

## LEGAL AND LEGISLATIVE COMMITTEE

March 26, 2002

3:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Littlefield, Chairman, with Councilmen Pierce, Benson and Hakeem present. Councilmen Lively and Page joined the meeting later. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Mike Compton and Adm. Boney.

### REVIEW OF CITY CHARTER CHANGES

Attorney Nelson began the review with **Title 9 (Municipal Boards and Commissions)**. The first change was **Section 9.1, Page 128**, where *board of commissioners* was changed to *city council*. **Section 9.2** contained the same change. **CHAPTER II. CITY HOME RULE BOARD** was completely crossed out as their main function was to set the salary of the city council.

**Section 10.4 on Page 136** contained the routine changes, with Attorney Nelson noting that the issuance of bonds is a Council function. **Section 10.6** contains routine change. *Board of Commissioners* will also be changed to *city council* in the title. Sections **10.7, 10.8** contained routine changes.

**Section 10.23 on Page 142 under Electric Power Board** contained routine changes, as well as **Section 10.28 on Page 144**. A typographical error (*fro to for*) was found in **Section 10.29, Page 145**. **Section 10.31** contained the routine change.

The next section was **Title II, Ordinances and Resolutions**, beginning with **Section 11.1, Page 151**, which contained the routine change, as did **Section 11.2, 11.3, and 11.4**. **Section 11.4** also contained the change from *three to five members*. This section dealt with when an Ordinance takes effect, and Attorney Nelson explained that the purpose of two weeks is to give time for a petition against; in case of an emergency in regards to health or safety, the Ordinance would become effective immediately. **Section 11.5, Page 152**, *in open meeting* was taken out and in place of *mayor or mayor pro tem, and at least one other commissioner* was added *council chairperson, vice-chairperson or chairperson pro tempore* in regards to the signing of Ordinances. *Thereupon be delivered to the auditor, whose duty it shall be to copy it in a book to be kept for that purpose, together with the signatures of said mayor and commissioners* was replaced with *also be approved or vetoed by the mayor and shall then be delivered to the clerk of the city council*. Attorney Nelson explained that whomever chairs the council meeting is the one to sign the ordinances, and they can only be vetoed once by the mayor. **Section 11.6 on Page 154 speaks to Veto power of the Mayor** and routine changes were made along with *but in all such cases the mayor shall not be deprived of his right to vote as a member of said board by reason of the veto* was taken out.

Attorney Nelson explained that the real purpose of the Veto Section is that if after an Ordinance is passed, a mistake is realized, and the Mayor can stop it. **Section 11.8** contained the routine change and **Section 11.9** changes the number from *three to five members*. **Sections 11.10 and 11.11** contained the routine changes, as did **Section 11.12**. **Sections 11.24 and 11.25 on Pages 157 and 158** also contained routine changes.

The next section covered was **Title 12, Planning, Zoning and Development**. Attorney Nelson explained that this entire section needs to come out as this is now covered by State law, but this is not the time to do it. **Sections 12.8 and 12.10 on Page 162** contains the routine changes. Councilman Hakeem asked if this was already superseded by the State. Attorney Nelson explained that they do not say “supersede”, but we do follow State Law. Chairman Littlefield noted that it was better to have the language if the State Law gets amended. **Section 12.26 on Page 166** changes *building commissioner* to *mayor* and deletes *operating under the commission form of government*. **Section 12.38 on Page 166 and Page 167** contained routine changes.

The next section was **Title 13 (Police and Firemen)**. Attorney Nelson noted that this section was relatively clean as it had been amended several times. **In Section 13.13, Page 171**, the word *discharged* was changed to *damaged*. **Section 13.64 on Page 175** contained routine changes. **Section 13.65** also contained routine changes. Adm. Boney stated that the Pension Contribution section should be re-written. **Section 13.67** was a routine change.

**The next Section covered was Title 14, Public Utilities. Section 14.1 on Page 190** contained a routine change as did **Section 14.3 on Page 192**.

**Title 15 on Page 198 dealt with Public Works, Streets, Sewers and Airports. Section 15.1** contained a change in the caption that deleted *and commissioner of* and inserted *relative to. Board of commissioners* was changed to *City of Chattanooga* along with a routine change. *Board* was changed to *council* and *commissioner of public works, streets and airports, subject to the authority of the board of commissioners* was changed to *mayor*. **Section 15. 2** contained the routine changes, with Attorney Nelson explaining that we are now operating under the Airport Authority of the Tennessee Code. **Sections 15.3, 15.4, 15.6, 15.7 and 15.19** contained routine changes.

Attorney Nelson stated that he wanted to have time to make a full accounting for all changes adopted in the last 12 years.

**Section 15.50 on Page 211** contained a routine change. **Section 15.62** contained a routine change plus changing *board* to *council* and deleting *commissioner of the department of public works, streets and airports* and putting in its place *mayor*. **Section 15.63** contained similar changes along with changing *auditor* to *city finance officer*.

The last section dealt with was **Title 16, Railroads** and **Sections 16.1 and 16.2** contained the routine changes. Councilman Hakeem asked if railroads have easements. Attorney Nelson responded that in a lot of cases there are easements.

It was noted that **Title 17 on Education** is gone.

Councilman Hakeem asked Attorney Nelson if when he put in the Section for the Court Order if it would be a different color or underlined. Attorney Nelson responded “no”; that it would be just one clean copy. Councilman Hakeem asked if when something is amended out, like the Section on Education, do we maintain the old version of the Charter. Attorney Nelson stated that their office has historical copies of the Code on file.

Chairman Littlefield stated that no action was required today; that we will have the finished copy in two weeks. He stated that there would be another Legal and Legislative Committee meeting next week, and we will deal with the Noise Ordinance.

### **DOWNTOWN URBAN DEVELOPMENT PLAN**

Ms. Karen Hundt was present to go over three Resolutions on tonight’s agenda relative to professional services for the Downtown Urban Development Plan. She explained that these were three consultants they were bringing in to help with this, which is basically an in-house study.

Chairman Littlefield stated that Richard Rothman was an excellent semi-retired architect from Atlanta; that it is good talent that we are taking advantage of. He noted that Mark DeKay was a professor from UT Knoxville. Ms. Hundt added that Mr. DeKay would have students working with him this summer. Chairman Littlefield noted that the third contract was with Kennedy & Associates (Jim Kennedy). The three contracts total \$45,200.00, and Ms. Hundt noted that the money is already there.

Councilman Benson asked how this dovetailed with the Riverfront plans. Ms. Hundt responded “very well”—that the waterfront plan was for a specific area, as was the Southside Plan and the two-way conversion on M.L.K.; that it was all part of the larger downtown area; that this ties it all together. Councilman Benson asked if this would superimpose something on the Riverfront Plan. Ms. Hundt indicated that they were way ahead of them, prompting Councilman Benson to ask would it be vice versa, and she stated that she did not think so. Councilman Benson verified the three costs--\$20,000, \$12,000, and \$13,200.00. Chairman Littlefield added that this was based on an hourly rate

Councilman Lively asked what we were looking for from these people. Ms. Hundt responded that Jim Kennedy will help us with public involvement; Mark DeKay's expertise is in Urban Design and Ecological issues—stormwater might be one thing he will work on; Richard Rothman will work on special initiatives and will work with Public Works to see that things get implemented and will work out details.

Councilman Hakeem asked if Mr. Rothman was out of Georgia. Chairman Littlefield pointed out that it is North Georgia, which is in the Chattanooga metropolitan area.

Councilman Benson stated that when they were working on the Hamilton Place Plan, there was one person assigned from RPA and confirmed that Ms. Hundt would be the catalyst on this project.

**On motion of Councilman Benson, seconded by Councilman Pierce, these three Resolutions will be recommended to the full Council for approval, as the money is already there.**

#### **DOWNTOWN HOUSING DEVELOPMENT PLAN**

Attorney Nelson stated that he was amending the Downtown Housing Plan; that the County Resolution put a \$250 fee in there and had asked that we also include a \$250 fee. This is for the application process, and in order to get the process started, the County put in a \$250.00 fee to be paid to the Health and Education Board, and the city's would be paid to the Industrial Development Board, which is our health board. He stated that we had had a \$250.00 fee for bond issue to the Industrial Development Board for a long time to cover the expenses for advertising; such fees tend to discourage frivolous people. He stated that he had redrafted our Resolution to coincide with the County.

**On motion of Councilman Littlefield, seconded by Councilman Hakeem, this will be recommended for approval by the full Council.**

Ms. Hundt mentioned the Downtown Plan 2003 Kick-Off on April 4<sup>th</sup> from 7:45 a.m. to 9:00 a.m. at the Chattanooga Choo Choo Imperial Ball Room.

The meeting adjourned at 4:00 P.M.

