AGENDA SESSION
May 15, 2012
3:00 P.M.

Chairman Ladd called the meeting of the Agenda Session to order with Councilpersons Scott, Murphy, Robinson, Benson. Gilbert and Berz present. Councilmen McGary and Murphy joined the meeting later. City Attorney Phil Noblett and Shirley Crownover, Assistant Clerk to the Council, were also present.


Councilwoman Robinson acknowledged the presence of her daughter, Susannah Murdock, along with her children, Anna and Jack. She stated she was very proud of her daughter and that she was a good resource person for a topic that would come up. Chairman Ladd welcomed Mrs. Murdock and Anna and Jack.

Mr. Johnson proceeded with agenda items, noting that Ordinance 5(a) was discussed last week. Ordinance 5(b) was a rezoning for Jay M. Simpson from O-1 to C-2 on property located at 5461 Hixson Pike. Councilman Benson stated that this case worried him—that this was giving an opportunity to ruin what the Council had instituted, which is a site plan; that the County is following our example in an effort to reduce speculative zoning; that in most cases real estate companies would rather say “suitable for commercial”; that he feared if we passed this, it would be opening up a “whole can of worms”; that we don’t allow signs without a site plan. Councilman Benson stated that he had nothing against the applicant, Mr. Simpson; that at the Planning Commission meeting he told Councilman Benson that he had a site plan and the use was to be a classic automobile company activity. Councilman Benson mentioned a situation on Lee Highway where there was a junk yard that was called a classic automobile activity and that he was just trying to be careful; that he was concerned about someone coming to the Council and saying they want the property zoned commercial without a stated use and site plan—that the Planning Commission did not approve it this way; that if it is going to be a classic auto facility, it needs to be defined as a classic auto business, and this needs to be put in the Ordinance. He stated that his big problem was land speculation without an intended use and site plan.

Councilwoman Berz stated that she had no problem with this being commercial but wanted them to follow the process.

Mr. Shults of RPA noted that prior to this it did say classic auto; however the purchaser of the property decided not to buy.
Councilwoman Berz asked if we were in the habit of substituting folks? She stated that what she was understanding was that Jay Simpson was previously recommended for approval by the Planning Commission but now it is a different person, and we have no new site plan. She asked if this was good form? She added that C-2 zone is wide open.

Mr. Shults explained that this is a small, limited site; that RPA requires a site plan for commercial zoning; that very often developers change their minds.

Councilwoman Berz still wanted to know if someone else can be substituted? She stated that she did not want a precedent set; that if the applicant is required to submit a Site Plan, does he have to specify the use or is speculation allowed? Mr. Shults responded that anything can be speculative—that it can be changed to something else unless it is restricted to one use only.

Councilwoman Scott stated that she shared the same concerns as Councilman Benson and Councilwoman Berz; that we may be opening a door. She noted that the application could be withdrawn and the other person could come back and go through the process or the Council has the opportunity to vote this issue up or down tonight—that she thought if it were denied, they would have to wait a year to come back again. Attorney Noblett confirmed that a year was correct. Councilwoman Scott stated that her preference would be for the applicant to choose; that he needed to be made aware of the options and this be on his “radar”.

Councilwoman Berz stated that it should be under the proper name. Mr. Shults indicated that they would call the property owner before tonight’s meeting.

Councilman Benson stated that this might could be deferred; that it was dangerous to zone commercial and signs go up without knowing what kind of commercial business it will be and without conditions and setting a precedent had him worried; that often people wanted to be able to sell property at a commercial price with a “blanket use”.

Councilman Gilbert stated that he agreed with Councilman Benson; that there is nothing specific saying what will be there.

Councilman Murphy stated that he thought he would agree with the comments that have been made if this were a much bigger parcel; that the points were well taken, but this was not as big a deal.

Councilwoman Robinson confirmed that Mr. Shults was going to let the applicant know what had been discussed; that the precedent concerned her, also—that even a tiny sliver could open the door. Mr. Shults stated that he would let the applicant know.
The first two Ordinances under First Reading were annexation issues and Mr. Johnson stated that he would let Attorney Noblett address these. Attorney Noblett stated that he would be brief; that Valerie Malueg was here and could go into more detail—that these were two annexed areas in Hixson—Area 4A and 4C; that we had been involved in lawsuits for two years, and they had agreed to enter this order that would change the effective date until December 31, 2013.

Ms. Malueg stated that Mr. Noblett had covered this well; that essentially the Council would be voting on amending the existing Ordinances for Area 4A and 4C to change the effective date from 2009 until December 31, 2013 for services provision.

Councilwoman Scott asked when City services would start? Ms. Malueg responded that it would be the beginning of the effective date of December, 2013, subject to the Plan of Services.

Councilwoman Scott also had a question on Ordinance 5(c) that is an abandonment for Tony Coco of a portion of the 3300 Block of Wood Ave., approximately 140 ft. by 50 ft. wide. She wanted to know if this were an abandoned alley or a lot that the city owned—that it sounded like a lot to her? Mr. Leach responded that it was actually a road, prompting Councilwoman Scott to ask if we had ever sold a road? Mr. Leach explained that it was essentially like an easement.

Ordinance 6(c) dealing with one-way streets was discussed in Public Works last week.

Resolution (a) authorizes a Lease Agreement with Sculpture Fields at Montague Park for the construction and operation of a public sculpture park on a portion of Montague Park. Mr. Johnson stated that he thought the Council had received a copy of this Lease to review. Resolution (b) was discussed last week. Resolutions (c) and (d) are RPA items.

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Ordinances (a) through (g) First Reading are Public Works’ items. Councilman Gilbert expressed concern over some of these Ordinances, noting that the Council passed the Fire Revision and the issue of sprinklers became a heavy topic—he wanted to know if there was anything in these Code changes that would go against something that is existing like had happened with the Fire Provision? Mr. Johnson responded that he thought these were just replacements. Mr. Leach noted that his Staff was in training this week—that they would be here next week to discuss these—that they were mostly “housekeeping” issues—that they deal with losing non-conformity status or deal with something that could be life-saving—that his Staff would be here next week to give a briefing.
Councilwoman Scott stated that Councilman Gilbert had brought up an excellent question; that she had noticed in one of these that there was an exception about sprinklers in residential homes; that the Council does need to understand clearly what this means; that typically homes sprinkle the basement, but the Council needs to understand the exclusion from the Code, mentioning a house could burn. Mr. Johnson responded that the Fire Code is not listed here. Attorney Noblett explained that these were for new construction and not something prior constructed; that these are building codes, electrical codes, fuel gas codes, mechanical codes, and plumbing codes; that residential structure sprinklers had been exempted out of the codes; that the State of Tennessee does not require sprinklers in single-family dwellings, even though they might be required in multi-family dwellings; that this was being taken out in order to be in compliance with the State of Tennessee requirements; that we did not want anything that would be overburdensome.

**Ordinance (h)** provides for an interim budget for the months of July, August, and September of 2012, pending the adoption of the 2012-2013 annual budget. This gives us 90 more days and is done every year.

**Ordinance (i)** will be discussed in Public Works next week.

**Resolutions (a) through (c)** are Public Works’ items. **Resolution (d)** authorizes an agreement with McKeeon Pharmacy Systems to process credit, debit, and medical reimbursement card transactions at the WellAdvantage Pharmacy for a term of 3 years and an additional one year unless terminated by either party. **Resolution (e)** will be discussed in Public Works next week. **Resolutions (f) and (g)** are Human Services Agreements. The first enters into a Temporary Use Agreement with NEEMA Resettlement Outreach Ministry to use a portion of vacant land for a community garden—Councilwoman Robinson’s garden! Chairman Ladd stated that these two Resolutions would be discussed in Legal and Legislative Committee later today. **Resolution (h)** authorizes the Fire Department to enter into a contract with Artech Design Group, Inc. to design and oversee construction of Fire Station 9, which is in East Lake.

At this point, Councilman McGary stated that he would like to go back to **Ordinance (c) First Reading** on this week’s agenda dealing with one-way streets. He wanted to know if when this was presented the business owners if there was any language about a street name change? Mr. Malone explained that the street name was changed by Resolution to Passenger Street; that this was accomplished last week. Councilman McGary confirmed that we were not changing the name of the Street this week.

Councilwoman Scott wanted to ask a question concerning **Resolution (h)** on next week’s agenda concerning Fire Station No. 9. She felt that there was a need to include the physical address of the Fire Station in the contract—that this was Fire Hall 9 in District 7. She noted that she stood “corrected”; however Attorney Noblett stated that he would put this in.
Mr. Johnson proceeded to go over purchases on tonight’s agenda. The first was for Public Works and the purchase of GIS software from Environmental Systems Research Institute, Inc. in the amount of $142,636.42. Councilwoman Scott wanted to know if this was a new set of software? Mr. Leach responded that it was for license and maintenance. Councilwoman Scott stated that it seemed to her like we just purchased this—that she was confused and wanted to know how this was different? Mr. Norris explained that there is a payment to the County for the base GIS map; that this is GIS plus for employee use in their daily work—that it is annual maintenance and license. Councilwoman Scott asked if it were for public use? Mr. Norris explained that Public Works used this to make their own layout. She asked if we would see this again next year and was told “yes”.

The second purchase was for Parks and Recreation and the purchase of Shared Lane Pavement Markings from 3M Company for $40,962.60. Councilman Murphy stated that he was all for this but wanted to know why it was coming out of Parks and Recreation’s budget and not Traffic Engineering? Mr. Norris responded that biking came under Parks and Recreation and that Public Works assists them in placing this. Councilman Murphy asked if this did not deal with biking lanes? Mr. Norris stated that it was part of the biking program, with Councilman Murphy stating that this was strange to him.

Mr. Johnson continued with the next two purchases.

This meeting was adjourned at 3:30 P.M.