

AGENDA SESSION
AUGUST 14, 2012
3:00 P.M.

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

Others present included Dennis Malone, Johnny Feagans, Bill Payne, Mark Keil, Dan Johnson, Jana Lowery, Steve Leach, Chief Parker, Jerry Stewart, Chief Maffett, Larry Zehnder, Greg Haynes, Chief Dodd, Richard Beeland, Chief Kennedy, Tony Boyd, and Jim Templeton. Danny Thornton, John Van Winkle, and Daisy Madison joined the meeting later.

On motion of Councilman McGary, seconded by Councilman Gilbert, the minutes of the previous meeting were approved as published.

Mr. Johnson proceeded with the Agenda, noting that **Ordinances First Reading (a) and (b)** were Public Works' items. **Ordinance (c)** was discussed in the Legal and Legislative Committee last week.

Ordinances (d) and (e) were zoning issues. Councilwoman Berz stated that when there was a recommendation for approval by the Planning Commission and denial by the Staff that she hoped the Council could get some enlightenment. Chairman Ladd stated that this would be discussed at this evening's meeting.

Resolution (a) will be discussed in the Parks and Recreation Committee.

Resolution (b) authorizes the appointment of a special unarmed police for Public Works.

Resolution (c) was discussed last week, and the Mayor addressed this in the newspaper. (Colored firearms)

Resolutions (d) thru (g) are Parks and Recreation issues. **Resolutions (h) thru (o)** are Public Works' items. Councilwoman Scott asked if **Resolution (i)** updating Historic guidelines would be discussed later and was told "yes".

Resolution (p), relative to disciplinary hearings to reflect 10 days rather than 15 was discussed by the City Attorney last week.

Resolution (q) approves CHA's plan for Dogwood Manor Apartments. Mr. Thornton noted that there was a public meeting held last Thursday to cover the Housing Authority's plans and the transition; that it was his understanding that the low income housing plan for Dogwood Manor Apartments is now a voucher program.

Chairman Ladd asked for an explanation of the difference between what we were going "from" to what we going "to".

Mike Sabin of CHA explained that this was a proposal that the Council had acted on; that one of the things, as he understood State law, was to require a separate jurisdiction of approval for public housing, and they were not sure that this was previously covered; that once the matter was proposed into public housing, it would fall under the co-op agreement; that the latest word was that HUD did not need a new co-op agreement; that the last one was done in 1968, and the number of units referenced was sufficiently larger, and we would never need another one, and the current agreement will be fine.

Chairman Ladd stated that she was not familiar with the terminology for a voucher to public housing and wanted to know if this would precipitate any changes for residents? Mr. Sabin responded that for the most part there would be no real differences—that he did not believe there would be much effect on anything. Chairman Ladd stated that she attended the meeting and was pleased to hear that we are investing a lot and had talked to the residents, and there were several options; that the upgrades were very promising, and this should be a much nicer place to live. Mr. Sabin mentioned a stream of money from previous demolition that can only be used for brand new public housing, which was a good fit for them. Chairman Ladd thanked Mr. Sabin.

Resolution (r) authorizes an additional estimated amount of a \$4 million dollar extension to the blanket contract with Excalibur Integrated Systems. This is our "mesh" system. Mr. Johnson stated that Mark Keil was present to go into more detail but that we had \$2 million dollars worth of previous allocated funds, and this was to raise the ceiling on the contract as we see the need for more organizations such as CARTA and CHA—that Mr. Keil could elaborate on this.

Mr. Keil noted that he had made statements in his e-mails; that this is a blanket contract, and it is not written for (x) amount of dollars through approval steps; that we are looking at grants; that if the grants come in, they would be coming back for council approval. He noted that this was just a "ceiling" amount, and there will be no check issued for this dollar amount.

Councilwoman Robinson asked if this could be amended to say "estimated amount—up to"; that she would like to suggest this. She also stated that she thought this was something we needed to study more and to get more information.

Mr. Keil stated that he would answer any questions now; that this was not a purchase but was only giving us the capability to buy; that the current grant is waiting for a ceiling. Mr. Johnson stated that we needed this ceiling lifted in order to cover such things as our traffic lights; that we needed this now for projects that are being held up.

Councilwoman Robinson asked the period of time? Mr. Keil responded that he sent a packet around; that in February we approved a \$1.8 million dollar extension; that this is additional funding; that the contract, itself, is in the packet, and it is a contract we can cancel anytime; that it is a blanket contract and does not say we are going to spend this much.

Councilwoman Scott stated that she was a little confused concerning the e-mails; that she did not get a sense when this project would be complete; that we approve something and then keep going and approve something else. She asked about the product and installation; that it was hard to get a sense when this will be complete; that we are getting grants and then coming up with something else later. She stated that she had asked for the total spent and had received nothing; that she felt we needed more time; that she would like to know when this project is done—that 15% is not done.

Mr. Keil responded that he had confused the issue—that the 85% was the size of the scope; that projects had been done before, and we are running “full speed”; that our goal is not 100%; that this is network access to the needs of the grant—that 85% covers most everything. He mentioned a new grant for CARTA, where they want a rest stop area, and they want it to be wireless and mesh; that these funds will be coming from CARTA, and this project would stand alone.

Councilwoman Scott asked if we were going to approve a project for CARTA? Mr. Keil explained that this is a contract that they can buy off of. She asked about additional project funding. Mr. Keil responded that this would happen if we get approval for more funding. She asked why we were doing this before we are asked for project funding?

Mr. Johnson explained that this was a contract for “mesh”—that it is no additional money; that if CARTA adds this to their system, it will be taken off the contract, but it will involve no money from the city; that it will be a separate allocation from the blanket contract; that this would just be another project; that this is made up of ten projects already and is on-going. Chairman Ladd clarified that it would be (x) amount of dollars if the grant comes in. Mr. Johnson responded that it would be the amount the agency of the “mesh” needed to buy necessary equipment.

Councilman Benson asked if this should not read “allocation” rather than “authorization”? Mr. Johnson responded that “allocation” was not in the Resolution—that it is not an allocation because we are not using city money; that this Resolution is only to allow the cost for “mesh” equipment.

Councilman Benson noted that to “allocate”, we would set aside and before the money was spent, they would come back; that to say “authorize” it sounds like they can spend without coming back to the Council.

Mr. Johnson responded that this is only a “ceiling”.

Councilwoman Berz stated that she “got” this; that we can’t sell off pieces without this; that the estimated amount is up to \$4 million dollars; that this Resolution is well done and allows us to sell off pieces for real money.

Mr. Johnson responded that agencies are adding units, and we will charge per month; that it is a good model that will work.

Councilwoman Scott asked if this was for purchasing material—that it says material and service, and she wanted to know if it were both? Mr. Johnson responded that the actual configuration does have a service element. She asked if we could not purchase on the open market? Mr. Keil explained that we had already chosen Excalibur through a bid contract with RFP’s; that we can revisit an RFP for a new vendor. Councilwoman Scott wanted Mr. Keil to tell the Council about the revenue; that this could be a revenue source, but we were not billing. Mr. Keil responded that this was in Purchasing—that once this is complete, we will start billing; that a lot will be internal, but this will “track” the money; that right now he was not able to show her how much savings there would be. She asked if we had already spent \$7 million dollars? Mr. Keil responded that this was mostly with grants. She wanted to know if this was coming out of the General Fund. Mr. Keil responded “nothing out of the general fund”—that he thought he had a different concept of what she was talking about—that he was making a distinction between general fund and capital fund. She wanted to know how much we have saved? Mr. Keil mentioned in Traffic--\$78,000a year—that this is internal money; that others are not being charged. She asked about other cities. Mr. Keil mentioned the process we have now between Red Bank and East Ridge, that are not installed yet; that they will be charged per device; that police use will be \$19 a month; that he did not have the total yet; that the grant is paying for the installation; that no city dollars are being spent out of the city limits.

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Ordinance 6(a) First Reading is a Public Works’ issue.

Ordinance (b) was prepared by Attorney McMahan at the request of the Council. Attorney McMahan stated that this was a matter that was discussed last week so as to change the dates of the election for Mayor and City Council members to the August-November cycle. He stated that this would be discussed again in the Legal and Legislative Committee next week.

At this point, Councilman Benson wanted to address the City Attorney concerning an issue to see if we can get approval for sending something else in to be placed on the ballot; that we had made a few mistakes and needed some adjustments and corrections concerning the recent passage of the Auditor situation; that we want an independent auditor but not 100% independent and what has been passed comes pretty close to that; that the auditor would not be accountable to anyone but the “super majority”—that this needs to be lowered and also we need to take another look at the salary—that this just says “market based” and the word “local” needs to be put in there along with “market based” salary, according to educational level and experience.. He stated that he did not know how the rest of the Council felt about this, but he thought it was giving the auditor too much security and that worried him, especially the market-based salary.

Attorney McMahan noted that two members would have to ask to have something come up on the ballot. Councilman Benson stated that the referendum did not say “local market rate”; that this really worried him; that our local CPA’s would be paid less than say somewhere like Atlanta.

Councilman Rico stated that this was discussed before it was put on the ballot, and the Council voted on it; that this had been voted on, and the people had spoken; that this was not a good way to go; that this could happen every time we disagreed with what the public votes on. Councilman Benson responded to Councilman Rico that it would be easier to recall himself or Councilman Rico than it would to recall the auditor; that these errors ought to be changed to make this better, and this is the way to do it; that he just wanted to express himself for the record.

Councilwoman Scott stated that first of all, this is “off” the agenda and secondly, the Council had this issue for weeks ahead of time, and it was discussed in public meetings three times; that the Council was asked to give their input, and it was revised somewhat; that this matter has passed three bodies—first, the Audit Committee; secondly the City Council, and Councilman Rico was correct that it was on the ballot referendum and the people are satisfied with a margin of 72% passage. She stated that she would suggest to “let this dog lie”; that she did not understand the reason to make a change; that the ink is barely dry, and it would be imprudent to change what has been voted on by the people; that she would say “drop this”.

Councilman Murphy used the adage “better late than never”; that he appreciated what Councilman Benson had said—that it was constituents’ reaction to what had been put on the ballot; that there were a lot of details that people could have no idea about; that one of the things concerned the office square footage; another detail was the term of office; that the Audit Committee and City Council might sometime want a “fresh set of eyes”. He noted that this only narrowly passed to be put on the ballot in the first place—that it was a five to four vote and Councilman Benson was the fifth vote—that he did not think Councilman Benson was being “fickle”.

Councilman Benson agreed that he voted for it and was coming with remorse; that this was not in the best interest of the citizens; that if the Council did not want to do this “fine”, but he wanted to go on record to try to get this approved.

Chairman Ladd noted that the City Attorney could draw something up if two people asked for it. She wanted to know if it had to be two councilpersons from the prevailing side? Attorney McMahan stated that would not be necessary because this is a new matter. Chairman Ladd stated that Councilman Benson would need to get someone to second this to get the City Attorney to prepare something that could be brought back and voted either up or down. **Councilman McGary stated that he would second Councilman Benson’s motion;** that he thought this was worthy of discussion and, too, felt “better late than never”.

Chairman Ladd agreed that we were “off” agenda.

Mr. Johnson continued with **Ordinance (c)**, which is an abandonment for General Services. Mr. Thornton explained that a year ago 2nd Street was closed with a 100-unit apartments to be built; that this was the last remaining impediment on a road closed; that this would clear up the area.

Resolution (a) authorizes a blanket contract for a telephone system from Mac Source Communication to complete the phone system for the City for an amount not to exceed \$1,350,000. Mr. Johnson stated that he really regretted that this particular item was coming before the Council when it should not be on the agenda; that first of all we had a phone contract and the Purchasing Dept. cancelled it without cause, and the item was re-bid; that the IS Department had no input in this system; that it was a modern system; that this morning this was talked about, and he thought that it should be pulled in order for IS to look at it and get it straightened out, according to our network. He stated that it got put back on the agenda and the Resolution changed; that we have no contract for a “blanket”, and this has not been reviewed by IS, and he did not think the equipment list was complete; that they had some work to do.

Chairman Ladd noted that this was the way it “rolled” out, and she was glad we were “pulling” it; that we need to come together as a team, and she would ask that this be pulled.

Councilwoman Scott stated that back in May of 2010, the City Council discussed this, and it was on the agenda as an upgrade for telephones; that that evening we approved an IS contract with Excalibur for one-half million dollars, and she would assume this was because of the discussion held by Council; that we talked about what this would accomplish and asked why we are continuing something that happened two years ago; that if it is an upgrade difference what is the difference and why would we need \$1,350,000 more?

Mr. Johnson responded that it was \$500,000 for the first year and four renewable contracts; that we are spreading capital needs out, and this was cancelled by Purchasing without cause.

Councilwoman Scott wanted to know if this would go back to Excalibur? She stated that was the bottom line. Mr. Johnson responded to let IS handle this to conform with our network; that this does not recommend all we need.

Councilman Benson stated that Mr. Johnson was the Chief of Staff, and it was his advice to hold this off; that he supported Mr. Johnson as long as he was Chief.

Councilwoman Berz stated that there was no doubt in her mind but to “pull” it. She wanted to know if the City Attorney had made an error in putting this on the agenda? She stated that Mr. Johnson was Chief of Staff and questioned why Purchasing would not have pulled this?

Mr. Johnson responded that the proper department to handle this was IS—that General Services was not equipped.

Councilwoman Berz noted that the Chief of Staff was saying this should be pulled and questioned why Purchasing would have cancelled the contract without cause?

Councilwoman Robinson, too, questioned how Purchasing cancelled the contract without input from IS? Mr. Johnson stated that he could not answer that. Councilwoman Robinson agreed that this should come off the agenda.

Councilman Rico asked if it was cancelled without cause and was told “yes”.

Chairman Ladd stated that this should be pulled and additional information gathered.

Attorney McMahan covered **Resolution (b)**, allowing permanent paper records to be maintained by photographic or electronic means. He stated that we were following State Law to the point of doing our agenda electronically.

Councilwoman Scott stated that going electronically sounds good; that her only question is will IS be doing this, and she would like an explanation from them how these records will be safely nestled somewhere—the process and procedure for collecting archives. She wanted to know about the hookup with the public.

Mr. Keil responded that all they did as far as data was that they kept any data and would put everything in a place that is accessible, and the data would never be lost—that they would make sure it is not lost; that if machines are down, progress can be made—that the data will be two places. He stated that the public could get to all of this; that the data would come from

Departments for automation; that the City Attorney would have to say that everything is approved, and it would automatically go to the public, and there would be no removing it or changing it. It would still go through the normal process, and the Council would still see the “bad” one and the “new” one.

Councilwoman Scott asked if Ms. Crownover would have to put her minutes on a CD and then how would it get to them? Mr. Keil stated that it would be what comes from the Attorney’s office—that minutes would be a part of this. She asked if it would be all of the minutes. Jana Lowery talked about a flow chart, which could apply to all of the minutes of the Council and also of every board in every meeting; that Shirley and Carol would take minutes in the same process. Councilwoman Scott asked about the public records; that these minutes are a chain of evidence and often wind up in court, and we need to make sure that they are protected and can be pulled up offsite if something goes down. Ms. Lowery responded that a system was being put in place to add minutes.

Councilman Murphy stated that he thought this was a good project but mentioned the Council’s record room upstairs; that there is no humidity control, and the records are not archived; that the windows in the room let in radiation and the City’s history is in jeopardy; that this is going on above our heads; that he thought we owed a duty to “history” and this should be kept better; that oftentimes Shirley and Carol have to put on gloves to handle the “old” pages. He noted that we were in danger of losing the City’s history, which was regrettable, and we needed to get this preserved. Chairman Ladd stated that she had made a request for a Records Management person on Staff; that this could be discussed another day.

Resolutions (c) through (h) are Public Works’ issues and will be discussed later.

There will be a meeting next week to discuss **Resolution (i)**.

Resolution (j) authorizes the Fire Chief to enter into a contract for sale and purchase with JR Realty, LLC for the purchase of 55,729 sq. ft. of real estate located at 6406 Hixson Pike, with property to be used for the construction of a new fire station for the sum of \$175,000.00. In reading the agreement, Councilwoman Scott wanted to know if there had been an environmental examination? Chief Parker responded that it was typical to do this. She stated that according to the GIS this is a huge mass of land with no trees. She wanted to know what was going on with the property? Chief Parker noted that there was a Planned Development behind it; that there were several parcels and one was in bankruptcy; there were five parcels in the general area and one-half of this is not good, usable land. She stated that the aerial view looked like a major entrance, and she wanted to know if this would be preserved? Chief Parker explained that a cemetery could not be landlocked, mentioning the right-of-way to the property being Old Hixson Pike property. Councilwoman Scott asked if with all these acres there was plenty of room to do what they wanted to do, and the answer was “yes”.

At this point, Chief Parker mentioned a short video concerning their Food Drive Job. This video takes place at Miller Park and is a Public Services announcement. He stated that it would only take 30 seconds to show this Public Services announcement; that Adm. Zehnder had worked with them on this, and he appreciated his work. The short video was shown of firemen dancing.

Resolution (k) is a Parks and Recreation item.

Resolution (l) is a Special Exceptions Permit for Fishers Landing, formerly known as Mackey Glen; this is to extend the Permit for a PUD on tracts of land located at 1091 Mackey Ave. Councilman Benson noted that this was in his district and was approved several years ago. He asked if they were trying to revive it and was told “yes”.

Mr. Johnson went over the one purchase that will be on tonight’s agenda and two re-appointments to the Carter Street Board—Curtis Johnson and John Mercer.

The meeting adjourned at 4:00 P.M.