

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
MAY 17. 2005
6:00 P.M.**

Chairman Robinson called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Assistant Clerk to the Council, Shirley Crownover, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Rutherford, with Attorney Nelson giving the invocation.

MINUTE APPROVAL

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

CLOSE & ABANDON

MR-022-014 (JOE GLOVER)

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING AN
UNNAMED ALLEY LOCATED IN THE 300 BLOCK OF
WORKMAN ROAD (PREVIOUSLY HAMILL ROAD), MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

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

CLOSE & ABANDON

MR-2003-141 (SOUTH BROAD ASSOCIATES, LLC)

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING AN EIGHT INCH (8") V.C. PIPE LOCATED ON THE OLD 34TH STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed second and final reading and was signed in open meeting.

REZONING

2005-033 (CHATTANOOGA NEIGHBORHOOD ENTERPRISE)

On motion of Councilman Benson, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1902, 1904, AND 1910 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled until June 21st per the applicant, who had spoken to Councilman Pierce.

REZONING

2005-047 (WALTER L. AND BARBARA H. CROX)

On motion of Councilman Pierce, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4340 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2005-051 (STAN PHILLIPS)

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1017 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

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

REZONING

2004-222 (RMP, LLC)

This case was deferred from the previous week. Jerry Pace, Director of Development Services with the Regional Planning Agency, asked if the applicant was present, stating that he had left a message that he should be present tonight. The applicant was not in attendance and Councilman Pierce, seconded by Councilman Hakeem, moved that the Ordinance be denied; however Mr. Pace asked that the case be held until the end of the meeting to see if the applicant might appear.

The applicant, **Richard Pollard**, did appear before the meeting had ended. At this point Mr. Pace showed pictures on the screen and explained that this was a request to rezone a lot from R-2 to M-1 for expansion of the M-1 Zone. He noted that at the time we had the first hearing that there was a house still on the property. He understood that the house was to be torn down to provide for an expanded storage area. He went on to say that this is a nicely kept street and there is both R-2 zoning and manufacturing in the area. The Planning Staff recommended denial and the Planning Commission recommended approval with conditions, including (1) Type C landscaping strip along Faxon Street with an 8' solid vinyl fence; (2) Type A landscaping strip along the north property line to be placed within 20' of the property line with an 8' solid vinyl fence; (3) No access to Faxon Street; and (4) All existing easements are retained.

REZONING (CONT'D)

Councilman Pierce stated that he would like to hear from the applicant.

Mr. Pollard stated that his property joins Faxon Street on the west and that he would consider leaving the house there; that it is a nice home, and he already had people who wanted to rent it; that he would be willing to leave the house as a buffer.

Councilman Pierce stated that he had talked to residents in this area, and the neighborhood was not supportive of this zoning; that there are a lot of senior age single ladies in this area, and this particular piece of property includes a residential house, but the intent of this manufacturing property is to take the whole block; that there is one lady who does not want to sell unless she is forced to. He went on to say that this is spot zoning that is destroying an old neighborhood in the community. He stated that he did not know if this area was in the down-zoning or not, but it did alter the Rossville Plan, which stated that the area was to remain residential.

Mr. Pollard stated that he thought Councilman Pierce was talking about Mrs. Simmons. He stated that he had looked after her and cut her grass; that at first she wanted to sell her property and then had changed her mind. He explained that she was the reason that he would be willing to leave the house there so as to not interfere with her; that there were only two pieces of property that he did not own—one was her property and property owned by another fellow, who also did not want to sell.

Councilman Pierce stated that this was what he was talking about; that this was eating up the neighborhood and soon the applicant would own all of Faxon Street.

Mr. Pollard stated that he owned 15 acres to the south of Faxon Street that is zoned M-1; that he wanted to be a good neighbor; that he had taken a "liking" to Mrs. Simmons and that she called him and had also asked him not to tear the house down; that he had not rented it yet and that she had asked him to find her a good neighbor. He stated that this house would be as good a buffer as you are going to get.

REZONING (CONT'D)

Councilwoman Rutherford asked why the Planning Staff recommended denial of this.

Mr. Pace explained that the Rossville Blvd. Plan calls for residential use and leaving this house as rental; that if this property was zoned M-1, the applicant could not leave the house there in that zone; that if he left the house, we would only have to rezone one lot. He mentioned that the applicant also has to meet requirements of the Landscaping Ordinance; that there were other issues that had to be addressed. He noted that the Staff looked at the existing residential uses along Faxon Street.

Mr. Pollard pointed out that the Planning Commission recommended approval based on meeting the landscaping requirements.

Councilwoman Rutherford asked the applicant that if this is rezoned, what he plans to do with the property. He responded probably nothing other than putting vehicles on it; that he had spent \$14,000 putting up a real nice buffer; that he had a good relationship with the neighborhood, as they knew he was keeping his eyes on it; that his business did not create a lot of noise; that he might later build a warehouse here.

Councilwoman Rutherford asked Mr. Pace if you could not have parking adjacent to R-2 without rezoning. He responded that the request would have to go through the Board of Zoning Appeals.

Mr. Pollard stated that he would not need any parking; that the only reason he was leaving the house was so that it would be a good buffer for Mrs. Simmons, who backs up to his business; that they had been good neighbors.

Councilwoman Rutherford asked if he needed this rezoned for a particular purpose. He responded that he needed storage and the possibility of building a warehouse.

Councilman Pierce stated that he did not think any other Councilperson lived in the middle of M-1 property but that he did; that the noise is unbelievable and there was no way he could support putting a business in this neighborhood.

REZONING (CONT'D)

Councilman Benson stated that he thought this was worse than Spot Zoning—that it was speculative. He asked if the applicant had lighting and noise control in place; that generally we don't do speculative zoning and that the applicant needs to qualify this with a site plan.

Mr. Pollard responded that the Council already had his site plan; that he had submitted one. Mr. Pace agreed that there was already a site plan.

Councilman Benson asked if the site plan was one that we could put conditions on such as lighting, dumpster placement, and buffers. The applicant responded that this was all on his site plan already.

Mr. Pace reiterated that the applicant was willing to leave the house there.

Councilman Benson explained to the applicant that if this is rezoned that what he shows has to be built there and the property can't be used for parking. The applicant agreed that this would be fine with him.

Mr. Pace reiterated that landscaping also comes into place and that the applicant would have to go to the Board of Appeals to get relief from the requested 30 ft.

Mr. Pollard responded that he had built three buildings and one would see that he had adequate sprinklers and trees; that he knew he had to meet every Ordinance and every requirement; that his business had been down, but he needed the warehouse when his business picked back up.

Councilman Page stated that he shared the concerns of Councilman Pierce about intrusion into the neighborhood; that there would be a greater buffer zone with him willing to leave the house.

Mr. Pace again mentioned the landscaping that would be required if he rezones to M-1 and that he could not have a residential use in a M-1 Zone. Councilman Page asked if the applicant would have to tear the house down? Mr. Pace responded "no"; that we would just rezone one lot; that a person did not have to landscape against themselves; that he could use the house as a buffer, but he was still moving into residential use—that it was an intrusion up Faxon Street and creates a "domino" effect.

REZONING (CONT'D)

On motion of Councilman Pierce, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO REZONE A TRACT OF LAND LOCATED AT 2909 FAXON
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE,
SUBJECT TO CERTAIN CONDITIONS**
was denied, with Councilman Benson voting “no”.

REZONING

2005-054 (D. L. DEVELOPERS, LLC)

This case was deferred from last week for a full Council vote.

Councilman Page asked Attorney Nelson if we had to have another public hearing regarding this case or if we were ready to address this issue. Attorney Nelson stated that only one public hearing was required. Councilman Page asked those in the audience who were opposing this to please stand and a large number of people stood. He also asked those who supported this to stand, and there were only three people.

Councilman Page noted that this case came before the Council last week, but we did not have the proper amount of votes to approve or deny it; that over the past week he had talked to people in Public Works, the City Engineer and his constituents; that there were several reasons that he was opposed to this rezoning, one being that R-T/Z is a higher density than R-1 and that their particular Plan wanted a low density area. Also, this is Spot Zoning, with R-1 zoning on both sides and residential across the street; that it is near Hixson Pike, and the Plan was specific about keeping commercial and townhouses towards Hixson Pike.

Councilman Page went on to say that Public Works and the City Engineer indicated to him that this was a higher density than R-1; that he was in no way against a project being put in place for seniors to live. He explained to those in opposition that there is a risk involved in denying this; that the developer can build, and they will build a project here; that he was not trying to keep development out; however with Spot Zoning there is a lot of open area, and this would set a precedent down this road and there

REZONING (CONT'D)

are also major problems in the area such as drainage. He reiterated that we were taking some amount of risk in developing this area with smaller houses and that he was not trying to tell a person you cannot use your property like you want to.

On motion of Councilman Page, seconded by Councilman Hakeem,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5506 CASSANDRA SMITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied on Roll Call vote as follows:

Councilwoman Bennett	“Yes”
Councilman Benson	“Yes”
Councilman Franklin	“No”
Councilman Hakeem	“Yes”
Councilman Page	“Yes”
Councilman Pierce	“No”
Councilman Rico	“No”
Councilwoman Rutherford	“No”
Chairman Robinson	“Yes”

AMEND CITY CODE
ZOO ENTRANCE FEES

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 26, ARTICLE VI, RELATIVE TO
ENTRANCE FEES TO THE CHATTANOOGA ZOO AT
WARNER PARK**
passed first reading.

RESCINDING MORATORIUM
ST. ELMO REC. CENTER

On motion of Councilman Hakeem, seconded by Councilman Rico,
**A RESOLUTION RESCINDING THE MOTION CARRIED IN
OPEN MEETING ON FEBRUARY 8, 2005 IMPOSING A
MORATORIUM ON DEMOLITION OF THE ST. ELMO
RECREATION CENTER**
was adopted.

Mr. Pete Drew of 4621 Virginia Ave. was present. He stated he lives in St. Elmo and was here tonight representing the St. Elmo Community Development Corp. and was hoping to accomplish not rescinding this moratorium but to allow it to run its course in order to work out an agreement to save a portion of the center; that he hoped the Council would not allow it to be destroyed because it was in good condition and continues to serve the general area around it—that the need is still there and the children are still there; that he wanted to meet with their Executive Board and work out a resolution that was in the long-term best interest; that people generally lived in an area from 5-7 years and some would continue from generation to generation; that people will move away but kids will always be there. He asked the Council to give them a chance to meet with the Executive Board and come to some resolution to keep this structure in place.

RESCIND MORATORIUM
(CONT'D)

Councilman Rico responded that it is time to put this to rest; that the City has built a new Recreation Center and people would like to have a park in this area, and the City has offered to keep it up; that we have a new Recreation Center, and the majority of people want a passive park here.

Mr. Drew stated that he knew there were two “mindsets” here—that some wanted it torn down but other people would like for it to exist. He mentioned a Grant that we could get for \$50,000 a year for three years, at no cost to the City, stating that there was no reason for the City to take this center down; that there could be a passive park adjoining this building; that they would agree to take the tennis court down so that the passive park could also be built; that they had bent over backwards. He urged everyone to look at the history; that in 2001 they got together and offered a proposal; that they had the only proposal and had met with others in the community and had come to a conclusion—that his “side” won; that seven charettes had been held and five of them agreed with his “side”, but then they took the process and brought it “downtown” away from the people he was fighting for; that the process was changed. He mentioned that he had spent three terms on a County Commission, and he knew that you can’t allow people to change the process, and this was not the way this should be done.

FAIR HOUSING GRANT

Councilman Hakeem stated that this comes with a recommendation for approval from the Public Works Committee, as well as Resolutions (e) and (f).

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR
AND IF AWARDED, ACCEPT A FAIR HOUSING GRANT FROM
THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT IN THE AMOUNT OF ONE HUNDRED
THOUSAND DOLLARS (\$100,000.00) RELATIVE TO
COMMUNITY EDUCATION**
was adopted.

CONTRACT

Councilman Franklin reported that this had been before the Parks, Recreation, Arts and Culture Committee today and received recommendation for approval.

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT WITH P&C CONSTRUCTION, INC. FOR THE RENOVATION OF THE EXISTING STRUCTURE AT HERITAGE PARK IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-ONE THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$221,365.00)

was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION (“TDOT”) FOR THE PURPOSE OF RENOVATION OF THE MARKET STREET BRIDGE, FEDERAL PROJECT NO. BH-STP-8(32), STATE PROJECT NO. 33023-2232-94, BY TDOT

was adopted.

TEMP.CONST.EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO RENOVATION OF THE MARKET STREET BRIDGE

was adopted.

TEMP.EASEMENT (CONT'D)

Councilman Pierce wanted to know when this work will begin. Chairman Robinson explained to him that they were running a little behind. Councilman Pierce indicated that he hoped it would be after the tourist season is over.

COUNCILMAN FRANKLIN LEFT THE MEETING AT THIS POINT.

OVERTIME

Overtime for the week ending May 13, 2005 totaled \$67,214.73.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **JERRY MICHAEL PENDYGRAFT**—Resignation of Police Officer, effective May 12, 2005.

FINANCE DEPT.—TREASURER'S OFFICE:

- ❖ **ROBERTA L. LONG**—Hire as Tax Clerk, Pay Grade 6/2, \$21,425.00 annually, effective 5/13/05.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Public Works Dept.:

PIPING SUPPLY COMPANY (Best bid meeting specs.)
Requisition R0082387/B0002323

Sewer Pipe and Related Fittings Material

\$845.60

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Page, the following purchase was approved for use by Finance & Administration:

ORACLE (Sole Source Purchase Requisition R0082369)

Application Server Software (IS)

\$41,470.00

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the following Board Appointment was approved:

BEER BOARD

- ❖ Appointment of **MELINDA HICKEY** (District 6) for a term to expire **May 31, 2008**.

SIGN APPEALS BOARD

- ❖ Appointment of **TIM MOORE** (District 6) for a term to expire **July, 2006**.

Councilwoman Rutherford stated that she was thrilled that both of these individuals had agreed to serve.

CITY ATTORNEY

City Attorney Randall Nelson stated that he had been asked by Councilwoman Rutherford from District 6 to file a lawsuit in Chancery Court to get a pad removed that supported a house that had been issued a "Stop Work" Notice; that we will go to Chancery Court to see if we can get this removed. **On motion of Councilman Pierce, seconded by Councilwoman Rutherford, Attorney Nelson was given permission to file the lawsuit.** Councilwoman Rutherford explained that this is in the Belvoir area at the corner of Mayfair and Amhurst. She wanted to know when this will be done. Attorney Nelson responded that he did not run Chancery Court, but he would tell her when it is set.

PERSONNEL HEARING:
STEPHEN MILLER & DANIEL
GIBBS

Attorney Nelson asked that a Councilmember go on record as to what transpired at the Police Personnel Hearing on Monday.

Councilman Hakeem chaired the panel and reported that the vote was two to one and the terminations of the two officers were not sustained, with some modifications in their punishment. It was determined that they can go back to work as soon as they repay money to the Pension Fund; are on a one-year probation; must submit to additional training; and will not receive any back pay.

COMMITTEES

Councilman Benson reported that a Legal and Legislative Committee meeting was held today and that the Noise Ordinance was discussed; also Animal Control was a matter of discussion and next **Tuesday, May 24th at 3:00 P.M. Steve Hargis of Animal Services will chair a Task Force Meeting** in the **Council Conference Room** as an outgrowth of the committee meeting to see if we need any improvements in the Animal Ordinance. Councilmembers are invited to attend and observe. There will not be a Legal and Legislative Committee meeting next week.

Councilman Hakeem scheduled a **Public Works Committee meeting for Tuesday, May 24th at 4:00 P.M.**

MICHAEL GUSTOFSAN

Mr. Michael Gustofsan, a resident of Patton Towers, was present to address the Council. He stated that he had awakened with the news of the Police Hearing on the front page of the paper and that it scared him a lot; that he knew Officer Miller, who was reinstated and was still not admitting his guilt; that Officer Miller had just gotten a “slap on the wrist” and said that he felt like he was being punished for something he did not do. Mr. Gustofsan said that this was terrifying; that he moved here from New Orleans and that Chattanooga was heading straight for a situation like that of New Orleans; that we had had severe police incidents and that this was a nightmare! He stated that he had worked for Volunteers of

MICHAEL GUSTOFSAN
(CONT'D)

America and with Aids victims; that many of our officers are good but that this one (Officer Miller) was not; that he had been involved with him in an incident. He went on to say that one of the sanctions imposed by the panel that heard the case was further training. He mentioned a Program called "Health 3" where officers came and interacted with the homeless; that it was a training course and the officers called it "bull ----"! Mr. Gustofsan stated that he had a Criminal Justice Degree and knew what he was talking about; that he was a low income person. He stated that he was not here to bad-mouth the Police Dept. but that Chief Parks should have been taken into consideration.

Councilman Benson responded that he was one of the councilmen who sat on the committee; that before serving he thought he was prejudiced against the policemen because of all he had read and heard but when he got into the hearing he was of the mindset of "presumption of innocence for these men until they were proven guilty"; that due process must be followed; that before guilt is assigned there has to be "just cause beyond a reasonable doubt"; that these were human lives and there was nothing that they could "hang their hat on" to say that these men were guilty of what they were being charged for. Councilman Benson stated that he would want to be judged the same way. He questioned whether the Police Dept. had heard it all—that this panel had heard seven hours of it. He stated that he could not have slept that night if he had taken these 24 and 25 year olds' jobs on the basis of what he had heard at the hearing; that they had to judge on what they heard, and they did it conscientiously.

Chairman Robinson added that she also sat on the panel and that the vote was not unanimous—that it was two to one.

KEVIN MUHAMMED

Kevin Muhammed of 1900 12th St. was present to address the Council, primarily to speak to the votes of Councilmen Hakeem and Benson. He read a prepared statement as follows:

As a student and one striving to represent the Honorable Minister Louis Farrakhan and The Nation of Islam, one lesson among many that I am taught is that when one makes a mistake or commits an error in private that person should be corrected in private. Also, when one makes a mistake or commits an error in public that person should be corrected in public.

With that said, the recent vote by Councilman Jack Benson and Councilman Yusuf Hakeem to reinstate Officers Stephen Miller and Daniel Gibbs to the Chattanooga Police Department pending the repay of \$4,000 in pension money was either a terrible mistake or a willful, knowing error that demands public rebuke.

If my memory serves me right, it was members of this Council that unanimously voted to install Chief Parks under then Mayor Bob Corker as Police Chief. It is this same Chief Parks that many of you appointed as Police Chief that terminated Officers Miller and Gibbs as a result of an internal affairs investigation that found both of them guilty of using excessive force. It is this same Police Chief that said these Officers under his command were liars. Do you Councilmen who voted to appoint Chief Parks as Police Chief believe now that he is the liar and his Officers the truth tellers? You can't have it both ways.

Unfortunately, we believe the motivating factor behind the reinstatement of Officers Miller and Gibbs has nothing to do with the truth, because it's obvious to borrow the words from the movie A FEW GOOD MEN, "You can't handle the truth." In fact, from our view, we believe the motivating factor is straight up, plain, good old-fashioned, corrupt, vindictive politics.

MUHAMMED (CONT'D)

How else can one explain the hypocritical nature of the actions of one who talks out of one side of their mouth regarding the increase in police brutality and excessive force and mouth that we must stop it get rid of it, and yet talk out the other side of ones mouth and reinstate Officers found guilty of the very behavior they are saying must be stopped by the Police Chief? Was it not the Police Chief and Internal Affairs Division of the Chattanooga Police Department that terminated these Officers for the very conduct you are saying must stop. Dr. King would call such behavior as exhibiting a schizophrenic personality, tragically divided.

In closing, we condemn the vote of Councilman Jack Benson and Councilman Yusuf Hakeem. We believe such a vote to be irresponsible and sends a strong message to those Police Officers who continue to brutalize, use excessive force, test their tasers, choke and shoot the citizens of Chattanooga that WE THE CITY COUNCIL—GOT YOUR BACK! Keep on beating. Keep on brutalizing. Keep on Pepper Spraying. Keep on tasing! Keep on Choking. Keep on Shooting. We got your back even if your wall of blue begins to crumble like Humpty Dumpty. We the City Council won't let you fall.

God forbid! This is not about money. This is about freedom, justice and equality. I thought you all were sworn in to protect the citizens of the city, not the city from the citizens.

The blood of the citizens of this great city is on your hands and you will pay for what you have failed to do in the past, are doing in the present and will do in the future that is not right and pleasing in the sight of God.

I offer you the eight steps of Atonement presented by Minister Louis Farrakhan at the Million Man March as your way out. Take it and be saved. Leave it alone and go down in the way of destruction.

God bless. Peace be unto you.

MUHAMMED (CONT'D)

Councilman Hakeem responded to Kevin Muhammed by saying that he (Kevin) was not present when this event took place, nor was he present at the hearing, and he questioned where he got his facts! He stated that he was just repeating "what he knew as the truth". He stated that there had been abuses and that if this had been two Black officers that Kevin Muhammed would have taken a different view; that he made his decision based on the facts and that it was asinine for Kevin to come before this body when he did not know the facts!

Kevin Muhammed responded that it was disingenuous for Councilman Hakeem to refer to Race when this was a homeless White man.

Councilman Hakeem urged him to look at the facts!

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, May 24th 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.)**

