

**City Council Building
Chattanooga, Tennessee
November 9, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, 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 Berz gave the invocation for the evening.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2010-100: Highland Park Commons

Councilmen Murphy and Robinson made the motion and second to substitute the amendments to this ordinance; the motion carried.

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING ALLEYS LOCATED IN
THE 2000 BLOCK OF KIRBY AVENUE ADJOINING TAX MAP NOS. 146N-
M-001 THROUGH 146N-M-006 AND 146N-M-025 THROUGH 146N-M-
034, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

Passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Benson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 10, SECTION 38-133(4), MXU-MIXED USE ZONE, TO APPLY THE MAXIMUM BUILDING FOOTPRINT TO RETAIL USES ONLY

Passed first reading; **Councilman Murphy voted “no”**.

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-150, 2-161, AND 2-162, RELATIVE TO HOSPITALIZATION AND OTHER BENEFITS AFTER RETIREMENT, PERSONAL LEAVE, AND THE PERSONAL LEAVE TRANSFER PROGRAM, RESPECTIVELY

Passed first reading.

REZONING

2010-069: Page Family Properties, Inc.

The applicant was present; opposition was in attendance.

Councilman McGary and Murphy made the motion and second to approve this request.

John Anderson of the firm Grant Konvalinka and Harrison stated he was present on behalf of Page properties and introduced Ruby, Larry, Tim and Johnny Page, owners and operators of the property at 1500 East 51st Street. He stated the request is for the property to be rezoned M-2 subject to conditions that the use of the property be “limited to storage, parking and maintenance of Family Page Properties’ equipment and vehicles; that the maintenance activity or any noise producing would be permitted only Monday through Saturday between the hours of 8 a.m. and 6 p.m.; that the Page Family Properties would coordinate with Chattanooga Landscape Coordinator to plant certain shrubs and trees outside of the 9 foot metal fence; and that the entrance gate from 51st Street for Page Family Properties’ be used for their vehicles”. He requested that it be rezoned for that noting they have provided information to Council and submitted a notebook for the official record.

REZONING (Continued)

Mr. Anderson stated that this has been an industrial use that dates back to at least 1966 and this area has been subject to a land plan 35-40 years ago that recommended that residential not be expanded into this area; that this is the highest and best use for this property and this property would be part of the operations and with the restrictions the recycling operation, which is in the state of Georgia, will not be carried over to this property.

Councilwoman Berz asked Mr. Anderson if she understands that the noise that has been complained of is located in Georgia. Mr. Anderson responded "virtually all that is in Georgia".

Councilwoman Berz stated one of the conditions would be that the noise on the property now would occur only Monday through Saturday and asked what noise is that.

Mr. Anderson responded "to the extent that there is any noise"; that he supposes there is noise from starting vehicles and moving them and noise from wrenches that might be turned; that they are not talking about significant noise at any stretch at all. He stated what he read was the way the Planning Agency and Planning Commission phrased that condition as that would not have been his choice but used their choice of words; that the activity on this property is limited to storage, parking and maintenance of vehicles and equipment only.

Councilwoman Berz stated that is what confused her and asked what are we talking about. Mr. Anderson stated in looking at the conditions that the applicant could agree to, they agreed to those conditions and took the wording as the RPA and RPC put together.

Councilwoman Berz asked Greg Haynes if he has something relative to noise that he had in mind; that she does not think we can do anything about noise in Georgia and is supportive of this; that her hackles went up when she heard noise again in Tennessee.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that he gave Council members a handout for the cases which might help in discussing conditions and Planning and Staff recommendations.

REZONING (Continued)

Councilwoman Berz stated that she is looking at it and it says "noise" as that was Staff's recommendation when this was presented last month. She stated it does state "maintenance activity and any noise producing activity permitted Monday through Friday between 8 and 6 p.m. only"; that it is the applicant's understanding any noise being produced would be from equipment they would be using for that number one item which is "storage and maintenance"; that any maintenance activity, if that created noise from some of their machinery and tools, that was Staff's understanding of the level of noise and included that in the conditions to address the noise issue; that otherwise it would be stated "activity or hours of operation limited to 'whatever' hours".

Mr. Anderson stated they are amendable to that change and it is fine with them.

Councilwoman Ladd stated she also had a huge concern with noise and that was testimony that concerned her the last time we heard this and today she went out to the property because she wanted to see for herself what it looked like, where it was located and wanted to listen. She stated she drove up into the yard and heard nothing; that there was a crane in operation at the time she was on the property and she really did not hear the crane making noise. She stated there was no noise during the time she was there which was probably 10:30 a.m. – 10:45 a.m. and was probably in the area for 20-30 minutes and kept listening to see how effective that noise concern would be and it was nonessential. She stated she also found the property was extremely clean; that she expected to see large piles of debris and disarray and it was clean! She stated the area in question that we have before us is actually in Tennessee and was pristine, cleared, cleaned and looked good; that it looked like a brand new fence is around it and was impressed with the neatness of the property, the cleanliness and was extremely impressed that she did not hear any noise at all during the time she was out there.

Councilwoman Benson expressed support for Councilwoman Ladd's comments noting that he voted against this the first time and did so upon hearing testimony that noise was actually bursting the eardrums of someone in the community. He stated he went to look at it after he voted on it and should have gone prior to; that he spent a lot of time out there and watched them hold the cars up in the area and lower them down to about four feet from the truck bed and drop it on its wheels and it was not an excessive noise at all, not at all! He stated maintenance activity or any noise producing activity is included in the conditions and it is hard not to have a noise producing activity. He inquired as to what degree of noise is meant.

REZONING (Continued)

Mr. Haynes stated he does not know how better to explain this as it was to address any operation or any noise as this discussion came up at Planning Commission and at Staff review about noise producing. He stated the condition is to address any potential noise this might produce, not ear splitting noise that was discussed last month. He stated the condition is simply to address that and the only way to address any noise is to limit hours of operation because the city has a noise ordinance and does not know what the decibel level is; that it is not really the Planning Staff or Commission's job to set any additional decibel level for noise reduction. He stated the only way to address it is with hours of operation which was the purpose of "condition two" in stating there is some noise associated with that and to give some reason behind the hours of operation restriction.

Councilman Benson stated it is not close to anyone's home out there; that he was led to believe they were right on top of it and there is a pretty good distance to hear any kind of noise unless it is an extraordinarily loud noise.

Mr. Haynes expressed agreement; that he went out to the area and double checked and as has been said he did not hear any noise as was described at the last Planning Commission meeting or at City Council.

Virginia Goss of 1412 East 50th Street stated as far as the noise is concerned it is ear busting! She stated when they see you go out there and they see you they know to quiet down -- it is that simple! She stated they are making noise, sharp sounding noise; that she has ear plugs to plug in her ears and displayed a plastic bag with several ear plugs in it. She stated she voted for about eight of the Council members, but if they vote against her she will not vote for them anymore! She stated she lives out there and passes by walking for exercise so do not tell her there is no noise. She stated the new part they bought they are making noise about four hours of it; that they know to quiet down if somebody appears and they are forgetting the inspectors of Chattanooga have been out there about noise for the third time and that should tell them something. She stated the inspectors are doing their jobs and one day there was so much noise for so many hours the police came with their sirens on and the crane went off instantly; that it did not run for three-or-four days as the police got them; that the Council is forgetting the police and inspectors. She displayed a diagram of the ear canal and stated one sharp sound at a high decibel can deafen a person; that she worked for Standard Coosa Thatcher and OSHA moved in on the company for noise and was going to fine them \$100,000 to bring the noise down; that they brought it down and all of them wore earplugs including the millionaires that run it.

REZONING (Continued)

Ms. Goss stated no one came in the plant without ear plugs, plus they took a test every six months and if they had workers working for them they would be able to sue them later on for hearing loss and that is OSHA "talking". She stated another good thing that has happened is that the Environmental Protection Agency is doing a five year study that she is glad of because it is in Mr. Rico's section of Piney Woods in Alton Park where coal used to be and the land is contaminated; that where she lives were coal yards that they call "black bottom" because coal is black, which is not hard to understand. She displayed a police report noting that the electric box on her house was stolen and was cut from the main cable and she told the police she thought the salvage yard bought it.

At this point Ms. Goss' three minute time had expired and Chairman Rico indicated that her time was up. It was then determined that Ms. Goss had an additional five minutes as she was the only person present in opposition.

Ms. Goss continued by stating "those men" told her to go over there; that she talked to one of the Pages she had talked to several times who had been friendly. She asked him if someone brought in her electric box that was cut from her house and he went blank; that his face and neck became red. She stated she told him she does not have electricity and needs the box; that the police estimated the box at \$200. She stated Mr. Page would not tell her if he bought it and asked him to tell her "yes or no" however he would not give an answer. She referenced Sheriff Hammond wanting to stop stealing in Chattanooga and stop those that are buying stolen items. At this point she distributed photos of the box that was stolen from her home; that the Council members were looking at the property but they never talked to her and she could have shown them her box was gone as she lives in the city's limits. She stated she has to have another box installed by a licensed electrician, in addition to having a city inspector to inspect it. She stated that she left a message for Councilman Murphy about the environmental stuff and quoted a Chinese proverb, "Don't bite the hand that feeds you". She stated if the Council has someone voting for them they should be thankful indicating the outcome of the last election. She pointed directly at several of the Council members that she voted for and noted that charity begins at home and not in Trenton, Georgia; she referenced Hooker Road and its history that goes back to the Civil War when General Hooker marched through and built the road. She stated Council members have good jobs because the voters put them in; that she is on pension and a new electrical box costs money.

REZONING (Continued)

Mr. Anderson clarified that Jim and Johnny Page have lived on Old Wauhatchie Pike inside the city limits of Chattanooga 37 years and they are Chattanooga residents and have been a part of this community. He respectfully requested rezoning the property 1500 and 1506 to M-2; that they did look to see the zoning ordinance when it was changed to R-2, but could not find the zoning ordinance and spoke with the City Attorney's office and Mr. Noblett; that they could not locate it, RPA could not locate it and they found where it was rezoned M-1 but not R-2. He requested the property be zoned M-2 as that would clear everything up and the conditions referred to earlier.

At this point Councilman McGary called for the question.

Councilwoman Berz stated the only thing she has a problem with is the way it reads now "maintenance activity or any noise producing activity" that gives permission for any noise producing activity Monday through Friday; that she does not think that is what is intended.

Mr. Anderson stated they would be glad to work with the city attorney's office to modify that prior to second reading so it will be a more accurate description.

Councilwoman Berz stated she understands what Greg says but as it reads it says "any noise producing activity is permitted". Mr. Anderson again stated they would work that out and have language; that he will work with Mr. McMahan to make sure that is done.

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
 CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
 LAND LOCATED AT 1500 AND 1506 EAST 51ST STREET, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO
 M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

REZONING

2010-117: Page Family Properties

The applicant was present.

REZONING (Continued)

Councilmen McGary and Murphy made the motion and second to approve this request.

Mr. Anderson stated the bulk of what has been said previously is applicable to this, as well as conditions that state "use of property may be limited to storage, parking and maintenance of Page Family Properties' equipment and vehicles; hours of operation limited to 8 a.m. to 6 p.m. Monday through Saturday; and coordinate with the Chattanooga Landscape Coordinator to plant shrubs outside a 12 foot metal fence without moving the fence back an additional feet" because it is thought the landscape ordinance is not "triggered" since they are not making any expansion. He stated the Pages are investing \$150,000 on the fence.

Councilwoman Scott addressed the Page family and informed them that the information provided helped her quite a bit; that she did read the information and the maps and the discussion was very helpful. She expressed appreciation for sharing the information with the Council.

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
 CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 1562 EAST 51ST STREET, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT
 INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

REZONING

2010-109: Ken Pritchard

Pursuant to notice of public hearing, the request of Ken Pritchard to rezone a tract of land located at 1133 Old Pineville Road came on to be heard.

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

Was deferred 30 days (December 14, 2010).

REZONING

2010-130: W. C. Helton

Pursuant to notice of public hearing, the request of W. C. Helton to rezone a tract of land located at 200 East 37th Street came on to be heard.

The applicant was present; opposition was in attendance.

W. C. Helton stated when he bought the Franklin Middle School property a year-and-a-half ago he went in with R-2 which he felt was suitable for professional offices and activities he had in mind for the use of the property. He stated since then he became involved in the community and got interested in what he could do for the community as a good neighbor and through Lurone Jennings to date he has provided 19 jobs beginning this past summer and is looking forward to providing more. He stated he talked to various people about what he could do in the community to help in fundraising and other efforts as it is a good school building with a good auditorium, cafeteria and gymnasium – things that could be used for a lot of activities. He stated under R-2 he discovered he could not do any kind of retail work and wanted to go back to get more flexibility; that he originally requested M-1 which he thought was the most flexible. He stated he met with the community and they did not want an M-1 for fear of a lot of things such as hazardous materials problems that have been in the community before; that it was suggested to go for C-2 which he agreed to at the zoning commission and was unanimously passed. He stated that is the reason he is requesting the change to do what he wanted to do in the beginning, plus do some things for the community.

Mr. Helton stated the building is in good shape and noted he has spent several hundred thousand dollars on it so far and just spent \$20,000 two weeks ago to clean up three acres of a community dump that has been going on for 20 years; that all ten acres have been cleaned, manicured and mowed. He stated eighteen, thirty square yard dumpsters were hauled out of that one area with household garbage thrown there over the years; that it is now very nice, reseeded and coming up really good which makes the whole property and medical center look a whole lot better; that the people have expressed great appreciation for what has been done. He stated he is going for this so he can do more in the way of retail work which would be in the community; that in that particular community there is not going to be professional office needs for architects, engineers, that sort of thing. He stated small businesses have been discussed in the community plus job opportunities for people.

REZONING (Continued)

Mr. Helton stated if the Council chooses not to pass this he will be disappointed because a big and good thing will be lost for the community; that some of the people in the community at the last meeting voiced an opinion that even though he may not put night clubs and other detrimental things in, the next guy might and he asked that they not try to handicap him for what might happen ten years from now. He stated if they were to come up with a list of limitations they want to put on it he is certain the Council will hear that; that he has faith in them and had hoped they would have faith in him; that his Christian family values rule everything he does. He stated he would never put a night club in and never go in with a check cashing business, a pool hall, beer joint or that sort of thing; that his position is after the Council hears the objections and decide not to give him C-2 he would ask that they please drop his request; that he will stay with the R-2 if that is going to be the situation.

Councilman McGary asked Mr. Helton to repeat how much of his personal money has been invested in this building. Mr. Helton responded "approximately \$350,000".

Councilman McGary noted that has been primarily toward... Mr. Helton stated the building had been vandalized greatly; that the structure of the building was good. He stated all the copper water lines and electrical wires had been pulled out; that he has completely restored the plumbing and wiring and the next big thing in the infrastructure will be the heating and cooling situation. He stated the building has been cleaned and repainted and has had a meeting in there with the community already; that there is a beautiful 1,000 seat auditorium and he has had direct contact with a supporter of the fine arts group in town who is definitely interested in some of the space over there for practicing, particularly where the stage is available as they do not have that where they are now. He stated there could be all sorts of musical concerts, theatrical presentations and athletic contests as there is a beautiful gym, one of the prettiest he has ever seen. He stated he is a retired school administrator who has worked in a lot of schools and it is just a beautiful building.

Councilman McGary inquired as to the number of community meetings that have taken place. Mr. Helton stated there was a meeting at the school with about 60-or-so people attending; that he had a meeting with a local group the other day with about eight-or-nine people attending.

REZONING (Continued)

Councilman McGary clarified there was a total of two meetings. Mr. Helton stated Lurone Jennings of the Bethlehem Center was his first contact in the community; that he met him through his son and worked with him a great deal in finding out as best he could what was going on in the community, what the needs were and he was very encouraging that he could help in finding laborers for construction jobs. He stated Mr. Jennings gives them a full day's orientation and they come in with a good foundation and background of what he would expect as an employer and what is expected of them as an employee; that 19 people have been put to work.

Councilman McGary asked if it is Mr. Helton understanding after meetings with the community that they are opposed to M-1 zoning because of hazardous material being allowed in that zone and in five-to-ten years who ever may own the building in the future could possibly come in and do some things the community would object to. He asked if Mr. Helton understands that is the community's chief objection.

Councilwoman Berz stated he is certain Mr. Helton is a man with very fine values and asked if he would not be opposed to conditions that run with the land. Mr. Helton asked "such as ..."

Councilwoman Berz stated anything that would represent the values of the community like no pool halls or whatever their objections, if he would be adverse to conditions that run with the land.

Mr. Helton stated at this point in time at the first meeting with the 60 people it was suggested C-2 rather than M-1 and after looking into C-2 he thought it was perfect for what he has said and hopes to do. He stated at our last meeting they brought some of the restrictions they might like to see in there and one of those was he could not operate after sundown or something of that nature; that he cannot have the kind of activities he talked about and would have to be careful about the restrictions in trying to get one thing accomplished and "blow the dam" on everything else; that he would not be able to do everything else. He stated his feeling is that they should have faith in what he has said and go with the C-2; that he is a businessman, now, and feels as a businessman he needs to have the freedom of C-2 to run his business and while he wants to cooperate with the community he does not want people saying "you will do this and you will do that". He stated he and his wife's name is on the deed and if someone wants to dictate everything that should be done there they should buy the building and do what they want to do. He stated he is not a crook and not a liar and does not operate outside his Christian and family values.

REZONING (Continued)

Councilwoman Berz addressed Mr. Helton and stated now that he has said all that would he be opposed to conditions that run with the land. Mr. Helton stated he would have to be automatically opposed to it because one clause may prevent him from doing anything that he talked about.

Rosemary Porter, a resident of Alton Park and member of the South Chattanooga Association of Neighbors and the Villages of Alton Park Neighborhood Watch, spoke in opposition. She expressed thanks on behalf of the organizations in allowing them an opportunity to present their recommendations regarding the proposed rezoning of Franklin Middle School. At this time she read from a prepared statement which has been spread upon the minutes:

“We – the South Chattanooga Association of Neighbors, The Villages at Alton Park Neighborhood Watch, Alton Park/Piney Woods residents, and other community stakeholders – recommend that the City Council defer the C-2 zoning change request for the Franklin Middle School property, located at 200 East 37th Street. Our intent in deferring this zoning change is not to stop or control redevelopment of the site. Instead, we are seeking rezoning that will promote, protect, and sustain the vitality of the neighborhood by allowing the development of commercial businesses that are compatible with and complementary to revitalization efforts, as proposed in the Alton Park/Piney Woods Community Plan currently under review by the Chattanooga-Hamilton County Regional Planning Agency. We also request that – until Property Owner W.C. “Bud” Helton provides to members of the community and RPA staff his specific, written plans for redevelopment – any rezoning of the site be deferred or denied. As many of you are aware, our city’s industrial past has left an indelible mark on Alton Park and on the health of its residents. In partnership with local governments and the business and nonprofit communities, we are working to improve our living environment, to recruit and develop businesses that create jobs for residents, and to strengthen our sense of community. For nearly 50 years, Franklin Middle School and the Southside Community Health Center have been major centers for education, health services, and community activities. This 9.35-acre site remains important to us. Mr. Helton has requested a zoning change for the property two times prior to this request. The first was to R4 with conditions, which allowed him to accomplish the training center and offices he had planned for the property. About a month ago, he requested an M1 zoning change. During an October 5th meeting with Alton Park residents, Mr. Helton stated that his reason for seeking M1 zoning was to allow him the opportunity to recruit commercial and retail businesses that would meet the needs of the community, along with providing space for arts-related activities.

REZONING (Continued)

We opposed the M1 zoning because – after meeting with RPA staff – it was our understanding that their standard practice was to recommend the most conservative zoning a particular business would need. This practice helps protect neighborhoods and is meant to create more connected, livable communities. Also, 64% of Alton Park and Piney Woods is zoned for manufacturing and, in the RPA's land use plan, the Franklin Middle/Health Center site is recommended for mixed-use office space. At the October 11th Planning Commission Meeting in which Mr. Helton received today's C-2 rezoning recommendation, Commissioner Moon advised us to look carefully at the uses permitted under C-2 zoning and to meet with Mr. Helton to work out a compromise. We took his advice to heart and – after several meetings with RPA staff to better understand the different commercial zones and with residents to hear their concerns – we met with Mr. Helton on November 1st to learn more about his plans. We asked that he accept "certain conditions" on the C-2 zoning that would protect current and future uses of the site – including conditions regarding traffic, lighting, operation hours, noise, and undesirable retail businesses. Franklin Middle and the Health Center are adjacent to a residential and proposed recreation area. Mr. Helton's response was that residents should trust that the businesses he plans to recruit will not adversely impact Alton Park. However, he would NOT accept any conditions on the C-2 zoning and preferred, instead, to leave the property with its current R-4 zone. It is our hope that City Council members will defer this rezoning request to the Planning Commission for further review and recommend that Mr. Helton provide a written plan for redevelopment of the site that complements the RPA's proposed land use plan for Alton Park/Piney Woods. ." **(A copy of Ms. Porter's statement is filed with minute material of this date.)**

Darnell Walker stated as a group they have not met with Mr. Jennings at all on anything other than at the first initial meeting at the School site. He stated basically they want something in writing to show what type of businesses Mr. Helton plans on bringing in there; that on the application it was very vague and just had "retail" on there and they expressed their interest that they want what he has in mind and believe he is heartfelt in what he is wanting to do; that they want the C-2 but want to add some of the proposals they have in mind. He stated they want it deferred until they can get a better idea of what Mr. Helton has listed with reference to businesses.

Councilman McGary asked if the list given to the Council with the listed conditions were given to Mr. Helton. Ms. Porter responded "no"; that it was spoken. She stated they did not have a list at the meeting they had with Mr. Helton but did ask him about some of the things they do have on the list.

REZONING (Continued)

Councilman McGary asked if they indicated some of the items and Ms. Porter responded that "they indicated all of the items". Councilman McGary clarified that all on the list were spoken to him. Ms. Porter responded "yes"; that he stated he wanted some of the same things they want, but what he said was he did not want any conditions and would not accept the C-2 with any conditions; that he wanted them to trust that he would not do this and they do not know him, noting that he is a business man. She stated if his property fails and he sells it and someone else "flips" it they will be in the same predicament; that they want something better and good for their neighborhood; that what he says sounds real good. She stated if the C-2 is written out why not have some conditions with it; that if he wants the same thing they want and they want what he wants, what is the problem with the conditions.

Councilman Benson stated Mr. Helton stated if he could not get M-1 he would leave it as it is; that R-4 is broader in many ways than C-2. Mr. Helton stated R-4 does not allow retail and he could not do anything for anyone with that in the community.

Councilman Benson stated he does not blame the community; that anything could happen one week after this is rezoned; that if he goes to M-1 he would want to try to see which things he would want to put in perpetuity at least until a new zoning change comes; that it does not mean he cannot sell it and then they can get it rezoned again. Mr. Helton stated he is going for C-2; that the original application was for M-1 however after talking with people in the community it was changed to C-2. Councilman Benson stated C-2 is more restrictive than R-4 in some ways.

Ms. Porter stated they did not change it; that when they went to the Planning Commission they suggested C-2, however because they did not know anything about any zoning at all they asked for time to learn about the different zonings and they temporarily gave him the C-2 until we could get together with one another and come up with a compromise. She stated that is how they got the C-2. Councilman Benson stated the property is R-4 now and that is pretty broad.

Rev. Lurone Jennings came forward at this time and stated since his name has come up on several occasions he wanted to address the matter. He stated that he met Mr. Helton through his son as he does church consulting; that he met his son in Louisville, Tennessee and Mr. Helton approached him.

REZONING (Continued)

Rev. Jennings stated he and Mr. Helton worked on finding jobs for young men in the Alton Park community; that Mr. Helton has a construction company and they were doing construction consulting with the Bethlehem Center and PSG, another company he works with. With what Mr. Helton was trying to do in the community his (Jennings) job was to help get jobs for the young men who are hanging on the street corners doing nothing and involved in gangs which was his main concern. He stated when things began to evolve in the community and it was brought to his attention of what he (Helton) wanted to do long term, he (Jennings) told Mr. Helton that they needed to stay focused on what he was going to do for the community. He acknowledged that he does not live in the community but works in the community and has been (working in the community) for the last 30 years; that the residents need some involvement to decide what takes place and what happens. He stated his choice was not to get involved from the political perspective as he does not want to go to a lot of meetings talking about what needs to happen to those young boys that are hanging on the street, going to jail and involved in gangs as he wanted a "quick fix" and Mr. Helton stated he would hire as many young men as he could bring him, so they cut a deal!

Rev. Jennings continued by stating they went to work last summer and Mr. Helton did exactly what he said he was going to do with all their "baggage" and troubles; we trained them, he put them on the payroll and that was what he was interested in. He stated he does know the community has to make the final decision and whatever that decision is, he is going to continue to work with Mr. Helton for those individuals, whomever he sees fit to help him help them and with all the meetings and other things going on, he was looking for a "quick fix" to help young men, particularly for the summer as all know what it is like in the summertime as it gets hotter and there is more trouble on the streets. He stated he "cut a deal" with Mr. Helton doing whatever they can but the community has to be involved; that he needed jobs and needed them fast and that is what they agreed to do and what he did; that he (Helton) kept his word and is still keeping his word and whatever happens with this situation they will still work together to find ways to get these young men off the street. He stated Mr. Helton did something faster and quicker coming from out of town than we have been able to get some things done locally; that he is going to work with him and respects everyone's decision; however, those guys on the street and the children looking for help are not interested in the other things going on; that they are desperate and they need help and that is what he is looking for and that was what he and Mr. Helton did and will continue to do. He stated whatever plays out he will continue to work with the community but he is going to stay and try to help those young men out there on the streets.

REZONING (Continued)

Rev. Jennings stated as he walks the streets with them every day there is trouble; that we might not want to face it but there is "real stuff" out there and they need jobs!

Commissioner Warren Mackey stated Mr. Helton rendered a major service to this neighborhood and has done good work; that he has cleaned up the building and offered a lot of hope and promise to the people who live in the neighborhood. He stated he would also like to say this is a neighborhood that has been made many, many promises and those promises have been reneged upon; that right behind this property they were promised a playground, golf course and it all went away. He stated it is his thought Mr. Helton is a fine and honorable man but at the same time he (Mackey) represents people who for a lot of reasons are skeptical and they have had all kinds of tricks played upon them. He stated this community is looking for some assurance that the kind of businesses that will degrade this neighborhood will not come in as they have made huge steps to improve their neighborhood and he would like to see it continued.

Councilman Gilbert expressed thanks to Rev. Jennings in reference to his statement in helping the youth as it is definitely needed in our community. He stated in his community there was a situation similar to this where there was a C-5 and the applicant wanted C-2; that some in the community wanted it and some did not. He stated they placed conditions on the request noting if anything happens to Mr. Helton or someone sells the property under C-2 a liquor store and other detrimental businesses in C-2 can come in. He stated it is his thought night clubs are in C-2. Mr. Haynes clarified they are not allowed by right; that a special permit has to be given for that. Councilman Gilbert asked if a liquor store can be in C-2. Mr. Haynes stated a special permit is needed for that, also.

Mr. Helton stated he knew that and tried to tell them he cannot put in those things unless he goes back before the Planning Commission.

Councilman Gilbert stated he is hearing that both want to work together and asked if there is a problem just sitting down and putting conditions on it. He stated it is a win-win situation as both are saying the same thing; that they want the best thing for the community and the best thing would be if something does happen to Mr. Helton the community will have assurance these things will not come in that they do not want in that community.

REZONING (Continued)

Councilman Murphy thanked Mr. Helton for his investment noting that the neighborhood wants to thank him for the investment as well. He stated in looking over the list it seems they want to "take off the table" potentially car repair which might otherwise be allowed in C-2; that knowing our special exceptions permits for night clubs he can tell the community he cannot conceive of how there would be one as it is not eligible and too close to the residential neighborhood as it is surrounded by residential. Mr. Helton responded that it is basically surrounded by M-1; that three sides of his property is M-1; that the greatest boundary lines are M-1.

Councilman Murphy asked Mr. Helton not to dig himself a deeper hole! He stated this property is far too close to residential real estate for this to be a realistic location for a night club as it just will not happen. Mr. Helton expressed agreement.

Councilman Murphy stated it seems the community does not want check cashing businesses and what Mr. Helton is talking about is creating a type of mall atmosphere where every class is a retail space, a shoe store, a clothing store, a make-up store, a barbershop, what have you; that they are really only wanting him to swear away a couple uses and only one of them is that interior use of a check cashing store.

Mr. Helton stated that he was sorry; that when they left the meeting the other day they were going to send the list and never sent it and he had not seen it.

Councilman Murphy stated that is why he brought it to him during the meeting; that he is going to make a motion to defer as he thinks they are a lot closer than they are father apart. He recommended that the community before leaving huddle with one of the planning staff, Mr. Haynes, and ask questions about things like night clubs and the liquor stores and things like that; that he does not think that needs to be addressed specifically with Mr. Helton because he does not think that is going to happen nor other things they actually have to worry about at this location. He **made the motion to defer for two weeks;** **Councilwoman Robinson seconded the motion.**

Mr. Helton stated he did not get to say what he wanted to say; that there is one point in all the discussion that he has tried to clear up which is his long range plan for redevelopment is to bring the school back to its original construction state as a school.

REZONING (Continued)

Mr. Helton stated he does not know who is going to be in there as he has not had the open house inviting prospective renters to come in and look at it; that marketing is to be done later but the marketing will be done for something suitable to a school because that is what he is bringing it back to and that is it and all there is to it. He stated the businesses that lend themselves to studio-type open spaces such as architectural firms and those that require a lot for work space in one room is what he is looking for; that his office is in an old school building he bought 20 years ago and there are seven-to-eight people working in a classroom. He stated he has three businesses going in that building right now and it works out great for the studio spaces; that he is not planning to remodel the building, not planning to build any new structures on it or anything else; that whatever becomes available both for professional use and small retail if it will work and fit in and he can work out a reasonable arrangement. He stated if he gets a rental agreement then there will be restrictions in the rental agreement and he has told them he would be very glad if they have any questions at any time about what is going on he would be glad to meet with them and tell them what has happened the last six months, who is coming in and who is doing what. He stated time is money and he is a businessman and has been at this nearly four months and deferral is not "up his alley".

At this point Councilwoman Berz called for the question.

Councilman McGary stated as he understands it the neighborhood is concerned about getting "burned" and it is a very legitimate concern; that Mr. Helton's concern is he does not want the lines drawn too tightly around what he can do so and if something fails he wants to have the option to bring something else in. He stated both are legitimate concerns, however, from both standpoints he expressed his belief the neighborhood does not want to "write him a blank check" and basically say "do as you will" any more than he wants a blank check; that if he really wants their trust it seems he would be willing to take that list which is why he asked if it was given to him; that now that he has it in his hands it seems he would be able to look at the list to determine where the agreements are, what he can be held accountable to and what he is saying he will do. He stated that becomes the grounds for discussion and depending upon how well that happens once that comes back to the Council, his response will essentially be what has the neighborhood said they want to do, what has he agreed to do and where the lines of agreement exist he will be at liberty to vote it up and where there is a disagreement he will have to vote it down as the community is the one who will be living there long after everyone else is gone.

REZONING (Continued)

Councilman McGary expressed good faith that the negotiations of what the neighborhood has asked will go in a positive direction and hopefully at the end of the two period the Council will be in a better place and able to vote.

Mr. Helton expressed respect for Councilman McGary's opinion; that what he has said is he did not see the list beforehand and wanted to have an opportunity to look at the list before this but did not get that opportunity. He stated as he looks at it now he is not sure he agrees with it but wants to spend more time looking at it.

Councilwoman Berz again called for the question.

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 200 EAST 37TH STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**

Was deferred two weeks (November 23, 2010).

REZONING

2010-135: Robert Gustafson

Pursuant to notice of public hearing, the request of Robert Gustafson to rezone a tract of land located at 1617 Rossville Avenue came on to be heard.

The applicant was present; there was no opposition.

Robert Gustafson stated that the Read Avenue address needs to be withdrawn from the document; that it is in as being rezoned to UGC.

City Attorney McMahan clarified that the Council is voting on the version read by Mrs. O'Neal which only includes 1617 Rossville Avenue; that the 1614 Read Avenue address has already been stricken.

REZONING (Continued)

On motion of Councilwoman Berz, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
 CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 1617 ROSSVILLE AVENUE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-3
 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE**

Passed first reading.

REZONING

2010-142: Andrew Lancaster

Pursuant to notice of public hearing, the request of Andrew Lancaster to rezone a tract of land located at 3820 Montview Drive came on to be heard.

The applicant was present.

Councilman Gilbert made the motion to deny this request; Councilwoman Berz seconded the motion.

Drew Lancaster stated this went before zoning a month ago; that he knows the Council is quick to deny but wanted to give his side of things. He stated this property has been vacant for a couple years and has been an eyesore in the community; that it has been open for vandalism and squatters are living in it currently. He stated his goal is to renovate it and make it an asset to the community to bring it up to the level of the properties next door, up the hill and to add value to the community. He stated he has talked to several of the neighbors directly across the street to the right and on Crestway and they agree with what he is wanting to do and were excited about it when he met with them; that no one has met with him that is opposed and tried a couple of times to meet with neighbors. He stated the City Councilman had some issues with it and was worried about it becoming a lower income rental property and that is not his goal; that he is looking at "dropping" a significant amount of money into it.

Councilman Murphy stated he remembers at the Planning Commission several of the Planning Commissioners noted that it was built as an apartment building and they did not conceive how it would ever be anything other than an apartment building. He stated this is one of those situations where if it is not restored to prior use it is also not going to be demolished in all likelihood.

REZONING (Continued)

Mr. Lancaster stated he does not own it right now as it is under contract; that it was a foreclosure.

Councilman Murphy stated if this is not granted he is not going to buy it; that it is bank owned. Mr. Lancaster stated "correct, it is bank owned out of Florida".

Councilwoman Berz expressed that Mr. Lancaster forgot to mention the petition that over 50 or more neighbors were against this; that he also forgot to mention that the way he was going to meet with the neighbors is that he stood out in the yard and said he was there if anyone wanted to meet with him. She stated this is a neighborhood that has worked long and hard to clean itself up and does not want this kind of use and has been fighting it for a number of years and it is her thought that was explained, as well. She stated there is another use that was brought up and that is that the place should be demolished; that there is a very good chance it will be demolished. She stated this is an issue they have been working with for some time; that her notes also say the money Mr. Lancaster was going to put into it is \$125,000; that that is a shell and he was quoted as saying that he was going to "slap some paint on it and fix it up and get it busy to rent". She stated he did not say that last statement at the Commission meeting, however there were a number of people that did hear him say that in the neighborhood. Mr. Lancaster asked where he said that. Councilwoman Berz responded "in the neighborhood" to which Mr. Lancaster stated "no ma'am".

Councilwoman Berz stated this is a situation where the building is in Councilman Gilbert's neighborhood and the people across the way and all around the neighborhood who have been affected by poor judgment in the past in that area have fought long and hard to clean up the area and they are in her district and she respects them; that she respects the hard work they have done to revitalize the area and will vote against it.

Councilman Gilbert stated one of the things that might not be known is the person referred to as the people next door who said they were for it are not homeowners, they are renters. Mr. Lancaster stated it was the owner he spoke with not the renters on the side.

Councilman Gilbert stated they called him and sent an e-mail, and the ones who sent the e-mail are renters. He stated another thing Mr. Lancaster might have forgotten to mention is Planning asked him to put a sign up several times and finally it did get put up on the third time to notify the people.

REZONING (Continued)

Councilman Gilbert stated at first it was in the window and as Councilwoman Berz stated the neighborhood has worked so hard to keep things out and there is no guarantee who will go in there. He stated like the gentleman prior to this request, they can rent to whomever and the neighborhood has been trying hard to keep negative things out. He stated it is his understanding it has been very peaceful since a lot of the activities have been removed in this area which is one of the reasons he is strongly against putting this back into rezoning.

Councilman Murphy called for the question at this time.

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 3820 MONTVIEW DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3MD
Was denied.**

CONTRACT

Councilwoman Scott stated there are many areas in this city which need doing worse than this; that she understands the public works department has done some preliminary planning on that and if we had funds that were sufficient nature to do every one of these projects then we could look at this, but because we do not and because we have others that are higher priority she will not be able to support this.

Councilman Gilbert expressed agreement with Councilwoman Scott that there are a lot of other areas where we have easements in 2003 and 2004 that we agreed to maintain once we go in; that it is his guess in 2007 or 2008 that changed wherein it was stated we could not go on private property and all of a sudden now we can and he has issues with that. He stated the people he represent do not have the money the golf course owners have; that they have enough money to survive when it comes to their homes that get flooded, yet for those in his district their livelihood is gone and we do not have a standard set up yet and we need one to cover the areas that are being flooded, not necessarily by the Creek, referencing Howell Street and Highway 58. He stated these people are people who need help as well as anyone else and this is a golf course; that he cannot see himself voting to put that much money on a golf course versus people's livelihood that live in different districts.

CONTRACT (Continued)

Prior to making comments on this issue **Councilman Murphy recognized the presence of former Hamilton County School Board member Kenny Smith and County Commissioner Joe Graham**, noting that Commissioner Mackey was present earlier.

In reference to this contract, Councilman Murphy stated this is horrible, horrible, horrible political timing; that the public works department apparently has a "tin ear" as the first private property project with a WPA ditch they bring us a country club of all places -- think about that as it looks horrible! He stated in Committee today essentially the position of the city at this point is we "own" it and by "own" he means we have a responsibility to maintain and care for WPA ditches that the federal government "graced" us with throughout this city in Brainerd, East Chattanooga, and North Chattanooga – all over this city. He stated that is not cheap but it is his thought that decision was arrived at through advice of counsel with our attorneys and practicality. He stated these ditches perform an important public service function that does relate directly to public safety. He stated he loathes the fact that the first one presented is a country club, but nevertheless, if it collapses and fails we will have flooding out into Hixson Pike and it will pose a real and present danger to public safety, life and property. He stated he begrudgingly will vote for this thing.

Councilman Benson stated that he was at the point where he was leaning on voting against it today, but he asked our engineers and department of public works if this is a number one priority in their professional judgment; that if they still say this is still a number one priority in the storm water problems he will vote for it, but if they say we have others that rise to the surface more than this one at this time he will vote against it. He stated that we need the money at other places, however when he was answered in committee he was told it was number one because it is shovel ready, ready to go. He asked Mr. Leach if he still contends this is the best place for the citizens of Chattanooga to spend their money this year, just this year. Admin. Leach responded "yes". Councilman Benson then acknowledged he would be voting for this.

Councilwoman Ladd stated not only is it shovel ready it is allowing silt to get down into the River right now and we have been told we will receive a notice of violation if that continues. She stated if we cannot fix this and stop the silt drain and make sure this is repaired correctly now we will pay possibly fines and more money later. She stated it does not matter to her who owns the private property; that it has been identified as a drainage ditch that must be fixed.

CONTRACT (Continued)

(\$691,456.25), WITH A CONTINGENCY AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000.00), FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED FIFTY-SIX AND 25/100 DOLLARS (\$761,456.25)

Was adopted; Councilmen Gilbert and Scott voted “no”.

AGREEMENTS

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AGREEMENTS WITH NEIGHBORHOOD ORGANIZATIONS FOR NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES, AS SHOWN ON THE LISTS ATTACHED HERETO, WITH THE TOTAL AMOUNT OF ALL PROJECTS NOT TO EXCEED EIGHTY-TWO THOUSAND EIGHTY-SEVEN DOLLARS (\$82,087.00)

Was adopted.

DECLARE SURPLUS/EXECUTE DOCUMENTS

MR-2010-143: City of Chattanooga c/o Dan Thornton

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION DECLARING AS SURPLUS PROPERTY AND AUTHORIZING THE CONVEYANCE OF THE ABANDONMENT AND RELEASE AREA, MORE PARTICULARLY DESCRIBED IN EXHIBITS A AND B ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO THE CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION (“CDRC”) TO BE INCORPORATED INTO THE AGREEMENT BETWEEN CDRC AND WALNUT COMMONS AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR SAID CONVEYANCE

Was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LAMAR DUNN AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-09-013, APISON PIKE AND OLD LEE HIGHWAY SANITARY SEWER RELOCATION AND FORCE MAIN, IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)

Was adopted.

CHANGE ORDER

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. W-10-002-101, GREENHOUSE GAS EVALUATIONS AND REPORTING FOR CITY LANDFILL, SUMMIT LANDFILL, AND THE MOCCASIN BEND WASTEWATER TREATMENT PLANT, WITH JACOBS/JJ&G, FOR AN INCREASE OF TEN THOUSAND DOLLARS (\$10,000.00), AND FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00)

Was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING PAYMENT TO THE DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00) FOR A LETTER RULING RELATIVE TO PAYMENTS IN THE NATURE OF WORKERS' COMPENSATION

Was adopted.

OVERTIME

Overtime for the week ending November 4, 2010 totaled \$25,511.59.

PERSONNEL

The following personnel matters were reported for the following departments:

CHATTANOOGA FIRE DEPARTMENT:

KENNETH ATKINS – Suspension (two days without pay), Captain, effective October 25 – 26, 2010.

PARKS AND RECREATION DEPARTMENT:

- **ANNE REILLY** – Hire, Administrative Support Specialist, Range 10, \$29,900.00 annually, effective October 22, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **BRENT HOLCOMB** – Resignation, Police Officer, effective November 4, 2010.
- **DONALD W. BICKFORD** – Retirement, Police Officer, effective November 8, 2010.

PUBLIC WORKS DEPARTMENT:

- **RANDOLPH MALONE** – Suspension (one day without pay), Crew Supervisor 1, City Wide Services, effective November 3, 2010.
- **TIMOTHY MILLER** – Suspension (2 days without pay), Crew Worker 3, City Wide Services, effective November 3-4, 2010.
- **JULIE SELF** – Leave without Pay, Permit Clerk, Land Development, effective November 17-24, 2010.

PERSONNEL DEPARTMENT:

- **ERNIE MEYER** – Retirement, Fire and Police Recruitment Sup., effective November 12, 2010.

PERSONNEL (Continued)

- **EMILY SEWELL** – Family Medical Leave, Executive Assistant, effective October 28, 2010 – February 28, 2011.

PURCHASES

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

CHATTANOOGA POLICE DEPARTMENT:**GT DISTRIBUTORS**
R27770/504123

Change Order #1 for Ballistic Plates

\$21,151.35 – Revised total

CHATTANOOGA FIRE DEPARTMENT:**MUNICIPAL EMERGENCY SERVICE (MES) (Best bid)**
R34327/300668

Purchase of True North Equipment

\$10,586.40

PUBLIC WORKS DEPARTMENT:**ATHENS TECHNICAL SPECIALISTS, INC. (Single source)**
R36087

Purchase of a Traffic Signal Conflict Monitor per TCA 6-56-304.2

\$11,100.00

PURCHASES (Continued)**TEMPLE, INC. (Best bid)**
R300645

Purchase of Traffic Control Cabinets

\$22,674.00

GENERAL SERVICES:**CHATTANOOGA TIMES FREE PRESS (Single source)**
R34889

Blanket Contract to Purchase Newspaper Advertising per TCA 6-56-304.2

\$75,000.000 annual approximation

(Chairman Rico gave the gavel to Vice Chairman Ladd at this point.)**TECHNICAL VOCATIONAL EDUCATION**

Councilman Benson stated there is nothing of this magnitude since he has been on the Council because he is real concerned; that in 1988 the Chattanooga City School Board closed Kirkman Technical Vocational High School; that we have gone 22 years with a broken promise when we sold the property for four million dollars, but when we sold that to make room for the riverfront development there was a codicil agreed to that we would build a centrally located technical vocational school on the Chattanooga State campus, a school where people could reach it and drive from East Lake, St. Elmo, catch a city bus and get to school and get trained. He stated tonight we have heard from the Alton Park people about the kids on the street; getting them off the street is important but getting them in the stream where they can "learn to swim and fish"; that we are not offering them the opportunities to use their aptitude and their interests in the technical vocational area. He stated Mr. Smith is here tonight who has presented something he hopes takes traction if the County School board does not take it over; that we actually need to fill that void. At this time he asked his guest, Kenny Smith, to say something about this desperate need to provide opportunities for people who can reach the magnet technical vocational school; that Mr. Jennings might want to say something, as well.

TECHNICAL VOCATIONAL EDUCATION
(Continued)

Councilman Benson stated Dr. Catanzaro has a spot for it, had meetings already and expressed appreciation to Mr. Smith noting he is not a real supporter of charter schools, but in frustration he (Smith) made a statement that if something did not occur he would move toward a charter school in that area.

Kenny Smith stated he lives in East Ridge and indicated he did mention a charter school; that there is a group that has “thrown him to the front” and they want to remain anonymous right now, but a charter school could happen as a standalone career in tech; that he has spoken to everyone on the Council about it in the past. He stated he knows it seems like a broken record but until someone can tell him where a standalone can hurt one kid and prove it to him he will back off, but does not think it can be proven to him. He stated Roger Tutor and Lurone Jennings have talked about it for years and thinks it is time to try to move forward and help all kids; that he does not see it hurting anyone as we need more kids going to college. He stated Dr. Scales always brings up the numbers that start college; that he does not care about those that start but cares about the ones that finish and wants to be told about the ones who do not finish, which are the numbers that concerns him. He stated there are students that are not prepared to go to college or cannot afford it and he does not want to “beat up” why they do not go or cannot go. He expressed agreement with Councilman Benson that the best alternative is the standalone on Chattanooga State’s campus. He stated he does not want it “watered down” that they need math and science and is not asking to have it just where they go in “shop” for a couple hours and get a diploma; that he is not about that as he is about a school that has to be asked to get into and hold the standard high; that they have to get a grade and not get a “social pass”. He stated he does not think Kirkman was “watered down” but does think it is time and this group has talked to him about it and thinks we can do it as a charter school and he is willing to push it as a charter school as he has a little more time on his hands, now. He stated it is his thought it is very important to a lot of kids who are “falling through the cracks”; that he has talked to a lot of people and it is time and will continue pushing for it.

Councilman Gilbert expressed appreciation to Mr. Smith; that this has been his pet peeve before coming on the Council; that we have to have opportunities for our youth. He stated he was at the meeting yesterday when Dr. Scales talked about the change in grading and it is not looking good for the kids; that when we look at dollars and cents a lot of people do not recognize that electricians and even culinary chefs make over \$100,000 and make good money, as much money as a person with four year or Master’s degree.

TECHNICAL VOCATIONAL EDUCATION
(Continued)

Councilman Gilbert stated there is a need for it and if we look at college itself so many have gone to college and completed it but cannot find a job; that he knows someone who was in college during his time with a four year degree and is working in a factory because they cannot find a job in their field. He recalled a teacher by the name of Andy Anderson who told him if it was not for a trade he would not have made it because he had to go back to his trade. He stated if a person has a profession they might get tired of it but if they have a trade they can make a living for their family; that there is a great need for high tech trade and traditional trade, but we need to make it happen and he is for it.

Councilwoman Robinson thanked Mr. Smith for his public service and knows he has been a leader. She stated she is totally in support of what Mr. Smith is talking about noting there was a good article in the morning newspaper that captured a lot of what he is working toward and wished him well. She stated the city is out of the school business, nevertheless the idea that he brings forth is one that is not just about the county, it is about all of us whether we are in the city or county and our youth. She imagined the pride that young people feel coming to the school he speaks of if it is on the campus; they have the prestige of going to a community college and there will be a great deal of pride; that he has a willing and able Chancellor in Catanzaro who would welcome this opportunity to bring it to his campus. She stated he is all about job training now since Volkswagen came and has been in on the VW training since VW was just being talked about and is the kind of man who delivers. He stated Mr. Benson has talked about it for many years, as well as Mr. Tudor, Gary Watkins and a lot of people in the industry. She expressed thanks to Mr. Jennings for what he is trying to do noting that Mr. Smith has a lot of support and there are a lot of things the Council can do to help him and wished him God speed!

Councilwoman Scott stated this is a very important issue and one of her pet peeves has been how we sometimes have a funnel and then try to put everyone through the same hole and, quite frankly, it is her thought a lot of our dropout problems are because young people get disenchanted with a lot of general courses that do not seem to have application to something they can relate to. She stated she also believes the talent to be able to do craftwork in a trade is something that is partially inborn and says that from having a brother who at a very young age could take something apart, put it back together and a few years later could listen to an engine hum or clatter and tell exactly what it was – that is something that can be taught but the inclination toward it could be picked up a lot earlier than after a person is gone through a lot of different programs.

TECHNICAL VOCATIONAL EDUCATION
(Continued)

Councilwoman Scott stated we spend money on education trying to put round pegs in square holes and we need the square and the round so she is very much for what is being suggested. Mr. Smith expressed appreciation for the thoughts and the analogies and will remember the funnel!

Councilman McGary echoed all that Council persons have stated and also thanked Mr. Smith for his service; that this cause seems to be a continuation of his service. He stated that we find in our economy there are many individuals who are second and third career and have adequate training to move to the next level and having to fall back on a trade seems to be something many more people need than less. He stated in all the great things that have been said and the energy being initially displayed he has one concern which is location and knows it has been stated there is a move to make it more centrally located; that he is thinking of a location that is easily accessible regardless of what sector a person will come from; that he has a concern about Chattanooga State being a central location, particularly its accessibility which is something he would put a question mark out for as he has a concern about it being more located toward the central city. He stated in all truthfulness he has a concern if it is out toward Chattanooga State regarding accessibility via transportation and otherwise so that as many students as possible can access the school versus those that cannot.

Mr. Smith expressed agreement; that one reason they looked toward Chattanooga State is it can combine that technology and share the lab and some of the training facilities on the campus; that it is his thought the bus lines run there or maybe the school system can furnish the transportation needed to go there. He stated funding is available; that there are people who want to fund the charter school who will remain anonymous because he gave his word; that it is about choices even though some people have the talent for it and we know it is needed for Volkswagen or Alstom, it is also about people; that the country is built on choice and a lot of kids are not getting to choose. He stated if they could choose they would be absolutely more interested and the more interested they are the better they would do. He stated he has two sons and wanted them to go to college and when they decided not to go he did not understand it; that one is an electrician and the other a firefighter and both love to go to work every day! He stated he would have been a fool to try to direct them from something they enjoy doing and think we are doing a disservice by not giving students choices.

TECHNICAL VOCATIONAL EDUCATION
(Continued)

Mr. Smith stated he spent several hours today with Congressman Wamp talking about Perkins' funds that could fund a standalone career in tech and he is more in favor of the standalone, but the charter school is an option if we cannot get anywhere with the standalone we are going to push forward with the charter and thinks it is important. He stated this is not about him; that it is important; that someone told him the other day that he wanted to do it to make recruiting for the apprenticeship that he is the director of; that he had 800 applicants last year and does not need to recruit anymore. He stated it seems like it is self-fulfilling but it is not.

Councilman Benson stated Kenny and Roger used to be his students; that one thing that has been left out is the Council would be surprised how much higher the SAT and ACT scores in all the other high schools would be if the students are given the option that do not have the interest and aptitude at Tyner, Red Bank and others to the general academic preparatory college level stream. He stated he sees unanimity among this Council supporting this because we know young citizens are lacking this opportunity and it needs to be accessible; that when he gets home he will probably have a call from a Sequoyah teacher 'balling him out' again and wants the record to reflect Sequoyah is a fine school but it is not in the center of Chattanooga, it is in lower Rhea county practically and people do not have the time or the instinct to travel that distance to go up there. He asked to see by consensus if the Council would agree to urge Mr. Smith to work toward getting a feasibility study to see where this should be built and how it should come about, whether it should be charter or whether our public school system wants to take up the responsibility as it has been long overlooked for 22 years. He attempted to make a motion to urge Mr. Smith as a representative of the Council to do whatever is necessary to get some form of feasibility study to get this vacuum filled and the technical vocational need in this city; that the Council will not give him any money to do it but would like for him to do it!

Vice Chairman Ladd stated there is nothing to vote on and thanked Mr. Smith for his time and efforts; that he is still in a leadership position and moving things in the right direction. She stated he has a warm audience and would love for him to come back and update the Council.

Mr. Smith expressed appreciation and stated that he has time and wants to push it and does not feel it is a leadership role, but the right thing to do. He stated he is going to get it done; that if someone can show him where it will hurt one kid he will back off but right now he is not.

TECHNICAL VOCATIONAL EDUCATION
(CONTINUED)

Councilwoman Robinson stated Mr. Smith is the right man, with the right job at the right time!

COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, November 16 beginning at 2 p.m.** to discuss Fire Department FLSA issues, amend the ordinance regarding employee appeals, discuss annexation/de-annexation requests and other ordinances and resolutions within the Committee's jurisdiction.

Councilwoman Berz scheduled a meeting of **the Budget, Finance and Personnel Committee for Tuesday, November 16 following Legal and Legislative** to hear the quarterly report from the Fire and Police Pension Board, discussion involving the alcoholic beverage tax, purchasing from parking meeting and various personnel matters.

AGENDA: NOVEMBER 16, 2010

Chairman Rico stated the agenda for Tuesday, November 16, 2010 was discussed during the Agenda Session earlier today.

ADJOURNMENT

Vice Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 16, 2010 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)