

Municipal Building
Chattanooga, Tennessee
March 25, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen Crockett, Distefano, Eaves, Hurley, Lively, Pierce, Rutherford and Swafford being present. City Attorney Randall Nelson and Assistant Clerk Shirley Crownover were also present.

INVOCATION

Invocation was given by Councilman Crockett.

MINUTE APPROVAL

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

REZONING

#1997-033, R. EDWARD DEMARS

Mr. Bennett stated interested parties had met in his office last week to determine what could be worked out in the best interest for everyone and had agreed on C-2 Zoning as opposed to C-5, which was what the Council voted on first reading on March 11th. Mr. Bennett proceeded to go over the conditions found under Sections I, II, and III of the attachment, which included Street Tree Landscaping, Parking Lot Landscaping and uses and structures which were specifically prohibited such as outdoor sales service or display; the playing of music or making of announcements directly or through mechanical or electronic devices; the sale of beer, wine, and similar alcoholic beverages; adult-oriented establishments; theaters, skating rinks, dance halls, billiard rooms or other uses devoted primarily to entertainment; liquor stores; any use or structure not of a nature permitted under "Principal Uses Permitted"; and convenience stores. Mr. Bennett explained that everything required is spelled out rather than being tied into the site plan. He explained this took care of special uses and then some.

Chairman Hakeem inquired of the applicant if there was an agreement and understanding, and the response was "yes".

REZONING (CONT'D.)

Attorney Nelson explained that there would need to be a motion as this is an amended version. **On motion of Councilman Lively, seconded by Councilman Crockett, the amended version will be accepted.**

Councilman DiStefano questioned the need to drop back to C-2 Zoning if everything was prohibited by C-5 Zoning. Mr. Bennett explained that C-2 Zoning gives a lot more latitude in permitted uses; that C-5 was designed for densely populated neighborhoods and uses compatible in a neighborhood setting. He explained that this property needed a little more latitude than the typical neighborhood; that nothing would be allowed that would be objectionable -- that it just gave the applicant a little more latitude and would still be appropriate. Councilman DiStefano verified that the Council passed C-2 Zoning on first reading two weeks ago.

Councilman Crockett stated he felt this met the questions that were raised by the folks in the immediate area and stated he thought this would be fine.

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4517 BONNY OAKS DRIVE, BEING ON THE NORTHEAST LINE OF BONNY OAKS DRIVE SOUTHEAST OF WILSON STREET, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilman DiStefano, seconded by Councilman Swafford, the ordinance passed third and final reading and was signed in open meeting.

CLOSURE AND ABANDONMENT

Councilman DiStefano stated that he had asked that this be postponed so that he could get out there. He explained that this was an unopened right-of-way that would be difficult to develop.

On motion of Councilman DiStefano, seconded by Councilman Crockett, AN ORDINANCE CLOSING AND ABANDONING BRANNON AVENUE AND EAST 39TH STREET LOCATED SOUTHWEST FROM EAST 38TH STREET, NORTHWEST OF JEROME AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed first reading. (#1997-001, Andrew C. Moore, Jr.)

INCREASE PENSION BENEFITS
FIREMEN AND POLICEMEN

Councilman Lively stated this was considered in Legal and Legislative Committee and comes with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilman Distefano, AN ORDINANCE TO INCREASE THE PENSION BENEFITS FOR THE SURVIVING SPOUSES OF CERTAIN RETIREES UNDER THE FIREMEN'S AND POLICEMEN'S INSURANCE AND PENSION FUND AS PROVIDED BY ORDINANCE NO. 8688, SECTION 1(10), NOW CODIFIED AS SECTION 13.75 OF THE CHATTANOOGA CITY CHARTER passed first reading.

AMEND CITY CODE
CARTA BOARD

On motion of Councilwoman Hurley, seconded by Councilman Crockett, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, SECTION 23-2, SO AS TO AMEND BOARD APPOINTMENT PROVISIONS FOR THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY **was deferred one week.**

AGREEMENT IN LIEU OF
AD VALOREM TAXES

On motion of Councilman Lively, seconded by Councilwoman Hurley, Resolutions (f) and (g) were taken out of order.

Councilman Eaves inquired as to what kind of money we are talking about.

Attorney Alfred Smith of Miller and Martin responded that this involved \$3 1/2 million in new equipment, and they had talked to Mayor Roberts and the County Executive about payment in lieu of taxes which would be equal to one-half of the normal taxes for a period of five years.

Councilman Eaves asked if this had been discussed in committee. Councilwoman Hurley stated there had been an informal briefing by the Mayor and that this was to assure competition of this company as it expands through other territory -- that it was to assure competition. Councilman Eaves stated that he would like to specifically request that matters of this nature, when we are talking about money, be discussed in committee.

AD VALOREM TAXES (CONT'D.)

On motion of Councilman Lively, seconded by Councilman Crockett, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CHATTANOOGA BAKERY, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE T. B. WOODS INCORPORATED PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

EMINENT DOMAIN

Councilman Eaves asked why we needed Mr. Marler's property. Councilwoman Hurley responded that it sits in the middle of Coolidge Park.

Councilman DiStefano explained that we are in the process of re-developing Coolidge Park and that this was a small parcel of undeveloped property that is holding up development and prohibiting us from making accommodations with business owners on Frazier Ave.

Councilman Eaves asked if Mr. Marler had made a counter offer to us.

Councilman DiStefano stated there was a settlement to him in our files.

Attorney Nelson explained that this was a key portion of the Coolidge Park tract, and the only way we can get it is to go through Eminent Domain; that Mr. Marler wanted considerably more for the property than the appraised value.

EMINENT DOMAIN (CONT'D.)

Councilwoman Hurley stated that he would be compensated in this procedure for the fair market value of the property.

On motion of Councilwoman Hurley, seconded by Councilman DiStefano, A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST LARRY R. MARLER, FOR PROPERTY MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO THE COOLIDGE PARK PROJECT was adopted.

EMINENT DOMAIN

Chairman Hakeem explained that the Chair would permit citizens to express their concerns prior to the Council's voting; that there could be a maximum of three speakers with three minutes each or one person could speak the entire nine minutes -- that that was a choice the people had to make. He then asked Adm. Marcellis if he would like to make any comments before the opposition spoke.

Adm. Marcellis stated this was discussed in Committee meeting; that we are with one more year at Summit; that the particular site in question is in the same soil range, and we believe it could be a site for a possible landfill. He explained that we are asking for permission to go on this land to test it to see if it does warrant further study; that Eminent Domain gives us the ability to go on the property and do the testing.

Councilman Swafford apologized for not being able to attend the entire Public Works Committee meeting and asked what the other sites being considered were. Adm. Marcellis responded there were six sites: two in North Hamilton County; two in Birchwood; and two in Tiftonia. He stated the property under consideration was by far the best site. Councilman Swafford asked if there had been testing at the other sites. Adm. Marcellis stated we only did testing one at a time, and we were starting with the best site.

Councilman Swafford asked about the Birchwood site. Adm. Marcellis stated there would be a Resolution on next week's agenda authorizing the Mayor to execute an Agreement with Hamilton County relative to our purchasing 175.64 acres of the Birchwood Landfill. He stated he thought we could bridge the gap. Councilman Swafford asked if this would also take care of the County's garbage collection. Adm. Marcellis responded that we were doing that today; that residents in the County basically contract with a private enterprise and then they take it to Summit. Councilman Swafford verified that it would take care of county garbage also. Adm. Marcellis responded it would be both city and county waste and also would include other small cities.

EMINENT DOMAIN (CONT'D.)

Councilman DiStefano stated that Adm. Marcellis had mentioned numbers during the committee meeting, and he asked about years in terms of life of the landfill. Adm. Marcellis responded one year at Summit and 3 1/2 years at Birchwood. Councilman DiStefano questioned if this could be extended, and Adm. Marcellis responded another six years at Birchwood. Councilman DiStefano noted we were roughly talking about ten years and asked how long this would take. Adm. Marcellis responded approximately five years.

Councilman Pierce asked how long it would take to do the test. Adm. Marcellis responded 3-4 months.

Councilman Swafford verified that wherever the landfill goes, it will be used by everyone.

Councilman Eaves stated this was discussed today in the Public Works committee, and he allowed the people to express themselves and assumed that everyone who spoke was from this community; that everyone who wanted to speak was allowed to and then the committee took a vote, and the result comes with the approval of the Public Works Committee.

At this point two persons expressed a wish to speak.

The first speaker was **John Morgan** who stated he was here tonight representing the Sale Creek Action Team and was also here as a citizen of Chattanooga; that he owned land in Sale Creek and as a resident of Chattanooga was a small business owner and stated he was a taxpayer and voter. He stated he had strong opposition in terms of the approximately 790 acres in Sale Creek being used for a landfill. He stated he knew the City of Chattanooga had significant problems, but they felt strongly that this was the wrong decision for Sale Creek, Hamilton County, and the City of Chattanooga. He stated they knew Sale Creek very well and did not believe this was in the best interest for the City and Hamilton County cost-wise. He mentioned \$1 million that was appropriated to solid waste and had been abandoned. He stated no one had determined the full scope of the cost at this site or any of the other sites. He stated he felt it was premature to start testing before the City knew the costs; that the City had no handle on the numbers nor a true analysis of the cost; that if the City continued to pursue Sale Creek, they would spend more than \$1 million before they saw that this was the wrong decision.

EMINENT DOMAIN (CONT'D.)

Mr. Morgan went on to say that the City of Chattanooga had a lot of "children" -- the Fire and Police Dept., Public Works Department, Parks and Recreation Dept., etc. He stated that not all of the "children" were "pretty" and that garbage was the "ugly child." He begged the City not to abandon their "ugly child;" that dumping on Sale Creek was like a divorced father refusing child support. He stated that he did not travel in the Council's political circles and did not know what the Council called people that abandoned their children, but he knew what they called them in Sale Creek.

Mr. Morgan continued to say that the right of Eminent Domain did not mean that it was the right thing to do. He urged the Council not to dump on pristine Sale Creek; to look in their hearts and think about what needs to be done for Sale Creek, the City of Chattanooga, and Hamilton County. He stated that the City was seeking Eminent Domain to begin testing, and they did not know what it would cost and had not pursued other alternatives. He stated the Council as leaders of this community have to look after the resources and costs, and it was the Council's responsibility to see if these feasibility tests are done, even though the State Law might not require it. He ended by saying he stood opposed to this and others, as well, were opposed.

(IT WAS NECESSARY FOR COUNCILMAN LIVELY TO LEAVE AT THIS POINT.)

Fred Morgan of Sale Creek spoke next in opposition. He stated he would like to address one particular thing -- that voters in the past had by Public Referendum defeated Metro Government; that the City had already turned the maintenance of the schools over to the County and questioned if this was a further move in that direction. He also mentioned that it had been said that residents of unincorporated areas had use of the landfill, but pointed out that they have to pay a fee to a private enterprise for this service.

For benefit of the Council, Chairman Hakeem asked those present from Sale Creek with concerns to please identify themselves by standing. (Practically the entire room stood).

Councilman DiStefano responded to Mr. John Morgan's comments regarding that we (City) don't know what it will cost. He stated that we **did** know; that it will cost us \$13 million if we don't have a landfill; that saying we do **not** know and have no information to make a decision is a wrong statement. He agreed that the area was quite lovely and reminded those present that no one was saying we were going to do this; that this was a back-up to a back-up; that we will know whether it is worth spending the money on and that things have to be done in the proper order. He stated it was premature to consider constructing a landfill on a site before we even know if we can use it.

EMINENT DOMAIN (CONT'D.)

Councilman DiStefano went on to say this would negatively affect Sale Creek; that another day it could negatively affect citizens in another area; that this Council has to consider all citizens and not just one area. He stated we were making an effort to address these problems; that this action was to test to see if it was feasible and a back-up to measures with the State, and he thought we needed to move forward with this.

Councilman Swafford stated he did not know if we over the years had looked at incinerators and thought that this needed to be explained further. He stated that Sale Creek was close to a water way and noted that he was familiar with this area. He explained that once we drilled and saw that the area was suitable, there would be another time to address this issue. He stated he thought there might be other alternatives, and he could **not** support this.

Councilwoman Rutherford stated she would like to clarify something Mr. Morgan said -- that he had stated that Sale Creek was not the best site as far as cost-effectiveness was concerned. She asked that if he had facts and figures on this to back up this statement, that he make them available to the Council. Mr. Morgan indicated that he could develop these figures and make them available.

Councilman Crockett reiterated that this action was to allow testing. He assured those present that the Council would not act capriciously without looking at every fact and without involvement with the community in a step-by-step process. He mentioned that many on the Council had been involved in community organizations that had been concerned with incinerators close to their districts and shared the same concerns as those present and could experience some empathy with them from a neighborhood standpoint and assured those present that the Council would walk through step-by-step with them. He explained this was a step the City had to take, and it might not come to anything. He stated it had been another community two years ago and now it was this community; that we were running out of holes in the ground; that we had to get real serious about what we throw away. He emphasized that this was not just the City of Chattanooga, but it falls on us as a government to make a decision; that this county has no other option of disposing with waste; that today there is Summit and then there will be Birchwood.

On motion of Councilman DiStefano, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY
TO FILE EMINENT DOMAIN PROCEEDINGS AGAINST BOWATER, INC.
FOR THE RIGHT OF ENTRY TO CONDUCT A PRELIMINARY HYDRO-
GEOLOGIC INVESTIGATION AND TO OBSERVE OTHER FEATURES OF
CONCERN ON TRACT 011-012

was adopted with Councilman Swafford voting "No".

EMINENT DOMAIN (CONT'D.)

Chairman Hakeem noted that the Resolution passed 7-to-1. He assured those present that they would have another opportunity to address the Council if the testing comes back and shows that this area is suitable.

Mr. John Morgan asked if further items come up concerning this if they could be notified. Chairman Hakeem asked that Mr. Morgan write his information down and give it to the Clerk of the Council so that they could be notified. He also mentioned at this time time that there would be a Resolution on next week's agenda (7g) authorizing Public Works to execute an Agreement with Consolidated Technologies, Inc. to conduct engineering and geotechnical services including a preliminary hydrogeological investigation at the North Hamilton County Landfill.

Chairman Hakeem explained that since the Council had voted to go ahead with Eminent Domain that supporting funding to do the testing would probably be approved also but stated that those present would have the option to address the Council next week if they so desired.

(COUNCILMAN CROCKETT HAD TO LEAVE THE MEETING AT THIS TIME.)

AGREEMENT
CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO TEST FILL EVALUATION IN CONNECTION WITH CONSTRUCTION OF THE CLOSURE GAP IN THE STAGE A AREA AT SUMMIT LANDFILL, FOR AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND, FIVE HUNDRED SEVENTY-FOUR DOLLARS (\$13,574.00) was adopted.

TEMPORARY USAGE
CHATTANOOGA FREE PRESS

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING CHATTANOOGA FREE PRESS TO USE TEMPORARILY A SECTION OF SEWER EASEMENT ON THE EAST SIDE OF THE EXISTING CHATTANOOGA FREE PRESS BUILDING IN ORDER TO BUILD A CORRIDOR LINKING THE CHATTANOOGA FREE PRESS BUILDING WITH A PLANNED STORAGE STRUCTURE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

TEMPORARY USAGE
DON'S FISH MARKET

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING DON'S FISH MARKET TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED AT 2651 FOURTH AVENUE FOR THE PURPOSE OF INSTALLING A TWENTY-THREE FEET (23') LONG PLASTIC AWNING LIGHTED SIGN WHICH WILL PROJECT TWO FEET (2') OVER THE WESTERN SIDEWALK OF FOURTH AVENUE AT FOUST STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

VARIANCE FROM THE FLOOD
HAZARD REGULATIONS

Adm. Marcellis explained this was the same elevation as the runway.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, A RESOLUTION GRANTING A VARIANCE FROM THE FLOOD HAZARD REGULATIONS TO PERMIT CONSTRUCTION OF A HANGAR FACILITY AT LOVELL FIELD MUNICIPAL AIRPORT BY PROVIDENT COMPANIES, INC., AT ELEVATION 665.50 MEAN SEA LEVEL, UPON CERTAIN CONDITIONS was adopted.

Councilman DiStefano pointed out that the caption read "Seal Level" rather than "Sea Level", making sure this was being adopted as "Sea Level" and that it also referred to "Seal Level" in the body of the Resolution. (This will be corrected).

PROMISSORY NOTES PAYABLE

Adm. Traughber stated that Maurice Bowen was present to answer any questions the Council might have regarding this.

On motion of Councilwoman Rutherford, seconded by Councilman DiStefano,

A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF CHATTANOOGA, TENNESSEE, TO EXECUTE CERTAIN AMENDED AND RESTATED PROMISSORY NOTES PAYABLE TO THE CITY OF CHATTANOOGA BY CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC., FOR THE PURPOSE OF RESTRUCTURING THE PAYMENT TERMS OF SAID PROMISSORY NOTES TO PROVIDE FOR THEIR PAYMENT FROM THE NET CASH FLOW OF THE LOW INCOME HOUSING TAX CREDIT PROJECT AS REFERENCED IN THE AMENDED AND RESTATED PROMISSORY NOTES was adopted.

OVERTIME

Overtime for the week ending March 21, 1997 totaled \$12,121.93.

PERSONNEL

The following personnel matter was reported for the Chattanooga Human Services Dept.:

FLORENCE L. PACK -- Termination of Dietary Supervisor in Head Start, effective 2/28/97.

PERSONNEL

The following personnel matter was reported for the Parks and Recreation Department:

JAMES R. COOPER -- Voluntary Demotion from Forestry Crew Leader to Laborer III, Pay Grade 5/11, \$20,997, effective 3/26/97.

PURCHASE

On motion of Councilman Swafford, seconded by Councilwoman Rutherford, the following purchase was approved for use by the General Services Dept.:

SHROP CONSTRUCTION (Lower and Better Bid):
Requisition No. 137517

Demolition of Joseph E. Smith School

\$98,880.00

Councilman Distefano noted that this seemed substantially higher than other bids and questioned if this was a larger school. Adm. Traughber responded that there was a large amount of steel in the building.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

PAUL (JACK) BATES -- Retirement of Wood Recycle Supervisor, effective 3/25/97.

JASON D. PAYNE -- Promotion to Foreman in Street Maintenance, Pay Grade 10/1, \$21,321.00 annually, effective 3/5/97.

PERSONNEL (CONT'D.)

MICHAEL R. REAMS -- Hire as Laborer III in Sewer Construction and Maintenance, Pay Grade 5/1, \$15,834.00 annually, effective 3/19/97.

NATHANIEL R. JOHNSON -- Hire as Sanitation Worker II in the Garbage Collection Section, Pay Grade 5/1, \$15,834.00 annually, effective 3/19/97.

MACIE G. DAVIS -- Hire as Sanitation Worker II in the Garbage Collection Section, Pay Grade 5/1, \$15,834.00 annually, effective 3/19/97.

DWIGHT A. MANGHANE -- Employment as Sanitation Worker I/Laborer I in the Brush and Trash Section, Pay Grade 3/1, \$14,026, effective 3/19/97.

HARRY M. WOODS, JR. -- Promotion to Plumbing Inspector II, Pay Grade 12/7, \$29,904.00 annually, effective 3/14/97.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman DiStefano, the following purchases were approved for use by the Public Works Dept.:

NEWTON CHEVROLET (Lower and Better Bid):
Requisition No. 137392

Sand Truck

\$30,475.00

CHATTAHOOGA FORD TRACTOR SALES (Lowest bid meeting City Specs.):
Requisition No. 137376

Four-Wheel Drive Tractor

\$26,984.00

PERSONNEL

The following personnel matters were reported for the Safety Department:

WILLIAM R. TEMPLETON -- Hire as Laborer II in Fire Maintenance Division, Pay Grade 4/5, \$16,726.00 annually, effective 3/14/97.

MILDRED E. BUGBEE AND SHAWN R. WYNN -- Hire as School Patrol Officers in Police Dept., \$20.27 per day, effective 3/20/97 and 3/21/97 respectively.

LAWANA D. DANDY -- Resignation of School Patrol Officer in Police Dept., effective 3/14/97.

LLOYD LEMLEY, JR. AND TARRANCE MEADOWS -- Suspension for one day without pay for Police Officers, effective 3/15/97 and 3/16/97 respectively.

DOUGLAS EAVES -- Suspension for one day without pay for Police Officer, effective 3/14/97.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Swafford, the following Hotel Permits were approved:

HAMPTON INN -- 1920 Hamill Road

DAYS INN RIVERGATE -- 901 Carter St.

PROPERTY TAX REFUND

On motion of Councilman Swafford, seconded by Councilman Pierce, the City Finance Officer was authorized to make following refund on 1996 Property taxes:

WAL-MART STORE #1469 -- Bill #45726, Assessment Change, \$8,729.64

JUDGE WILLIAMS

Judge Walter Williams was present and was called upon to make comments. Judge Williams stated that he had issued a memo to all City employees, Sheriff's Division, and County employees about parking government vehicles on fire plugs, yellow curbs, and handicap zones, as the public is complaining to him; that he had issued a memo because what is "good for the goose" is "good for the gander". He stated he would not dismiss tickets if vehicles were parked illegally -- that enough was enough! He mentioned a confrontation he had had with one of the Sheriff's deputies who parked on a fire plug everyday. He stated that government vehicles could park on parking meters but could not park illegally, and it was time to put a stop to it. He mentioned an esteemed County Commissioner who had parked in a Handicap zone, whom he (Judge Williams) had to tell he had to pay the ticket and that it would not be dismissed.

(AT THIS POINT COUNCILMAN PIERCE HAD TO LEAVE THE MEETING.)

COMMITTEE REPORTS

Councilman Swafford stated that either Mr. Zehnder or Adm. McDonald would be getting with Council members on a couple of items on next week's agenda as there would be no time for a committee meeting between now and next week. He stated he did not think any major discussions were needed, and there would be no chance for them.

Councilwoman Rutherford stated that on next week's agenda was an Ordinance for First Reading for Commercial Management Corporation; that they were requesting that this be deferred for 60 days from next week (April 1, 1997), and **she moved that this action be taken. It was seconded by Councilman Distefano and approved by the Council.**

Councilwoman Hurley reported that there had been a Personnel Hearing for two employees the previous night; that the first employee had withdrawn his appeal and on the second employee, the panel was split two-by-two on their decision; that the legal advice was that in a split, the government action would be affirmed. She stated that she thought the Council should try to have five members present for Personnel Hearings -- an odd number -- that three was too small a number.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, April 1, 1997 at 6:00 P.M.


CLERK OF COUNCIL


CHAIRMAN

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