

PUBLIC WORKS COMMITTEE
FEBRUARY 1, 2011
4:30 P.M.

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

Others present included Steve Leach, Lee Norris, Dan Johnson, Lt. Carroll, Jerry Stewart, Gary Hilbert, Mark Timon, Chief Parker, John Bridger, Karen Rennich, Justin Holland, Dickie Hutsell, Larry Zehnder, Jim Templeton, Richard Beeland, Dennis Malone, Daisy Madison, Chief Dodd, Bill Payne, John Van Winkle, Brian Shultz and Phil Noblett. Ulysteen Oates joined the meeting later.

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

Before going over agenda items, Chairman Ladd stated that Dr. Berz had discussed a Public Works' Committee to go over the findings from the Audit Committee; that this matter had been turned over to the City Attorney, and they will provide information later; that she would like to have the complete report before this matter is discussed; that she had received no comments or questions from the Council concerning this.

Councilwoman Scott stated that she thought she had read something in the paper, and she assumed we would get the information.

Attorney McMahan stated that he would have a report next week.

Chairman Ladd stated that this was going through a professional process, and she would like to let this process go through; that she had not received comments from any of the Council, and we would not have this discussion today.

Adm. Leach proceeded to go over agenda items, beginning with **Ordinance (a) First Reading**, relative to parking meter zones on Fourteenth Street East. He noted that this was brought about by major property owners—that there were long-term parkers, and they had a problem with vehicle turnovers.

Ordinance (b) revises specific speed limits on Bonny Oaks Drive. Traffic Engineering has been working on this and John Van Winkle was present to answer questions; that they were breaking down the speed to 45 mph on one stretch of Bonny Oaks Drive. He covered the speed limits on other parts of Bonny Oaks, noting that the major portion was 50 mph.

Going back to **Ordinance (a)**, Councilman McGary asked why this was an Ordinance versus a Resolution? Adm. Leach responded because it was a public right-of-way. Councilman McGary asked how many parking meters we were talking about. Mr. Van Winkle responded ten or so—maybe 15; that it is a request because of all-day parkers and business owners have no place for people to park; that a two-hour sign is a problem for enforcement.

Ordinance © corrects a legal description on a right-of-way easement that has already been abandoned. One of the sites had an error in the legal description, and this was basically a housekeeping matter.

Ordinance (d) amends the City Code relative to the price of leaf compost for non-city residents, contractors, and persons-for-hire. This is at the North Hawthorne site. Adm. Leach stated that Lee Norris would go over this.

Mr. Norris noted that a year or so ago we changed prices; that we had 35,000 tons of wood mulch and 4,000 tons of leaves; that there is a market for wood mulch but leaves are different—that there is not a ready market, and we have only 1,000 tons going out. He stated that we had to move these leaves out and wished to lower the price to \$1.00 a ton so that we could move some out.

Councilman Benson stated that it was a hard thing to accept this—that he would be in favor of giving it to City people and all others would have to pay. Mr. Norris stated that we could make it free for all. Councilman Murphy agreed that we should just give it away. Attorney McMahan asked if we were talking about just giving it to city residents. Councilman Murphy asked if we were not talking about non-commercial. Councilman Rico was also in favor of giving it away to anyone so that we can get rid of it. Councilman Murphy stated that sod farms might use it. Mr. Norris noted that they were collecting leaves all over Tennessee and Georgia, and we had no takers. Councilman Benson asked if the County was doing anything like this? Mr. Norris responded “not to his knowledge”. Councilman Benson still felt we should charge non-residents of the City—even if it were just \$.50 a ton—that he did not care about the cost.

Councilwoman Scott stated that she thought this Ordinance had been left out of her packet, and it was explained that it came in later in the day.

Mr. Norris asked if it were \$.50 versus \$1.00? Councilman Rico stated that we should just give it away, with Councilman Benson saying “no”. Attorney McMahan stated that he was hearing “give it away” and “charging”—that he would prepare two Ordinances for tonight.

Resolution 7(a) authorizes a grant from Safe Kids USA for environmental modifications to improve conditions for child pedestrians in the 1800 Block of E. 32nd Street and at the intersection of Holtzclaw Ave. and E. 3rd St. in the amount of \$22,800. Mr. Malone added that

Traffic Engineering applied for the Grant; that it will be for handicap ramps and school warning lights.

Resolution © authorizes payment to Associated General Contractors of East Tennessee for development of the Construction Excellence Program/Software in the amount of \$50,000 as provided by the Commissioner's Order. Adm. Leach stated that this was part of the order for Water Quality.

Mr. Payne verified that it was a Commissioner's Order; that we could pay 10% of our total fine or make a contribution to AGC; that Roger Tuder was here to answer any questions; that this was a PILOT program, and we would like to see it succeed here; that Dr. Urban was instrumental in this, and it had to be done prior to February 11th; that the City would like to put this money to a beneficial use.

Councilwoman Scott stated that she would like to know more about the software and what it would enable them to do; that this brought back to her mind that the Council has not had a full update of the issue; that we need to have all of the components of the court case concerning water quality fee money and where we are now; that she was astounded to read in the paper about the court findings for Mr. Stewart. She wanted to know when this happened and why the Council did not know about it—that she had to read about this in the newspaper.

Mr. Payne responded that the Staff was preparing a briefing as to where we are; that it should be ready by February 15th—concerning the Water Quality Program.

Councilwoman Scott stated that she wanted them to bring the Council up to date on the court case.

Attorney McMahan explained that Water Quality is a Commissioner's Order; that he issued this order, and we feel this was fair and that we have no basis to appeal; that we are starting to implement the Commissioner's Order—MS4 Permit; that the Order is to pay \$38,000 in fines to the State or \$50,000 to Associated General Contractors of East Tennessee.

Councilwoman Scott stated that she was talking about the court case involving Mr. Stewart. She wanted to know when this happened and why the Council did not know about this? Attorney McMahan responded that there was a lot of activity that he could not discuss; that he would provide a briefing next week. She wanted to know which court this was held in and was told General Sessions, and it was heard by Judge Moon. She asked if we would have more information next week and was told "yes".

At this point, Councilman Gilbert wanted to go back to the Ordinance pertaining to speed limits on Bonny Oaks Drive—45 mph and 50 mph. He asked why not just make everything 45 mph? Mr. Van Winkle stated that this limit was based on what the traffic is going, and we don't want to produce a speed trap; that the more developed Industrial Park is 45 mph; that the speed rates are in line; that this could be re-visited; that we were doing this incrementally as needed, and he did not think it all should be 45 mph.

Continuing with Resolution ©, Councilman McGary stated that he would like to know what the \$50,000 will do. Mr. Tuder explained that AGC is working in conjunction with the Tennessee Department of Environment and Conservation, and they wanted their water quality to be above and beyond compliance; that this was more than just software; that they would be able to monitor water quality themselves; that this was a learning process to educate Civil Engineers, and it provides them an opportunity and also the City; that this is not just for AGC members; that they would be sending auditors out to job sites. Councilman McGary asked if this \$50,000 would be a reoccurring cost for the City? Mr. Tuder noted that they did not ask for this to begin with—that they had spent a lot of money on water quality. Councilman McGary asked the timeframe? Mr. Tuder responded probably a year.

Councilman Benson stated that he wanted to commend Mr. Tuder and hoped others took this same attitude—that he deserved all the praise in the world, and he was happy we were giving this money to AGC rather than just sending it to the State.

Mr. Payne added that the City Code requires them to self-report, and he would verify this.

AGENDA ITEMS FOR FEBRUARY 8, 2011

Resolution 7(b) authorizes to accept funds from Ralph White Electric Co., Inc. on behalf of Hamilton County Business Development Center for four pedestrian lights relative to Cherokee Blvd. Streetscape for a total amount not to exceed \$10,216.

Resolution 7© authorizes an agreement with Norfolk Southern Corp. for a Grade Crossing Improvement at W. Main St. in an amount not to exceed \$91,264. Adm. Leach stated that it seemed we had been involved with this for years. Mr. Malone agreed that it was an on-going project and funds are coming from the Lyndhurst Foundation; that the City will put forth a match; that we are required to upgrade the railroad crossing and had worked this out with them.

Resolution 7(f) authorizes the appointment of Charles R. Young as special police officer (unarmed) to do special duty. He will be working out of the Land Development Office.

The meeting adjourned at 5:00 P.M.