

**Municipal Building  
Chattanooga, Tennessee  
November 23, 1999**

The meeting of the Chattanooga Council was called to order by Chairman Lively with Councilmen Crockett, Eaves, Franklin, Hakeem, Hurley, Pierce, Rutherford and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, were also present.

**INVOCATION**

Invocation was given by Chairman Lively.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION**

Sally Robinson wished Council members "Happy Holidays" and stated she was present to celebrate the beginning of a six week-long celebration downtown in inviting the people who live in Chattanooga to come down and enjoy the lights during the Grand Illumination Ceremony, which will take place at the intersection of Market and M. L. King at 5:45 on Saturday, November 27. She expressed thanks for the support from the various departments of the City and presented each Council member with a candle to help brighten their holidays.

Councilman Pierce stated that members of the Council look forward to the lighting ceremony and the fireworks at 8 p.m. at Ross' Landing, as well as the lighted boat parade.

**REZONING**

**1999-190: Pro Storage**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 311 GLENDALE DRIVE FORMERLY 935 MOUNTAIN CREEK ROAD WEST OF THE "W" ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**1999-192: Meredith Dement**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

**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 4400 BLOCK OF SHELBORNE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND BUDGET ORDINANCE NO. 10896**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 10986, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1999/2000" TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES AND THE PROJECTS ASSOCIATED WITH THE CITY'S TOURISM DEVELOPMENT ZONE APPLICATION TO THE STATE OF TENNESSEE**

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

**FRANCHISE**

Councilman Franklin stated this matter was discussed in Public Works Committee and is recommended for approval.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

**AN ORDINANCE GRANTING UNTO ADELPHIA BUSINESS SOLUTIONS A FRANCHISE TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA TO PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**AD VALOREM TAXES: WHELAND  
FOUNDRY, INC.**

Councilman Crockett stated this matter came before the Economic Development Committee this afternoon and represents a \$32 million dollar expansion. He stated the matter is recommended for approval.

On motion of Councilman Crockett, seconded by Councilman Franklin,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO WHELAND FOUNDRY, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

was adopted.

**AGREEMENT: BOOTH RESEARCH GROUP,  
INC.**

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BOOTH RESEARCH GROUP, INC., A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, RELATIVE TO THE DEVELOPMENT AND ADMINISTRATION OF PROMOTIONAL EXAMS FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN**

was adopted.

**SPECIAL POLICEMAN: CHARLIE W. WILLIAMS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF CHARLIE W. WILLIAMS AS A SPECIAL POLICEMAN FOR THE RIVERPARK, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**CONTRACT: LEE GREENE**

Councilwoman Rutherford stated this matter was discussed in Parks and Recreation Committee and is recommended for approval.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT FOR PERSONAL SERVICES WITH LEE GREENE FOR SERVICES AS THE DESIGN AND CONSTRUCTION PROJECT MANAGER FOR CERTAIN DEPARTMENTAL PROJECTS, MORE PARTICULARLY DESCRIBED HEREIN**  
was adopted.

**AMEND RESOLUTION NO. 21978-A**

Councilman Franklin stated Resolutions (e) – (m) were discussed in Public Works and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION NO. 21978-A, ENCAPTIONED "A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BATTLEFIELD ABATEMENT CONTRACTORS, INC., RELATIVE TO ASBESTOS MANAGEMENT CONSULTANT SERVICES FOR CONTRACT NO. CSO-2-98, FOR AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)." SO AS TO INCREASE THE CONTRACT BY FIVE THOUSAND DOLLARS (\$5,000.00) FOR A TOTAL REVISED AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)**  
was adopted.

**REVISED SEWER EASEMENT AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A REVISED SEWER EASEMENT AGREEMENT TO PERMIT ELDER G. GLENN, SR. LIMITED PARTNERSHIP II TO MAINTAIN TWO (2) EXISTING PORTABLE STRUCTURES, AN ATTACHED DECK AND A METAL STORAGE BUILDING WITHIN THE EASEMENT**

was adopted.

**RIGHT-OF-WAY PURCHASE: TONY PEOPLES AND LINDA PEOPLES**

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM TONY PEOPLES AND LINDA PEOPLES, RELATIVE TO WIDENING OF 17<sup>TH</sup> STREET, TRACT NO. 2, FOR A TOTAL CONSIDERATION OF TEN THOUSAND DOLLARS (\$10,000.00)**

was adopted.

**AMEND RESOLUTION NO. 22305**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AMENDING RESOLUTION NO. 22305, ENCAPTIONED "A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING TWO METALLIC CANOPIES, MORE PARTICULARLY DESCRIBED HEREIN, TO THE FRONT WALL OF THE DEVELOPMENT RESOURCE CENTER AT 1250 MARKET STREET, SUBJECT TO CERTAIN CONDITIONS." SO AS TO INCREASE THE NUMBER OF METALLIC CANOPIES TO SIX (6), MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO EXECUTION OF AN AMENDED INDEMNIFICATION AGREEMENT**

was adopted.

**TEMPORARY USE: COVENANT BAPTIST CHURCH**

On motion of Councilman Eaves, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING COVENANT BAPTIST CHURCH TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON EAST BRAINERD ROAD AT JOINER ROAD FOR LOCATING A DIRECTIONAL SIGN POINTING TOWARDS THE CHURCH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: COVENANT BAPTIST CHURCH**

On motion of Councilman Eaves, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING COVENANT BAPTIST CHURCH TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON GUNBARREL ROAD AT ZIEGLER ROAD FOR LOCATING A DIRECTIONAL SIGN POINTING TOWARDS THE CHURCH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: SILVERCREST BAPTIST CHURCH**

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING SILVERCREST BAPTIST CHURCH TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON ADDISON STREET FOR LOCATING A DIRECTIONAL SIGN POINTING TOWARDS THE CHURCH AT THE INTERSECTION OF BONNY OAKS DRIVE AND ADDISON ROAD, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: SILVERCREST  
BAPTIST CHURCH**

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING SILVERCREST BAPTIST CHURCH  
TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON ADDISON  
STREET FOR LOCATING A DIRECTIONAL SIGN POINTING  
TOWARDS THE CHURCH AT THE INTERSECTION OF LOFTIS  
STREET AND ADDISON ROAD, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE: ST. THADDEUS  
EPISCOPAL CHURCH**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,  
**A RESOLUTION AUTHORIZING ST. THADDEUS EPISCOPAL  
CHURCH TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON  
HIGHWAY 58 AT MURRAY HILLS DRIVE FOR LOCATING A  
DIRECTIONAL SIGN POINTING TOWARDS THE CHURCH, SUBJECT  
TO CERTAIN CONDITIONS**  
was adopted.

**OVERTIME**

Overtime for the week ending November 19, 1999 totaled \$106,899.02.

**PERSONNEL**

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

**DONALD W. WARREN** -- Promotion, Shop Supervisor, Fleet Maintenance, 12<sup>th</sup> Street  
Garage, Pay Grade 18/Step 1, \$31,950.00 annually, effective December 2, 1999.

**JAMES D. SMITH** -- New Hire, Community Development Specialist, Pay Grade 15/Step 1,  
\$28,606.00 annually, effective December 3, 1999.

**PURCHASE**

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

**BLC PRINTING (Lowest and best bid)**  
**Requisition No. R0033220**

Requirements Contract for City-wide Printing

\$2,020.08

**PERSONNEL**

The following personnel matters were reported for the Public Works Department:

**DWIGHT A. MANGHANE** -- Suspension, Equipment Operator Senior, City-wide Services, effective November 18, 1999 and December 2 & 9, 1999.

**RUFUS JONES** -- Lateral Transfer, Crew Worker, City-wide Services, Pay Grade 3/Step 11, \$23,607.00 annually, effective December 1, 1999.

**BRADLEY S. PRYOR** -- Return from Family Medical Leave, Heavy Equipment Operator, City-wide Services, Pay Grade 10/Step 2, \$24,185.00 annually, effective November 17, 1999.

**STEPHEN M. LONG** -- Employment, Engineering Designer, Engineering, Pay Grade 17/Step 4, \$35,460.00 annually, effective November 19, 1999.

**JASON TYLER GOODEN** -- Resignation, Electronics Traffic Technician, effective November 24, 1999.

**ROGER L. SAMPLES** -- Promotion, Crew Worker Senior, City-wide Services, Pay Grade 5/Step 3, \$19,205.00 annually, effective November 24, 1999.



**PURCHASE**

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

**TRI-STATE PROCESS EQUIPMENT (Best bid)**  
**Requisition No. R0045056**

Tub Grinder

**(Price information available and filed with minute material of this date)**

**GARBAGE/LEAF PICK-UP**

Councilwoman Rutherford inquired as to the garbage pick-up schedule for citizens whose garbage is collected on Thursday and leaf pick-up for the Brainerd area.. Admin. Marcellis stated the Thursday garbage pick-up is scheduled for tomorrow, Wednesday. He stated loose leaf pick-up would be the second week of December. He stated the Friday garbage pick-up will be held on Friday; that crews will be working Wednesday to pick-up Thursday's collections. He stated recyclables will not be picked up on either Thursday or Friday of this week and will be picked-up the following Thursday and Friday of next week.

**PERSONNEL**

The following personnel matter was reported for the Chattanooga Fire Department:

**PATRICK L. MURDOCK** -- Family Medical Leave, Building Maintenance Mechanic, effective November 12, 1999.

**INSPECTOR**

Councilwoman Hurley inquired as to whether the Fire Department is short an inspector for the Beer Board.

Chief Coppinger stated his department is short, now, and will be appointing a Fire Marshall, which is an issue, as well as being short a Fire Inspector. He stated a staff officer has been assigned.

**INSPECTOR (Continued)**

Councilwoman Hurley stated permits have been coming without a fire safety recommendation. Chief Coppinger stated there has been a change and the matter has been directed to the Fire Department from the Police Department and Beer Board. He stated he spoke with Shirley Swanson about this and feels there is clarification, now. He stated the transition from the Police Department to the Fire Department has been done and paperwork is the issue.

**REFUND**

On motion of Councilman Pierce, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund of Property Taxes.

**WHIRL I BIRD, INC., #1000842, \$3,31.93.**

**PERSONNEL**

The following personnel matter was reported for the Personnel Department:

**JANICE OWENS** -- Hire, Personnel Assistant, Page Grade 7/Step 1, \$19,689.00 annually, effective November 19, 1999.

**PERSONNEL**

The following personnel matter was reported for the Department of Neighborhood Services:

**RENAY METZGER** -- New Hire, Neighborhood Relations Program Coordinator, Pay Grade 17/Step 2, \$30,834.00 annually, effective November 19, 1999.

**HEARING**

City Attorney Nelson reminded Council members of the hearing scheduled for Monday, November 29 at 6 p.m. for Andrew A. Williams, with Councilmen Eaves (Chair), Rutherford and Hakeem serving as the panel.

**TENNESSEE COURT OF APPEALS**

City Attorney Nelson stated prior to the meeting tonight, the Tennessee Court of Appeals rendered a decision in the Dean Arnold versus City of Chattanooga case. He stated there were three issues in this case: (1) whether the Decosimo Report and PFM were work produced to their attorneys preparing for litigation; (2) whether it is to be waived; and (3) whether the City should have to pay the attorney's fees of Mr. Arnold.

At this point, City Attorney Nelson quoted from the Court document by stating:

*"The Decosimo and PFM Reports clearly meet the requirements of Rule 26.02(3) as being 'documents . . . prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative' as well as fulfilling the requirements of the doctrine at Common Law. The Trial Court was in error in failing to find that the reports fell under the protection of attorney work product."*

Councilman Crockett inquired as to what this means. City Attorney Nelson explained that the work done by the City Attorney's Office for and on behalf of the City cannot be discovered by media to other law firms. He stated the Court of Appeals' argument is that Arnold's attorney took the position if he wanted to he could come over and examine our file and because we represented the City we would have to allow them to do that. He stated the Court of Appeals "shot that down" and held that the attorney's work product is a protected document.

City Attorney Crockett stated originally the Chancellor held that the work product was involved and the Court of Appeals reversed the Chancellor's opinion.

City Attorney Nelson stated that was the most important issue in the case; that the Appeals Court did say we could not rely upon that privilege because we made a presentation as to that report in the meeting the Council and Mayor held at the Tivoli; that we waived the privilege so that the document will be made public at this point. He stated the third issue was one of whether the City acted in bad faith in refusing to make records public and the Court of Appeals said "no" and that we would not have to pay the attorney's fees for Mr. Arnold.

Councilman Crockett again asked for clarification that the Chancellor's opinion was reversed. City Attorney Nelson responded "correct".

**COMMITTEES**

Councilman Taylor reminded Council members of the **Safety Committee meeting scheduled for Tuesday, December 14 immediately following Public Works.**

**COMMITTEES (Continued)**

Councilwoman Rutherford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, December 7 beginning at 4 p.m.**

Councilwoman Hurley stated the Health and Education Committee met today with Superintendent Register for what we expect to be an annual, if not semi-annual, report to the City; that the point was made that it was terribly important the City does make a contribution of its sales tax money voluntarily which amounts to the same amount coincidentally that the City was contributing to the City school system when the two were separate. She stated the Committee had a fine conversation and thinks the Superintendent was very responsive; that this was one of a number of meetings which he would like to have with us.

Councilman Hakeem scheduled a meeting of the **Budget/Personnel Committee for next Tuesday, November 30 immediately following Public Works Committee.**

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for next Tuesday, November 30, at 4 p.m.**

Councilman Crockett stated the Economic Development Committee met today and discussed one issue that was done in a Resolution tonight; that another matter will be on next week's Council agenda relative to Nabisco, another business expansion with the Committee's recommendation for approval. He stated Mr. Pem Guerry, who has served as President of RiverValley Partners for the past three-and-a-half years announced to the Committee this evening that he was returning to the private sector after completing his agreement for the time he agreed to serve with RiverValley. He expressed appreciation for the work Mr. Guerry has done.

**HAMILTON COUNTY RESOLUTION**

Councilman Franklin read a Resolution from the African American members of the County Commission regarding the Magistrate appointed two weeks ago. He asked that the Resolution be "spread upon the minutes".

***RESOLUTION***

***Hamilton County, Tennessee***

***WHEREAS, the Hamilton County Board of Commissioners properly decided to appoint judicial commissioners (magistrates) to help alleviate jail overcrowding and expeditiously process cases through the criminal justice system; and***

***WHEREAS, it is said to note that approximately 70% of those who come through the Hamilton County jail or criminal justice system are African Americans; and***

**HAMILTON COUNTY RESOLUTION**  
**(Continued)**

*WHEREAS, magistrates should be persons who understand community mores and people in the community; and*

*WHEREAS, magistrates should closely mirror the makeup of Hamilton County to enhance the community's confidence in the criminal justice system; and*

*WHEREAS, there were other qualified African American candidates, one of whom received the fourth highest vote among the eight original finalists;*

*NOW, THEREFORE, the undersigned African American officials met and voted to issue this resolution in opposition to the Hamilton County Commission's unfortunate decision to appoint three (3) white males to the position of magistrate. Such a decision slaps in the face of fairness and suggests that there is no desire to include African Americans in this administrative component of the legal system.*

*WE FURTHER RESOLVE our support of the positions taken by Commissioners William Cotton and JoAnne Favors in expressing their disappointment with the actions of the Hamilton County Commission. To continue to ignore and exclude African Americans from participation in every level of Hamilton County government simply adds to strife and distrust of our County government system.*

*Issued this 17<sup>th</sup> day of November, 1999.*

*SIGNED: Councilman Leamon Pierce, Councilman John R. Taylor, Councilman Yusuf A. Hakeem, Councilman John P. Franklin, Jr., State Representative Dr. Tommie F. Brown, Judge Walter Williams and School Board Chairman Charles Love.*

**LORENZO ERVIN, JR.**

Lorenzo Ervin, Jr. of the Concerned Citizens for Justice stated he has been monitoring police activities in Chattanooga and as a result has written a letter to James Robinson, Assistant Attorney General of the Criminal Section of the Civil Right Division in Washington, DC. Mr. Ervin read the letter he wrote to Mr. Robinson which complained of the horrific beating of Curtis Providence who asked his organization to intervene.

**LORENZO ERVIN, JR. (Continued)**

Mr. Ervin stated the matter was covered up by local authorities and politicians and read an account of Mr. Providence's situation which occurred on October 23, 1999 wherein Mr. Providence had an argument with his wife and left their apartment in East Lake to "cool off". He stated his children called the police, and Officers Ashley and Akins approached Mr. Providence from behind and stated they wanted to talk to him; that Mr. Providence agreed he was not leaving and had two children with him and the children's clothes in his hands. He stated when Mr. Providence opened the back door he was attacked from behind by officers and wrestled to the ground and handcuffed; that at this point Mr. Providence was restrained and did not represent any threat but was beaten with the officers' fists, a truncheon and kicked for 30-45 minutes and his head was slammed on the concrete. He stated Mr. Providence bled profusely from cuts to his head, arms and face; that other officers arrived and administered more punishment by slamming Mr. Providence's head onto one of the police car trunks. Mr. Ervin's letter went on to indicate that Mr. Providence continued to be beaten by Officer Ashley after arriving at the hospital. He stated a number of persons saw the public beating and indicated the "Midnight Fox Team" made a practice of abusing black citizens; that this is racism and terrorism. He continued reading the letter by stating Mr. Providence faces criminal prosecution and has filed a complaint with the Internal Affairs Division of the Police Department; that it is felt the officers will be exonerated which is not independent nor professional. He stated since the local authorities have abdicated their responsibility, he is asking for a federal investigation with agents from outside the region. He stated Mr. Providence was present. Mr. Ervin stated a conference will be held at Mt. Olive Missionary Baptist Church; that people are tired of police brutality and cover-ups and will have an opportunity to speak at the conference.

**MAXINE COUSIN**

Maxine Cousin also read a letter that she had written to James K. Robinson regarding police brutality of several persons suffered at the hands of law enforcement officers of the Chattanooga Police Department. Her letter chronologically listed incidents involving Montreal Collins on April 28, 1998, the fatal shooting of Kevin McCullough on May 28, 1998 and James Lebron Hurt on October 24, 1999, who was found hanging in his cell. She stated officials claimed Mr. Hurt was mentally disturbed and placed him in an observation cell; that Mr. Hurt was able to take a laundry bag string to hang himself; that neither officers provided information or access of records and "foul play" may be involved. She made reference to the fatal shooting of Samuel Petty; that Lawrence Duke was allegedly shot by Petty after an argument which "spilled" outside. She also made reference to Officer Jackson's involvement in this case and his not divulging freely that his weapon discharged with two of his bullets striking Mr. Petty in each leg. He stated this case wreaks of corruption by Officer Jackson and a possible payoff to allow gambling, which is usually covered up by local authorities. She also made reference to the Wadie Suttles case in 1983; that Mr. Suttles was murdered by someone; that officials testified under oath that his death was by suicide and they know it was murder.

**MAXINE COUSIN (Continued)**

Ms. Cousin requested that all federal funds to the Police Department and City be withheld pursuant to the Civil Rights Acts of 1964 until the City and Hamilton County are in compliance with federal law on behalf of its black and poor citizens.

**DONALD PHILLIPS**

Donald Phillips, Chairperson of People Wanting a Change, stated Council members had received a letter requesting a Resolution be passed naming the walking and running track located at Carver Center in honor of Rev. Amos Baker. He stated for thirteen years Rev. Baker has been in Chattanooga working with youth and senior citizens, which is why they are asking the Resolution be passed to name this part of the Center after Rev. Baker.

**CURTIS PROVIDENCE**

Curtis Providence stated the incident that happened to him happened in front of his children, which is something he told Internal Affairs, and it happened in front of his daughter, which is why he is pursuing the matter. He stated whatever happens he wants it to happen legally, not illegally; that his children are his "world". He stated that his daughter goes out into the parking lot and cries as she still visualizes the blood she saw and the police kicking him. He stated he will not drop this and will not let it go away.

**ADJOURNMENT**

Chairman Lively adjourned the meeting until Tuesday, November 30, 1999 at 6 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)**