

**City Council Building  
Chattanooga, Tennessee  
January 11, 2005  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Franklin, Hakeem, Littlefield, Lively, Page, Pierce and Robinson present; Councilman Taylor was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Chairman Benson gave invocation.

### **MINUTE APPROVAL**

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

### **SPECIAL PRESENTATION: SUSAN ROBINSON**

Susan Robinson of the Arts and Education Council stated there would be a special evening this Friday in honor of Dr. Martin Luther King as Friday is actually his birthday. She stated the Council, along with the Chattanooga African American Museum (CAAM) will present a one act play featuring Barry Scott entitled "A Tribute to M. L. King". She stated Mr. Scott is a leading authority and when he is in character he could make those around him believe he is Dr. King standing in front of them speaking; that he is phenomenal and brings chills when the production is presented! She stated Mr. Scott is scheduled to perform on Friday at the Tivoli for Hamilton County students, as well as attend the Center for Creative Arts luncheon and have discussions with drama students. She extended an invitation to the Council on behalf of herself and Vilma Fields of CAAM to attend the performance on Friday at 7 p.m., which would last for about an hour. She stated the charge is five dollars (\$5.00) per person, which goes to support payment for the production.

**SPECIAL PRESENTATION: SUSAN ROBINSON**

Councilman Hakeem expressed thanks to Mrs. Robinson and stated that the Council has “been there” for our young people in exposing events of this nature to them. He stated we don’t talk enough about Dr. King and this present generation knows little about him and again expressed appreciation for this event.

**REZONING**

**2004-233: Ernest & Ellis, LLC**

Pursuant to notice of public hearing, the request of Ernest & Ellis, LLC to rezone a tract of land located at 2332 Standifer Gap Road came on to be heard.

The applicant was present; there was no opposition.

Jerry Pace, Director of Operations for the Regional Planning Agency (RPA) stated this request is for a special zone for office and a medical professional building. He stated the request is in accordance with the Shallowford Road Study and approval is recommended from Staff and Planning.

Chairman Benson stated that this request has been worked through the community.

On motion of Councilman Pierce, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2332 STANDIFER GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2004-243: Andrew Shved**

Pursuant to notice of public hearing, the request of Andre Shved to rezone a tract of land located in the 300 block of Oliver Street came on to be heard.

The applicant was present; there was no opposition.

**REZONING (Continued)**

Mr. Pace stated this request is surrounded by R-3 on the south, west and east and R-1 to the north, with commercial further down. He stated the request is recommended for approval from Planning with conditions.

Councilwoman Robinson asked if the applicant has agreed to the conditions.

Mr. Pace responded "yes"; that the conditions were added at the Planning Commission meeting and the applicant agreed.

Councilwoman Robinson asked if there were meetings with the neighborhood or any word from them. Mr. Pace responded that he was not aware.

On motion of Councilwoman Robinson, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED IN THE 300 BLOCK OF OLIVER STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO  
RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed first reading.

**REZONING**

**2004-244: Tommy L. Baker**

Pursuant to notice of public hearing, the request of Tommy L. Baker to rezone a tract of land located at 5614 Dayton Boulevard came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is for approval from Planning and Staff with conditions. He stated if this was being developed and construction started, the landscape ordinance would automatically apply; however, since there is an existing building on the property, it was felt the residents need protection and the landscaping ordinance was added. He stated access would be limited to Dayton Boulevard.

**REZONING (Continued)**

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 A TRACT OF  
LAND LOCATED AT 5614 DAYTON BOULEVARD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**REZONING**

**2004-245: Chattanooga Funeral Home**

Pursuant to notice of public hearing, the request of Chattanooga Funeral Home to rezone a tract of land located at 8214 East Brainerd Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this was rezoned last year to accommodate Chattanooga Funeral Home and negotiations to buy additional property in the R-1 area for a parking lot for circulation to have room to maneuver vehicles for funeral line-up. He stated approval is recommended from Planning and Staff and the request is in accord with the East Brainerd Road Corridor Plan.

On motion of Councilman Franklin, seconded by Councilman Littlefield,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 8214 EAST BRAINERD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE**  
passed first reading.

**REZONING**

**2004-246: City of Chattanooga**

Pursuant to notice of public hearing, the request of the City of Chattanooga to rezone a tract of land located at 3429 Lightfoot Mill Road came on to be heard.

There was no opposition in attendance.

**REZONING (Continued)**

Mr. Pace stated that the applicant was issued a permit for this use through the permitting office in error due to the way they interpreted the zoning maps. He stated the applicant's business was located here and when the East Chattanooga Land Use Plan was adopted it was found to be out of zone; however, in checking with the permitting office it was found they were in error. He stated this request corrects the unintentional error and puts him in the correct zone he needs to be in for that use. He stated the request is located along Lightfoot Mill Road and backs up to the railroad to the north and other similar uses in the area. He stated approval is recommended from Planning.

On motion of Councilman Franklin, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 3429 LIGHTFOOT MILL ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2  
RESIDENTIAL ZONE TO M-4 OUTDOOR INDUSTRIAL USE ZONE**  
passed first reading.

**REZONING**

**20-04-248: Thomas A. Austin**

Pursuant to notice of public hearing, the request of Thomas A. Austin to rezone a tract of land located at 407 Signal Mountain Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request and the one following are contiguous to each other. A copy of the site plan was displayed by PowerPoint, as well as other properties within the area, including Komatsu. He stated the request is recommended for approval subject to conditions and indicated that connections to the City's sewer system are currently not available, which is part of the conditions for approval.

Councilman Pierce inquired as to why the property is not connected to the sewer system.

Mr. Pace explained that sewers are in the area but not directly at the site. He stated in talking with the City Engineer a permit would have to be secured to hook up to the sewer.

**REZONING (Continued)**

Councilman Pierce asked who is responsible for connecting them.

Mr. Pace stated that the conditions indicate that the applicant would be responsible for that connection.

Councilman Pierce asked if the connection would cross other properties. Mr. Pace stated he was not sure.

Thomas Austin, the applicant, stated that he is working with the City Engineer to resolve this; that he would need to cover 400 feet.

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 407 SIGNAL MOUNTAIN ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND  
M-1 MANUFACTURING ZONE TO C-2 CONVENIENCE COMMERCIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**REZONING**

**2004-250: Mill & Mine Supply Company, Inc.**

Pursuant to notice of public hearing, the request of Mill and Mine Supply Company, Inc. to rezone a tract of land located at 405 Signal Mountain Road came on to be heard.

There was no opposition in attendance.

Mr. Pace stated this request is located next to the one previously discussed and approval is recommended with the same conditions for sewer connection.

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 A TRACT OF  
LAND LOCATED AT 405 SIGNAL MOUNTAIN ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING  
ZONE, M-2 LIGHT INDUSTRIAL ZONE AND R-1 RESIDENTIAL ZONE TO C-  
2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed first reading.

## REZONING

### **2004-251: Cliff Goodlet**

Pursuant to notice of public hearing, the request of Cliff Goodlet to rezone a part of a tract of land located at 2117 25<sup>th</sup> Street Place came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated that the applicant wants to combine this property into a single zone for C-2 for a coin laundry. He stated the site is presently a vacant lot with the Boys and Girls Club to the south, residences to the west in the R-2 zone, and commercial to the north in the C-2 zone along Fourth Avenue. He stated the request is recommended for approval subject to the proposed use only as a coin laundry.

On motion of Councilman Pierce, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PART OF A TRACT OF LAND LOCATED AT 2117 25<sup>TH</sup> STREET PLACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

### SPECIAL PRESENTATION: RECOGNITION FOR LIFE-SAVING EFFORTS

Councilman Lively asked Joseph Francisco, Brian Brewer and Abbey Smith to join him at the podium. He stated that it gives him great pleasure to receive these young people and indicated that everyone read about the December 7, 2004 incident where a young lady and her two children approached flood waters on Sandwitch Road and the car stalled. He stated these three young people came upon the mother and her children; that the mother was able to get out as the water began to rise and the car started drifting away. He stated the two young men got out in the water and rescued the children as Abbey comforted the mother. He stated this was a true act of heroism. He stated the three attend his church and indicated Brian is a basketball star at Lookout Valley and that Joseph is a two time National Golden Globe Champion. He stated Abbey has been on more mission trips than most adults, at which time she indicated she has been on eight (8) mission trips! He stated the three are very active and role models in the community.

**SPECIAL PRESENTATION: RECOGNITION FOR LIFE-SAVING EFFORTS**

Councilman Lively read from the certificates which recognized each for their "courage and willingness to risk their own lives to save another"; a standing ovation was given by those in attendance. He stated Abbey is the daughter of the Y-CAP Program Director, Paul Smith, and Brian and Joseph are foster children to Mr. and Mrs. Smith. He stated they are wonderful people and have a total of nineteen (19) foster children! At this point he asked Mr. and Mrs. Smith to join him and the three children at the podium.

Manuel Rico, Chairman of the Y-CAP program, expressed sincere thanks to Paul Smith. He explained that the Y-CAP is a program for youth who come from a background of family struggle and behavioral problems. He stated Joseph and Brian joined the program three years ago and were failing in school, in trouble with Juvenile Court and their behavior was out of control. He stated as a result of their involvement with Y-CAP, their experiences were shared with others and they are now making A's and B's in school and are leaders among their peers. He stated Y-CAP has been instrumental in keeping children at home and preventing them from having to be taken into custody, thereby saving the city, county and state a lot of dollars.

Chairman Benson expressed thanks for recognizing such worthy people.

**DEPARTMENTAL TRANSACTIONS**

At this point, **Councilman Pierce made the motion to move the agenda forward to departmental transactions** so that the matter of Police promotions could be discussed. He asked that the Police Department's report be heard last. **Councilman Franklin seconded the motion; the motion carried.**

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA FIRE DEPARTMENT:**

- **CHARLES GASTON** – Return from Family Medical Leave, effective December 29, 2004.



### PERSONNEL (Continued)

- **JOHN R. TAYLOR** – Return from Family Medical Leave, effective January 7, 2005.
- **JOEL BUSTOS** – Family Medical Leave, effective January 5, 2005.

#### PUBLIC WORKS DEPARTMENT:

- **SUE BRADLEY** – Retirement, Office Assistant, Traffic Operations, effective December 31, 2004.
- **MATTHEW K. ASKEW** -- Employment, Concrete Worker, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective December 29, 2004.
- **JEFFREY M. MOORE** – Employment, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 1, \$25,208.00 annually, effective December 29, 2004.
- **SAMUEL L. SHAW** – Retirement, Equipment Operator, Citywide Services, effective December 31, 2004.
- **CECEDRIC A. TREMBLE** – Dismissal, Crew Worker, Citywide Services, effective January 4, 2005.
- **ANTHONY D. SPEARS** – Suspension (4 days without pay), Crew Worker, Sr., Citywide Services, effective January 6-12, 2005.

#### CHATTANOOGA POLICE DEPARTMENT:

- **JEANNIE SNYDER** – Promotion, Captain, Pay Grade P4A/Step 5, \$55,103.00 annually, effective January 7, 2005.
- **BOBBY DODD** – Promotion, Captain, Pay Grade P4A/Step 4, \$52,829.00 annually, effective January 7, 2005.
- **SUSAN BLAINE, STANLEY ALLEN, RANDY DUNN, ALAN CHANCE, DAVID STREIP** —Promotion, Lieutenant, Pay Grade P3A/Step 7, \$53,023.00 annually, effective January 7, 2005.

**PERSONNEL (Continued)**

- **CHARLES RUSSELL** – Promotion, Lieutenant, Pay Grade P3A/Step 5, \$48,985.00 annually, effective January 7, 2005.
- **TOMMY KENNEDY, BRIAN COTTER** – Promotion, Lieutenant, Pay Grade P3A/Step 6, \$51,003.00 annually, effective January 7, 2005.
- **KEVIN AKINS, GLEN SCRUGGS, II, GARY MARTIN, DANIEL BAKARI WELLES** – Promotion, Sergeant, Pay Grade P2A/Step 3, \$39,338.00 annually, effective January 7, 2005.
- **DERRICK STEWART, JOHNNY F. HAMILTON, LINDON ATKINS, JR., MICHAEL CHOQUETTE, JAMES DEPRIMO** – Promotion, Sergeant, Pay Grade P2A/Step 6, \$44,629.00 annually, effective January 7, 2005.
- **JASON IRVIN** – Rescind Medical Leave, Officer, effective January 4, 2005.
- **SCOTT LEE** – Resignation, Officer, effective January 6, 2005.
- **VERNON EUGENE TURNER** – Return to Duty, Communications Officer, effective December 27, 2004.
- **CARRIE MARIE BAKER, BARBARA R. LOVELESS** – Hire, Communications Officer, Pay Grade 11/Step 1, \$26,402.00 annually, effective January 7, 2005.

**PURCHASE**

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

**BROOKER FORD (Best bid)**  
**R0069183/B0002027**

Ford Explorer (*Newton Chevrolet submitted a lower bid which failed to meet specifications in two substantial areas by offering a lower GVWR rating and a lesser transmission.*)

\$21,193.50

**EMERGENCY PURCHASE**

The emergency purchase for the Public Works Department of a heating cooling unit for the Paul Clark Building of City Wide Services Division from B.P. MECHANICAL on Requisition R0080125 and Emergency Purchase Order P0022226 in the amount of \$19,277.00 was duly reported and signed in open meeting.

**PURCHASES**

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchases were approved for use by the Chattanooga Fire Department:

**FISHER SCIENTIFIC COMPANY (Single Source)**  
**R0080290/B002101**

TVI Decontamination First Responder Shelter & Light Fixtures per TCA 6-56-304-2

\$13,400.00

**SAMSON INDUSTRIAL (Best bid)**  
**R000047/B0002018**

Thermal Imaging Cameras (*NAFECO, Tennessee Fire Equipment and Aurora DNV submitted lower bids which did not meet specifications; this award to Samson will allow for equipment standardization and interoperability within the Fire Department.*)

\$26,500.00

**REFUNDS**

On motion of Councilman Pierce, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund of stormwater fees and/or property taxes:

<b>TODD LONG</b>	\$1,224.81
<b>THILO H. BEST</b>	3,677.00

**PURCHASE**

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the following purchase was approved for use by the Finance and Administration Department, Radio Shop Division:

**MOTOROLA (Single source)**

**R0080241**

Intellirepeater Equipment per TCA 6-56-304.6

\$322,124.00

**PURCHASE**

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

**MOTOROLA, INC. (Single source)**

**R0079598**

Motorola Portable Radios per TCA 6-56-304.02

\$189,986.05

**POLICE PROMOTIONS**

Chief Parks presented the personnel promotions of two captains: Jeannie Snyder and Bobby Dodd; eight Lieutenants: Susan Blaine, Stanley Allen, Charles Russell, Tommy Kennedy, Brian Cotter, Randy Dunn, Alan Chance, and David Streip; and nine Sergeants: Kevin Akins, Derrick Stewart, Johnny Hamilton, Lindon Atkins, Jr., Glenn Scruggs, II, Gary Martin, Michael Choquette, James Deprimo and Daniel Bakari Welles.

Councilman Hakeem stated that he has looked at a lot of information over the past few days dealing with the promotional matrix, degrees and non-degrees. He stated what he sees is a group of young people, African-American, who, in his mind, are being role models for young people in the community and standing up for themselves. He stated he does not think they would be doing that unless they felt there was an underlying problem in the way we do promotions. He asked Chief Parks what he sees as a "fix"; more importantly whether he sees a problem and what he sees as a "fix".

## POLICE PROMOTIONS (Continued)

Chief Parks stated in regard to the first question, he sees a lot of frustrations from officers he thinks a lot of and also sees frustration from non-African American officers who did not fare very well on promotion assessments, indicating that frustration is broad. He stated one of the things that make promotions difficult in law enforcement is because he thinks we have many people with incredible talent and it becomes a difficult task to select those few people to advance to the next position of leadership. He stated because of that difficulty, historically and in this department, administration felt it necessary to come up with a system of promotion assessments and testing that would allow for as much non-subjective information to be included in the decision.

Chief Parks stated the goal is to get as much objective information into that decision so as to select and identify the most qualified people. He stated this process is under a 2003 policy revision and the selection assessment is actually made up of suggestions and information that came from employee groups and officers throughout the department. He stated at that time, Chief Dotson took suggestions to come up with the basic model for the assessment. He stated the assessment, historically, is a very fair way to identify officers and capabilities. He stated in this assessment, particularly those applying for the rank of Lieutenant, there was not a good diverse group in the competitive area of the test of African-American applicants, and that being said, again there is an incredible amount of talent. He stated it was difficult in coming up with what is displayed as the system identifies the most qualified and diverse work group.

Chief Parks stated the second question has to do with what he is doing about it. He stated he is bound by a policy that has to be followed, and bound by the rule of the law in regard to employee issues. He stated they are in the second year of a two year assessment list which will run its course by policy about this time next year. He stated by policy he could actually extend that by another year, however that is not going to happen; that there will be another assessment process that may be in place next year. He stated that he has asked Deputy Chief Cooke to chair and work with a group several months ago; that the group was given the charge to select the first group of employees throughout the department and for them to come up with a method or series of exercises for a testing procedure that would be agreed on by as many as possible as being fair, but also hopefully reach the goal of selecting the best people, the most diverse people and allow that to be in a competitive area of the testing list. He stated the group has not gotten back with him for the final recommendations and (he) is asking that it be done soon because he wants to have the testing process or assessment established.

## POLICE PROMOTIONS (Continued)

Chief Parks stated he wants to develop, train and have career development modules for the remainder of the year and allow as many that choose to go through training opportunities before the next assessment, assuming it will be in the fall of this year.

Councilman Hakeem expressed his thought that Chief Parks has good intentions; that historically this was done before he became Chief which goes back many years. He stated we have good intentions but nothing essentially changes. He stated that he is interested in knowing what it is we are going to do to develop a platform for African Americans to have an opportunity to move up. He asked what are we going to do to develop women in management positions; that he hears what the Chief is saying and accepts it; that he wants something we can "hang our hat on".

Chief Parks stated you want results and that is the way we operate in the department. He stated there are a lot of people that have risen in this department; that many have been fortunate to have people that were mentors, people that were good supervisors and leaders and put training and other things in front of them to make this person better in the long range. He stated that has not changed; that good leaders prepare their replacements and part of their goal is to make sure those properly trained follow the rules of the department but also develop them to see opportunities happen.

Councilman Hakeem stated that the Chief indicated that one of the Deputy Chiefs and others are working on a process. He asked if this is a closed process and indicated the possibility of proposing in the development of the policy that not only police officers be included but maybe some of the professors at UTC or input from other areas.

Chief Parks stated that he agrees; that they want to ask for experts outside the department, as well. He stated Judge Williams expressed an interest in being a part of it and (he) spoke with the new director of the NAACP, Valorie Shipman, who has a background in Human Relations matters and offered also to be a part. He stated that he does want input from outside of the department, as well; that the goal is to succeed as they want results.

Councilman Hakeem stated that he hears "input" and does not know if that means be part of the process; that what they do is what the Chief says do.

Chief Parks stated the working group is that; that the task for this group is to come up with the next method by which to assess officers in our department.

## POLICE PROMOTIONS (Continued)

Chairman Benson asked Chief Parks if he was “hanging his hat” on this; that this is the second year of a two year program that is finished. He stated this time next year there is hope there will be an improved procedure for this, a new procedure in place.

Chief Parks responded “yes, sir”; that the list for ranks were certified in early February and marked for this year. He stated this time next year the two year cycle of this assessment list will have passed and he wants to have in place new assessment results, as they will probably run up against retirements at this end of this year, as well.

Councilman Page stated that it is his belief Chief Parks’ and the Council’s goals for diversity are well understood and Councilman Hakeem addressed it well as to how we got here. He stated the question he would like to ask has to do with recruitment; that additional money has been funded to be on the radio and get recruits into your department to train for police officers and the like; that he knows that has to be a big key to diversity in getting personnel in the door. He asked the Chief to address the recruitment effort and the culturally free assessment that was alluded to that the assessment penalizes certain individuals. He asked the Chief to assure him that this is culturally free and does not penalize minority individuals.

Chief Parks stated as for recruiting, last year the department had a little over twenty percent African Americans, which is why it is so important for recruiting to succeed as more African Americans come in the front door; that those numbers populate various ranks throughout the department over time. He stated it starts with a successful recruiting program and can truly increase the percentage of African American officers coming in the door. He stated the second part of the area is whether there is cultural bias in the assessment.

At this point, Councilman Page interjected that he wanted to be assured there is no cultural bias.

Chief Parks stated the decision was made to make the written test part of the last assessment in 2003; that he does not know if the assessment for this year will include a written test and cannot tell him the answer whether this will be included in the assessment. He stated the goal of the working group obviously is to come up with a module, method and exercises that will identify diverse groups so we can have diverse groups in competitive areas.

## POLICE PROMOTIONS (Continued)

Councilwoman Robinson stated that she has a couple questions about recruitment and expressed that she knows how important it is to hear the Chief speak about it by having a good pool of candidates for the police academies; that there is a built in reservoir of strength and diversity. She asked if any thought had been given to starting a recruitment program at the high school level by identifying students who have the ability and interest that they might be recruited into a program for extra credit and have them partner with the Police Department for special learning opportunities and special courses that would give them an overview of what might be expected of officers and, hopefully, prepare them for going into law enforcement, become an attorney or paralegal. She asked if that kind of approach has been looked into or anything like that.

Chief Parks responded that at the time the Chattanooga City Schools were in operation a law enforcement program was developed at Tyner Academy which had been in effect for several years. He stated due to a lack of interest at the school level the program was "pulled". He stated there are officers and ex-policemen who work with youth, but it does not earmark people to become policemen. He stated as far as recruiting, the recruitment effort was headed up last year by two African American officers who did a good job; that one was promoted and will be replaced by someone equally adaptable to what he was doing. He stated they focused on partnering the group with a local radio station, yet he does not know whether that program will be hugely successful or not but should increase the number of African Americans coming in the front door.

Councilman Franklin expressed that it is his belief that Chief Parks and his command staff had to make something happen and he (Parks) cannot take full blame for where they are now as there is a historical record that goes beyond that. He expressed agreement with Councilman Hakeem's comments and we are all accountable to a degree for where we are. He stated that he wanted to address the assessment process, indicating that in 2003 the rank of officers was based on nine-to-ten different categories according to the written evaluation and certain questions were asked from a committee. He inquired as to the rule of six process of selection for each of the positions.

Chief Parks stated for the first vacancy, the first six names were processed that everyone knew about; that if the second position opened he would get an additional selection. He stated if there are three openings for Sergeant, he would get six names plus one.



## POLICE PROMOTIONS (Continued)

Councilman Franklin spoke hypothetically and asked if in a year's time we move into another assessment period, will there be an evaluation as we go through the new process; that the point is the assessment process before this one where individuals were at a certain point, what happens to those individuals at this point. He asked what happens to the next tier of individuals that come after the assessment or promotions, whether they are dropped or still move up in that tier or start all over and then add all the other individuals.

Chief Parks stated that he was not certain he followed Councilman Franklin's question and indicated that the assessment covers a two year period. He stated when we go through the process the new list will be established; that if the promotions were necessarily up to the last on the list, the next person would be the person selected, provided they were eligible.

Councilman Franklin stated if there were no more promotions those individuals next in line for consideration for those next positions would actually have to start the process.

Chief Parks stated they would go through the promotion process.

Councilman Franklin stated that is the area where improvement is needed; that if a person loses rank they lose in regard to where they go on the list. He stated there needs to be some type of management component and indicated that the Fire Department has a system that is working wherein there is a management proposal. He stated there need to be other ways to make that system of assessment fair so that there will not be a lopsided promotion list, which is one of the problems that was not created by him (Parks) but a manifestation of several years of things. He stated this is one thing that can be done better otherwise the situation will reoccur with each assessment period. He referenced the matter of degrees, which is still preferred, as well as training modules for continuing education or training degrees to help qualify them. He stated the effort to be fair must reflect consistency of what the population of the city is. He stated from a recruitment standpoint, if someone is aspiring to become a police officer and does not see any major room for advancement based on ability, they would see that as a "glass ceiling" as it is in business. He stated this is one of the critical areas all of us need to see happen as quickly as possible so as not to deal with morale problems that may matriculate out into the street; that a lot of things that metastasize themselves as the problems continue to occur. He stated he is hopeful that would be worked on vigorously and asked what role the personnel department played in this and how the Chief worked with Donna Kelley and Joe Shaw.

## POLICE PROMOTIONS (Continued)

Chief Parks stated that Donna Kelley and her staff are the "HR" professionals; that the assessment problem is actually managed and handled by the personnel staff who are the ones to provide the information to us. He stated as a cop he does not want to be in the "HR" business; that they want to follow the professionals who manage that process.

Councilman Pierce stated in the assessment of officers, how important does the Chief see his role with regard to the promotion list. He stated there is a place on the assessment form to evaluate and asked if the Chief delegates that out to the three Lieutenants to do that for him; that he should do that personally.

Chief Parks inquired as to whether Councilman Pierce was referencing the administrative review. Councilman Pierce responded "yes".

Chief Parks stated that is done by a diverse panel of officers; that they follow the matrix on how they proceed during the administrative review. He stated some of the things they look at are the officer's resume and supervisory performance evaluation.

Councilman Pierce stated that he understands the process; that his question is whether the Chief sees any value in doing the assessment himself rather than delegating it. He stated the Chief has the authority to delegate it; that it is his position to make the assessment.

Chief Parks stated that that is part of leadership and management and it is proper delegation of tasks and procedures; that the panel was selected because of their expertise and success as officers and their history of fairness. He stated "yes" he would rely on input from this panel as it is their charge and task as long as they are a diverse group with no obvious bias involved as long as they are looking at the same data. He reiterated that he relies on their information to make a full decision. He stated the decision to promote is his and (he) relies on the process to identify them.

Councilman Pierce stated what has been done has been done; that the promotions have been made. He stated he is looking now to the future and does not think the officers present who are complaining about promotions are looking at the diversity and does not think promotions have anything to do with that as it is basically left up to leadership. He stated the record should be set straight for the top to filter down through the ranks; that he personally looks at the number of lawsuits we have received during this administration compared to previous years. He stated there may not be as many but he is looking at the dollars and it is just not acceptable.

## POLICE PROMOTIONS (Continued)

Councilman Pierce stated that another academy is coming up and it is his thought this is the starting point that there should be a policy not to start the academy until an effort is made to equalize and give a fair "playing ground". He asked that he not be told it cannot be done through recruitment because it can be done! He stated it depends upon the effort put forth and the guidelines and qualifications that are set. He referenced the last administration in talking about recruitment where it was indicated the applicant must have a college degree or a year in college to serve and this Council stopped that policy. He stated there is no way the "seasoned" officers sitting here can compare to a person with a master's degree, which constitutes 70 percent of the assessment! He stated he does not know what Chief Cooke is doing and would like to see it. He stated we need to bring in consultants to help formulate this policy; that we have to come up with a policy that will show there is fairness and diversity in this police department. He asked when the next academy is to start.

Chief Parks responded "March".

Councilman Pierce stated that he would not support that academy unless there is a proper amount of blacks, whites, women and minorities; that he says blacks and whites and that is what he is looking at. He stated that he is sorry every one of the officers present tonight do not stand a chance of being promoted; that they will be retired before there is another promotion; that a new assessment will not be worth a damn! He stated a discussion was held with Chief Parks in February and at that point he (Parks) promised he would do something about this and that was not the first conversation. He stated Council members did not expect this to happen again like this and it did. He stated we are abiding by rules which are manmade rules and rules can be broken; that we can rescind what has been done. He stated it is his hope his point has been made; that he would like to see the academy scheduled for March delayed.

Councilman Lively stated that it is his thought the system is working primarily because it is based on professionalism and an individual's willingness to qualify and prepare for promotion. He stated if the Council remembers, Chief Dotson had to delay the academy for a week because it did not have a sufficient number of black applicants. He stated he does not know how to solve it; how do you make someone be a policeman. He stated he can understand there are those who would not want to get shot at, cursed and spat upon; how do you make them want to become a policeman. He stated that it is his hope the Chief will not resort to lowering the standards or go on quotas.

## POLICE PROMOTIONS (Continued)

Councilman Lively stated he does not see a single Asian or Hispanic and those people would have a lot to complain about if there was a quota. He stated as the Marines say, "A few good men", he would rather have a few good men and people dedicated and willing to work and be promoted than ever lowering the standards.

Councilman Hakeem stated that he knows some people will interpret a lot of comments as anti-white or anti-Caucasian. He stated when the average person calls for service they don't know whether the responding officer would be black or white, and he is saying that to say we value all of our officers. He stated the reality is when we talk about the system and the system is wrong, sometimes we have to stop the system to make changes. He stated when it is felt the results are not coming about as they should, we have to stop the system. He stated what he is saying is we have an opportunity as we go into this budget cycle to have impact in the new administration on the Police Chief and policy, and interjected to those hearing his statement not to interpret this as a threat. He stated in talking about the policy, he has a plan that he wants to propose which is that we come up with a program or policy dealing with promotions and employment that goes beyond administration or the Council; that sometimes we have to be the model in the nation. He stated that there has been talk of the committee Chief Cooke is heading up and maybe that should be broadened. He stated we have personnel at "the table" and professors from UTC and representatives from the POST Commission may have things we have not produced that would have the results we are looking for. He stated if something does not materialize we have to stop the system.

Councilman Hakeem referenced the makeup of our academies that Councilman Pierce spoke of and indicated we are talking about a management structure that says to the management staff this will be done, not if or maybe -- when there is a will there is a way. He stated some of the ways other departments have done this is to have people called "staff officers" in an effort to prepare people for positions of leadership. He stated as was previously mentioned, a lot of this was in place before becoming Chief and Chief Parks is taking what he has and saying "this is the book". He stated what the Council is saying is the book is not acceptable; that they are not satisfied with hearing things are going to change. He stated he wants something concrete. He asked the City Attorney for a legal solution as to what role the Council plays in regard to the promotions that are proposed.

City Attorney Nelson stated that the Council is a legislative body and not an administrative or executive authority, so it really has no role to play as part of the individual promotions.

## POLICE PROMOTIONS (Continued)

Councilman Hakeem stated that it is his thought what he is hearing is what has been done the Council basically has no control over that, but what the future holds we do have leeway in that regard.

City Attorney Nelson stated that our government is set up on the same basis as the U. S. government and state government. He stated the President or Governor is the authority and Chattanooga has a Mayor. He stated Congress and the General Assembly are the legislative bodies of the federal and state levels and in Chattanooga it is the Council. He stated almost never – and he could not recall any occasion when the U. S. Congress or the Tennessee General Assembly – has either been involved in individual promotions within the respective governments but they can pass laws requiring equal opportunities, which comes within their respective services.

Councilman Hakeem stated that he hears what City Attorney Nelson is saying and reiterated that the Council needs a reason to trust what the administrative staff has to say; that the Council wants something they can “hang their hats on”. He stated that he hopes there will be a biweekly report of what is happening with the committee and who is on it. He stated he is not going to tell the Chief who to put on the committee but he (Hakeem) wants it to be diverse. He stated if we have to be the model for the nation, so be it, but change has to happen.

Chief Parks stated he would be glad to provide updates as frequently as the Council wishes as to the makeup and progress of the committee.

Councilman Pierce stated the Council would like to be informed of the makeup of the committee but also have input into the committee’s makeup before the group is officially sanctioned and would like to see the right policies in place. He stated sometimes we can’t “clean up our house for looking next door” and it is his thought there is a lot of cleaning to do and if we can’t do it in-house we need to go outside. He stated he does not know how to involve the POST Commission and does not see why there would be any animosity for this group coming in if they accept it as part of their role to help formalize guidelines.

Chief Parks responded whether it is the POST or what, finding the appropriate group to help with officers in that decision making process he wants the process to be fair as the officers are the ones who are impacted.

Chairman Benson thanked Chief Parks for his response and patience and expressed appreciation to the audience for their decorum.

## POLICE PROMOTIONS

**Sgt. John Carter** of 3300 Amnicola Highway spoke on behalf of the Black Police Officer's Association, Chattanooga Chapter. He stated Chattanooga is a great city in which to live and work and the Chattanooga Police Department wants to be the best police department in the country. He stated it must be understood that like many departments who say they are the best there are many diversity issues that need to be addressed to serve the community at-large. He stated this city is 35 percent African American and in no shape, form or fashion does the police department come close to mirroring that percentage. He stated it is 2005 and the statistics and facts tell a sad story. He stated there are 447 sworn officers and only 90 are African American. He stated since 1978 the number of African American officers has grown 18 in number and 27 years have passed. He stated in 1978 there were two African American Captains, two Lieutenants and ten Sergeants and in 2005 there is one African American Captain, one Lieutenant and it must be realized that the Captain can retire today. He stated it must be noted that the eighteen specialized units and detective divisions in the department have no African American officers represented. He stated only one African American officer is represented in the following units: Auto Theft, Traffic Citations, Crime Prevention, FBI Task Force, Recruiting, and DARE. He related personal stories of officers within the department who had come close to promotion, only not attaining it. He stated fairness, diversity and equality is the goal and the Executive Chief is responsible for the day-to-day operation of the police department. He stated pursuant to the city's personnel department, the chief is required to have a college degree, but he (Executive Chief) does not, yet, two deputy chiefs assigned to report to him have college degrees and fit the description for the position of Chief. He stated if anyone should know about it, it should be the Executive Chief and once again it is evident the policy which governs does not apply to all, yet diversity and integrity is consistently preached.

Sgt. Carter referenced persons completing the application process and not hearing anything, yet, two months later the academy started with no adequate way to track African Americans who applied. He stated the applications go to personnel, first, however, all applications should go to the Chief's office for tracking and then to personnel. He stated when a young African American asks him how long it will take to become a detective or earn rank, after these promotions he has to tell them it will take 15 to 20 years. He stated all he and others ask is for the police department to represent fairly and mirror in all areas the 35% in which it serves. He stated African Americans used to be told they were not educated enough or did not have enough experience, that they were in the "top two", or would be alternate and now are told "next time".

## POLICE PROMOTIONS (Continued)

Sgt. Carter stated the "next time" is now as African Americans are educated, experienced and qualified! He stated African Americans are not after a handout as they are after fairness, quality and integrity like every good cop in this city as they put their lives on the "line" also. He stated that he wanted to make it clear that the problems did not start under this administration; that the Council has the power to make this change and it is okay to do the right thing. He stated the last time he checked the major part of being a police officer is not all about male or female or black or white; that it is mainly about doing what is right. He stated last week Mayor Corker had a reception to thank every law enforcement agency for their hard work and dedication during his tenure and advised that crime was down to an all time low in the City due to the effort of all. He stated the real crime in the Chattanooga Police Department is not one of a criminal nature but one of human rights, equality and fairness to some of its employees! He stated they are finding out what they have heard all their lives is that they have to be three times as good to break even. He thanked the Council for their time in this matter and indicated that their children and grandchildren for years to come will be affected by the wrong that could be made right. (Sgt. Carter was given a standing ovation for his comments.)

**Floyd Kilpatrick** of 510 Kilmer was present representing the Chattanooga Chapter of PUSH. He thanked the Council for the opportunity to come and address this issue of grave importance; that it is an issue that has been looked at for a number of years and at this point it looks as if it has reached a crossroad where a decision has to be made. He stated Officer Carter has said enough to really focus the Council's attention on what is actually the concern of police officers and he and other officers who have come to share their concerns and should be applauded. He stated several days ago Councilmen Pierce, Hakeem and Franklin were sent a memorandum asking that the Council consider taking a closer look at promotion practices in the police department. He asked that consideration be given with regard to budgetary constraints for future requests until it is made right. He stated since 1964 a federal policy has been in place that takes precedence over the City's ordinance policies - the 1964 Civil Rights Act. He reminded the Council and Legal Counsel that federal law takes precedence and is paramount over local ordinances. He stated because the officers have stepped forward and said what they had to say and have challenged administration's authority we all know what repercussions there can possibly be. He stated this City Council should put measures in place to make sure they (officers) are protected from retaliation. He reminded everyone of the anti-retaliation clause in the 1964 Civil Rights Act, as well as the anti-retaliation clause in the Tennessee Code, Chapter 21 known as the Human Rights Act. He stated this Council should make sure the officers do not suffer for expressing their concerns in seeking to do the right thing.

## POLICE PROMOTIONS (Continued)

**Tim Commers** stated he has been with the Police Department for 25 years and has lived in this city all his life. He expressed appreciation for the opportunity to serve the city in various capacities, 17 years in patrol and in the crime center Sgt. Carter referred to. He stated that he also missed other opportunities, took an examination and scored appropriately, signed up to be considered and missed the opportunity by having someone of another race promoted over him. He stated he was not the only one as there were others in the same situation, suggesting that this was discrimination; that the policy can discriminate against Hispanics, white and blacks. He stated he is not making threats; however it is being said if we are not going by our rules rewrite the books. He asked if that is fair policy. He stated there should be a standard measure of testing as citizens deserve the best police officers whether Hispanic, black or white. He stated he does not see a problem; that he has always lived here and went to Brainerd School, which was then half white and half black.

**Mikhail Muhammed** stated that he lives in St. Elmo and has not been a friend to the City Council or Police Department and is not present to make friends today. He stated that he believes in diversity and believes we need to see our black police officers in our community. He stated that he believes people need to see people of their own culture and persuasion protecting and looking after them. He stated that he believes that and it is needed. He asked the Council to stand up for police officers who put their lives on the line. He asked the police officers to stand up for the community; that some that are trained are worse than Caucasian officers and asked them to stop that and open up new fronts in the community so he can openly support and bring other young brothers in to support them. He asked that they please stand up and stop what is going on in the community; that he is not looking for friends or a pat on the back as persons need to speak out when things are wrong.

**Officer Arnold** of Internal Affairs stated that the system is changing and the way people are promoted; that something that needs to be put into the system is the way they perform in their job, their experience on the street, commendations and what citizens think about them. He stated there has been talk about degrees and education, yet people who have college degrees have to know when to "come in out of the rain".

**Shirley Deakins** stated what we have is selective inclusion, which has caused exclusion in other areas. She stated we have racism, ex-ism and class-ism, and when all three are put together we are not going to have anything except what we have.



## POLICE PROMOTIONS (Continued)

**Kevin Muhammed** was present representing Minister Lewis Farrakhan. He stated he was present to support the black officers and commended and thanked them for their job in the community and to say to the police chief he and others will be watching. He expressed hope there would be no retaliation against any of the police officers. He stated the history in our community is whenever a black man stands up for justice and equality for our people, he is evil spoken of and the history in the police department is whenever blacks stand up, something happens to them. He expressed hope that the City Council would find a way to stop funding until the problem is fixed; that one more year or two is too long. He referenced the killing of John Henderson by white rookie policemen, as well that of Mr. Prater, indicating that he is tired of going to funerals of people who have been brutalized. He stated nothing has come out of this tonight but the same old thing; that if the police chief won't do it, get another as he does not believe the chief has the will to fix this problem. He again asked the Council to cut off funding so it will be stopped now; that the Council has the power to do it rather than asking all these questions that are not relevant today.

Chairman Benson indicated to Mr. Muhammed that time has not been wasted tonight.

Mr. Muhammed responded that this is the same thing as last year and every year; that he was hoping something would come out of this; that it is the same solution all the time.

**Rev. Tim Sykes**, of 3510 Lyndon Drive, stated he has been a citizen of Chattanooga for two years; that he is from Texas and transferred as a police officer. He stated he was present to stand in support of the African American officers; that the burden on his heart has to do with having to address an agenda like this in 2005. He stated that he heard Councilman Lively state that he did not think there was a problem and everything is going well or something to that degree, and a statement was made about Asians and other nationalities applying. He stated that it is his thought there is no significant amount of other races applying for the job of police officer; that he had several people ask about the process after they filled out an application as they were still waiting to hear seven-to-eight months after applying. He stated apparently the system is flawed and needs to be corrected; that the matter needs to be looked into with some type of oversight committee.

**Capt. Jeannie Snyder** stated that she has been with the Chattanooga Police Department 17 years and indicated that this is not a job for her as it is her life and career.

## POLICE PROMOTIONS (Continued)

Capt. Snyder stated when she came to work for the department she took the same test everyone took to get in and when she began working she had to prove she could do the same as the others; that for the last 17 years she has been continuously proving she can do the job. She stated the reason she brings this up is that Councilman Hakeem made the comment in reference to what the department does to promote women. He stated if Councilman Hakeem was suggesting that women need special treatment, she asked not to be given special treatment because for the last 17 years she had to prove she could do the job on her own without the department speaking for her. She stated in 1992 she applied for the SWAT team and there were no female members on the team. She stated she was picked not because she was female; that she was picked because she could do the same job as others. She stated she has taken the same test as everyone and it has been a level playing field for her. She stated she does not want to be given special treatment as she has worked hard and does not need special treatment. She stated for 30-40 years females have been working hard in this department to prove they can do the job and for her she does not want special treatment and does not need it. She stated if her promotion was based on being female she asked the Chief to take it back as she does not want something she does not deserve.

Councilman Hakeem stated that he did not suggest lowering the standard. He stated in reality Sgt. Carter identified 18 areas where there are no African Americans and a small number of women. He stated as an individual Capt. Snyder may not have a problem with it but he has a problem when people are under-represented in the department, but at the same time there is a much larger number of the broader population of this city.

Capt. Snyder reiterated that she wanted the Council to understand she does not want special treatment.

Chairman Benson clarified that the Council is not advocating special treatment.

**Atty. Walter Williams** stated that he has been around a long time and has worked with the police department since 1981 when he did work for the City Attorney's office as Special Counsel and had duty with the Chattanooga Police Department and had day-to-day contact in court. He stated that he knows most of the people that have been around the police department and knows them well. He stated at the last Council meeting he had an opportunity to have a one-on-one discussion with Chief Parks, whom he has known for a long time. He stated he will not castigate Chief Parks as he is a good Chief; that some people may disagree with the assessment; that some things were in place before the Chief got where it is and some things need to be changed.

### **POLICE PROMOTIONS (Continued)**

Atty. Williams continued by stating with the growing of America this community will be different by 2020; that there will be more people like him than like some others, which is a reality that the city of Chattanooga needs to get in step with. He made reference to Harvard and their discontinuance of standardized tests as they do not prove what a student needs to know' that Harvard officials questioned their validity, which is one of the problems. He stated he does not know what all the policies require whether it is a resume or a personal interview; that the policies indicate "shall" be done. He stated all he is saying is that none of us should be proud of what we see before us; that he is glad for those who were promoted as they are good people. He stated the message has been sent to the Chattanooga Police Department that we will not be satisfied with the way it is; that changes are needed and if they are not made there should be a vote against the budget. He stated sometimes a person has to stand up for what he believes in. He stated he has offered himself to serve on the committee if Chief Parks chooses.

Chairman Benson expressed support with Atty. Williams' comments regarding standardized tests as they only test the cognitive attributes and are not effective.

Councilman Littlefield stated that he was trying to be silent, yet felt a responsibility to speak. He stated he goes back a long way in city government and expressed agreement with Atty. Williams' comments. He stated the use of standardized tests is a limiting factor and never thought of himself as standardized. He stated at one time in 1998 he inherited a department under scrutiny for diversity problems and it was a complex situation; that he found ways to address them. He stated he is uncomfortable with the situation we are hearing tonight and has heard the desire to change on the part of people on the Council and in administration.

Chairman Benson expressed thanks to Chief Parks and other participants.

### **RECOGNITION OF DEBRA MATTHEWS**

Chairman Benson recognized the presence of Hamilton County School Board member, Debra Matthews.

### **CHRISTOPHER GAYNOR APPEAL WITHDRAWN**

City Attorney Nelson reported that Christopher Gaynor has withdrawn his request for an appeal and his hearing before the Council will not take place.

***(Councilman Franklin excused himself from the meeting at this point.)***

**ADOPTION OF SHALLOWFORD ROAD-LEE  
HIGHWAY AREA PLAN**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ADOPTION OF THE SHALLOWFORD  
ROAD-LEE HIGHWAY AREA PLAN**  
was adopted.

**GRANT**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AN ECONOMIC  
DEVELOPMENT PLANNING GRANT FROM THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT IN THE AMOUNT OF EIGHTY  
THOUSAND FOUR HUNDRED SEVENTY-THREE DOLLARS (\$80,473.00)  
AND FURTHER AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE ENTERPRISE CENTER AS A SUB-GRANTEE FOR  
SAID GRANT AS AN ADMINISTRATIVE AGENT**  
was adopted.

**AGREEMENTS FOR DISPOSAL OF REAL PROPERTY**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF CAPITAL PLANNING  
TO ENTER INTO ALL NECESSARY AGREEMENTS FOR THE DISPOSAL OF  
REAL PROPERTY LOCATED NEAR THE INTERSECTION OF FRAZIER  
AVENUE AND TREMONT STREET, TAX MAP NOS. 135E-E-01100 AND  
01101, ON BEHALF OF THE ELECTRIC POWER BOARD FOR THE  
BETTERMENT OF THE NORTH SHORE COMMUNITY**  
was adopted.

**SPECIAL POLICEMAN**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ANDREW WATERS  
AS SPECIAL POLICEMAN (UNARMED) FOR THE CHATTANOOGA FIRE  
DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT  
TO CERTAIN CONDITIONS**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Pierce, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, (FINAL) RELATIVE TO THE ZIEGLER ROAD IMPROVEMENT PROJECT, CONTRACT NO. E-02-007, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE THOUSAND SIX HUNDRED EIGHTY-SIX AND 18/100 DOLLARS (\$1,686.18), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED TWELVE THOUSAND DOLLARS (\$412,000.00)**  
was adopted.

**AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH MARCH ADAMS & ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATIVE TO CONTRACT NO. E-04-015, LIGHTING DESIGN FOR MARKET STREET BRIDGE, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$15,250.00)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING JAMES W. CUNNINGHAM TO USE TEMPORARILY AN ALLEY LOCATED AT THE INTERSECTION OF CHAMBERLAIN AVENUE AND BAILEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO INSTALL A GATE AT THE END OF THE PROPERTY AT 1301 BAILEY AVENUE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

## CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE TUNNEL BOULEVARD SIDEWALKS/STORMWATER PROJECT, CONTRACT NO. E-03-026, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FORTY-ONE THOUSAND FOUR HUNDRED FIFTY-THREE AND 42/100 DOLLARS (\$41,453.42), FOR A RESVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SIX THOUSAND ONE HUNDRED NINETY AND 58/100 DOLLARS (\$306,190.58)**  
was adopted.

## COMMITTEES

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, January 25. He stated the Committee would meet jointly with the Legal and Legislative Committee at 3 p.m.**

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 18 beginning at 3 p.m.**

Councilman Hakeem stated the **Public Works Committee is scheduled to meet on Tuesday, January 18 at 4 p.m.**

## MR. MOORE

Mr. Moore of 2422 LeAnn Circle stated that he has a problem with the Wilcox Tunnel. He stated on December 27 he was traveling north from Dalewood to town and a boulder fell off the side into oncoming traffic. He stated his building was damaged as a result of traffic having to swerve and indicated that the next time there would be a fatality.

Chairman Benson asked Mr. Moore to speak with Lee Norris of Public Works for a successful resolution.

**STEVEN WEST**

Steven West of 4501 Midland Pike stated that he had discussed this matter with Councilman Taylor regarding cleanup on Big Ridge. He referenced white neighborhoods and indicated that the (public works) crews stayed in Tiftonia all day the day before Christmas. He stated they could have backtracked to other neighborhoods in St. Elmo and could have been done, however they stayed in Tiftonia all day and wanted to know the difference from one street to another. He stated the other matter has to do with licensing; that he spoke with Mr. Norris about this in regard to the CDL license required to drive the knucklebooms. He stated he has taken the written test and can drive as a trainee and now he has been told he does not have a license and cannot drive and does not understand why. He stated there are only two people in this situation and he is one of them. He stated the license has to be secured by the 25<sup>th</sup> and training on the knuckleboom begins tomorrow, reiterating that he has taken the written test.

Chairman Benson asked that Mr. West get with his Council person and Mr. Norris.

Councilman Hakeem stated that a Public Works Committee meeting is scheduled for next Tuesday and he would ask Mr. Norris to give a report at the next meeting.

**VELMA ALLEN**

Velma Allen addressed the Council regarding a problem she was having. She placed a plastic bag on the lectern and stated the problem is inside the bag. She asked Council members to look at it and tell her what it is. She stated that she is not supposed to live like this and cannot call for help because the telephone has "something on it". She stated she is tired, is being mistreated and is trying to find out why her body hurts. She stated when the Council finds out what it is they should call her at 899-2904. She stated she just wants to live and for the Council to take the bag and find out what it is.

**VALORIE SHIPMAN**

Eddie Holmes, former President of the NAACP, introduced Valorie Shipman to the Council, the newly elected NAACP President.

**ADJOURNMENT**

On motion of Councilman Lively, seconded by Councilwoman Robinson, Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, January 18, 2005 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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