

Municipal Building
Chattanooga, Tennessee
September 30, 1997

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Eaves, Hakeem, Hurley, Lively, Pierce, Rutherford and Taylor present; Councilman Crockett was absent due to attendance at a public hearing regarding his District. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by City Attorney Randall Nelson.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: DOUGLAS DAY,
SOUTHERN FOLK FESTIVAL

Sally Robinson of the Downtown Partnership introduced Douglas Day, Executive Director of the Southern Council Folk Festival, and Alice Merritt, Tennessee Association of Crafts Artists.

Mr. Day stated this is the fifth year of the Festival; that it is a good mix of cultural diversity and virtuosity. He stated many in-kind services have been donated through the Parks and Recreation Department; that they are doing much this year in terms of outreach to people who might not get a chance to see some of the activities; that the Department has been very helpful in coordinating those events. At this point he presented tickets and other information regarding the Festival to Council members.

Alice Merritt stated the communication with the City and County has been very pleasant and welcoming; that she hoped to see all the Council members this weekend at Ross' Landing.

Chairman Swafford thanked Ms. Merritt and Mr. Day for their presentation and indicated that the Festival has been a huge benefit to the City.

SPECIAL PRESENTATION: DOUGLAS DAY,
SOUTHERN FOLK FESTIVAL (Cont'd.)

Councilwoman Hurley stated Alice Merritt has been a strong force in the crafts field and is glad she is here. She asked that mention be made with regard to the celebration of the work of Frank McDonald.

Mr. Day stated a special tribute to Mr. McDonald will be held at the Tivoli on Friday evening; that each opening concert honors someone who is a keeper of folk traditions. He stated Frank McDonald has been a part of this Festival for many years; that he is a good musician and has been with the "Dismembered Tennesseans" for 40 years. He stated it is time to honor him for all his music and community work and this is the time Chattanoogaans can come out and let him know how much we appreciate him.

SPECIAL PRESENTATION: JUDGE WALTER
WILLIAMS

Judge Walter Williams made his quarterly report to the Council at this time. His report has been spread upon the minutes:

**QUARTERLY REPORT OF THE CITY COURT
TO THE CITY COUNCIL
September 30, 1997**

As Judge of the Chattanooga City Court, I am pleased to make this quarterly report regarding the Court's operations. Due to an unusual case load and conference schedule, this report will be shorter than previous reports. I will try to make the annual report more detailed and comprehensive.

First, I would like to thank those members of the Council who attended the official Portraits of Former Judges presentations, which was held Thursday, September 11, 1997 at 10:00 a.m. The ceremony was well attended by elected officials and the public. I am sure the men whom we honored and their families were appreciative of your support in providing the financial resources to allow me to display the portraits. Again, I say to you, many thanks.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

My new Judicial Assistant is on board and I am beginning to catch up on several office matters which I had to delay for several weeks. However, I do want you to know that at no time did the Court docket or cases get delayed. The City Court docket is current and all cases and matters have been properly adjudicated.

I. Cases

A. Traffic and City Ordinances

For the period July 1, 1997 through August 31, 1997, the Court heard or acted upon 3,563 cases. The total number of citations issued was 4,795. It appears that the police department is issuing more speed citations as a result of the speed reduction program. Also, the Court continues to be concerned with the number of accidents in Chattanooga. A steady increase over the last several months has been noted and greater care by all drivers is warranted. There has been an increase in the number of cases where people have left the scene of an accident without notifying the police department. In addition, the Court has noticed there is an increase in the number of drivers who have accidents and do not have financial responsibility (principally liability insurance) to handle damages caused to others. The Court does understand that financial pressures on the public such as layoffs, reduction in work hours, etc., will cause people to adjust their personal financial plans. But something must be done. The Court tries to be lenient and understanding in levying fines but the rights of those who have been victims must be given equal consideration.

I continue to encourage all operators and owners of motor vehicles to carry liability insurance at a minimum, and to file the 20-day report with the Department of Safety as required to avoid suspension or revocation of their driving privileges.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Areas where speeding citations continue to be issued include: Veteran's Bridge, Jersey Pike, I-24, I-75, South Market Street, Alton Park Boulevard, East 38th Street, McCallie Avenue, Dodds Avenue and Igou Gap Road. North Moore Road has the dubious distinction of having the most citations issued during the period.

B. Parking

The Court continues to hear parking cases on Friday mornings at 9 a.m. For the period July 1, 1997 through August 31, 1997, a total of 1,477 cases were heard or acted upon by the Court. (Total number of tickets written was 7,426.) Notwithstanding the City marking parking spaces and some media coverage, drivers still refuse to park their vehicles appropriately. When a person parks his car beyond his designated space, then it causes other vehicles to be parked unlawfully. Also, the Court continues to see far too many cases where persons are verbally abusive to parking officers. The procedure has been changed to allow parking officers to write regular citations for "interference with an officer doing his duty" and the Court is issuing stiff penalties for the same. I suggest that drivers take their tickets and come to Court and contest the matter rather than becoming abusive verbally or otherwise with the officers. We live in an orderly society and such conduct is not acceptable. Illegally parking in handicapped spaces continues and the Court rarely backs away from issuing the mandatory fines. Again, the Court has no tolerance for this kind of action and issues the highest fine possible in these cases. Tourists seem to honor parking regulations more than local persons do as I review parking cases.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

C. Environmental

The number of environmental cases continues to rise but the Court attributes the increase to more enforcement and a desire on the part of the City to move swiftly to correct problems. I enjoy working with the inspectors and those persons cited to strike compromises to alleviate violations. However, make no mistake about it, I am known to issue stiff penalties for repeat offenders or the persons who know that they are violating city ordinances. Again, I thank the inspectors and kindhearted business people in Chattanooga for assisting us in relocating persons who have been ordered out of condemned structures. Without the efforts of all concerned the Court would be helpless in helping those in need. Also, additional cases from the Treasurer's Office, Fire Department and other areas are placed on the environmental docket to allow more expedited attention to their special needs.

II. Revenues

As of August 31, 1997, the Court had total revenues of \$284,371. Total expenditures per budget were \$160,739. Therefore, excess revenue over expenditures was \$123,632. This figure will be adjusted upward since Court costs have been increased and was delayed due to computer program adjustments which had to be implemented and new tickets ordered. Collection efforts by the Clerk's Office and North American Credit Services continue to bring in delinquent fines and costs. The Court still believes that it was the correct decision to use an outside collection agency for grossly delinquent accounts than attempt collections in-house. In doing so, the collection costs are shared by the State inasmuch as it receives a larger part of the revenue collected. Otherwise, the total costs of collections would be borne by the City, which, in my opinion is unacceptable. More and more parking violations are being paid at the lower amount, which is good, but does reduce overall revenues.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Finally, there are several matters that I wish to bring before the Legal and Legislative Committee regarding major parking violators and amendments to the City Code. I will speak to the Committee Chairman to schedule a time to discuss these concerns. While we might disagree from time-to-time on some matters, I do appreciate intelligent discussions and courteous communications among us to make our City more progressive for all.

Respectfully submitted,

/s/

Walter F. Williams
City Court Judge

Chairman Swafford thanked Judge Williams for his report and expressed how important it is to have this type of briefing as an "arm" of this Council.

CLOSE AND ABANDON

1997-164: Chattanooga Metropolitan Airport Authority

On motion of Councilman Lively, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF HONEST
STREET LOCATED NORTHWEST OF LEE HIGHWAY, SOUTHWEST OF
AIRPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN,
UPON CERTAIN CONDITIONS

passed second reading. On motion of Councilwoman Hurley, seconded
by Councilman Taylor, the ordinance passed third and final reading
and was signed in open meeting.

CLOSE AND ABANDON

1997-175: Dillard Limited Partnership

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING LOLLA ROAD LOCATED
SOUTHEAST FROM BASSWOOD DRIVE, NORTHEAST OF BONNY OAKS
DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN
CONDITIONS

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

APPROPRIATION

On motion of Councilwoman Hurley, seconded by Councilman Taylor, AN ORDINANCE APPROPRIATING TWENTY THOUSAND DOLLARS (\$20,000.00) FROM THE CONTINGENCY FUND TO THE CHATTANOOGA AREA VETERANS COUNCIL FOR THE VETERANS MEMORIAL PAVILION AT THE NATIONAL CEMETERY passed second reading. On motion of Councilman Taylor, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 3, BY ADDING A NEW SECTION 3-102(H) RELATIVE TO THE JURISDICTION OF THE BOARD OF SIGN APPEALS passed second reading. On motion of Councilman Lively, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

ABANDON SEWER EASEMENT

MR-97-009

There was no one present in opposition to this request.

On motion of Councilman Lively, seconded by Councilman Hakeem, AN ORDINANCE ABANDONING A SEWER EASEMENT LOCATED ON LOTS 5 AND 6, PLAT BOOK 54, PAGE 199, DILLARD'S ADDITION TO LOOKOUT VALLEY, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

ABANDONMENT OF A PORTION OF SURPLUS RIGHT-OF-WAY

MR-97-010

There was no one present in opposition to this request.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, AN ORDINANCE ABANDONING A PORTION OF SURPLUS RIGHT-OF-WAY IDENTIFIED AS THE SOUTH SIDE OF EAST 40TH STREET FROM TENNESSEE AVENUE TO PIROLA STREET, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

AMEND CITY CODE

Councilman Lively stated Ordinances (c), (d), and (e) were discussed in Legal and Legislative Committee and come with the Committee's recommendation for approval.

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II, SECTION 3-102(g), RELATIVE TO SPECIAL PERMITS FOR ON-PREMISE SIGNS AND/OR BANNERS LOCATED UPON COMMERCIAL, PREDOMINANTLY RETAIL, DEVELOPMENTS passed first reading.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 3, BY ADDING A NEW SECTION 3-22 RELATIVE TO MAINTENANCE OF OFF-PREMISE SIGNS passed first reading.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTIONS 35-147, 35-151(b)(5), 35-156(1), 35-160(4), AND 35-161(a), RELATIVE TO AMENDMENTS TO THE WRECKING AND TOWING SERVICE ORDINANCE passed first reading; Councilwoman Rutherford voted "no;" Councilmen Eaves and Pierce abstained.

AMEND ORDINANCE NO. 10589 (BUDGET)

City Attorney Nelson amended the Ordinance to reflect the following:
. . . Section 2. That a certain position under the heading of "DEPARTMENT OF GENERAL GOVERNMENT & SUPPORTED AGENCIES" in Section 8(d) of said Budget Ordinance be and the same is hereby amended so as to delete the following:

CITY COURT (JUDICIAL)
C00153 1 Judicial Assistant \$1,075.18 B

and substitute in lieu thereof the following:

CITY COURT (JUDICIAL)
C00153 1 Judicial Assistant Grade 11 B

AMEND ORDINANCE NO. 10589 (BUDGET)
(Cont'd.)

Councilman Pierce stated we have had several budget amendments and (he) is looking at the study that the City is doing as far as salaries are concerned. He stated if he is not mistaken this position is included in that study and it looks like we are constantly amending the budget and quickly making changes; that the budget was approved with this salary a couple months ago and now we are here to amend it. He asked what would be wrong with waiting until the study is complete.

Chairman Swafford expressed his belief that this issue was brought out in Budget and Finance Committee.

Councilman Hakeem stated the effort is to get someone who is qualified "on board" with the credentials needed; that this salary is much lower than what was previously requested. He stated it was thought this was something that needed to be moved on at this time.

Chairman Swafford stated discussion surrounded whether this position is in the study, and if it comes with a different rating once the study is complete it will still be taken into consideration, if necessary.

Councilman Pierce stated it will be taken into consideration, but once the salary is approved there is no way we can go back and change it.

Councilwoman Hurley stated she was under the impression this position is not part of the salary study; that it was in that definition of exempt employees and up to the Judge to determine whether it would be included.

Donna Kelley stated to her knowledge no position has been exempted. Councilwoman Hurley asked if this includes those previously exempted. Ms. Kelley responded "yes." Councilwoman Hurley stated that is new information to her.

Councilman Hakeem stated for the position to be exempt would the Judge only have to say he would rather this person not be part of the study. Ms. Kelley stated that is a quasi-legal issue; that once the study is implemented there will be provision for the implementation; that everyone will be included except the ones removed by the governing body.

Councilman Hakeem stated we might want to look at this; however, in the meantime the effort is not to slow up the Court or put this at a rate where we might not get the type of person we are looking for.

AMEND ORDINANCE NO. 10589 (BUDGET)
(Cont'd.)

Councilman Pierce asked if we are saying this position is part of the study. Councilman Hakeem responded, "we are saying it is."

Councilman Pierce stated if this job comes in and she is overpaid we do not cut back on the salary, is that correct?

Ms. Kelley stated we would not cut a salary; that, traditionally, any implementation of salaries found to be extraordinarily high will be "redlined" or held back from getting future increases.

Councilman Pierce stated all he is saying is this salary was budgeted at the rate of \$27,000, and why would we come back and want to amend the salary for another person to fill that position.

Chairman Swafford indicated all matters have been adequately discussed at this point.

On motion of Councilman Hakeem, seconded by Councilman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 10589, AS AMENDED,
ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE
FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30,
1998, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES
OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF
TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE
TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE
PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE
FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND
PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN
THE "CITY OF CHATTANOOGA CLASSIFICATION SYSTEM" SET OUT
IN SECTION 8(d).

passed first reading; Councilman Pierce voted "no."

SPECIAL POLICEMAN

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MOSES
FREEMAN AS A SPECIAL POLICEMAN FOR THE EEO AND BETTER
HOUSING DEPARTMENT WITH THE CITY OF CHATTANOOGA, TO DO
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS

was adopted.

LOAN APPLICATION WITH STATE OF
GEORGIA'S REVOLVING LOAN FUND

Councilman Eaves stated this matter was discussed in Public Works Committee and comes with a recommendation for approval. He stated all monies regarding this Resolution will be paid back to us by the sewer charge.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LOAN APPLICATION FROM THE STATE OF GEORGIA'S REVOLVING LOAN FUND FOR AN AMOUNT OF SEVEN MILLION, TWO HUNDRED FIFTY-FIVE THOUSAND, FORTY DOLLARS (\$7,255,040.00), RELATIVE TO THE NORTHWEST GEORGIA SEWERS, AND, IF APPROVED, TO EXECUTE ALL DOCUMENTS RELATING THERETO
was adopted.

TEMPORARY USE: CARTER'S ON BROAD

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING CARTER'S ON BROAD TO USE TEMPORARILY PORTIONS OF THE CITY'S RIGHT-OF-WAY AT 2433-35 BROAD STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING AN AWNING
was adopted.

TEMPORARY USE: SIGNAL DESIGN
GROUP

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING SIGNAL DESIGN GROUP TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 2444 BROAD STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING A SIGN
was adopted.

PERSONAL SERVICES CONTRACT:
JULIETTE THORNTON

Admin. Traughber stated sometime ago the City of Chattanooga received a planning grant from the Economic Development Administration (EDA) for the purpose of reassessing the M.L. King area and developing a long term strategy in integrating that area into the overall downtown development plan.

PERSONAL SERVICES CONTRACT:
JULIETTE THORNTON (Cont'd.)

Admin. Traugher stated the City Council and County Commission has not provided administrative operating funds; that this position will be an enhancement to set an agenda in terms issues we need to address in this area. He stated the Mayor will appoint a second Task Force to develop an action plan for presentation to the appropriate entity to outline the investment in the area.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF GENERAL SERVICES TO EXECUTE A PERSONAL SERVICES CONTRACT WITH JULIETTE THORNTON, RELATIVE TO THE MARTIN LUTHER KING BOULEVARD TASK FORCE, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE was adopted.

VOLUNTARY NONSUIT: CITY OF CHATTANOOGA VS. BOWATER

Councilman Eaves stated the Public Works Committee voted to ask the Council to adopt this Resolution.

City Attorney Nelson stated last week Bowater motioned for summary judgment so that if we wished to drop the lawsuit we would could not without prejudice; that they have now agreed the to drop their motion for summary judgment. He stated it will permit us to take a nonsuit, which is a voluntary dismissal of the lawsuit without prejudice, going back to do it again if we find it necessary.

On motion of Councilwoman Hurley, seconded by Councilman Lively,
A RESOLUTION DIRECTING THE CITY ATTORNEY'S OFFICE TO TAKE A VOLUNTARY NONSUIT IN THE CASE OF CITY OF CHATTANOOGA VS. BOWATER UPON BOWATER WITHDRAWING ITS MOTION FOR SUMMARY JUDGMENT, SO THAT THE NONSUIT CAN BE TAKEN WITHOUT PREJUDICE was adopted.

OVERTIME

Overtime for the week ending September 26, 1997 totaled \$57,670.82.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

PATSY MERRIMAN -- Resignation, Adult Activities Coordinator, Recreation Division, effective September 18, 1997.

ROBBIN D. SPIVEY -- Promotion, Laborer II, Plaza Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective September 24, 1997.

KAREN J. EDWARDS -- Promotion, Laborer II, Plaza Division, Pay Grade 4/Step 1, \$15,165.00 annually, effective September 24, 1997.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Parks and Recreation Department:

WILSON CLEANING SERVICE (Lowest complete bid)
Requisition No. R0003532

Purchase of Contract for Janitorial Services

\$1,300 per month

PERSONNEL

The following personnel matters were reported for the Public Works Department:

ANGELA D. CARTER -- Employment, Clerk III, Inspection Division, Pay Grade 5/Step 1, \$16,151.00 annually, effective September 26, 1997.

ALFRED AMMONS, JR. -- Suspension (3 days without pay), City-wide Services, effective September 22-23-25, 1997.

THOMAS WOODLEY -- Release from Duty, Laborer II, City-wide Services, effective September 17, 1997.

JAMES H. ELDER -- Suspension (3 days without pay), Alternate Sanitation Worker I/Laborer I, City-wide Services, effective September 22-24, 1997.

PERSONNEL (Cont'd.)

DEED CARROLL -- Medical Leave of Absence Without Pay, Laborer II, City-wide Services, effective September 23 - November 30, 1997.

ALBERT GILBERT -- Dismissal, Laborer II, City-wide Services, effective September 16, 1997.

LABRONE PARIS -- Involuntary Demotion, Crew Leader, City-wide Services, Pay Grade 5/Step 6, \$18,675.00 annually, effective September 17, 1997.

EDNA E. HAMILTON -- Reinstatement, Occupational Health Nurse, City-wide Services, Pay Grade 11/Step 11, \$32,093.00 annually, effective October 1, 1997.

PERSONNEL INQUIRY

Councilman Hakeem stated he had a question regarding process and procedure regarding hiring practices. He asked that one of the Public Works Department's personnel matters not be approved by Council until further clarification on the process of hiring is given.

Councilwoman Hurley reminded Councilman Hakeem that the Council does not "approve" personnel matters; that they are "reported and filed" with the Council.

Admin. Marcellis stated he would talk with Councilman Hakeem; that he, Councilman Hakeem and Donna Kelley can get together and talk about how the person was hired.

Councilman Hakeem reiterated that he has some concern about the position.

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following purchases were approved for use by the Public Works Department:

SPECIALIZED OPERATIONS SERVICES, INC. (Lower and better bid)
Requisition No. R0002659

Purchase of Indicator/Controllers

\$22,100.00

PURCHASES (Cont'd.)

EUREKA FOUNDRY (Single source)
Requisition No. R0029615

Purchase of Pedestrian Light Poles (\$1,150.00 each per TCA 6-56-301)
\$16,100.00

PERSONNEL

The following personnel matters were reported for the Police Department:

RICHARD R. HECK -- Job-related Disability Retirement, Lieutenant, effective September 24, 1997.

LARRY D. ELLIS -- Job-related Disability Retirement, Inspector, effective September 24, 1997.

PHILLIP MCCLAIN -- Suspension (5 days without pay), Police Officer, effective September 26, 1997.

CARTER A. FRANKS -- Promotion per Court Order, Sergeant, Pay Grade 12/Step 11, \$34,341.00 annually, effective April 20, 1988.

NEALIE HOGG, JR. --- Promotion per Court Order, Sergeant, Pay Grade 12/Step 9, \$32,369.00 annually, effective January 21, 1989.

DOUGLAS ELLIOTT -- Promotion per Court Order, Sergeant, Pay Grade 12/Step 10, \$33,340.00 annually, effective June 21, 1989.

PHILIP F. GRACE -- Promotion per Court Order, Sergeant, Pay Grade 12/Step 12, \$35,371.00 annually, effective September 27, 1989.

ALEC V. CONNER -- Promotion per Court Order, Sergeant, Pay Grade 12, Step 10, \$33,340.00 annually, effective September 27, 1990.

JOHNNY M. BARNETT -- Promotion per Court Order, Sergeant, Pay Grade 12/Step 12, \$35,371.00 annually, effective February 28, 1990.

SAMUEL MADISON -- Promotion per Court Order, Sergeant, Pay Grade 12/Step 12, \$35,371.00 annually, effective March 3, 1990.

JEAN LARKIN -- Position Date Adjustment per Court Order, Inspector, effective March 24, 1990.

PERSONNEL (Cont'd.)

JAMES W. KEEF -- Position Date Adjustment per Court Order, Sergeant, effective December 12, 1988.

JEFFREY J. CLARKE -- Position Date Adjustment per Court Order, Sergeant, effective April 12, 1989.

THOMAS B. KENNEDY -- Position Date Adjustment per Court Order, Sergeant, effective July 4, 1989.

JAMES MASSENGALE, JR. -- Position Date Adjustment per Court Order, Sergeant, effective August 2, 1989.

DAVID L. STREIP -- Position Date Adjustment per Court Order, Sergeant, effective August 30, 1997.

THOMAS GUTHRIE -- Position Date Adjustment per Court Order, Sergeant, effective February 28, 1990.

HARMON CERTIFICATION

Councilwoman Rutherford stated last Monday night a hearing was held for Harold Harmon. She inquired as to the status as far as Mr. Harmon's certification.

Mr. Dinsmore stated Councilwoman Rutherford will have to ask Personnel about that; that he has not gotten any feedback; that the City Attorney has said he sees no reason why he cannot be certified.

Councilwoman Rutherford inquired as to when Mr. Harmon will hear something from Personnel. Donna Kelly stated to her knowledge Mr. Harmon has not reported to Personnel; that he needs to make contact with them.

Councilwoman Rutherford stated Mr. Harmon's Attorney contacted her today; that Mr. Harmon wants to get back to work. She asked that Ms. Kelley contact Mr. Harmon's Attorney, John Morgan.

Ms. Kelley stated she would make the contact and needs information from the hearing, as well, from the City Attorney's office.

PROMOTIONS

Councilman Pierce noted the promotion on the Police Department's personnel transactions and stated with these type of promotions there will not be much left for the new Chief to do by way of promotions; that it will make his job a little easier.

Councilman Taylor asked for further explanation as to what the promotions mean with regard to the "court order." Mr. Dinsmore stated this involves a case that has been in Court for the past 3-1/2 years.

City Attorney Nelson stated this case dates back before 1990 to a Section of the Code, Section 16-10. He stated the Court interpreted it to mean when police officers serve in a position higher than his own for 60 days he was automatically promoted to that position and that has been in litigation for a period of time. He stated Section 16-10 was repealed as one of the last acts of the old City Commission.

Councilman Taylor inquired as to whether the promotions are retroactive. City Attorney Nelson responded "yes."

LIQUOR LICENSE APPLICATION

Admin. Boney stated the applicant has been granted approval from the Police Department, Traffic Engineering and Planning Commission and has fulfilled everything that is required by law for this application to be approved. He stated if this license is approved it will be the thirty-eighth license granted from 54 authorized. He indicated administration requests approval of the request.

At this point, Councilman Taylor made the motion to approve the request, however, there was no second to the motion.

Ed Schemel was present representing Lucky's Liquors and introduced the owners, Michael Martin and Wade Fowler, as well as Ginger Samples with Fletcher-Bright. He stated his clients have met with various persons who had concern about the location of the liquor store who are now satisfied; that they have met all the requirements and request approval of their request. He stated his clients are present and available to answer any questions the Council might have.

Councilman Hakeem stated we have to look at this matter legally; that there is great concern about the location in regard to the Church nearby.

LIQUOR LICENSE APPLICATION
(Cont'd.)

Mr. Schemel stated it is his understanding this has been checked out; that the Church is well beyond the 500 foot setback; that he talked with the Church's Attorney. He stated the Church has indicated they will not object as they understand they are far beyond the setback.

Councilman Hakeem stated legally Mr. Schemel is right; but there is a concern about the location to the Church.

Mr. Schemel stated this is not the only process his clients have to go through for retail licensing in Tennessee. He stated if the license is approved and signed by the Mayor the applicants have to go before the Alcoholic Beverage Commission (ABC) in Nashville; that his clients are not a large organization and do not have lots of resources to wait on the Council's determination. He stated if they are not able to open the store for another month they will not be able to meet the deadline for the ABC meeting in October.

Councilman Hakeem inquired as to how many licenses are allowed and the criteria; that this process is new to him. He asked if all are to go in East Brainerd or all in South Chattanooga.

Admin. Boney stated he researched the matter; that this is done infrequently and found only two have been granted in the five years he has been here. He stated there used to be 54 stores; that he knows there is no zoning or rezoning application required. He stated the downtown area has different rules regarding setback requirements.

City Attorney Nelson stated there are zoning requirements; that it has to be in a commercial zone and they do have setback requirements from schools, churches and places where the public congregates.

Councilwoman Hurley stated since this comes before the Council the Council has the right to say "yes" or "no." She inquired as to on what basis the Council has a right to say "no;" that it is her understanding this is a very special development and some did not want it there in the first place. She stated there is some sensitivity as to what goes in there and realizes the law has been satisfied. She asked what the Council's options are in regard to having the right to say "yes" or "no" and under what circumstances.

City Attorney Nelson stated the Council could say no if they did not meet the requirements or were not of good character. Councilwoman Hurley stated she would like for the Attorney to research conditions under which we can turn this down.

LIQUOR LICENSE APPLICATION
(Cont'd.)

Mr. Schemel stated he has been in contact with City Attorney Nelson and told him he had concerns about possible tabling of the matter. He stated the City Attorney told him he did not know of any reason why the Council could not approve the location; that they talked about setback requirements and indicated that they have met all the requirements.

Councilwoman Rutherford asked what type of notification to surrounding neighbors was given, wanting to know if the residents of Hurricane Creek were notified. The response was that notification was made by print in the newspaper as required by City Ordinance.

Councilwoman Rutherford inquired as to whether a sign was put up. Mr. Schemel responded "no;" that the matter was handled in a very similar manner as beer permits.

Councilwoman Rutherford stated it is possible the neighbors do not know about this.

Admin. Boney stated there was an inquiry from the Church regarding the measuring criteria and there was one other comment from another liquor store; however, they found they benefited from the same measurement criteria.

Councilwoman Rutherford again inquired as to there not being any effort to notify people of Hurricane Creek. Admin. Boney stated he could not answer that.

Councilwoman Rutherford inquired as to whether the newspaper notice was listed among the legal notices because if it was no one would see it.

Mr. Schemel reiterated that his clients have met every requirement; that the application is public record.

Councilman Pierce stated if we do not take any action what would be the next step -- Chancery Court? City Attorney Nelson responded "yes."

Councilman Pierce inquired as to whether there would then be a ruling one way or another. City Attorney Nelson responded that he did not want to be on record one way or the other.

LIQUOR LICENSE APPLICATION
(Cont'd.)

Councilman Pierce stated how can the Council not vote for it; that sometimes it happens that way.

Mr. Schemel stated the owners of the business are local members of the community; that they have passed all the requirements and are not a large organization. He stated if the matter goes to Chancery Court they will undergo some losses; that he will be asking for the losses to be defrayed by the City.

At this point, Chairman Swafford stated he would entertain another motion as the previous motion did not receive a second.

Councilman Pierce stated he was in a position to second the motion but after Mr. Schemel's last comment he will not.

Ginger Samples, representing Fletcher-Bright, stated she can answer Councilwoman Rutherford's question; that when they started building this center it was a fight to get it zoned; that she can promise the Council the telephone calls she gets each day asks who is going into that center. She stated she cannot say how many people call her out of curiosity; that everyone in Hurricane Creek knows that liquor store is going in, as well as residents of Mountain Shadows. She stated this is a legitimate business and they to have a right as American citizens to go into business. She stated it is wrong to turn them down.

Chairman Swafford stated there is no action on this matter; that the motion "died" for lack of a second.

COMMITTEES

Councilwoman Hurley scheduled a meeting of the **Parks and Recreation Committee for Tuesday, October 7 at 4 p.m.** to discuss a grant agreement regarding Coolidge Park and the concessions area at East Lake Park.

Councilman Hakeem stated a brief **Budget and Finance Committee** meeting was held today wherein it was decided to discuss the Judicial Assistant position in open Council meeting. He stated the matter regarding the Court Officers will be brought up at next week's Council meeting. He stated a Committee meeting was originally scheduled for next Tuesday at 5 p.m. for a presentation by the firm performing the personnel study which has been rescheduled for **Tuesday, November 4 at 4 p.m.**

CAPITAL BUDGET INQUIRY

Councilman Pierce inquired as to whether there is a report as to the capital budget. Councilman Hakeem responded "no;" that he will get with Admin. Boney and Management Analyst Burns.

JUDGE WALTER WILLIAMS

Judge Williams requested that copies of future amendments to the City Code that come to the various Council Committees be forwarded to him prior to coming before the Council for action. He stated oftentimes when amendments to the Code are made it affects cases that come to his Court and he has no awareness of it; that this has happened on Sign Ordinances many number of times. He respectfully asked that a copy be forwarded to him on the "front end."

Chairman Swafford clarified that Judge Williams' request is to receive copies of amendments before they go to Committee. Judge Williams responded "yes."

CHIEF JIMMIE DOTSON

Chairman Swafford recognized the presence of Police Chief Jimmie Dotson and extended the Council and Chattanooga's welcome to him.

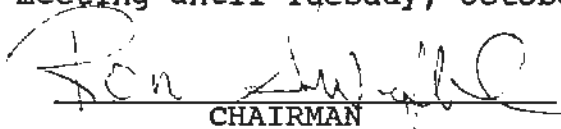
SISTER BEY

Sister Bay stated she was present to get an answer from the Council about the October 16th "March". She also expressed dissatisfaction regarding Tom Hebert's affiliation with the Bessie Smith Hall and indicated she is trying to get him "fired."

Chairman Swafford stated the "March" on October 16th has been resolved through various meetings. He indicated he was not familiar with the Tom Hebert matter.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, October 7, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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