

LEGAL AND LEGISLATIVE COMMITTEE

April 3, 2001

4:20 P.M.

In the absence of Chairman Crockett, Councilman Hakeem called the meeting of the Legal and Legislative Committee to order, with Councilmen Pierce, Hurley, and Franklin present. Councilmen Crockett and Lively joined the meeting later. Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Mayor Kinsey, Adm. Mitchell, Daisy Madison, and Paul Miller. Mr. Barry Bennett joined the meeting later.

HUMANE EDUCATIONAL SOCIETY, INC.—REQUEST FOR INCREASE

As Councilman Crockett had not arrived to present his concerns, Mayor Kinsey asked to go ahead with the meeting and discuss the request for an increase by the Humane Educational Society, Inc. Mayor Kinsey shared with the committee some of the justification of why we need to give the Humane Society additional funding to carry them through for the rest of the year. He stated that Animal Services had made a difference in neighborhoods; that it cost more to take care of the animals that we pick up. He stated that he had spent a lot of time with Col. Boney and Dr. Martin discussing this. He stated that Mr. Miller's recommendation includes doing this for the next year. He stated that they had looked at this closely and would not want it assumed that the same funds will be available next year. He turned the meeting over to Mr. Miller.

Mr. Miller stated that he thought Dr. Martin was a little confused about the number of animals impounded; that we had had a 60% increase in the first six months; that we were picking up 10,000 to 12,000 the first year; that there was no previous data to base this on. He went on to say that Dr. Martin did not realize that we would be picking up animals seven days a week; that we had to have extra staff on weekends; that there had to be a Euthanasia technician on Saturdays and Sundays to be in charge of euthanasia, and this costs more and ties up the staff. He stated that the national average for taking care of an animal picked up is \$30-\$35, which comes to a total of \$420,000. He stated that they were asking for an increase. He went on to say that the unknown factor is the amount of revenue taken in; that Dr. Martin had made it clear that when he runs out of money, he shuts the doors.

Councilman Pierce stated that he needed some explanation; that looking at the amount we started out with (\$316,000 per year), which was quite a bit and now they were asking for a 21% increase before the first year is up. He stated that he thought it was unrealistic that they had underestimated to this extent; that rather than increasing by \$86,082, he thought maybe we should talk about cutting back the hours and then rehash this for next year's budget when we know the amount upfront.

Councilwoman Hurley asked why we were picking up more dogs—if it was because more people know about the service and are calling more. She asked if enforcement was better. Mr. Miller responded that they were picking up the ones out there when they came on the job. Councilwoman Hurley asked if this same number will be maintained over a period of time; if we will finally pick up most of the stray dogs and then people will keep their dogs in accordance with our Ordinance, and the number will be reduced. Mr. Miller agreed that it should level out. Councilwoman Hurley mentioned a letter to the Editor regarding the enforcement issue; that they are still out there and the laws on the books are not being complied with. Mr. Miller responded that they come when called, and there are a lot more requests from owners, and he felt that it would level out.

Mayor Kinsey pointed out that everyone would notice that the memo that Mr. Miller had distributed today was sent to Chief Cooke on January 11, 2001; that it got to him at some point, and he had some of the very same questions that Councilman Pierce had raised; that he could not believe that they needed this much money. He stated that as the Council would recall, we have never had an Animal Services Division before; that this was something we had not done for our City; that we started from “scratch”. He stated that this was the first year, and he was clearly convinced that it had made a difference in our neighborhoods. He stated that it costs money to provide a service and that he was comfortable we should pay this money; that without the Humane Society, we could not provide this service. He agreed that this could “tail” off; that the whole issue of how the Humane Society is funded will be discussed.

Councilwoman Hurley asked if any other cities were contributing. Mayor Kinsey responded that some were.

Councilman Pierce still expressed a concern about the operating hours and time. He questioned how effective working on the weekends was as compared to just weekly; that he did not think citizens were aware that we were working seven days a week. He stated that we needed this service, but he was concerned with the operating time. He questioned if people realized the pound was open on Saturdays and Sundays.

Mr. Miller responded that the Humane Society has not changed, but it is the “field” hours that have changed, and they needed a place to take animals seven days a week. He asked if Councilman Pierce was suggesting that they pull their people off the streets on Saturday and Sunday. He mentioned that they had even picked up a pot-bellied pig on the weekend; that there was not a day that they did not pick up animals.

Councilman Pierce questioned the number they were picking up on weekends—if it could just be one dog. Mr. Miller replied that he would be surprised if it were just one. Councilman Pierce asked if Mr. Miller had no real figures. Mayor Kinsey asked Mr. Miller if he could get the number of animals being picked up on the weekend days by the end of the week.

Councilman Franklin asked if a significant amount of time was being spent on patrol. Mr. Miller responded that this was mixed.

Chairman Hakeem stated that this would be on the agenda for next week and that Mr. Miller would get the information that Councilman Pierce asked for.

**CONTRACT FOR COMPREHENSIVE LAND USE PLAN OF HAMILTON
PLACE AREA**

At this point, Mayor Kinsey went over **Resolution (e)** on tonight’s agenda authorizing the Executive Director of the Chattanooga-Hamilton County Planning Agency to enter into a Contract with Glattig Jackson Kercher Anglin Lopez Rinehart, Inc. to perform a Comprehensive Land Use Plan of the Hamilton Place areas for a total fee not to exceed \$157,850.00. Mayor Kinsey stated that the Council would remember back last year in response to a Zoning Case, that the Council had requested that a Study be done of the Hamilton Place Area; that this was just a request for a Study to be done and there was no vote for funding of the Study; that the Planning Staff had gotten the Executive Committee to come up with an RFP, and they had gotten one proposal in the amount of \$150,000, and he had a suggestion of how we could pay for this. He mentioned that Eastgate was the only other similar Study, and it had only cost us \$25,000; that we had tried to get other people to participate in the cost and we were only able to get \$10,000 from folks. He stated that there was some urgency in getting the Study underway, and the Planning Agency had a surplus sufficient to pay for the total cost of this Study. He stated that it was a good Study, and this was a good way to pay for it.

Councilwoman Hurley stated that she and Councilman Crockett made the motions for this Study; that they did kind of “wax eloquent” and felt that a Study of the same professional level as downtown should be made. She stated that she would take some responsibility for articulating that it should be done by a consultant rather than having an In-House Study; that this was a sensitive area, and she hoped we could find the money.

Mayor Kinsey stated that Councilwoman Hurley had mentioned that she did not expect the City to pay the entire \$150,000. Councilwoman Hurley stated that it would be great if Planning had found the money.

Councilman Pierce stated that he was looking at the cost; that this is one of the most expensive studies we have been asked to accomplish. He stated that the area being studied might be too wide; that there had been studies in a number of communities, and we should go through with this if we ordered a Study. He questioned, however, \$150,000 for a Study when basically we have the resources in place to do this in-house. He stated that the Council was in place to make hard decisions on zoning, and he questioned the RFP’s and spending the taxpayers’ money wisely and distributing the money wisely across the City. He stated that this had been a problem area since he had been on the Council and suggested that maybe we could cut back on the Study or let the private sector participate in helping us pay for it. However, he noted that we had said we did not want the private sector involved, and we would have to “foot the bill”. He stated that he could not support this at this time.

Councilwoman Hurley pointed out that we have had two or three in-house studies, and she believed that this was different from other neighborhoods; that it was like another “central city” in terms of traffic. She pointed out that this was not just a Study of a zoning area under recommendation. She stated that she, too, was surprised at the amount of money, but she felt if we looked at a number of studies in the Central City, we would exceed this number. She stated that it seemed to her that the problem was getting worse and worse; that if we could have had hind-sight it would have been perfect; that we had had no idea how the Mall would be a magnet for so many others. She stated that she agreed that we needed a professional study; however, she stated, she did not feel that she should take a position.

Councilman Crockett arrived at this time and Councilwoman Hurley reminded him that both of them had made a motion on this Study.

Mayor Kinsey brought Councilman Crockett up to date on what was being discussed. He told him that we were discussing the Study at Hamilton Place; that the Council had asked for a Study but no action had been taken on funding and that the Council members were surprised at the cost being as high as it is. He stated that to get it done, it has to be of this quality; that he had spent time trying to find a way to fund this; that there were some concerns on behalf of residents that we did not need to get businesses involved. He explained that Planning has a surplus sufficient to fund this, and he supported Planning using the money.

Councilman Crockett stated that he would support this; that he was not surprised at the amount of money; that we had spent this for comparable work, and this was more complicated. He stated that we did have good talent in-house but an outside group working with us is important.

Mayor Kinsey stated that the Planning Staff would be involved; that he agreed this was complicated and needs outside expertise. Councilman Crockett added that it was loaded with emotion.

Mr. Barry Bennett stated that this was an increased cost as compared to other studies; that the magnitude is so great that the Traffic Study alone was considerable a couple of years ago; that this was covering a much, much greater area than just a single study. He stated that another factor added to the cost was the Economic Component—that this was not just an East Brainerd issue but a regional issue, and we had to consider the regional impact; that developers were coming from out of town wanting to relocate at Hamilton Place; that we had to consider the issues of how this impacts other parts of the city. He stated that this would be a very high quality Study.

Mr. Ron Littlefield was present and stated that his initial reaction was that this figure should be reduced; however he stated that this was very complex and ambitious, and he felt it would be an investment in the future and would be a sound investment. He stated that we should be able to recoup the \$150,000 very quickly.

Councilwoman Hurley asked if both the City and County had to sign off on the Planning Commission money. Councilman Pierce mentioned that Red Bank was concerned about tax equity. He also questioned the urgency in asking for this tonight.

Councilman Hakeem asked if smaller cities had an input into the budget for the Planning Commission. Councilman Pierce asked if Red Bank put anything into the fund, and Mayor Kinsey responded “no”. Councilman Pierce stated that if this is surplus money, let’s spend it!

Councilman Crockett stated that this was an opportunity to break the mold of just traffic studies; that the Economic Component would give us a good idea of the costs. He stated that he would offer support for this and would like to add one particular thing—that it would have been real inappropriate to have this going on during election time. He mentioned that there would be a Study in his district that the next Councilperson would probably bring up at North Gate Mall; that the Chamber of Commerce voted to do a planning process around the North Gate area to do a town center something like Frazier Avenue. He stated that he wanted to make sure this was on the “radar”.

Chairman Hakeem asked the pleasure of the committee. **Councilman Crockett made the motion to recommend this to the full Council, and it was seconded by Councilman Franklin, with Councilman Pierce in opposition.**

NEW CITY FLAG

At this point, Chairman Hakeem turned the meeting over to Councilman Crockett.

Councilman Crockett stated that he had two items on the Agenda tonight that were late changes. They concerned the adoption of a new City Flag and future uses of Greenway Farm. He stated that he had changed what he originally had suggested and had sent out a memo and talked to the Chairman and had changed the Ordinance to a Resolution regarding the flag; that concerning Greenway Farm, by Resolution, he was asking the new Council and Administration to take appropriate action to define the use of this to eliminate future confusion.

Councilman Crockett went on to say that **Resolution (f)** relates to the flag, and he expressed his appreciation to the Council for being patient with him. He explained that he had rethought this issue today for two reasons—the Council’s patience and good suggestions from the Council and also the fact that the media had been positive concerning this and fair, which was “unusual”. He stated that one issue was that the flag had been too “identified” with him because he had brought the issue up. He noted that he had raised the issue of having a flag eight years ago that would reflect a set of values and principles and out of anxiety concerning flags, this issue never seemed to have a good time—that there was some apprehension. He went on to say that we had gotten this second timing in front of the first step; that the design of the flag was not as important as what it represented; that the first step would be to form a committee, and he had lost sight of this; that the flag is the second issue and the committee would be the first issue. He mentioned a process to let the community decide what it values and how the decision for a flag should be made, and he suggested this as a first step. He stated that this might be lengthy and difficult but an opportunity. He stated that he was suggesting a Resolution to ask the next Mayor and Council to start forward with this process and out of this would come our symbol, “a flag”.

Councilman Pierce asked Councilman Crockett what kind of feedback he had gotten since last week on this issue.

Councilman Crockett responded, nothing but positive feedback; that the feedback from the Council was good, with concern for doing this procedure in the right way. He stated that he had talked to the Chamber of Commerce, the African-American Chamber of Commerce, and the NAACP, and he thought we could get support to do this. He stated that we needed people to widely accept it; that we needed a real vehicle to talk about things that were important to us. He reiterated that people and the media had been positive. He stated that he would like to have this Resolution passed, as well as a Resolution on Greenway Farms and was not trying to make a “grand-stand play”. He stated that it was an opportunity for the next group that could be used as a team builder. He mentioned that UT shows what it values by their symbol, and we need to show what our people value.

Councilman Pierce questioned if the Resolution says we will do this in the future.

Councilman Crockett went on to say that this is centered around values and principles and out of this will come a flag which will be a symbol and a rallying point for all of us. He again expressed his appreciation to the Council for listening and support and added that he had started “listening” himself.

Councilman Pierce asked him if he had learned how to count to “five” while being on the Council.

Councilman Crockett expressed that on something like this, he really cared.

Councilman Pierce questioned if Greenway Farms had not already been defined. Councilman Crockett responded that it had been defined in one way. He mentioned the concerns about soccer fields. He stated that sometimes you can get “scared”—that he was being honest—that things that are important to you, you are always apprehensive that they could fail. He stated that he thought all of us had felt this; that eight years ago he felt this.

At this point Attorney Nelson read the two Resolutions that Councilman Crockett had referred to and which had been added to the Agenda. He mentioned a community-wide process to identify the strengths and weaknesses and the principles to guide this community’s decisions as part of the process of adopting a new City Flag. Councilman Crockett asked that “weaknesses” be left out and instead add “values”.

Councilman Pierce asked if the Resolution was binding. Councilman Crockett responded that the Council did not have to do this.

At this point Attorney Nelson read the Resolution requesting the next City Council and Administration to establish a community process to determine the future uses of Greenway Farms.

Chairman Hakeem asked if the two Resolutions could be taken together. **On motion of Councilman Lively, seconded by Councilman Franklin, the two Resolutions will be recommended to the full Council.**

Councilman Crockett reminded the committee that he could be “pure hell” as a community activist.

The meeting adjourned at 5:00 P.M.