

LEGAL AND LEGISLATIVE COMMITTEE

June 3, 2008

3:00 P.M.

Councilman Benson, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilpersons Gaines, Rico, Page, Robinson, Benson, and Berz present. Councilman Pierce joined the meeting later. City Attorneys Randall Nelson, Phil Noblett, and Ken Fritz were also present, as was Shirley Crownover, Assistant Clerk to the Council.

Others present included Sgt. Jerri Weary, Barry Bennett, Paul Page, John VanWinkle, Lee Norris, Richard Beeland, Dan Johnson, Solomon Hatch, Gary Hilbert, Sgt. Collins, Sgt. Haskins and Dickie Hutsell. Daisy Madison joined the meeting later.

Chairman Benson went over his agenda items—Wrecker and Towing Ordinance, OMA Personal Services Contract, Sidewalk Parking, Dumpster Noise and Hours of Pickup, and Bartender Violations. He called on Mr. Solomon Hatch of OMA to speak first.

OMA PERSONAL SERVICES CONTRACT—SOLOMON HATCH

Dr. Barbara Medley was present to speak to **Resolution (b)** on tonight's agenda that authorizes a Personal Services Contract with Casandra Crosby for the period of May 19, 2008, through July 18, 2008, in an amount not to exceed \$8,899.00, for a total amount paid to Ms. Crosby this fiscal year of \$14,953.00, which will result in exceeding the \$10,000 limit for this fiscal year. Dr. Medley explained that Ms. Crosby had been working as a Program Specialist, which is a new position for this office. She stated that there was a strong need for this position; that Ms. Crosby had been serving under contract in the office, and the contract would exceed the \$10,000 mark, with \$8,899 additional. She reiterated that this would take them over the \$10,000 mark, which entailed the need of approval from the Council for this expenditure. She explained that Ms. Crosby works on all their programs and had been very active with the Power of One Luncheon and the Fair Housing Luncheon; that she worked on Task Forces and had also worked on "Sweet Diversity"; that she does much of the leg work of these events, which is quite extensive; that she also works with other staff members in the office and has been quite a vital employee.

On motion of Councilman Rico, seconded by Councilwoman Gaines, this Resolution will be recommended for approval by the entire Council.

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Councilwoman Bennett confirmed that the money was in the budget and that this just goes over the \$10,000. She asked if the position exists now?

Dr. Medley explained that they were proposing this position because there is a strong need for this individual; that she had been utilized as a contractor; that the former director brought her in.

DUMPSTER NOISE AND HOURS OF PICKUP

Mr. Fred Robinson was present. Chairman Benson explained that one of Mr. Robinson's tenants had complained to the Council that the dumpster was waking him up at nights; that he wanted the same quietness as suburban dwellers enjoyed; that the noise of the dumpster was next to the apartments.

Attorney Nelson explained that we do have an Ordinance, our Noise Ordinance, and read from the City Code the section pertaining to "within or adjacent to" residences, this being the R-2, R-3, and R-4 zones. In this section it reads that dumpsters can't be emptied between the hours of 9:00 p.m. and 7:00 a.m. He noted that most of downtown is zoned commercial.

Councilman Rico noted that downtown is not considered residential.

Mr. Robinson agreed that this is a concern; that he talked to Mr. Witcher and also Allied Waste; that it was really hard to pickup dumpsters downtown during the day; that there were 50 tenants as close as Mr. Witcher, but he was the only one that had pursued this complaint. He stated that he thought they would be able to solve Mr. Witcher's problem.

Councilman Pierce verified that Mr. Robinson would be able to clear this up; that it is an isolated complaint but that Mr. Witcher had contacted him about this.

Chairman Benson gave Mr. Robinson this opportunity to talk about another inequity.

Mr. Robinson stated that he doubted if he could get any relief with this, mentioning the 60% rate and 40% rate of assessment; that people in his apartments pay 60% more in taxes because it is commercial property rather than residential. He stated that he, as owner, had to pass this 60% rate on to his tenants—that it is a budget issue. He pointed out that apartment residents usually do not have kids in school, and they don't get any garbage service, which he felt was an inequity.

Dan Johnson explained that this was a State constraint; however Mr. Robinson felt that it was in the area of City Government to provide garbage collection. Chairman Benson pointed out that the apartments were a commercial endeavor.

Lee Norris added that the City collects for private residences and not commercial endeavors; that businesses can claim two deductions; that residential service is for eight units or less.

Mr. Robinson noted that at one time the City or County did provide garbage service.

SIDEWALK PARKING

City Attorney Randall Nelson read from **Article X, Section 24-286** that reads “*No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places: On a sidewalk, provided, however, a bicycle may be parked on a sidewalk, if it does not impede the normal and reasonable movement of pedestrian or other traffic, or such parking is not prohibited by ordinance.* In other words, Attorney Nelson, stated “you can’t park on a sidewalk”

Chairman Benson stated that a Neighborhood Association had called him about people parking on sidewalks.

Councilman Pierce stated that he lived in an older neighborhood with no sidewalks and talked about posting some signs in his area. He stated, however, that just signs won’t work—that we need enforcement; that many people are not aware of where they are not supposed to park.

Councilman Rico asked about cars parking in opposite directions to what they are supposed to? Attorney Nelson pointed out that there is a law against this, too. Councilman Rico asked if there was not a “grace period” if we had not been enforcing this? Attorney Nelson stated that we do cite people for this.

BARTENDER VIOLATIONS

Chairman Benson noted that Officer Collins was present in the interest of this.

Mr. Savas Kyriakidis of the Acropolis Restaurant at Hamilton Place was present to lodge a complaint as to the way the Beer Board enforces underage drinkers in food service establishments. He stated that from a legal perspective, it leans toward strict liability for the restaurant, and the establishment is held accountable. He mentioned a recent violation where they had received a 5-day suspension; that their server showed no remorse and immediately went to work for Olive Garden; that they did try to follow procedures but emphasized that there was no serious ramifications for the server—that there should be an incentive for the one making the “call” to be more diligent; that his restaurant did cover training; however there was no incentive for a server to take the extra 15 seconds and check a driver’s license.

Chairman Benson summarized that Mr. Kyriakidis felt that only the management gets punished. He called on Sgt. Collins, who asked Sgt. Haskins to speak.

Sgt. Haskins noted that on one prior violation, Mr. Kyriakidis kept the employee and re-trained them; that he was big on keeping employees rather than making them leave; that in this case, his employee did not show remorse, but there was one other that he did keep and questioned which scenario the police was supposed to adopt? He noted that the Tennessee Driver's License does show if a person is under 21—that one would see a red strip, showing this person was under 21; that a server would know this if they were trained correctly.

Councilman Page stated that he did believe that the owner and operator is responsible and could not subjugate their responsibility. He questioned if this would not be a contract with services and therefore a civil matter.

Councilman Rico stated that we should not be trying to “catch” people; that he thought both parties should be held responsible.

Mr. Kyriakidis noted that they seemed to be trying until they “catch” somebody; that there had been violations in a good percentage of the restaurants in this area; that all it takes is one employee that does not take the extra time to check; that it could be a disgruntled employee that will say “I will serve anyone” and make the establishment “get stuck”—that they could just be mad at the manager.

Sgt. Haskins again noted that once they had kept a prior employee, and it happened a second time, and they did not want to prosecute, but this time they did want something done.

Mr. Kyriakidis stated that they wanted prosecution because it cost them; that they were just asking for assistance from enforcement to make the teamwork better. He stated that it made no economical sense to jeopardize their sales over one drink.

Chairman Benson stated that the owner of the establishment was accountable, and the servers should be held accountable, also. He questioned why not censure the server?

Sgt. Haskins responded that it slows the process down; that sometimes they have to come two or three times; that most of them are school kids, and they have to miss school or college; that they are compensated by “Weed and Seed”; however they have to get out of school for this and if prosecuted, there would also be criminal proceedings. He stated that employees know they can get fired for this.

Chairman Benson noted that the server would not be prohibited from serving and could just go to another restaurant.

Councilwoman Berz asked Sgt. Haskins if he had people working for him that go into restaurants to make sure everything is happening appropriately. Sgt. Haskins responded that they work for the Police Dept. Councilwoman Berz confirmed that the server was serving alcohol and only one side was being punished and questioned if Sgt. Haskins was saying that it takes too much time and is not convenient to bring the young people in?

Chairman Benson asked Sgt. Haskins to explain what he meant?

Sgt. Haskins stated that the young people were working for them for free.

Chairman Benson asked if he was talking about the young people that were selling the alcohol?

Sgt. Haskins seemed to be talking about the young people they sent in, stating that they first would have to appear before the Beer Board and if the servers were prosecuted, before a criminal trial, also.

Mr. Kyriakidis said he was not necessarily talking about a criminal trial; that all servers go through State mandatory training and are properly trained, yet they are not held accountable.

Councilwoman Bennett asked if there was any follow-up on this training? Mr. Kyriakidis stated that they were given authority by the State. Attorney Fritz agreed that it was a State issue.

Chairman Benson stated that the Beer Board met at 9:00 a.m. this week; that we need to see what the Beer Board will recommend and bring this back up again; that he wanted the Beer Board to weigh in on this.

Sgt. Collins noted that all Sessions Court can fine is \$50.00. Chairman Benson questioned if we could not take away their right to serve at another place? Sgt. Collins stated that in this case the woman (server) lost her job and got another job really soon, and she had customers that might follow her.

Mr. Kyriakidis added that she was the oldest server they had in time being there and also age; that she just made a mistake in not asking for i.d.

Chairman Benson asked if they had to fire her and Mr. Kyriakidis stated that they did not.

Sgt. Collins again noted that the Tennessee Driver's License has a red bar and this server said she knew nothing about this; that evidently she was not paying attention in her training; that she did not seem to care and acted like it was a big bother to her.

Councilman Rico noted that the establishment is the one that has to pay.

Councilwoman Gaines stated that she would agree with Attorney Fritz that this is a State problem, and she suggested that Mr. Kyriakidis contact Gerald McCormick regarding State fines.

Chairman Benson stated that he did not know what action we could take.

Sgt. Collins stated that this had been brought up before the Beer Board, and they had heard Sgt. Haskin on the policy.

Chairman Benson stated that we would put this matter under advisement.

WRECKER AND TOWING ORDINANCE—PHIL NOBLETT

Attorney Noblett stated that he had been working for three months on this, along with Paul Page, John Collins, and Glen Lemley; that we passed an Ordinance in 1986, and it was subsequently revised in 2003; that in an attempt to simplify and maintain a high level of fairness to all wrecker and towing operators that qualify to participate in a rotation call list, the revisions had adopted a simplified District Wrecker Classification that includes four distinct tow truck classes. Attorney Noblett stated that he was aware that new standards have been adopted by the Tennessee Highway Patrol, and we want to be consistent. He provided each Councilperson with a Synopsis of Changes to the Wrecker and Towing Ordinance, which is made a part of this minute material.

He went over the major changes, mentioning the four distinct classes of tow trucks, which are identical to State regulations. He noted that Class C license holders are required to have a minimum of two (2) trucks with boom capacities of no less than 50,000 pounds and a power wench pulling capacity of no less than 50,000 pounds. The revisions to the Wrecker and Towing Service Ordinance no longer require a Recovery Class Wrecker, although a Recovery Class Wrecker could qualify as Class C Wrecker under this Ordinance. He noted the public safety issue of making roadways passable as quickly as possible in the most efficient manner.

Attorney Noblett explained that these revisions would increase the annual license fees to \$100.00 per year and the investigation of applicants will be processed weekly by appointment with the Wrecker Inspector under Section 35-153. Liability policy limits are increased to cover the current limits of municipal exposure under the Tennessee Governmental Tort Liability Act at \$300,000.00/\$700,000.00 for personal injury and \$100,000.00 for property damage. He added that this should not be an onerous burden.

Under these revisions, all owner requests are to be submitted in writing to the Chattanooga Police Department and 911 Board with the name of the owner and wrecker requested and no changes in owner's request shall be made unless a written request is filed with the Police Department and 911 Board at least two (2) business days before the request is made. If a particular wrecker service is to do the work for someone, these requests shall be notarized and filed with the Wrecker Board, Police Department, and 911 Board. In the event someone tries to violate these rules, there will be penalties in effect. Attorney Noblett stated that they had made a number of changes, and these were their best efforts.

Chairman Benson noted that Sgt. Collins and Sgt. Haskins were here.

Sgt. Haskins stated that this Ordinance could still use some "tweaking", and he would get with the City Attorneys on this; that their officers would have to be re-trained with proper communication; that it talks about the applicant's background but does not mention the driver's background check.

Chairman Benson agreed that the danger could be the driver rather than the owner of the wrecker. Sgt. Haskins stated that the drivers should have background checks also.

Attorney Noblett stated that their only concern was to make sure the applicant is responsible for their business.

Sgt. Haskins noted that the equipment list was brief, and he would like to see more equipment, referring to **Section 35-156**, where they only mention at least one (1) heavy-duty push broom; flood lights on hoist to illuminate scene at night; one (1) shovel; and a twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged. Sgt. Haskins stated that this was too simple a list; that he would work with Mr. Noblett because some of this needed some fine-tuning.

Chairman Benson questioned two days' prior notice if a wrecker is needed today? Attorney Noblett explained that this was not talking about an individual who has a car wreck but about a contract of a fleet company. Chairman Benson confirmed that if an individual does not know whom to call, then it goes on a rotation list.

Sgt. Collins noted that the only requirements is that they have to be there in 30 minutes, and the dispatcher has to be able to find a number for them.

Chairman Benson asked if a wreck involving a big truck would require a rotator? Attorney Noblett responded that we have broadened this classification.

Councilwoman Robinson noted that this gets complicated.

Councilman Page asked if the reason for these revisions was to expand the opportunities for business for smaller companies. He had another question about how the quality of service and fees are monitored? Attorney Noblett responded that this is set out in the Ordinance as to what can be charged—that usually it is complaint-oriented.

Sgt. Collins stated that adopting the State Ordinance covers a wide area; that other large cities have their own Ordinance, and they were having trouble merging the two.

Councilman Page stated that he thought some random monitoring would be good to make sure that services are being rendered in the appropriate way.

Sgt. Collins stated that they did have some checks; that he would like to be able to do this more often and hopefully he could.

Chairman Benson stated that three officers of the Beer and Wrecker Board—Collins Haskins, and Lemley were involved with this, and also himself.

Councilman Pierce questioned the 50,000 pound capacity, wanting to know how many companies we have with this capacity?

Attorney Noblett responded that every company would have this capacity.

Councilman Pierce wanted to know if all companies had two trucks or if this was drawn up only around those with rotators? Sgt. Collins responded that three companies have rotators; that we had allowed time to let others catch up, and no one did.

Councilman Pierce stated that he noted people were here from TDOT and asked if they had anything to say.

Mr. Bob VanHorn with TDOT spoke first. He explained that his responsibility was not just in Chattanooga but went as far at the Kentucky line and the Georgia line. He stated that it was their position that they ask the Council to reconsider the elimination of the Recovery Class; that the fees should be paid by the pound rather than the hours. He stated that they saw this as a step backward—that paying by the pound is the “cutting edge”. He stated that using the Tennessee Highway Patrol guidelines does not fit what we are talking about; that the highway patrol goes all over the entire State—that places like Marion County have no rotators—that they have to enforce where there are no rotators; that we have a lot of good equipment in Chattanooga and have more than one rotator; that if this is the reason for this Ordinance to be changed, that we need to make sure that the one who gets the call has the equipment to do the job.

Mr. VanHorn went on to say that the legal limit is 80,000 pounds; that if you sent two units out, they would have the ability to pull; that local people can't pull up on wheels in rural areas. He stated that if the rotator was the stumbling block, they needed to be assured that they would get a contractor who could do the job; that it could be no less than 50,000 pounds.

Chairman Benson asked if he feared seeing the Interstate blocked for an excessive amount of time. Mr. VanHorn responded that as the Ordinance stands today, it would allow them to be split—that two would meet the majority of requirements. He stated that the kind of wreckers we were talking about today could be seen in the Towing Museum; that he just wanted to be sure that we got the equipment needed to do the job.

John Hawkins of Miller Industries spoke next. He stated that he sat on the “Corridor Coalition’s Quick Clearance Program”, and he had documented information to hand out. (This information is made a part of the minute material). He stated that he would not get into the details about the specifics; that taking two wreckers in the place of one would not get the job done. He noted that the Towing Museum is located in Chattanooga and to do what we are talking about today would be going back four decades and is not part of what we want to do—that this is antiquated. He stated that he had just gotten back from England, and it is an embarrassment of what this City wants to adopt, talking about the tandem axle with a 35,000 pound capability, stating that the minimum is 39,000. He stated that these numbers are horrible for a major hub; that we lost the Toyota Plant because of emissions and added that mechanical wreckers will shut down the freeway and will do nothing to improve the clean air. He ended by saying that Chattanooga is on the “cutting edge” and urged the Council to not take us back four decades.

A representative of Yates Wrecking Service stated that what is happening is taking out the Recovery Class—that we would be going back 40 years; that the nation looks at Chattanooga as a stepping stone; that if we go backwards, we will block the Interstate for ten hours; that all the work we did five years ago will be gone; that we had given the other companies one and one-half years to update—that they had a rotator for sale now.

Councilman Page stated that he had two questions. First, he wanted to know what problems got us here today and what we were trying to correct and secondly he would like it to be on record that Miller Industries had no financial incentive in insisting that others meet certain specifications—that this is not self-motivated.

Mr. Hawkins responded that rotators were only one of the machines that they manufactured; that the vast majority in this city have hydraulic wreckers—that the only reason for mechanical wreckers is for one more to be on rotation. He added that they competed with others but the world level is for hydraulic and not mechanical.

Chairman Benson stated that he thought the reasoning behind these changes was to open up for competition.

Mr. Paul Page stated that we wanted to create an atmosphere of fairness; that district wreckers have probably 20 calls for Class C and one company gets 17 to 18 of these calls—that one company gets this business; that when we write specifications we are concerned with safety but want it to be clear; that we may need to tweak the specifications; that we say district wreckers have to have an office and every driver must be licensed through the Police Dept.—that we have some good things in here.

Chairman Benson still questioned if the Interstate would be blocked?

Mr. Page responded that the gentlemen on the Wrecker Board are doing due diligence; that we are the only City with a rotator in the State and questioned why we have to do it a certain way and this is not done in the other three big cities in Tennessee. He questioned why we were being singled out.

Mr. VanHorn responded that Ordinances in other cities are different; that there is a multitude of large equipment in Nashville; that Knoxville is on contract; and that Memphis is a rural area and an urban area—that he thought Memphis had a large number of rotators; that rotators can do things that “boom” wreckers can’t do.

Mr. Page still questioned why Knoxville, Memphis, and Nashville do not have these laws.

Mr. Yates responded that they already have rotators.

Mr. Page stated that we were just trying to be fair to all people that are in the business, with Mr. VanHorn questioning where was the fairness to our citizens.

Mr. Doug Yates questioned Mr. Page saying that 18 out of 20 calls go to one company—that the company he was referring to was him; that they started their business in 1946 and were getting the majority of the business—that they had been out there striving to work and getting business. Mr. Yates said that was “fair”.

Chairman Benson used as an example that his grandson had to sit on the bench at his school, questioning if this was “fair”, noting also that he could not “do the job”. He questioned if someone could not do the job, if we could say they were not being treated fairly.

Attorney Noblett stated that his legal concern is that we provide business on a fair rotational basis and all could meet those standards.

Chairman Benson stated he understood we only had three rotators in town.

A representative from Mostellers added that you can’t lift equipment from site rotation from the side. He stated that he “appreciated” the man from Miller Industries saying that they had inferior equipment.

Councilwoman Bennett asked who makes the assessment on the type of equipment needed—that she thought this might be the missing part.

Sgt. Collins responded that Recovery comes in and handles the problems.

Attorney Noblett added that they are requested by classification.

The representative of Mostellers noted that it says in the Ordinance “mechanical and/or hydraulic.”

Councilwoman Berz stated that in talking about this Ordinance, we were talking about calls that were not under contract—that this would not affect Mr. Yates and companies that he already has contracts with; that we needed some sort of fairness and rotation is where the City has its involvement; that calls emanate from the Police officer trained to know what is needed on the scene, and we have a Rotation List to call; that if we have a trained officer with a rotation list, and it does not involve a contract, she questioned why these other specifications. She stated that was more of an administrative way of doing things; that the officers need to know what is needed and what company has the “fix”; that the officer needs to know what is available for this “fix”.

Attorney Noblett stated that business is generated by the City; that an emergency on the side of the Interstate causes problems.

Councilwoman Berz stated that experts know this; that officers make the call and that is all we can do about fairness—to see that rotation calls are done fairly.

Chairman Benson stated that it was more complex than that; that officers just make calls for rotation; that in emergencies allowing for two wreckers with at least 50,000 pounds would be opening it up for others—that it was felt two could do the job of a rotator; however some people here today were saying that two wreckers can't do the job.

The representative from Mosteller stated that two could do it.

Another representative of the Tenn. Dept. of Transportation mentioned giving them a choice to going back to paying by the hour, stating that this was not a good idea because where would be the incentive to get it cleared up quickly.

Mr. Yates asked if there was entrapment, what kind of equipment works there? He used as an example the Fire Dept. with their new equipment, stating that if they did not have it, it would put them back years.

Chairman Benson stated that it was obvious that this had to go back to the drawing table.

Sgt. Collins agreed that there were several things that needed to be changed; that five years ago we went through the same arguments—that things needed to be changed.

Mr. VanHorn stated that he was in agreement that this is a good time to look at the Ordinance—that he would like for it to be included that (1) Contractors be responsible to furnish their own traffic control because TDOT's work force had decreased—that this was a billable item and (2) There are other Tennessee State law, and he would like the authorization to clear the roadway and the Dept. of Safety be under the same umbrella; that he would like to see some reference made in the Ordinance to giving them "first crack".

Councilwoman Robinson asked on the first proposal that Mr. VanHorn would like to have included, which is for the towing companies to be responsible for traffic control—she questioned if TDOT would entrust them to do this. Mr. VanHorn responded that there would have to be some training but that training is available—that this would be another way for them to make dollars without taking it away from tax dollars.

Councilwoman Robinson asked if the Tennessee Highway Patrol had endorsed this—on the Interstate—that sometimes we have the same company working in two States. Mr. VanHorn responded that in rural areas they do their own traffic control.

Mr. Bob Brown of TDOT was also present. He stated that in going back to the drawing board that the City remember the “Quick Clearance Law”—that we had to be able to get the Interstate cleared.

Mr. Hawkins stated that ten years ago, when the State and Federal government came in and formed TDOT, that they established these guidelines.

Chairman Benson asked Attorney Noblett if he could take what he has gathered today and fine-tune it and be back in four weeks on **July 8th**. In the meantime, he suggested if Councilmembers had concerns about this that they should talk to Mr. Noblett.

POLICEMAN’S BALL

Sgt. Jerri Weary of the Police Dept. was present to go over **Resolution (f)** on tonight’s agenda that authorizes the Chattanooga Police Dept. to accept contributions from businesses for corporate table tickets and/or advertising in a souvenir booklet for the Policeman’s Ball.

She explained that this was an effort to raise money for the Ball; that a committee had been formed and this was for all officers in the County, City, and various municipalities. She stated that they were asking to be allowed to sell corporate tables and advertisement.

Councilman Pierce asked if they had done this before? Sgt. Weary stated that they had not had a Ball in over 25 years. Councilman Pierce asked if any alcohol would be involved. Sgt. Weary responded that there would be a “cash bar”.

Councilwoman Robinson wanted to know what the money would be used for? Sgt. Weary responded that it would fund the Community Outreach Office and Citizens’ Academy.

Councilman Pierce asked if anything had come before the Council before as a fund raiser? Attorney Nelson responded “all the time”—that this involved “buying tables”.

On motion of Councilman Rico, seconded by Councilwoman Robinson, this was recommended to be approved by the entire Council.

Councilwoman Berz asked if they would do this themselves? Attorney Nelson stated that they were just asking to be able to solicit funds.

Councilman Page stated that it is inherently intimidating when the Police ask for donations and stated we needed to be careful with this.

Sgt. Weary stated that they had solicited before—that it would be by letter and then by telephone.

Councilman Page stated that the solicitation would have to be very benign and asked the purpose again?

Sgt. Weary again stated that it would be for Community Outreach.

Councilwoman Robinson agreed that it might make one feel a little uneasy. Sgt. Weary explained that it would be \$50.00 a person and that they would target police officers and companies who would like to attend—that this was a fund raiser. Councilwoman Robinson asked if the money would go into a Special Account? Sgt. Weary responded “yes”. Councilwoman Robinson asked if they saw that they had raised the necessary money to host the party, what would they do with the shortfall. Sgt. Weary responded that there would be no shortfall; that the budget was set for 500 tickets.

Ms. Madison added that this group can restrict it.

Sgt. Weary stated that they had not signed a contract; that it is set for September 13th: that they won't have the Ball if the ticket sales are not there.

Chairman Benson stated that we really needed to study this; that he wanted to support them but questioned an overall umbrella where different departments would want to have Balls.

Sgt. Weary stated that this was their Ball—a social function for police officers.

Attorney Nelson asked her how they handled “Toys for Tots”? Sgt. Weary responded that this was handled by the Fraternal Order of Police. Attorney Nelson asked if they made calls on the telephone? She responded that she had no idea—that she was not a part of this—that it is not a group of police officers.

Councilwoman Berz mentioned that the Firefighters have a concert to raise money and that she thought the Council had approved this in the past. Councilman Pierce stated that he did not recall approving anything like that. Councilwoman Berz questioned if the Council would approve if it happened through a Union?

Councilman Page stated that he would like to have what they are doing in writing, stating what their mission was and what the money would be used for and who would raise the money. He asked that Sgt. Weary let the Council see this. She handed him a paper to read.

Councilwoman Bennett stated that we had gone through this a couple of times; that we need to look at the guidelines—that we are never sure about protocol, and we need to be sure that we are fair.

Councilman Pierce stated that this is just another example of how our committee structure is not working—that this item should have gone through the Safety Committee.

Councilwoman Robinson suggested setting a Safety Committee for this matter because she had questions about this, questioning whether we should be funding these things in the City Budget.

Councilman Pierce noted that this was not a budget item.

Councilwoman Robinson stated that we should have a Safety Committee on this.

Sgt. Weary stated that the Ball was not scheduled until September 13th, with Chairman Benson stating that we have time. Sgt. Weary stated that there was some urgency for her in having time to sell tickets.

Councilwoman Robinson stated that we could meet on this next week.

Councilman Page stated that he wanted more details about how they would do this; that he wanted them to be more specific about the funds.

Chairman Benson stated that this sets a precedent for other to do the same thing, questioning how many times a year we would be selling tables, with Councilman Pierce adding that the Fire Department would want to do the same thing.

The previous motions to recommend approval were withdrawn.

The meeting was adjourned.