

**City Council Building  
March 23, 2004  
6:00 P.M.**

Chairman Franklin called the meeting of the Chattanooga City Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Pierce, Robinson, and Taylor present. Councilman Page was out of the city due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Vice Chairman Jack Benson, followed by invocation.

**MINUTE APPROVAL**

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

**BEGGAR'S PERMITS**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,

**AN ORDINANCE TO REPEAL PART II, CHATTANOOGA  
CITY CODE, CHAPTER 25, ARTICLE II, SECTION 25-  
45(e) AND SECTIONS 25-46 THROUGH 25-50,  
RELATIVE TO BEGGAR'S PERMITS**

passed second reading. On motion of Councilman Hakeem, seconded by Councilman Littlefield the Ordinance passed third and final reading and was signed in open meeting.

**REZONING**

**2004-009 (Martin McNabb)**

Chairman Franklin stated that he had an opportunity to talk with Mr. McNabb, and he had agreed to come forward with a site plan and had asked that this be deferred for two more weeks.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A TRACT OF LAND LOCATED AT 5008 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred for two weeks.

**CLOSE AND ABANDON**

**MR-2004-011 (Dwight Aaron Smith)**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 2300 BLOCK OF OHIO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO THE ELECTRIC POWER BOARD, COMCAST CABLE COMMUNICATIONS, INC. AND THE CITY OF CHATTANOOGA MAINTAINING THEIR RESPECTIVE EASEMENTS IN THE FULL WIDTH**  
passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**AMEND ZONING CONDS.**

**2004-015 (Jeff Carmack)**

Councilman Benson stated that he was ready to move on this but noticed some people in the audience and wondered if everything was still resolved. Mr. Pace stated that a motion was needed for substitution.

On motion of Councilman Benson, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958,  
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,  
SO AS TO AMEND CERTAIN CONDITIONS IMPOSED  
IN ORDINANCE NO. 11405, ON PROPERTY LOCATED  
AT 5809 WINDING LANE, BEING MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO  
CERTAIN CONDITIONS**

was substituted. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed second reading. On motion of Councilman Littlefield, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE & ABANDON**

**MR-2004-030 (Hixson Church of Christ)**

Pursuant to notice of public hearing, the Ordinance to close and abandon a portion of 5500 Block of Clear Creek Road came on to be heard. Ms. Brackett was present representing Hixson Church of Christ. There was no opposition. As this was in Councilman Page's District, and he was absent, Councilman Littlefield questioned if he was in favor of this. It was noted that he was in favor.

On motion of Councilman Taylor, seconded by Councilman Lively,  
**AN ORDINANCE CLOSING AND ABANDONING A  
PORTION OF THE OPENED 5500 BLOCK OF CLEAR  
CREEK ROAD, MORE PARTICULARLY DESCRIBED  
HEREIN AND AS SHOWN ON THE MAP ATTACHED  
HERETO AND MADE A PART HEREOF BY REFERENCE,  
SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AIR POLLUTION RULES**

Mr. Bob Colby, Director of Air Pollution Control, was present and stated that the deadline for the Early Action Ozone Compact was March 31, 2004; that they learned from EPA in February that this would have to be adopted and submitted to EPA by March 31<sup>st</sup> and on March 15<sup>th</sup> they held a hearing, and the Air Pollution Board does recommend the adoption of this Ordinance to provide for control of gasoline tank trucks dispensing loads of gasoline at stations. He added that at the March 15<sup>th</sup> meeting, both the Tennessee Environmental Commission and the Chattanooga Manufacturing Association supported this Ordinance.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA  
CITY CODE, CHAPTER 4, ARTICLE II, SECTION 4-41,  
RELATIVE TO AIR POLLUTION RULES, REGULATIONS,  
CRITERIA AND STANDARDS, BY ADDING RULE 25.10  
RELATIVE TO GASOLINE DISPENSING FACILITIES**  
passed first reading.

**CITY CODE(SIGNS)**

Councilman Pierce stated that this was discussed in committee today, and he thought it needed to be fine tuned and should be tabled for one to two weeks.

Councilman Lively stated that he was going to suggest the same thing; that he had gotten a call from Councilman Page, and he requested delaying this for two weeks.

Councilman Littlefield stated that there had been a flurry of activity, and he apologized to those present who came tonight thinking that this would be dealt with. He added that he, too, received a call from Councilman Page, expressing concern; that it had been discussed in committee today and hopefully in two weeks it could be fine tuned.

**CITY CODE(SIGNS)**  
**(CONT'D.)**

On motion of Councilman Pierce, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA  
CITY CODE, CHAPTER 3, ARTICLE I, SECTIONS 3-2,  
3-7, 3-8, 3-18 AND 3-20, ARTICLE II, SECTION 3-21,  
ARTICLE III, SECTION 3-33, ARTICLE IV, SECTION 3-  
42 AND ARTICLE V, SECTION 3-52 AND 3-55,  
RELATIVE TO SIGNS**  
was deferred for two weeks.

Councilman Littlefield stated that he would schedule a Legal and  
Legislative Committee meeting for next week, and we would go into  
greater detail at this time. The meeting will be at 3:00 P.M.

**CONTRACT**

On motion of Councilman Benson, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE AWARD OF  
CONTRACT NO. E-02-007, ZIEGLER ROAD  
IMPROVEMENT PROJECT, TO EAST TENNESSEE  
GRADING COMPANY FOR A TOTAL AMOUNT NOT TO  
EXCEED THREE HUNDRED EIGHTY-ONE THOUSAND  
THREE HUNDRED THIRTY-FOUR AND 50/100  
DOLLARS (\$381,334.50) INCLUDING A  
CONTINGENCY FEE OF TWENTY THOUSAND DOLLARS  
(\$20,000.00)**  
was adopted.

**TEMP. ROW USAGE**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING LARRY CRANE TO USE  
TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED  
BETWEEN THE 1500 BLOCK OF EAST 30<sup>TH</sup> STREET AND  
EAST 31<sup>ST</sup> STREET TO INSTALL A FENCE ON EITHER  
SIDE OF THE ALLEY, AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

TEMP. ROW USAGE

On motion of Councilman Lively, seconded by Councilman Littlefield,

**A RESOLUTION AUTHORIZING BARCLAY PROPERTIES, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 334 MARKET STREET TO INSTALL BLACK WROUGHT IRON SEATING TABLES ON THE SIDEWALK AND INSTALL A FLAG MOUNT BUILDING SIGNAGE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

TEMP. ROW USAGE

On motion of Councilman Benson, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING DAVID BROCK AND/OR LARRY TRABUCCO TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 16 WEST 8<sup>TH</sup> STREET TO INSTALL A SIGN, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

CONTRACT

On motion of Councilman Taylor, seconded by Councilman Littlefield,

**A RESOLUTION AWARDDING A CONTRACT FOR THE AVONDALE EARLY HEAD START CENTER LANDSCAPING AND RECONFIGURATION OF THE PLAYGROUND TO HOME AND LAWN CARE SERVICE FOR THEIR LOW BID IN THE AMOUNT OF ELEVEN THOUSAND SEVEN HUNDRED EIGHTEEN DOLLARS (\$11,718.00)**

was adopted.

**8-HOUR OZONE COMPACT**

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION IN SUPPORT OF THE 8-HOUR OZONE  
EARLY ACTION COMPACT AMONG VARIOUS COUNTIES  
IN THE CHATTANOOGA, TENNESSEE-NORTH GEORGIA  
METROPOLITAN STATISTICAL AREA AND THE UNITED  
STATES ENVIRONMENTAL PROTECTION AGENCY**  
was adopted.

**GUARD & RESERVE**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION EXPRESSING SUPPORT FOR GUARD  
AND RESERVE MEMBERS WHO HELP STRENGTHEN THE  
WORLD'S GREATEST DEMOCRACY**  
was adopted.

**OFFER TO PURCHASE**

Councilman Littlefield stated that this was discussed the Legal and  
Legislative Committee meeting.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE MAYOR OR THE  
CITY FINANCE OFFICER TO ENTER INTO AND  
EXECUTE AN "OFFER TO PURCHASE" RELATIVE TO  
LOT 4 OF THE ENTERPRISE SOUTH INDUSTRIAL  
PARK AND AUTHORIZING THE MAYOR OR THE CITY  
FINANCE OFFICER TO EXECUTE A DEED AND OTHER  
NECESSARY CLOSING DOCUMENTS CONVEYING SAID  
PROPERTY TO THE PURCHASER, TAG  
MANUFACTURING, INC., UPON PAYMENT OF THE  
SALE PRICE OF SIX HUNDRED FORTY-FIVE  
THOUSAND DOLLARS (\$645,000.00)**  
was adopted.

**MOTION:ANIMAL SHELTER.**

Councilman Benson stated that there was another Resolution that was discussed in the Legal and Legislative Committee.

Councilman Benson made the motion to:

**ACCEPT THE FINAL REPORT FROM THE DIRECTOR OF THE OFFICE OF PERFORMANCE REVIEW RELATING TO THE CARE & CONTROL OF ANIMALS IN OUR COMMUNITY AND TO URGE IMMEDIATE FORMATION OF THE "TRUST FOR ANIMAL CARE & CONTROL" FOR PURPOSES OF SECURING THE FUNDS NECESSARY FOR THE CONSTRUCTION OF AN ANIMAL SHELTER AND THE CARE OF ANIMALS WITHIN OUR COMMUNITY.**

This motion was seconded by Councilman Littlefield.

Councilman Benson stated that this was a motion for animal care and control and also a call for a Fund Raising Campaign. He stated that we needed to compile a list of those in a position to come up with the needed \$4.5 million dollars; that these people need to be identified so that they can start a vigorous campaign to raise the necessary funds.

Mr. Eichenthal stated that this really needs to be a collaborative process and that his role was to begin to assemble names of people to raise the \$4.5 million dollars.

Councilman Benson verified that Mr. Eichenthal would coordinate the names and if anyone had a name to submit that they could give the name to a Council member or to the Mayor.

**OVERTIME**

Overtime for the week ending March 19, 2004 totaled \$84,866.97.



**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ✍ **MICHAEL A. OWENS**—Promotion to Heavy Equipment Operator, Pay Grade 10/1, \$25,208.00 annually, effective 3/10/04
- ✍ **JAMES R. COOPER**—Promotion to General Supervisor Senior, Pay Grade 16/3, \$35,559.00, effective 3/17/04
- ✍ **ZACHARIAH N. BELL**—Promotion to Crew Worker Senior, Pay Grade 5/3, \$21,106.00 annually, effective 3/17/04
- ✍ **WILLIAM C. BOYD**—Rehire as Concrete Worker, Pay Grade 6/1, \$20,429.00 annually, effective 3/17/04
- ✍ **DONALD L. SHOEMAKE**—Three day suspension without pay of Heavy Equipment Operator, effective 3/22/04-3/24/04.
- ✍ **DAVID E. GRIFFITH**—Promotion to Plant Operator Senior, Pay Grade 12/2, \$28,950.00 annually, effective 3/24/04
- ✍ **RANDAL A. THEBO**—Promotion to Plant Operator Senior, Pay Grade 12/1, \$27,596.00 annually, effective 3/24/04

**PARKS, RECREATION, ARTS & CULTURE DEPT.:**

- ✍ **MICHAEL J. HIGGINS**—Resignation of Asst. Superintendent (Golf), effective 3/19/04.

**PURCHASE**

On motion of Councilman Littlefield, seconded by Councilman Taylor, the following purchase was approved for use by the Chattanooga Police Dept.:

**BROOKER FORD, INC. (Lowest and best bid)**  
**Requisition R0073519/B0001316**

Nine Vehicles

\$138,234.16

**REFUNDS**

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds:

**LAKESHORE MARINA, INC.—Stormwater Fees and/or Property Taxes--\$15,460.61.**

**FORTWOOD CENTER, INC.—Real and Personal Property Taxes for 2003--\$1,236.02.**

**PURCHASE**

On motion of Councilman Taylor, seconded by Councilman Lively, the following purchase was approved for use by Fleet Maintenance, Division 1:

**WINGFOOT COMMERCIAL TIRE (Lowest and best bidder)**  
**Requisition R0074066/B0001318**

Requirements Contract for Tires

(See minute material for various prices)

**BOARD APPOINTMENTS**

On motion of Councilman Hakeem, seconded by Councilwoman Robinson, the following Board appointments were approved:

**SPOT BLIGHT COMMISSION:**

- ✍ Appointment of **DALE WHALEY & JAMES MORELAND**, for terms expiring **March 23, 2007**.

**COMMITTEES**

Councilman Taylor recognized those present from the Clifton Hills Elementary School who were in the audience, as well as those from Poss Homes.

Councilman Littlefield reminded those present of the **Legal and Legislative Committee scheduled for Tuesday, March 30<sup>th</sup> at 3:00 P.M.** He stated that we would be dealing with the sign issue.

Councilman Hakeem reminded those present of the **Public Works Committee scheduled for Tuesday, March 30<sup>th</sup> at 4:00 P.M.**

**MANDA JARNIGAN**

**Ms. Jarnigan** was present on behalf of the Clifton Hill Elementary School to discuss the condition of their playground. She stated that their children have to live with hazardous materials and raw sewerage; that there is an open ditch that she thinks belongs to the City. She mentioned major sinkholes left by the flood and stated that there was no fence and people wander on to the playground who are oftentimes drunk, and this has become a major issue with people tearing up their playground and leaving empty beer bottles and condoms. Ms. Jarnigan stated that their playground equipment was out of date and stated that they also needed a cross guard very badly; that they want to get a fence put up and to block the drainage ditch and want police officers hired. She also asked that the Council see about getting their children safe playground equipment. She went on to say that she knew how much playground equipment costs, and they were trying to raise money to defray some of the costs, but they could not do it all. She stated that she was handing this matter over to the City Council and that they would not give up and would not be ignored and would not go away.

**MANDA JARNIGAN**  
**(CONT'D)**

Chairman Franklin responded that the Council was sympathetic to this and asked if she had the list of things she wanted with her.

Ms. Jarnigan stated that she did have documentation and went on to talk about rusted chains on the swings and children getting splinters. She stated that the bridge had fallen to pieces.

Chairman Franklin advised Ms. Jarnigan that she needed to address this with the School Board. Ms. Jarnigan responded that she had already done this, and they found the playground to be safe! She went on to talk about the glass that was everywhere and condoms. She stated that they pay city and county taxes and should not be neglected; that it was not fair; that it would be better for the children to play in the streets than on this playground!

**Jamie Roberts**, PTA President, held up pictures for Ms. Jarnigan.

Chairman Franklin agreed that these were serious issues.

Councilman Taylor also agreed that these were serious issues. He advised Ms. Jarnigan to get with her School Board representative and also advised her that her County Commissioner, William Cotton, was present tonight. He explained to her that the City could address the police issue and that Chief Cooper was with us this evening. He reiterated that Commissioner Cotton was also present.

Ms. Jarnigan stated that the School Board felt that it was a custodial problem. She asked all the children present from Clifton Hills to stand up.

Councilman Benson stated that he was very familiar with this school and knew this school well. He stated that we needed to see what the City could do—that we could get radar; that most of the issues were not within the city's authority, and we don't have the responsibility—that this responsibility belongs to the County. He stated that he thought the City could also do something about the stormwater issue and the TVA ditch.

**MANDA JARNIGAN**  
**(CONT'D)**

Councilman Hakeem thought that the City could deal with the sewerage situation. Lee Norris was present and stated that he would have someone from Moccasin Bend to check this out.

Councilman Benson advised Ms. Jarnigan that she needed to talk to Commissioner Cotton.

Councilman Littlefield stated that he agreed with the ladies who had spoken; that he had been out to Clifton Hills to read Dr. Seuss to the children; that he felt this playground must be on the County's list for major work; that it looks like it needs some TLC. He stated that Ms. Jarnigan had done a good job in presenting the problem and that we would take a closer look at it.

Councilman Lively stated that he would reiterate what Councilman Benson said—that they need to go after the County; that the traffic problem is the only City responsibility.

Councilwoman Robinson stated that she had a question about the playground equipment; that before it is repaired or replaced that the children needed a place to play without glass and the other unsavory items. She asked if they thought they could get their maintenance crew to clean this playground up.

Ms. Jarnigan responded that the School Board said that it would have to be resurfaced. Chairman Franklin asked what kind of surface it had, and Ms. Jarnigan responded that it was made out of mulch; that it needed to be resurfaced immediately; that they had suggested that the children play in the gym.

Chairman Franklin agreed that Ms. Jarnigan had done a wonderful job presenting this problem and assured her that the School Board, Hamilton County, and the City would try to eliminate this problem. He added that this mother taught at this school.

**MANDA JARNIGAN**  
**(CONT'D)**

Councilman Taylor stated that the children needed to be moved from the playground tomorrow and asked who the principal was. Ms. Jarnigan stated that the principal was Mr. Joines and that he did not think they should have the playground closed down.

**County Commissioner Cotton** spoke next. He stated that he had had the opportunity to visit Clifton Hill School; that the school was flooded, and he was not sure but that FEMA money should have been used to deal with the glass from the flood. He questioned if the ditch was the City's or County's responsibility; that as he heard earlier, the ditch belonged to the City and FEMA had given the City some money. He went on to say that the problems with the playground were from the flood and therefore he felt it was the City's responsibility and not the County's. He stated that they were discussing how much money they had left to buy equipment; that playground equipment would cost \$75,000, and he knew it would be under water again, and they could not afford to buy it and have it ruined. He went on to discuss the use of the land, stating that this was an open ground area and a lot of people use it, and the policy in place is that people need to get permission to use the grounds. He stated that this rule needed to be enforced; that people needed to get permission first before using the grounds.

Chairman Franklin stated that this was a collaborative effort and that the flood did not cause all of this.

**SISTER BEY**

**Sister Bey** addressed the Council, talking about the march Saturday at Coolidge Park. She went on to talk about the police coming into her yard and taking her cars, stating that they told her to go into the house and that Countess Jenkins had told them to sit on her property; that she took her title to Judge Millican; that the police were sickening. She stated that she was also confused about Dr. Register hiring Dr. Swafford and questioned how well Dr. Swafford knew her people. She stated that she was not taking this lying down and that they did not want Dr. Swafford because she did not know her people. She stated that her people were tired of being treated like zombies, and she was not taking this lying down!

**POSS HOMES INCIDENT**

**Mrs. Ella Lay** was the spokesperson for Poss Homes. She had with her, her daughter, **Latonya Starling**.

Mrs. Lay related some of the things that were going on, stating that there was too much harassment by officers; that on March 17<sup>th</sup>, people were abused and excessive force was used by officers; that one lady's leg was broken and a pregnant woman was attacked. She stated that there was too much going on; that there was nothing for the children in the area to do; that the police harass the young boys if they are standing in groups of four or five; that they are harassing the people for no reason. She reiterated that there was nothing for young males to do and that the problem won't go away. She presented a statement of what went on the night of March 17<sup>th</sup> that is made a part of the minute material. She stated that they did not know where to go from here.

Mrs. Lay stated that even a young minister was harassed and that he was with them tonight.

The young minister spoke, stating that he was a Christian who was trying to set an example for kids; that on that night the officers got out of hand and attacked one young man; that an officer pulled him over, and the police officers had their guns out and asked for his driver's license. He stated that a gentleman was attacked by the police officers and was hit twice while he was on the ground; that the officers pushed a man who was holding a baby and made him drop the baby.

Ms. Starling said that they did not appreciate the residents being threatened; that these people need low income housing; that the people were threatened and racial slurs were used.

Chairman Franklin asked if the officers were from the Chattanooga Housing Authority or if they were Chattanooga City police.

The young minister responded that at first it was officers from the Housing Authority and then city officers; that this happened at 8:40 P.M., and the officers pulled out sticks on little kids.

**POSS HOMES (CONT' D)**

Mrs. Lay stated that they were called "niggers" and told they had no rights.

Chairman Franklin asked the ethnic makeup of the officers. Mrs. Lay stated that there were about 10-12 officers and were both Black and White.

**Matt Powell**, Executive Director of the Chattanooga Housing Authority, spoke next. He recognized the Resident Leaders who were present tonight and also the Board Chairman. He stated that he did not know the whole story and could not give facts; that he became aware of this this morning; that he heard last week that there was an incident in Poss Homes and four persons were arrested, but it seemed like a minor incident and nothing out of the ordinary; that Councilman Taylor had called him today and asked him to look into this, and a meeting was set up to discuss the issue. He went on to say that early this morning he understood that residents were unhappy at the Poss Homes and were coming to the City Council meeting tonight; that he called Mrs. Lay, and she told him that Commissioner Cotton was meeting with her and that he met with Mrs. Lay and Commissioner Cotton and heard serious allegations, and it seemed like a serious issue, and he went back to the Housing Authority and continued to meet with the residents to get more information. He stated that the Chattanooga Housing Authority would not tolerate abuse or disrespect to their residents.

Mr. Powell went on to say that he would start interviewing officers from the Housing Authority and also the City of Chattanooga officers; that he wanted to get to the bottom of this very quickly, and he did want an investigation and wanted to know the truth; that he would ask the Chattanooga Police Dept. to conduct their own investigation and help them get to the bottom of this.

Mr. Powell emphasized that they had a very severe crime situation and drugs were out of control here when he took over; that they created a new police force to deal with the issue and had gone a long way in eliminating drugs; that they were trying to protect the residents with a high quality of safety; that something had gone wrong, and they would get to the bottom of it.



**POSS HOMES (CONT'D)**

Mr. Powell stated that in the two years he had been there, there had been no complaints, and this was the first incident; that he had no experience in dealing with such incidents; that it was serious, and he would get to the bottom of it and take the appropriate action; that he was very sorry that residents had had to experience this disrespect; that we had a long way to go. He mentioned preliminary discussions with Howard High about an after school program for the youth in this area and stated that he was optimistic about this. Mr. Powell ended by saying he would provide full information to the Council and would put this information into the hands of Internal Affairs.

Chairman Franklin stated that he hoped some money and funds would be used to improve conditions around there and to fix up the residences with screen doors and improve the conditions of the housing. He also urged to make sure that officers present themselves so that these incidents don't happen. He stated this needed to be brought to a close and situations such as this eliminated, and the residents' actions should not be restricted. He asked that Mr. Powell take these things into account and stated that he appreciated the Board members being here in support of finding out about this incident. He stated that he responded, himself, from Brainerd that night (March 17<sup>th</sup>) and went into the Poss Homes. He stated that he certainly hoped Chief Cooper would get the word to Internal Affairs that this is a matter of importance and would assist in this matter, along with officers working for the Chattanooga Housing Authority; that he hoped officers would use some discretion in using force and that this could be "nipped in the bud".

Councilman Pierce expressed to Mr. Powell that he appreciated his call this afternoon; that he checked to see if he could get an incident report, but our Police Department did not have any personal involvement; that there seemed to be no cooperation between the Chattanooga Housing Authority police and our Police Dept., and he asked Chief Cooper if we could do this investigation for the Chattanooga Housing Authority.

Chief Cooper responded—not in a criminal sense but internally they could see what happened.

**POSS HOMES (CONT'D)**

Councilman Pierce stated that he hoped to get to the bottom of this; that we have to leave it up to somebody, and the only resource we have is Internal Affairs, and he would respect their report. He asked the makeup of the Chattanooga Housing Authority police and was told that there were seven—four Blacks and three Whites. He stated that he did not find out where they originated from.

Mr. Powell stated that they were all certified policemen and two or three of them were from Knoxville and the rest from Chattanooga.

Councilman Pierce stated that he knew the Chief was from Knoxville and might not be familiar with Chattanooga; that he would be more comfortable if we could employ our own; that we had retired officers here.

Mr. Powell stated that they started the Police Force from scratch; that the man from Knoxville had run the Security Dept. for Public Housing in Knoxville, and he was very capable and had put together a good police force; that he could not fault him because he had expertise—that he knew public housing.

Councilman Pierce responded that what works for Knoxville may not work here.

Councilman Taylor stated that first of all, he had another concern. He asked Chief Cooper if both departments could address this by working together; that he was concerned about the lack of respect for citizens at the time of their arrest—that we need to treat others like we would want to be treated. He asked that Chief Cooper go back to Chief Parks and stress that we are working on this and stress that officers treat each citizen with respect; that he trusts that citizens will get respect; that he would like to see this resolved as quickly as possible and stated that he did appreciate Mr. Powell's quick response.

**POSS HOMES (CONT'D)**

Councilman Benson also expressed appreciation for Mr. Powell coming down to the meeting tonight and facing up to the situation and owning up to the fact that this is a new experience for him. He stated that now this was in the past and Mr. Powell had experience and had made the first step in saying that he was sorry that this occurred and that he had expressed regret; that he had petitioned for an investigation, and he appreciated this; that Internal Affairs was a third party, and he hoped our Chief could help.

Councilman Hakeem echoed the comments of Councilman Benson and stated that the attitude displayed by Mr. Powell is consistent; that he was trying to deal with the issue and not covering it up; that he was being responsive and showing interest and concern about the safety of the citizens. He stated that he might make some people mad with his next statement—that there are two sides to every situation, and we need to find out what happened; that the NAACP teaches young people how to respond to police, and he did not know how the children responded in this incident; that we need to look at ourselves and work with our children. He stated that this was not to minimize anything that had happened, but we do need to look at ourselves.

Councilwoman Robinson stated that those who had come forward had displayed a lot of dignity and maturity, and she thanked Mrs. Lay and stated that she appreciated Matt Powell for creating a good environment, and she commended him about the way he was going about this; that his Conflict Resolution was exemplary and that this happened a week ago.

Councilman Pierce asked Mr. Powell how long he expected this investigation to take and when he could get a report back to Councilman Taylor.

Mr. Powell responded that he could not speak for the Chattanooga Police Dept.; that he would finish their investigation and fact finding and would give this to Internal Affairs because they are the experts; that they would continue to have meetings with Poss Homes and talk about what happened and how our police are supposed to behave and also their limitations; that he was sorry to hear Mrs. Lay say that they did not know where to go—that they should come to him.

**POSS HOMES (CONT'D)**

Mrs. Lay asked who was responsible for the injuries of the residents'. Councilman Pierce asked how many were arrested. Mr. Powell responded that there were four arrests. The young minister stated that they were accused of resisting arrest. Councilman Pierce stated that resisting arrest—right or wrong—will be justified by the Police Dept.; that he did not know who would be liable; that the people should talk to their private attorney.

Mr. Powell noted that several people were injured; that an elderly woman had her foot fractured, and they got her a wheelchair; that they were looking into their responsibility, and they would make sure that the people were taken care of.

Councilman Taylor thanked Mr. Powell for his response and thanked the neighborhood for expressing themselves and stated that we would see what we as a City can do; that there are quite a few youth here, and we need to see what we can do to get PRAC to partner with them and go into their surroundings; that we need to pull PRAC in to coordinate with them.

Mr. Powell agreed that this was a serious issue; that last summer was the first time Chattanooga Housing Authority did anything for the youth, and they had a Summer Camp and 700 children were in the program, and they were doing this again this summer and PRAC would provide 400 slots. He stated that they desperately needed their service in full force; that 3,000 of the residents in public housing are children, and they need a lot of assistance; that HUD does not look at this as a priority, and they sure needed more help.

Mr. Eichenthal agreed to take care of this.

Councilwoman Robinson stated that this was a wonderful suggestion and she hoped that the young people who were present tonight would step up to bat.

**POSS HOMES (CONT'D)**

Mr. Powell stated that the residents were tremendous in providing volunteer services.

The young minister stated that he used to work with the Boys and Girls Club, and he knew that they had vans; that they had been left out because of transportation; that something needs to be done in the form of transportation—that this is the main thing.

At this point Councilman Taylor recognized those in attendance. They were from the Poss Homes; Mary Walker Towers; Spencer McCallie; Chattanooga Housing Authority Board members; Boynton Terrace; Gateway; College Hill Courts; East Lake Courts; Greenwood Terrace; and Westside. He stated that he was glad everyone was pulling together, and this was a stepping stone for improvement, and he again thanked the residents and Matt Powell.

Councilman Pierce recognized Ms. Daphne Sloan, who had worked closely with both Police Departments.

Chairman Franklin thanked Mr. Powell for responding to this issue.

**SHIRLEY DEAKINS**

**Ms. Deakins** addressed the Council, stating that she was bringing to the Council something that was disturbing to her and was advocating for some help. She questioned why she had been singled out and why her property had been singled out and that she had gotten substandard CNE support. She had with her two maps out of the County GIS, which did not show her house ever existing at 222 Baker Street, and she stated that this continually upset her. She noted that she had listed her house for sale and no one had looked at it since 1994 and Fletcher Bright does not show there even being a house here, and it was built in 1882. She stated that it was listed for sale, and the governments do not even acknowledge that it exists nor has had any decent repairs. She stated that this confused and angered her and also frightened her, and she wanted a resolution; that she had been trying for 13 years and could not put her finger on what is wrong and no one wants to take any responsibility.

**SHIRLEY DEAKINS**  
**(CONT'D)**

She went on to say that she wanted to sell her house at fair market value and have some form of equal access. She stated that this was manipulation at the private and public level.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, March 30, 2004 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)**