



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
October 30, 2018
6:00 PM

CALL TO ORDER

Chairman Ken Smith called the meeting to order with a quorum present, including Vice-Chairman Erskine Oglesby and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Jerry Mitchell. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Vice-Chairman Oglesby led the Assembly in the Pledge of Allegiance. After which, he made comments on the Pittsburgh tragedy experienced this week. He read scriptures from Matthew 5:4 and Psalm 23 of the Bible before giving the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Vice-Chairman Oglesby, the minutes of the last meeting (October 23, 2018) were approved as published.

PUBLIC HEARING: STEEP SLOPE AND FLOOD PLAINS

A hearing ensued on steep slopes and flood plains. John Bridger, Executive Director of Regional Planning, informed the Assembly that he had made a presentation to the Council during a past committee meeting. He would make that same presentation [see attached] today that included information on the following topics:

- Presentation Overview
- Staff Approach
- Three Key Focus Areas
- Zoning Case Review (past 5 years)
- Why More Development?
- Mountain Creek Rd. 2016-0103
- Cassandra Smith Rd. 2017-0031
- Knickerbocker Ave. 2018-0073
- 6038 Hixson Pk.
- Challenges with Current Approach
- Municipality Review
- Review: Nashville Metro
- Review: Knoxville, TN
- Review: Asheville, NC
- Review: Durham, NC
- Review: Chattanooga, TN
- Permitting and Enforcement
- Land Disturbing Process
- Construction Site Management Process
- Connecting Zoning and LDO Review
- Questions to Think About

Councilman Ledford, who chairs the Council's Planning and Zoning Committee, gave the back story on why the Council is taking up these issues. He commented on the future of planning and development. He discussed the need for housing in general and also affordable housing. He thanked his co-sponsor, Councilman Mitchell, and the Regional Planning staff. Chairman Smith then opened the floor to members of the public wishing to address the subjects of steep slopes and flood plains. He recognized the following speakers:

- **Christopher Dahl** (E. 12th St.) – He believes development is encouraged chiefly to satisfy bonds of the city. He believes that water quality is an important value when it comes to flood plains and discussed TDEC issuing permits that only deal with quantity, not quality. He recommended that members of the public contact the EPA land office, city inspectors and Public Works to voice their concerns about water quality.
- **Chelsey Breedy** (St. Elmo) - She is President of the Community Association of Historic St. Elmo (CAHSE) and informed the Council that her neighborhood is nestled between Hawkins Ridge and Lookout Mountain. Her association developed a resolution that was presented at their June 4, 2018, meeting and passed. She informed the Council that of the 32 people at the meeting, 24 were in favor of the resolution, 8 abstained and zero were against it.
- **Tim McDonald** (St. Elmo) – He spoke on behalf of CAHSE and distributed copies of a proposed resolution, St. Elmo land use plan and photos to the Council. His neighborhood asks the Council to follow the current land use plan for St. Elmo. He asked the Council to conserve steep slopes and accept the recommended resolution proposed by his association.
- **Jim Faulkner** (Mountain Creek Rd.) – He doesn't understand why people build homes in 100-year flood plains. He commented on grandfathering properties and not diminishing property values. He would support a moratorium on development on steep slopes.
- **Carolyn Cappelge** (Chattanooga) – She thinks this matter is super complicated and asks the Council to broaden its research outside of the city. She believes that runoff is bad for the rivers and will affect our drinking water. She asked the Council to consider the science behind what is being done in other cities, such as Ashville.
- **Beth Van Deusen** (Baker Hilltop Neighborhood) – She would like to see a policy added to the rezoning. Until this is decided, she would support a moratorium for development on steep slopes.
- **Angela Dittman** (Oak St.) – She represented the S. Chickmauga Greenway Alliance and distributed a letter to the Council from Sandy Kurtz, the organization's Chairman [see attached]. She read the letter and its recommendations to the Council.
- **Kevin Halepaski** (Chattanooga) - He believes that developers are calling the shots and putting the city in peril. He informed the Council that citizens want to maintain their quality of life. He liked the Nashville plan, especially with the 7,500-foot rule.
- **Bruce Blohm** (Brainerd) – He thanked Councilmen Ledford and Mitchell for proposing action on these issues. He has concerns about water quality in relation to flooding. He believes that corrections are needed because every body of water in Chattanooga is impaired in some way.
- **Farron Kilburn** (Baker Hilltop) – Her neighborhood is on a hilltop and has had stormwater issues due to rapid development. She believes there should be an ordinance in City Code, not just a policy. She noted high density on steep slopes and lack of infrastructure as main problems.

- **Justin Tirsun** (Belvoir) – He has been a city planner and informed the Council that the development community wants clarity in a policy or an ordinance. He believes there are many ways to tackle these issues, as seen with the other cities noted. He asked the Council to look at the national planning organization.
- **Sarah Paige** (Chattanooga) – She is a licensed architect and recommended consistency and knowledge up front with any legislation on slopes and flood plains. She recommended incentives and bonuses for developers and architects that would bring development to underserved areas. She has seen issues with poor people living downhill of certain developments.
- **Patrick Kellogg (Chattanooga)** – He asked the Council to look at slopes in relation to density. He discussed flooding on Sherman Street in his community and asked the City to see what the people want in their communities. He noted that there were 70 people present not wanting the legislation.
- **Manbar Telliti** – She commented on balancing affordable housing with the environment and the loss of greenspace. She would like for the Council to draft City Code that is retroactive with very steep fines that cannot be rolled into the cost of a house.
- **Mr. Patton** (Graysville Rd.) - He informed the Council of runoff at his property, especially since the ditch is no longer there on the road. He has not seen the City doing anything to prevent the flooding.
- **Neal Messler** (N. Chattanooga) – He has been involved in real estate a long time and voiced concerns about water runoff and property rights. He would like to see an ordinance developed around steep slopes and flood plains. He questioned what would happen if houses were put all over the side of Lookout Mountain.
- **Sylvester Harris** (E. Chattanooga) – He believes that developers are not looking at putting developments in certain neighborhoods that could use such developments. He asked the Council to consider flooding downhill due to developments on slopes and how property owners can compensate loss. He encouraged bringing development to areas that need it.
- **Allison Hanley** (Chattanooga) She has lived at the foot of Lookout Mountain for 15 years and informed the Council about a developer that owns Gills Trail and Glen Fall Trails. She is concerned with water runoff at her home due to development on slopes. She fears the rock face doming loose and harming her home.
- **Marie Mott** (Chattanooga) – She discussed the Council being responsible for allowing development in the city. She discussed overdevelopment in some areas because of a lack of desire to development in underserved areas. She recommended talking to people in underserved areas to see where development is needed.
- **Charles Manis** (Lookout Valley) – He informed the Council of his complaints against runoff causing flooding on his property that he believes is coming from the Walmart shopping center in Lookout Valley. He has not having a response from Walmart and asked the City to look into flooding on the east side of the shopping center. He informed the Council about property on Aster Avenue that floods many times also.

After confirming that there were no additional speakers, Chairman Smith closed the public hearing at 7:10 p.m. and proceeded with the remainder of the meeting agenda.

ORDINANCES – FINAL READING:

On motion of Councilman Henderson and seconded by Councilman Byrd,

ORDINANCE #13389

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, CHAPTER 16, ARTICLE III, BY ADDING A NEW SECTION 16-58, RELATING TO CHATTANOOGA HOUSING AUTHORITY PUBLIC SAFETY OFFICERS.

ACTION: APPROVED

Agenda Item V(b):

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-50, PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE; PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSONS UNDER 18.

Councilman Gilbert moved to approve with the intent to amend. He was seconded by Councilwoman Berz. The motion carried. Councilman Gilbert asked Attorney Noblett to read the amendments to separate this ordinance into two separate ordinances. After confirming the amendments, **Councilman Gilbert moved** to amend in the form of Alternate Version 1. He was seconded by Councilwoman Berz. The motion carried, with Councilman Henderson voting “No.”

Alternate Version 1:

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, TO ADD A NEW SECTION 24-50, ENTITLED PROHIBITED USE OF HAND-HELD MOBILE TELEPHONE IN MARKED SCHOOL ZONE.

Councilman Gilbert moved to amend in the form of Alternate Version 2, seconded by Councilwoman Berz. The motion carried.

Alternate Version 2:

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, TO ADD A NEW SECTION 24-51, ENTITLED PROHIBITED USE OF MOBILE TELEPHONE WITH HANDS-FREE DEVICE BY PERSONS UNDER 18.

Chairman Smith confirmed that both versions will be upon final reading next week.

**ACTION: AMENDED AS ALT. VERSION 1 AND 2;
BOTH ALT. VERSIONS PASSED ON FIRST READING**

On motion of Councilman Henderson and seconded by Councilwoman Berz,

ORDINANCE #13390
(Renumbered since first reading)

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-443, LIGHTS REQUIRED ON MOTOR VEHICLES; EXCEPTIONS; REGULATIONS AS TO COLOR, TYPE AND VISIBILITY DISTANCE.

ACTION: APPROVED

ORDINANCES – FIRST READING:

MR-2018-151
Ken Garner Enterprises
and Kenneth B. Garner, Trustee
District No. 8

On motion of Councilman Byrd and seconded by Councilman Gilbert,

ORDINANCE #13391

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1200 BLOCK OF EAST 28TH STREET TO ALLOW FOR SITE MODIFICATIONS TO IMPROVE PUBLIC SAFETY, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29681

A RESOLUTION AMENDING RESOLUTION NO. 29515 ENTITLED, “A RESOLUTION AUTHORIZING THE USE OF GRASS BUSTER LAWN MAINTENANCE AS PRIMARY VENDOR FOR ABATEMENT SERVICES AND AB PROPERTY PRESERVATION AS SECONDARY VENDOR FOR ABATEMENT SERVICES,” TO THE FOLLOWING: “A RESOLUTION AUTHORIZING THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, CODES DIVISION, TO ENTER INTO AN AGREEMENT WITH GRASS BUSTER LAWN MAINTENANCE AND AB PROPERTY PRESERVATION, FOR AN AMOUNT NOT TO EXCEED \$260,000.00 FOR PROPERTY ABATEMENT SERVICES.”

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #29682

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR W.O. CONSTRUCTION COMPANY, INC. OF LIVINGSTON, TN, RELATIVE TO CONTRACT NO. W-15-001-201, MBWWTP DETRITORS REHABILITATION, A NON-CONSENT DECREE PROJECT, TO RELEASE THE CONTINGENCY AMOUNT OF \$135,000.00, FOR A DECREASED AMOUNT OF \$181,361.55, FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED \$2,481,514.45.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29683

A RESOLUTION AMENDING RESOLUTION NO. 29631 TO AUTHORIZE THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A CONTRACT WITH WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION SERVICES ASSOCIATED WITH CITYWIDE RESURFACING CONTRACT NO. T-18-006-201, FOR AN AMOUNT NOT TO EXCEED \$3,393,383.30.

ACTION: ADOPTED

PURCHASES: (NONE)

OTHER BUSINESS:

Meeting Time Change Reminder

Vice-Chairman Oglesby reminded that next week's Council meeting on November 6 would start at 4:00 p.m. instead of the usual 6:00 p.m. due to it being election night. He also reminded everyone to go out and vote.

Board Appointment

Councilwoman Coonrod appointed Sylvester Harris to represent District 9 on the OMA Advisory Board.

Voting Reminder

Councilman Gilbert reminded everyone that the last day of early voting is November 1 and reiterated the need for people to vote at the general election on November 6.

Approval of Certifications

Attorney Noblett sought approval of certification for the following new grocery stores wishing to sell wine:

1. MAC's Convenience Store, LLC d/b/a Circle K #2803604, 624 Hixson Pike (District 3)
2. MAC's Convenience Store, LLC d/b/a Circle K #2803602, 5501 Highway 153 (District 3)
3. MAC's Convenience Store, LLC d/b/a Circle K #2803609, 6239 Highway 58 (District 6)

Each certification was signed by five (5) councilpersons during this open meeting

COMMITTEE REPORTS:

Budget and Finance Committee

Councilwoman Berz

(No report)

Economic and Community Development Committee

Councilman Byrd

(No report)

Human Resources Committee (HR)

Councilman Gilbert

(No report)

Planning and Zoning Committee

Councilman Ledford

(No report)

Public Safety Committee

Councilman Henderson

(No report)

Public Works and Transportation Committee

Councilman Mitchell

- The committee met today in open meeting and will meet again in two (2) weeks following the 3:00 p.m. Agenda Session.

Youth and Family Development Committee

Councilwoman Coonrod

(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (Non-Agenda Items)

Attorney Noblett read the rules of procedure for persons wishing to address the Council on non-agenda items. After which, Chairman Smith recognized the following persons:

- **Christopher Dahl** (E. 12th St.) – He informed the Council that last week was Freedom of Speech week and read a quote from Benjamin Franklin. He is against mandatory union

dues and cited the case *Janus V. American Federation Of State, County, And Municipal Employees*. He would like to abolish union dues at the Chattanooga Police Department. He also spoke on the sewer spill that took place months ago, but is just now being treated. He spoke on spills in Walker County that go to Moccasin Bend due to an interlocal agreement that will increase runoff and sewer overflow in Chattanooga.

- **Ezra Harris** (N. Brainerd) – He is the President of the North Brainerd Community Council. He wanted to thank Councilmen Gilbert and Ledford for coming out to share with North Brainerd at the recent National Night Out event. He presented both councilpersons with a framed Certificate of Appreciation.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, November 6, 2018, at 4:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

Attachments:
Slides from Steep Slopes Presentation
Letter-S. Chickamauga Creek Greenway Alliance



October 30, 2018

TO COUNCIL MEMBERS AND INTERESTED CITIZENS,

Before there were greenways in Chattanooga I was appointed by Mayor Gene Roberts to the Greenways Committee. We worked with the National Park Service's Rivers, Trails & Conservation Assistance to figure out where and how to put greenways. The first question was "What Makes Chattanooga Chattanooga?" What makes the City the way it is? After discussion and citizen input, it was determined that what makes Chattanooga Chattanooga is **steep slopes and stream corridors**. Of course we know that every time we ask people what's important to Chattanooga they say scenic beauty---that is those steep forested slopes and streams.

I fear we are slowly eating away at the stream corridors due to filling of flood plains and wetlands resulting in erosion from development and flooding. And we have also done a very poor job of protecting our steep slopes primarily due to the drive to develop the lands that are hard to build on, namely steep slopes. Yes, land for building is becoming scarcer, but that is no excuse to destroy the very essence of what makes Chattanooga Chattanooga and further damage its already threatened ecosystem.

A little while after we had envisioned a greenway plan with the Tennessee River as the spine, the President's Council for Sustainable Development chose Chattanooga as one of the cities to address how to sustainably develop. There were several task forces formed and I participated in the one for land use. We created a matrix for development that identified lands as buildable, sensitive, and off-limits for development. It wasn't that one couldn't build on sensitive lands, but there were extra requirements that assured the sustainability of each piece of land. Those had to do with requiring a higher percentage of open land on a parcel, little or no timber cutting, and prevention of stormwater runoff and erosion. That plan is on a shelf somewhere. Perhaps it is time for an update.

In order to keep Chattanooga looking like Chattanooga, these steep slopes, which would fall into the sensitive category, should have especially strong regulations based on what is healthy for our natural resources now and in the future. Fines for violations should be high enough so developers don't figure in fines as the cost of doing business.

Thank you for your attention to this matter.

Sandy Kurtz
Chairman
South Chickamauga Creek Greenway Alliance