AGENDA WORK SESSION
June 30, 2009
3:00 P.M.

Chairman Benson called the Agenda Session to order with Councilpersons Berz, Robinson, Rico, Scott, Ladd, McGary, Gilbert and Murphy present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dennis Malone, Barry Bennett, Dan Johnson, Steve Leach, Lee Norris, Jim Templeton, Gary Hilbert, Vickie Haley, Chief Parker, Jerry Stewart, Chief Dodd, Richard Beeland, Bill Payne, Officer Collins, and Dickie Hutsell. Officer Haskins and Larry Zehnder joined the meeting later.

Chairman Benson called on Dan Johnson to go over agenda items. Mr. Johnson noted that Ordinances (a) and (b) were closures and abandonments and would be discussed in Public Works Committee.

Resolution (a) authorizes Parks and Recreation to conduct continuing fundraising and solicitation efforts to support programming and needed equipment for the Summit of Softball. Mr. Johnson noted that this Resolution had been revised.

Councilman McGary asked how it was revised? Mr. Johnson explained that they took out a “catchall phrase”. Chairman Benson added that the way it was originally written was that Parks and Recreation could do this on any park in the City, and we should not be soliciting funds from anyone that we do business with. He asked where Mr. Zehnder was.

Councilman Rico had a different opinion, stating that if a contractor had already done the work for the City that he thought it alright for us to ask them to give something back.

Chairman Benson stated that we were talking about potential vendors.

Councilman Gilbert stated that he agreed with Chairman Benson, with Councilman Rico “quipping” that Chairman Benson was not always right. Councilman Gilbert responded that in this case, Chairman Benson was right, with Councilman Rico maintaining that “this is the way business is”.
Chairman Benson stated that he thought businesses and contractors might be afraid not to answer solicitation efforts and asked if this action could be defended. Councilman Rico maintained that you have to “give a little to get a lot back”.

Councilman Murphy questioned why we had to take out the phrase “other parks” in this Resolution? He stated that he thought this should be equal and that Mr. Zehnder was a good fundraiser—that this was what he thought.

Chairman Benson stated that this would just be giving them carte blanche.

Mr. Johnson stated that if another park was involved that they would have to come back in a similar manner as this.

Chairman Benson was concerned with licensing this without any oversight by the Council.

Mr. Johnson explained that Adm. Zehnder would still have to report to the Council on what they raised.

Councilman Murphy still questioned what the negative consequences would be—that he thought if you can raise money—go do it! Obviously, he continued, we would not want vendors “leaned” on. He questioned what the downside was?

Chairman Benson responded that the Police Dept. was a good example, mentioning the Policemen’s Ball; that some felt if they did not support this that they might not get good police protection when they needed it.

Councilman Murphy responded that we were not talking about the Police Dept.—that the Parks and Recreation Dept. and the Police Dept. should not be compared—that it was like “apples and oranges”.

Councilwoman Scott stated that her concern was that we might get into a situation like the potholes with KFC—that we were taking a good service for plastered advertising—that to her this was not what we wanted, using the example of public park benches that might want to use advertising that she would not agree with—that receiving the money was one thing but actually advertising for an entity was another.
Councilman Gilbert mentioned the “Power of One” Luncheon, stating that most companies give because they want some advertising—that it should be giving from the heart but it was a fact that the giving was because of great advertising and also that they look good doing it—that it gives them free publicity. He used as an example a concert for his son with special treatment for the person giving the most money.

Mr. Johnson mentioned some 4 x 8 advertising around the outfield fence.

Chairman Benson stated that it was the Council’s decision—that this Resolution was only for the Summit of Softball.

Councilman McGary asked if we were talking about allowing fundraising or dictating how it should be done?

Chairman Benson responded that we were not really talking about allowing fundraising—that the issue raised was just a codicil.

Councilwoman Robinson stated that she thought each incident should be considered on a case-by-case basis.

**Resolution (b)** authorizes payment to Friends of the Zoo in an amount not to exceed $15,000 from the Go!Fest 2008 proceeds as reimbursement for expenses toward the PlayCore ADA playground for disabled people. Mr. Johnson explained that this money was a result of solicitation—that there was an excess of funds, and these funds would go to the ADA playground.

**Resolutions (c) through (l)** are public works items and will be discussed in the Public Works Committee.

Councilman McGary wanted to go back to Resolution (b) concerning the appropriation of money for Warner Park, mentioning $15,000, which makes the total $30,000. He asked if this $15,000 was an additional amount, and the answer was “yes”. He wanted to know the total amount.

Adm. Zehnder explained that the Zoo is under the fundraising for Go!Fest and that money is now being spent—that $15,000 of this would be put toward the playground; that the total cost of the playground is $100,000 and that they were trying to raise this from private money and Friends of the Zoo.

Councilman McGary asked if what we had already approved was the same fund, and the answer was “yes”—it was the same playground.
AGENDA ITEMS FOR JULY 7, 2009

Ordinance (a) First Reading amends the City Code relative to alcoholic beverages with respect to persons under the age of 21. Mr. Johnson stated that this would be discussed in the Legal and Legislative Committee next week.

Chairman Benson wanted to know who was initiating this? Attorney McMahan responded that it was coming through the Beer Board. Chairman Benson noted that we had police officers with the Beer Board here today. Chief Dodd noted that Sgt. Haskins was present today.

Councilman McGary wanted to know what they were trying to enforce?

Sgt. Haskins mentioned appeal cases—that a person 21 years or older would buy alcohol and pass it on to someone under the age of 21; that the Judge had said this bothered him because the City Code does not address this specifically—that it is not addressed specifically in the Ordinance.

Mr. Johnson questioned if we would hold the club owner responsible?

Attorney McMahan used Riverbend as an example, where one would have to have a band.

Councilman Gilbert asked if at Riverbend someone bought alcohol who was over 21 and gave it to an 18 year old, who would be in violation—the one who bought the alcohol or Riverbend? Chief Dodd responded “both”.

Councilwoman Berz stated that she wanted to know what this Ordinance said.

Sgt. Haskins read “No permanent permittee shall allow any persons on its premises to purchase, hand over or pass off an alcoholic beverage to a person under the age of twenty-one on the permit holder’s premises. It shall be a violation of the provisions of this Section for a permanent permit holder to allow any person under the age of twenty-one (21) to possess, control, hold, receive, or drink an alcoholic beverage on the permit holder’s premises. The burden of ascertaining the age of persons who may not lawfully possess beer shall be on the permanent permit holder and his agent or employee”.

Councilman Murphy asked if the two officers would be available for next week’s meeting?

Councilwoman Berz stated she wanted it discussed now so that she could think about it for a week.
Councilman McGary questioned what should be enforced, asking, hypothetically, if he were the owner of a bar, and he sold alcohol to someone over 21 and that person passes it off to someone underage—who is responsible—the one who sells or the one who passes it on?

Attorney McMahan responded that transmitting it on to someone who is underage is a crime—that both are responsible—that if an owner allows this, he should lose his permit.

Chief Dodd agreed that the owner was responsible.

Councilman McGary asked, as an owner, what should he do?

Chief Dodd explained that if the situation arises where one sells beer to someone and they give it to a 17 year old—that this closes this loophole. He went on to say that this does not affect temporary events.

Chairman Benson stated that the owner can’t sell it to someone underage, but they will try to find an adult to buy it for them.

Councilman Gilbert questioned if someone says they are 21 but are really just 17, who is responsible?

Chief Dodd responded that this would make the bar owner responsible—that it closes an exemption.

Chairman Benson noted that this had previously been discussed and there was a fear that no one under the age of 18 could even go in an establishment such as Red Lobster.

Councilman Murphy indicated that this was one of his concerns—was this for bars only or were restaurants also included? Attorney McMahan explained that all were included, with Councilman Murphy stating “any places that sell booze”. Sgt. Haskins agreed that this did not discriminate. Councilman Murphy asked if it would exclude anyone under 21 from going in? Chief Dodd explained that the server would need to see ID’s—that the servers would be held responsible—that if he serves a table and only one is 21 and the other underage, and they are all drinking beer, then the server did not check all of the ID’s.
Councilman McGary attempted to understand why this was necessary and mentioned protecting business owners—that if a business owner sees this happening (someone 21 giving alcohol to someone underage), what do they need to do? He explained that he did not want this to turn into a “he said—she said” situation; that he wanted to understand the reason—too much on action and not the owner.

Chairman Benson mentioned extenuating circumstances where maybe there should not be a penalty—that this amendment is precipitated out of frustration. He asked that the two officers come back next week and also Chief Dodd.

**Resolution (a)** authorizes the Department of Parks and Recreation to donate free Carousel tickets to the Bicentennial Library in support of the Summer Reading Program. Mr. Johnson stated that this had been going on for 3-4 years.

**Resolution (b)** authorizes a management agreement with the Trust for Public Land for the design and construction of part of the North Chickamauga Greenway in an amount not to exceed $50,000.00. Mr. Johnson stated that this would be covered at the end of the Public Works committee today.

At the point, Mr. Johnson went over the following purchases: (1) Purchase of LED Light Bars for Police Vehicles for General Services from Mt. View Ford in the amount of $19,630.00; (2) Blanket Contract for Tire Disposal and Recycling Services for Public Works from Mac’s Tire Recyclers, Inc. estimated to be $11,477.00; (3) Change Order for Tree Inventory Services for Public Works from Arbor Pro for a revised contract totaling $25,125.00; (4) Replacement Seat Mats for Park Benches for Parks and Recreation from Urban Accessories for $12,820.00; (5) Emergency Purchase of Liquid Oxygen for Public Works from Air Liquide for $183,025.26. Mr. Johnson noted that Adm. Leach would cover this in his report to the Council tonight and would sign it; (6) Blanket Contract for Sewer Pipe for Public Works with three bidders—Ferguson Enterprises, Walter A. Wood Supply Co., and Piping Supply Co.—in the amount of $120,000; (7) Blanket Contract for the purchase of lightweight grade and finish rings for Public Works with Walter A. Wood Supply Co. as the primary and ANC Marketing, LLC as secondary for an estimated total of $30,000.00; (8) Promotional Items for the Police Dept. from Plexus in the amount of $14,448.00. Councilwoman Scott wanted to know how this differed from the last one we approved for promotional items? Chief Dodd responded that this was actually for DARE neighborhoods. Councilwoman Scott noted that we had just approved $14,000 for promotional items and wanted to know if this was the same kind of stuff—that it would total $28,000 worth. Chief Dodd stated that he would check and see. Councilwoman Robinson questioned 16 bids requested and 23 returned. Mr. Johnson explained that this was due to this being advertised; (9) Network equipment for Police Dept. through Mayor’s Office from Coleman Technologies, Inc. in the amount of $15,198.86.
Councilman Murphy referred back to Purchase #1, wanting to know how many LED Light Bars this included? Chief Dodd was not in the meeting at this point and while waiting on him for the answer, Councilwoman Berz asked when you see “lowest and best bid”, what constitutes “best”? Mr. Johnson explained this is the terminology when the low bidder does not get the contract—that often it is because needed items are left off. Councilwoman Berz confirmed that it was the lowest one meeting requisites.

Councilman McGary referred back to Purchase #4, asking Adm. Zehnder about seat mats for park benches? Adm. Zehnder explained that we had to replace the benches on the Walnut Street Bridge—that seat mats are what you sit on—that replacing each board of a bench requires a lot of labor, and we now have a product that replaces the entire six slats and is pre-fabricated—that it is wood with metal braces.

Going back to Purchase #1, Mr. Johnson stated that he thought there were 15 total LED Light Bars, prompting Chairman Benson to say that they would cost about $1,000 per bar. Mr. Johnson stated that the cost would be the amount of each times 15. He also noted that the $28,000 in promotional items for the Police Dept. is for “National Night Out” and comes from JAG funds.

Councilman Murphy computed the cost of the LED Light Bars to be $1,300 a unit and wanted to know how this compares to what we had before LED? Chief Dodd explained that the technology is better. Chief Parker added that this is the same way that the Fire Department does this. Mr. Norris added that Public Works had gone to LED. Councilman Murphy stated that you see where LED’s last forever and asked if these could be replaced on newer cars when the old cars wear out? He came to the conclusion that the City would be saving money in the long run.

At this point Mr. Johnson covered the Board Appointments—Ken Jordan to the Planning Commission; Michael Prater to the Historic Zoning Board; Karna Levitt to the Tree Commission; Glen Craig to the Tree Commission; Dixon Brackett to the Wastewater Board; Cleveland T. Grimes to the Wastewater Board; George Sivils to the Wastewater Board; and Leila Pratt to the Wastewater Board.

The meeting adjourned at 3:30 p.m.