

PUBLIC WORKS COMMITTEE

APRIL 26, 2011

3:15 P.M.

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

Others present included Fire Marshall Whitmire, Dan Johnson, Larry Zehnder, Danny Thornton, Richard Beeland, David Johnson, Chief Parker, Steve Leach, Dennis Malone, Gary Hilbert, Daisy Madison, Jerry Stewart, Lee Norris, Office Kennedy, Chief Flint, Jim Templeton, Paul Page, Donald Green, Brian Shultz, and Karen Rennich. Dickie Hutsell and Bill Payne joined the meeting later.

Chief Parker gave a briefing on the bad weather that was expected on Wednesday, stating that he had a power point presentation concerning weather that he could present. The bad weather is expected tomorrow afternoon. Councilman Benson stated that this is the tornado season and very expensive for Public Works.

Ordinance VI(a) concerning Water Quality will be discussed when Bill Payne is present.

Resolution VII© authorizes an Agreement with Samuel Daniel relative to the South Chickamauga Creek Greenway Project for a temporary right-of-way for a total amount not to exceed \$4,500. Mr. Malone explained that this temporary use was for access of the crane to set the bridge. He showed the area that is actually a walk-way and also a picture of the bridge itself. He showed a view of the installation of the project.

Resolution VII(d) is for Lee Ann Chesnutt to temporarily use the rights-of-way located at 516 Beck Ave. for the installation of wooden stairs over deteriorating concrete and for construction of a parking pad. Mr. Malone explained that this was to replace deteriorating concrete stairs with wooden steps, and these will be in the right-of-way; there are no plans for sidewalks and will not hamper Public Works' plans.

Resolutions (e), (f), and (g) are all a part of a Grant Program for the King Oak Neighborhood, Highland Park Neighborhood Association and Brainerd Park North to place community markers to indicate boundaries. The last neighborhood is near the Brainerd Golf Course. Councilman Gilbert asked when North Brainerd would be looked at? Mr. Malone explained the process, noting that Traffic Engineering establishes the details, and he was not actually sure where North Brainerd was in the process, but he would check with Traffic Engineering.

Resolution (h) authorizes eminent domain proceedings against Rajesh Kumar Chaudnari for property located at 7900 Shallowford Rd. Councilwoman Scott noted that this eminent domain was different from the rest of them because it says “and any other known or unknown party with interest in the property”. She asked if we knew who the clear title owner was? Attorney McMahan explained that it was titled in the name of a corporation, which was not in good standing with the State; that the person mentioned actually owns the property, and we are suing him—that we would sue whomever it takes. Councilwoman Scott asked if a payment went along with this? Attorney McMahan stated that it will say who will receive the money; that he assumed that they would have to get the corporation in good standing—that all we do is sue them, and the court will make a ruling.

Resolution (i) authorizes the waiver of the Landfill Fees for the Chattanooga Community Kitchen, Inc. for the “Comcast Cares Day-Clean Up Day” in an amount not to exceed \$500.00. Mr. Malone stated that this was a tenth anniversary event for Comcast—that they had spent 1.7 million hours of service, and it would help Community Kitchen.

AGENDA ITEMS FOR MAY 3, 2011

Resolution 7(d) authorizes an Agreement with Charles King Architects for professional services relative to Roof Replacements for Waste Resources Div. in an amount not to exceed \$30,350.00.

Adm. Leach went back to **Ordinance VI(a)**. He called on Bill Payne.

Mr. Payne stated that this first came up in January, and they had been working through the language; that it was referred back to the Stormwater Regulatory Board, and they heard this topic at their January meeting; that Staff, members of the business community and non-profit community were present; that they had worked through this for 90 days and last week the Stormwater Regulatory Board met with a good discussion, which comes with recommendations regarding credits being implemented and required maintenance being amended; that the Agreement has to be executed by both the property owner and the City, and it does require recording of the agreement in order to get credits. He stated that we wanted to insure that we are being fair administratively regarding eligibility for some credit. He stated that we had revised the Code dealing with the language in the paragraph regarding enforcement; that the language now says pursuant to all enforcement contained in the City Code; that because of the prior Code Section, this change will go into this section.

Vice Chairman Benson expressed appreciation for the work that had gone into this, noting that some of the Blue Ribbon Committee is present tonight and asked if anyone from the Stormwater Regulatory Board was present. He called on General Bill Raines.

Mr. Raines thanked the Council for allowing him to speak. He also thanked Bill Payne and his office and the City Attorney, stating that there had been very good dialog and a lot of word-smithing; that we had taken the advice of Chairman Ladd and had taken time out and slowed down. He noted that 13 people at large had met, along with Bill Payne, Dr. Mo, Valerie Maleug, and Don Green and at the end of the day, we had a much better form; that we would encourage owners to improve water run-off from their sites, and this goes a long way. He noted that first, if one had a facility in place and there was a change in their impervious area, they would have to comply. Secondly, this takes out the “twice” penalty and includes the word “Initiates”; that in fact if there is an emergency and someone comes on site to make repairs, only with negligible and willful conduct is there a penalty. He proceeded to go over some of the recommendation of the Stormwater Board—(1) The form is good and will incentivize good stormwater practices; (2) He noted that the Pastor from Brainerd Hills Baptist was not able to be present at this meeting, but he wanted to see if an “Opt Out” provision could be included. He stated that the Pastor might be present at tonight’s meeting; (3) Through this dialog, education has come about, and they were proposing funding to engineering offices for education so that it would be “we” and not be so onerous.

Councilwoman Scott asked about the “Opt Out” Provision, asking if they don’t want credits, then they will pay the regular fee? The answer was “yes”. She asked if the City takes over maintenance on a particular project because the owner is not present and manages this, and it results in a fine, if this would be a lien? She continued, asking if they go through financial difficulty, and the City has to take it back over, how do we get it? Mr. Payne responded that the City would not take over future maintenance; that we recover funds through other parts of the Code; that it finally could result in a lien. She asked if sometime we would take a loss on it? Mr. Payne explained that there are appeals to the Stormwater Board, and if they still are not paid, there could be a lien through the City Attorney. He added that it was not an inherent future responsibility of the City.

Councilwoman Scott went on to ask about the educational component—if our Water Quality Division would be included in this? Mr. Raines responded that it was a different process—that he was speaking of various associations and contractors—that it was a different educational process. Mr. Payne added that it would be the same as we currently use—that we could take two realtor groups or a manufacturing group so that people will be able to understand. She asked if the software program of the Association of General Contractors would participate in this? Mr. Payne explained that this software is used during the construction process; that we might could add on but now it was only used during construction.

Vice Chairman Benson congratulated everyone on working together, stating that this was Government at its best. He asked if the Blue Ribbon Committee approved this and was told “yes”.

At this point, Adm. Leach stated that he would like Donald Green to inform the Council of an upcoming event. Mr. Green stated that he was the Stormwater Supervisor, and the event was 'Public Works Week' from May 15th to May 21st; that the goal was to educate people about what Public Works does for the City; that they would have a luncheon on the 20th and a demonstration downtown at Miller Plaza on Wednesday.

The meeting adjourned at 3:40 P.M.