AGENDA SESSION  
MARCH 8, 2011  
3:00 P.M.

Chairman Rico called the meeting of the Agenda Session to order with Councilpersons Scott, Robinson, Benson, Gilbert and Murphy present. Councilman McGary joined the meeting later. City Attorney Phil Noblette and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Chief Flynn, Chief Whitmire, Richard Beeland, Dickie Hutsell, Larry Zehnder, Alice Caneli, Mike Patrick, Tony Boyd, Lee Norris, Steve Leach, Gary Hilbert, Dennis Malone, Bill Payne, Susan DuBose, Jean Smith, Paul Page, and Justin Holland. Greg Haynes, John Bridger, Beverly Johnson and Sandra Gober joined the meeting later.

Mr. Johnson proceeded to go over agenda items, beginning with Ordinance V(a) relative to bulky trash and residential yard trash. He asked for questions. Councilwoman Scott stated that she thought the Council had received a new revision of the Trash Ordinance; that she still had concerns and problems and would like some clarification—that it says if one has over 128 cubic feet, they would have to haul off their own brush; that it seemed to her we were cutting down on services.

Justin Holland explained that this was an increase in size; that previously it had been 6 ft. in length and 6” in diameter and now they were collecting a larger amount of debris; that there was a limited cubic footage that could be collected.

Councilwoman Scott asked if Mr. Holland had the new proposed Ordinance in front of him? He indicated he had the version that eliminated section 7 and 8. She asked if his version indicated that the owner had to dispose of brush at his own expense? She mentioned that if a tree fell, and the pile was 4 x 4 x 8 and required two piles that they would not come back for the second pile? She questioned if the property owner would have to hold the second portion, and it could not be held for more than 48 hours in advance. She stated that it seemed we are adding more and more regulations on “when, how and where”. Mr. Holland agreed that the 48 hours was new. Councilwoman Scott told of a person calling her who said that a brush truck passed his house after he had called 311 and was told it would be within 1-5 days; however it is saying on Page 3 of (b) that the brush can remain at no residence more than 48 hours in advance. She wanted to know how this could work? Mr. Holland explained that this means before it is scheduled. She questioned if a tree fell, if the property owner would have to store it? Mr. Holland explained that they could cut it up and call 311, and the City would collect it. She asked if it could be no earlier than 48 hours? Mr. Holland explained that this is the same as Trash Flash; that people call them and schedule for them to pick up; that if it is not collected in 48 hours, they could be subject to a warning and have seven days after the warning.
Councilwoman Scott stated that it just seemed more and more difficult to get brush collected—that the rules were detailed and specific and residents are frustrated, and there are continual complaints on “Brush on Demand”; that piles have to be measured and people are not getting service because of all the problems. She stated that she could not say how many times she has said to people “piles of 4 x 4 x 6” and all in one place and three ft. away; that there seemed to be more and more rules on brush collection—that it rivaled the IRS. She went on to say that then the property has to be occupied to get brush collected; that this is making it more difficult for people who have vacant lots, and they are paying taxes, too.

Mr. Holland explained that this rule is because we have landlords living out of town.

Councilwoman Scott stated that this was a disincentive, and she was sorry to have to say that this needs to be more friendly for our folks, and we were not “there” with this particular Ordinance.

Councilman Gilbert stated that he supported Councilwoman Scott, questioning the 48 hour rule.

Mr. Holland explained that this is after one has called for brush to be collected; that people were warned that they were coming, and this is educational; that this is all meant to educate the public on the process and not a means to cite them to court.

Councilman Gilbert stated that brush is difficult; that trees and limbs will fall; and if everything is put out there, the resident can be fined—that he thought this was counter-productive. Mr. Holland explained that they would collect what they can when they are there; that most often when they have to leave something, they will log it and come back.

Councilman Murphy noted that the customer service standpoint is driven by Public Works’ requirements; that he had helped neighbors cut up trees and it is quixotic to have neighbors and friends doing the work and meeting the rules as to piles and distance and being able to have an understanding that this is okay. He questioned why multiple piles are not allowed. Mr. Holland explained that the capacity could not be larger than the size of the truck. Councilman Murphy still questioned waiting for one pile and then another pile—that we could make the regulation pile times three. Mr. Holland agreed that this could be done—that the brush department had been working overtime during the storms. Councilman Murphy stated that rules should reflect functional reality. Mr. Holland stated that this Ordinance could be redrafted to functional reality; that all they were trying to do was to codify their policy with some means whereby residents could call brush in. Councilman Murphy noted that this was a big customer service thing. Mr. Holland agreed that there could be another draft.
Councilman Benson stated that he had one question—that there was a lady down the street from him whose husband had died, and asked if she would have to cut her own brush in order for the City to pull it away? Mr. Holland explained that that section was deleted last week.

Councilwoman Scott stated that she was not requesting that the City pick up brush for contractors but if one owned property, whether they occupied it or not, they paid taxes, and if they put out brush, it should be picked up if one calls 311; that they property should not have to have a structure as long as there is a property owner; that we need to take care of our elderly people and if a truck is run on a particular street and there are two piles, the truck should get both piles; that we wanted to keep our streets as clean and efficient as possible; that this should be a customer friendly service, and we should not whittle away too much of this service. She told Mr. Holland that she would be happy to work with him on drafting this Ordinance so that it would not create problems.

Ordinance (b) is relative to Personnel Hearings and Administrative Law Judges. Attorney Noblett stated that this had been revised since last week and would need a motion to substitute.

Ordinance VI (a) First Reading amends the Budget Ordinance pertaining to sewer rates and was covered in Public Works last week. Ordinances (b) thru (j) are zoning issues.

Resolution (a) allows Neighborhood Services to hire an appraiser. Resolution (b) approves the acceptance and distribution of Community Development Block Grant funds and HOME Investment Partnership Act Funds from HUD for Fiscal Year 2011-2012. Resolutions (c) thru (e) were discussed in Public Works Committee last week.

Councilman McGary asked if the funds in Resolution (b) had been awarded? Mr. Johnson explained that this shows the allocations, and these will have to be advertised—that there is a time issue.

Resolution (f) is a Special Exceptions Permit for Byurnis Mays, Jr. for a residential home for handicapped and/or aged persons on a commercial basis on property located at 4609 Lockington Lane. Planning is recommending that this be denied.

Resolution (g) is a Parks and Recreation issue and is to enter into a lease agreement with the North Chickamauga Creek Conservancy for the lease of one room within an existing structure for office space at Greenway Farms at the rate of $100.00 per month for a term of one year. Councilwoman Scott asked if this fee was all-inclusive? She stated that she assumed it was. Adm. Zehnder responded “no”—that the utilities are extra and a percentage of the total house.
AGENDA ITEMS FOR MARCH 15TH

Ordinance 6(a) First Reading is a closure and abandonment for William H. Wilkerson.

Resolution (a) is a Fire Prevention and Safety Grant from FEMA in the amount of $47,980, which we do almost every year. Councilwoman Scott stated that in reading this, it looks like a FEMA Grant for college student safety and she wondered if this related to dormitories? Chief Whitmire explained that this is for educational purposes and is a Fire Safety Class. She confirmed that it was a FEMA Grant for safety on fire.

Resolutions (b) through (h) are Public Works’ items that will be discussed next week.

Councilman Gilbert asked that Resolution (b) relative to the Wilcox Tunnel be deferred until March 22nd.

Councilwoman Scott had a question about Resolution © relating to the 21st Century Waterfront Ross’s Landing Riverfront Parkway. She wanted to know if this related to the “hard edge” and the lawsuit? Mr. Johnson noted that it did cover the “hard edge”. Councilwoman Scott stated that she thought we had already “dived” down—that she thought we had already done this. She asked if we were doing this again? Mr. Payne explained that TVA has a Diving Contractor that we hired and once they had made a correlation, we have to do an analysis and do our diving again for testing purposes—that additional diving was necessary. She asked if this was related to the lawsuit or fixing this and was told “both”.

Councilman Benson asked how much money we have had to spend on the waterfront and was told by Dan Johnson “$2 million dollars”.

Councilman Gilbert asked for more explanation on Resolution (d) for the Brainerd Levee FEMA Compliance Determination. Mr. Payne explained that the Compliance was necessary under Federal rules, and this has to be certified; that this is our first time for a Compliance Determination; that it usually has to be done every 10-12 years; that there is a FEMA contractor in place that reviews all the models—that it does not go behind the levee but the contours as they exist. Councilman Gilbert asked if there was any Study in progress on the area that we are having problems with? Mr. Payne responded “just this FEMA Study”, where they are updating existing models.

Mr. Johnson proceeded to go over purchases beginning with a purchase of Radar Speed Displays for Public Works from Radarsign, LLC in the amount of $28,000. The next purchase was for Parks and Recreation and a blanket contract to purchase marking Marble dust from Southern Athletic Fields in the amount of approximately $15,000 annually; The third purchase was for Public Works and a contract for rental equipment from three different companies for
approximately $80,000 annually; next was for General Services and a contract for structured cabling from Integrated Networking Technologies for an estimated $100,000; next was a contract for Public Works for roll-out waste containers from Otto Environmental Systems for an estimated $150,000 annually; the next purchase was for Information Services and a contract to purchase servers hardware and software from Dell Marketing, L.P. for an estimated $150,000.00; the next was for the Personnel Dept. for Offsite Computer Training Classes from New Horizons Computer Learning Centers for an estimated $20,000; and the last purchase was for Public Works and an excavator with bucket from Mid-South Equipment Co. in the amount of $88,900.00.

There were three Board Appointments to the Tree Commission.

The meeting adjourned at 3:35 P.M.