will not be issued.

Ms. Warren continued by stating UFS received a Request for Services (RFS) from the State for emergency shelter dated September 26, 1997; that they are pursuing the RFS and have been since they received it. She stated that 85% of the children in Hamilton County that are in State custody are minority children, and there is no other minority agency in the entire state other than UFS; that they want to provide services to our children. She stated the only way for them to put themselves in a position to answer the RFS is to come through the Council for the rezoning; and they are asking for a "shot" at this. She stated Ms. Tinsley has 20 years experience as a Social Worker and she (Warren) has 22 years in Governmental Accounting; that they have combined their background to pursue this.

She stated she has been asked why they would pursue this type business and her response is that this is the business they know; that they want to provide quality care and want to be allowed to provide it. She stated they have been asked why this particular facility and the response is that it is already ready with a large gymnasium, cafeteria and parking lot. She stated the entrance is not on the Twelfth Avenue side, it is on Dodds Avenue. She stated they want an opportunity to provide the service and be able to address the RFS and if not they will never be in a position to get a State contract.

REZONING (Cont'd.)

Ms. Warren stated at the previous meeting she was asked if this was a competitive business; that you have to bid and other agencies involved makes it competitive. She stated Councilwoman Hurley serves on the board of several group homes. . . At this point Councilwoman Hurley interrupted Ms. Warren's remark to request that the Council Chairman inform her (Warren) that remarks must not be personal. Ms. Warren stated she only wanted to indicate that Councilwoman Hurley is in a position to know the need; that the only reason children are being "shipped" across the State is because the facilities are full and there is a need for more facilities. She asked the Council to consider the plight of the children.

Ms. Warren stated many things have come up about the day care children; that she and Mr. Mason work very closely, and the issue has been addressed in meetings; that the building is set up so that the children cannot come in close proximity to each other. She stated the Planning Commission came out on Saturday for a one-on-one discussion and toured the facility; that they voted in favor of their request ten-to-one. She stated they have had people to ask why they do not work with the community and the response is they have tried but to no avail; that you cannot force people to "give you an ear;" that they have tried to talk and plead this cause. She stated things were stacked against them when they came in; that Rep. Turner's letter is not true and their reputation is on the line and they worked hard to put this in place. She made reference to the UFS Program Manual and stated they do not turn children away because they also have foster homes; that foster parents have been trained to deal with them to receive one-on-one attention. She stated they have done everything possible they know to do; that the State licensing criteria is very strict.

Councilwoman Hurley stated she is on a Board that operates about five group homes; that she does know the State does not pay full costs of care. She stated if she is not mistaken the contract UFS currently has is for foster care; that they do not have a contract for the use they will put this building to. She stated she does not know if it is the Council's job to get involved with this much detail. Ms. Warren stated the contracts are the same.

Councilwoman Hurley stated the contracts currently in place are with some of the group homes that the county contracts with for this service; that she does not believe UFS has a contract for the (emergency) service. She stated she thinks UFS has a contract for foster care but not a group home currently available; that she respects what UFS is trying to do. She stated she will not comment on the Legislative letter one way or the other as it is not an issue for our decision and does not want to debate it.

REZONING (Cont'd.)

Councilwoman Hurley stated as of today the contract UFS has is for a different service. Ms. Warren responded "right".

Councilwoman Rutherford asked if Southeast Managed Care is part of the State of Tennessee. Ms. Warren responded "yes".

Councilwoman Rutherford stated Ms. Warren made reference to "our" children during her statement wanting to know if she was referring to children in Hamilton County. Ms. Warren responded "yes".

Councilwoman Rutherford stated she heard something about "minority children", wanting to know if she would accept other children. Ms. Warren responded "yes".

Councilwoman Rutherford stated she has spoken with Phil Accord and others with the State Office Building and everyone has told her you cannot pick and choose which children the State can assign. She asked when you say you would not accept certain children how can you say this if the State says here are these children; would you not be violating the contract?

Ms. Warren stated they would not be violating the contract because they have foster homes in place to accept them if they feel they are not right for the group home setting; that they have a right to design the program they will use to provide service for our children; that they have a referral package, assisted by the staff and would then decide on the criteria by UFS. She stated they will utilize foster homes who are trained to take care of them.

Councilwoman Rutherford inquired as to the number of foster homes or beds that are in foster care. Ms. Warren responded there are "17 homes;" that they are not full and they recruit on an ongoing basis because training criteria is strict and very time consuming. She stated they recruit more than they actually need which gives them a "back up" system; that they need to be in a position to provide service within 24 hours of the referral.

Councilwoman Rutherford stated as of now children from across the State are being transferred; that children from Memphis are being housed in Hamilton County. She stated just because we have a vacant bed it does not mean it will be filled by a local child.

Ms. Warren responded "not necessarily"; that the bed might be filled by a local child; that the reason for shifting is because of the inadequacies in Hamilton County. She stated UFS' focus is trying to alleviate a local child being "shipped".

REZONING (Cont'd.)

Councilwoman Rutherford inquired as to whether Ms. Warren knew how many beds are available in Hamilton County right now. Ms. Warren responded "no".

Councilwoman Rutherford referred the same question to Councilwoman Hurley. Councilwoman Hurley also responded "no"; that she does not know exactly the definition of this particular contract; that she does not think that has been defined yet. She stated the southeastern area involves everything but Hamilton County.

Councilman Taylor asked in speaking about emergency shelters when are the children for sheltering received and asked if it is only on weekends. Ms. Warren stated there is really no special time to receive them; that it is whenever Court convenes as they are on 24 hour call.

Councilman Taylor asked if the information about a child's background follow them whether it is on a weekend or not. He inquired as to what happens in cases where it is the weekend and all of the public places are closed and you take in a child, how will you know their background information. Candace Tinsley stated the information follows the child.

Councilman Taylor inquired as to the length of time a child stays at the emergency shelter. Ms. Tinsley responded "it depends upon the needs of the child"; that it could be for short term care; that some have been kept over night, a weekend or two weeks.

Councilman Taylor asked if it were true in licensing from the State they go by a set of requirements and are not concerned with the surrounding community as much as the facility meeting the guidelines; that he spoke with the State department who indicated there are a set of prerequisites that need to be followed regardless of where the facility is located.

Ms. Tinsley stated in licensing a site you have to meet all the requirements; that you have to have a wholesome environment and would not go as far as to say they do not look at the surroundings.

Councilman Taylor stated in speaking with them they are not concerned with the community as much as who is applying for licensing, which is what they look at. He asked what type of security will be in place in the emergency shelter. Ms. Tinsley stated they would have around-the-clock staff; that the building is set up with a surveillance system to detect movement on the floor at night.

REZONING (Cont'd.)

Councilman Taylor asked how far is the emergency shelter from the day care. Ms. Tinsley stated there is a foyer that separates the day care from the residential site. Gerald Mason, co-owner of Kandy Kastle indicated there is a 200 foot separation distance. Ms. Warren stated basically there are two buildings; that the group home is one building and the day care is in another.

Councilmen Eaves and Taylor asked for clarification as to whether there are two buildings. The delegation of those in opposition loudly voiced that there are not two buildings. Ms. Warren again stated the two buildings are separated by a large foyer. Councilman Taylor then asked if that is one building, to which Ms. Warren responded "yes".

Gene Swafford stated he represented the East Lake Neighborhood Association and 3315 Twelfth Avenue is a great concern to them. He stated people in East Lake do not see this as a foster home or group home, but as more of an institution for troubled teens who need more than they can offer. He stated twenty-four children is too many to call it a home as they will not have a regular home life. He asked the Council to vote to oppose the rezoning at 3315 Twelfth Avenue.

Thom Baker, also of East Lake, stated in answer to Councilman Taylor's question, State procedures are a complicated issue. He stated they are opposed and the majority of the people he represents have said putting teens and toddlers together in close proximity is a bad thing to do; that they need to be separated. He stated they agree with the point regarding duplication of services because of recent things that have happened he believes another service such as this is bordering on duplication of services. He stated the outside of the building is what they are concerned about and what goes on inside is not their concern. He stated this is spot zoning and is a business going into a residential area; that the entire area is a residential area and thinks this is a bad thing to do. He stated they have laid the groundwork in "rehabbing" the community; that they are willing to work and are committed to East Lake and are working with the Planning Commission and several others to take in the whole of East Lake. He stated they have worked so hard to get this far and are asking for more time to complete the job; that if this is turned down, it will take them nine months to a year before it can come back and by that time they will have completed their plan which will include all of Dodds down to Main Street. He stated everyone in East Lake would like to see it cleaned up and asked that the Council deny the application.

REZONING (Cont'd.)

Councilman Pierce stated we do not have any proposals for our kids but when we try to help our kids, we try to find a facility and make the appropriate move and if we cannot, where do we go; that the East Lake residents do not want them in their neighborhood.

Mr. Baker stated he did not say that and will not say that; that there has to be a place for these kids in a proper facility, and it might be their neighborhood.

Councilman Pierce asked Mr. Baker to explain why this piece of property is not the proper place. Mr. Baker stated he does not know what the plan would be; that he does know keeping teens and tots in the same place is a bad idea; that all the best laid plans leak. He stated we are going to have problems if we mix them both in the same building.

Councilman Taylor stated he cannot see working with kids and young people in the same place; that he would like to ask someone from UFS to discuss where the parents of the day care children are; that he has not seen the parents.

Gerald Mason stated tots and teens do not mix; that they never planned to have his tots mixing with any teens; that the whole issue has been blown out of proportion. He made reference to the Chambliss Home and how well that facility operates; that they are called the Kandy Kastle Campus where all of their operations are housed; that they have many, many activities there. He stated their parents have not questioned the the Council because they believe in them (Kandy Kastle's operation); that they have been in business for 24 years in this community providing quality day care service in this community. He stated the day care will never ever come in contact with these children, and it is ludicrous to think otherwise; that their parents have confidence in them, and they are not frightened because they know Kandy Kastle has their children's best interest at heart. He stated he met with the East Lake group when they fought him for having a day care for children and now they are concerned about this. He asked that the true facts be dealt with on this issue; that they do not want this facility at all! He stated this is not for Gerald Mason or Kandy Kastle because they are just trying to help other children; that these ladies have provided an excellent explanation of what their service will be.

Councilwoman Rutherford stated every single professional she has talked to who have nothing to gain or lose by this has advised against this rezoning.

REZONING (Cont'd.)

On motion of Councilwoman Rutherford, 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 3315 12TH AVENUE BEING ON THE NORTHWEST LINE OF 12TH AVENUE AT EAST 34TH STREET, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied; on roll call vote:

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

AGREEMENT: COMQUEST, LLC

Councilmen Hakeem and Lively made the motion to approve this request; however, Admin. Marcellis asked that the Resolution be withdrawn for consideration. He stated since the matter was discussed last week they have taken another look at people power and decided to withdraw this Resolution as they have found this can be done in-house. He stated the contractor knows this and agrees.

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH COMQUEST, LLC, FOR CONTRACT ADMINISTRATION DURING CONSTRUCTION OF CONTRACT NO. SWM-6-97, HICKORY VALLEY ROAD CULVERT REPLACEMENT, FOR A FEE NOT TO EXCEED FOURTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$14,500.00)

was withdrawn.

SEWER EASEMENT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM R. CORNEL ROBINSON AND CLARA P. ROBINSON, RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 4, FOR A CONSIDERATION OF FOUR HUNDRED FIFTY DOLLARS (\$450.00)

was adopted.

ISTEA GRANT

Councilwoman Hurley stated this matter was discussed in Parks and Recreation Committee; that it is anticipated we will receive all of the funds; that Administration requested we enable them to match the funds we do receive.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION ASSURING MATCHES FOR JOINT APPLICATIONS TO THE CHATTANOOGA MPO BOARD FOR ISTEAS SURFACE TRANSPORTATION PROGRAM GRANTS FOR PROJECTS AS SHOWN ON THE ATTACHED, WHICH IS MADE A PART HEREOF BY REFERENCE was adopted.

OVERTIME

Overtime for the week ending January 16, 1998 totaled \$92,739.91.

PERSONNEL

The following personnel matters were reported for the Human Services Department:

NANCY HYDE -- Resignation, Head Start, Family Service Supervisor, effective January 2, 1998.

GAIL ROBERTS -- Resignation, Head Start, Teacher, effective January 9, 1998.

LORELEI WARD -- Resignation, Head Start, Lead Teacher/Center Supervisor, effective January 14, 1998.

PATRICIA CAMERON -- New Hire, Receptionist, Child Care, \$13,000.00 annually, effective January 2, 1998.

SANDY E. BISHOP -- New Hire, Center Clerk, Head Start, \$8,925.49 annually, effective December 20, 1997.

KAREN TOWNSEND -- New Hire, Center Clerk, Head Start, \$13,049.40 annually, effective December 20, 1997.

NADIYA ALI -- New Hire, Payment Technician, Broker Services, \$16,500.00 annually, effective December 20, 1997.

CHERYL A. SAXTON -- New Hire, Service Delivery Worker II, Social Services, \$18,104.00 annually, effective January 2, 1998.

PERSONNEL (Cont'd.)

Councilman Pierce inquired as to why there is a difference in the Center Clerks' salaries. Admin. Turner stated the Clerks are not on the pay plan, and the salary difference is dependent upon experience.

PURCHASE

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

MARSHAL MIZE FORD, INC. (Lower and better bid)
Requisition No. R0030221

Purchase of 1998 Van/Wagon

\$20,721.00

BUILDING SERVICES, INC. (Lowest bid meeting City of Chattanooga specifications)
Requisition No. R0002989

Purchase of Twelve Months Requirements Contract for Janitorial Services for Head Start Centers

\$80,370.00

Councilman Pierce inquired as to whether this is a new or ongoing contract. Admin. Turner stated it is a new contract and not a renewal.

Councilwoman Rutherford inquired as to whether the price reflects the low bid. Admin. Turner responded "yes, meeting the specifications"; that there was one other bidder, but they did not meet the specification for all four Centers.

PERSONNEL

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

ROBERT TAYLOR -- New Hire, Laborer II, Parks Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective January 21, 1998.

JEREMY S. DIXON -- Resignation, Laborer II, Plaza Division effective January 12, 1998.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the General Services Department:

COATINGS APPLICATION & WATERPROOFING CO. (Lower and better bid)
Requisition No. R005065

Purchase of Contract to Seal and Waterproof all of the Exterior Walls of the City Hall Annex

\$100,300.00

PERSONNEL

The following personnel matter was reported for the Public Works Department:

PATRICK B. SIMS, SR. -- Dismissal, Laborer II, City-wide Services, effective December 31, 1997.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Public Works Department:

PB&S Chemical (Lower and better bid)
Requisition No. R0031468

Purchase of of Twelve Months Requirements Contract for Liquid Chemical Sodium Bisulfite

\$340.00/dry net ton

PERSONNEL

The following personnel matter was reported for the Fire Department:

THOMAS MONTGOMERY -- Lateral transfer (from Public Works), Laborer II, Pay Grade 4/Step 1, \$15,165.00 annually, effective January 16, 1998.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Fire Department:

TENNESSEE FIRE EQUIPMENT & SAFETY SUPPLIES (Lower and better bid)
Requisition No. R0027469

Purchase of Twelve Month Requirements Contract for Firefighters Protective Clothing, Bunker Coat & Pants

\$866.00 per person

UNITED AIR PRODUCTS (Only bid received)
Requisition No. R0030614

Purchase of Exhaust Systems

\$20,996.00

PERSONNEL

The following personnel matters were reported for the Police Department:

ELMER KING -- Rehire, School Patrol Officer, \$20.6758 daily rate, effective January 20, 1998.

DANIEL ALDON JACKSON -- Reinstatement, Patrolman, Pay Grade 10/Step 6, \$25,825.00 annually, effective January 16, 1998.

LINDA GERM -- Return from Family/Medical Leave, Police Clerk, effective January 14, 1998.

PURCHASE

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

MARSHAL MIZE FORD, INC. (Lower and better bid for the City of Chattanooga)
Requisition No. R0027845

Purchase of Twelve Month Requirements Contract for Marked Police Cars

\$18,751.90 each

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Planning Commission:

NEILL SANDLER FORD (Single Source purchase)
Requisition No. R0028231

Purchase of Ford Taurus Automobile per TCA 6-56-301

\$16,360.42

DEPARTMENTAL AUTOMOBILE PURCHASES

Councilman Taylor stated he has noticed several cars being purchased by several departments and inquired as to whether consideration has been given to "pooling" requests together to get a better deal.

Admin. Boney stated there are two major avenues for buying cars; that one is on State contract for administrative vehicles that are purchased and the other is police cars both marked and unmarked. He stated some years it turns out to be the cheapest vehicle available and administrative vehicles are purchased off that; that we have not had a bid for three-four years. He stated we use the State contract or police contract; that Jeeps and sedans are all on State contract.

EASTGATE TOWN CENTER

Councilwoman Rutherford invited Council members to the "kick Off" planning for the Eastgate Town Center at Eastgate on Friday, January 23 beginning at 6 p.m. She stated there will be a Charette held on Saturday, January 24 from 9 a.m. - 1:30 p.m. next to the Pioneer Bank. She stated on Thursday, January 29, the results of the study will be presented at the Twenty-First Century School at 6 p.m.

COMMITTEES

Councilwoman Hurley stated a meeting of the Parks and Recreation Committee was held earlier; that the Council acted on the matter discussed.

Councilwoman Rutherford asked if the Public Works Committee scheduled for next Tuesday, January 27, could begin at 4:30 p.m. as opposed to 4:00 p.m. It was agreed the meeting will begin at 4:30 p.m. next week.

DISTRICT 9 COMMUNITY MEETING

Councilman Hakeem invited Council members to two community meetings. The first meeting is scheduled for Monday, January 26 at 6 p.m. at the Orchard Knob Elementary School for the Orchard Knob precinct; that the theme for the meeting will be "Working Together Works!" He stated the second meeting will be held on Thursday, January 29 at 6 p.m. at the Glenwood Center for the Glenwood precinct wherein plans for the area for the future will be outlined.

NASHVILLE VISIT

Chairman Swafford reminded Council members of the visit to Nashville to confer with the Legislative Delegation scheduled for Wednesday, January 21. He indicated the bus will leave City Hall promptly at 2:30 p.m.

CHARLES ALEXANDER

Charles Alexander stated he is a former employee of the Parks and Recreation Department where he was an employee for 20 years. He stated he has had several surgeries on one leg and two more to go on the other. He stated he has made seven attempts to apply for disability with the city and has been turned down each time; that he has applied for Social Security disability and receives it, however, he wants to know what he needs to do to get disability from the City.

Chairman Swafford asked Mr. Alexander if he has discussed the matter with the Pension Board. Mr. Alexander responded "no;" that he has been to the City's office and they have not told him anything.

Chairman Swafford stated the City Attorney has suggested that going to the Pension Board would be the proper avenue. Admin. Boney indicated he would speak with Mr. Alexander after the meeting.

Councilman Hakeem stated he has been in communication with Mr. Alexander who has been trying to work through Personnel, as well as representatives out of the Mayor's office. He stated this is not something that Mr. Alexander has been idly working on; that he has received Social Security disability, but is not able to get it with the City. He stated if it comes to a decision, a legislative body might have to elect how we deal with cases like this when individuals have received the most difficult type of disability pension but cannot get what we have in place.

CHARLES ALEXANDER (Cont'd.)

Chairman Swafford stated this might be something that needs to be discussed in Legal and Legislative Committee.

Mr. Alexander expressed his thanks to the Council.

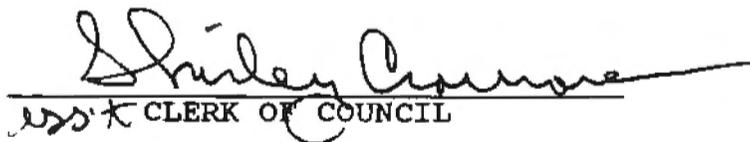
SISTER BEY

Sister Bey addressed the Council regarding a letter she received from Mayor Kinsey referencing her concern regarding Carver Center. She stated the letter indicated Councilman Hakeem had had some type of meeting at Second Baptist Church to discuss the Center's continuation. Councilman Hakeem indicated his unawareness of what Sister Bey was speaking of and asked to see the letter. Sister Bey stated she did not have the letter with her; that she assumed Councilman Hakeem would know what meeting she was speaking of since it was his meeting. She expressed dissatisfaction with the way the people from East Lake were treated by the Council and stated the Council's decision was a big "slap in the face". She also expressed dissatisfaction with the March in memory of Dr. King and made reference to a commemorative event that will take place in October that the the Council will not be invited to.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, January 27, 1998 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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