

**City Council Building
Chattanooga, Tennessee
January 15, 2008
6:00 p.m.**

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Feely, Franklin, Gaines, Pierce, Rico and Robinson present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Bennett gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION TO MARINELLA FILIPPONIO

Mayor Littlefield stated that he had the distinct pleasure to present a new citizen of Chattanooga. He stated that Chattanooga has a number of sister cities and two twin cities, cities with which we have established a special friendship that has been reflected in the Peace Grove, the newest monument in Coolidge Park. He stated among the more prominent trees in that new special place is a tree to our twin city, Ascoli Picento, Italy, a community he highly recommended visiting. He stated that he had the opportunity a few months ago to visit and June Rogers had encouraged him to establish the relationship. He stated that he had an opportunity to take our greetings to their Mayor and government members.

At this point, Mayor Littlefield introduced Marinella Filipponio and presented her with an "Honorary Citizen" certificate. He stated that he not only had an opportunity to meet her when he was there but ate her cooking for which she is famous. He stated that she has a restaurant that bears her name.

SPECIAL PRESENTATION TO MARINELLA FILIPPONIO
(Continued)

Ms. Filipponio stated that this is her first visit to the United States and Chattanooga is the first city she has visited. She stated it is very nice and the people are very kind. She stated food is one of the cultural means of bringing partnership and invited everyone to come to Italy, visit her city and, maybe, her restaurant! She stated she was proud of the Italian specialty, Ascoli olives, which are green olives stuffed with mint and deep fried; that she knows Chattanooga like deep fried food! She expressed appreciation to June Rogers for their friendship as she has invited her many, many times to come to Chattanooga.

Chairman Page stated that the Council is proud of the partnership, thanked Ms. Filipponio for visiting Chattanooga and noted that everyone looks forward to a continuing relationship.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, SECTION 7-74, RELATIVE TO KEEPING OR POSSESSING
SWINE, GOATS OR CHICKENS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, SECTION 2-416(e) RELATIVE TO THE FIRE AND POLICE
PENSION FUND PERMANENT AND TOTAL DISABILITY BENEFITS**
passed second and final reading and was signed in open meeting.

APPROPRIATION

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE
ASSOCIATION OF VISUAL ARTISTS THE AMOUNT OF TEN THOUSAND
(\$10,000.00) TO SUPPORT THE ANNUAL 4 BRIDGES ARTS FESTIVAL**
passed second and final reading and was signed in open meeting.

REZONING

2007-222: City of Chattanooga

Chairman Page stated this matter was heard last week on first reading. He stated that he was in error in his procedure and the way the Council operates and did not give proponents ample time to discuss the proposal. He stated the matter was discussed in today's Legal and Legislative Committee meeting and it was recommended that the matter be re-advertised for another public hearing. He stated fifteen days notice is required for advertising and this particular ordinance will come up in three weeks (February 5). He stated if some one can not come back on February 5 and wants to make comments tonight regarding this ordinance feel free to do so, otherwise the matter would be on the agenda in three weeks.

At this point Councilman Franklin made the motion to defer the matter three weeks; Councilwoman Robinson seconded the motion.

Councilman Benson stated the Committee made the recommendation for deferral for three weeks and public advertising of the public hearing.

City Attorney Nelson stated that he wanted to make the point Councilman Benson just made; that the Clerk of Council would need to re-advertise that particular item for a public hearing in three weeks and the advertising should be part of the motion.

Councilmen Franklin and Robinson amended their motion and second to reflect deferral of the matter for three weeks and advertising of the public hearing; Councilwoman Robinson, as the seconder of the motion, agreed.

Councilman Pierce asked if persons would be allowed to speak prior to the motion being carried through.

Justin Steinmann, Senior Planner/Comprehensive Planning with the Regional Planning Agency (RPA), stated that the moratorium for this area would expire on January 31. He stated that the moratorium should be extended until the effective date of this ordinance, assuming final reading will be on February 5.

In addition to the amended motion reflecting deferral of the matter for three weeks and advertising of the public hearing, Councilmen Franklin and Robinson further amended their motion to reflect an extension of the moratorium until after this ordinance has been resolved.

REZONING (Continued)

Sid Huntley of 502 Forest Avenue thanked Council members for allowing him to speak and stated that it is his thought there might have been some confusion as to what the motives were in the neighborhood. He stated what they are trying to accomplish is that everything on Forest and Tremont has been zoned R-3, which allows too much leeway in development in a predominantly R-1 neighborhood. He stated what they want to accomplish is not to prevent any particular builder from building and they are not trying to keep anyone from developing their property as R-3. He stated they are trying to have an ordinance or zoning where there is some kind of control or guidelines as to what goes in the neighborhood. He stated some neighborhoods have been building just totally inappropriately with no consideration for the neighborhood that is already there. He stated that is it in a "nut shell" what they are trying to accomplish; that they would like for the neighborhood to have a little input and certain standards met. At this point he asked those in support to stand.

Pam Womack of 616 Forest Avenue also expressed thanks for the opportunity to speak and stated that they have been through this public process and the neighborhood came to a consensus and, to her, it seemed that is what this was all about – coming to a consensus and voting on it. She stated that she wanted to express her thoughts on deferring the matter and indicated that she did not understand why.

City Attorney Nelson stated in the State law process there must be a public hearing after fifteen days of public advertising. He stated at the meeting last week the Council heard from the Planning Commission and one of the persons objecting and there was no opportunity given for the proponents of the plan to speak and come forward like she is doing now. He stated so that everyone who wants to make a comment has a fair chance to do so, it is going to go back to re-advertising, which must take at last fifteen days in the newspaper and then be brought up three weeks from today.

Ms. Womack inquired as to the location of the meeting.

Chairman Page clarified that the meeting would be held in the same location, the City Council Assembly Room, in three weeks, February 5.

At this point Councilman Franklin called for the question.

City Attorney Nelson stated that the original motion was amended to indicate advertisement of the matter and extension of the moratorium. He stated the second amendment was that the moratorium remain in place until such time as the matter is disposed of.

REZONING (Continued)

Councilman Franklin made the motion to place all three amendments into one motion; Councilwoman Gaines seconded the motion.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SPECIFIC R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE PROPERTIES WITHIN THE NORTH SHORE ZONING STUDY, PHASE ONE, MORE PARTICULARLY DESCRIBED HEREIN, TO R-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE WITH CONDITIONS AND R-4 SPECIAL ZONE WITH CONDITIONS, SUBJECT TO SAID ZONING STUDY

was deferred three weeks for re-advertising by the Council Clerk and the moratorium for the area is to remain in place until such time as this matter is disposed of.

CLOSE AND ABANDON

MR-2007-273: A. D. Engineering Services, Inc.

There was no opposition in attendance.

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING TWENTY-FIVE FEET (25') OF SANITARY SEWER EASEMENT ON A TRACT OF LAND LOCATED AT 2613 BELLE ARBOR AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

AGREEMENT

Councilwoman Bennett stated that this issue was discussed and knows the brush issue is included in this agreement with Waterhouse. She stated there may be other issues the City may need public relations services for and indicated that she is curious if some of that could be "rolled" into the larger contract. She stated she would have to abstain or ask for a deferral for one week to talk about some of the issues and how to make the most of this larger public relations services agreement.

AGREEMENT (Continued)

Dan Johnson stated brush pickup is included in this contract.

Councilwoman Bennett stated that she understands that. She mentioned other public relations issues that are related to the pension fund and things like that that we have not talked about and (she) is not sure if this is being negotiated separately. She stated since this is a larger public relations services contract we could talk with them about representing the city in this one issue; that she is talking about other public relations needs we have.

Mr. Johnson asked that this matter go forward since this is a targeted mission; that it is actually a renewal with one addition of brush and do the other separately.

Councilwoman Bennett stated that we should layer how we do public relations contracts.

Councilman Benson stated that he spent a lot of time in the last ten days trying to explain to people in his district when trash will be picked up and recycling. He stated that he thinks they are finally beginning to "get it" a little bit; that it is the first full week of the month for Area One and the full week starts on Monday. Mr. Johnson responded "right".

Councilman Benson stated then Area Two is the second week after the first full week. He stated he got frustrated and Mr. Norris helped him; that he now has a calendar he has circled every month of the year when pick up will be in his district. He stated that he wishes Waterhouse would consider some type of master calendar circling which district would be picked up and when.

Mr. Johnson stated that he had this discussion at the end of last week and that will be done; that it will be done on all pieces of literature issued.

Councilman Benson noted that it would be a big help.

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WATERHOUSE PUBLIC RELATIONS FOR PUBLIC RELATIONS SERVICES RELATIVE TO RECYCLING FOR A ONE-YEAR TERM BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF AGRICULTURE FOR WATER QUALITY EDUCATION RELATIVE TO THE "LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION SITE" IN THE AMOUNT OF TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$24,300.00) AND AUTHORIZING THE CITY'S REQUIRED FORTY AND ONE-TENTH PERCENT (40.1%) IN KIND MATCH
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-07-014-201, 2007 CITY SIDEWALKS REQUIREMENTS CONTRACT, TO YERBEY CONCRETE CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED SIXTY-SIX DOLLARS (\$264,766.00)
was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-03-029-201, CHEROKEE BOULEVARD STREETScape IMPROVEMENTS, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SEVEN HUNDRED EIGHTY-SEVEN AND 95/100 DOLLARS (\$787.95), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED SIXTY-SIX AND 05/100 DOLLARS (\$695,966.05)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-03-029-202, CHEROKEE BOULEVARD STREETScape IMPROVEMENTS, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FORTY-FIVE THOUSAND FOUR HUNDRED THIRTY-SEVEN AND 25/100 DOLLARS (\$45,437.25), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED SIXTY-TWO AND 75/100 DOLLARS (\$324,562.75)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 RELATIVE TO CONTRACT NO. W-05-007, WARNER PARK-ENGEL STADIUM DRAINAGE AREA CSO IMPROVEMENTS, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIFTY-NINE THOUSAND DOLLARS (\$59,000.00)

was adopted.

PROPERTY INSURANCE

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN PROPERTY INSURANCE RENEWAL FOR A ONE-YEAR TERM THROUGH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. AS BROKER FROM TRAVELERS AS CARRIER AT A RATE OF SEVEN AND 20/100 CENTS (\$.0720) PER ONE HUNDRED DOLLARS (\$100.00) IN VALUE FOR AN ESTIMATED PREMIUM OF TWO HUNDRED SEVENTY-NINE THOUSAND TWO HUNDRED FORTY-SIX DOLLARS (\$279,246.00)

was adopted.

CONTRACT

Councilman Benson stated that this matter was discussed in Legal and Legislative Committee today and approval is recommended.

On motion of Councilman Benson, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A CONTRACT WITH THE TREASURY DEPARTMENT OF THE STATE OF TENNESSEE WHICH PROVIDES FOR THE CITY TO DEPOSIT ITS PRO RATA SHARE OF THE ESTIMATED COST OF THE NEW CONSTRUCTION OF THE STATE INDUSTRIAL ACCESS (SIA) ROADWAY SERVING FEDEX GROUND PACKAGE SYSTEMS, INC. IN CHATTANOOGA, TENNESSEE LOCATED OFF ALTON PARK BOULEVARD, PROJECT NO. 33959-2590-04, STATE PIN# 109591.00

was adopted.

OVERTIME

Overtime for the week ending January 11, 2008 totaled \$20,308.37.

PERSONNEL

The following personnel matters were reported for the following departments:

PUBLIC WORKS DEPARTMENT:

- **RONNIE JOHNSON** – Termination, Heavy Equipment Operator, City Wide Services, effective January 4, 2008.
- **SHERMAN M. BOWLES** – Return from Family Medical Leave, Crew Worker, City Wide Services, effective January 10, 2008.
- **JEFFREY M. MOORE** – Return from Family Medical Leave, Heavy Equipment Operator, City Wide Services, effective January 7, 2008.
- **ROBERT D. SHIPLEY** – Return from Family Medical Leave, Equipment Operator Senior, City Wide Services, effective January 9, 2008.

PERSONNEL (Continued)

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **ANNEKA BASS** – Resignation, Teacher Assistant, Head Start, effective December 19, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **CHRISTOPHER LAWSON** – Military Leave, Police Officer, effective January 8, 2008.
- **JORDAN REDDICK-MULLINS** – Termination, Communications Officer, effective January 8, 2008.
- **KENNETHA PRICE** – Reinstatement, Communications Officer, Pay Grade 11/Step 1, \$28,010.00 annually, effective January 11, 2008.

PURCHASES

On motion of Councilman Franklin, seconded by Councilman Rico, the following purchases were approved for use by the Public Works Department:

ACCUSONIC TECHNOLOGIES (Single source)

R0103152/B0004634

Accusonic Flow Meter Services per TCA 6-56-304.2

\$25,000.00

JEN-HILL CONSTRUCTION MATERIAL (Lower and better bid)

R0103522/B0004607

Erosion Control Blanket

\$115,819.00

GEO-JOBE GIS CONSULTING (Single source)

R0104363/B0004763

Global Positioning System per TCA 6-56-304.2

PURCHASES (Continued)

KOLLSTEDT ELECTRIC, LLC (Lowest and best bid)
R0104895/B0004719

Emergency Generator

\$99,081.68

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga Police Department:

MOTOROLA, INC. (Sole source)
R0105849

Software Maintenance and Support per TCA 6-56-304.2

\$24,338.00

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Rico, the following purchase was approved for use by the Mayor's Office, Information Services Division:

EXCALIBUR INTEGRATED SYSTEMS, INC. (Single source)
R0105940

Consulting Services for Implementation of Homeland Security Port Security Camera per TCA 6-56-304.6

Not to exceed \$60,000.00

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchases were approved for use by the Mayor's Office, General Services Division:

PURCHASES (Continued)

BROOKER FORD, INC. (Lowest and best bid)
R0104576

Two (2) Ford Mustangs (Fleet Management)

\$33,398.00

MOUNTAIN VIEW CHEVROLET (Lowest and best bid)
R0104573

Two (2) Chevrolet Malibu's and One (1) Chevrolet Impala (Fleet Management)

\$55,784.54

PREBUL AUTOMOTIVE (Lowest and best bid)
R0104574

One (1) Dodge Charger (Fleet Management)

\$16,350.00

REFUNDS

On motion of Councilman Rico, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refunds of stormwater fees, property taxes and/or gross receipts taxes:

ICEMAKERS PROPERTIES LLC -- \$2,228.44

INDUSTRIAL DEVELOPMENT BOARD OF HAMILTON COUNTY -- \$1,336.07

LAWRENCE T. CHIEN -- \$3,801.97

KENT. T. JONES -- \$1,078.98

JESSICA HILDRETH -- \$1,023.05

WILLIAM SANDERS -- \$1,843.29

REFUNDS (Continued)

ROSSVILLE CONVENIENCE GAS -- \$2,585.93

DALLAS BUNTON -- \$1,264.72

DOGG PATCH, INC. -- \$1,803.66

JUANITA SIMS -- \$1,136.45

MITCHELL CORDER -- \$1,021.40

DAVID MANSELL -- \$1,131.50

BRIAN CATE -- \$1,706.55

GEORGE LATTA -- \$1,972.16

JOHN JERNIGAN -- \$1,106.17

J. BRENT BAKER -- \$1,153.52

MK, LLC -- \$1,912.84

JAMES T. BROOME -- \$1,041.21

NORRIS JACKSON -- \$1,113.88

NICHOLAS BROWN -- \$1,011.49

STEPHEN GAMBLE -- \$1,006.53

LOYD LEW WILSON, III -- \$1,388.03

MARY L. WILLIAMSON -- \$1,260.31

MARK BURGIN -- \$1,286.19

BILL FEHN -- \$1,144.71

JAMES WOLFORD -- \$3,513.41

TERRENCE COLLOM -- \$4,675.61

REFUNDS (Continued)

SARAH W. BUTLER -- \$1,403.99

TONYA JOHNSON -- \$1,096.26

MARVIN NICHOLSON -- \$1,980.81

MUSEUM BLUFFS -- \$1,212.86

B. EUGENE HATFIELD -- \$1,568.93

JENNIFER C. CALDWELL -- \$1,083.60

CUI XIAOYING -- \$1,492.07

JOE GRESHAM, JR. -- \$1,069.95

JOHN NOSWORTHY -- \$1,308.76

R. P. CONSTRUCTION, INC. -- \$1,418.31

MARTHA B. SMARTT -- \$1,318.11

HANK WILSON -- \$1,124.45

JAMES J. SMAJDA -- \$1,472.25

DAVID M. WEBER -- \$1,037.36

DAVID M. KING -- \$1,264.72

EVELYN GIBBS -- \$1,612.08

GLENN COPELAND -- \$2,803.53

CHATTANOOGA DEVELOPMENT GROUP -- \$1,118.28

TOMY JAMES -- \$1,023.05

BRIAN FOX -- \$2,215.64

BRIAN FOX -- \$2,215.64

REFUND

On motion of Councilman Rico, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund of gross receipts tax:

SOUTHEASTERN MATERIALS, INC. -- \$5,900.02

LIQUOR LICENSE

Adm. Madison stated that a liquor license relocation has been requested by OM Corporation of Tennessee doing business as Hamilton Liquor. She stated they are relocating from Suite 112 to 108 at 228 Gunbarrel Road.

Councilman Benson stated that he knows where Mrs. Madison is talking about; that they are just moving and relocating about fifty feet north in the same building complex. He stated that the applicants called and it is a pretty intricate process to go through just to move fifty feet; that the owners are outstanding citizens. He stated that he wished the process was not quite as intricate; that they have had to file for a new fee just to move fifty feet. He stated there is no way around it as it is the law.

AUTHORIZATION TO BRING ACTION

City Attorney Nelson stated that he would like a motion giving the City Attorney's office authority to go ahead and bring action against Segal Company relative to the advice given to the Fire and Police Pension Fund with respect to the pension amendment and DROP plan. He stated that he would also like to hire Ledbetter and Associates to handle that litigation on the city's behalf.

On motion of Councilman Franklin, seconded by Councilwoman Gaines, authorization was duly given to bring action against Segal Company and to hire Ledbetter and Associates.

RUTHERFORD ISSUE

Chairman Page stated that the City Attorney briefed the Council with regard to the Rutherford matter and the Council heard different case law decisions with regard to similar cases. He stated the Council is still considering the matter in their minds and hearts as to what is best to do for the city regarding this matter. He stated the Council considers themselves briefed, and at the appropriate point in time they may or may not bring this issue forward again. He stated that is much as he can say this evening.

COMMITTEES

Councilman Benson stated the **Legal and Legislative Committee will meet on Tuesday, January 29 at 3 p.m.** to continue discussion on the Transportation Ordinance.

Councilman Feely reminded Council members of the meeting of the **Education, Arts and Culture Committee scheduled for Tuesday, January 22 immediately following Public Works.** He stated the agenda for the meeting involves a discussion of capital improvement projects for the Tivoli, Memorial Auditorium and Community Theatre.

Councilman Rico reminded Council members of the **Public Works Committee scheduled for Tuesday, January 22 at 3 p.m.** for a discussion of public works matters for the current and following week as well as the SETHRA/STS lease.

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, January 22 immediately following Education, Arts and Culture** to continue discussion regarding the Final Report from the Blueprint Homeless Committee.

MARGARET JOHNSON

Margaret Johnson read from a prepared statement and stated that a couple months ago she came before the Council to express thanks for the opportunity to go to Wuxi with the Sister City Project and noted that she was present tonight on behalf of the citizens of Chattanooga who are concerned about Ordinance 12039 requiring the acquisition of a permit to gather in public places. She stated the First Amendment states "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof ..." She stated the Chattanooga City Council has done an excellent job at ensuring freedom of both religion and religious practice, ensuring that our freedom of speech is maintained and that our press is unbiased in their reporting; however, the First Amendment goes on to state "no branch of legislation shall revoke the right of the people peaceably to assemble". She stated Ordinance 12039 prohibits groups of more than fifteen people to congregate in a public park within the bounds of the city without a permit and charges a \$25 fee. She related an incident when she was on a field trip and she and her classmates were studying the Bill of Rights in the park and were asked to present their permit, even though they were peaceably assembled. She stated the requirements of the permit are that it is to be received no less than ten, but no more than thirty, days in advance of a scheduled event; that the difficulty comes when a group of teenagers, herself included, may want to go to the park before a dance which is that weekend.

MARGARET JOHNSON (Continued)

Ms. Johnson continued by stating that her concern is that the parks are public property and legally owned by the citizens of Chattanooga through the payment of taxes; that if she goes to the park she and others can be asked to leave simply because they do not have a permit, noting that the same is true for tourist groups, spontaneous birthday parties, family get-togethers and a number of other events. She quoted from several Sections of the Ordinance and stated charging a fee for the use of a public park infringes on the rights of free association, as well as freedom of assembly. She stated the socio-economic status of a person should not determine their ability to use a park for a planned gathering; that while \$25 may not seem like a lot of money, to some people that is roughly four days worth of grocery money.

Ms. Johnson concluded her comments by stating it is her sincere hope that the Council will review this document or abolish it all together and recreate an ordinance that is concise, judicious and equal to all people of varying economic backgrounds. ***(A copy of Ms. Johnson's statement is filed with minute material of this date.)***

Chairman Page asked Adm. Zehnder to make a statement regarding Ms. Johnson's comments and to meet with the group following tonight's meeting.

Adm. Zehnder stated that the ordinance addressing the park permit is not meant to prohibit assembly; that the permit was really to accommodate the general public who has a get-together or special event to make sure we have proper trash cans and the provision of electricity. He stated that it supports the type of facilities necessary for a group using the park and is not intended to prohibit any type of assembly; that the permit is basically a handling fee so we will know what is going on in the park, itself. He stated in this case, he will speak with the particular ranger who might have overstepped their bounds to some degree. He stated he would talk with this group and see that it is corrected.

Chairman Page expressed thanks to Ms. Johnson for her comments and asked Adm. Zehnder to get their names and follow-up.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, January 22, 2008 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)**