

**CITY COUNCIL BUILDING  
Chattanooga, Tennessee  
November 29, 2011**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Rico, followed by invocation.

**MINUTE APPROVAL**

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

Before beginning the reading of the Resolutions, Chairman Ladd explained that all of these items had been thoroughly discussed in committee and questions had been asked.

**PROPOSAL**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A  
PROPOSAL FROM THE TENNESSEE DEPARTMENT OF  
TRANSPORTATION (TDOT) REGARDING STATE ROUTE 29 (U.S.  
27) OLGATI BRIDGE OVER TENNESSEE BRIDGE WIDENING**  
was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BURNS AND MCDONNELL ENGINEERING COMPANY, FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-11-010-101, PREPARATION OF VULNERABILITY ASSESSMENT AND DEVELOPMENT OF WASTEWATER INFRASTRUCTURE ENHANCEMENTS FOR INTERCEPTOR SEWER SYSTEM AND WASTE RESOURCES DIVISION SITES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00)**  
was adopted, with Councilwoman Scott voting “no”.

**CONTRACT**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING A CHANGE ORDER NO. 2 (FINAL) WITH BYRD BROTHERS EMERGENCY SERVICES RELATIVE TO CONTRACT NO. C-11-001-401, DEBRIS REMOVAL, REDUCTION, DISPOSAL, REDUCING THE CONTRACT AMOUNT BY NINETY-SIX THOUSAND EIGHT HUNDRED EIGHTY-EIGHT AND 22/100 DOLLARS (\$96,888.22), WITH A FINAL CONTRACT AMOUNT OF ONE MILLION NINE HUNDRED THREE THOUSAND ONE HUNDRED ELEVEN AND 78/100 DOLLARS (\$1,903,111.78)**  
was adopted.

**SPECIAL EXCEPT. PERMIT**

**2011-123 (TIM L. MCCLURE)**

Before the presentation, Councilwoman Robinson stated that as the Council had heard her say before, she voted against Special Exception Permits; that she had nothing against Mr. McClure but felt that Special Exception Permits were a “slippery slope”, which she tried to stay off of.

Mr. Bryan Shults of RPA made the presentation. He stated that this application was for a Late Night Entertainment Center/Nightclub located at 6425 Lee Highway; that opposition was here tonight; that the facility would be similar to

**SPECIAL EXECEP.PERMIT(CONT'D)**

a “Dave’s and Buster’s” and would include a restaurant, bar component, and arcade games. He presented a picture of what the application looked like, noting that the applicant would be selling and consuming beer after 11:00 p.m. He mentioned that they had to send notification letters within 200 ft. of the property, and he showed a sample letter. He mentioned that he had been in contact with the Shepherd Neighborhood Association and had had several phone calls of opposition, including John Walker, Tom Dupree, and the Scenic City Dance Studio.

Mr. Shults continued with a map of the property, noting that the facility must be 750 ft. from the nearest residential property. He made note of the R-4 zoned property, explaining that it was a non-residential use, which exempted it from a R-1 Zone use. He also showed an aerial view of the property.

At this point, Councilwoman Scott asked for a clarification of zoning rules regarding the distance of nightclubs from churches, noting that the front door must be 750 ft. from the nearest residential use. Mr. Shults explained that if the R-4 zone is vacant or a non-residential use that it is exempt from the requirement. She went on to ask for the zoning regulation regarding places that sold alcohol that were near churches. Mr. Shults responded that is covered by the Beer Permit. Councilwoman Scott wanted to know about the State’s requirements and Attorney McMahan explained that the State adopted the City’s regulations as far as zoning standards, and the distance was 500 ft. away.

At this time, Mr. Shults presented another aerial view of the facility, showing the front view of the business establishment and Grace Community Church, noting that the front door is 340 ft. to a R-1 Zone. He showed the Site Plan provided by the applicant, noting that the Council can reduce the buffer. He noted the landscaping buffer to the rear. He noted that the area was basically commercial use and that the Shepherd Community was behind it; that this is along Lee Highway and 153 and is the intersection of two major highways.

He noted that this had been reviewed by the Staff, the Fire Department, Police Department and RPA and went over the 13 conditions: (1) A fully operational fire suppression system shall be installed prior to opening; (2) An internal floor plan layout shall be submitted to the Land Development Office for review; (3) No outdoor gathering places such as a deck or patio; (4) All exterior doors shall remain closed at all times except for normal ingress/egress; (5) Patron access to the establishment shall be from the front door only; (6) No amplified noise,

**SPECIAL EXCEPT.PERMIT(CONT'D):**

speakers, entertaining or lighting, and the sale of food or beverages shall not be permitted outside of the business establishment; (7) a minimum of three security officers licensed by the State of Tennessee shall be provided between the hours of 11:00 p.m. to thirty minutes (30) past the closing time of the business establishment; (8) The security officers shall be easily and appropriately identified as security officers; (9) Signs shall be placed around the perimeter of the parking lot prohibiting loitering and solicitation; (10) Applicant shall conduct a lighting study of parking lot and if necessary, add additional lighting; (11) Musical or video or live entertainment (live or recorded DJ) that is amplified or very loud shall be prohibited; (12) Stage/platform for floor shows or other live or recorded performances shall be prohibited; and (13) Dance floor shall be prohibited.

Councilman Murphy asked to see the check-off application. He questioned who made the "call" that this even needed this type of permit? He stated that other than it being open after midnight and selling alcohol after hours, it did not seem that this permit was justified. Mr. Shults responded that it exceeded capacity, with Councilman Murphy pointing out that there were tons of other factors. Mr. Shults noted that one of the factors is the alcohol sales. Councilman Murphy indicated that he did not want to infringe upon anyone's authority but under this definition every bowling alley would qualify as Late Night Entertainment.

Mr. Hutsell agreed that this might not be the intention; however he pointed out that Pinstrikes was granted such a permit. Councilman Murphy noted that it had a Sports Bar inside. Mr. Hutsell noted other facilities that were similar in nature in C-2 Zones.

Councilman McGary inquired as to the letters that RPA had sent out to alert citizens. He wanted to know if once RPA received a letter of opposition if there was any interaction? Mr. Shults explained that basically calls of opposition came to him; that he had heard from the Dance Studio, who objected because of young kids being there; Joy Miller of the Shepherd Community questioned the type of entertainment; John Walker was concerned about the liquor and beer; and State Farm was concerned about the littering.

Councilman McGary mentioned conditions that had been discussed in the Beer Sub-Committee and asked if the occupancy load was visible on the front door? Mr. Hutsell responded that the actual Permit is to be posted, which shows the occupancy. Councilman McGary asked if it were a requirement that this be posted, and the answer was "yes".

SPECIAL EXCEPT.PERMIT(CONT'D):

Chairman Ladd stated that she would now address the light of councilpersons and explained that the applicant would be given time to speak and also three could speak in opposition.

Councilman Benson stated that this was the district he used to represent; that it was in Councilwoman Berz' district now; that this building has been vacant; that he was interested in what goes on at this location and anxious to hear from the applicant; that he agreed with Councilman Murphy that this is no different from a bowling alley. He questioned if anyone in opposition was on this side of Highway 153, stating that he, too, wondered why this was under the nightclub classification.

Councilwoman Berz stated that the Shepherd Community was behind this. She went on to say that she had heard nothing from her constituents—that if would have been helpful if she had; that the issues have to do with noise, litter, and loitering; that something similar to a Dave's and Buster's would revitalize this area, **and she would like a condition placed in there that would add to the security after 11:00 P.M. to closing—that she would like to have security in the parking lot, as well as at the door. The other thing was after closing time, that the parking lot should be cleaned.** She went on to say that she served on the Beer Sub-Committee, and it was the job of the security officer to not just say "hi" but to be sure people were either inside the facility or going home. **She stated that she would like to have these placed condition-wise.** She noted that this is a very big parking lot and questioned how it could be controlled; that many of the things that people are concerned about happen in the parking lot and not in the building, and she thought it was very important to keep the parking lot clean for other users of the area.

Mr. Hutsell responded that no other businesses in the complex were open at that time; that as far as loitering outside, security officers would police the entire lot. Councilwoman Berz noted that the language was "loose" concerning this and did not follow guidelines that had been discussed in the sub-committee. Mr. Hutsell agreed that there might be some inappropriate terms, but that loitering, cruising, and loud music would be prohibited. Councilwoman Berz stated that the intent was beautiful, but it needed to be in writing.

Councilwoman Scott asked how many patrons were expected?

SPECIAL EXCEPT.PERMIT(CONT'D):

The applicant, **Tim McClure**, spoke at this time and presented packets to the Council. He stated that he would like to go back and wrap up the issues that Councilwoman Berz had presented—that if needs be, one of the security guards could have a “bubble” placed on his car, and this car would be visible at all times; that people could see this from Lee Highway and would know that we would not allow these things she had spoken of to go on.

He stated that he would like to let the Council know what he is trying to do—that he was not leasing the property but buying it and millions of dollars were involved; that he was making a \$5.2 million dollar investment; that he had been doing this for 30 years and had a good track record; that this would be a nice place—a family entertainment center; that he had an eleven year old child, too, and he wanted this done right. He stated that this would revitalize the center; that in talking to Mr. Black, he will clean up the 153 area and re-do the parking lot; that this is a big building and a large anchor; that they would be running 500,000 people through a year; that this will be good revenue for the neighborhood, and he thought it would help everybody; that with this many people coming through, it would be “free advertising” for everyone else. He mentioned visiting a Dave’s and Buster’s in Orlando and their setup with three security guards. He stated that this would be a facility that one could take the entire family to. He mentioned their menu and stated that they would be able to seat 779 people; that there would probably be about 350 people at a time, which would be a lot of people eating dinner.

One more thing that Mr. McClure mentioned was that these type facilities only come to primary cities, and we are a secondary city—that Chattanooga is too small for a franchise; that in Nashville, it is called “Incredible Dave’s” and has been open three and one-half years. He mentioned other such facilities in cities such as Houston and Indianapolis that are in outlying areas and doing great. He stated that this would bring a lot to the table for families from one spectrum to the other. He reiterated that he was not leasing the property; that people who worked for him averaged 15 years; that he treated his people right and paid them good—that this was his track record. He stated that he was not starting this business to get in trouble; that it would be done right. He gave his address as 8319 Ellie Plaza, Suite C, Hixson, Tennessee.

Councilwoman Scott asked him what the percentage of alcohol served was to food? He responded 30% alcohol and 60% food; that this was more of an eatery; that his menu was fairly large and offered a variety.

SPECIAL EXCEPT.PERMIT(CONT'D):

Councilman McGary stated that his was a question that is historically asked—would he be going before the Beer Board since beer will be served, and if there was a policy in place to prevent selling to underage people? Mr. McClure responded that there would be “carding”. Councilman McGary explained that he was talking about a written policy and what the recourse would be for selling to someone underage. Mr. McClure stated that he supposed they would get cited if they served minors—that this would be monitored well. Councilman McGary stated that he attended meetings of the Beer Board and questioned the approach of “if I do something wrong, I will be cited”. He went on to say that he hoped there would be a “no tolerance” for this in place and that employees would be told this and that Mr. McClure would never have to come before the Beer Board.

Mr. McClure responded that he was not hiring kids to serve kids. He asked Councilman McGary if he had ever been to a Dave’s and Buster’s? Councilman McGary indicated that he had been to the one in Atlanta.

Councilman Benson stated that Mr. McClure was a very highly respected homebuilder, and he thought that he had done due diligence; that he thought he knew there was a potential for bad problems. He stated that we needed Mr. McClure’s kind of ownership and oversight. He stated that he just had one question—that if Mr. McClure got into this business and found it was not what he wanted to do, would he sell it to the wrong kind of people?

Mr. Hutsell explained that the license is strictly for the applicant and any new owner would have to come before the Council.

Councilman Benson questioned if Mr. McClure understood he could not “sell” his license? Mr. McClure assured Councilman Benson that he was quitting the building business—that he was tired of it. Councilman Benson stated that after six months of this, he might want to go back into the home building business.

At this point, Chairman Ladd gave the opposition the opportunity to speak for three minutes each.

The first speaker was **Greg Miller of 4115 Shallowford Rd.** He stated that his concern was that they enrolled kids in a Scenic City Fashion Show at Warehouse Row; that the kids are talented kids; that he was concerned about parents taking their kids to a club—that this was kind of like a nightclub; that when you

**SPECIAL EXCEPT.PERMIT(CONT'D):**

mix alcohol and children, there are problems; that their kids were young kids from 7 to 18 years old and were great kids; that a lot of money was going to be spent on this facility, and he thought it could be better used to help this community. He stated that there would be issues; that having a bubble light on a car would deter some people from coming in. He stated that he was here on behalf of his family and kids and Scenic City and was not comfortable with alcohol sales; that this was not a good look for this community; that his grandmother lived nearby and there would be drinking and when people have 3-4 drinks, someone has to be able to drive home. He stated that this would be great somewhere else—but not close to a church and Scenic City.

Councilman Gilbert stated that he was hearing Mr. Miller's concerns; that this facility was mostly a restaurant; that we had had discussions about the definition of a nightclub. He mentioned sports events where beer is sold; that negativity about selling alcohol was not correct; that this man had a nice menu, and this building had been empty for a long time; that if he violated conditions, this Permit could be revoked; that his opinion was that this is a nice facility, and there was nothing negative to put a stigma on it other than a restaurant selling alcohol with kids around; that unfortunately we have a definition that covers places that should not be considered nightclubs—that Mr. Miller needed to look at the whole picture.

Mr. Miller responded that he was a responsible person and a business owner in the area, and he did not approve of this—that it was by a church and anything could happen with kids and alcohol.

Councilwoman Berz stated that she heard what he was saying. She asked him if a large Chuckie Cheese's would be okay? She noted that they were getting ready to serve alcohol. She asked him if that would be okay with him? Mr. Miller responded that he did not agree with alcohol; that there was a church nearby, and he was a Christian. Councilwoman Berz confirmed that his concern was that it was near a church and selling alcohol and there are kids—that she was trying "to get her arms around this". She stated that we had this Nightclub Ordinance, and she was trying to figure out the problem. She wanted to know what the difference was between this place and other restaurants that sell alcohol and also kids are allowed; that Mr. Miller seemed to have a lot of "energy" against this place.



**SPECIAL EXCEPT.PERMIT(CONT'D):**

Mr. Miller disagreed that he had a lot of “energy” against this. He mentioned the Dance Team, where parents put 15 kids and now there would be a club next to it, and he was just voicing his opinion.

Councilwoman Berz asked him if we needed to do education concerning this; that the word “club” seemed to be posing a problem. Mr. Miller responded that this did not need to be next to a church.

The next speaker in opposition was **Stacey Perkinson of 6435 Lee Highway**. She stated that she was the owner of the Scenic City Dance Center and thanked the Council for allowing her to speak. She stated that she was 100% for small business development; that it was great to improve our community, and there would be some positives for the community, but she did have a few concerns. She stated that she would like to paint the Council a picture of her facility; that she was open from 3:00 p.m. to 10:30 p.m. Monday through Friday and later on Saturday; that she had children from 3-18 years old and 95% of them are brought to her facility and picked up by their mothers; that she did more than teach dance—that she educated them—that she taught them to dance as well as being an individual; that she had late rehearsals, and there was a concern of parents if their child leaves the facility and alcohol is served nearby—that they would not feel safe in her area; that some of the kids drive themselves and the Staff leaves late—that sometimes it is 11:00 p.m. to 11:30 p.m., and the Staff are all females. She went on to say that she did other activities for her children, such as lock-ins where they stay overnight with a few chaperones. She stated that she thought her biggest concern was the negative impact on her business; that it is the parents’ perception, and she could not change this perception, nor her hours.

The third speaker in opposition was **Bill Miller** of 966 Hillcrest Drive in Apison, Tennessee. He stated that he was in opposition to this Permit and some of his concerns had already been voiced; that this was an adult facility close to a dance studio, church, and the Shepherd community. He mentioned that patrons of this facility would be consuming alcohol and the Shepherd Recreation Center helps from a faith-based facility, and his concern was for the community at large; that many of the people being served had already fought addictions. He stated that his biggest concern was that Dave’s and Buster’s had a website concerning their house policy—that it is primarily adult entertainment; that Mr. McClure says it is family entertainment and that Mr. McClure is his friend, but he thought it was more for adults than families, and his concern was for the community and those that were fighting addictions.

**SPECIAL EXCEPT.PERMIT(CONT'D):**

Councilman Gilbert stated that the problem he was having was a “play with words”. He asked Mr. McClure what would happen in his facility and asked him about the games. Mr. McClure responded that there would be adult and kid games—games such as Nascar, Wheel of Fortune, and Deal or No Deal—that 60% of the games were for adults and 40% were kid games—that they were all ticketed games. Councilman Gilbert asked if he would be selling food? Mr. McClure responded that there was a 350 seat dining facility that was separate from the bar—that people did not have to drink; that people with addiction issues were everywhere. Councilman Gilbert noted that alcohol is served to people at the Red Lobster, Applebee’s and Chilis, and the only difference with this facility is that it has games; that people from church go to these places and to claim this as a reason is hypocritical; that the only difference is that this man has games, just like Chuckie Cheese’s has games, and they are going to start selling beer.

Councilwoman Berz asked Mr. Miller, whom she thought represented State Farm, if he thought a Chuckie Cheese’s coming to the community would concern citizens? She also asked him about his statement of going into the Shepherd Community and helping people with addictions—if this was at the Shepherd Recreation Center?

He responded that he did not represent State Farm; that what he was talking about was a local ministry that goes to the Shepherd Community Center—that he was not in charge of the ministry. Councilwoman Berz stated that she did not know about this, and it could be a church-state thing. She asked Mr. Miller about his concerns. He responded that they did have a problem in this community; that we had people who had been incarcerated and been at a home on Greenwood.

Councilman McGary reminded that Mr. McClure would be bound by law, and he can use his license and business, and it is not up to the Council to judge him.

Councilman Benson mentioned the large amount of businesses where alcohol is served, stating that we do our best to police this; that what is being left out is taking a look at the owner—that he knows his fine reputation, and we need to have responsible and good citizens owning these places. He asked the Council to check him out—that he had a great reputation; that if he sells out, the business cannot be continued; that he was looking at this owner as a good citizen, and he would vote for this.

SPECIAL EXCEPT.PERMIT(CONT'D)

Chairman Ladd asked Councilwoman Berz if she wanted to make the amendments she had proposed in the form of a motion? **Councilwoman Berz made the motion that the conditions she previously mentioned be included in this Resolution. This was seconded by Councilman Gilbert.**

On motion of Councilwoman Berz, seconded by Councilman Benson,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR  
USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT  
6425 LEE HIGHWAY, AS MORE PARTICULARLY DESCRIBED IN  
THE ATTACHED REPORT AND MAP, SUBJECT TO CERTAIN  
CONDITONS**

was adopted on roll call vote as follows:

COUNCILWOMAN SCOTT	'YES'
COUNCILWOMAN ROBINSON	'NO'
COUNCILMAN BENSON	'YES'
COUNCILMAN GILBERT	'YES'
COUNCILWOMAN BERZ	'YES'
COUNCILMAN RICO	'YES'
COUNCILMAN MCGARY	'YES'
COUNCILMAN MURPHY	'YES'
CHAIRWOMAN LADD	'NO'

DONATION

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION TO ACCEPT A DONATION FROM BRAINERD  
VILLAGE, PARCEL LOCATED AT 5740 BRAINERD ROAD, TAX MAP  
NO. 157M-A-017(PART), TO ACQUIRE PROPERTY FOR PARKING  
AND GREEN SPACE**

was adopted.

**OVERTIME**

Overtime for week ending November 23, 2011. totaled \$4,315.22.

**PERSONNEL**

The following personnel matters were reported for the Chattanooga Police Dept.:

**CHATTANOOGA POLICE DEPT.:**

- **APRIL STEARMAN**—Resignation of Police Records Technician, effective 11/23/11.
- **BRYAN MOODY, JR.**—Retirement of Police Sergeant, effective 11/24/11.

**REFUND**

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following property tax refund due to error and release:

**BRAINERD VILLAGE SHOPPING CENTER, LLC     \$6,994.13**

**PURCHASES**

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchases were approved for use by the various departments:

**CHATTANOOGA FIRE DEPT.:**

**ASR/APPAREL SEWN RIGHT (Lowest and Best Bid)**  
**Requisition R50730/301482**

Blanket Contract for Tri-Mountain Mountaineer Jackets

\$16,000 annually approximately

**PURCHASES (CONT'D):**

**SAFE INDUSTRIES (Best Bid Meeting Specs.)**

**Requisition R50655/301473**

MSA Heads-Up Display & Speed-On Harness Strap

\$10,450.00

**GENERAL SERVICES DEPT.:**

Rejecting all bids for Cathodic Protection System Repair

**ELECTRIC MOTOR SALES (Lowest and Best Bid Meeting Specs.)**

**Requisition R48605/Bid 301397**

Blanket Contract for Citywide Electrical Supply

\$500,000.00 annually, estimated

**COUNTRY FORD (Lowest and Best Bid Meeting Specs.)**

**Requisition R47126/301358**

F-350 Truck with Refuse Dump Body

\$43,842.43

**INFORMATION SERVICES:**

**TEK SYSTEMS (Contract not to exceed three months)**

**Requisition R50743**

Personal Services Contract for Temporary Network Manager

\$85.00 per hour

Councilwoman Scott asked for more information about the Temporary Network Manager at \$85.00 per hour. Mr. Johnson explained that we lost our permanent manager, and we are in the process of finding a permanent manager.

**DEBT MANAGEMENT POLICY/  
COUNCILWOMAN SCOTT**

Councilwoman Scott encouraged all citizens to obtain a copy of the Resolution that will be coming before the Council soon on the Debt Management Policy. She stated that it was important to understand this because it sets the tone of the types of debt the City and Council may use in going forward. When the City borrows money it is most often General Obligation Bonds but there are other types of debt that are becoming popular and have created problems in the financial industry such as Interest Rate Swaps, Swaptions, and Synthetic Debt, which are complicated terms that have backfired. She stated that it was important for citizens to understand these terms; that this body will be voting on types of debt to finance going forward; that if citizens have no problem with these debt initiatives it is all right but if they do have problems concerning city money and money borrowed going forward, they should contact their City Councilperson and let them know how they felt. She went on to say that the typical way of borrowing money is not the way it was 20 years ago. She urged to please, please, please read the policy being put forth and let the Council know what the feelings are on it.

(Councilman Rico left the meeting during this period).

**COMMITTEES**

Councilman Murphy stated that there would be a **Legal, Legislative and Safety Committee meeting to immediately follow the Budget and Finance Committee on Tuesday, December 6<sup>th</sup>**. The Administrative Hearing Officer will be discussed. We will also talk about the Charter as it relates to the Recall if time allows.

Councilman McGary asked if we would also address other issues in regards to the Charter? He noted that we had proposed to search through the Charter to see if there were conflicts with Federal and State laws.

Councilman Murphy stated that this would take a lot of time as it is complicated; that we could identify anything that is important and critical in the Charter, such as the Recall. He stated that he could not promise that we would go through the entire Charter because we do not have the Staff for this—that \$80,000 would be his guess as to what this might cost.

**COMMITTEES (CONT'D):**

Councilwoman Berz moved the Budget and Finance Committee from December the 13<sup>th</sup> to **Tuesday, December 6<sup>th</sup> to immediately follow the Agenda Session.** The reason for this was so that all Councilmembers could be present. There will be a presentation by United Way representatives and a discussion regarding the Debt Management Policy. There will also be presentations from the Chamber and Urban League regarding the \$75,000 budgetary appropriation. She stated that if there were any other specific concerns to let her know.

**AGENDA: DECEMBER 6, 2011**

Chairman Ladd stated that the agenda for next week was discussed earlier during the Agenda session.

**RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL**

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

**JUAN MOLINO**

**Juan Molino of 283 Acorn Oaks Circle** addressed the Council. He stated that he was a new resident in the City; that his daughter and son-in-law moved here from California, and he was a Hispanic immigrant and was with "Occupy Chattanooga"; that Spanish was his first language, but he would speak in English because he wanted his voice to be heard; that last week a lady spoke to the Council in Spanish; that he had read the minutes and they completely ignored her because she spoke in Spanish—that all of the remarks by the other speakers were recorded. He stated that he was here to speak about "Occupy Chattanooga"; that he felt their voices were not being heard and that their votes did not count. He urged the Council to "let them occupy". He reiterated that their voices were not heard—that all of the Council voted against their request; that the Council said that they agreed with the movement but it seemed to be "not in our city"; that the Council cared enough to give a Special Exceptions Permit to someone else that very night but said that Special Exceptions were a "slippery slope"; that this individual asked for a Special Exceptions Permit and six voted for it, which proved his point. He stated that he had just moved here and did not know who to vote for, but he did know who **not** to vote for.

**JUAN MOLINO (CONT'D):**

Councilman Benson stated that he would like to correct something—that the Clerk, Ms. Crownover, had asked for a copy of the speech that was delivered in Spanish; that it was not received until Monday and the minutes had already been prepared; that this speech is a part of the permanent record.

Councilman McGary agreed that the Council was sympathetic to “Occupy Chattanooga”; however they were not supportive for them to occupy a Park in our city; that the group had occupied the space in front of the City Council Office and also space at the Court House, and he did believe that these spaces best served the purpose of “Occupy Chattanooga” because they were protesting the government. He questioned why it would be necessary for them to occupy a public park which is used by everyone.

Secondly, Councilman McGary stated that he did have to admit that all Special Exception Permits do not operate the same way; that they heard a wide variety of views from the Council concerning Special Permits; that if they wished to have a more full understanding concerning Special Permits that he would be glad to sit down with them. He reiterated that all Special Exception Permits are **not** the same; that the Council has voted against some Special Permits for nightclubs and have voted for some; that there is a reason for this, and he would be glad to talk to them more about this.

**RICKIE BLEVINS**

**Rickie Blevins of Hunter Valley Rd.** was the next speaker. He asked that Attorney McMahan read the rules for Public Speakers again. Attorney McMahan inquired if there was one specific rule that was in question. Mr. Blevins stated that he would like to hear Rule #5 read again. Attorney McMahan read “*The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others*”. Mr. Blevins stated that he was not here last week but he had heard that a man came up and said that the Occupy movement was involved in robberies and rapes, and this did not apply to them but reflected on them and shed a false light on them, and he did not feel it was fair to allow this man to do this; that these were false statements and not an opinion.

Chairman Ladd explained that there is a thin line as to what one is allowed to say; that this man’s comments caused outbursts in the audience, and she felt we needed to get back to our standards of listening; that after the meeting, she



**RICKIE BLEVINS (CONT'D):**

had thought to herself that she should have told him that his remarks were inflammatory. She stated that when someone gets up to speak, the Council does not know what they are going to say and that she would apologize to Mr. Blevins if this matter was not addressed correctly; that the Council does the best they could; that his remarks should not have been inflammatory and Mr. Blevins' point was well taken.

Councilman Benson stated that he tried to correct Mr. Wysong; that he probably believed what he was saying was true; that he tried to correct him in a nice way.

**JESSICA LAND**

**Jessica Land of 5665 Grayshore Lane** was the last speaker. She stated that she was here last week, and she thanked Councilman Benson for what he said but that Councilman Murphy repeated what the man had said and commented on it as if what he was saying were facts, which added credence to what he was saying, and this did cause an outburst.

Councilman Murphy stated that he did not remember repeating what the man said but he did think that he was speaking of the movement nationwide; that he did not think there were any homicides; however he (Councilman Murphy) only knew what was reported in the news; that his biggest point was that the group disagreed with this man's view and opinion; that when they protest and put themselves in the fray, it sets them up to have things said about them that are false, but it does not make it right or comfortable; that if we let them occupy a park, we would have to allow Mr. Wysong the same privilege or some organization like the Ku Klux Klan.

Ms. Land said that she was referring to the clause about disparaging comments; that Councilman Murphy repeated this man's comments, and she would like this put on record.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, December 6, 2011 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)**