

## **PUBLIC WORKS COMMITTEE**

**August 3, 2010**

**4:20 P.M.**

Councilwoman Ladd, Chairman, called the meeting of the Public Works Committee to order, with Councilmen Murphy, Rico, Berz, Gilbert, Benson, Scott, Robinson, and McGary present. City Attorneys Phil Noblett, Patrick Bobo, and Crystal Freiberg were present, as was Shirley Crownover, Assistant Clerk to the Council.

Others present included Dan Johnson, Richard Beeland, Lee Norris, Steve Leach, Mark Keil, Bill Payne, Paul Page, Chief Flint, Daisy Madison, Fredia Kitchen, Vickie Haley, Larry Zehnder, John Van Winkle, Gary Hilbert, Jerry Stewart, Dennis Malone, Dickie Hutsell, Jim Templeton, and Dardee Long. Missy Crutchfield and Matt Lea joined the meeting later.

Chairman Ladd asked that everyone be mindful of time.

Adm. Leach began with **Ordinance 6(a)** relative to scenic corridors and relative to the prohibition of off-premise signs along scenic corridors. He stated that Dickie Hutsell had been working on this and one of the questions being asked concerned signs along I-75 and whether we may or may not have them. He turned the meeting over to Mr. Hutsell.

Mr. Hutsell proceeded with a power point, stating that he had been researching this for three or four months and looking at the past history; that private businesses were always engaged in our discussions, and this was based on history and to remedy a situation in Eastgate; that the classification is legal non-conforming; that he had received a lot of calls from individuals looking at sites around the Volkswagen area, and the idea was to add this to the Scenic Corridor, which would take away 78 locations; that on I-75 there is a maximum of four billboards allowed—that we wanted to give the Billboard Industry a little and add more to the Scenic Corridor.

Adm. Leach noted that we could delete the section of I-75 and add the Scenic Corridor around Volkswagen. Mr. Hutsell added that the Scenic Corridor will expand with annexation.

Councilman Benson noted that we added Highway 153 to the Scenic Corridor, and it took us several months, and it was tough; that doing what is proposed would take us a tremendous step backwards—to enable one billboard on I-75; that we should make it Scenic Corridor all the way to Volkswagen and don't give them anything on I-75; that he thought most were pretty much in support of this.

Mr. Hutsell stated that he did not know what Councilman Benson was talking about.

Councilman Gilbert stated that there is an opportunity to develop this area, and we don't need a lot of billboards.

Mr. Hutsell stated that this was a proposal, and it was the Council's pleasure; that to make all of this a Scenic Corridor and keep I-75 as is would be fine with him. He stated that he had never hidden anything from this Council—that making all of this Scenic Corridor was fine, but it would be the first time we have added a Scenic Corridor and not given something in return.

Councilwoman Berz stated that saying “something given” is an illusion and questioned what making a trade would do in reality to I-75?

Mr. Hutsell responded that in his research, in 2004 this was added to the Scenic Corridor. Councilwoman Berz stated “Now you are saying---“? Mr. Hutsell stated that what is being proposed is consistent to what we have done in the past. Councilwoman Berz asked what the net effect would be and was told four signs.

Councilman Benson stated that it could go on down I-75 once the “nose is in the tent”; that it can be changed, once the precedent is set.

Councilman Murphy mentioned I-75 to the East Ridge line and now on I-24; that all had an understanding—the folks from the Billboard Industry—saying leave I-75 alone. He stated that we did not have to do this—that it was a very practical matter; that trying to ameliorate, they were saying “let us find a place on I-75”.

Mr. Hutsell explained that this came to him as a result of Goody's leaving Eastgate and Office Depot came in; that he did not know where the proposed billboard would go; that it was fair game among all the people that were interested in a billboard on I-75 who came to his office; that he was only proposing what has been done consistently in the past; however this does not mean it was right.

Councilman Benson stated that we had to fight this before—that they could conceivably put billboards to Missionary Ridge; however Mr. Hutsell responded that the State would not allow this.

Councilwoman Scott questioned how many Councilmembers wanted to open this area up and why?

Councilwoman Berz responded that when you say “open it up”, she would be one of them; that it is an illusion mentioning a model plan to come before the Council to get rid of billboards, mentioning getting rid of billboards on Brainerd Rd.; that looking at the Eastgate area, one of the aspects is getting rid of billboards. She went on to say that the Billboard Lobby group is a great group but can be a “hornet’s nest”; that there is a net effect of not much at all and protection to others and this area needs protection.

Councilwoman Scott questioned if we wanted a Scenic Corridor and more of them, why not strike the part of I-75 and make everything Scenic; that she thought this would be good for our City.

Councilwoman Robinson questioned how we got South Broad Street straightened out?

Mr. Hutsell responded that in the early 1990’s it was a TDOT effort; that they removed the billboards along Broad Street—that the billboards were gone.

Councilwoman Robinson stated that when you go to places like Hilton Head and Seaside, they are doing something right. She noted that Walgreens in North Chattanooga did a monument sign; that we need to learn how we can incorporate something of this type.

Councilwoman Berz asked if when people have billboards, if they are there forever? Mr. Hutsell responded that from what he had seen, they were classified as a business; that rarely had he seen them removed and taken out of the market. She stated that people had a right to have them on South Broad Street and were they just “neat” people who agreed to take them down? Mr. Hutsell responded that an agreement was worked out for the clean-up. Councilwoman Berz stated that Brainerd Rd. was a State road as well.

Councilwoman Robinson stated that the Council needed to be really, really careful and to think through this.

Adm. Leach stated that this would not come up until next week and an amendment could be made to delete I-75. Councilman Gilbert stated and to add the Scenic Corridor.

**Resolution (i)** authorizes an agreement with Jacobs/JJ&G for professional engineering services related to greenhouse gas evaluations and reporting for City Landfill, Summit Landfill, and the Moccasin Bend WWTP for an amount not to exceed \$100,000.00. Mr. Stewart noted that around the first of the year Air Pollution reported that Summit Landfill crossed the threshold—that this was very complicated; that we had to do the same thing at Birchwood in making these calculations and a report has to be made to EPA in March of next year. Adm. Leach noted that David Reece was present if there were any questions.

**Resolution (j)** authorizes Teresa Johnson to temporarily use the right-of-way located at 501 Cherokee Boulevard for replacement of outdoor seating to include tables and chairs, subject to certain conditions. This is Sluggo's North Vegetarian Café. Mr. Payne added that the conditions were standard. Councilwoman Robinson was interested in pedestrian access and asked if this would be fenced. Mr. Payne responded that a prior application had fencing, but this does not work. Councilwoman Robinson stated that she did not want to impede the pedestrian flow. Adm. Leach stated that the Staff would make sure they don't get outside their bounds. Councilwoman Robinson stated that she would like to know how wide the sidewalk is and what amount we reserve for pedestrian travel. Adm. Leach responded that they would get her a site design before next week. Councilwoman Scott asked the standard for a minimum sidewalk? Mr. Payne responded 42" is minimum, but we don't always allow this width.

**Resolution (n)** authorizes acceptance of funds from Hixson Development Partners, LLC for an easement acquisition from Tennessee Wildlife Resources Agency relative to Old Hixson Pike Improvements for a total amount of \$500.00. Mr. Malone explained that we had to acquire the right-of-way.

**Resolution (o)** authorizes acceptance of funds from Buffalo Wild Wings for sidewalk and streetscape trees relative to Cherry Street for a total amount not to exceed \$4,000.00. Buffalo Wild Wings is about to open up on Market Street; that there are issues on Cherry Street; that they could not come to an agreement because of Buffalo Wild Wings request to put some sidewalks and trees on Cherry Street.

**Resolution (p)** authorizes an agreement with Volkert, Inc. for CEI professional services relative to CBD Signalization Upgrade Project in an amount not to exceed \$119,500.00. Mr. Malone stated that this is a Central Business Project, and they are moving close to getting started and went out for an RFQ and Volkert was the best qualified. Adm. Leach stated that this would be an interesting project.

**Resolution (q)** authorizes an agreement with Environmental Materials to allow the City to remove and transport dirt from C&D for the mutual benefit of the City and C&D. Adm. Leach stated that Patrick Bobo had been negotiating this and turned the meeting over to Mr. Bobo

Mr. Bobo stated that it was more than dirt—that C&D stood for construction and demolition; that it had come to our attention that we did not have a contract to haul the dirt and also a scales agreement needed to be updated.

Councilman Gilbert asked why we did not weigh our own? Mr. Bobo responded that based on his research, we have cameras, mentioning a very broad audit law.

Mr. Stewart explained that they knew the material coming in and monitor it at Moccasin Bend; that they did away with the scales operator to cut costs and do it cheaper; that they eliminated a position—that we are there—just not operating the scales.

Councilwoman Scott stated that this is a complicated issue. She had a prepared statement of her concerns, which she read aloud (This can be procured from Councilwoman Scott). She was concerned about Mr. Marler, stating that the risks inherent outweighed the benefits; that we could purchase our own scales; that this deal was very confusing and seems inherently fraught with risks.

Mr. Bobo stated that this was an administrative question; that the legal concern is the easement granted in 2000, and the easement is theirs to have, and there is nothing we can do about the easement.

At this point, Councilman McGary stated that he had to leave—that he would postpone his Education, Arts and Culture Committee until next week. He also wanted to discuss the time of the Capital Budget meeting that is set for next week at 2:00 p.m. He asked that the Council re-open a discussion on the time so that he would be able to attend. He stated that any change in time could go out through e-mail.

Councilwoman Berz noted that we have to give a week's notice if we go back to 10:00 a.m.

Councilman Gilbert stated that he could not be here until 12:00 noon or 1:00 p.m.

Councilman Rico stated that the meeting should start at 10:00 a.m., prompting Councilman Gilbert to say that we had had these meetings at 10:00 a.m. three times, and it was keeping him out.

Chairman Ladd stated that the Chairwoman of the Budget Committee should make the decision. Councilwoman Berz stated that it would start at 10:30 a.m.

The discussion resumed concerning **Resolution (q)**. Councilman Benson agreed with Councilwoman Scott that this bears a deeper look; that this was started in 2001 without a contract, and we need Councilwoman Scott's questions answered. He stated that he never did understand this; that this needs to be aired.

Mr. Stewart stated that there were two bids and this was the lowest. Councilman Benson mentioned that a fellow had protested the bid.

Councilman Gilbert stated that Allied Waste was higher and asked if it was based higher because of the fuel? Mr. Norris responded that fuel was not an issue with this.

Councilman Benson stated that there was a cloud hanging over this.

Adm. Leach stated that they were told by the Council to “lop” the Scale Operator position, and they got it “lopped”; that they were fine with going back with an operator, but it would cost another \$100,000; that everything costs money; that it would be fine to separate this out; that it could be a separate issue.

Councilwoman Scott asked about the total tipping fees at the Landfill? She stated that she thought it was \$5.6 million dollars and \$2 million more for others; that \$7.6 million dollars are being monitored at two locations owned by the same company, which she thought presented a significant risk for the city. She added “Could employees mess up”? “Yes”. She stated that with the same entity and interaction, the issue was strong.

Councilwoman Berz asked if the Audit Committee had been asked to look at this? Councilwoman Scott stated that she was not sure—that the City Auditor had looked at this. Councilwoman Berz suggested that this issue be forwarded to the Audit Committee—that it may not pass the “smell” test. She strongly urged that the Audit Committee look at this, stating that she would love for Councilwoman Scott to forward this to Charles Millsaps. Councilwoman Scott indicated that she thought she had done this, when she previously found this situation, but “yes”, she would forward it.

Adm. Leach questioned breaking this up between the dirt and scales. Attorney Bobo stated that the dirt is the simpler agreement—that as it is now, we are removing dirt for them and getting dirt for ourselves. Adm. Leach stated that we did not have much dirt piled up.

Councilwoman Scott stated that we were hauling Class A and B sludge 75 miles. Mr. Stewart responded that we can’t use sludge for cover. Councilwoman Scott stated that Class A is fertilizer. Mr. Stewart stated “that is what we can use”. She asked if it were put in the landfill in the past? Mr. Stewart stated that “yes” this was done, but we ended up with odors. Councilwoman Scott stated that Class A Sludge kills off all things—that you can purchase it in a bag and questioned why this was so different? Mr. Stewart responded that they could haul it up there, mentioning zero available landfill space. Councilwoman Scott stated that she was not saying that all needs to be up there; that we could save money if they were going 75 miles. Mr. Stewart stated that it was up to 50 miles. Councilwoman Scott asked how far it was to Birchwood and was told 25 miles, prompting Councilwoman Scott to say that this would be one-half. Mr. Stewart stated that would depend on the price of fuel going up and down; that it is \$18.70 a flat fee for a 50 mile radius. Councilwoman Scott stated that this did not make sense, with Mr. Stewart saying that it made sense to him.

Councilman Benson stated that we needed to have answers for each of Councilwoman Scott's interrogations.

Adm. Leach stated that we still needed the dirt; that we can figure out the rest of the issue, but we still need the dirt.

Attorney Bobo stated that it was up to the Council where the dirt comes from; right now we are hauling dirt without any protection.

Mr. Stewart stated that the term of the contract is three years. Attorney Bobo added that he made sure there was a 60-day cancellation without cause. Chairman Ladd asked when this expired. Attorney Bobo indicated that the dirt could be a one year contract.

**Resolutions ®, (s), and (t)** were a lease with Volkswagen for a tract of land at Summit Landfill; a Landfill Gas Agreement with Volkswagen; and Electric Power Board easements across Summit Landfill property, respectively.

Adm. Leach explained that this was part of the LEED Certification for Volkswagen and use of landfill gas. Mr. Payne explained that a third party would be generating at the site, with Adm. Leach explaining that raw material would be converted to electricity.

Councilwoman Scott asked who is generating the contract? Adm. Leach responded that FSG Bank would get a third party to operate. Mr. Payne added that there was an agreement with Volkswagen that they would hire some one to operate this. Councilwoman Scott wanted to know how this entity is vetted because we have been burned before. Adm. Leach stated that they were dealing with FSG Bank, and they were intent on getting this generation equipment working again. Mr. Stewart stated that they had had several meetings. Councilwoman Scott stated that gas coming off is what got us fired in the past and puts us at risk for an EPA violation. Mr. Stewart stated that they would operate this and had a very good working relationship; that they would keep it in good operating condition—that there were \$300,000 homes next to the Landfill.

The meeting was adjourned at 5:30 p.m.

There was not time for the Informational Briefing on the legalities regarding a District newsletter; however Councilwoman Scott did discuss this with Attorney Noblett and Richard Beeland.