

LEGAL, LEGISLATIVE AND SAFETY COMMITTEE

JULY 19, 2011

3:30 P.M.

In the absence of Councilman Murphy, Chairman, Councilwoman Ladd called the meeting of the Legal and Legislative Committee to order with Councilpersons Scott, Rico, Benson, Berz, Robinson, and Gilbert present. Councilman McGary joined the meeting later. City Attorney Phil Noblett and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Chief Parker, Johnny Feagan, Toney Sammons, Chief Carroll, Mark Keil, Beverly Johnson, Karen Rennich, Larry Zender, Dickie Hutsell, and Chief Dodd. Attorney Fritz joined the meeting later.

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

Councilwoman Ladd noted that Beer Regulations for Caterers was supposed to be covered today and asked if there was any discussion on this.

Councilman Rico questioned how the Council could discuss this if there was no one present to discuss this with? Councilwoman Ladd stated that she did not know what Councilman Murphy had done in regards to getting people here today. She noted that Councilwoman Scott was "spearheading" a Beer Board Regulation effort.

Councilwoman Scott stated that they had not done anything but have the first meeting concerning this; that the Beer Board approves this, and there seems to be no problems; that she did not know anything about the Caterers' issue.

Attorney Noblett stated that he had thought that Attorney Ken Fritz would be here; that he wanted to make sure there was no "hole" in the material and also that there are provisions to allow the Beer Board to issue suspensions. He stated that there were two changes before the Beer Board.

Councilwoman Berz stated that she had sat in on a Beer Board meeting; that we needed someone from the Beer Board or Attorney Fritz to say that this is a problem and how we are going to fix it. She stated that there was more awareness with the problems, and they needed to let us know where they are and tell us what the problem is and how it is to be corrected; that she would have thought someone would have been here; that she would appreciate a presentation as to the knowledge that there is a "hole", and how they planned to fix it.

Councilman Rico stated that we needed to have the inspectors here; that he would like to hear from them as to the problem and how we can fix it.

Councilwoman Ladd stated that she would pass this on to Councilman Murphy so that he could have folks available.

Councilwoman Scott stated that she would like to know (under g) about the definition of a catering business—whether it was a permanent catering hall and one that does not move about? Attorney Noblett noted that the preparation of food would have to take place somewhere—that it could be away from the location; that he did not know if this definition included trailers. Councilwoman Scott reiterated that she would like to know how this is defined—whether it was a complete and adequate kitchen with the necessary plumbing and refrigeration; that she would like some clarification; that it all might be fine, but she would like to know. Attorney Noblett noted that Title 20 regulates trailers that have to be reviewed by the Health Department—that there are some regulations dealing with trailers that are selling food.

Councilman Benson stated that there were two issues that Attorney Fritz could address: (1) The catering issue and (2) Non-English speaking people who are license holders, which is a problem—that there might be several ways to settle this, and it needs to be addressed.

Councilwoman Scott stated that she would gather information and have the Task Force chat about this—that it was on the “radar”.

Councilwoman Ladd, at this point, noted that Chief Dodd was present and asked him if he would like to address the Council on this issue. He stated that he would like to answer some questions about caterers; that some of the after-hours clubs have food service, and if they have a caterer’s license, they can offer beverages.

Councilwoman Berz stated that this had just come up—that there was a complaint against a club; that the question was “if they served food—catering—could they also serve liquor? Chief Dodd responded “not legally”—that they were “brown bagging”. Councilwoman Berz noted that if they catered, they did serve liquor, and this was the “hole” that needed to be filled.

Attorney Fritz joined the meeting at this point and explained that a caterer could get an ABC License and go anywhere in the city; however they needed a Beer Permit to sell beer.

Councilwoman Berz mentioned those that served drinks until 11:00 P.M. and really later and saying that they are catering and using brown bags. Attorney Fritz responded that this was not what they were addressing. She asked if they served up until 12:00 P.M. and Attorney Fritz stated that they would need a Beer Permit. Councilwoman Berz pointed out that they were working under the Night Club Ordinance. Attorney Fritz stated that he did not think he understood her question. She again stated that they were serving beer until 11:00 P.M. and then if they stayed until 12:00 P.M. and 1:00 A.M. with food, could they charge at the door and let people brown bag?

Chief Dodd explained that Liquor is a separate license; that we could shut them down; that if a person runs a restaurant and does not say catering, they can sell soft drinks and beer and don't have to have a Beer License—that we are trying to close this loophole up.

Attorney Fritz noted that caterers are selling beer and liquor—that they can sell beer but have to have local Beer Permit; that caterers have to have a Beer Permit to sell in Chattanooga.

Attorney Noblett mentioned to Attorney Fritz that he had mentioned suspensions, as well. Attorney Fritz stated if they had problems before the Beer Board with due cause, they could be suspended or their license revoked for due cause.

Councilwoman Ladd stated that the Council needed to hear this information.

Attorney Fritz stated that they had identified 12 caterers; that we were trying to make sure that they have a Beer Permit.

At this point, Councilman McGary raised another issue, stating that he had been mistaken; that he had thought the Multi-Culture Chamber would have a discussion at the committee meeting but there was nothing on the committee agenda for this; that there needed to be some subsequent discussion, and he wanted to know where—committee or where else?

Councilwoman Ladd responded that she had spoken to Carol O'Neal concerning this; that she was not aware of any presentation that they would be making; that the Council had asked for something in writing regarding the 18 questions; that Councilwoman Berz had a Budget meeting today, and she thought they had planned on talking at her meeting; however Councilwoman Berz indicated that this was a working session only. She reiterated that the 18 questions needed to be answered in writing and that there was no place designated for a formal presentation; that they could come and speak at the end of the agenda tonight. Councilman Benson stated that if this was a motion, he would second it, stating that the Council had wanted answers to the questions by tonight.

Councilman McGary stated that that was his understanding, also; that he had hoped we would have the answers by Monday, but we did need them by tonight. Councilwoman Ladd asked if it was his understanding that they should be presented in writing? Councilman McGary stated that he would like to be enlightened as to how the Council, as a body, would proceed with this information.

Councilwoman Berz stated that Mr. Taylor and his group would be here tonight and would have their answers in writing by tonight; that the Council would have no time to review anything; that she thought the original should go to Mr. Sewell or the Mayor's Office; that they had told her they would be here tonight, but she had no further information.

Councilwoman Ladd outlined what she would do; that she would get a motion and second and open this up for discussion; that if any of the Council had any questions to ask, members of this group could be asked to come forward; that any discussion would be generated from the Council—that they would not be there making a presentation.

Councilman McGary wanted to know substantially when they would be allowed to speak? Councilwoman Ladd noted that the only place that this could be discussed would be during the second vote of the Council on the Budget amendment; that we would have to carry on the business on the agenda; that at this time it could be open for discussion, and this group could be brought forward for questions.

Councilwoman Scott stated that she had another topic, asking if the proposed Capital Budget would be on the website? Ms. Madison responded that they would post it.

The meeting adjourned at 3:45 P.M.