

PUBLIC WORKS COMMITTEE
MARCH 1, 2011
5:00 P.M.

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

Others present included Dan Johnson, Mike Patrick, Justin Holland, Tony Boyd, Gary Hilbert, Daisy Madison, Vickie Haley, Chief Parker, Greg Haynes, Steve Leach, Lee Norris, Bill Payne, Dennis Malone, John Bridger, and Larry Zehnder.

Chairwoman Ladd suggested that instead of reading each issue out loud, that we only have discussion if there are questions.

Adm. Leach first thanked the Council for buying them chain saw parts because they really needed them on Monday. He recognized Tony Boyd and his crew, noting that Jim Templeton is on vacation and also the Traffic Engineering crew that worked all night. He stated that they had been really strapped since yesterday and appreciated everyone's patience. He also showed a picture of the Levin Building.

Adm. Leach began with **Ordinance (a) First Reading** relative to nonresidential and residential service of residential bulky trash and residential yard trash. He called on Justin Holland to cover this.

Mr. Holland explained that this change is addressed to condos and mobile homes, which are unique; that they wished them to more closely adhere to policy and wanted to codify the changes to make them a part of the City Code.

Councilwoman Scott had a question concerning section 7, stating that the one that made the call had to do the cutting. She used as an example a call from an 85 year old woman who has had Boy Scouts cut her brush and pile it in front of her house; that when 311 gets the call to pick up, they might hear "this is my grandmother's house"; they will ask did she cut the brush, and we know that an 84 year old woman would not do this; then someone has to hand it off. She stated that she thought this was a problem—that this woman pays taxes on this property, and if a neighbor cuts the brush down, it should be picked up.

Councilwoman Robinson stated that very thing had happened in her district, and she thought we needed to re-visit this and just question if it is the proper size and conforms to 311 requirements, and if it meets requirements, we should allow it; that elderly people do pay a yard worker.

Mr. Holland stated that contractors must haul off their debris, whoever paid or if it were a favor to someone; that if an 85 year old person has work done by a relative, they would accommodate this person.

Councilwoman Scott pointed out that this Ordinance would not allow this—that it does not support what Mr. Holland is saying.

Councilman Gilbert stated that Councilwoman Scott was saying this correctly; that sometimes elderly people have retired persons cutting tree limbs down, and they place them on the side of the road; that this was saying they can't be picked up by the City.

Mr. Holland stated that it should be hauled off by the people who are hired.

Councilman Gilbert noted that often they don't have a truck to haul it off and asked if the language could be different.

Attorney Fritz stated that it could say owner or his representative.

Mr. Holland stated that is what the Council is objecting to; that contractors cut brush and put it out for the City to pick up; that this Ordinance will protect the City.

Attorney Fritz stated that it could be limited to non-commercial agents, which would include a neighbor or relative.

Councilman Gilbert asked if we could insert "non-profit organization"? Mr. Leach responded that we could limit the size that we talked about to a pick-up truck load; that for tree removal, a person would have to pay more; that if someone, like a neighbor, cuts up small limbs, the City will take it; beyond that it has to be commercially hauled off.

Councilman McGary asked how this solved the problem? Adm. Leach responded that his folks would not check to see if it is non-profit; that this makes it cleaner for them, and the 311 key thing is the size of the pile; that the City can't collect a whole tree; that the Ordinance could be modified before second reading.

Resolutions (b), (c), (d) and (e) authorize temporary right-of-way uses for neighborhood communities. Adm. Leach stated that these had been vetted.

Resolutions (f), (g) and (h) are for professional services for Geoenvironmental and Construction Materials Consulting Requirement Contracts.

Councilwoman Scott stated that she had no problem with the work being done but before the Council votes on this, she would like to have the locations. Mr. Malone responded that the

locations were undefined at this time; that we have pre-qualified these, and we will select the ones that are the most astute. Councilwoman Scott asked if this was not related to these contract numbers? Mr. Malone responded that they were billed against the contracts to the individual firms, prompting Councilwoman Scott to say "then we don't know the location?" Mr. Malone stated that these were projects we intend to do.

Resolution (i) authorizes an agreement with Littlejohn Engineering Associates, Inc. for professional services relative to Contract No. W-10-006-101, for Pineville Road Sewer Basin Project in an amount not to exceed \$239,707.00.

Resolution (k) authorizes an agreement with Jacobs Engineering Group, Inc. for professional services relative to Contract No. W-10-004-101, East Brainerd Pump Station Upgrade and Collection System Rehab in an amount not to exceed \$2,362,410.00. Councilman Benson stated that this is the district that he represented, and he had gotten two calls about this; that it was a significant dollar item; that it was a concern of his district that we are going out of town for contractors to companies that don't pay taxes. He asked if this company had an office in this city? Mr. Malone responded "yes"; that it was up near the airport area and Jersey Pike. Councilman Benson still asked why we go out of town? Mr. Malone explained that they did go through the RFQ process and Jacobs Engineering was the best company to do the work.

AGENDA ITEMS FOR MARCH 8, 2011

Resolutions © and (d) have to do with eminent domain proceedings against Woodard Development relative to Old Lee Highway at Apison Pike Sanitary Sewer Relocation and Force Main. Mr. Malone stated that they met with Mr. Woodard, who is the owner of four tracts of land; that he was in negotiations and court proceedings to establish a dollar value on the property; that he declined our offer and was going to eminent domain.

Councilwoman Scott stated that when she read this, she read \$58,000, and he did not want us to purchase the land? She asked if this was just an easement, and he was keeping the land. She wanted to know what his major objection was? Mr. Malone responded that it would affect his court outcome with TDOT.

It was noted that (d) is related and is a change order with Lamar Dunn and Associates, Inc., relative to Contract No. W-09-013-101, Apison Pike and Old Lee Highway Sewer Relocation and Force Main for an increased amount of \$10,918.27, for a revised contract amount not to exceed \$18,418.27.

Resolution (e) authorizes acceptance of \$5,667.10 from Fort Town, LLC relative to the cost of mitigation of asphalt issues for the Amberbrook Subdivision. Adm. Leach explained that the pavement on the project does not meet specifications, and they came up with a solution.

Mr. Malone explained that the pavement did not have the density required, and they opted to take it all out and put in new asphalt; that the structure is sufficient; that within 4-5 years it will need to be restored.

Chairwoman Ladd stated that this was in her district, and it had been left so barren that she was thankful to see paving taking place; that it was unfortunate that it did not come up to standards; that it would be better for the neighborhood if there were no further delay on the project.

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

The meeting adjourned at 5:30 P.M.