

**City Council Building
Chattanooga, Tennessee
April 25, 2000**

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem, with Councilmen Crockett, Eaves, Lively, Pierce and Taylor present. Councilmen Franklin and Hurley joined the meeting later. Councilwoman Rutherford was absent due to illness. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

INVOCATION

Invocation was given by 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
“MILLION MOM MARCH”

Chairman Hakeem recognized Eva Settles and Vickie Kellum of the Chattanooga Chapter of the National Coalition of 100 Black Women for a presentation regarding *“Mother’s Day One Million Mom March”*.

Eva Settles, President of the Chattanooga Chapter of 100 Black Women, was present representing the organization which she termed committed to the outreach of our community. She stated that she was also an Administrator with our Public Schools and had a passion for legislation being passed in Washington, D.C. She has been an educator for 28 years, the mother of three children, and a woman of faith. She stated that the “Million Mom March” would be held on Mother’s Day on May 14th; that they were asking churches in the Chattanooga area to join the Freedom From Gun Trauma March. She mentioned a lady in Atlanta, Georgia who had helped them organize this crusade and who had lost her son, noting that she would not be as blessed as other mothers on this occasion.

Ms. Settles stated that this march was dedicated to the mission of educating our children and our country about the life-threatening danger of guns; that our children’s lives far outweigh the right for just anyone, especially juveniles, to carry a semi-automatic assault weapon.

SPECIAL PRESENTATION
(CONT'D.)

Ms. Settles stated that they endorsed the following five issues: (1) **Sensible “Cooling Off” Period and Background Checks**, (2) **License Handgun Owners and Register All Handguns**, (3) **Safety Locks for all Handguns**, (4) **Limit Purchases to One Handgun per month**, and (5) **No-Nonsense Enforcement of Gun Laws**. She mentioned a Proclamation that had been signed by the Mayor and thanked the Council for their support. She added that this was a people mission and urged support in this effort, noting that pamphlets would be distributed as people left the meeting.

At this point Ms. Settles recognized Beverly Pasley-Johnson, who is the Founding Chapter President and Vickie Kellum of the Political Involvement Committee. Other members of the organization were asked to stand. She ended her remarks by stating that Chattanooga will hold a **Candlelight Vigil on May 12, 2000 at 7:00 P.M. on the Market Street Bridge**. She urged pastors to say something on Mother’s Day pertaining to this because prayer is powerful and urged everyone to join them in this effort.

Chairman Hakeem expressed appreciation to the 100 Black Women for this presentation; that they had showed us in reality that this is a peoples’ march and is for everyone.

REZONING

#1999-157 (MC Properties, Inc.)

Chairman Hakeem stated that this was a major issue and noted that we did not have a full Council present tonight. He asked the applicant and representatives from the community their thoughts and comments on going ahead with this tonight or delaying it to another date.

Attorney John Anderson spoke on behalf of MC Properties. He stated that he agreed with the Council that one-third of the Council being absent was significant and would defer to the wisdom of the Council on whether or not to defer this until all the Council could be present.

Mr. Norman Smith, representing the community, stated that he had mixed feelings; that this had been deferred four times and now they had asked people to come down only to see it deferred again. He stated, however, that he too would defer to the wisdom of the Council on this matter.

REZONING (CONT'D.)

Councilman Eaves asked how long a deferral we were talking about; would it be two to three months?

Attorney Anderson stated that if it could be deferred until May 16th or 23rd it would be fine with them. Mr. Smith indicated that neither of those dates were convenient with him. He suggested next week, stating the sooner the better. Attorney Anderson stated that if next week would be agreeable to the Council members, it would be agreeable to them.

Councilman Pierce stated that this had been “drug out” too long; that this started back in December, and we had no proof of who would be here next week, or in two weeks for that matter; that he would be in favor of putting this to the vote tonight; that he personally was tired of seeing it on the agenda, **and he made the motion to vote on this tonight. This was seconded by Councilman Crockett.**

Attorney Nelson reminded the Council that there were two versions; that the Clerk had read the first version changing the zoning from R-1 to O-1; that there was also another version changing the zoning from R-1 to C-1 and C-2. He wanted the Council to be aware that there were two versions that were substantially different.

Councilman Crockett stated that he did not mind the deferral; however he would be out of town next week, and he did not want to vote to defer it until a time when he would not be present; that we did not know how many would be here next week.

Chairman Hakeem verified that if we were to hear this tonight, that there were two versions to consider. **He asked for a vote on hearing this tonight, and there were two “yesses” and three “nay’s”. The motion failed to hear the case tonight.**

Councilman Eaves stated that he was looking at the calendar for times when he would be gone; that he would like to defer this until the middle of June; that the 20th of June would be the third Tuesday. **He made the motion that this be deferred until June 20th. This was seconded by Councilman Lively.** Councilman Lively added that he was not comfortable with looking at this with only six members present, and he felt that the Council needed to cooperate with Councilman Eaves in choosing a time when he knows that he will be present.

Councilman Taylor asked if May 9^h, two weeks from now, was out of the question. Mr. Smith indicated that May 9th would be fine with him. Chairman Hakeem reminded the Council that this was already a Zoning Night, and the agenda could be quite long.

REZONING (CONT'D)

Councilman Pierce stated that he did not think this should make any difference; that the Council was here to do City business. He noted that he did not see any Council members looking at their calendars. He stated that if we passed this as long as possible that people would get tired of coming back and reiterated that he would like to see this voted on one way or the other—up or down. He stated that if this had to be passed that it needed to be a concrete time, regardless if we have some members who will be absent.

Councilwoman Hurley arrived at this point.

Councilman Lively pointed out that we had a firm date of June 20th.

Chairman Hakeem asked Councilman Eaves if he could be present on May 9th. Councilman Eaves asked if this was a regular zoning night, stating that he did not know if he would be present at this time; that he did not think he would be here; that he should be here, but he was not certain.

Chairman Hakeem stated that the question was should we deal with June 20th or May 9th instead.

Mr. Smith stated that he noticed that Councilwoman Hurley had come in; that there was now seven out of nine Councilmembers present, and he would like to see this voted on tonight.

Councilman Pierce asked if the Council could reconsider the motion to vote on this tonight. Chairman Hakeem noted that when the vote was taken, Councilman Pierce was not on the “winning side” and could not ask that this be reconsidered. He stated that we did not have five votes to affirm this. He questioned if the Council would be out of order in taking the option to vote on this again.

Attorney Nelson stated that Councilman Pierce was in support of the motion to hear this tonight, and the motion failed; that there was still a motion of the floor to hear this case on June 20th.

Councilwoman Hurley asked that the motion be restated. Chairman Hakeem explained that we were questioning taking action tonight rather than waiting; that some of the Council members would be out of the City on dates that were close by; that June 20th seemed to be the more acceptable date and the date of May 9th had been mentioned but Councilman Eaves was not sure he would be in the City on that date. Councilman Eaves stated that he would try to be present on May 9th.

REZONING (CONT'D.)

A vote was taken on whether to hear this case on June 20th, the result being three “no’s”.

Councilman Franklin joined the meeting at this point.

Chairman Hakeem asked Councilmen Eaves and Lively if they would withdraw their motion to hear this on June 20th as we have eight Council members present now, and the case could be heard tonight.

Councilman Eaves made the motion to hear this case on May 9th. This was seconded by Councilman Franklin, on roll call vote as follows:

Councilman Crockett	“No”
Councilman Eaves	“Yes”
Councilman Franklin	“Yes”
Councilwoman Hurley	“No”
Councilman Lively	“Yes”
Councilman Pierce	“No”
Councilman Taylor	“Yes”
Chairman Hakeem	“No”

The motion failed. Chairman Hakeem asked if since the motion failed, the Council would go on with this tonight.

Councilman Pierce stated that prior to the motion of May 9^h, he had asked that this be reconsidered for tonight, **and Councilman Pierce made the motion to hear this case tonight. This was seconded by Councilwoman Hurley, and the motion passed with Councilman Eaves voting “No”.**

REZONING (CONT'D.)

Chairman Hakeem reminded the Council that there were two versions to deal with and asked the applicant which version they wanted considered.

Attorney Anderson stated that they wished to have the property rezoned from R-1 to C-2; that the Planning Staff recommended the office zoning; that their request was the original application. Chairman Hakeem asked if it were the wisdom of the Council to move forward with O-1 and vote down C-2, if the applicant had any desire for O-1. Attorney Anderson responded that there was absolutely no demand for O-1 for frontage; that the need does not exist.

Mr. Pace stated that he did not think there was any need to describe this parcel to anyone in the room; that it is where the church is located on Napier Drive and encompasses 10 acres; that west of Napier Drive had been withdrawn from the case; that the property is zoned R-1, and it was recommended by the Planning Commission and the Staff for C-2 zoning to be denied and approval of O-1 zoning with conditions. He stated that it remained their recommendation to the City Council to deny C-2 and approve O-1.

Chairman Hakeem stated that each side would be given nine minutes total, and he asked the applicant to come forward first.

John Anderson stated that he was with Grant, Konvalinka, and Harrison and represented the applicant MC Properties, Inc. He thanked the Council for the opportunity of hearing this complex issue which had maintained interest over the last four years—that there had been great interest in rezoning to commercial or C-2, and the plans were for 110,000 sq. ft. of retail, including Best Buy, Office Depot, and Bed, Bath & Beyond. He stated this would amount to \$50 million in annual sales with \$100,000 of property taxes and \$500,000 sales taxes. He noted that the light would be pointed toward the center and there would be “noise dampening”; that there would be no heavy trucks in front and the landscaping would exceed what is called for in the Ordinance; that the buffer zone will be sight-obscuring from the rear and side; that it would be as attractive as possible; that \$500,000 would be spent on infrastructure and an extra lane and improvements along Napier; that they were not looking to the City of Chattanooga for any infrastructure at all; that this was a 10-acre project, and he would like for the Council to consider changing this.

REZONING (CONT'D.)

Mr. Norman Smith was the first speaker from the neighborhood. He stated that he lived at 2516 Hamilton Cove Drive and was Chairman of the Coalition of the Northeast Hamilton Neighborhood. He stated that he would like to give a brief history of what has happened; that in July of 1997 this matter came before this body and was unanimously denied and the City was sued in local court, and the decision was to overturn the City's decision and following that the City appealed at the State level, and they overturned the local court's ruling; that the Tennessee Supreme Court refused to hear this. He stated that the City had been on firm legal ground in refusing to rezone this and was sustained by the highest court in the State. He mentioned that Phoenix wanted to rezone, and it was voted down 8-1 last January; that he would submit to the Council that if they approved this tonight, the Phoenix case would be reopened really quickly and the City's case would be terribly weakened if they voted to approve this case tonight. Mr. Smith stated that there was no significant difference in this; that they had talked of a park and a \$500,000 contribution to the City; that he thought the park was a "smoke-screen" and not germane to this issue, and there was no interest for a park.

Mr. Smith went on to say that the stores that would be located here are duplicates of those that already exist on Bond Terrace—that *Bed, Bath, and Beyond* is similar to *Home Place*. He stated that he thought it was fair to say that there is no need for these stores—that we don't need them. He added that the traffic on Shallowford Rd. would be terribly complicated. He mentioned a new traffic light at Timberlane, stating that we don't need another traffic light on Shallowford.

Mr. Smith ended by saying most importantly, to approve this request tonight would open a floodgate for the entire area north of Shallowford, and they did not want this urban sprawl; that there are nice homes here, and he thought they should be able to rely on the City zoning laws to protect their investments. He stated that the City Council should continue to hold firm and deny this request before them.

Mr. Don Tawzer was the next speaker, stating that he represented the North Hamilton Neighborhood Association; that they comprised 75 acres and had been here before; that basically they could say they were comfortable with what MC wants to do; that they had a little difference with MC Properties on timing; that the Phoenix Project had gone by the way side. He stated that they had worked up a totally new Plan to coincide with MC Properties; that their new Plan would reduce traffic on Gunbarrel, and they would be looking at the whole quadrant through "engineering eyes". He stated that they were not prepared tonight to make a presentation of the Plan, and they were asking the Council to defer this; that it would take them about 60 days to put forth a Plan that will resolve this and deal with this once and for all.

REZONING (CONT'D.)

Ms. Sue Shaw was the next speaker. She stated that she did not come planning to speak—that someone else was supposed to be here to speak; that she was only here as a resident; that this was a nice community and there were lovely homes in the neighborhood and if the Council comes across Shallowford Rd., their homes would be ruined by this “box”. She stated that we can’t run citizens out of the City; that we need people to live in the City and neighborhoods and there are a lot of people living there happily and O-1 is the proper zone, and if the Council makes this known and sticks with it, more homes will be built, and they will be doing a good thing for the community.

Mr. Bud Peacock was the next speaker. He stated that he was a commercial appraiser and this was also his neighborhood, and he had observed it; that he had feelings for the people in the quadrant—that he knows they would like to sell and leave, and then they would be the next quadrant; that they liked the neighborhood and mixture of different type people. He reiterated that he really felt for the people in the quadrant but also felt that they would be the next quadrant to move out, and they wanted to stay.

Mr. Anderson responded, stating that in regards to the Phoenix lawsuit, they had worked out with Phoenix to dismiss this lawsuit with prejudice. He stated that they did not propose a traffic light at Timberlane. In response to the statement that this Center would provide a shopping experience that already exists, he agreed that it would but that one of the great things about our society was that competition was encouraged. He stated that he would like to say that they had talked with six different office developers in town and there was no enthusiasm or interest; that the demand does not exist for this, and they had spent several months trying to accomplish this. He stated that they requested that this property be rezoned to C-2.

Councilman Eaves stated that he had hoped and hoped that it might be possible for these two groups to get together—that it was a lose-lose proposition for him; that he had hoped that some sort of accommodation could be reached; that he knew it would be coming back in nine months again.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7301 AND 7315 SHALLOWFORD ROAD, 2310, 2317, 2313, 2314, 2319, 2318 AND 2325 NAPIER DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE

was denied.

(At this point Councilmen Crockett and Taylor left the meeting.)

DELINQUENT TAX SALES

On motion of Councilman Lively, seconded by Councilman Pierce,

A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFER FOR CERTAIN PARCELS OF PROPERTY ACQUIRED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA THROUGH PREVIOUS DELINQUENT TAX SALES AND AUTHORIZING THE MAYOR AND CITY FINANCE OFFICER TO ENTER INTO AND EXECUTE DEEDS CONVEYING SAID PARCELS TO INDIVIDUALS ON THE LISTS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

was adopted.

SURPLUS (HABITAT FOR HUMANITY)

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION DECLARING SURPLUS TWO (2) PARCELS OF PROPERTY LOCATED AT 1006 AND 1106 HAWTHORNE STREET, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE CONVEYANCE OF SAID SURPLUS PROPERTIES TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC.

was adopted.

AMENDMENT QUITCLAIM DEED (CNE)

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AMENDING RESOLUTION NO. 22263, ENCAPTIONED "A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, TO CHATTANOOGA NEIGHBORHOOD ENTERPRISES, INC. (CNE) TO DEVELOP HOME OWNERSHIP OPPORTUNITIES FOR LOW TO MODERATE INCOME FAMILIES." SO AS TO DELETE THE REFERENCE TO "TAX MAP NO. 167J C 002.01" AND SUBSTITUTE IN LIEU THEREOF "TAX MAP NO. 167J C 022.01."

was adopted.

QUITCLAIM DEED
SCENIC VIEW COMMUNITY
DEVELOPMENT CORP.

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, TO SCENIC VIEW COMMUNITY DEVELOPMENT CORPORATION TO DEVELOP HOME OWNERSHIP OPPORTUNITIES FOR LOW TO MODERATE INCOME FAMILIES IN THE ALTON PARK AREA

was adopted.

Councilman Franklin stated that the next four resolutions were discussed in Public Works Committee and come with a recommendation.

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN ENGINEERING SERVICES CONTRACT WITH DAVID VOLKERT & ASSOCIATES, INC. FOR ROADWAY PROJECT DESIGN UNDER CONTRACT NO. SS-4-00, 13TH STREET FROM CARTER TO MARKET, FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED TWO THOUSAND DOLLARS (\$102,000.00)

was adopted.

AGREEMENT (TDOT)

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO THE INSTALLATION OF TRAFFIC SIGNALS AT FOUR (4) INTERSECTIONS, MORE PARTICULARLY DESCRIBED HEREIN

was adopted.

**STREET LIGHT FIXTURES
PURCHASE**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF TWENTY-SIX (26) PEDESTRIAN STREET LIGHT FIXTURES FROM WINONA LIGHTING AT A COST OF FOURTEEN THOUSAND, FIVE HUNDRED SIXTY DOLLARS (\$14,560.00), SAID LIGHT FIXTURES TO BE INSTALLED AT VARIOUS LOCATIONS IN THE CENTRAL BUSINESS DISTRICT

was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. MB-1-00, DIGESTER CLEANING AND SLUDGE INVENTORY REDUCTION, MOCCASIN BEND WASTEWATER TREATMENT PLANT, TO WHEELABRATOR WATER TECHNOLOGIES, INC., FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$415,890.00)

was adopted.

The following Resolution was discussed in Parks and Recreation Committee and comes with a recommendation.

CONTRACT (YMCA)

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE OF THE CITY OF CHATTANOOGA, TENNESSEE TO ENTER INTO A CONTRACT WITH YMCA OF METROPOLITAN CHATTANOOGA FOR THE CONSTRUCTION OF AN AQUATICS CENTER IN THE HIXSON AREA, MORE PARTICULARLY DESCRIBED HEREIN

was adopted.

**URBAN GROWTH PLAN
COORDINATING COMM.**

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

**A RESOLUTION TO APPOINT A DESIGNEE TO THE
HAMILTON COUNTY URBAN GROWTH PLAN
COORDINATING COMMITTEE**

was adopted.

OVERTIME

Overtime for the week ending April 21, 2000 totaled \$92,997.57.

PERSONNEL

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

STEVEN L. HARVEY—Hire as Crew Worker, Sr., Pay Grade 5/1, \$17,459 annually, effective 4/19/00.

PURCHASE

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

**KELLEMS RECYCLING SYSTEMS, INC. (Low and best bid for the City):
Requisition No. R0046850/B0000456**

Playground Mulch

\$23,960

PERSONNEL

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

WILLIAM TAYLOR, JR.—Resignation of Crew Worker, effective 4/4/00.

HELEN M. BYRNE—Employment of Office Assistant, Sr., Pay Grade 5/1, \$17,459.00 annually, effective 4/14/00.

PERSONNEL (CONT'D.)

JAMES R. VANSTEENBURG—Employment of Engineering Designer, Pay Grade 17/1, \$30,834.00 annually, effective 4/28/00.

ANNETTE M. GRAY—Resignation of Design Review Coordinator, effective 4/28/00.

GARRY GRAY, SR.—Promotion to Equipment Operator, Sr., Pay Grade 8/3, \$22,883.00 annually, effective 4/26/00.

PURCHASES

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

MOUNTAIN VIEW FORD (Best bid for the City)
Requisition No. R0042866/P0014109

Flatbed Truck

\$31,928

VULCAN ALUMINUM (Best bid for the City)
Requisition No. R0046339/P0014109

Sign Blank Renovation

\$.83 per sq. ft.

MOUNTAIN VIEW FORD (Best bid for the City)
Requisition No. R0046311/B0000430

One Ton Dual Wheel Rear Pick-Up Truck

\$28,013.00

PURCHASES (CONT'D.)

SOUTHERN LIGHTING & TRAFFIC SYSTEMS (Best bid for the City)
Requisition No. R0037298/P0014201

Steel Strain Poles

(See minute material for various prices)

WINONA LIGHTING (Single Source Purchase)
Requisition No. R0048902

Sidewalk Luminaries

(See minute material for prices)

EUREKA FOUNDRY (Single Source Purchase)
Requisition No. R0037292

Sidewalk Light Poles

(See minute material for prices)

Councilman Pierce asked Adm. Marcellis about water being turned off in the 17th Street area; that it stayed off a full day and people were not notified. He stated that he had received a call asking why the City does not notify you when the water will be turned off.

Adm. Marcellis stated that he would talk to the contractor and ask them to give plenty of notice to people. After further investigation he found that it was Tennessee American Water Co. that should be notifying residents and stated that he would advise them to tell their customers.

PERSONNEL

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

TAMMY DAVENPORT—Resignation of Police Officer 4/21/00.

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

G T DISTRIBUTORS (Only bid received)
Requisition No. R0046970

Weapons (Pistols)

12-Month Contract

PERSONNEL

The following personnel matter was reported for Finance and Administration:

RICHARD M. DYER—Resignation of City Court Clerk, effective 4/21/00.

PERSONNEL HEARING

Councilman Eaves chaired a Personnel Hearing for **Cornell Green of the Public Works Dept.** on Monday, April 24th. He related that that the City's recommendation for termination was upheld.

JUDGE WILLIAMS
(CITY COURT CLK. POSITION)

Councilman Pierce stated that a Legal and Legislative Committee meeting was held earlier concerning Charter changes and Judge Williams felt that he was slighted by not being made aware of this meeting, and he felt that to give him benefit of the doubt, he should be allowed to speak if he wished to.

Attorney Nelson stated that the meeting was set last week, and there was a question if there would even be a meeting; that the decision was made to go forward with this matter; that we did not know "hard and fast" that there would be a meeting until it occurred.

JUDGE WILLIAMS (CONT'D.)

Attorney Nelson explained that the committee discussed the City Court Clerk position and allowing the City Council to appoint the City Court Clerk; leaving the position alone and letting both judges handle the appointment; letting the Mayor appoint the Clerk and the Council confirming; and deleting the City Court Clerk as an officer in City Government and putting the position under the Finance Dept. where the person would be an employee rather than an officer. He stated that the committee asked him to prepare an Ordinance for next Tuesday reflecting the latter recommendation that the position be deleted as an officer in City Court and that the position become an employee, subject to the City Finance Department. He explained that as it stood now, the City Court Clerk is appointed by the City Judge and the Staff is under the Finance Office, and the City Court Clerk is not the immediate supervisor of the Staff and there is a dichotomy of responsibilities and duties; that the committee felt that if the City Court Clerk was responsible to the Finance Dept. that all members would be subject to the same directions.

Councilman Eaves stated that he chaired this committee meeting and a lot of the Council members were out; that they had only three Council members present; that they had attached a Legal and Legislative Committee meeting on to next week's Public Works Committee meeting, and this matter would be discussed again next week on Tuesday.

Judge Williams asked Attorney Nelson if he was saying that the City Court Clerk is not at the present time under the control of the Finance Officer. Attorney Nelson responded that the Clerk is appointed by the Judge of the 1st Division and is not directly accountable to the Finance Officer, and the Finance Officer could not terminate him/her. He went on to say that the Staff is subject to the Finance Officer, but the Clerk is an appointee of the Judge.

Judge Williams stated that this was "news" to him; that this clearly was not the way it has been done down through the years; that the Clerk reports to the Finance Officer and attends Staff meetings in the Mayor's Office; that he understood that it was an appointment. He questioned if the position was not under the jurisdiction of the Finance Officer, why it was listed so in the City's official documents; that in official documents this position is listed under the Finance Division.

Chairman Hakeem stated that what is being put forth by the committee is that this individual will be an employee of the City rather than an officer.

JUDGE WILLIAMS (CONT'D.)

Judge Williams maintained that whether you call him an employee or a Charter official, he has still got to work with the Judge of City Court or we will have chaos. He stated that there had been no problems in coordinating the Clerk's direction; that he and the Finance Officer had shared in this and there was no problem. Judge Williams indicated that he would just as soon that this position be an elected position, but it was the Council's choice. He stated that he found it interesting that the City Court Clerk does not answer to the City Finance Officer—that this was “news” to him; that if this were true, then the City needed to change the lines of authority in its official documents.

Chairman Hakeem reiterated that this would be discussed again in committee next week.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 2, 2000 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

