

PUBLIC WORKS COMMITTEE
December 1, 2009
4:00 P.M.

Councilman Rico, Chairman, called the meeting of the Public Works Committee to order with Councilmen Benson, Berz, Scott, Murphy, McGary, Ladd, Robinson, and Gilbert present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crowover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Greg Haynes, Barry Bennett, Jerry Stewart, Gary Hilbert, Jim Templeton, Danny Thornton, Larry Zehnder, Richard Beeland, Chief Parker, Daisy Madison, Steve Leach, Lee Norris, Bill Payne, Dennis Malone, and Cathie Fulgham.

AGENDA ITEMS FOR DECEMBER 1, 2009

Adm. Leach stated that he did not think there were further issues with **Ordinance 5(b)—Chestnut Properties**, so he proceeded. **Ordinance 6(b)** was a closure and abandonment for New Horizon Baptist Church. Adm. Leach proceeded to **Resolution 7(i)**, which authorized a temporary use for New Horizon Baptist Church of the 2700 Block of 2nd Ave. He explained that they did not think closing and abandoning would be in the best interest of the City and Chief Parker agreed; a Temporary Use was more appropriate. He stated that this could be barricaded on Sunday. Councilwoman Scott asked if it were abandoned by the City, then it would be legally theirs, which would increase the stormwater fee. Adm. Leach did not feel this was a concern. Mr. Payne explained a temporary use allowed more flexibility than splitting it down the middle. Councilman McGary questioned if this only applied to Sundays, with Adm. Leach stating it would be anytime they had a service. Councilwoman Berz felt that this needed to be specific, stating that if they were active seven days a week, this might defeat the purpose. It was decided that they could be asked what they needed at tonight's Council meeting.

Ordinance (c) was a closure and abandonment at 6700 Block of Bonny Oaks Drive. Mr. Malone explained that the bridge was being widened to supply Volkswagen, with Mr. Payne noting that the cost would be shared by the City and County.

Ordinance (d) is a closure and abandonment for Eric Cummings in the 1500 Block of Long Street. Mr. Malone stated that this was the old Hills' Floral Building; that they were expanding the building and creating a new manhole.

Resolution 7(a) is a temporary usage for John Fellers at 1419 Williams St. and the Southside Galleries to install a gate. It was noted there are a lot of burglaries here.

Resolutions 7(b) and (c) are temporary usages on West Main St. due to the development of Main Street.

Resolution 7(d) allows Jeff Denton to temporarily use a right-of-way at the south west corner of Gunbarrel Rd. and Min Tom Drive for the placement of a sign for St. Nicholas.

Resolution 7(h) authorizes an Agreement with Qore, Inc. for engineering services for the Groundwater Sampling Project not to exceed \$227,500. Councilwoman Scott wanted to know which City Attorney reviewed this and was told Patrick Bobo. Attorney McMahan did not know if he had signed off.

Resolution 7(i) is the temporary usage for New Horizon Baptist Church at 2700 Block of 2nd Ave.

It was requested that **Resolution 7(b)** on next week's agenda, awarding a contract to Mayse Construction Co. for a total amount not to exceed \$164,731.65 be moved to tonight's agenda. Mr. Payne explained that they have pending invoices and need to be paid.

Resolution 7(c) on next week's agenda authorized the City Attorney to enter into an agreement with King and Spalding for legal services relative to the Water Quality Program. Attorney McMahan explained that there was no one on their staff with this experience; that this would be someone who had knowledge. Councilman McGary asked their track record and was told by Attorney McMahan that it is an attorney who knows the process and the EPA enforcement guidelines. Councilman McGary asked if they would interact with TDEC and was told that they would interact with us—that this was a collaborative process. Councilman Murphy stated that this person was great but that we had a lot of great attorneys here in Chattanooga. Attorney McMahan stated that he was not familiar with an attorney in town that we could recommend. Councilman Murphy felt that we would pay a local attorney to become competent. It was noted that an Atlanta attorney would cost \$400 an hour and a local one \$300. Councilwoman Scott stated that \$415 an hour is hefty and does not include travel and other expenses. She wanted to know what kind of overall figure we were talking about. Attorney McMahan responded that he had asked for their budget. Councilwoman Scott stated that she would prefer to know this before she voted. Councilwoman Berz agreed, stating that Attorney McMahan had the right to start with negotiations but the Council approved the final outcome; that the Council needed the total amount, and she asked if we were capping this. Attorney McMahan stated that he would get monthly statements. Mr. Payne added that we would have him on retainer for 12-24 months. Councilwoman Berz stated that the Council needed some idea of the budget.

Councilman Benson stated that this attorney had been on both sides of this; that he had worked for this Regulatory Agency; that we did not want someone who would be learning; that this person had worked both sides of the street, and we had no one like this in Chattanooga.

Councilman McGary asked how this attorney would interact with the Blue Ribbon Committee?

Mr. Payne added that his actual cost would be \$375.00 an hour.

Resolution 7(d) authorizes an agreement with Volkert & Associates, Inc. relative to the Walnut Street Bridge North Viaduct Improvements in an amount not to exceed \$89,890.00. Mr. Malone explained that they would be onsite to oversee this project—that it was third party oversight.

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

The meeting adjourned at 4:30 p.m.