



CITY COUNCIL

Public Works Committee

Monday, April 16, 2007
Meeting Report

Attendance: M. Goodman-Hinnershitz; M. Baez, Chair, J. Waltman

Others City Staff Attending: C. Jones, C. Kanezo, L. Churchill, J. Giardiello, W. Cockrell, K. Zeiber

The meeting was called to order by Ms. Baez at approximately 5:00 p.m.

I. Chester Street Lot

Ms. Baez discussed the interest in the property, shown Mr. John Weidner, a resident who happens to reside near the property. Mr. Weidner has maintained the property for nearly 30 years. During this time Mr. Weimer made several attempts to purchase the property from the City. For unknown reasons Mr. Weidners inquires have never been properly addressed by the City.

Mr. Churchill outlined two options to bring closure to the issue:

1. Council could agree to waive the bidding requirements and sell the property to Mr. Weidner;
2. The property could be transferred to the Redevelopment Authority; the Authority could then sell the property to Mr. Weidner.

Mr. Churchill suggested Council consider option 1, if only for the sake of expediency. Mr. Waltman agreed that option 1 is preferable. Mr. Waltman formally endorsed the proposal to waive the bidding requirement and permit the sale of property to Mr. Weidner. Ms. Baez thanked the committee for the support.

II. Loading Zone Policy

Mr. Kanezo provided a brief explanation of the draft policy presented for consideration. The policy is designed to establish set procedures for the placement of loading zones. Mr. Kanezo stressed that the policy is only a draft, which had been created to generate discussion. Mr. Kanezo stated Public Works is invited and encouraged to provide suggestions, even go so far as to prepare a counter proposal. Mr. Giardiello commented on the policy currently in place, how the policy allows for loading zones to be placed on an as requested basis; the policy also allows staff enough discretion and flexibility to accommodate many requests.

Mr. Jones was reluctant to endorse the proposed policy. According to Mr. Jones several provisions could not be adapted to the local urban setting. Mr. Kanezo asked to discuss the points in greater detail, as much of the policy was adopted from recommendation made by the National Association of Urban Planners. Mr. Jones agreed to meet with Mr. Kanezo, after having had time to further review the draft. Ms. Goodman-Hinnershitz commented that loading zones were directly related to the density of vehicles in certain blocks. Mr. Waltman agreed that loading zones could regulate ease parking congestion; however, Mr. Waltman expressed a great deal of reluctance to codify any policy, preferring to maintain existing procedures.

III. Bus Stop Policy

Mr. Waltman asked how BARTA determined when it was appropriate to remove route signs. Mr. Jones reported that BARTA has a policy of periodically removing signs when no longer needed. The bus routes are reviewed and when a route is discontinued, downgraded or otherwise altered, then signs are removed. Mr. Waltman commented that most “dead” stops are covered by trees and other growth. Mr. Giardiello asked Mr. Waltman to provide addresses for the signs. Mr. Jones stated BARTA would be notified and crews dispatched to remove signs.

Mr. Waltman thanked Mr. Jones and Mr. Giardiello for attending to the matter.

IV. Bernhart's Dam

Mr. Waltman questioned the current ownership arrangement. Mr. Kanezo explained the dam and surround park are legally owned by the Earl Trust; however, the City has been responsible for maintenance. Mr. Jones confirmed the arrangements. Mr. Jones explained that under the terms of the trust, it is unclear if the City would have to assume responsibility for Bernhart's; Mr. Kanezo added it was the Solicitor's opinion that the City would indeed be responsible for the property, as the terms of the disilluionment include a number of reverter clauses. However, the City could petition the court to rule directly on the status of Bernhat's. Mr. Waltman inquired who holds responsibility for liability. Mr. Kanezo stated the manager of the trust, in this case Wachovia Bank, is liable; upon dissolution, whichever entity receives the property will assume liability.

On the basis of assumed liability, Mr. Waltman thought bringing suit against Exide would be necessary. Mr. Waltman explained a lawsuit pressuring Exide, would help mitigate any liability the City might incur. The logic being that the City is attempting to hold the appropriate party responsible for the contamination. Ms. Goodman-Hinnershitz commented that the County, through the works of the County Environmental Advisory Council, has been investigating the area for some time. Ms. Goodman-Hinnershitz suggested the City partner with the County. Mr. Waltman urged independent action, in view of the fact that the City, as future owner of the property, will be held accountable for unacceptable levels of contamination.

Mr. Jones reported that levels of lead contamination at Bernhart's are at acceptable levels, though Mr. Jones admitted EPA is continually debating what constitutes acceptable levels. Mr. Jones explained there are different categories. One level can be determined acceptable for recreational use; the same level could be considered unacceptable for prolonged exposure. Mr. Jones acknowledged that some form of remediation will be necessary. The real danger situation will occur if DEP requires the breaching of the dam, which according to Mr. Jones will release thousands of tons of lead contaminated silt. Exposing the contaminated silt and other sediments will present extreme contamination problems that will be extremely costly to clean up.

The Public Works Committee agreed to: draft a resolution seeking legal action against Exide, DEP, EPA, the action would compel Exide to comply with a remediation plan as determined by the appropriate, neutral agencies. Mr. Jones suggested the resolution specify Blank Rome as counsel in the matter. Mr. Kanezo

promised to draft a resolution, which would be submitted to the members of the committee and Council for review.

V. Graffiti Action Plan

Mr. Jones explained winter and cold temperatures place a severe limitation on the amount of graffiti that can be removed. The reason for this is the cleaning agents cannot be used when the temperature falls below freezing. With the arrival of spring and rising temperatures, graffiti clean up can be accomplished, with crews from Public Works and the Office of Neighborhood Development assigned to the effort. Mr. Zeiber stated the City and County are in the process of organizing joint removal efforts. These joint efforts pool available resources in order to maximize effect.

Mr. Waltman asked for a high level review of the graffiti removal process (see attached flowchart). Mr. Cockrell explained the removal role played by the Office of Neighborhood Development. According to Mr. Cockrell, OND has greater flexibility in removing graffiti and at times can be more effective than Public Works. Mr. Zeiber responded that Public Works operates quickly and efficiently. Once a work order is received from Codes, a crew is dispatched. The effectiveness of Public Works can be tied to two areas: 1. Codes, how quickly Codes dispatches a work order; 2. internal resources. Mr. Zeiber explained he cannot keep personnel devoted to graffiti removal; also the chemical agents used to remove graffiti are extremely expensive.

Ms. Goodman-Hinnershitz observed that if Codes were more efficient, then Public Works would be inundated with work orders and unable to keep up. Mr. Jones thought this observation was probably very likely to be true. Ms. Goodman-Hinnershitz asked how the Citizens Codes Inspectors fit into graffiti removal. Mr. Cockrell observed that Inspectors would be a useful identification tool. Unfortunately the inspectors would not be able to physically remove graffiti, due to the caustic nature of removal agents and the associated liability.

Mr. Cockrell emphasized that graffiti removal is one of the primary responsibilities of OND; therefore resources will always be made available. Mr. Waltman suggested OND develop a plan to work closely with Public Works, particularly when Public Works and the County are conducting graffiti sweeps.

The committee adjourned at 7:05p.m.

Respectfully submitted by Chris Kanezo, Deputy City Clerk