

PUBLIC WORKS COMMITTEE
December 9, 2008
3:15 P.M.

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

Others present included Richard Beeland, Karen Rennich, Greg Haynes, Dennis Malone, Jerry Stewart, Jim Templeton, Gary Hilbert, Adm. Leach, Beverly Johnson, Tony Sammons, Lee Norris, Dan Johnson, Daisy Madison and Barry Bennett. Richard Hutsell joined the meeting later.

Adm. Leach first wanted Jerry Stewart to go over the purchase that was on tonight's agenda in regards to Jake Marshall, LLC. He stated that we needed to extend the coverage.

Mr. Stewart explained that this Contract for Mechanical Services was in the amount of an additional \$220,000.00, making the adjusted contract total to be \$470,000.00. He explained that this supplemented their maintenance forces as we have issues with our gas system and had to expend additional money to raise some of the wells; that we used Jake Marshall's staff to supplement our staff because we were short of maintenance mechanics, and we used their staff to supplement ours.

Councilman Page wanted to know if this was a Resolution, and it was explained to him that it was on the Purchase list. Mr. Stewart added that we were just raising the cap. Adm. Leach added that our needs are served by Jake Marshall, LLC.

Councilwoman Berz asked if we were outsourcing our mechanical services and going outside the City to hire? Mr. Stewart responded "yes"—that he did not have the staff to do this. Adm. Leach added that they had specialized equipment that we don't have in-house. Councilwoman Berz verified that these were not full-time employees and that we were not really "outsourcing" jobs.

Attorney Nelson asked if this had been bid out and was told "yes".

At this point Councilman Benson stated that a couple of years ago Mr. Stewart delivered a Sludge Report (Mr. Stewart stated that the correct terminology was Biosolids). Councilman Benson went on to say that we could not sell this because we did not have a Class A Permit; that this was two years ago and other cities are selling theirs, and we have to give it away. He asked if we were any closer to being able to make money on this? Mr. Stewart responded that it would be next budget year.

Councilman Page asked Mr. Stewart about some equipment that broke down. Mr. Stewart mentioned the conversion of five old presses; that there would be a full scale Pilot Study to demonstrate this—that we are in the process of converting all five presses to the same technology; that by April or May we should be able to do the full testing.

Councilwoman Bennett asked if this would take extra dollars and was told “yes”.

At this point Adm. Leach noted that we had one guest present to make a presentation and that he would cover the Highland Park Study last.

He then proceeded to **Ordinance 6©**, which is a closure and abandonment for C & L Rentals, LLC of a portion of the 2400 Block of 10th Ave., the 2500 Block of East 24th St., and portions of an unopened alley located off of said block of East 24th St. Adm. Leach stated that this was difficult to understand, and he had graphics with him. He turned this over to Dennis Malone.

Mr. Malone explained that C & L came to them last month, and they recommended putting in a cul-de-sac; that they had been dealing with them and working out an agreement and were now asking for a Temporary Usage to come up next week; that the applicant was putting in a gate, which would cut off access to the roadway; that part of the Temporary Usage Agreement is an 18-month timeframe.

Adm. Leach asked if this was a Mandatory Referral? Mr. Malone responded that they were abandoning 24th St. and the Temporary Usage is to put in gates.

Councilwoman Robinson inquired if the applicant owned the corner parcel? Mr. Malone responded that all residences had been demolished.

Councilman Benson asked if we had not discussed this about a year ago? Mr. Malone indicated that he was not aware of this.

Adm. Leach added that we were not prohibiting from access.

Councilwoman Robinson asked what kind of rental this was? Mr. Malone responded that it was part of Lee Smith.

Adm. Leach explained that they were requesting a Temporary Use for C & L. for 25th St. and would like to have this added next week.

Councilman Page indicated that he did not understand what they were saying.

Adm. Leach explained that the permanent request was on the docket tonight, and they needed a Temporary Usage to follow.

Councilwoman Berz asked if this would need two readings? She questioned if an amendment to an Ordinance did not have the same dignity as an Ordinance? Adm. Leach explained that the Temporary Usage had to be handled by a Resolution, which was adopted on first reading.

Attorney Nelson added that if we amend an Ordinance, it has to be amended with an Ordinance, with Councilwoman Berz asking if this would require two readings? Attorney Nelson explained that an Ordinance requires two readings and a Resolution only one reading. Ms. Madison added that any substitution to an Ordinance is made on second reading.

Councilwoman Berz just wanted to make sure that an amendment carries the same dignity as the Ordinance itself.

The next topic covered was **Ordinance (I), 2008-295 Horvah Associates**, which was a rezoning from M-1 to C-3 of a tract of land located in the 300 Blocks of Chestnut and Broad Streets. This is the Theater Center and Jeff Pfitzer of River City was present to go over this.

Mr. Pfitzer thanked Adm. Leach and Chairman Rico, stating that he appreciated the opportunity to come before this committee to give an update on the Theater that is being constructed at 3rd and Chestnut Streets. He presented a map to get everyone oriented. He stated that the theater would have 12 screen and stadium seating. He noted that the plan was supposed to have been before everyone two weeks ago but due to a scheduling conflict everyone could not be there; that the question had arisen as to how this relates to the Creative Discovery Museum. He stated that they had been in dialog all along with the Museum and had worked diligently to make sure it would be a pleasure to look at. He stated that he had one question for Councilmen Rico and Bennett and needed to clarify a couple of points. He wanted to know if there were substitutions for tonight.

Councilwoman Robinson mentioned that the Bijou had a clever use of the window and wanted to know if the new theater had any feature like this? Mr. Pfitzer responded that the architect used a Turn of the Century motif and would use storefronts for murals. Councilwoman Robinson verified that it would be a façade treatment that would take care of the left half but asked about the right half? Mr. Pfitzer responded that they would create an arcade underneath the water tower and a vegetational trellis, which would be unusually appealing and environmentally friendly; that they were trying to plan if the building in the future ceased to be a theater, then it would have adaptability—that this was the first stand-alone in the United States. Councilwoman Robinson wanted to know who owns the building and was told River City. She asked about the ownership of the land itself and was told that the land is owned by TVA but that River City has a grant for a permanent easement and that River City controls all of the land.

Mr. Pfitzer went on to explain parts of the building, noting that there would be a glass entrance and that they would build against part of the wall and there would potentially be a piece of art.

Councilwoman Robinson wanted to know the target date? Mr. Pfitzer mentioned the first of next year, depending on the market—that it would be as soon as the market will bear it.

Councilman Page asked about the parking situation. Mr. Pfitzer stated that there would be 240 spaces and that they were working with CARTA and Republic Parking. Councilman Page asked if there was enough parking and was told plenty.

Councilman Benson mentioned that at the Public Hearing there were two issues—the Dumpster problem and Service Entrance in the face of the Museum.

Mr. Pfitzer responded that the arcade covers the exit in question; that they were working on a design where the dumpster would be concealed; that everyone was working together to make this as nice as it could be.

Councilwoman Robinson asked where the hidden dumpster would be? Mr. Pfitzer responded inside the building with a roll-up door. She wanted to know if this would require a curb cut. Mr. Pfitzer stated that it would be moving a curb cut with late night or early morning pick-ups.

Adm. Leach asked what language Mr. Pfitzer was referring to; that Greg Haynes would have the language at the meeting tonight.

Attorney Nelson stated that this was Planning and the Applicant's version. Mr. Haynes added that there was also a third version to accommodate changes. Attorney Nelson stated that Mr. Haynes needed to call Angela Davis and tell her that we need the third version in the form of an Ordinance.

Councilwoman Bennett asked if there would be any lapse in service with the Bijou? Mr. Pfitzer stated they hoped to be open for the 2009 Holiday Season; that Carmike had been a great partner. Councilwoman Robinson asked about recruitment of employees of the old Bijou? Mr. Pfitzer indicated that River City was handling this; that Carmike had been a first class tenant, and the building would anchor retail; that they had high hopes for this.

Councilman Page asked if an RFP had been done? Mr. Pfitzer responded “not yet”. He expressed appreciation and thanks for the Council's support.

Resolution 7© authorized a contract with the Tennessee Department of Transportation to authorize the installation of a multi-purpose traffic signal at the intersection of SR 153 at the middle driveway to The Fountains of Chattanooga. Adm. Leach stated that new development was proposed for this site.

Dennis Malone explained that it was at Grubb Road on the north and south end—this is The Fountains of Chattanooga. They are working on Phase I.

Councilman Page asked the cost? Mr. Malone responded that it was at no cost to us; that the developer is responsible for the installation. Councilman Page asked about the Master Plan for the development—such as egress and ingress? Adm. Leach assured that it tied in with the Master Plan. Councilman Page stated that he had another question about sidewalks in the area; that he knew everyone had been real busy but wanted to know where the concept of sidewalks was. Mr. Malone and Adm. Leach did not know the answer. Councilman Page asked that they let him know when they found out.

Resolution (d) authorizes Tamara Dillard to use temporarily the rights-of-way of 401 North Market Street, Suites A, B, and C to install perpendicular signs, subject to certain conditions. This is for three signs that would stick out over the sidewalk. Adm. Leach had a graphic available. The signs will be 48 x 34. He stated that they were fine with this as there was no sight distance issue. Councilman Benson asked if other signs stuck out? Adm. Leach responded “yes”; however there is a limit—they can’t interfere with traffic. Councilman Benson asked if the signs could block out other signs? It was noted that Richard Hutsell keeps a close watch on such things.

Resolution (e) changes the rights-of-way names of the 500 to 599 Block of Wyandot to the 500 to 599 Block of Healthy Street, and the 2750 to 2899 Block of Wyandot to the 600 Block of Latimore Street, due to duplicate street name-911 issue. These streets are around Memorial Hospital. Councilwoman Berz asked where the creative names came from? Mr. Malone responded that they talked to Memorial Hospital about this. Councilwoman Berz indicated she was just joking—that she knew our employees were creative.

AGENDA ITEMS FOR DECEMBER 16, 2008

Resolution 7(a) authorized a grant from the Lyndhurst Foundation relative to Contract No. E-07-009, Jefferson Park Project, for the revitalization of Jefferson Heights Park in the amount of \$100,000.00. This is part of redevelopment of the Jefferson Park and is a donation and grant to us to do quite a bit of the land work. Councilwoman Robinson asked if there was not a park already there? Adm. Leach noted that there was a school there at one point. Councilwoman Berz stated that it was a “neat” area.

Resolution 7(b) authorized Contract No. E-07-018-201, to P&C Construction, Inc. relative to The Passage Repair Contract, in the amount of \$1,165,000.00, plus a contingency amount of \$116,500.00, for a total contract amount not to exceed \$1,281,500.00. Adm. Leach provided a list of the repairs, which is made a part of this minute material. He stated he would go over the list if need be.

Chairman Rico suggested that he just hand out the list and let the Council go over it at their leisure.

Councilman Benson pointed out that we were having to do this because it was not built correctly. Adm. Leach stated that this was handled by CDRC and certain monies were approved to build it; that he was not sure where all of the money was coming from.

Ms. Madison stated that this was the Waterfront, and the City funded this entirely.

Councilman Benson verified that we funded this 100%. Attorney Nelson noted that it came from the Hotel and Motel Tax. Councilman Benson verified that the money to fix this was coming from the Hotel and Motel tax. He then asked if there was any litigation pending? Adm. Leach responded “not to my knowledge”. Chairman Bennett added that this had been fully researched to see if we had any legal recourse.

Resolution 7© authorizes an agreement with Volkert & Associates, Inc. relative to Contract No. E-08-024-101, for Traffic Engineering Services to conduct a Traffic Impact Study for 36 intersections and three rail crossings near the Volkswagen facility at Enterprise South Industrial Park, in an amount not to exceed \$166,300.00 and to accept funds in the amount of \$25,000.00 from Hamilton County Government for their participation of the contract. Adm. Leach explained that we needed to make road improvements and had hired a consulting firm and that Steve Meyer of Volkert & Associates, Inc. was present today and that we would share the cost with the County.

Mr. Malone went over the map, showing the traffic flow around the plant.

Adm. Leach added that we had railroad and intriguing problems—that this is real tricky.

Mr. Meyer stated that they were looking at the traffic flow and congestion issues at 36 locations where they anticipated trains to come into the Volkswagen Plant—that the trains could be 10,000 ft. long, going at 5-10 miles per hour.

Councilwoman Robinson confirmed that the trains could be nearly two miles long, which was unbelievable. Councilman Page added that he had this on Hamill Road all the time!

Councilman Gilbert asked if they would be looking at Bonny Oaks and 58 H/W eventually? Mr. Meyer responded that they would look at each of the intersections and the level of service and amount of traffic coming to the plant.

Councilman Gilbert asked if new apartments in relation to VW would not add to the traffic? Mr. Meyer responded that they would be looking at residential, commercial and industrial property. Councilman Gilbert asked if they would be looking at Jersey Pike also? Mr. Meyer responded “correct”. He added that this would include potential closures when trains are coming in. Councilman Gilbert asked if they had thought about looking at people who will be crossing? Mr. Meyer responded that at this point, the Study was thinking about vehicular traffic; that it could include pedestrians in the capacity of the roadways; that they would provide their information to the Transportation Planning Organization; that the pedestrian issue could be covered at another time. Councilman Gilbert wanted to know how long it would take for them to get around to the pedestrian study? Mr. Meyer responded that they did not have any money for this type of study; that if they had to do an additional Study, it could be next year; that right now they were just dealing with the roads and railway issues.

Councilman Page stated that this was multi-dimensional—that this is good news but there are other infrastructure costs we will face that will have to be identified. He asked if there was any dollar amount on what this will all take? Mr. Meyer responded that they would identify which improvements are needed in 2010, 2015, and 2025 and will include the costs. Councilman Page stated that the Traffic Impact Study was supposed to be shared by the City and County, yet the County was only paying \$25,000.00.

Adm. Leach explained that this was apportioned according to the number of our intersections versus their intersections.

Councilman Page stated that his point was that this Impact Study should be a shared cost—that the cost is not to exceed \$166,300.00; that he did not remember any mention that the cost would be apportioned according to intersections outside the City versus those in the City. Adm. Leach still contended that this is apportioned on the number of intersections within the City and out. Councilman Page still contended that he read this as a shared expense, and it was his understanding that it should be equally expressed; that he would like the City Attorney to look into this and make sure we are following the language of the Contract.

Councilwoman Bennett stated that she was sure they were looking ahead to Transportation connections and asked if they were looking at any alternative forms of transportation? Mr. Meyer responded that right now it was strictly vehicular and supplier trucks; that there could be an additional use of busses to assist in the number of cars, but this was not included in this Study. She also wanted to know how long it would take to move from place to place? Mr. Meyer explained that there were not too many of these type Studies in the country—that this was a pretty “rare” Study and did not take into account travel time of cars and delays; that they were looking at intersection improvements to reduce delays and prioritize infrastructure improvements; that they would be working closely with the Transportation Improvement Plan.

Councilwoman Berz stated that in keeping with Councilwoman Bennett's questions, she was concerned with the "green" aspect and anything we would need to do to conserve energy. Mr. Meyer stated that this was not included in the scope of this Study; that he would like to look at this, and they could, but there would have to be a scope change. Councilwoman Berz mentioned alternative transportation and the need to look at alternative ways. Mr. Meyer again stated that this was not within the scope of this Study.

Councilwoman Robinson mentioned CARTA's "Park and Ride" Program. She noted that there were a lot of church parking lots not being used during the week; that it would be interesting to find out what kind of program could be put together.

Mr. Meyer agreed that this would definitely be a trip reduction and that they would be happy to look at this; that they had talked with CARTA about this; that if Volkswagen had any programs with shared rides, he was not aware of them. He stated this sort of concept would definitely reduce the number of trips.

Councilwoman Berz asked if this Study did not include thinking about things differently? Mr. Meyer stated that the Study included nothing about "Park and Ride".

Councilwoman Bennett noted that Councilwoman Robinson should be having recommendations coming out soon on "Green" commitments. Councilwoman Robinson stated that it should be in December.

Councilman Benson noted that Mr. Meyer stated that no one commissioned a Study for any options. He asked who commissioned this Study? Adm. Leach responded that it was a Traffic Analysis. Councilman Benson asked if it would be the worst case scenario? Councilwoman Robinson stated that they could determine a benchmark and then figure out with the tools that we have in our toolbox how we can figure out a better way and a "greener" way.

Councilman Gilbert was still concerned about trains crossing Jersey Pike—that right now it is a problem. Mr. Meyer responded that there were two major routes; that they were trying to gain information from Norfolk Southern on their schedule to know when intersections will be blocked. Councilman Gilbert stated that people were now sitting there 30 minutes waiting on trains. Mr. Meyer stated that with the data they would have from Norfolk Southern, they could determine the proposed train lengths and potential schedules—that they could see how long delays might be and be able to warn drivers.

Chairman Rico stated that with progress comes inconvenience.

Adm. Leach stated that the Study might indicate that we need to build an overpass.

Councilman Gilbert stated that he was very concerned about railroad crossings in the Study.

Councilwoman Robinson stated that our President-Elect wanted to rebuild America's infrastructure to put things back on the right track; that maybe this was coming at a good time.

Ordinance (d) on tonight's agenda rezones specific properties within the Highland Park Neighborhood. **Karen Rennich** was present to go over the Highland Park Study. She stated that this Study was requested in the Fall of 2007—that rezoning could be requested by the owner or could be a request of a legislative board. She stated that there had been three meetings with Highland Park Neighborhood Associations; that the Tennessee Temple situation was getting complicated—that they were selling off their property that was part of an Institutional PUD; that there would be changes in their PUD tonight that would be combined with this Study. She stated that they had approached Tennessee Temple about selling off a portion of their PUD; that Tennessee Temple had changed their boundaries and Highland Park had been removed; that what really triggered this was that there were two dorms for sale; that they were focusing on helping Tennessee Temple to revise their PUD and look at the rest of the neighborhood, which had changed a lot. She again mentioned that they met with the Neighborhood Association and got good feedback; that the dorms were at the perimeter of the Tennessee Temple property.

She went on to say that there were 120 proposed recommendations for rezoning, and the majority have heard about this; that some had other issues; that the Planning Commission had recommended approval and that they had had two people speak in opposition—that one of the people was with Tennessee Temple and now was fine with this and the other gentleman had not contacted them; that right now there was no opposition, and they had had good support from a very organized neighborhood association.

Ms. Rennich mentioned that the Zoning Study was in three areas and was very indepth. She stated that they had learned a good lesson with the Fort Wood Study, and this Study goes block by block; that most of the property is zoned R-1 Single Family, which had sparked good development in this neighborhood; that the Zoning also allows for duplexes and triplexes close to Tennessee Temple University; that the idea was that it could be transitional zoning; that in the last 10-12 years a lot of the development had been Single Family; however the zoning does allow for duplexes and triplexes but most property owners do not have enough property and lot size for this, and the new homes have been Single Family.

She mentioned that we have new mapping tools which makes all of this easier; that people can't use their property for R-2 because there is not enough lot size; that they recommended R-1 in the interior of the neighborhood; that secondly, property owned by Tennessee Temple or Highland Park Baptist Church is coming out of the Institutional PUD; that they are clearly institutional uses and not Single Family; that they felt the use would be more appropriately R-4. She mentioned that the neighborhood saw Boarding Houses as a threat. She explained that the R-4 Zone would be at the perimeter where they have institutional uses and the central core would be R-1.

Thirdly, Ms. Rennich stated, the largest change is to the dorms that are currently for sale; that one of them does not have power running to it, and the neighborhood is interested in R-1 Zoning and are concerned about transient uses; that if a property gets rezoned, the owner gets to keep the use they have; that they did not want to take away all rights of property owners and were recommending R-3 with conditions, which would include apartments on condominiums; that they did not want to take away all rights, and the dorms would be for existing structures only; that if the dorms should get demolished, they would have to start over. She mentioned that a public meeting was required with the Neighborhood Association before anyone could get a building permit to remodel. Landscaping must also be met, and a maximum number of units are allowed; that they were not looking at 50 dorm rooms. She stated that the neighborhood was disappointed, but they were not recommending R-1 but felt that these conditions were good. She mentioned an old school that was being used as a Day Care Center, noting that it was important to have density but wanted to keep the density at the perimeter.

Councilman Benson agreed that no one was objecting; however he had had a question from a property owner that had R-2 Zoning and had used this as R-2. He asked if he could continue the use as R-2? Mr. Rennich responded that if he currently had a duplex, he could use it if the use did not elapse for 100 days. Councilman Benson stated that he felt badly about downgrading where you have R-2 Zoning; that he did not know if this man would be here tonight, but he would tell him he could use it as R-2 as long as it was unfettered.

Ms. Rennich stated that they had tried to be honest and explain non-conforming uses; that if they should remodel, they would need to call the City and explain what they are doing and remain in conformity; that the majority of property is Single-Family; that they found some people who had conversions that were not considered legal.

Adm. Leach asked if the PUD would go away? Ms. Rennich explained that it would be replaced by a new Revised PUD; that one of the concerns of the neighborhood was that the Zoning Study and amendment of the PUD be in tandem.

Councilwoman Bennett asked about landscaping and property being downzoned. Ms. Rennich explained that the two most non-conforming uses were the dorms; that this neighborhood is receptive and creative concerning the conditions to zoning.

The meeting adjourned at 4:30 P.M.