

AGENDA SESSION
SEPTEMBER 25, 2012
3:00 P.M.

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

Others present included Dan Johnson, Danny Thornton, Mark Keil, Chief Parker, Chief Dodd, Gary Hilbert, Richard Beeland, Alice Cannella, Mike Patrick, Melinda Foster, Karen Walsh, Johnny Feagans, Lee Norris, Dennis Malone, Steve Leach, Jim Templeton, Bill Payne, John Van Winkle, Daisy Madison, Ron Swafford, and Rebecca Robinson.

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

Mr. Johnson noted that **Ordinances Final Reading (a) and (b)—Tennessee Temple University**, were discussed in Public Works' Committee.

Ordinance (c) concerning a lease to Chattanooga Goodwill Industries, Inc. was discussed last week by Danny Thornton. Councilwoman Scott stated that in learning about this, she had no problem but wanted to make sure the Ordinance says what it actually is, which was in-kind as opposed to cash payment. She thought that it should say in-kind. Mr. Johnson explained that it was **not** in-kind. Ms. Scott responded that it was \$1 per year; that the way it reads, it gives the impression that \$25,000 is coming in; that she thought it was in-kind; that it is market value and not revenue, and she thought it would be appropriate to say in-kind. Attorney McMahan stated that we could say "market value of \$25,000"—that Ms. Foster could get this fixed before tonight's meeting.

Ordinance First Reading will be discussed in Public Works' Committee. **Ordinance (b)** is the Animal Control Ordinance that was discussed last week. **Ordinance (c)** amends Ordinance No. 12626 so as to delay the operative date to October 21st. This is a technical change. Councilwoman Scott wanted to know if the 40 pages was the new Ordinance? Mr. McMahan noted that the new ordinance is 4-5 pages long, making the effective date October 21st.

Resolution (a) was discussed last week. **Resolution (b)** will be discussed in Public Works' committee. **Resolution (c)** authorizes RPA to undertake a land use planning process for the Summit area. Mr. Johnson asked Attorney McMahan to cover **Resolution (d)** which appoints Stephen D. Farley to the Health, Educational, and Housing Facility Board. Attorney McMahan stated that we had a volunteer to fill this vacancy; that his Resume had been gone over, and he is well-qualified. Councilman Benson stated that Mr. Farley was well qualified, but he wanted

to go back to **Ordinance 6(b)**, relative to animals and fowls to see what this really means. He wanted to know if this would be an Appeals Board or an Executive Board?

Attorney McMahan responded that it would be a Board set up to make recommendations to the City Council about animal permits such as breeders, etc.; that it would be based on the Council's standards, and the permits could be revoked, similar to the Beer Board.

Councilman Benson stated that he thought the Executive Director of McKamey had a different opinion. Ms. Walsh responded that the latest version deals with permits as she understands it; that it was her understanding that McKamey would issue the permit, but the Board would be responsible for the content of the permit. Attorney McMahan noted that the Beer Board approves, and the permits are actually issued by the Treasurer's Office. Councilman Benson wanted to know about the cost factor—that if they issue permits or if they are denied, can they come back to this Board and can they be revoked? Attorney McMahan explained that there is no authority for a non-profit organization to issue permits; that this Board would be a governmental entity that could issue and revoke. Councilman Benson asked if someone wanted to bring a circus to town with horses, would they not go to McKamey but would come to this Board, and this Board could deny or approve and would the recourse be to Chancery Court?

Ms. Foster added that the Council establishes this Board and then they could come up with the guidelines—that there is nothing in this about live animals—that it is just the process. Councilman Benson asked if they would have to come back to the Council to get authority? Ms. Foster assured that the Council would have the final say.

Councilman Benson asked about the appointment to the Board by the nine councilmembers. He asked if there was a provision that this appointment would not be restricted to a district? He stated that he would be in agreement to limiting it to the city limits but wanted to know if the appointee would have to come from each district? Ms. Foster responded that they had talked about this—that each councilmember would appoint one member of the Board; that McKamey could give recommendations. Councilman Benson wanted to know if he could go out of his district to appoint someone? Ms. Foster responded that she thought most of the Council preferred that the member come from their district. In that case, Councilman Benson stated that he could not vote for this.

Chairman Ladd wanted to know if there was agreement to what is being put forward?

Councilman Gilbert had a question, but not on this topic.

Councilwoman Scott stated that her question was centered around Attorney McMahan saying that some things had to be worked out. She wanted to know if anything in this Ordinance still needs to be worked out? She wanted to know if we approve this as written with a Plan to

create a Board, which is something we need to do, what happens to the permits between here and there? She stated that there still seemed to be some unsettled things about this; that we want to move forward, but she wanted to know what position we are in with permits? Attorney McMahan responded that standard dogs and cats are licenses; that the Board is not finalized—that the Board would be making their guidelines and bringing them back to the Council; that he was not sure if there were outstanding permits out there now, and he would doubt if the permits would be valid as it stands today.

Councilwoman Berz mentioned two Boards—the Board of McKamey Animal Center, which develops animal control and safety and would the other Board be for permitting only? Attorney McMahan explained that the Board we are talking about today would not be involved in the operation of McKamey at all; that they would make recommendations similar to the Beer Board.

Councilman Rico stated that we could always change the rules.

Councilman Benson stated that he would like some re-consideration as to where members must come from; that we don't have this stipulation on other boards; that he thought Councilwoman Berz once had two members on the Beer Board. Councilman Rico noted that some say they must come from the district and some don't.

Ms. Walsh wanted some understanding on the permits; that those pending go to the end of the year, and she thought this would be resolved before the end of the year.

Councilman McGary wanted to know the timeframe for nominations to the Board? Ms. Foster responded that there was nothing in the Ordinance concerning this—that it would be up to the Council. Councilman McGary asked if another Ordinance would have to come before this Body concerning this? Attorney McMahan explained that nominations could be made right away. Ms. Foster noted that she had checked the Beer Board Ordinance and followed it to a large degree. Ms. Walsh added that if a councilmember could not find someone in their district, that this could be re-addressed. Ms. Foster confirmed that appointments would be by district. Councilman Benson wanted it to read that each councilmember would appoint a member that was a resident of the City of Chattanooga. Attorney McMahan asked if there was any objection to this, and there was none.

Councilman Gilbert had a question for Mr. Bridger on **Resolution (c)** concerning a land use planning process for the Summit area. He noted that there was interest in his community and wanted to know if there could be e-mails on meetings that would be held? Mr. Bridger promised to keep Councilman Gilbert posted and up to date on this.

AGENDA ITEMS FOR OCTOBER 2, 2012

Ordinance First Reading (a) and (b) will be discussed in Public Works' Committee.

Resolution (a) authorizes payment of 2013 membership dues for the National League of Cities in the amount of \$10,610.00. **Resolution (b)** authorizes the Chief of the Fire Dept. to apply for a Firehouse Subs public Safety Foundation Grant to purchase two Hurst cutter packages in the amount of \$17,500.00. **Resolution (c)** will be discussed in Public Works' committee. **Resolution (d)** is for General Services, declaring surplus of an area next to 0.27 acres and authorizing conveyance to HealthSouth of a maintained area between McCallie Ave. and Bailey. Mr. Thornton showed maps on each area explaining that the area actually belongs to the City but that HealthSouth had been maintaining it and will spend \$60,000 in infrastructure and part of this conveys this area to HealthSouth. Councilman Murphy asked about vehicle access being subject to approval by the Traffic Engineer? The answer was "yes". He also confirmed that we would retain the right to take this back if it were needed by the City. **Resolution (e)** is a Public Works' item.

Mr. Johnson went over tonight's three purchases, and they are made a part of this minute material. Councilman McGary asked about 5 bids being requested and six being returned? Mr. Johnson explained that all are advertised in the newspaper and on the website and anyone can bid.

Chairman Ladd announced that next week's meeting will begin at 5:00 P.M. rather than 6:00 P.M.

This meeting adjourned at 3:30 P.M.