

**City Council Building
Chattanooga, Tennessee
May 10, 2011
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave the invocation for the evening.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"
PROCLAMATION**

Mayor Littlefield announced "Public Works Week" will be observed next week and stated if there has ever been a week this last week is one where people should recognize the value of the public works department, not just immediately following the storm but during the storm and continuing now; that probably going on until July they will be clearing roads and hauling debris; that they moved quickly to put the city back "on its feet". He stated a great deal has been said about our emergency services, fire and police and how they responded, not just in the city of Chattanooga but beyond the limits of the city. He stated we do not have many occasions comparable to the tornadoes that ripped through Chattanooga and surrounding areas over the last couple weeks; that the city was left in devastation.

**SPECIAL PRESENTATION: PUBLIC WORKS WEEK
PROCLAMATION (Continued)**

Mayor Littlefield stated that he drove around and saw streets blocked that he had never seen blocked before by trees and remarked to himself "how in the world are we ever going to move the trees to get that street cleared again". He stated the department moved very quickly and the city was "back on its feet and rolling". He stated we want to recognize our local public works operation, the guys and women in the day glow shirts doing very dangerous jobs as we have had people killed in public works – it is a dangerous job; that we recognize the hard work that they do and their value to this growing city. At this time he proclaimed next week as "Public Works Week" in the city of Chattanooga.

Admin. Leach distributed a list of activities for the "Week" and recognized a contingent of public works employees who were present. He stated they really work hard and are continuing to work through the cleanup and asked that everyone be patient. He stated 311 is sort of caught up now and requested that everyone continue to call 311.

Councilman Rico congratulated them and referenced the supervisors who were out there all the time not getting paid; that he does not know how to thank people like that and expressed appreciation as supervisors do not get overtime but are out there all the time with the rest of the men and we thank you.

The Proclamation has been spread upon the minutes:

P R O C L A M A T I O N

WHEREAS: The services in our community provided by Public Works are an integral part of our citizens' everyday life; and

WHEREAS: The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS: The health, safety, and comfort of this community greatly depends on these facilities and services; and

SPECIAL PRESENTATION: PUBLIC WORKS WEEK
PROCLAMATION (Continued)

WHEREAS: The quality and effectiveness of these services, as well as the personnel, planning, design, and construction, are critically dependent upon the efforts and skill of public works employees;
and

WHEREAS: The efficiency of the highly qualified and dedicated personnel of these public works' departments are materially influenced by the attitude and understanding of the importance of the work they perform,

NOW, THEREFORE,

I, Ron Littlefield, Mayor of Chattanooga Tennessee do hereby designate the week May 21-27 2011, as

National Public Works Week

Further, I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF,

I have hereunto set my hand this the 15th day of May, 2011.

Ron Littlefield, Mayor

**DISCUSSION REGARDING PROPOSED HEALTH
DEPARTMENT CUTS**

Mayor Littlefield stated there has been much discussion about the responsibilities of the city and county and that will probably go on for awhile until people tire of it; that they are working out differences and similarities and structuring a new relationship between the city and county. He stated an important part of that is the health department and unbeknownst to many people the city has been paying for half of the local share of the health department for quite some time; that in fact, we are still in the current budget where we have put up half of the local cost of the health department. He stated as the sales tax agreement is expiring there has been discussion about cuts in the health department and would like to have a conversation about that since we are part of the county; that we are all county residents and citizens and contributors through the current budget of real money -- the city of Chattanooga general revenue that went into the health department. He stated we are going to have a discussion Friday morning of some of the proposed cuts in the health department and have invited the county; that he has talked to the County Mayor and invited the health department and representatives will be present, as well as representatives from the Health Advisory Board which is a Board made up of Councilman Rico and former Councilwoman Mai Bell Hurley and others that represent the city, all appointed by the County. He stated in any event it is a cross section of the community and some of them will be there, as well as representatives of the hospital and it is his belief Councilwoman Scott has invited some of the medical officers from the medical society, as well. He stated the meeting will be held in his conference room on Friday morning at 9:00 a.m.; that he is sure the county will be represented and the Council is welcome to come, as well.

AMEND CITY CODE

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated Karen Rennich is present for any questions the Council has and noted there is a diagram illustrating the pieces of the proposed special permit to help guide the discussion.

Councilwoman Berz stated the only question she has is that she is still a little confused about what the current status is; that right now if an R-1 has five acres that still does not allow horses to be permitted.

AMEND CITY CODE (Continued)

Karen Rennich stated there has been discussion but there is not, according to her understanding, a five acre standard for horses in the *City Code*; that horses are not addressed in the *City Code* so we defer to the zoning ordinance; that stables are not a listed permitted use in the R-1 zone.

Councilwoman Berz stated right now as things stand, in any R-1 zone horses are not a permitted use. Ms. Rennich stated that is her understanding but would defer to the City Attorney.

City Attorney McMahan stated Ms. Rennich accurately stated the law, unless it is a lawful non-conforming use when they came in from an agricultural zone when many parcels in the city used to be in the county.

Councilwoman Berz stated if something was grandparented in to an R-1 that is the only time horses would be permitted, however, had there been a 100 days interruption of use then no matter how many acres in an R-1 still no horses. Ms. Rennich stated "yes" that is her understanding.

Councilmen Robinson and Rico made the initial motion and second to deny the request.

Councilman Benson stated there are two different issues here; that one is enforcing what is presently in; that Mr. Jones left a diagram showing what is presently violating their way of life. He stated they cannot go outside the house at night and sit on their patio, which is one issue, enforcing what we already have which says if they are grandfathered in they can continue, but this one lost their grandfather close and we have to get the horses out of there. He stated that has nothing to do with this ordinance and does not see a lot wrong with this ordinance and does not believe Mr. Jones, who is being offended by the horses right now, sees anything wrong with it.

Mr. Jones stated not the way he sees the diagram if this is the way it is proposed.

Councilman Benson stated there are two different issues; that we have to enforce our present violation of our R-1 by loss of the grandfather clause.

Councilman Murphy stated if we allow pigs there is no reason not to allow horses; that Councilman Gilbert has constituents who live very near his district by the greenway on the other side of the South Chickamauga Creek which is a beautiful neighborhood and they have horses.

AMEND CITY CODE (Continued)

Councilman Murphy stated everyone there gets along well and enjoys that lifestyle and does not know if he wants to foreclose that. He stated he would not think people would keep horses in such an urban part of the city but it happens and apparently without any problems between neighbors. He stated he could not deny this; that it is his thought on appropriate parcels of property a horse or other equine should have at least the ability to be brought into the city and kept as do swine and we allow swine, reiterating he cannot vote to deny this as it is the wrong thing to do.

Councilwoman Scott expressed agreement noting there are places in the city of Chattanooga, depending upon the acreage different people may have and the locations they are in; that she views this permit as actually being protective of communities so that in the future appropriate and inappropriate areas can be delineated more clearly based on the ordinance itself. She stated she would not be for denying this because it would do more for a community to be able to set the parameters than it would be to hinder the community.

Councilman Gilbert expressed agreement with Councilmen Murphy, Scott and Benson that each case will be different in this city and we are in the process of annexing a lot more areas, areas that do have farms; that it is the character of the area noting it is the character of Kingsport, a historical area, where there is a lot of farm land and it has not changed at all. He stated this ordinance will protect the ones that do want this in their neighborhood versus the ones who do not want it in their neighborhood.

Allen Jones stated he covered most of the comments this afternoon; that his situation is a little bit different in that they live within 19 feet from where the horses defecate. He stated all they are asking is that the city uphold the ordinance in effect and have the horses removed; that they brought it to the city's attention in January and they are still there and it is still a violation four months later. He stated if we continue to allow them while this person that lives next door has the horses go through the process of applying, then another six months goes by. He stated if he reads the proposed diagram there is no way they can meet the requirements, anyway; that the property is only 110 feet wide and the whole stretch of it is the Channing Creek Townhomes; that even if they apply they cannot meet the guidelines so why leave the horses there. He stated they are asking to do 50 townhome owners in Channing Creek a favor and get rid of them because if the ordinance is upheld they will have to go eventually, anyway.

AMEND CITY CODE (Continued)

Councilwoman Robinson stated this is a terrible disservice to these homeowners in this area and the reason she wants to vote against it is because she wants to see the horses removed as it is simply wrong. She stated she would like for someone to tell her how fast we can get the horses off that pasture.

Councilman Benson stated he knows what Councilwoman Robinson feels about this and agrees with her, but he does not think the two are related, really. He stated he would be willing to make a motion to approve this ordinance with the understanding that Mr. Hutsell give them five days to get the horses out of that man's back patio and yard and asked if that could be done.

Councilwoman Robinson stated if Councilman Benson can get a second she will withdraw her motion.

City Attorney McMahan stated Mr. Hutsell can give them five days to get them off and if they do not leave they will receive a citation and we can start the legal process.

Councilman Benson made the motion to approve the ordinance as it is, with the understanding that we will enforce the law as it is now as it relates to the Channing Creek development; Councilman Murphy seconded the motion.

Councilmen Robinson withdrew her motion and stated she would abstain.

Councilman Rico expressed agreement but stated five days is a short time; that so much has happened and asked if they could give them 10 days as that is awfully quick to find a pasture and trailer with everything else that is going on; that we should be reasonable.

Councilman Benson amended his motion to include "10 days".

Councilman Gilbert stated he is becoming confused; that Mr. Jones' situation has nothing to do with this and asked why we keep debating about their situation and this ordinance as they have nothing to do with each other; that it protects them because if we do pass it they do not fit the category. He asked why keep going back and forth to their case versus this ordinance.

Chairman Ladd stated the motion on the floor would take care of their needs and also allow this to be approved so in the future we could use discretionary judgment in each case; that they will get what they are asking for.

AMEND CITY CODE (Continued)

Councilwoman Robinson stated it concerns her if we pass this ordinance tonight then all of a sudden they will be grandfathered is what it looks like to her. She stated this does not look like they will have the requisite amount of property, but she is not a surveyor and does not know and there is a difference between a linear acre that is ten feet wide and 150 feet wide and what we usually think of is a big square. She stated she is afraid we will get caught in this problem if we are not careful because she is afraid when we pass this ordinance all of a sudden they are going to be within the city and can claim they, by right, should be grandfathered in. She asked for a legal opinion on that.

City Attorney McMahan stated it is his understanding they lost any legal non-conforming use before the townhomes were built out there and that is the testimony Mr. Jones gave and we can present in court that they lost their legal non-conforming status and once they lost it they cannot get it back.

Councilman Rico called for the question.

On motion of Councilman Benson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPER 38, ZONING ORDINANCE, SECTION 38-2, 38-42, AND 38-568,
TO PROVIDE FOR A SPECIAL EXCEPTIONS PERMIT FOR EQUINE FOR
PERSONAL USE BY THE BOARD OF APPEALS IN THE R-1 RESIDENTIAL
ZONE**

Passed first reading; **Councilwoman Robinson abstained.**

REZONING

2011-043: Englewood Enterprises, LLC/Leroy Hurst & Bickerstaff PL/JDK Real Estate, LLC

Pursuant to notice of public hearing the request of Engle Enterprises to rezone property located at 6162 Enterprise Park Drive came on to be heard.

A representative for the applicant was present; there was no opposition.

Councilmen Gilbert and Robinson made the motion and second to deny this request.

REZONING (Continued)

Mike Price of MAP Engineers requested a 30 day deferral on this and stated that they are presently in the process of working through some of the issues as it relates to the County Commission; that it will take two approvals in order for this to occur and if the Council wants to deny it three days from now they still have the ability. He stated they believe there is a willingness on behalf of the County Commission who has to approve the use inside the industrial park as does this body; that he would like to opportunity to take it back before the County Commission and if they receive their approval they will be back before this body and ask that the case be heard. He pointed out there were only two individuals in opposition at both Planning Commission meetings; that if they could get 30 days they could get their issues worked out and bring it back before this body.

At this point Councilmen Robinson and Rico made the motion and second to defer 30 days.

Councilwoman Berz asked if opposition were present; there was no opposition in attendance.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 6162 ENTERPRISE PARK DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO M-1
MANUFACTURING ZONE**

Was deferred 30 days; Councilmen Berz and Gilbert voted "no".

REZONING

2011-051: John Wise

Pursuant to notice of public hearing, the request of John Wise to rezone property located at 1133 Old Pineville Road came on to be heard.

Councilwoman Scott this is a piece of property that was rezoned from R-1 to R-3; that it was a large piece of property and Mr. Wise agreed to partition the portion that was next to Old Pineville Road to preserve the integrity of the R-1 district. She stated this is not to his financial advantage but it is to the advantage of the community there.

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilwoman Scott,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 1133 OLD PINEVILE ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL
ZONE**

Passed first reading.

REZONING

2011-053: Miller-McCoy, Inc./Vision Hospitality Group

Councilwoman Robinson stated there does not seem to be a recommendation from the Planning Commission and asked which version is requesting approval and for the conditions to be explained.

Mr. Haynes stated the version that was read was Planning's version with conditions, which is the same as the Staff's recommendations to approve with six conditions (which were read).

Councilman Benson stated no one will be able to get to Jernigan; that Skyline is a cul-de-sac with a hammerhead and the only ingress and egress would be up by the Big River Grille. He stated the community certainly does not oppose this and probably support it because of the present situation of what is occurring up there.

Mr. Haynes stated there is a closure request that goes with this case; that the closure is for Skyline Drive in front of the proposed project. He stated there is a petition that has already gone to the Planning Commission and is in the Engineer's office for their review and will probably be before the Council in a few more weeks; that Skyline Drive will dead end to the lower left hand portion of this project and there is an agreement that goes with the closure to provide for a turnaround for emergency service vehicles and the fire department. He stated a closure request is associated with this and will be coming before the Council at a later date.

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilman Benson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2011 AND 2016 SKYLINE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed first reading.

NEW PLAN DOCUMENT

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A NEW PLAN DOCUMENT FOR NATIONWIDE RETIREMENT SOLUTIONS 457 PLAN AND ACCEPT THE TERMS OF THE NATIONWIDE PROCCOUNT PLAN SPONSOR AGREEMENT

Was adopted.

SPECIAL EXCEPTIONS SPERMIT

2011-050: Angle Davis/Tom Griffin

Councilmen Rico and made the motion to defer the matter two weeks.

Councilman Murphy stated he knows there is a representative of the Avondale neighborhood present and asked if the applicant were present. He stated he does not know if this should be deferred or hear them now and then decide if deferral is appropriate.

Councilman Rico withdrew his motion to defer at this time.

Angle Davis stated she is a resident of 1313 Arlington Avenue and has been a resident of this property for four years, going on five; that when she decided to do this she talked with her rent guy, talked with some of the neighbors, circulated a petition and spoke at meetings that were held. She stated she received 26 signatures on Arlington and Wheeler of persons agreeing that it is okay to have this in the neighborhood and went to neighborhood meetings and spoke with other members there, some signed and some did not.

SPECIAL EXCEPTIONS PERMIT (Continued)

Ms. Davis stated the inspector that came by denied it for noise and traffic; that when she was at a meeting she told him she did not see how traffic would be a problem as she has an interest on Balto and Arlington and would transfer the clients from Balto. She stated Balto does not have an address as it is a side street with only two houses that have entrances from Balto which is why she would be transferring clients in and out on that street where there is limited traffic. She stated she lives on Arlington and has had no problems.

Councilwoman Scott stated she read the information from RPA and wants to make sure she has the right case and asked if this is a residence of eight individuals. Ms. Davis responded "yes".

Councilwoman Scott asked if the individuals have cars. Ms. Davis responded "no"; that it is a residence for eight but she will only have six and they do not have cars.

Councilwoman Scott asked how many cars would be at the residence. Ms. Davis stated there would be her car and possibly two staff members who will be employed, a maximum of three.

Councilwoman Scott asked if RPA has the plan for the parking and inquired as to the diagram. The diagram was shown by PowerPoint. She asked Ms. Davis if she was only going to use three spaces how did the number appear on the diagram. Ms. Davis stated she was asked how many parking spaces she has; that she has more than three paces, however, three is what she will be using yet there are more than three parking spaces.

Councilwoman Scott asked if the area is fenced and if the parking spaces would be inside the space. Ms. Davis responded "yes" to both questions.

Councilman Rico clarified there will be six clients and how many employees. Ms. Davis responded there would be six and two employees at once.

Councilman Rico inquired as to the operating hours. Ms. Davis stated she would be operating 24 hours, because she has to have 24 hour staff 24 hours a day.

Councilman Rico inquired as to the number of bathrooms and bedrooms. Ms. Davis stated she has four bedrooms and two full bathrooms.

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilman Rico asked if that is for eight people. Ms. Davis stated it is for six.

Councilman Rico stated the employees or whoever will be taking care of them, would that be six with the two employees or six plus two employees. Ms. Davis stated it would be six plus two employees.

Councilman McGary stated Ms. Davis was at one of the meetings he attended and indicated there would be six persons; that he heard there will never be any more than six. Ms. Davis stated "yes".

Councilman McGary stated in regard to the additional parking spaces it is for family and others to visit if they desire. Ms. Davis responded "yes".

Councilman McGary stated there has been concern about individuals being able to escape and wander around the neighborhood.

Ms. Davis stated there will be a 24 hour staff and she will have crime watch come out to install a security system wherein any time a door, window or anything opens concerning the house a beep will go off at any time. She stated she cannot say she will keep a person locked in because that is something she will do only at nighttime for safety, but the alarm system will help her and the staff. She reminded the Council that she has a fence around the house.

Councilman McGary referenced the petitions and asked if they are the immediate neighbors. Ms. Davis stated the neighbors are from Arlington and Wheeler Street; that she has a couple from Chamberlain. She stated the house is situated on Arlington with Wheeler behind it; that with both streets she has 26 people who support the petition.

Councilman McGary asked if one of the names is Tangela Woodruff, the President of Wheeler Avenue Neighborhood Association. Ms. Davis stated Ms. Woodruff also signed.

Councilman Murphy asked if he heard correctly that Ms. Davis does not own the House. Ms. Davis stated she rents the house and her landlord is present in support.

Councilman Murphy asked if she has a lease. Ms. Davis responded "yes, with an option" and has it with her.

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilman Murphy asked if it is a lease to reside and not to run a business. Ms. Davis stated the landlord gave her a note stating she can run the business there and she has that with her also.

Councilman Murphy stated it is his understanding the neighborhood association for Avondale is present and asked if they want to be heard.

Councilwoman Berz stated we are wandering into special exceptions again and that starts making her nervous; that the Council has had several situations where special exceptions were granted and have come back otherwise to "bite" us. She stated she is curious as to what everybody has to say.

Lucille Wright, President of the Avondale Neighborhood Association, stated they object to the special permit because other neighborhoods around them have these houses where people live and they have had people who became "peeping toms" and wandered in the neighborhood. She stated if we open the door for a special permit then everybody would be wanting one; that we have downsized to family only and want to keep it that way for their own safety and there is no way to know who will be in the houses and for that reason they have a lot of elderly people in the neighborhood and would like to keep it as is.

Councilman McGary stated in regard to these particular situations it is his understanding via conversation with the City Attorney that the only way homes such as the one Ms. Davis is seeking is via special exemptions permit; that he shares Councilwoman Berz's concern, but if someone were to come before the Council asking permission to open up such business there is no other way they can do it via special exceptions and asked if he were correct.

City Attorney McMahan stated with one exception, the State law provides that a non-profit corporation can establish a home with not more than eight in a single family residential zone, but our ordinance says if it is for profit they have to have a special exceptions permit.

Councilwoman Scott stated it is difficult to establish a home such as this anywhere because there is a lot of concern in communities for what may happen in the community and she appreciates the need for facilities that can act as residential facility for people that need this kind of oversight and care.

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilwoman Scott stated the issue in her mind is, is the potential for impact to the community greater than the need for the house and to her that includes looking at how that house will function in that community, is there enough parking for people to come in and out without parking over in the neighbor's yard and what is the ultimate risk for this. She stated it is a tough question because what a person wants is the best for the community and not wanting to have issues come up when people do things that are inappropriate; however, some of that happens in neighborhood even though there is not a home such as this. She expressed appreciation for both sides of the issue.

Councilman McGary stated it is his understanding that the Wheeler Avenue community will be immediately affected by the home, which is why Ms. Davis got the petition from Wheeler Avenue.

Ms. Davis stated this is the first time someone has come up and does not think it should affect the Wheeler neighborhood which is one of the reasons she was at the Wheeler Avenue meeting and most of the signatures came from Wheeler Avenue.

Councilman McGary stated that was his concern because the signatures received; that the President of Wheeler Avenue, Tangela Woodruff, signed it which would suggest to him they are in immediate vicinity of Avondale and was trying to get a good feel who would be most affected by this property. Ms. Davis stated Ms. Woodruff supports her 100 percent; that the other elderly people on Wheeler also support her. She stated everyone was just great and she has not had a problem; that this is the first opposition she has heard.

Councilman McGary stated in looking at the map Wheeler is one street over and they would be affected; that there seems to be conflict between Avondale which would be widely affected and Wheeler Avenue, which is immediately affected; that Wheeler has indicated they are for it but the representative from the wider community indicates they are against it.

Councilman Gilbert asked to see the petition.

M. J. Griffin of 4511 Pink Heather Trail addressed the question regarding the property and stated Ms. Davis does and has had a lease purchase agreement for over a year. He stated Tom Griffin is his son who is in Columbia right now and he is present representing him.

SPECIAL EXCEPTIONS PERMIT (Continued)

Mr. Griffin stated when Ms. Davis first approached them about this situation, they talked to their attorney and after conversation we wrote her a letter of agreement that it was perfectly alright for her to do this as long as she had the proper licensing and insurance. He stated she does have an option to purchase the property, a five year option that she has used a year of. He stated one other thing he wanted to address is early on Ms. Davis contacted him and she has been a tenant for five years and we have several properties but has never seen anybody like her. He stated she is an excellent tenant, takes care of the property, is a solid citizen and when she did talk to him about this he wanted to support her any way he could. He stated he was invited to a meeting of her community and there were a lot of people there and all of them agreed and had no problem with it. He stated frankly he understands anyone's concern, but was a little surprised because of the reception she got there. He stated as owner of the property they support her efforts 100 percent.

Joe Dossett of 4717 Oak Hills Circle stated he is property manager for Mr. Griffin and others noting Ms. Davis is the best tenant they ever had. He stated his wife lost her mother nine weeks ago and was almost a slave because she could not find people to keep her mother. He stated Ms. Davis should get a medal; that there were crack houses all up and down the street and this lady is trying to do something to help these elderly people.

Mattie Watson of 2419 North Crest stated she has a group home at 2810 Noah Street. She stated she was listening to the questions and she and Ms. Davis had been talking back and forth about running a group home; that she (Watson) has had a group home for 13 years. She stated everyone is going to get old one day and no one knows who will have to take care of them; that when a person has a heart and desire to do it, it is a sacrifice. She stated 24/7 has to be put in and she does this and it is a ministry; that because of the kind of person Ms Davis is she knows she will make a very good operator. She stated she takes care of her home and the records will reflect her concerns as far as people wandering; that it is dependent upon how the home is run. She stated she has people who have been a resident in her home for 13 years since the day she opened and to try to pull them out, she does not know what they would do; that it is how a home is run and Ms. Davis is a good person. She stated everyone is not capable of taking care of the elderly and mentally challenged; that it is a job but if she is willing to stand up to the task it is a blessing! She stated everyone cannot do it and there are a few that stand up and say they are willing; that she has been doing it 13 years and has the alarm system.

SPECIAL EXCEPTIONS PERMIT (Continued)

Ms. Watson stated the people do not wander off because they are glad to have somewhere to go; that Ms. Davis has a choice of the people she allows in as there is an interview process. She stated since she is willing and wants to work with the elderly; that they are not the ones that wander off and try to hit someone in the head or get drugs; that she is trying to look out for the elderly. She stated if there are any questions about the group home she is standing beside her with what she is doing and how she wants to do it; that she is willing to try to answer the questions because she is going to try to help her get established and to keep going forward.

Councilwoman Robinson stated this is the Council's hard job to make decisions like this; that obviously Ms. Davis is very dedicated and it is not an overstatement to say compassionate and wonderful people do the work these ladies do and they are right, we all are going to need it. She stated the thing that is at her crossroad at this decision-making moment is what is requested is a special exceptions permit and this Council has seen what has happened when we "cracked that door" and it goes back to what the neighbor has said, once a special exceptions permit is allowed even for the most qualified and deserving, we do not have the control over whether or not to grant those the next time; that we are almost compelled to and the next candidate may not be as qualified and deserving as this person. She stated it is not Ms. Davis' project or her as an individual that she finds herself now troubled about; that it is just the use of the special exceptions and that is something over the past number of years she has served on the Council she always voted against. She stated it is the principle of what happens in a neighborhood after they are allowed.

Councilman McGary stated the history that has been shared by the Council is there has been one special exceptions permit granted in Highland Park and the community was behind it; that he understands the original intent of special exceptions permits was to allow the Council to judge cases on a case-by-case scenario and if the community was for it that would settle the issue. He stated being that he represents both areas, Wheeler Avenue and Avondale, he is sympathetic to both of their concerns, however, it comes back to the one guiding principle, that it would be somewhat out of order for the community most affected to be for it and then the extended community to be against it; that he made a decision based on the extended community after the ones most affected said they are for it. He stated the signatures are there and the name of President of the Wheeler Association is on there and lives one street over from the property that is under discussion.

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilman McGary stated he just does not see how Ms. Davis has not done everything we asked her to do; that she has the signatures, has gone to the meetings and (he) remembers seeing her and the gentlemen at the meetings. He stated she has the support, the signatures and does not see why she is being penalized or would be penalized being that the special exceptions permit was on a case-by-case scenario. He stated the fairest thing to her, if there are concerns about special exceptions just because it is a special exception, would be the need to table the concern and rework the permit, that way she is not penalized, but to penalize her for a philosophical issue that has nothing to do with her but on our rule book is a “slap in her face” after she has done everything she is supposed to do. He **made the motion to approve;** **Councilwoman Scott seconded the motion.**

Councilman Murphy asked Ms. Wright if Ms. Davis came to an Avondale meeting. Ms. Wright stated she came to one and there was some disagreement; that she could have gone to the Wheeler Avenue meeting as they have theirs differently.

Councilman Murphy stated that they have a different group there, but this house is within the bounds of what the defined Avondale neighborhood bounds are. Ms. Wright stated that is correct.

Councilman Murphy stated he told Councilman Rico how many neighborhood associations he has and he couldn't believe it; that he refers to it as the Balkanization of his district! He stated sometimes small is not better because everyone cannot row together if they are rowing in different directions. He asked if it was Ms. Wright's sense that the entire association that was present was in opposition to this; that he has heard wonderful things about this lady, and hears the Wheeler Avenue folks are for her or at least many of them are and is wondering if one more week or two more weeks would let everyone get together and either become comfortable with one another or be able to articulate clearly why they do not think it is a good idea.

Ms. Wright stated if Mr. Murphy suggests a couple weeks that is fine, but when a “can of worms” is opened . . . She stated they have had so many problems in Avondale with more than single family dwellings and to try to undo something is so much harder than to prevent. He stated there is nothing personal as she does not know Ms. Davis; but the thing is they are trying to upgrade their neighborhood and other neighborhoods have had houses where they did not watch the people and they roamed the neighborhood.

SPECIAL EXCEPTIONS PERMIT (Continued)

Ms. Wright stated she does not know Ms. Davis' workers; that there are problems with the people within the house as they did not watch them and they just roamed, peeping in people's windows and wandering the streets.

Councilman Murphy stated that is the thing he is wondering about whether more time spent getting to know this lady might help; that there is not going to be an answer to that unless she operates it. He stated they might have more time with her and get to figure out what they really feel. He stated to say some other operators of group homes do a lousy job of keeping up with their people is not a fair basis to judge the applicant; **that it is better to defer for two weeks; Councilman Gilbert seconded the motion.**

Councilman Benson stated when we originally started this "slippery slope" it was out on Kirby or an adjacent street that had three ingredients, one was the owner that was recommending the house across the street from his was living there and he wanted the house back to R-2 from R-1 and also showed a good design of improvement and everybody on both sides of the street wanted it done. He stated Ms. Davis made a tremendous presentation and if she will get some agreement with the other adjacent homeowners, not somebody five or six blocks away, maybe the deferral will be good. He stated it is too bad the owner is an absentee landlord because he is not close enough to watch; that her past reputation and references might accommodate for some of that. He stated she has a fenced-in yard and has done a lot of things to improve the house and has a long history; that he would be for the deferral but he cannot afford to vote for it if there is dissention among the community and they think it will be harmful.

Councilman Gilbert stated if the deferral passes they can talk and put some conditions and agreements together and it will be a win-win for both sides. He expressed hope they will talk among each other as far as conditions.

Councilman McGary stated he wanted to make sure we are operating in good faith and asked Ms. Wright if there is a deferral it is his understanding her opposition is in principle and if there is a two-to-six week deferral, the Avondale community does not want to have any homes that will serve mentally handicapped or aged persons because they feel it is a "slippery slope" and there would not be a lot of movement on the part of the Avondale community. Mrs. Wright responded "correct".

SPECIAL EXCEPTIONS PERMIT (Continued)

Councilman McGary stated the deferral is a good political move but tonight we already have the information we need; that Ms. Davis has the names of the streets most affected; that if there was a deferral asking for more names it would be only fair to tell her how far of a geographical boundary she must reach, but the two streets immediately affected the names are there, the president of the associating is there, that community has said they want it and he does not see why we would put this off for two more weeks given we have just heard it will not do anything.

Councilman Gilbert stated on a deferral this one lady is present and in the past Avondale has had a mass amount of people coming to voice their opinions on different areas, so that is why he says to defer. He stated he knows Ms. Wright said "no" but everyone is not here to hear what we are speaking of, so to give them the opportunity to hear this in the neighborhood that might be for or against, they will have an opportunity for Ms. Davis to present the case to them.

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A HOME FOR MENTALLY HANDICAPPED AND/OR AGED PERSONS OPERATED ON A COMMERCIAL BASIS ON PROPERTY LOCATED AT 1318 ARLINGTON AVENUE

Was deferred two weeks (May 24, 2011); on roll call vote:

RICO	YES
MCGARY	NO
MURPHY	YES
SCOTT	NO
ROBINSON	YES
BENSON	YES
GILBERT	YES
BERZ	NO
LADD	YES

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT TO GVH (SHALL-JEN) & ASSOCIATES, INC. FOR A RIGHT-OF-WAY EASEMENT RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD TO JENKINS ROAD INTERSECTION IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND NINE HUNDRED SIXTY DOLLARS (\$96,960.00)

Was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH MORRIS & MCDANIEL, INC. FOR THE DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL TESTING FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN IN THE AMOUNT NOT TO EXCEED SEVENTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$71,500.00) AS AN ENCUMBRANCE TO THE PERSONNEL DEPARTMENT

Was adopted.

OVERTIME

Overtime for the week ending May 5, 2011 totaled \$35,385.53.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- ❖ **MICHAEL E. TODD** – Resignation, Recreation Specialist, effective April 21, 2011.

- ❖ **LORENZO WHITE** – Deceased, Equipment Operator 5, effective April 26, 2011.

PERSONNEL (Continued)

- ❖ **GERALD PERRY** – Promotion, Recreation Facility Manager 1, Range 14, \$35,000.00 annually, effective April 29, 2011.
- ❖ **MONTRELL BESLEY** – Promotion, Recreation Facility Manager 2, Range 15, \$35,911.00 annually, effective May 29, 2011.
- ❖ **CHRISTINA CLARK, KEIOSHA LEFTWICH** – Hire, Recreation Specialist, Range 9, \$26,798.00 annually, effective May 6, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **BRANDON ATKINS** – Promotion, Firefighter Senior, Range F2A, \$36,004.00 annually, effective April 22, 2011.

PUBLIC WORKS DEPARTMENT:

- ❖ **VANESSA Y. HOLLOWAY** – Family Medical Leave, Administrative Support Assistant 1, Traffic Engineering, effective May 26 – June 20, 2011.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilwoman Berz, the following hotel permits were approved:

EXTEND A SUITES – 2000 East 23rd Street, Chattanooga, TN

MOTEL 6 – 2440 Williams Street, Chattanooga, TN

RESIDENCE INN BY MARRIOTT – 215 Chestnut Street, Chattanooga, TN

THE CHATTANOOGAN – 1201 South Broad Street, Chattanooga, TN

Councilwoman Scott inquired as to whether the hotels are permitted every year. Chief Park responded that they are permitted every year and will get the information to her.

HOTEL PERMITS (Continued)

Councilman Murphy asked at what year were hotels required to have sprinklers; that he stayed in one the other day and there was nothing there to put out a fire.

Chief Parker stated he would check on the exact date; that he assumes it was in the 2003 *Code*; that if it was built before then he would have to research it. He asked Councilman Murphy to give him the name of the hotel and he would research it and they could talk after the meeting.

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund due to lowering of assessment for the previous tax year:

EXPRESS CHECK ADVANCED LLC -- \$3,338.88

PURCHASES

On motion of Councilman Murphy, seconded by Councilman Rico, the following purchases were approved for use by the various departments:

GENERAL SERVICES:

MOUNTAIN VIEW FORD
R50733

Blanket Contract for Ford Transit Connect Vans Adding Option Packages

\$2,700.00 per package

INFORMATION SERVICES:

COS BUSINESS PRODUCTS
R40566

PURCHASES (Continued)

Change Order for Office Furniture (*Per PO 507815 approved by Council February 22, 2011; change order due to bid specifications left out of the bid. Total award to COS: \$27,648.50.*)

\$3,532.00

PRESIDIO (Formerly Coleman Technologies)
R36838

Change Order for PO507088 to Increase Amount (*Approved by Council December 7, 2010; change order due to a limit being set on the PO.*)

\$300,000.00 Approximately

CHATTANOOGA FIRE DEPARTMENT:

AFC INTERNATINAL, INC. (Lowest and best bid)
R41661/301015

Blanket Contract for Crowcon Tetra Gas Monitor Replacement Parts

\$21,431.00 – Annual estimation

SETTLEMENT

City Attorney McMahan stated a presentation was made this afternoon in Legal and Legislative Committee describing the lawsuit Fairway Outdoor Advertising versus the City which involves a sign at the northwest corner of Gunbarrel and East Brainerd Road. He stated there had been a sign there before, a junior sign, a fairly small sign of 72 square feet and Fairway Outdoor Advertising filed an application to upgrade the sign to a medium sign which is substantially larger. He stated the department of public works, by mistake, issued a permit for them to do that in December of 2010 and in January of 2011 when the inspector went to the site to look at the hole for inserting the pole it was discovered the hole was very deep and big and decided this hole was bigger than it should be for a junior sign and then at that time they realized a mistake had been made for a permit for a medium sign.

SETTLEMENT (Continued)

City Attorney McMahan stated Fairway Outdoor Advertising has sued the city based upon the stop work order issued in January of 2011; that the basis for the suit is they spent over \$185,000 in buying the new sign and had spent money on various other construction related activities; that they had signed a new lease with the landlord which the owner of the property would get far more lease hold revenue from the bigger sign. He stated they also say they will lose more than one million dollars in future revenues because of the high visibility at this particular intersection and the value of the sign on that site. He reiterated there was a presentation this afternoon and there is a proposed settlement that will be put down in the form of an order that we would recognize in this case that they had been issued a permit that we would allow them to build that particular sign at that corner, but they would agree never to apply for another permit under similar circumstances. He asked that the Council members vote "yes" to authorize settlement or "no" not to authorize settlement; that he met with Council members individually and there were other options suggested, but because of the "nature of the beast" he asked the Council to vote "for" or "against". He stated if there are other options to be considered he will come back later with any other considerations.

Councilwoman Berz stated she was great until the phrase "under similar circumstances" was used.

City Attorney McMahan explained under the State Statute in Title 13, if this were not in the city of Chattanooga and not a Home Rule municipality, under State law a sign company like Fairway Advertising has a right to upgrade their sign one level, they can go from junior to medium or medium to large under State law on a site that is otherwise non-conforming for those kind of sites. He stated because we are Home Rule city that particulate Statute does not apply to us; that there could have been confusion generated by the fact that Statute is on the books.

Councilman Benson stated that is a scenic corridor. City Attorney McMahan responded "yes".

On roll call vote "Yes" or "No":

MCGARY	YES
MURPHY	NO

SETTLEMENT (Continued)

SCOTT	YES
ROBINSON	NO
BENSON	NO
GILBERT	YES
BERZ	YES
RICO	NO
LADD	YES

On roll call with a 5-4 vote, the City Attorney was duly authorized.

DOWNTOWN REVIEW DESIGN COMMITTEE

Chairman Ladd stated she has two people who have not provided her their selection of the four individuals that we will submit to the new Review Design for the downtown space; that she needs those so an accurate count can be presented on tomorrow.

TRANSPORTATION BOARD

Councilman Murphy stated he was approached by a gentleman whom he advised to get with Councilman Rico who is looking for a rate increase for taxi cabs. He stated the gentleman explained that the Transportation Board put down a temporary rate increase of .30 cents per tenth of a mile and that was for a 60 day increase. He stated the gentleman is not looking for that temporary level of increase and suggested going from the two dollar cab entry fee to \$2.50 and then .25 cents per tenth of a mile thereafter. He stated that he advised him to give him something in writing to provide to the Council and would inquire of the Chairman of the Taxi Board, Mr. Quinn, to see what his view of it is; that it seemed since the Transportation Board passed a temporary increase to .30 cents per tenth of a mile that a .25 cents per tenth of a mile would be relatively uncontroversial.

TRANSPORTATION BOARD (Continued)

Councilman Murphy stated it has been approximately eight years since there was an increase and certainly fuel cost and the rest of it has increased since then. He stated he hates to do it to those who rely on taxis and our tourists, but also wants to still have cabs that can be well maintained and reasonably new and nice appearing.

Councilman Rico stated there were some at the meeting who said that would put them out of business and would not raise it; that if people find out who is not going up higher they will get a lot of business. He stated some are afraid it is high anyway and people who use their cabs cannot afford it; that we try to explain to them they did not have to raise the prices, yet some felt they had to and was told "no" they do not have to raise it.

Councilman Murphy stated this would be a ceiling, a required standard everyone would have to charge; that if other operators could operate clean, comfortable, attractive taxis for less that would be to their competitive advantage. He asked the City Attorney that a resolution be drawn and will inquire of the Transportation Chairman if it is his sense that is a reasonable place to be.

COMMITTEES

Councilwoman Berz scheduled a **Budget and Finance Committee meeting for Tuesday, May 17** immediately following Legal and Legislative to hear the presentation of the budget from Administration.

Councilman Murphy stated the **Legal and Legislative Committee will meet next Tuesday, May 17.**

NEXT WEEK'S AGENDA: MAY 17, 2011

Chairman Ladd stated the agenda for next week was discussed earlier during the Agenda Session.

RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

At this time City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

MICHELLE YOUNG

Michelle Young of 6210 East Brainerd Road stated she wanted to give information to the Council; that she sent an e-mail to her representative and has not heard back. She stated in reference to the disasters recently she has done volunteer work and there is a real need for storm shelters; that we do not normally get tornadoes of this magnitude and devastation in this area and wanted to inform the Council there are structures that are sound and made of concrete and rebar which can be researched at monolith.com based in Italy, Texas. She stated these are concrete and rebar structures approved by FEMA which are unusual structures because they are round which is part of their protection against tornadoes because there are no walls to collapse. She stated it is hard to get traditional financing for these but we need to encourage our financial institutions; that financing can be given by the Monolithic Institute for schools, churches, community centers; that they are energy efficient and meet or exceed FEMA standards for providing near absolute protection and there are proven survivors of tornadoes, hurricanes, earthquakes and fires. She stated they are disaster resistant and usually merit lower insurance premiums; that she does not know who to contact for all of the areas that have been devastated or had damage, but has seen it firsthand in Ringgold. She expressed hope each Council member will help share the information and to research it and help provide safe structures.

Councilwoman Berz stated the address given means she lives in her district and noted she did not hear anything from Ms. Young. Ms. Young stated she sent an e-mail. Councilwoman Berz stated she has not received it and hoped she has not been "spammed out". She asked that Ms. Young call her office and send it to her personal e-mail; that this is the first she has heard of it.

NATHANIEL ROSHELL

Nathaniel Roshell of 1935 East 34th Street read from a prepared statement and stated he and the residents of the 1900 block of East 34th Street wish to file a complaint against the resident at 2002 East 34th Street known only to them as Marcus. He stated this individual is using his residence as a garage and/or shop to work on cars; that the area is zoned residential and not for any kind of business. He stated he and others are present to ask the Council for help in shutting down this business which has been a problem since the neighbor moved in four years ago. He stated they have tried everything to get action on the matter and he has tried to call Councilman Rico to discuss the problem. He stated he has called 311 more than 25 times about this person; that the loud noise of engines, cars blocking the street and sidewalk and people constantly in and out to get their cars worked on is a problem for them; that this disrespects the rights of the neighbors to live in a peaceful environment. He stated there are tire marks all in the street from cars spinning around and there is always the chance of someone getting injured or property damage. He stated they have called the police many times and they have talked to the neighbors; that the police said there is nothing they can do. He stated the business causes a constant disruption to the neighborhood and also asked that the basketball goal on the sidewalk be removed, as well, because this is a hazard to drivers as people are playing basketball in the street. *(A copy of Mr. Roshell's statement is filed with minute material of this date.)*

Councilman Rico stated he knows we have been through this and tried to help; that "Dickie" Hutsell and Randy Ridge have been out there but when they go out there, there is nothing going on and does not know if he sees them coming as he has sent them out there. He suggested maybe it should go to city court.

Mr. Roshell stated for about a month he has not been there; that they think something has transpired with that but wanted to be sure in bringing the petition to the Council. He distributed photos of the tire marks and of the people coming to his house working on the cars. He stated he moved in the community nine years ago and has talked to the guy; that they have done everything they could; that they want the street rid of the problems. He stated for the police and 311 to say there is nothing they can do he knows the summer is coming and the person will have a lot of friends over there playing basketball in the street and see the cars coming but do not move out of the street! He referenced the blind spot on Second Avenue; that it is an ongoing problem in the community and they would like to get back to where it was – peaceful! He stated he cannot sit in his living room to watch television and his granddaughter cannot sleep; that this goes on all day and all night with the basketball and working on cars.

NATHANIEL ROSHELL (Continued)

Councilman Murphy asked if they have not seen much car repair in the month. Mr. Roshell stated it has been about a month he has not been working; that he does not know if he has gotten the message or tired of him (Roshell) calling.

Councilman Murphy stated maybe he got the message. Mr. Roshell stated they do not know and is the reason they are bringing it to the Council to be sure the message has gotten to him.

Councilman Rico stated if it starts again for Mr. Roshell to call him.

Councilman Murphy stated there may be other ways to deal with the problem if it "rears its head" again.

Mr. Roshell stated the person does not control his children who have cursed them and are totally disrespectful kids.

Councilwoman Scott asked if the cars being worked on are the person's who lives in the house. Mr. Roshell responded "no"; that they are friends' cars. He stated they know his cars and have no problem with him working on his own cars. He stated if he wants to run a business he should go over to his friends' houses!

Councilwoman Scott asked if this is a business where money is exchanged. Mr. Roshell responded "yes" that he gets money for doing this. He stated even if he is a Good Samaritan, they do not want it there as he is covering up the street, sidewalk and grass.

Chairman Ladd stated Councilman Rico will give attention to this. Mr. Roshell expressed his thanks.

PERRY PERKINS

Perry Perkins of 11816 Country Estates Drive, Apison, Tennessee came forward to thank everyone for all the City of Chattanooga has done for them in Apison! He stated they got hit by the tornado that came through their street and he has neighbors who have lost their homes. He stated when he looked up and saw Chattanooga Police officers driving down their street he thought the Mayor had annexed them while the power was out!!! He stated luckily that did not happen! He stated the Sheriff has done an outstanding job and will address the County Commission about this on Thursday.

PERRY PERKINS (Continued)

Mr. Perkins stated they had Red Bank officers, Collegedale officers and the Tennessee Highway Patrol come in their community and one of the things that people were concerned about was looting because they kept hearing that. He stated there was no looting in Apison and thanked the SWAT team as he knows Randy Dunn and talked to Tom Kennedy the night of the storm; that they came through with chain saws trying to get to them noting that it took four hours for the police to get to his street and that was by foot! He stated if anybody was hurt they were going on Life Force. He again thanked the police officers who did an outstanding job. He stated they plan to have a community cookout May 22 and will send an invitation by e-mail or stamp mail. He stated he wanted to make sure all the police officers, EMA and anyone else from Chattanooga that came and helped them knew about it. He stated the neighbors asked him to come down and speak as a lot of people are still cleaning up their street and yards as there was a lot of devastation and loss of life. He stated he cannot thank the city of Chattanooga enough!

Chairman Ladd stated Apison got to see what we get to live with everyday – outstanding men and women that serve the city of Chattanooga and Public Works and emergency response. She stated our thoughts and prayers are with everyone in Apison.

Councilman Murphy took the opportunity to make Chief Parker blush a little stating that we have some very excellent urban search and rescue trained fire fighters, a lot of them! He stated the rural areas just do not because that is not the level of service that they typically have; that as much squabbling that has gone on about where a line is or border, our urban search and rescue with the Chattanooga Fire Department went well out of their jurisdiction to help our neighbors regardless of what community they lived in. He stated he knows that was difficult duty for them because when they were finding folks that did not make it, it was not nice. He stated he is very proud of our city – that we stepped up and did that and did not pay attention to the line on a map!

Mr. Perkins stated twenty-five years ago if that would have happened the Council would not have had the police officers come across the city limits; it would not have happened. He stated there is the Sheriff's office working with Chattanooga police and other agencies now and they pay county taxes and the city does not get that money. He again expressed his thanks, noting that it means a whole lot to the folks out there. He stated several of the neighbors paid parking tickets when they saw the Chattanooga police motorcycles driving down their street; that the city will get some of that back!

PERRY PERKINS (Continued)

Councilman McGary stated hopefully when we get ready to annex Apison Mr. Perkins will be ready to take us in and will sing our praises!

Mr. Perkins responded "I will".

MONTY BELL

Monty Bell stated he is still homeless and stated he has been away for awhile and talked to some people about helping him get out of his homeless state. He stated in lieu of some things that have happened the last couple weeks, those wanting to help are quite fearful of coming here to help him with billboard and radio advertisements. He read from a letter entitled "How money matters in Chattanooga". He made reference to deadly youth violence, low education achievements, triple digit under-employment rates and the massive incarceration among the black agenda in Chattanooga. He asked how it is possible in 2011 that African Americans seem to know about the history of Christopher Columbus but know very little or nothing at all about Medgar Evers, Malcolm X or Martin Luther King, Jr. He stated today America spends more than \$400,000 annually in some states to incarcerate juveniles, particularly Black American males and spends less than \$10,000 to educate a child. He stated nationwide there are more than 11,000 broadcast stations and only 239 are black owned, noting one person owns 53 of those. He stated Black radio in Chattanooga "died" a long time ago with no Blacks in media ownership in radio/television and there is an invisible focus in print media. He stated it has been nearly 31 years ago that his career in the 1980's was politically derailed in his hometown, the "Choo Choo City"; that worst of all are the antebellum type Blacks who gave into or were sexed into Hollywood's pretense of a colorless society in America, particularly in the South. He stated in today's *Times-Free Press* the editorial says "*Littlefield said before he leaves office he would like to see Chattanooga and Hamilton County governments consolidated into a single government*". He stated this political setback taking the city back to the days of the GOP and Reaganomics and back to when at-large elections were being held in Chattanooga from 1906 until the end of 1987. At this time Chairman Ladd made Mr. Bell aware that his three minute time limit has expired.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, May 17, 2011 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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