

LEGAL AND LEGISLATIVE AND SAFETY COMMITTEE
APRIL 10, 2012
4:00 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative and Safety Committee to order with Councilmen Rico, Gilbert, Ladd, McGary, Benson, Robinson, Scott and Berz present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Chief Maffett, Larry Zehnder, Chief Parker, Donna Kelley, Daisy Madison, Dan Johnson, Chief Dodd, Richard Beeland, Chief Kennedy, and Danny Thornton.

Chairman Murphy reminded everyone of the Council rules—There is a Rule that the Council Chairman cannot speak but can ask questions.

On motion of Councilman Gilbert, seconded by Councilman McGary, the minutes of the previous meeting were approved.

Chairman Murphy asked about the City Attorney's Report for claims for the month of March? Attorney McMahan responded that the claims were running on schedule at \$300,000 to \$350,000 and that they were on track.

BESSIE SMITH STRUT

Chairman Murphy noted that Councilman McGary had asked that this be put in committee. He asked if he wished to speak or should he call a witness? Councilman McGary noted that we had representatives from the Merchants' Association present who will speak. Chairman Murphy asked if somebody was designated to speak on behalf of the Merchant Association—that now was the time.

Moses Freeman stepped to the podium, stating that he was a resident of the neighborhood but not a merchant; that he was a past president of the Friends of the Festival Board, which held the responsibility for the operation of the Strut; that he had been on the Board of the Friends of the Festival and could say emphatically that the Bessie Smith Strut is one day of ten days of Riverbend and is sponsored by Friends of the Festival; that it is not the Merchants on MLK that are doing this; that it came out of Friends of the Festival and is operated by Friends of the Festival—that they are the responsible organization that conducts this Festival; that when there have been problems in the past, the neighborhoods, merchants, Chamber of Commerce, the Police Dept. and the Sheriff's Dept. come together to resolve these problems, but in this instance, it was handled in an insensitive decision made independent of anyone involved in the Bessie Smith Strut and had become a crisis for our community today. He stated that a committee would be working and negotiating with the Mayor's Office to resolve this problem; that he had had conversations with the Mayor's Office and the Merchants' Association and the

citizens, at large, wanted to continue to have a Strut on MLK Blvd.; that there was a willingness on the Mayor's Office part to cooperate, and the Mayor had sent a Memo to him and Judge Williams, and Chairman Ladd.

Chairman Murphy stated that Chairman Ladd had provided this Memo to the Council.

Councilman McGary noted that it delineated the efforts between MLK and Friends of the Festival and wanted identified what the responsibilities of the MLK Merchants are as pertains to the Strut, and questioned if it identified Friends of the Festival as the key resource for the Merchants?

Mr. Freeman stated that MLK recruits the volunteers and work with the City to make it safe; that a gated event could be considered; that there are no formal responsibilities.

Councilman McGary asked about the Beer License? Mr. Freeman responded that the Merchants of MLK Neighborhood Association who operate businesses there have licenses and others do not have licenses. Councilman McGary wanted to know who would hold the Beer License? Mr. Freeman felt that who applies or not is just a technicality—that there should be definite control; that the merchants can apply and a Blanket License for those deemed responsible. Councilman McGary read from the Mayor's Memo, *"Some qualified organization must take responsibility. In the words of the City Attorney regarding the granting of a beer permit: "A "temporary permit" for publically owned property is limited to a "bona fide charitable or nonprofit or political organization" as a 501(c)(3) or two years of existence".* Councilman McGary stated his question, in light of these words, could the Merchants' Association apply? Mr. Freeman responded that all conditions apply on an individual basis—that this would not be major unless the City legislates who is selling beer—that how it is done is irrelevant.

Councilman McGary referred to the third point made by the Mayor: *"The locations of vendors must be controlled and all those selling food, drink or other items must be properly licensed".* He asked Mr. Freeman if the Merchants' Association was in full agreement with this and Mr. Freeman responded "yes"—that this should be discussed and controlled. He stated that there were technical aspects to be worked out. He mentioned different events for the River and if safety is an issue, it is an issue there also—that if the selling of beer and food has to stop it would result in stopping this at Riverbend, also; that they had worked their way through this concerning underaged drinking, and they could do the same thing again—that it is a spirit of cooperation with the City; that the issue can be resolved in answer to a safe Strut.

Councilwoman Berz stated that she was a big supporter of the Strut but would tell Mr. Freeman her conflict; that her constituents all support keeping it here; that another issue is liability and asked if he thought this was covered since he was saying the Strut is just one event of

Friends of the Festival? Mr. Freeman responded “yes”—that Friends of the Festival always provides liability for the Strut. Councilwoman Berz again asked if he was saying that Friends of the Festival provide liability insurance for the Strut, and he responded “yes”. She asked if the City would not be liable, then? Mr. Freeman responded “no more than in past years—that some level of liability had been in force—that City liability would be there. Councilwoman Berz stated that she thought the issue was that event insurance did not cover the Strut and the City was liable. She asked if this was true? Mr. Freeman contended that it was not true. She wanted to know who enforced who could sell food, etc.? She wanted to know if Friends of the Festival enforces what goes on at the Strut? Mr. Freeman responded that the MLK Merchants identify those who are legitimate, and they did a good job, and there was a level of control with Bessie Smith Hall. She asked if Friends of the Festival would have the responsibility of telling vendors to get out if they were not legitimate? Mr. Freeman responded “yes”.

Councilman Gilbert stated that as he read the Memo from the Mayor that was sent to Chairman Ladd, he had concerns; that as he read the concerns, he was real curious about the past and other events that the City has had; that there are other festivals in the City. He inquired as to whether cooking equipment was inspected at Beerfest or Wine Over Water? Chief Parker stated that they did inspect cooking equipment at Riverbend; that it was an issue for the Strut—that they did inspections at 3:00 p.m. and then others pull up, and they can’t do this on a private basis. Councilman Gilbert asked if they were not inspected, should they not then be there? The answer was “yes”. Chief Parker added that they wanted them to have fire extinguishers. Councilman Gilbert asked if he inspected all tents? Chief Parker stated that he was not saying that—that they did the best they could; that most who travel have fire extinguishers and know the rules, and there is no issue; that these pop ups show up at the last minute.

Mr. Freeman stated that they did not want the pop-ups there, either; that if they had a fence around the event, they could identify them and put them out of the event.

Councilman Gilbert stated that it was a concern of Chief Dodd and asked if they were working towards correcting these issues? Mr. Freeman stated that they were working with Riverbend and wanted to put on the best Bessie Smith Strut that they could; that they are cooperating with them; that this is a different kind of territory; that the spirit of the Strut is the reason it exists, and this is not taking anything away from Riverbend, at all; that they could put up a fence and charge an admission fee but wanted to make sure that the Bessie Smith Strut remains a part of Friends of the Festival during Riverbend week; that it was important that they be included so that people can see that the City is inclusive, and they, too, wanted a celebration.

Councilman Gilbert asked Mr. Freeman if he had been included in the conversation of the meetings and if he had had a voice in helping with the Strut and Riverbend? Mr. Freeman responded that they used everyone to get volunteers to come down; that getting strong

volunteers would help solve problems; that the event was steadily improving, and it was not a static event; that it was an event that all could come to and enjoy with no strings attached and now they were willing to attach strings by making people pay a small fee, even with having no pin. He stated that he had worked with Riverbend for 10-15 years of his life. Councilman Gilbert asked if they would be asking for more volunteers to field this so that it can be a safe area? Mr. Freeman responded “yes”.

Councilman Benson stated that he had known Mr. Freeman for most of his life; that he was a constructive citizen and a good leader; that there was no doubt in his mind that if Mr. Freeman was involved in this process as a Mayor or Councilman and had heard the facts, that he would not support what the Mayor has to do. He agreed that the process had not been followed properly and that Mr. Freeman should have been included but went on to talk about the bad publicity that Chattanooga was getting because of all the shootings and that if Mr. Freeman was the Mayor and had this information brought to him by the Gang Force, that he would have made the same decision—that he should have been involved—but he thought he would have made the same decision. He added that Riverbend does not have insurance on the Strut, and the facts of the Police Dept. says that this could hurt us; that if we went ahead and had the Strut, every citizen in Chattanooga would pay if something goes wrong, and it would be a heavy price; that they would say that the City was warned not to do this and did it anyway; that he thought Mr. Freeman would say “secure it”.

Mr. Freeman responded that he did not want to give in to gangs and did not think that the Police Dept. wanted to do this either—that they would not want it said that they could not protect the citizens of Chattanooga.

Chairman Murphy stated that we were talking about insurance coverage and asked Mr. Baker to speak.

Mr. Baker stated that up until three weeks ago, they did not know anything about this and found out about it in the Mayor’s Office, along with his staff; that hands were raised saying that they wanted this to go away; that they were told that the Strut would be no more, and the question arose as to what to do? He noted that they were working on a site opportunity and the Board of Directors were asked if they wanted to do the Strut on the Riverbend site. He stated that the beauty of all this is that they collaborated with the MLK Merchants and the community; that there was a significant problem to be fixed and a lot to be done; that their biggest concern was liability; that they did have insurance for Friends of the Festival, but they did not cover the Strut, and the question was, would it remain intact. He stated that they wanted to help everybody achieve the goal; that they do a considerable part of Riverbend. He explained that they brought the music, stage, and sound equipment to the Strut and also towers for the police; that they were not involved with the vendors and the food; that they all did a good work of collaborating for the Strut; that a private donor also helped with their part; that they got nothing from the vendors; that instead of saying “get rid of it”, people said they

wished it lasted longer. He questioned how we got to this point of no return? He again stated that this happened three weeks ago; that we had always worked together and problem solved, and the problem now is time. He stated that they would not do a Strut at Riverbend, noting that the Strut had a heritage, and it was his favorite part of Riverbend—that it was different.

Mr. Baker went on to say that they could do a gate—that he had just gotten this Memo from the Mayor at 1:00 P.M. today and had started problem solving; that it is a great event and a favorite of his and a very unique event. He mentioned that someone from the Parade of Roses could not believe that Chattanooga had such a great event and was such a great town and again questioned “what do we do”? He stated that the Strut was part of Riverbend, and we needed to work together.

Councilwoman Scott thanked Mr. Baker and stated she had three concerns or questions. First, she wanted it explained to the Council the part that the MLK Merchant Association played in the volunteer effort last year. She asked to be given a flavor of the Strut?

Mr. Baker responded that there was a meeting before the Festival last year with new plans for volunteers; that they recruited 50 volunteers and that none was seen was not the case; that they had volunteers there.

Councilwoman Scott wanted to know who was head of the volunteers? Mr. Baker responded that the volunteer coordinator is Patty Meadows.

Councilwoman Scott stated that her second concern was in regards to the Beer vending part; that the law says that whomever gets the license is responsible for what goes wrong; that she had heard that one person was getting the permit for various vendors. She asked about the responsibility for training and policing and who was making sure they followed the law. She wanted to know how this worked on MLK and who the entity would be that would be doing this? She asked if there was a lawsuit, if the City would be named and who stood with the City of Chattanooga from the perspective of who is managing this at the Strut level? Who was this person?

Mr. Baker responded that there was an unfortunate event in 2003, and they were named a party to this and later this was relinquished; that downtown at Riverbend they go through a detailed process, and they work with the Police and also work with the beer distributors—that there operation is the best in the country—that the only place they sold was at this location.

Councilwoman Scott asked how the Strut compared with this process at Riverbend? She wanted to know who the point person was for the Strut? Chief Dodd responded that the point person is Mr. Jackson.

At this point, Andrew Jackson spoke. He stated that as a representative of the Merchants' Association, he was given the permit by the Beer Board; that he made application for all the vendors, and a background check was done on each person under his name; that each person was checked out by the Beer Board, and they offered for them to go to the Friends of the Festival training.

Councilwoman Scott stated that her third question was for Mike McMahan; that knowing the person getting the Permit, if there was a liability problem, would it fall on Mr. Jackson? Attorney McMahan responded that law enforcement would go to Mr. Jackson but each one who sells has responsibility; that if he were Mr. Jackson, he would not take on this responsibility.

Councilwoman Robinson stated that she had been observing; that Riverbend had been evolving since its inception—it first started in August and was moved to June because of the heat; it has been all over town. She stated that she had seen the Friends of the Festival tweak and change the Festival to make it better, and she liked the idea of a collaborative approach to specific problems. She stated that the whole question of an admission fee introduces something different, but we have to re-visit with changes over the years; that a bracelet could be affixed and festival-goers could be looked in the face and it would be acknowledged that they were there, which would give law enforcement a way if someone is misbehaving—they could be escorted to the exit; that law enforcement could take their bracelet if they were misbehaving and police could say stop or you will have to exit and your pin will be taken—that this could solve problems. She went on to suggest that we take a look at the layout, saying the Riverbend Strut as to staging areas—she mentioned the site behind the Bessie Smith Hall and also having events inside. She noted that Mr. Baker was right when he said that Chattanooga has a great way of bringing people together and solving problems. She urged to see that that continues. She noted that the Mayor's Memo mentions an Event Committee, and she wanted to know who was on this committee? She stated that the more people at the table, this committee could step up to bat on the liability between the City and MLK Merchants, noting that this was a tough assignment.

Mr. Baker responded that the Event Committee consisted of Adm. Zehnder and Public Works, who created a triage; that the Waterfront gets triaged; that before anything is taken to the waterfront, there is a bigger group in front that goes through an evaluation; that the committee is ad hoc, including the Police Dept., Fire Dept., Public Works, and Friends of the Festival—that this committee can turn down or send away—that it is ad hoc and meets every Thursday; that the Police cover it.

Chairman Ladd addressed Councilman Gilbert concerning the Memo she received from the Mayor; that she received it at the 9:00 a.m. agenda session but had appointments waiting on her; that the Mayor came over to see if she had read it at 11:30 a.m., and she had not read it. He asked that when she read it that she call him. She stated that she was away from the office

at 12:00 noon and also 1:00 p.m. and did not read it until 1:00 p.m., and she contacted the Mayor and talked about the specifics, and he told her to feel free to distribute the Memo. She noted that she was explaining why she read it so late in the day and as soon as she read it, she distributed it, and the Council received it.

She went on to say that she was concerned about volunteers for numerous events and the logistics and licenses, inspections, and code compliance, including security; that any event, theoretically, is inspected by the City and the Police Dept.; that any group is under scrutiny, and it is good scrutiny. She stated that her concern was that she wished this had happened last year at the close of Riverbend; that her concern, right now, is that she failed to see the ownership of serious issues; that she did not understand the liability and insurance for this event; that some were saying that we have insurance coverage. She stated that she would like to hear agreement concerning changes in fencing, in charging for the event, and armbands. She wanted to know who would put up the fence? She wanted to know who would collect the fee? She stated that these are issues that the volunteers can't handle, and the logistics were huge to her and important; that we had to work through these and name the organization to take this responsibility; that someone had to step up and take responsibility. She went on to say that she had read that the MLK Merchant Association is a defunct organization; that she would like to see them step up and deal with the liability; that she needed to know what organization we are working with. She stated that she hoped these things could be resolved and that out of the crisis comes something we can support and then move forward. She reiterated that she wanted to make sure of the people who are responsible for what.

Mr. Baker stated that he could not agree with her more; that we had kept on doing the Strut a certain way—that it had always been the way we had done the Strut; now we were saying let's tighten it up, and they stood ready to do this; that the Merchant's Association needed to also tighten up, and we needed to get the community to the table and tighten everything up; that this could all be done with time and discussion.

Councilman Gilbert stated that the Mayor, in the past, had sent the Council memos; that if he could send a memo to Walter Williams and Moses Freeman, he could send it to the Council to get their opinion; that Mr. Baker had asked them to come together, and they would address the Chief's concerns with safety. He asked Mr. Baker if Friends of the Festival was willing to sit down and discuss this and make this happen? He responded "yes"—that Public Works and the Police met last Thursday about street closures; that there were a lot of things to be done, and he did not know if there was time; that it had to be done quickly.

Councilman McGary stated that he thought everyone had read the Resolution that he proposed to have voted on tonight, and he proceeded to read it. He stated that the Friends of the Festival Board had taken a vote, and they would not hold an event the night of the Strut. He noted that the big idea was that everyone would like to uncover the reason for this late notice, and he echoed this chaotic issue, but the reality was that it is time to get things done; that we

are 60 days out from the Strut, and we needed to meet about this “yesterday”! He stated that everyone’s concerns about the Mayor and his lack of timeliness and letting everyone know was done and over with, and he did believe that we had an action to take—a present action—and the individuals to handle this were in this room. He stated that he had some very basic questions that he would like to have answered now; that if these questions were not answered, he would retract his Resolution. He stated that he had some simple questions, and he wanted very simple answers, and he asked Mr. Freeman and Mr. Baker to stay at the podium.

His first question was “Which entity, Friends of the Festival or MLK Merchants, or some other entity, would assume liability”? Mr. Baker asked him if he was talking with the City Attorney? Councilman McGary responded that he wanted Mr. Baker’s intent? Mr. Baker responded he would have to answer “no”, until they could find out if they could have liability insurance and to what extent it covered them and anyone else. Councilman McGary stated he just wanted to know what Mr. Baker’s intent was concerning the Strut—yes or no? Mr. Baker responded it would be “yes”, if they could cover the cost.

Mr. Freeman stated he had a question to ask—“Who provided liability insurance last year?” Councilman McGary responded that it was said there was no coverage last year. Mr. Freeman asked if we did not believe it could go forward without liability insurance?

Councilman McGary stated that he was hearing the Friends of the Festival’s response that the Bessie Smith Strut was under their auspices—that everything included in the Strut was under Friends of the Festival; however there seemed to be a caveat that the Bessie Smith Strut was not the same—that no mention is made of the Bessie Smith Strut; that he had looked into this issue.

Councilman McGary’s second question was “Who will apply for the Beer License for the Strut”? Mr. Freeman responded “the Merchants’ Association”. Councilman McGary asked if this meant, Mr. Jackson?

Chairman Murphy asked if the Friends of the Festival covered them and all their actions? Attorney McMahan explained that the Riverfront is only for Riverbend and not the Strut; that if Mr. Baker could get insurance for the Strut, it would cover the City. He went on to say that historically Mr. Jackson has applied for the Beer License but in looking at the law, his group is not eligible to get a Beer License; that he could get one for himself, but it would take a 501.(c) (3) to get a Beer License for an event.

Councilman McGary asked if since the Bessie Smith Hall was a 501.(c)(3), did they need to assume the responsibility for a Beer License, since the Merchants’ Association was not a 501.(c)(3)? Mr. Freeman responded that the Merchants’ Association standing had expired. He was asked if they were considering renewing this standing and was told “yes”. Councilman McGary asked if there was adequate time? Mr. Freeman responded “more than likely, not”.

Mr. Freeman went on to say that everyone could apply for a Beer License individually—that the Association did not have to apply—that this process would save in the interest of time and money; that all of the merchants with property could apply. Councilman McGary asked what was the plan for this year since we are 60 days out, stating that it was his understanding that every merchant will individually apply. Mr. Freeman responded that would be correct if that was what they were instructed to do. Councilman McGary asked “instructed by who”? Mr. Freeman responded “the Beer Board”.

The next question of Councilman McGary was “Who will assume the cost for the fence?” Mr. Baker responded that they had no plans for this, but quickly he would say “yes”. He went on to say that when he read this requirement, he wondered where the fence should go. He stated that it would take two days to install a fence—he reiterated that the insurance is the issue, and this was what we needed to talk about; that safety is always an issue; that we would need to know where the fence would go and how it will be paid for; that this question needed to be asked, and he assured him that Friends of the Festival would go to work.

Councilman McGary stated that the Resolution to be voted on by this body is in support of the Merchants’ Association and Friends of the Festival sustaining the event; that on behalf of himself, the Mayor’s questions concerning liability and the Beer License remains as questions; that both groups were saying that they wanted the Strut to take place, and he applauded them for that. He noted that the Friends of the Festival had stated that they do not intend to hold the event at Riverbend—that this solved the problem of the Police Dept. because the only place they would have to be would be on MLK Blvd. He asked if the Council wanted to defer voting on this Resolution tonight until the Mayor’s questions are answered? He asked how much time would be needed for the basic questions to be answered? Mr. Freeman responded that he did not think the Merchants’ Association had asked Councilman McGary to support them—that they just wanted support to continue the Strut on MLK Blvd., which is in the spirit of the Strut; that they just wanted to know if the Council supported the concept of the Bessie Smith Strut taking place on the street where she earned a living; that the merchants would work with Mr. Baker to do this as fast as they could, and they would give it their all; that he personally wanted to make sure that this will be something good for Chattanooga’s image; that all they were asking for was to keep the Strut on MLK Blvd.

Councilman McGary responded to Mr. Freeman that the merchants met with him—Councilman Gilbert and Councilwoman Berz made brief appearances—and asked him to put this Resolution into language for the Strut this year, along with the Merchants’ Association and the Friends of the Festival; that as far as supporting the Strut, he did not think anyone was saying that they wanted it destroyed—that there are just differences of opinion—that no one was saying that they were not for the Strut. He stated that he was trying to deal with the Strut this year as a reality; that he would bend to the will of the Merchants’ Association and remove this Resolution; that the basic questions needed to be answered, and they would have the Council’s support.

Mr. Baker stated that the Strut will not be on the River, and they had to find out their liability and the coverage that they had—that they could not put their organization at risk; that they wanted to make this work, but insurance is paramount to them; that they wanted to make it work but time was of the essence.

Chairman Murphy asked Councilwoman Ladd to please chair the meeting so that he could speak. He noted that he had what the Mayor had written down here; that Chairman Ladd had indicated that the Mayor had a number of concerns. He asked Adm. Zehnder about an escape route if a stampede starts; that we need to know there is a fence to secure the site. He stated that his big concern was “who is driving the bus?” He stated that he felt like it was unfair to Mr. Baker—that if he could not get insurance, he could not get insurance, and we won’t have the Strut. Mr. Baker questioned if we could have the Strut without them—that insurance was driving the bus.

Chairman Murphy talked about working out the details; that no organization in the City is on par with Friends of the Festival; that they were willing to try in part to absolve the Mayor’s concerns and define entrances and exits; that someone could be hired to do security at the gates, which would be an additional expense but would make this event safer; that Mr. Baker’s organization was trying to see where we really are. He questioned if Mr. Zehnder wanted to plan a Block Party that is this big? He reiterated that Mr. Baker was willing to try.

Mr. Freeman noted that the Strut had had 29 years of success.

Councilwoman Scott mentioned the Friends of the Festival, the Police Dept., and the Public Works’ Department working on this together. She wanted to know who the President of the MLK Merchants’ Association was and also who the Vice-President was. She wanted to know who the officers were? She wanted to know if the officers were present today?

Mr. Jackson responded that he was Treasurer of the Merchants’ Association; that Thelma Wallace was once President and also Ken Jordan was the President, but they had never been replaced.

Councilwoman Scott wanted to know if an active Board was meeting? She wanted to know how many Board members there were? Mr. Jackson responded three, then mentioned himself and Rose Martin, with Councilwoman Scott saying then there is only two.

Councilman Benson stated that he thought Councilman McGary was right and had spoken for all on the dais; that everyone abstractly supported the Strut; that he could not vote on this because he did not know what the Strut is. He questioned what kind of Strut we were talking about? He stated that the Council had to use responsible judgment, and he could not vote for an unknown.

Councilwoman Robinson stated that she understood the sense of urgency; that the way to provide leadership is to sit down and talk—that this is only the second time that the Council has discussed this as a group. She urged to give the partnerships time and see them go to work; that we could recess this meeting and then come back into session to get a report on the progress they are making; that we need to give them time to get answers; that we can't force answers to questions without information. She urged to give them more time and to hold off on Councilman McGary's Resolution.

Chairman Murphy stated that everyone could look at their calendars and asked about another meeting on Friday afternoon? Councilwoman Robinson stated that we need to be asking about the timeframe of Mr. Freeman and the Friends of the Festival Board, the Police Department, and Steve Leach.

Chief Dodd stated that they were willing to meet anytime; however he would like to know who the volunteers are—that he had not seen them; that we needed straight answers before we move forward; that we could have the Strut on the "moon", and he would support it but was concerned about the violence every year.

Chairman Murphy asked if it were "no go" if we can't get insurance. He wanted to know if we would know about the insurance by Friday?

Councilman McGary moved to have another discussion next Tuesday. This was seconded by Councilwoman Robinson.

Mr. Beeland noted that the Mayor makes it clear in his memo as to what is to take place; that the MLK Merchants' Association can't apply for anything—that it would have to be someone else other than them. Mr. Freeman responded that each merchant would apply individually.

Councilwoman Scott noted that there was a representative who wanted to make a comment.

Ms. Rose Martin spoke, stating that we had received a lot of information in terms of the process; that the Bessie Smith Cultural Center already had this process in terms of technical assistance—that they could provide this in order to move along. She stated that leadership needs to be clarified—whether it is Friends of the Festival or some other entity. As to the part about insurance, she wanted to know if the Strut was insured last year?

Chairman Murphy responded that it was Friends of the Festival, but it was not clear if there was a separate endorsement; that Friends of the Festival is in operation 365 days a year; that the City Attorney has said that the City would have to insure this event, and this puts the taxpayer on the hook.

Ms. Martin stated that with willing parties, we can map out who is willing to do what; that volunteers will be in the process for vendors' permits and the beer licenses can be handled individually; that others who sell beer would have to know that it comes with a liability—that it is reasonable for them to understand that they can't do it on their own. She stated as far as the safety factor—we have talked about fencing; that the biggest point is liability and how the Strut would be insured. She stated that everyone wanted to work this out—that it is a cultural benefit for our City; that no one wants to see violence, and she asked that the City give them this Strut.

Councilman McGary stated that her points had been made. He noted that the contracts expire by June 30th of this year and both only cover the Waterfront and not MLK Blvd.; that they give authority for Riverbend with authority this year. He stated that this language should be addressed before we enter into any more contracts so that there is no more ambiguity on this issue.

This meeting was adjourned at 5:30 P.M.