

PUBLIC WORKS COMMITTEE

March 6, 2007

3:00 P.M.

Councilman Rico, Chairman, called the meeting of the Public Works Committee to order, with Councilmen Benson, Rutherford, Gaines, and Page present. Councilpersons Robinson, Pierce, and Franklin joined the meeting later. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present include Adm. Leach, Bob McNutt, Lee Norris, Gary Hilbert, Jim Templeton, Dan Johnson, John Lyons, Mike Pardue, Dallas Rucker, Jerry Stewart, and Bill Payne. Greg Haynes, Barry Bennett, Phil Noblett, Daisy Madison, Dickie Hutsell, Shelley Parker, Chief Freeman Cooper, Chief Parker, Chief Nichols, and Chief Rowe joined the meeting later.

AGENDA ITEMS FOR MARCH 6, 2007

Adm. Leach stated that there were several issues to go over; that Gary Hilbert and Greg Haynes would make presentations and also there would be an update on the Landfill by John Lyons. The issue of street names and addressing would also be discussed.

He began with **Ordinance 6(b)** on tonight's agenda that closes and abandons a portion of the northern right-of-way of an alley located on the west line of proposed 500 Block of East 18th Street for CNE and Bob McNutt. He explained that the builder had one of the eaves of a house over on the alley and that they had got caught up with a Title Attorney; that the corner of the eave is in the alley about 12" to 18", and we need to reduce the alley width and allow this small section as part of CNE's property so that they can save the house. It is an error of the builder.

On motion of Councilwoman Rutherford, seconded by Councilman Page, this will be recommended to the entire Council for approval.

AGENDA ITEMS FOR MARCH 13, 2007

Resolution 7(a) authorizes Contract No. R-07-001-201, Renaissance Park Pavilion, to Pointe General Contractors, LLC in the amount of \$520,000.00, plus a contingency amount of \$30,000.00, for a total amount not to exceed \$550,000.00. This is on the North Shore and will be managed by Public Works for Parks and Recreation. It is for a pavilion. Councilwoman Rutherford asked where it was and was told on the west side. **On motion of Councilman Page, seconded by Councilwoman Gaines, this Resolution will be recommended to the full Council for approval.**

BUILDING PERMITS REPORT

Mr. Gary Hilbert made a presentation on Building Permits. He identified the problem as abandonment of construction sites, allowing them to become eyesores in the community. He noted that some research had been done on this and several things had been determined. Firstly, providing an incentive to finish construction and secondly initiating time limits; that if the construction is not completed within the specified time, the permit will become void, and a letter will be sent to the owner stating that the Permit is now void, and they either need to clean up, sell, or finish the construction. Time will be given for the owner to reply as to what they plan on doing; that if the Plan does not happen, the City can declare this a hazardous site, and it will be turned over to Neighborhood Services, and they can begin the process of demolition. Mr. Hilbert stated that they thought this would spur contractors to finish jobs or to sell the jobs. He stated that we needed to consider tracking and delivery—that if no one is working on the project, Neighborhood Services will handle it. He added that the Ordinance might need some “tweaking”, but he felt this was the best approach.

Councilwoman Rutherford asked if when a builder comes in for a permit, if they got one for each building or the entire subdivision. Mr. Hilbert responded that there would be a permit for each house.

Councilman Page asked “if John Doe” dreams of building his own home and it takes awhile, what happens to him? Mr. Hilbert responded that they did not have a good answer for this. Adm. Leach added that he would have to keep the permit current; that we could give incentives or dis-incentives; that we just don’t want debris in front yards or a concrete mixer to stay in a front yard for five years.

Councilman Benson stated that one of the biggest problems is with one person who can go on for two to three years, but as it is now, it could go on for 50 years! Adm. Leach agreed that this was true, as long as the project was still active.

Dallas Rucker added that as long as there is a good faith effort, a person has the ability to come back for an extension—such as health problems or some reason like that. He reiterated that they would have to show a good faith effort.

Mr. Hilbert stated that nothing could be done about existing conditions, but that this could go forward.

Chairman Rico asked about the Building Permit Task Force? Mr. Hilbert noted that these guidelines had been worked on by some of the people in the office.

Councilwoman Rutherford asked if any action was needed tonight. Adm. Leach responded “no”—that this was just a report, with Councilwoman Rutherford stating that she liked this.

SUBDIVISION REPORT

Mr. Greg Haynes was present to give a Subdivision Report concerning subdivision regulations and infill. He explained that Councilwoman Rutherford had asked for an explanation of subdivisions, and he had tried to think of a different “engaging” way to explain this in a light-hearted fashion. He illustrated the concept of subdivision in a very humorous way, using each Councilperson in the illustration. The final result was “Little houses with pink siding are allowed on any size lot”.

Mr. Bennett took up the discussion here, with the question “What now”? He stated that it had been a very hectic day trying to go over the most recent amendment to subdivision regulations. He admitted that he had a tendency to “ramble”, however he stated, he would try to hit a few bullet points. As way of background, he stated, the initial problem came to a head when the folks from the Washington Hills area came down about an individual and a problem with a developer subdividing property; that the same thing had happened in the Belvoir area where a less than reputable developer came in and subdivided property into smaller lots than the norm and built houses that were not up to par. He went on to say that the primary issue is one of quality and houses being incompatible with the existing subdivision. He explained that we were somewhat limited by Tennessee State Law in terms of what we can do with design review in suburbs.

He continued, stating that a good faith effort was put forth to try to come up with something, and it was determined that quality control could not be attacked, and we looked at lot size. Mr. Bennett stated that 7500 sq. ft. lots were not “evil” and were not necessarily incompatible to 10,000 sq. ft. lots; that if a developer is able to do 7500 sq. ft. lots, they can get more lots and a disreputable builder can build three shoddy houses as compared to four or five shoddy houses. He stated that looking at the lot size was the only thing open to us and part of the issue with what we found with these new subdivision regulations being amended was that if a person wanted to divide into smaller lots, you can’t subdivide into lots that are smaller than the smallest lot in the existing subdivisions.

Mr. Bennett went on to talk about problems with Staff Approved Subdivisions and major subdivisions—that if a developer’s timeline is not affected, he can attach a variance request. Another problem with a Staff Approved Subdivision, where roads exist and primary utilities, there can be a 3-4 day turnaround and that Fred Bruncker does these reviews. He mentioned one situation where a developer had already set a deadline for closing and expected Staff approval, but he missed the dead line for variance requests, and this caused him a two-month delay and this can be very critical in terms of loans and notes coming due. He reiterated the timeline issue problem with Staff Approved Subdivisions.

Mr. Bennett went on to explain that this becomes more critical when the Planning Commission is looking for criteria, and there is no objective criteria to come up with; that most variance requests have to do with topography that is abnormal or a problem with terrain, and the problem has to be non-self imposed; that all of these situations are self-imposed in that the developer wants to maximize his property, and the issue of hardship is not involved. He explained that what this is creating from a legal perspective is that we don't have objective criteria to approve or deny—that you might have one area where the developer has a reputation for poor quality and then on the other hand a very reputable developer, and they find themselves both in the same situation; that if the Planning Commission denies a variance for the disreputable builder and approves for the reputable, then it is arbitrary and capricious when there are no defined criteria—from a legal standpoint when we have no defined criteria it becomes arbitrary, and we will be sent to Court, and it will cost the City a lot of money; that if you deny one, then the quality developer also has to be denied if the circumstances are the same. He reiterated that we were having trouble finding any criteria for making a decision—that in rare cases where it might make a difference in granting a variance, there could be some reluctance to making a statement to say a 7500 sq. ft. lot is inherently bad. He mentioned as an example a townhouse development of quality that would complement single-family dwellings in a mixed-use—that it would be quality compatible if not in lot size. He explained that what we have now just allows shoddy developers to build three houses rather than five, and with being allowed to build three, the complaints won't stop, and we are hurting legitimate developers more. He stated that we needed to find a way to attack that deals with quality.

Councilman Benson suggested that we might need to throw this into another zoning category, adding that he was not ready yet to give up on the new amendment; that he did not think we should give up on quality and maybe should use conditional zoning.

Adm. Leach stated that criteria for aesthetics could only be implemented through State Law.

Councilman Benson asked about a new zone? Mr. Bennett responded that the only reasonable approach would be a whole new R-1 Zone and in that case, we would have to rezone the entire City. He mentioned amending the existing R-1 to increase the 7500 sq. ft. lot back to 10,000 sq. ft. and creating a new zone that has 7,500 sq. ft. He stated that this would create a battle with the development community—that if it were 7500 sq. ft., they would have to apply for a zoning request, and this would take three months. On the positive side, it would give the opportunity to impose conditions. He added that we would still be limited in the suburbs as to the degree of design control we can impose and would run the risk of running afoul of constitutional law.

Councilwoman Rutherford stated that we were not trying to discriminate against new construction; that if everything could be 7500 sq. ft, it would be fine—that infill housing is different; that she did not think that quality was any more important than the size of the lot; that we needed a way to address infill housing—that she was not talking about major subdivisions but about two or three houses ruining a neighborhood; that the whole City needed to be protected and not just one-half million dollar houses.

Mr. Bennett explained to her that he was just using examples; that we have to have a basis for approving one and denying another. Councilwoman Rutherford responded “in that case, deny all of them!”

Chairman Rico suggested that Planning and Public Works work together on this—that they are the professionals and know what they are doing. Councilwoman Rutherford responded “they don’t know what they are doing”—that they had designed an Ordinance that they do not feel is working.

Attorney Nelson stated that he would quickly comment on aesthetics—that two courts say a City has no ability to zone based on aesthetics, and a third case says that we need to take a look at this; that under the current established law, we can’t zone based on aesthetics; that a lot of areas take care of these problems with subdivision restrictions; that neighborhoods can take care of their own problems, but everyone has to “buy” in—that it has to be 100%, which prompted Councilman Benson to say that you can’t get 100% short of Heaven!

Chairman Rico asked if there was a solution or no solution? Adm. Leach responded that they would work on objective criteria.

Councilwoman Rutherford questioned if we could say you can’t paint a house pink!

Councilman Page stated that he would like to see people who have knowledge and influence on this problem—that he would like to see the Industry participate and the Home Builders Association to participate.

Alvin Cooke was in the audience and stated that he would like to suggest the Council looking at a Task Force to consist of the Council, Planning, Public Works, Homebuilders, Engineers, Architects, Realtors and Surveyors; that all of these people would have ideas, and we could get together all of these brains and come up with a solution; that he would consider the Task Force as one step to the solution.

Mr. Bennett stated that they agreed with Mr. Cooke, totally; that there was a problem; that there were a lot of unforeseen problems with the approach we are now taking that needs to be addressed; that other things need to be done to address this problem directly.

Councilwoman Rutherford agreed that Mr. Cooke might be correct.

Councilwoman Robinson stated that she thought what we had right now was a system that is not working the way we want it to, and it needs more work, and she would applaud the idea of a Task Force; that Planning is caught up in a net, and we need to find some relief; that we have legislated for the worst case builder, and we need to find some relief in what we have written.

Councilwoman Rutherford made the motion that we address a resolution to repeal the Ordinance that we put into effect and ask them to do this next week and get this off the table. This was seconded by Councilwoman Robinson.

Councilwoman Rutherford added that she wanted the infill issue addressed immediately.

CITY LANDFILL—AREA 3, PHASE 1 CONSTRUCTION UPDATE

John Lyons, Landfill Superintendent, made this presentation, which he stated would be short. He presented a slide of the Birchwood Pike Landfill Areas, showing the new construction in Area 3. He spoke to the combined Landfill Life Expectancies, which is approximately one year of landfill space in Area 2. The Area 3 expectancy is a total tonnage of 2,880,000 tons, with a yearly volume of 100,100 tons per year, with a life expectancy of 28 years. He presented a slide on the Overview of City Landfill Sites, showing Area 1, Area 2, and the new construction in Area 3. There is a TVA Model and a Construction and Demolition owned by EMI. He next showed where the clearing and grubbing is 100% completed, stating that the trees removed will be recycled. The next slide showed the beginning excavation.

At this point Councilwoman Robinson asked where the dirt would go, and Mr. Lyons related that he would be getting to that.

Mr. Lyons showed that the excavated site is 75% completed. Pond #2 is 85% complete. The installation of RCP Storm Drain Piping is 50% completed. Dirt will be removed during the screening operation.

In summary, the owner of Area 3 is the City of Chattanooga; the Engineer is CTI; the Contractor is Wright Brothers Construction, Inc. The start date is July 30, 2006, and the completion date is October 28, 2007, with a contract amount of \$9,342,405.73. The total amount spent to date is \$3,331,522.60.

At this point Mr. Lyons introduced Mike Pardue, who is a supervisor of Landfill.

REVISED PARKING ORDINANCE

Based on input from the Agenda Session, Attorney Nelson briefly went over changes that had been made to the Ordinance as it relates to CARTA. We will be keeping up with how much CARTA is bringing in, and we reserve this right.

At this point the Safety portion of the Committee commenced.

FIRE DEPARTMENT PURCHASE AND GRANT

Assistant Chief Parker went over a purchase of two washing machines from Laundry Systems of Carolina, which was the lowest and best bid, in the amount of \$12,359.16.

Chief Nichols discussed a grant related purchase of pharmaceuticals for First Responder from Homeland Security in the amount of \$133,733.98. This is a fully funded grant purchase and will appear on the March 20th agenda.

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the above two items will be recommended for approval by the entire Council.

At this point Councilman Benson took time to commend the Fire Department on a job well done at his house over the weekend. He was riding his lawnmower, and it caught on fire; that he was able to get off and out of the way, but all of the leaves were burning; that he called 911 immediately, and they referred him to the Fire Dept. He stated that the Fire Dept. was very, very efficient and used 300 gallons of water to save the effort.

STREET NAMES AND ADDRESSES

Adm. Leach noted that Phil Noblett, Greg Butler with the County, Chief Wendell Rowe and Chief Freeman Cooper were present in the interest of this issue; that all of these people are involved in a piece of this. He turned the meeting over to Lee Norris.

Mr. Norris noted that this had already been discussed two times and was not really a Public Works issue; however our City Engineer has responsibility for the addressing within the City and addressing within the region since 1998. He stated that we do have a vested interest and some slides would be shown of some address changes over the past year, and it would show some of the problems we are facing. He emphasized that these changes were not coming from Public Works or GIS, but we had to consider how 911 has become more of the issue. He turned the meeting over to Greg Butler, who is with the County, who presented slides.

Mr. Butler showed Lake Resort Terrace and all the problems that this caused. The solution was to re-address the entire road, starting first with the Marina that stayed the same and having to change the rest.

Councilman Page stated that one of the things that is problematic is the neighborhoods; that they need to know what is going on and some of these people have some good ideas as to what could be done. He questioned how we could get a standard way of notification and get the neighbors involved in this.

Mr. Butler explained that we were looking at this from the 911 standpoint and the Post Office; that they looked at the situation, and the Staff comes up with a resolution and then they send the address changes out.

Mr. Norris mentioned two recent instances. He stated that what he had done, after the fact, was to add to the letter an explanation of why we are changing the address; that in doing something like this in a public forum, all will have different ideas; that we have to establish the policy and lay out the addresses—we send them a letter and then go ahead and do it. He noted that when a street name changes, it comes to the City Council; that as soon as we are aware that there are addressing problems, we are liable if something happens because people cannot be found.

Councilman Page stated that he thought it was important that people have some way of understanding the process, and if they see a problem, he wanted to know whom they were supposed to call? He noted that 100's of people are involved, and he thought we should be pro-active; that they needed someone they could see and talk to about the changes, and he wanted to know whom they should call?

Mr. Norris responded to have them contact GIS or Lee Norris.

Councilman Page went on to say that this was very personal to them, and they might be seeing the problem larger than what it really is, but they were worried about their social security checks getting lost.

Councilwoman Robinson wanted to know how you answer people who say their street name stays the same but the numbers change and there are huge gaps.

Mr. Norris responded that everything is sequential and on ten ft. intervals—that there is logic to the numbering system.

Councilwoman Robinson pointed out that it could jump from 2300 to 3600 within a short space.

Councilwoman Rutherford added that where the corner should be is often in the middle of a block. She went on to say that addresses are people's personal possession, and they have invested a lot in their homes, and it is the most important possession that people have. She pointed out that often the landlord gets the letters and the tenant does not get any information about the address change; that if a person's address is changed, they have to notify utilities and all their credit cards.

Mr. Norris responded that there was a standard list; that individuals would have to contact their banks and credit cards; that mail would be delivered at the old address for 12 months, which gave a whole year, and he did not think it was such a big deal.

Councilwoman Rutherford responded that if you are 78 years old and alone, it is a great big deal!

A person from GIS attempted to give a logical reason for the gaps. He explained that the gaps existed for new addresses in the future where there might be new construction—that we make allowances for this—that it might be a terrible process, but it is a one time thing, and this was the logic behind the gaps.

The next slide with problems that Mr. Butler showed was alley access off of Whitehall and Walsh; that the people had been notified before the change, and they chose the name "Vantage Point" and then address changes were sent out.

Mr. Norris added that the address on Whitehall Rd caused a problem when there was an emergency call for service, and they gave the address as Whitehall Rd., and the emergency people did not know where to go; that the solution was to go to the common entrance and assign a name.

Councilwoman Robinson wanted to know if all this was all right with the Police and Fire Departments?

Chief Cooper responded that this was the reason we were doing all of this.

Councilwoman Robinson stated that she did not want any liability.

Chief Rowe explained that the liability would be if we left the addresses unchanged.

Councilman Pierce asked how many people it took to give a name to a street. Mr. Norris stated more than one, with Randy Nelson adding that means at least two!

The next problem area was Brelsford Rd. Mr. Norris explained that emergency people would look for odd and even numbers; that there were vacant lots with no addresses and now we had space for new addresses.

The representative of GIS mentioned changes in technology and with CAD; that CAD tells the dispatcher who to respond to, but CAD does not recognize even and odd numbers, and we can't program CAD for this to enable them to respond.

Mr. Norris next discussed Byrnewood, Brynewood, and Brywood—all names of streets, which is a nightmare. He explained that this was an epidemic all over the City, and we need to consider this.

Chief Cooper stated that all of this was just one phone call away from being an emergency.

Mr. Norris went on to talk about duplicate street names such as Spring Street, Spring Road, and Spring Ave. He stated that it was pretty evident that this would present problems in service and was not a problem that was going away.

He also mentioned broken streets—like going to the other side of the Interstate.

Chief Rowe stated that as long as there is uniformity with block numbers—that the first two instances are really pressing problems. He mentioned that Tennessee Temple uses a standard address, and the problem that existed with this became a reality when they had to assist with CPR; that we have to deal with the pressing problems, and he agreed that more of an educational process is needed and an approach as to why we are doing this.

Councilman Page mentioned a problem when people get the letter; that he understands they get mail service for an extended period of time and can make plans over the next year. He felt that they needed more understanding and support.

Mr. Norris stated that they would re-look the process and work with Mr. Butler on this. He stated that Councilman Page attended meetings that they were not invited to; that the process could be explained at the Mayor's meetings and town meetings.

Attorney Noblett explained that we had entitled the City Engineer to deal with this—that the street numbers needs to be done through the City because we deal with the emergency aspects and concerns, and emergency vehicles could be in the wrong area of town when time matters; that with a unified 911, we need the right addresses and results, and the changes have to be countywide.

Councilwoman Rutherford mentioned two things—what had happened on South Crest Rd. where the City put up some new street signs three months before anyone knew what was happening. She stated that the neighbors should be communicated with. Secondly, in District 6, when there are changes, she asked that these changes be e-mailed to her so that she could talk to her constituents; that the day Public Works knew they were making changes that she wanted these changes e-mailed to her.

Chief Cooper urged that this not be taken lightly—that we were just one phone call away from an emergency; that no one wants the emergency to be theirs; that this was being done for the right reasons, and we could not ask for everyone's opinion.

Councilman Benson mentioned Upshaw and Booker T. Washington where they were taking away the name.

It was explained that they were not renaming all of Upshaw; that it just concerned a short street that does not connect with the rest of Upshaw Drive.

Councilman Franklin asked if this did not change any home addresses and this was the only portion affected at all. He stated that all Councilpersons have situations in their districts; that he had just come from TML in Nashville and apologized for his lateness. He asked if there could be any possible notification a week or two in advance.

Mr. Payne attempted clarification, stating that this was two distinctive processes—one was street numbering; that a street name change required a referral to the Planning Commission and then would come back to the City Council.

Mr. Norris stated that he would like to end the meeting by saying that this is not a Public Works issue—that they were just the facilitator for 911 and the Fire and Police Departments. He stated that he had listened to Councilwoman Rutherford and would try to do a better job—that we had to move forward on this.

Councilwoman Rutherford responded that she wanted them to move forward but just wanted to be contacted before it happened.

Chief Rowe reiterated that we were only a phone call away from a disaster. He also thanked Councilman Benson for his kind words about his department.

OFFICER NEXT DOOR PROGRAM

Mr. Parker wanted to go over the “Officer Next Door” Program, which is a home buyer incentive; that the Council would notice on page 3 of the Resolution that this is funded by the Lyndhurst Foundation for fulltime police officers, with no interest and no payment; that we talked about this in December on Palmetto; that this was privately funded with a number of incentives; that he felt it was necessary to get the approval of the Council.

Councilman Benson questioned if this interfered with the Conflict of Interest Ordinance, adding that we had to conform to the State. Attorney Nelson agreed that this could be in conflict with the State. Councilman Benson questioned if we could make this a condition to the Ordinance.

Councilman Page indicated he would like to hear the final comments, since we were still working on this.

Councilwoman Rutherford suggested leaving this until Attorney Nelson comes back with something.

The meeting adjourned at 4:45 P.M.