

LEGAL AND LEGISLATIVE COMMITTEE

July 21, 2009

3:15 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Benson, Berz, McGary, Gilbert, Rico, Robinson, Scott, and Ladd present. City Attorneys Michael McMahan and Phil Noblett were also present, as was Shirley Crownover, Assistant Clerk to the Council.

On motion of Councilwoman Robinson, seconded by Councilman McGary, the minutes of the Legal and Legislative Committee meeting for July 7, 2009, were approved as published.

ANNEXATION BRIEFING

A Power Point Annexation by Ordinance Briefing was presented by Attorney Phil Noblett (a copy of this presentation is made a part of this minute material). It was explained that this was a general discussion of procedures of "How to do it" rather than specific areas under consideration. Councilmembers were admonished to be mindful of the Sunshine Law and not to have discussions concerning this with fellow councilmembers outside of public meetings. Attorney Noblett went over legal procedures and timeline, showing a map and the 1998 Urban Growth Boundary, which was to be accomplished in a 20-year period. Adm. Leach helped on WWTA responsibility and their prerogative with ceding rights. Mayor Littlefield added that this is a jurisdictional question as to whether to retain rights or turn it over to the City. He added that tax money was not used but fees.

Councilman McGary questioned if annexation would die if the Council did not adopt the Plan of Services? Attorney Noblett noted that it would not necessarily die but could be brought up at a later time. Councilwoman Scott wanted to know if the information presented today would be available on a website, with Mayor Littlefield stating that this could be accomplished. Councilman Gilbert wanted to know who would pay for this and was told rate payers, with Adm. Leach adding that on new development, the developer pays. Councilman Benson noted that there were some areas the City does not want to annex. In regards to the Public Hearing, Councilman McGary wanted to know if this was ceremonial or if citizens actually had the power to stop it? It was noted that the Council makes the decision. In regards to the Plan of Services, it was noted that this includes Fire, Water in area, Police, Refuse Collection, Stormwater, Traffic Engineering, Recreation, Planning and Zoning, and Animal Control. Changes in demographics were also discussed. Annexation Ordinances could be effective by October of 2009.

VARIOUS CODE AMENDMENTS

Gary Hilbert, Director of Land Development, was present to go over adoption of Building Codes, which are minimum standards that are broadly adopted across the country. Mr. Hilbert briefly discussed the Ordinance dealing with Sign Permits, which is the City's own Sign Code. It was noted that we are currently under the 2003 Edition and this brings us to the 2006 Edition, which is the State standard. These Building Codes go on a three-year cycle. Councilman Benson required more specifics, stating that he was not ready to vote and more time should be devoted. He agreed to do this on an individual basis with Mr. Hilbert and Dallas Rucker, Chief Building Official. Pertaining to questions regarding quality, Mr. Hilbert explained that minimum standards do not address aesthetics. Councilwoman Berz questioned if we could not go beyond State Standards in order to raise quality? Councilwoman Robinson was also concerned with quality and LEED certification. It was noted that a Green Building Code will not be available until 2012 but in the meantime we can encourage LEED standards. Councilman McGary asked about a stand-alone Green Code and was told someone would have to write it, and it was not felt that this was necessary. Chairman Murphy mentioned requiring garbage disposals, with Councilman Rico feeling this was too much government. It was determined that adoption of these Codes will be on next week's agenda.

TAXI REGULATIONS

Timothy Duckett of Millennium Cabs was present concerning this issue, noting that there is a shortage of cab drivers, questioning the requirement of criminal background checks, citing no problems in this city would cab drivers. It was noted that the Ordinance had been changed from a 3-year felony ban to 10-year, and Mr. Duckett was advocating a 5-year ban to make it consistent, stating that drivers should be given an opportunity to work in the Taxi Industry with a Probationary Period. He noted that there had been maybe one incident with Councilman Rico disagreeing, stating that there had been many complaints from citizens. Councilwoman Berz asked if people who owned cab companies were vetted but drivers were not? Councilman Benson noted that it takes a tough person to drive a cab, and it is not realistic to require they have no criminal record—that if the owner has a clean record, he is the role model and should use discretion with his drivers; that safety of our citizens is the main goal. Councilman Gilbert agreed that people should be given an opportunity, even with a felony charge. Mr. Duckett agreed that sexual crimes should be taken into consideration but that other felony charges should be considered on a case-by-case basis as since 1992 there had been few incidents even though there were some complaints. It was noted that a six-month probationary period is the norm. Councilwoman Berz questioned the City's liability if we make a wrong guess about a felon. Attorney McMahan stated no liability, but we could get sued. Councilman Rico, while advocating a second chance, still felt that the Taxi Industry should tighten up.

Chairman Murphy indicated that his two main concerns were prior sexual offenses and people leaving things in cabs and not being able to retrieve them. Mr. Duckett responded that they knew who was driving the cabs if something was kept that was left and some times people lied about leaving articles. He acknowledged that the Taxi Industry was confusing to manage but questioned a \$250 per person charge for drug testing and background testing on people least able to afford it. Councilman Rico felt that the company should pay this fee and not the driver; however Mr. Duckett felt this would be cost prohibitive. Chairman Murphy asked that Mr. Duckett send his concerns to him, stating that today's conversation was a good starting point.

STREET RE-NAMING POLICY

It was noted that the policy involving prefixes needed to be modified. Adm. Leach noted that the document (policy) had been vetted by the emergency people and also Public Works in regards to prefixes, suffixes and names that sound alike—that a county-wide policy had been adopted as emergency services need good, distinctive addresses. Chairman Murphy questioned the need to change if numbers do not overlap, with Mr. Norris noting problems with suffixes such as Pike and Drive. He went on to say that people who call 911 are often “not in their right mind” and words sound alike. He noted that there would not be wholesale changes—that this goes to the GIS people, and we get calls from the post office and utilities and that they are acting in accordance with the regulations that the Council adopted. Chairman Murphy noted that these changes are being made piecemeal, with Attorney McMahan stating that it would be better to go ahead and make all the changes or change the law. Councilman Benson agreed we needed to either change the Ordinance or comply. Councilwoman Scott acknowledged that people who call 911 are upset but questioned why 911 could not type in the first word and then the second. She asked that Mr. Haynes from her district speak to this issue.

Mr. Haynes noted that his address had been changed three times and was up for the fourth change. He felt that problems only cropped up when there were dual street numbers or duplicate cross streets.

Ms. Madison suggested that we invite 911 to come and speak to this issue, with Mr. Norris agreeing to bring John Stuermer back. Chairman Murphy suggested that we get the 911 people here on August 11th.

The meeting adjourned at 5:00 p.m.