

**PUBLIC WORKS COMMITTEE**  
**NOVEMBER 14, 2006**  
**4:00 P.M.**

Councilman Rico, Chairman, called the meeting of the Public Works Committee to order, with Councilmen Page, Bennett, Benson, Rutherford, Pierce, Robinson, and Gaines present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Daisy Madison, Marie Chinery, Steve Leach, Bill Payne, Paul Page, Joe Booth, Jerry Stewart, Jim Templeton, and Lee Norris. Michelle Michaud joined the meeting later.

**AGENDA ITEMS FOR NOVEMBER 14, 2006**

As Mr. Page had to leave, Adm. Leach moved **Resolution 7(e)** on next week's agenda to the front of the meeting. This Resolution authorizes the Director of General Services to enter into a contract with Artech Design Group, Inc. for architectural, engineering, and interior design services for the renovation of the Outdoor Chattanooga Building at Coolidge Park in an amount not to exceed \$42,878.00. Mr. Page explained that this what Coolidge Park had traded; that the building was gutted and Artech Design Group had been selected. **On motion of Councilwoman Robinson, seconded by Councilman Pierce, this Resolution will be recommended for approval at next week's meeting.** Councilwoman Bennett confirmed that this was considered a professional service and was not put out for bid.

**Ordinance 5(a)** was a closure and abandonment for Jedco, LLC and was approved on first reading last week.

**Ordinance 6(b)** is a Mandatory Referral for Yerbey Concrete Construction to close and abandon a portion of the eastern right-of-way of the 3800 Block of Agawela Drive, subject to certain conditions. Adm. Leach explained that this was an area near the Airport off Shallowford Rd.; there is an extra large amount of right-of-way, and we are recommending closure and abandonment of a portion of this. We will retain a 40 ft. right-of-way. **On motion of Councilwoman Robinson, seconded by Councilwoman Bennett, this will be recommended to the full Council for approval.**

**Ordinance 6©** is a Mandatory Referral for Andy Schwall to close and abandon the unopened 3000 Block of Watauga Street, subject to certain conditions. This is an area near Rossville Blvd. and is being done so that the developer can combine property. Adm. Leach noted that we needed to retain a 20' easement.

**Ordinance 6(d)** is a Mandatory Referral for Elder Healy & Company, LLC to close and abandon an unopened alley located on the north line of the 1000 Block of Appling Street, subject to certain conditions. This is off Amnicola Highway and is subject to a BellSouth easement and also combines property for development.

**Ordinance 6(h)** is for Valor, Inc. to rezone tracts of land located in the 7600 Block of Shallowford Road from R-1 to R-4 or R-1 to O-1. Adm. Leach explained that this is actually a zoning case but involves development along Shallowford Rd.; if additional right-of-way is needed as this goes forward, we will need 17 ft. of additional right-of-way. Adm. Leach stated that he was not sure at this point whether the 17 ft. needs to be bought by the State or donated by the developer.

Attorney Nelson put forth the general rule in requesting a donation—that it may only be done legally if the developer has occasioned the need. He mentioned as an example the Bi-Lo on East Brainerd Rd. where traffic would have backed up, and we required them to donate a traffic lane to alleviate the problem. He explained that if it is just a general need, then we can't condition a rezoning on this.

Adm. Leach stated that we do need the additional right-of-way. Attorney Nelson asked him why? Adm. Leach responded that the Staff recommended that we rezone this from residential to O-1 Office Zone; that we were not discussing price but the needed right-of-way. He asked if we could get a donation or if we needed to go back to the State. Attorney Nelson reiterated that if the need for additional right-of-way is because of the development, then we could condition the rezoning, but if the need was just to serve the whole area, then that would not be sufficient.

Councilman Benson suggested that we defer this case. Councilman Page asked if the applicant was aware that additional right-of-way was needed. Mr. Payne noted that they would want to maximize their property to its fullest and 17 ft. was a lot of space.

Adm. Leach stated that it could pass on first reading tonight and this could be discussed with the applicant.

Councilman Benson asked if they had already purchased all of the property they needed, and Mr. Payne responded he did not think everything had been purchased. **On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett, the above matters will be recommended for approval by the entire Council.**

**Resolution ©** authorizes Change Order No. 2, relative to Contract No. W-05-007, Warner Park-Engel Stadium Hydraulic Modeling, with Consolidated Technologies, Inc., increasing the contract amount by \$12,000, for a revised contract amount not to exceed \$55,500.00. Adm. Leach explained that the reason for this is that we want to prepare the necessary documents for the State Revenue Fund, and this has to be in by December; that we need to move this forward, and Mr. Cate of CTI was present to answer any specific questions.

**Resolution (d)** authorizes Change Order No. 1, relative to Contract No. S-06-015-201, 720 Curve Street Remediation, with Affinity Environment Group, increasing the contract amount by \$1,663.10, for a revised contract amount not to exceed \$14,268.78. Adm. Leach explained that when we went in, we had an issue with drainage, which had caused mold; that we found more “stuff” and needed to make the necessary repairs, which increase the price of the contract.

**Resolution (e)** authorizes T-Mobile South, LLC to temporarily use a certain portion of the right-of-way at the intersection of Camden Street and Wilcox Blvd. at the western entrance to the Wilcox Tunnel to install a 40’ telecommunications tower and supporting equipment, subject to certain conditions. Adm. Leach stated that this was looked at in Staff and conditions were added to accommodate public uses and provide for screening and fencing.

**Councilwoman Rutherford moved to defer this for 2-3 weeks, adding that it was her understanding that this would have to go before the Variance Board for a variance; that the Mayor had brought up an alternative need to be looked at. This was seconded by Councilwoman Robinson.**

Councilwoman Gaines asked if we were talking about Wilcox, and the answer was “yes”, and she wanted to know how long the delay would be. Councilwoman Rutherford responded 2-3 weeks. Councilwoman Gaines indicated that she had been talking to concerned citizens about this. Adm. Leach added that there was an issue about tower line of sight. Councilwoman Rutherford stated that this would give the Mayor a good opportunity to explore this.

**On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, Resolutions © and (d) will be recommended to the full Council for approval.**

**ALBERT WATERHOUSE & RECYCLING INITIATIVES**

Adm. Leach stated that Mr. Waterhouse was present to give the Council an update on recycling.

Mr. Waterhouse stated that he welcomed input from the Council and the Mayor's Office; that we need to get more people recycling and recycling right; that right now 50% goes into the landfill, and this will be part of the education. He stated, also, that we would introduce the new centers and the schedules for pick-up and the impact of Orange Grove. He stated that this was the Plan between now and the end of the year. In 2007 and through the next 12 months there will be advertising, media, displays, and community partnerships; people will be asked to sign up to recycle and to get information in to 311. He added that today, roughly one-half of the people who recycle are not in the system. Mr. Waterhouse stated that he felt confident when they came to see the Council next time, recycling will be everywhere. He expressed that he appreciated the City's business and would love input.

Councilwoman Rico asked how we would know if people are recycling. Adm. Leach responded that it would be by inventory.

Dan Johnson added that the first nine days of the test, one-half of people recycling were not on the list and the other half were on the list; that we need to see how bad the list is and update it through the 311 System. He also noted that people would be informed of the routes.

Councilman Benson stated that he had never called 311 concerning recycling and had been recycling all along. He questioned if he was on the list. Mr. Johnson explained to him that he needed to call 311 so that they could communicate with him.

Adm. Leach stated that we appreciate Mr. Waterhouse for working with us.

Adm. Leach called on Lee Norris for a report. Mr. Norris stated that one of the things that we had been discussing since July was brush collection and a lot of people don't know when this is. He stated that Mr. Templeton had been asked to take a look at this and to get a head count of recycling. He went on to say that one of the problems was that the areas are out of balance—that these areas were established four and one-half years ago, and they had went through and looked at the areas and the number of residents and had restructured this into new service areas. (He provided a handout, which is made a part of this minute material).

The first service area is **Area One**, which is east of Highway 153 and West of Interstate 75 and includes the neighborhoods of Town Hills, Timberwyck, Northern Hills, Hixson, Big Ridge, Hamilville, Valleybrook, Windbrook, Valleybrook Park, North Shore, Murray Hills, Lake Hills, Washington Hills, Lake Vista, Tyner, Mahala Acres, and Hickory Valley. Recycling will begin the first of 2007 on Wednesdays of January 3, February 7, March 7, April 4, May 2, June 6, July 5, August 1, September 5, October 3, November 7, and December 5. A similar breakdown was done for **Area Two, Area Three, and Area Four**. Mr. Norris noted that this way we would be able to look at who is being served and also the road mileage. He noted that we were also structuring in other City services and had looked at street sweep, brush collection, and recycling that would set off in 2007. He stated that this information would go out with Mr. Watherhouse and be put out at community meetings. The information will also go out through the Neighborhood Services Newsletter, and we will also use other media outlets. He stated that he thought this would make it much more effective. Adm. Leach added that there would also be signs.

Mr. Norris went on to talk about the Recycle Logo. He mentioned something that had come out of the last district meeting of Councilwoman Rutherford—that was the use of bins for recycling; that one person said they used an old can and just wrote recycle on it. He stated that they would ask Mr. Waterhouse to get bumper stickers, which could be put on containers, which should encourage use.

### **PROPOSED PUBLIX CENTER ON CASSANDRA SMITH ROAD**

Adm. Leach passed out information concerning this, which is made a part of the minute material. He noted that a consulting engineer had discussed issues about traffic and the capacity of the roads and that we needed to go over this. Arcadis was the company responsible for conducting a traffic impact study for the proposed shopping center to be located on Hixson Pike at Cassandra Smith Road. At the request of the City they calculated the projected traffic volumes that the proposed center would generate, using nationally accepted traffic generation rates for shopping centers; they used current peak hour traffic count data, calculating the existing design year of 2007 and the future (2017) traffic capacities for the intersection of Hixson Pike at Cassandra Smith Road, with and without the proposed development, with the 2017 traffic volumes to be calculated using an annual growth rate of 2%; and, knowing that the development would have an impact on the traffic signal operations for the intersection, the consultant was asked to specifically address the impacts the development would have on the traffic queue lengths for the Cassandra Smith approach during the afternoon peak hour.

Adm. Leach showed an engineering drawing to handle the traffic.

Adm. Leach then went on to show that the Study determined the total amount of traffic which the 79,190 square foot development would generate would be 3,400 trips a day (1,700 trips in and 1,700 trips out); the afternoon peak hour would be the critical hour for a typical weekday for the development and would generate an estimated total of 296 trips during the peak hour (142 trips in and 154 trips out).; and the Capacity Study determined that, overall, the intersection would operate at an acceptable level of service during the peak hours for both the design year, 2007, and the horizon year of 2017. The Capacity Study also determined that the queue lengths for the northbound Cassandra Smith right-turn lane is currently nearing capacity in the afternoon peak hour and will be over capacity by 2017, with or without the development. The Capacity Study found that the Cassandra Smith left-turn lane storage capacity is sufficient today and, based on the consultant's traffic distribution assumptions for exiting traffic from the shopping center, the existing left-turn lane would be adequate to handle the left turn volume during the horizon year.

Adm. Leach stated that there was a lot of debate in Staff, but they believed these numbers; that they discussed this issue with the Developer, and they agreed to add a length of queue line, and we would end up with 370 ft. of storage space for queue out. Adm. Leach stated that he asked John VanWinkle to review this to see if the assumption was correct—that there was a concern if this took into consideration further development on Cassandra Smith Road, and it does. Adm. Leach stated that he wanted to let the Council have this information tonight because folks would be at the Council meeting in opposition; that he knew Councilman Page had heard about this from constituents. He reiterated that the Traffic Study had been done, and it is affirmative—we will have more queue space, and the intersection will work.

Councilman Page stated that he appreciated the work that Mr. VanWinkle had done, and also the developer—that this was a bad intersection, but this won't make it any worse; that we need the infrastructure improved. He stated that there would be a full hearing tonight, and he hoped that the Council made the best decision for the community.

Councilman Benson asked if it were a valid statement that this development won't make it any worse, and Adm. Leach responded that this was valid, because it added queue space.

Councilman Page mentioned the Big Ridge School, where the community wants to improve the entrance, which needs to be improved, and we will work toward this. He added that he did not deny the traffic, but noted that this would not make it any worse.

### **WASTE DISPOSAL CONTRACT FOR PARKS AND RECREATION**

Adm. Leach stated that he was standing in for Mr. Zehnder on the Waste Disposal Contract; that they received one bid and based on our Purchasing Agent, Mr. Settles, we need to re-design this bid and re-advertise.

Councilwoman Robinson wanted to know what we were disposing of? Adm. Leach responded normal waste at the Recreation sites.

Councilwoman Rutherford asked if this is what Mr. Zehnder wanted us to do. Adm. Leach responded that he would like to be allowed to re-design the bid. Councilman Benson asked on what basis. Adm. Leach stated that it was due to a change in specifications.

**Councilwoman Rutherford moved to allow Mr. Zehnder to change his bid request. This was seconded by Councilwoman Gaines.**

### **MTAS CODE OF ETHICS**

Attorney Nelson stated that at the last session of the General Assembly they requested that MTAS come up with a distribution to municipalities to adopt a Proposed Code of Ethics; that we have until the first of July of next year; however he felt it would be nice to do it as the first act of the new year. He added that he would have saved this until the next Legal and Legislative Committee meeting but that Chairman Benson had told him that he already had a full agenda.

Attorney Nelson passed out a proposed Code of Ethics, which is made a part of this minute material.

Councilman Benson noted that throughout the document everything reads “*may*” rather than “*shall*”, which was as weak as it could be.

Attorney Nelson stated that he would bring this up again in December; that he did not want to spring this on the Council at the last second.

Councilwoman Rutherford asked Attorney Nelson to highlight what is in this document that is not as strict as what we now have. Attorney Nelson explained that this is much more comprehensive.

Councilman Benson questioned if what we already have is firmer.

Attorney Nelson explained that Boards are supposed to be treated as part of the municipality; that we need to get this out there and make it uniform.

### **DAISY MADISON**

Ms. Madison noted that Monday of last week there was a telephone call among herself, Mayor Littlefield and others with our Rating Agency concerning the upcoming bond issue; that both of our rating agencies gave us a AA Bond Rating; that they were impressed by our willingness to formalize our policy; that we had entered into “Synthetic Debt” and were rated a (2), and as a result of this telephone call, we were updated to a (1), which was good news. She stated that when she got the formal rating, she would forward it to Council members. Councilman Pierce asked if we could not get a (0), which should be even better!!

Ms. Madison indicated that the upcoming bond issue would take place at the end of the month.

At this point Attorney Nelson asked everyone to wish Ms. Madison a HAPPY BIRTHDAY! Councilwoman Rutherford noted that this was also John VanWinkle’s Birthday.

### **RECYCLING INITIATIVES**

Councilwoman Robinson stated that she would like to make a general statement—that in reviewing our Recycling Initiatives, she would like to add one more—**That we establish a Recycle System for all City of Chattanooga Government Offices and Operations,** such as Recreation Centers.

Councilman Pierce stated that we had had cans in City Hall, and it did not work—that it is not even working in the Council Office.

Councilman Page stated that he agreed, that we needed to set an example. **Councilman Benson seconded the motion made by Councilwoman Robinson.**

The meeting was adjourned.