

PUBLIC WORKS COMMITTEE

JUNE 7, 2011

3:30 P.M.

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

Others present included Dan Johnson, Daisy Madison, Larry Zehnder, Beverly Johnson, Jerry Stewart, Gary Hilbert, Bryan Shults, Paul Page, Chief Parker, Randy Ray, David Johnson, Jim Templeton, Chief Dodd, Richard Beeland, Chief Kennedy, Karen Rennich, Capt. Snyder, Lt. Carroll, Dennis Malone, Officer Haskins, Officer Collins, Lee Norris, Tony Boyd, and Bill Payne. Attorney Bobo and John Bridger joined the meeting later.

While waiting on technical assistance, Mr. Norris asked Attorney McMahan to brief the Council on a meeting he had attended on Monday. Attorney McMahan stated that he, Bill Payne and Patrick Bobo had met with the Tennessee Regulatory Authority regarding the franchise with the Chattanooga Gas Co., which will be in effect for 10 years; that fees were escalating from 3% to around 5%, and the fees would be staggered. The franchise fee will be tacked on to the Gas bill and people using gas will pay a bit more money.

Councilwoman Scott asked if it was three years in the original agreement or five? Attorney McMahan explained that there was a fixed annual fee, and it would be staggered. She asked the net amount money-wise? Mr. Johnson stated that he did not recall. She asked if this was different from the agreement that the Council had approved. Attorney McMahan explained that it was the same agreement—that the agreement had to be approved by the Tennessee Regulatory Authority. She asked if it were exactly the same and was told “yes”.

Mr. Norris began with **Resolution 7(d)** that amends Resolution No. 26711 and authorizes an increase in an amount not to exceed \$500,000.00, based upon updated information. The agreement is with True North Emergency Management. The amount is being increased from \$300,000 to \$500,000, and this Resolution parallels **Resolution 7(e)**, which is an increase in an amount not to exceed \$2 million dollars with agreement with Byrd Brothers Emergency Services, LLC. He explained how these increases came about. He stated that immediately after the tornado we submitted a P.O., but we did not know the amount of debris but did not want to delay to get an accurate estimate—we wanted to get the process started. We got our RFP’s back and some hard numbers. We also had a real estimate from FEMA, and it was all a substantially larger amount than we had anticipated.

Councilman Gilbert stated that he had three questions. He stated that we had discussed this earlier and was told that the timeframe, if our employees performed the work, would be 18 weeks to finish. He wanted to know the timeframe with these companies. Mr. Norris

responded that he would know better tomorrow, but he knew it would be faster than 18 weeks. Councilman Gilbert questioned us paying \$2 million dollars and not knowing the timeframe. Mr. Norris explained that we would only pay for the work they do.

Councilman Gilbert stated that our employees who do the work on weekdays want overtime. Mr. Norris stated that normally the brush crews will work on Saturday. Councilman Gilbert asked if they would not be working overtime on weekdays and was told “no”. Councilman Gilbert stated that he thought we would save money by giving the work to our employees. Mr. Norris explained the heat and extended hours—that we got more productivity out of a Saturday crew with “fresh legs”, and they would still be getting eight hours overtime. Councilman Gilbert maintained that our employees should be able to get to it; that they have not had raises, and this is an opportunity for them to get money rather than giving it to contractors; that he thought if they did it during the week, we would spend less money.

Mr. Norris again explained that outside in this heat, productivity goes to zero, and we recognize this; that they will be getting eight hours on Saturday, and all of it is overtime; they will be getting compensated and still using our equipment; that the logical decision is eight hours overtime on Saturday and straight time during the week.

Councilman Gilbert stated that he thought if they got the weekends off, they would be more rested. Mr. Norris acknowledged that this was Councilman Gilbert’s opinion, and he respected it but that he did not agree with him; that if workers picked up one load of brush in the last two hours of the day, they were not interested in productivity but in the extra money and getting home.

Councilman Gilbert asked why they were picking up wood and brush on Brainerd Rd. and the 58 H/W area and going to the Tifonia station rather than dumping it closer; that it seemed to him this would take more gas. Mr. Norris stated they were taking brush from these areas to Hawthorne; that on Saturdays they haul to Lookout Valley. Councilman Gilbert asked if they were not hauling to Lookout Valley during the week?

Mr. Boyd explained that the Lookout Valley chipper had run out of brush and had a down time. Councilman Gilbert stated that now that they were caught up, would they not be hauling to Lookout Valley?

Councilwoman Scott asked about vegetative debris and C&D removal. She asked if we had a contract for dealing with FEMA for reimbursement? She asked if C&D goes to another landfill and was told “yes”.

Mr. Norris noted that some debris was mixed, and we have an option with a mixed pile; that a lot of building material is taken to the C&D landfill.

Councilwoman Scott referred to page 14 concerning heavy equipment going on driveways for debris. Mr. Norris explained that they limited this equipment to rubber tires—that there had to be an exception; that they did not go on driveways because that is private property. Councilwoman Scott noted that some of the storm damage debris is in ditches, and they have to go across the driveways to get to it. Mr. Norris explained that they identify the blockage and then have to get a right of entry. Councilwoman Scott indicated that was what she wanted to hear.

Councilman Benson commended Mr. Norris for his good leadership on the part of Public Works; that he knew Councilman Gilbert wanted to give employees an even chance, but he agreed with what Mr. Norris had said about the heat and this being counter-productive; that with the heat and labor there could be a lot of injuries; that employees could be hurt or injured on the job because of fatigue. He applauded Mr. Norris' leadership and judgment, stating that he thought we ought to give the employees a shot at overtime; that what Mr. Norris was doing was right.

Technical assistance had arrived and Mr. Malone began with **Ordinance 6(a) First Reading**. This was abandonment of AC Properties, closing and abandoning a portion of an unopened alley beginning at its intersection with the 200 Blk. of W. 19th St. He explained that we were going to reserve easements for future use. Councilman Murphy asked for what future use? Mr. Malone noted that there would be restrictions, and we would still have the right to do so. Councilman McGary asked what the use would be and was told that they were combining property.

Ordinance (b) closes and abandons a right-of-way at the open 1900 Blk. of Burton Street. Mr. Malone stated that they would pick up their own garbage and were requesting this abandonment. They will be held harmless for the hammerhead.

Ordinance © closes and abandons two unopened alleys—one between the 1600 block of Rossville Ave. and the 300 Block of e. 18th St. and one between the first alley and the 1700 Blk. of Kerr St. This involves the Chicken Plant and Mt. View Ford. There are no utilities currently, and the City is willing to abandon.

Resolution (h) authorizes Arcade, Inc. to temporarily use the right-of-way located at 1524 E. Main Street regarding parking capacity. This parcel is up for sale, and this gives access to the alley. It will just be used for parking. Councilwoman Scott asked what UST stands for and was told Underground Storage Tank.

Resolution (j) authorizes application and acceptance of a U.S. Economic Development Administration Grant in an amount not to exceed \$1,500,000 for Sewer System Improvements at the Enterprise South Industrial Park. The overall cost will be \$8 million dollars. Councilman McGary asked what we would be asked to contribute? Mr. Norris explained that the total is \$8 million dollars, and we will knock off the grant amount.

Resolution (k) is a temporary right-of-way use for Top it Off/Zach Smith along 401 Broad Street for installation of outdoor seating. This is for tables and chairs.

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Resolution (b) terminates the temporary use authorized by Resolution No. 26637 that allowed Larry Crane to temporarily use the 806 Browns Ferry Road Pump Station property for access across City easement during high water, subject to certain conditions. Mr. Malone stated that they had identified Mr. Crane's property; that the property owner accesses during high water; that it is the Attorney's decision that this needs to be terminated.

Councilwoman Scott explained that this Resolution was put before the Council with the idea that this person exited from a house during high water, and this was not the situation here. She explained that there were multiple houses, and this person is wanting to go through the property of these individuals to access a boat ramp, and this was not what she understood the use was for—that she thought it was emergency access out of a home, and it was not this at all. She stated that these people objected to this; that he was using it every day or frequently and coming through their property, and this was not the intent of the Council; that it was an easement for Public Works to access a sewer pump. She stated that it was far more than an emergency situation and did not involve an individual with a house.

Attorney McMahan added further that Mayor Littlefield and Councilwoman Scott had received complaints from other neighbors; that this individual went through two lock gates and there were no houses involved—that it was a convenience factor for Mr. Crane; that the neighbors had been complaining and a notice had been sent to Mr. Crane that the City wants this terminated.

Resolution (d) authorizes an agreement with Griggs & Maloney, Inc. for engineering services for groundwater sampling, monitoring, and reporting services at the Summit Landfill, City Landfill on Birchwood Pike, and the Farmers Market site for an amount not to exceed \$91,297.50.

Councilman McGary stated that he was unfamiliar with the Gas property and wanted to know how close this is to the new proposed Health Center? Mr. Malone stated that this is the site of the Health Center. Councilman McGary wanted to know how this will affect the Health Center and was told there will be no impact.

The meeting adjourned at 4:00 P.M.