

LEGAL AND LEGISLATIVE/SAFETY COMMITTEE

June 21, 2011

5:30 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative/Safety Committee to order with Councilpersons Scott, Rico, Ladd, Gilbert, Robinson, Benson, and McGary present. City Attorneys Michael McMahan and Melinda Foster and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Johnny Feagans, Fire Marshall Whitmire, Daisy Madison, Larry Zehnder, Richard Beeland, John Bridger, Stan Sewell, David Johnson, and Chief Parker.

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

SURPLUS PROPERTY—CNE PARK

Chairman Murphy turned the meeting over to a representative of CNE, Mr. Wilkinson. Mr. Wilkinson explained that this was a Park Project that CNE was doing along with Glenwood and will be carried out at 2419 East 3rd St. This is a piece of land owned by both the City and the County. CNE had been working on getting support and had received donated site work and donated playground equipment. The property is abandoned, and the Park will add real value—add property value. He presented handouts to the Council.

Councilman Gilbert asked who was building the Park and who would maintain it? Mr. Wilkinson responded that they would build it and would ask for funding for maintenance to be donated. After that, the Neighborhood Association would maintain the Park. Councilman Gilbert stated that it sounded like a win-win for us; that the City can utilize this, and we don't have to maintain it—that no money is involved. Mr. Wilkinson stated that local groups would help them—that it was a fun and exciting project. Councilman Gilbert stated that he appreciated this—that it was free and for the community.

Chairman Murphy asked if the Council had time to table this? Mr. Wilkinson responded that the County Commission voted for this; that they would like the matter settled tonight in order for fund raising to take place and also time to get volunteers. Chairman Murphy asked if this was coinciding with their 25th Anniversary Celebration, and Mr. Wilkinson stated that it was in line with this; that this was their 25th year in affiliation with the neighborhood.

Councilwoman Scott asked if there was a contract or agreement on this? Chairman Murphy noted that this was referenced in their back-up material; that we would deed this property to CNE, and it does not need a contract. She asked if we would have to use the minutes being taken as verification that we would not have to maintain this; that she did not want any

misunderstanding if the property is transferred—that we will have no liability or maintenance. She asked if we would own any part of this and was told “no”.

Councilwoman Ladd had a concern and asked if we don't need to look at the finances if this is put back on the tax rolls. Chairman Murphy noted that Parks do pay taxes. She asked if this would be a private park? Chairman Murphy stated that Highland Park Association pays taxes on their park. Councilwoman Ladd stated that she wanted to make sure that the finances are there; that there was an investment in demolition of this. She questioned what we would gain on this property if we sold it and the value of it being back on the tax rolls. She stated that she did not want to forego an opportunity to capture a cost.

Mr. Johnson mentioned liens of \$30,000 and what it would cost if we had to maintain this property. He stated that they were not against a Park; that the Mayor had asked to delay this a week so that he could look at it; that he would want this deeded so that we don't get the property back for maintenance; that if that were the case, he would not agree to the Park; that we don't want to maintain it.

Mr. Wilkinson stated that this would not be in the Parks and Recreation Dept.; that they were raising private funding to keep it up and maintain this.

Chairman Murphy stated that \$21,000 was the assessed value. Mr. Johnson stated that we were not likely to recoup this money.

Chairman Murphy thanked CNE for coming.

Attorney McMahan had another matter, stating that he had sent a memo to the Council; that Attorney Freiberg had been at the meeting to discuss this but had to leave; that he would bring it up at tonight's meeting.

At this point, Attorney McMahan wanted everyone to have the opportunity to meet their new attorney, Melinda Foster.

The meeting adjourned at 5:40 P.M.