



City Council Building
Chattanooga, Tennessee
COUNCIL MEETING MINUTES
August 7, 2018
6:00 PM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Councilman Ledford led the Assembly in the Pledge of Allegiance and invited Dr. David Banks to give the invocation.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (July 31, 2018) were approved as published.

ORDINANCES – FINAL READING:

On motion of Councilwoman Berz and seconded by Councilman Byrd,

ORDINANCE #13344

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY CHARTER BY AMENDING TITLE 4, CHAPTER I, RELATED TO CITY COURT BY DELETING SECTIONS 4.1 THROUGH 4.9 AND SUBSTITUTING IN LIEU THEREOF SECTIONS 4.1 THROUGH 4.3.

ACTION: APPROVED

MR-2018-114
Shannon Kelly-Chattanooga Engineering Group/
John Wise-Wise Properties TN, LLC
District No. 1

On motion of Councilman Henderson and seconded by Councilman Ledford,

ORDINANCE #13345

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 200 BLOCK OF DELAWANNA TERRACE TO ALLOW FOR CONSTRUCTION OF A FUTURE DEVELOPMENT, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

MR-2018-105
John Sullivan
District No. 7

On motion of Vice-Chairman Oglesby and seconded by Councilman Henderson,

ORDINANCE #13346

AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED AND UNNAMED RIGHT-OF-WAY BETWEEN THE 4300 BLOCK OF GUILD TRAIL AND THE 4300 BLOCK OF OCHS HIGHWAY TO ALLOW FOR CONSTRUCTION OF A RETAINING WALL AND ADJUSTMENT OF PROPERTY LINES, AS DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: APPROVED

ORDINANCES – FIRST READING:

MR-2018-128
Collier Construction/ASTIR, LLC
District No. 7

On motion of Vice-Chairman Oglesby and Councilwoman Coonrod,

ORDINANCE #13347

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1500 BLOCK OF SINCLAIR AVENUE AT 1531 SINCLAIR AVENUE TO ALLOW FOR CONSTRUCTION OF A FUTURE DEVELOPMENT, DETAILED ON THE ATTACHED MAP, SUBJECT TO CERTAIN CONDITIONS.

ACTION: PASSED ON FIRST READING

On motion of Councilwoman Coonrod and seconded by Councilman Byrd,

ORDINANCE #13348

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 11, SECTION 11-381 RELATING TO VENDING ON PUBLIC PARK PROPERTY, AND CHAPTER 20, ARTICLE VII, SECTIONS 20-146 THROUGH 20-153 RELATING TO MOBILE FOOD UNITS.

Councilman Henderson informed the Council of the revised version that had been placed on the agenda, which contained new language: "...a review impact of this ordinance after one year." Councilman Gilbert asked Attorney Noblett to read Section 11-381(a) of the ordinance, describing the areas where vending was prohibited in the city. Upon no further comments, the motion carried.

ACTION: PASSED ON FIRST READING

RESOLUTIONS:

On motion of Vice-Chairman Oglesby and seconded by Councilwoman Coonrod,

RESOLUTION #29566

A RESOLUTION AUTHORIZING THE WAIVER OF ALL FEES FOR THE "5K WALK/RUN FOR LUPUS/NON-PROFIT ZIA 1081 ORDER OF EASTERN STARS" EVENT AT BLUE GOOSE HOLLOW ON SATURDAY, SEPTEMBER 22, 2018, FOR THE TOTAL AMOUNT OF \$1,000.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29567

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DONATION AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH JWM CHATTANOOGA, LLC FOR THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 1,471 SQUARE FOOT PARCEL LOCATED AT 5061 SUMMIT SPRING WAY, IDENTIFIED AS TAX MAP NO. 131-099.12, ON WHICH A MONUMENT HAS BEEN ERECTED WITH A COMMEMORATIVE PLAQUE OF THE SUMMIT COMMUNITY AND THEIR ANCESTORS, AND FOR THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE ACCEPTANCE OF THE PARCEL WITH AN APPROXIMATE VALUE OF \$3,200.00.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Coonrod,

RESOLUTION #29568

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ACCEPT, IF AWARDED, THE 2018 GREAT URBAN PARKS CAMPAIGN GRANT, SPONSORED BY THE NATIONAL RECREATION AND PARK ASSOCIATION (NRPA), TO BE APPLIED TO THE LYNNBROOK PARK PROJECT, IN THE AMOUNT OF \$300,000.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29569

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENT OF LEE HELENA TO THE HISTORIC ZONING COMMISSION.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Vice-Chairman Oglesby,

RESOLUTION #29570

A RESOLUTION TO CONFIRM THE MAYOR'S APPOINTMENTS OF DAVID HUDSON AND JIM WILLIAMSON TO THE FORM-BASED CODE COMMITTEE.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilwoman Berz,

RESOLUTION #29571

A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT, ALONG WITH THE HAMILTON COUNTY SHERIFF'S DEPARTMENT, TO APPLY FOR THE FISCAL YEAR 2018 EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM WHICH RUNS FROM OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2021, THROUGH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR AN AMOUNT OF \$92,420.00 FOR THE CHATTANOOGA POLICE DEPARTMENT, FOR AN AMOUNT OF \$43,445.00 FOR THE HAMILTON COUNTY SHERIFF'S DEPARTMENT, FOR A TOTAL AMOUNT OF \$135,865.00.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Ledford,

RESOLUTION #29572

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-17-015-101, MBWWTP TANK SAFETY UPGRADES, A NON-CONSENT DECREE PROJECT, FOR AN AMOUNT NOT TO EXCEED \$191,900.00.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Gilbert,

RESOLUTION #29573

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 FOR BROWN AND CALDWELL RELATIVE TO CONTRACT NO. W-12-021-101, SOUTH CHICKAMAUGA CREEK 5 SUB-BASIN SSES, A CONSENT DECREE PROJECT, FOR AN INCREASED AMOUNT OF \$25,560.00, FOR THE REVISED CONTRACT AMOUNT OF \$1,100,192.50.

ACTION: ADOPTED

[Councilwoman Coonrod stepped out of the meeting a few moments.]

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #29574

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. M-18-001-201 TO WEST ROOFING SYSTEMS, INC. OF TUNNEL HILL, GA, REPLACEMENT ROOFING SYSTEM FOR WARNER PARK MAINTENANCE BUILDING, IN THE AMOUNT OF \$42,975.00, WITH A CONTINGENCY AMOUNT OF \$5,000.00, FOR AN AMOUNT NOT TO EXCEED \$47,975.00.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilman Ledford,

RESOLUTION #29575

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONSENT TO ASSIGNMENT OF ALL PURCHASE ORDERS FOR VENDOR NO. 867412 FOR AMEC FOSTER WHEELER AND INFRASTRUCTURE, INC. TO WOOD ENVIRONMENT AND INFRASTRUCTURE SOLUTIONS, INC. RELATIVE TO THE DESCRIBED PURCHASE ORDERS.

ACTION: ADOPTED

On motion of Councilman Mitchell and seconded by Councilwoman Berz,

RESOLUTION #29576

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH STEVEN D. BILLINGSLEY D/B/A BILLINGSLEY ARCHITECTURE RELATIVE TO CONTRACT NO. P-18-001-101, LIMITED RENOVATIONS AT POLICE ANNEX, FOR AN AMOUNT NOT TO EXCEED \$36,400.00.

ACTION: ADOPTED

[Councilwoman Coonrod returned to the meeting during the Purchases presentation.]

PURCHASES:

Bonnie Woodward, Purchasing Director, briefed the Council on the following proposed purchases:

R174321 - R174324 Public Works

Total \$187,409.14

Purchase of Toro Mowing Equipment for Golf Courses,
Parks Division, Public Works Department
Lowest/Best Bidder: Smith Turf & Irrigation, Nashville Office
525 Fairground Court
Nashville, TN 37211

PO 539437 Public Works

Estimated \$100,000. Annually

Blanket Contract Renewal for Grounds Maintenance for
Riverwalk Extension, Parks Division, Public Works Department
Lowest/Best Bidder: Images Landscape Service, Inc.
6025 Airways Blvd.
Chattanooga, TN 37421

R171327 - Public Works

Estimated \$45,000.00 Annually

New Blanket Contract for Custodial Services for Riverwalk
Extension, Parks Division, Public Works Department
Lowest/Best Bidder: Jani King of Chattanooga
7610 Hamilton Park Drive Suite 3 & 4
Chattanooga, TN 37321

R170581 - Information Technology Department

Estimated \$85,000.00 Annually

New Blanket Contract for OnBase and EIS Products,
Information Technology Department
Lowest/Best Bidder: Hyland Software Inc.
28500 Clemens Road
Westlake, OH 44145

PO 545860 - Youth & Family Development

Estimated \$50,000.00 Annually

Blanket Contract Renewal PO545860 for Food and Kitchen Supplies, Youth & Family Development Department
Lowest/Best Bidder: Institutional Wholesale Company Inc.
PO BOX 458
Cookeville, TN 38503

PO 541577 - Youth & Family Development

Estimated \$307,500.00 Annually

Blanket Contract Renewal PO 541577 for Commercial Food Services, Youth & Family Development
Lowest/Best Bidder: YMCA Downtown
301 W Sixth St.
Chattanooga, TN 37402

Vice-Chairman Oglesby moved to approve, seconded by Councilman Henderson. The motion carried.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Wine Certifications

Attorney Noblett presented the approval of certifications for new grocery stores wishing to sell wine:

- a. MAC's Convenience Stores, LLC d/b/a Circle K 2803648, 5710 Lake Resort Drive (District 3)
- b. MAC's Convenience Stores, LLC d/b/a Circle K 2803652, 4900 Brainerd Road (District 6)

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

Form-Based Code (FBC) Appeals

A. CASE NO. 18-00012 - Tennessee Valley Credit Union - Barry Gilley - Construction Consultants, LLC, 101 West 20th Street (District 7)

Donna Williams, Administrator of Economic and Community Development, introduced Dallas Rucker, ECD's Assistant Director of Development Services. Before leaving the podium, Ms. Williams wanted to follow-up on a question asked by Councilwoman Coonrod at an earlier open meeting regarding the number of African Americans on the FBC Committee. Ms. Williams informed the Council about the total number of three African-Americans on the committee. Upon no further questions or comments on the committee, Chairman Smith opened the floor for a hearing on FBC Appeal Case No. 18-00012.

Mr. Rucker discussed the six variances that had been requested by the Applicant and the findings of the Staff Report and Code References. He also gave a background of how variances are heard by the FBC Committee before coming to the Council.

On behalf of the Applicant:

- **Todd Fortner** (Tennessee Valley Credit Union) – He would like to develop the property to have a full-service banking facility in this area. He noted a \$250 Million in revitalization projects. The property on 20th Street has been vacant for more than 30 years. This development would put the property back on the tax rolls. This property would help during the redevelopment of their downtown branch. Building to FBC would force them to share parking. They are very consumer driven and do heavy volume, which requires a lot of parking. Most of their transactions are done via drive-thru.
- **John Merritt, V.P. of Marketing**, Tennessee Valley Credit Union) - He spoke about the community meeting and the credit union's three main problems in being compliance with the current FBC.

Discussion ensued, with Vice-Chairman Oglesby questioning what is not compliant with FBC and what makes this development stand out of place with the community. Councilman Henderson questioned whether the credit union was aware of the requirements of FBC in this area and the “due diligence” in trying to meet code. John Bridger, Executive Director of Regional Planning, joined the discussion regarding the height of the structure. He also responded to questions on the boundaries of the FBC in this area.

Vice-Chairman Oglesby moved to deny, seconded by Council Henderson. Chairman Smith ruled that the Council should hear from Opposition before a vote on the motion.

[Councilman Gilbert stepped out of the meeting momentarily, but returned during this hearing.]

On behalf of the Opposition:

- **Craig Cronenberg** (18th Street) - He informed the Council that this was a suburban building being placed in an urban lot and that it is a single-use building. He is an architect and does these projects all the time. He called this project a “placeholder” and does not believe the credit union is committee to the city's FBC.
- **Jackie Miller** (19th Street) - He is building in the neighborhood now. He recommends letting another business come in and use that spot. He believes the credit union is asking for too many variances. The neighborhood does not want to see variances given in FBC.

Rebuttal: Mr. Fortner addressed the drive-thru stacking issue. He also emphasized that the credit union does appreciate the city's FBC.

Vice-Chairman Oglesby withdrew his original motion. Further discussion ensued, with Councilwoman Berz questioned Mr. Fortner on the efforts and feasibility of the credit union meeting current FBC. Councilman Gilbert questioned the option of building a 3,500 square feet rather than 1,500-2,000 square feet. Upon no further discussion, Chairman Smith inquired about the pleasure of the Council on this case. There was no further motion on this case. Chairman Smith ruled that this case failed due to a lack of a motion.

B. CASE NO. 18-00014 - J.W. Holdings, LLC - Adamson Developers, LLC, 1002 E. 10th Street and 1006 Fairview Avenue (District 8)

A hearing ensued in which Mr. Rucker gave the findings in the Staff Report and Code References. He informed the Council of the five variances that had been requested by the Applicant before the FBC Committee.

On behalf of the Applicant:

- **Mike Price** (MAP Engineers) - He represents Adamson Development in this project to build 2 garden-style homes or four units. He gave a brief timeline about their initial request, which was turned down by the MLK Neighborhood Association. They revised their plans and took it back to the neighborhood association. The vote was 15-7 to accept the layout currently before the Council. They were advised to go before the FBC Committee about their five variances, but were denied. He gave a synopsis of the five variances being requested. He discussed the changes they have made to keep their project in the character of the neighborhood.

On behalf of the Opposition:

- **William E. Smith** (Park Avenue/District 8) – He came on behalf of the MLK neighborhood and gave the Clerk a copy of his statements (*see full attached statement*). He does not believe this project is compatible with other single-family residential developments in the area. He discussed the findings that resulted in the FBC Committee denying the variances. He discussed this case’s history before the Planning Commission as well.
- **Carole White** (Neighbor) - She lives one block away from the Applicant’s property. She clarified that the term, “vast majority,” used today did not accurately describe the two neighborhood meetings. She clarified that the neighborhood was presented with only 3 or 4 homes, which is where the “vast majority” statement was derived.

Rebuttal: Mr. Price informed the Council that the Applicant would need relief to build just two homes. He showed that precedence has already been established in this area. He argued that this area is dense already. Mr. Price read the variances again for Councilman Ledford.

Discussion ensued, with Councilman Ledford commented on the fact that FBC is supposed to be dense. Councilman Byrd questioned Mr. Smith about the precedence that has been set already in the area and the non-conforming properties that had been in the area prior to FBC. Councilwoman Berz questioned Mr. Price on what is currently out of character with the Applicant’s project. She also questioned Ms. White about what the neighborhood does not want to see with this project.

Councilman Byrd moved to deny, seconded by Councilman Henderson. The motion to deny failed upon roll call vote as follows:

| | | | |
|------------------|------------|-----------------|------------|
| Berz | Yes | Ledford | No |
| Byrd | Yes | Mitchell | Yes |
| Coonrod | No | Oglesby | No |
| Gilbert | No | Smith | No |
| Henderson | Yes | | |

YES – Four (4); NO- Five (5)

Councilman Gilbert moved to approve, seconded by Councilwoman Coonrod. The motion to approve carried upon roll call vote as follows:

| | | | |
|------------------|------------|-----------------|------------|
| Berz | Yes | Ledford | Yes |
| Byrd | No | Mitchell | No |
| Coonrod | Yes | Oglesby | Yes |
| Gilbert | Yes | Smith | Yes |
| Henderson | No | | |

YES – Six (6); NO- Three (3)

Board Appointment

Vice-Chairman Oglesby appointed Jazmine LeBlanc to the Office of Multicultural Affairs Advisory Board for District 7.

District 5 Thanks

Councilman Gilbert thanked everyone for the participation in the “Annual Rock The Block Back-to-School Bash” this past Saturday. He informed the Council that almost 1,000 book bags were distributed with school supplies. He encouraged the Assembly to start now donating book bags and uniforms for next year’s event.

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

- The committee met today in open meeting to review planning and zoning items on next week’s agenda.

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 after 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:

- **Ezra Harris** (Woodmore Association/District 5) – He wanted to give Councilman Gilbert, his district representative, information about the Memorial for the “Woodmore Six” project.
- **Louise Hammonds** (Oak Grove/District 8) – She wanted to thank the Chattanooga Police Department for their swift response when two people tried to rob her and stole her car. They were called and arrived in 3 minutes. CPD got her car back as well. She thanked Chief David Roddy for the job he’s doing with the department. She asked the Assembly to stand behind the CPD.
 - Councilwoman Coonrod later asked Ms. Hammond to confirm that she has no complaint about CPD. She also confirmed that Ms. Hammond lives on the District 8 side of Oak Grove.
- **Tresa McCallie** (Reed Avenue/District 7) – She has been interested in PILOTS in the past. She asked for PILOT policies that had been mentioned two years ago. She does not know if the public has received the PILOT policies. She acknowledges that the PILOT procedures are available, but not the policies behind those procedures. She is concerned with an issue coming on the agenda next week and wanted to know when the policy would be available to the public.
 - Councilwoman Berz believes the City has already refined PILOT policies. She noted a few PILOT agreements where she believes a policy was in place in when creating those agreements. She recalled the Council having conversations about claw backs in the past.
 - Attorney Noblett indicated that some policies are posted because of his work with PILOTs coming through the Health, Education and Housing Facilities Board. He noted that other PILOTs came through the Industrial Development Board.
- **Franklin McCallie** (Reed Avenue/District 7) – He is concerned with the three city-owned buildings being surplus soon. He wanted to know if the building will go to a developer. He is concerned that were promised by Administration regarding questions about the surplus property will not be heard by the public prior to the vote on next week. He would like to know what is being done with the surplus and why. He commented that citizen concerns are just as important as developer concerns. He feels that citizens should be included in these plans.
- **Michael Gilliland** (Ivy Street/District 9) – He voiced concerns about the city-owned properties being surplus. He called for a more clear definition of public interest. He called for a better process for citizen input. He would like to see a clear policy regarding the surplus of property. He is concerned with the Innovation Zone district and would like to know if resources will go to the people who need it most.
- **Maria Smith** (Michael Lane/District 9) – She read a prepared statement about the Chattanooga Football Club. She is concerned with a new soccer club (USO) coming to town. She informed the Council that the CFC has an academy and funds “Operation Get Active” for students. She noted that Finley Stadium has been operating at a profit since CFC has been there. She asks the city not to gamble on a risky, new franchise.
- **Helen Burns Sharp** (Walnut St./District 7) – She represents ATM, Accountability for Taxpayer Money, and presented her statements to the Clerk for the record (*see full statement attached*). She knows that a PILOT program was adopted, but it is not the Housing PILOT. She asked what citizens can do to convince the Council to take things seriously regarding tax breaks and PILOT policies.

- **Cicily Roman** (East Lake/District 7) – She voiced her concerns about paving on Dodds Avenue. She invited Council members to ride down Dodds Avenue to see the pot holes for themselves. She asks the city to pave this road or make repairs to it.
- **Tom Kunesch** (Morningside Drive/District 8) – He discussed his children returning to their respective schools. He tried to explain to his daughter why city-owned buildings were being surplused. His questions include: (1) Definition of surplus, (2) Vacancy rate, (3) Economic Analysis, and (4) Why transfer from one entity to the other?

Further comments were made by Councilpersons in response to non-agenda speakers:

- Councilman Byrd commented on the paving needs in all districts. He also commented on the PILOTs policies.
- Councilwoman Coonrod commented on promises made by Administration regarding the surplus buildings.
- Kerry Hayes, Deputy Chief of Staff, confirmed that Administration will provide answers to the questions posed about the buildings. He also noted that Administration is not at the point of having a purchaser for the buildings.

ADJOURNMENT

On motion of Vice-Chairman Oglesby, Chairman Smith adjourned the meeting of the Chattanooga City Council until Tuesday, August 14, 2018, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

Attachments:
 Comments from William E. Smith
 Comments from ATM/HBS

My name is William E. Smith, my wife and I have been property owners and residents at 913 Park Ave since November 2003. I am here to recommend that the City Council deny this appeal for the case on Fairview Avenue and E. 10th street for the following reasons.

The Form Based Code (FBC) Section 38-696 (4) Code Modifications identify the standards the FBC is intended to meet. Two of those principles are related to protecting established single-family residential areas from incompatible development and impacts on adjoining properties.

The application before you proposes to build three houses facing Fairview Ave on property that included a single-family residence that faced E. 10th street. The adjacent property on E. 10th street currently faces E. 10th street. Between Central Avenue and Magnolia there are 32 single-family residences on E. 10th street. There is only one residence located at E. 10th street and Magnolia that does not face E. 10th Street. Therefore the application to build with the houses facing Fairview Avenue is incompatible with the adjoining properties.

Within the same FBC section, the FBC Committee is charged with reviewing major modifications and approving or denying the request based on considerations that include:

1. Allowance for 'small or irregular lot shapes that make compliance to the standards physically impossible and the applicant does not create this hardship.'
The applicant's request to reduce setbacks, in some instances from 25 ft. to 9 ft., and the reduction of the lots square footage are not hardships due to the lot shape but rather hardships created by the applicant's plan to change the homes frontage to Fairview Avenue and the number of houses proposed.
2. The FBC allows the applicant to present 'alternative means of compliance to the FBC that are equal or exceed existing standards of achieving the FBC principles.'
The applicant did not present alternative means of compliance.
3. Contrary to the considerations in FBC, the applicant's request impacts adjacent property owners, the character of the area, departs from the basic urban principle that buildings should directly front streets, and is incompatible development with 98% of the existing residences on E. 10th Street.

In addition, the applicant has recognized that part of the existing development as fronting E. 10th street in Case No 2018-0020 to the Chattanooga-Hamilton County Regional Planning Commission. The applicant has requested to rezone the same properties we are discussing today. The request is for two properties fronting Fairview Avenue and East 10th Street to be changed from FBC Urban-Residential Detached-2 story to U-Residential Attached-3 story. The request, if approved, would allow 3 story residences such as duplexes and townhouses. This request has been before the Planning Commission since January 2018 and currently deferred for 60 days. [This status is contrary to the statement made by Mr. Adamson documented in the 5/10/18 FBC Meeting Minutes that the 'rezoning had been dropped.'] The Planning Commission Staff Report recommended the request for rezoning be denied. The recommendation to deny is due to the development not being compatible with adjacent detached single-family development form for this area of the MLK neighborhood.

I am recommending the City Council deny this appeal because of the incompatible development and impacts on adjoining properties.



ATM/HBS City Council Comments 8-7-2018

1 message

Tue, Aug 7, 2018 at 5:19 PM

Our Jobs PILOT program has been around since about 1985.

The City and County have approved about 100 PILOT agreements since that time.

About \$400,000,000 in property tax revenue will not be collected because of these PILOTs. Some last as long as 30 years.

In the last fiscal year alone, \$26 million in city and county taxes were abated.

According to a report done by a state agency, this is the largest amount forgiven by any Tennessee County, including the three urban counties that are larger than Hamilton.

The City gets almost 60 percent of its general fund revenue from property taxes.

When our city and county governments approve PILOT agreements, the businesses pay dramatically less property tax. This arrangement raises both tax equity and social justice concerns.

Why should homeowners and small businesses pay their fair share of taxes and also pay for the services (fire, police, etc.) for these companies? Is it appropriate for government to be picking winners and losers?

What about high priority community projects these uncollected tax dollars could be used for?

Mayor Berke announced that we have only claw-backed one time, even though a number of companies likely have not met their commitments on jobs, wages, and investment.

The one clawback was for Alstom, where the City and County agreed to settle for less than half of what the City's outside counsel said we were due.

A typical business spends less than two percent on state and local taxes, yet we seem to be easily convinced that they would not locate or would relocate if they do not get a tax break.

The City and County have never adopted policies to evaluate PILOT applications. This is highly unusual for a city of our size.

We had hoped that the 2017 Council initiative led by Councilman Ledford would produce some meaningful policies.

We were disappointed to see the watered-down document on PILOT procedures that recently came back to Council after a year long review by the Mayor's administration. We were disappointed to learn that City Council is apparently OK with the outcome.

This issue matters to a lot of Chattanoogaans. What can we need to do to convince the City Council to take it seriously?