

**City Council Building
Chattanooga, Tennessee
April 20, 2004
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. 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, Councilman Hakeem gave invocation.

MINUTE APPROVAL

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

COUNCIL ELECTIONS: CHAIRMAN AND VICE CHAIRMAN

Chairman Franklin stated that he has immensely enjoyed serving as Chairman; that it has been a privilege and honor to serve with such individuals on the Council. He expressed to each his pleasure in working with them and thanked them for their support. He then "opened the floor" for nominations for Chairman of the Council.

Councilman Hakeem placed in nomination the name of Jack Benson, stating that he has a wonderful family and a wife that epitomizes how wonderful his family is, and because of them he places his name in nomination.

Councilman Lively seconded the nomination and stated that he wants the incoming Chairman to understand that a Chairman should be seen and not heard!

**COUNCIL ELECTIONS: CHAIRMAN AND VICE
CHAIRMAN (Continued)**

Councilman Littlefield moved that the nominations cease on the one said name and to elect by acclamation; **Councilman Taylor seconded the motion**; the motion carried. **Councilman Benson was unanimously elected Chairman of the Council.**

Chairman Benson thanked his family for getting him elected! He indicated that he would be using the gavel his father-in-law used when he was Vice Mayor and stated that the gavel had been in "dry dock" since 1963.

At this point, Chairman Benson called for nominations for Vice Chairman of the Council.

Councilman Littlefield nominated the lone, sole female participant of the Council, **Sally Robinson**. **Councilman Taylor seconded the motion.**

Councilman Lively made the motion to close nominations on the one said name and to elect by acclamation; **Councilman Taylor seconded the motion**; the motion carried. **Councilwoman Robinson was unanimously elected Vice Chairman of the Council.**

Chairman Benson thanked Councilman "Duke" Franklin for the tremendous job he performed during his tenure as Chairman. He stated "Duke" is like family, too. He stated it is his belief all will agree that it is wonderful to serve with a Council that gets along well and is so harmonious and expressed appreciation to each of the Councilmen. He stated that his counterpart from the County, Commissioner Curtis Adams, is present and called him an hour ago to inform him he was bringing his "baby" with him, his 5'6" wife, Dot! He expressed appreciation for their presence and stated that we are one community here, the city and county, and mutually dependent upon each other for success.

Chairman Benson introduced his family members and friends who were present in support of his election. He recognized friends Hal and Teresa North and Paul Brock; his wife, Kay; sons, Mark and Jack, Jr. and other family members.

Vice Chairman Robinson expressed appreciation to those in attendance and stated that Council members take good care of her and all should see why she loves her job! She thanked her fellow Council members for electing her and expressed that she would serve and work hard. She thanked members of her family for their unfailing support and introduced her husband, Sam; son, Rob and other family members. She stated that she looks forward to serving with Chairman Benson, who knows how to keep them moving along!

**COUNCIL ELECTIONS: CHAIRMAN AND VICE
CHAIRMAN (Continued)**

City Attorney Nelson stated that he realizes Chairman Benson has his very own gavel with family history, yet he also has the privilege as City Attorney to present the incoming Chairman with a new gavel to claim as his own. He congratulated Chairman Benson and presented the gavel.

**SPECIAL PRESENTATION: VISITORS FROM SISTER
CITY, WUXI, CHINA**

Councilman Littlefield stated that Council members are fortunate to have visitors present from our sister city of Wuxi. He stated Wuxi has been our sister city for little over 20 years and it has been a unique relationship to have with the Chinese community for two decades that has served both cities very well. He stated the visitors came on a very opportune night to see Council members change the Council's Chairman and Vice Chairman. He stated ten representatives are present that include government, business, and real estate; that among them is one all have come to know very well, Zhao Ming. He stated Zhao Ming is the Deputy Director of Wuxi Municipal Foreign Affairs and Councilman Hakeem had the benefit of traveling with him, as well as himself (Littlefield) a year ago when he visited Wuxi. At this point he asked Bob Edwards, Vice President of the Sister Cities Association, to come forward to introduce the guests.

Bob Edwards congratulated Councilmen Benson and Robinson and introduced members of the delegation, noting that the group is led by Yu Bingcai, Deputy Chairman of Wuxi's Municipal Committee of Chinese People's Political Consultative Conference.

Councilman Littlefield displayed a PowerPoint presentation of a wonderful gift the City has begun to receive from the city of Wuxi through the efforts of Eleanor McCallie Cooper, who was a member of the delegation when he had the opportunity to China go a few months ago. He stated that the Mayor of Wuxi was asked to send his landscape people, who came to Chattanooga and spent several days and selected a site which will become more than a location of the Taihu Rocks that we now have, but something much larger. He stated a site has been selected at Coolidge Park across from the Little Theatre and informed everyone that the Taihu Rocks are currently in Portera's Rock Garden in Bluff view. He stated the site was selected very carefully and follows all the Chinese sciences of gardening as there has to be a hill toward the back, water at the foot and the north and south have to be in certain locations; that everything has worked well for this site.

**SPECIAL PRESENTATION: VISITORS FROM SISTER
CITY, WUXI, CHINA**

Councilman Littlefield continued displaying photos of the proposed plan by PowerPoint that was assembled by Yuen Lee of the Regional Planning Agency. He displayed details of the rocks and various other amenities of the gardens in China, which included a zigzag bridge in the western part one of their gardens' pool, windows that were very dramatically hung, sculptures, structures and other interesting uses of landscape. He stated the goal is to make this not only just a garden feature, but something unique that would be a tourist attraction as more and more are coming to Chattanooga.

Councilman Littlefield displayed a photo of a Taihu Rock entitled Eagle Rock and indicated that Taihu Rocks are very precious and are not let out of China very liberally; that they are the "pandas" of rock. He stated that Taihu Rocks are limestone rocks that have dissolved in very ornate fashions and the three Chattanooga has are very precious. He stated after China's landscape director visited Chattanooga he went back and went through his collection and found a larger rock which needs to go at the turnaround at the garden that is to be built. He stated Eagle Rock is about three feet tall and is very appropriate as it looks like the American Eagle. He stated that they are working with the Little Theatre and others who have ownership of parts of the land, as the City of Chattanooga and the Little Theatre Group share the property. He concluded his comments and presentation by thanking the delegation for all they have brought to Chattanooga.

AMEND CITY CODE

Councilman Lively made the initial motion to approve this Ordinance on second reading, however, Councilman Littlefield made the motion to defer this matter until May 4, as there are still some details to be worked out. He indicated that Councilman Lively was not at today's Legal and Legislative meeting when the matter was briefly discussed and the motion to table takes precedence.

At this point Councilman Lively withdrew his motion to approve on second reading.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 3, ARTICLE I, SECTIONS 3-2, 3-7, 3-8, 3-18 AND 3-20,
ARTICLE II, SECTION 3-21, ARTICLE III, SECTION 3-33, ARTICLE IV,
SECTION 3-42 AND ARTICLE V, SECTIONS 3-52 AND 3-55, RELATIVE TO
SIGNS**
was tabled until May 4, 2004.

MORATORIUM ON ANY NEW SIGN PERMITS

Councilman Littlefield stated a Resolution was proposed in today's Legal and Legislative Committee that was not on tonight's agenda and has been handled as a special item. He stated there has been some confusion as it applies to scenic areas and this will hold it in place. At this point he **made the motion to approve the Resolution; Councilman Page seconded the motion.**

Steve Blackshear of Vista Outdoor Advertising stated that he has been working with this and apologized for missing today's Legal and Legislative Committee meeting. He asked the Council to consider issuing a moratorium solely on scenic areas, if it is acceptable; that they are not changing anything existing or in the future.

Chairman Benson asked if Mr. Blackshear is asking to be exempted from the moratorium anything other than scenic areas.

Councilman Littlefield stated those areas would have to be defined; that he is really trying to wrap up action on this ordinance and does not want to get into defining the fine points. He stated this moratorium should not hurt anybody all that much; that it just delays for a few days and would like to stick with the Resolution as written. He stated a lot of people have been talking to members of the Council individually, but this is a very difficult process and they have become very close to completely coming unraveled. He again requested that the Council stick to the Resolution as proposed.

At this point Councilman Franklin "called for the question".

Councilman Hakeem stated what the Councilperson brings up is clear and added that maybe some time can be afforded for discussion prior to May 4 before putting ninety days on it to see if there can be a "meeting of the minds". He asked that the Council wait until May 4 to put this in place.

Councilman Littlefield stated that it is his intent to lift it on May 4; that this is simply a Resolution and we do not have to stick to the full ninety days.

City Attorney Nelson stated that it would take at least three weeks for the moratorium to be lifted, as the Ordinance would take effect two weeks from its passage date, which would be May 25.

Councilman Littlefield stated that the Resolution would take little effect; that it releases all the unprotected areas and is only looking at two weeks. He stated the building permit people are confused by all the "hubbub" of people coming in at the last minute requesting the issuance of permits.

MORATORIUM ON ANY NEW SIGN PERMITS
(Continued)

Councilman Littlefield stated this has happened before and is nothing new and the easiest way is to clamp a moratorium, finish the Ordinance and then lift the moratorium and everyone will be happy. He stated Mr. Blackshear would only be inconvenienced for two weeks.

Councilman Page spoke on behalf of the motion to adopt and stated that it is his belief there should be clarity before moving forward with any ordinance. He stated it is his understanding people are presenting applications for new signs in scenic areas and it is a good idea to hold the issuance a of permits.

Councilman Franklin again "called for the question" on the motion to adopt.

On motion of Councilman Littlefield, seconded by Councilman Page,
**A RESOLUTION DECLARING A MORATORIUM FOR NINETY (90) DAYS
ON THE ISSUANCE OF ANY NEW SIGN PERMITS SO AS TO ALLOW CITY
COUNCIL TO REVIEW AND REVISE ITS EXISTING ORDINANCES**
was adopted.

REZONING

2004-006: W. J. Stewart

On motion of Councilman Page, 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 3515 W ROAD, 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 Littlefield, seconded by Councilman Hakeem, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2004-006: City of Chattanooga

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
OPENED UNIT BLOCK OF WALL STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**

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

AMEND CONDITIONS

2004-026: George B. Harless, Jr.

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 AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 11224 ON PROPERTY
LOCATED IN THE 1900 BLOCK OF KELLY STREET AND THE 2200 BLOCK
OF EAST 21ST STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2004-046: Ken DeFoor

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 7503 AND 7507 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

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

DONATION OF REAL PROPERTY

On motion of Councilman Taylor, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT 3515 OHLS AVENUE, 0 CHANDLER AVENUE AND 0 W. 38TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, AS PART OF THE CHATTANOOGA HOUSING AUTHORITY'S HOPE VI PROJECT IN ALTON PARK
was adopted.

AD VALOREM TAXES

Councilman Page stated Resolutions (b) and (c) were discussed in last week's Economic Development Committee meeting and approval is recommended.

On motion of Councilman Page, seconded by Councilman Littlefield,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE BURNER SYSTEMS INTERNATIONAL, 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.

AD VALOREM TAXES

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CUSTOM BAKING COMPANY 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.

FAIR HOUSING OUTREACH AND EDUCATION INITIATIVE

City Attorney Nelson stated that Admin. Traughber has asked that this Resolution be deferred one week.

**FAIR HOUSING OUTREACH AND EDUCATION
INITIATIVE (Continued)**

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF COMMUNITY SERVICES TO ENTER INTO CONTRACTS FOR SERVICES, MORE FULLY DESCRIBED HEREINBELOW, RELATIVE TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE FAIR HOUSING OUTREACH AND EDUCATION INITIATIVE
was deferred one week.

OVERTIME

Overtime for the week ending April 16, 2004 totaled \$99,323.55.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **KENNETH E. ROBINSON** – Suspension (5 days without pay), Equipment Operator, Citywide Services, effective April 8 – 16, 2004.
- **STEPHON TRIMBLE** – Correction of suspension **from** 15 days **to** 7 days, Crew Worker, Traffic, effective February 9 – 17, 2004.
- **KENTHEARL HARPER, JAMES COLLIER III** – Suspension (one day without pay), Crew Worker, Sr., Citywide Services, effective April 14, 2004.
- **ROBERT D. SHIPLEY** – Suspension (one day without pay), Equipment Operator, Sr., effective April 13, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **TERRY YATES** – Retirement, Police Officer, effective April 15, 2004.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchase was approved for use by the Public Works Department:

WES BLAKEMORE TRUCKING (Only bid received)
R0074180/B0001326

Requirements Contract for Trucks and Truck Drivers
\$17.00 per hour

PURCHASE CORRECTION

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase correction was approved by use by the Chattanooga Police Department:

BROOKER FORD
R0072346/B0001278

Twelve Months Requirements Contract for Police Pursuit Vehicles. *Correction of purchase approved by Council on April 6, 2004. Purchase is for a twelve months requirements contract.*

PURCHASE

Prior to approval of this purchase, Councilman Hakeem inquired as to the advantage of spending \$37,000 for a machine that does not belong to the City as opposed to purchasing one.

Dennis Norwood, Manager of the Police Information Center, stated that the reason for the lease of the machine is that it will deteriorate as it goes along; that it would be more beneficial to lease and replace it. He stated that the cost of the total service guarantee is that if at any point we become dissatisfied it will be replaced with new compatible equipment.

Councilman Hakeem inquired as to the cost of a new machine.

Mr. Norwood stated that he did not have that information with him; that they are spending \$4,590 per month, now, and the new lease would be around \$1,126 per month and it is quite normal to do this.

PURCHASE (Continued)

Councilman Hakeem stated that he would like to have the numbers as to what a new unit would cost as opposed to leasing one. Mr. Norwood indicated that he would provide the information.

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

XEROX CORPORATION (Best proposal)
R0070932

Network Printer/Scanner, Digital Copy Equipment *(Contract term will be for 60 months w/the option to renew on a monthly basis after the original contract expiration date. The lower proposal submitted by Lanier Worldwide, Inc. was not acceptable since they are proposing a third party software solution.)*

\$37,000.00

BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilman Page, the following Board appointment was approved:

BEER BOARD APPOINTMENT:

- Appointment of **WILLIAM THOMAS** for a term expiring July 1, 2006, representing District 7.

REFUND

On motion of Councilman Lively, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund of Stormwater Fees for tax year 2002 due to duplicate payment.

PIONEER TITLE AGENCY \$1,283.02

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchases were approved for use by the Finance and Administration Department:

SOFTWARE PLUS (Single Source)

R0069674/A01701

Microsoft Windows and Exchange Client Access Licenses per TCA 6-56-304-6

\$12,339.60

COLEMAN TECHNOLOGIES, INC. (Single source)

R0069688/F00201

Communication Equipment per TCA 6-56-304-6

\$24,706.80

CONGRATULATORY EXPRESSIONS

Admin. Curry congratulated Councilman Benson upon his election as Chairman of the Council, stating that he is his Council member and neighbor. He also congratulated Vice Chair Robinson.

Councilman Taylor congratulated the new Chair and Vice Chair, as well as Councilman Franklin for an outstanding job that was well done!

Councilwoman Robinson also extended sincere thanks to Councilman Franklin for the fine job he did for the whole year and expressed that she looks forward to serving under Chairman Benson.

Councilman Pierce thanked Councilman Franklin for his service of the last year and indicated that he would reserve comments regarding the Chair and Vice Chair until a later date for an opportunity to observe them both!

Councilman Page commented that he would be remiss if he did not thank Councilman Franklin for his fine leadership and expressed appreciation to him. He stated that he looks forward to serving with Chairman and Vice Chair Benson and Robinson.

CONGRATULATORY EXPRESSIONS (Continued)

Councilman Littlefield congratulated the new officers and welcomed Councilman Franklin to the growing fraternity of “has been’s” shared by Councilmen Pierce, Lively, Hakeem and himself! He stated it is a fraternity of those who once held that “powerful position” and that Councilwoman Robinson is a “heartbeat away” from it as Councilman Benson now holds the Chairmanship!

Councilman Hakeem added his condolences and then corrected himself to say congratulations to Chair and Vice Chair Benson and Robinson, as well as Councilman Franklin for his year of service.

Chairman Benson expressed congratulations to Councilman Franklin for the past year and for all the platitudes that have been expressed! He reiterated how well the Council members get along, again expressing appreciation for the opportunity to serve.

Councilman Franklin stated that it has been a pleasure to serve as Chair and reflected on other governmental agencies and bodies similar to the Council who are different as “night and day”. He stated that he looks forward to the emeritus status and sitting at the end of the Council dais! He congratulated Councilmen Benson and Robinson and expressed that he looks forward to their leadership. He stated that the remaining Council members would support them in every way they can as they have always done with each other.

Councilman Lively congratulated Councilmen Benson and Franklin and stated that it is really his pleasure to serve on this Council. He stated that he could remember back in 1990 when he and Councilmen Littlefield, Hakeem and Pierce served on the Council and they could not open their mouths without offending somebody; that now, they can’t offend anyone, even when they try!

PEDESTRIAN BRIDGE

Councilwoman Robinson reported that Mayor Corker made a report on the progress of the 21st Century Waterfront Plan, particularly on the pedestrian bridge that will connect the Walnut Street Bridge over Riverfront Parkway to the new Hunter Museum, as well as the Bluff View Art district. She stated that Stroud Watson of the Design Center was introduced and explained that the bridge will truly be a thing of beauty and will have sections of transparent glass-like pathways on the pedway that will be lighted.

PEDESTRIAN BRIDGE (Continued)

Councilwoman Robinson stated the design would not be public art in the traditional sense, yet beautifully designed and crafted and will be a sight to behold! She stated this would be something we can be proud of as our 21st Century Waterfront property is built out in the next twelve months and will be a countdown to wonderful things being done.

COMMITTEES

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, April 27 at 4 p.m.**

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, April 27 at 3 p.m.**

ERMA CHOICE

Erma Choice of 4615 Highland Avenue in Alton Park stated that she was present to talk about something that happened last Thursday evening; that she knows that we need policemen, however, we don't need what she witnessed last Thursday. She stated that she did not witness the first part of it, but while she was sitting on her front porch a young man ran up and hid by the side of her house; that he fell on his knees and an officer took his foot and kicked him over! She stated that other officers were called and they kicked, stomped and beat him unmercifully; that the young man did not try to fight back and did not have a weapon as his hands were in the air. She stated she did not know at the time that he had been sprayed with something as she noticed that he ran in a zigzag pattern and dropped to his knees. She stated he was kicked badly and was very bloody and does not believe a dog should have been treated like that. She stated that the officer asked her to give them water to clean him up because he was so bloody. She stated that the young man was a drug dealer and reminded Council members that she has turned in many of them. She stated that she talked to the officers and asked them why they were treating this young man so badly and was told that he was a drug dealer and drugs kill people. She immediately responded that the police do, too (kill people).

ERMA CHOICE (Continued)

Ms. Choice continued by stating that she thought she saw one of the officers involved here today and that she came on her own tonight to report this. She stated that she has been upset about this and has not been able to sleep at night. She asked why call the police when they come out and kill; that they don't arrest, they come and kick and spit and she knows what happens! She stated this is actually what happened last Thursday and everyone was looking; that that young man couldn't raise his hands afterward and did not try to take anyone's gun; that he was on his knees with his hands up and they kicked and beat him terribly! She stated she does not tolerate dope dealers in her neighborhood and tells on them. She stated what she witnessed was outrageous and there was a whole bunch of them (policemen); that when they got through the young man was put in the car and was bloody as a dog and they were trying to get someone to clean him up. She stated she was asked to give them water but she did not; that she was really nervous; that she could have given them water but did not and does not know why. She stated she does not know the young man's name but does not want to see that happen anymore.

Chairman Benson expressed thanks to Ms. Choice for coming to give the information and asked that she give the information to the officer present so that it could be reported to Internal Affairs.

Councilman Taylor commended Mrs. Choice for her community involvement and indicated that she is an outstanding citizen in our area and is very proud of her leadership not only toward youth, but seniors, as well. He stated that her concern is nothing new as he has heard this many times before. He requested that the Safety Committee get a report from Chief Parks for proper response, reiterating that he hears this constantly, over-and-over with regard to excessive abuse. He stated if we can get a response from our Chief and an update on what the proper procedure is, we can make sure officers are encouraged to respond properly. He again stated that he hears matters of this nature echoed over-and-over.

Councilman Taylor and Hakeem made the motion and second to refer the matter to the Safety Committee for a report from Chief Parks; the motion carried.

Councilman Lively scheduled a meeting of the Safety Committee for Tuesday, May 4 immediately following the meeting of the Parks and Recreation Committee.

ERMA CHOICE (Continued)

Councilman Littlefield stated that he does not know of an individual who has greater credibility than Ms. Choice; that she does not come down and complain about situations if they are not factual. He stated she has gone out of her way to be here tonight and it is commendable and something we should take seriously.

JIM BAKER

Jim Baker stated that he has enjoyed tonight’s City Council meeting and told Council members that he has a water problem out his way. He stated the water from Friar’s Branch runs next to his yard and for some reason it was decided that a lake would be built. He stated the lake does not hold the water and is “washing” him into the street! He stated it is a very unfair situation and one of the big things is the mold situation, mentioning a recent lawsuit with regard to mold in houses. He stated there is water around his house that runs against his floor joists, indicating that his house is one foot above the flood stage. He stated if it rains an inch the water runs through his property back into the creek. He stated there is a lot of trash in the water and it pours over his yard, reiterating that this situation is unfair.

Chairman Benson stated that he knows what Mr. Baker is saying is true as he has been there and knows what is going on; that the water is the McCutcheon holding pond. He referred Mr. Baker to Admin. McDonald and asked that the two talk about the matter and give a follow-up at next week’s Public Works Committee meeting as to the outcome.

Mr. Baker stated that he would appreciate some help. Chairman Benson commented that Admin. McDonald is a fine man and will do what he can.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 27, 2004 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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