



Legislation Text

File #: 12-0460, **Version:** 1

City Attorney's Report

SUMMARY:

Jet Motel - Tennessee Air Pollution Control Board Order - The City of Crossville has been assessed by the Division of Air Pollution Control of TDEC with a Civil Penalty in the amount of \$ 3,750, which the Division has agreed to reduce to \$2,800.00 if the City will agree to settle and waive its right of appeal. The penalty arises out of the alleged presence of asbestos at the site of the old Jet Motel which was demolished by the City under an abatement procedure to clean up abandoned and condemned property which had become a hazard to human health and welfare. The City has thirty (30) days from January 15, 2013, to accept the settlement if it wishes to do so. The Office of City Attorney recommends the settlement on the basis that it is reasonable under the circumstances and that the economics of filing and pursuing an appeal would weigh in favor of accepting the settlement. If the City accepted the settlement, it would not be prevented from challenging any future assessments should they arise with regard to other projects. In other words, if the City believes that it has grounds to fight future assessments, if any, and that the time and expense justifies the process, the City can do so without this settlement being used against it.

Soccer Complex - As discussed in work session, a notice of authorized activities was received from the U.S. Army Corps of Engineers on the original construction of the soccer complex. Because of the complexity of the issue and the time sensitive nature of a response, it was recommended by the City Attorney that the City Manager engage Michael Staggs as an environmental attorney to provide counsel. This has been done with the initial engagement for \$4,900. The actual letter of engagement has not been received from Mr. Staggs, but will be provided to Council as soon as it is. Approval of this engagement to continue as counsel on this legal matter is requested.

BUDGET ACCOUNT: 110-42420-290

NECESSARY COUNCIL ACTION: Approve recommendations on both issues, including approval of contract with Michael Staggs.