

HAMILTON COUNTY COMMISSION AGENDA PREPARATION SESSION JANUARY 11, 2017

COMMITTEE ASSIGNMENTS

Chairman Bankston indicated the upcoming agenda items would be considered as follows:

- The Criminal Court Clerk's Report for November 2016 would be submitted for the record.
- An Order of Designation to the Planning Commission would be submitted as a matter of record.
- Resolution No. 117-14 was the usual County Clerk item regarding notaries, etc. This required no committee assignment.
- Resolution Nos. 117-21A, 117-21B, and 117-23 through 117-26 were assigned to the Zoning Committee, chaired by Commissioner Smedley.
- Resolution Nos. 117-22A and 117-22B were pulled.
- Resolution No. 117-27 was assigned to the Finance Committee, chaired by Commissioner Boyd.
- Resolution Nos. 117-15 through 117-20 were heard by a Committee of the Whole.

0:48

Commissioner Martin made a motion to make a correction to the January 4, 2017 minutes. He asked that the record more accurately reflect remarks he made pertaining to discussion regarding the Hixson High School track. County Clerk Bill Knowles responded that a motion could not be acted on in the agenda session.

Chairman Bankston stated that because of the large crowd in attendance for Resolution No. 117-20, he would be moving that item to the top of the agenda to be heard as a Committee of the Whole.

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COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-20

2:11

Regional Planning Agency (RPA) Executive Director John Bridger gave a brief presentation regarding this item, which grants a special permit for an outdoor shooting range on property located at 2133 Retro Hughes Road. He reported that the applicant, Wade Batson with Dead Zero Shooting, LLC was present and would be making a presentation as well. Mr. Bridger stated that the shooting range would be located on a 184-acre site and is surrounded by several large acre homes and a park that includes tent only campsites and a private airfield (*Resolution No. 915-22C*). He added that the applicant's site plan includes several shooting ranges from 25 to 600 yards, a 5-stand shotgun range, and an archery range. A copy of Mr. Bridger's presentation was filed with the Clerk's office.

Mr. Bridger reported that the RPA initially deferred the request until additional information could be provided. He stated that Mr. Batson then submitted several documents including an environmental stewardship plan, a range safety operations manual, and plans for sound buffering. Mr. Bridger reported that after reviewing all documents, the RPA recommended denial of the request as it did not comply with the outdoor shooting range review standard, which provides that the location of the facility shall not be in proximity to any adjacent existing residential uses so as to be considered a nuisance due to noise or safety hazard.

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At this time, Chairman Bankston asked the applicant, Mr. Batson, to come forward to give his presentation. He reminded Mr. Batson that he had seven minutes to present his case, the opposition had nine minutes, and then two minutes would be allowed for rebuttal.

10:50

Wade Batson and Justin Whaley with Dead Zero Shooting, LLC presented the specifics of the shooting range to Commissioners. Mr. Batson explained that their mission is to create a state-of-the-art, NRA affiliated, nationally renowned supervised shooting park, which would be the first of its kind in Hamilton County. He stated that the park would be used locally, as well as for national competitions, local non-profit groups, schools, and law enforcement training. The project is a \$2.4 million investment, and includes an ADA compliant clubhouse, ADA compliant parking, an outdoor covered pavilion, a 600-yard electronic target range, multiple shooting bays from 15 to 100-yards, a 5-stand shotgun range, and a 3-D bow range. A copy of the presentation was filed with the Clerk's office.

15:54

In response to Commissioner Fields' question, Mr. Batson reported that the property is currently owned by Walden Ridge, LLC. He added that a sound study was performed with the property owner to ensure that increased noise levels would not affect surrounding property values, and significant sound abatement measures are being taken to help reduce some of the noise for neighboring properties.

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In response to Commissioner Fields' question, Mr. Batson stated that Retro Hughes Road is a small two-lane road going up the mountain to the property.

19:02

In response to Commissioner Smedley's question, Mr. Batson stated that Walden Ridge owns significant acreage in the area, but most of it is mountainous and not level enough for the shooting range. He also spoke about potential national events the site could host including rifle and pistol competitions, as well as championship shooting events.

20:54

Commissioner Boyd questioned the economic impact study on the proposed development and the impact on traffic on the two-lane road. Mr. Batson responded that they estimate 80 additional vehicles maximum on the weekends, which could vary depending on special events and season. He added that most of the additional vehicles would be passenger vehicles. In regards to hours of operation, Mr. Batson stated that no night shooting would take place.

In response to Commissioner Graham's question, Mr. Whaley stated that he was a combat veteran who fought in Operation Iraqi Freedom. Commissioner Graham thanked Mr. Whaley for his service.

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Commissioner Graham stated that he received many emails regarding this project, and stated that location is the most important aspect of his decision-making. He reported that he would be relying heavily on RPA recommendations, as well as Commissioner Fairbanks recommendation to make his decision, as the project is located in District 1. He encouraged all parties involved to contact him directly at 423-255-6601 if they wished to provide any additional information before next week's vote. Commissioner Graham thanked Mr. Batson for his presentation.

28:04 In response to Commissioner Martin's question, Mr. Batson stated that all shooting is done facing away from homes and the airfield.

In response to Commissioner Martin's question, Attorney Taylor reported that while special permits are revocable by the Commission, the issue is generally taken up by private litigation.

At this time, Chairman Bankston asked if any opposition was present in the audience. It was noted that a large amount of opposition was present, many of which reside in the area of the proposed development. Chairman Bankston stated that the opposition had nine minutes to present their case.

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31:42 Derek Clayton, property owner at 2476 Retro Hughes Road, spoke in opposition of the shooting range. He noted that there are multiple property owners living or developing homes in close proximity to the proposed range that will be impacted by sound and safety issues. He reported that an area resident filed a police report during sound testing at the range because of the high noise levels. It was noted that sound testing at the range was not done by an independent professional organization. Mr. Clayton stated that other concerns include lead runoff into Environmental Protection Agency (EPA) protected waters as well as safety hazards from ricochets. A copy of Mr. Clayton's presentation was filed with the Clerk's office.

38:42 Scott Phillips, residing at 2047 Retro Hughes Road, spoke in opposition of Resolution No. 117-20. He stated that the high level of noise during the sound testing at the shooting range interrupted his children's homeschooling. It was noted that Mr. Philips filed a police report regarding the noise level. He played an audio recording of gunfire in order to describe the noise level.

Commissioner Graham gave his phone number for a second time and encouraged anyone with further comment regarding the project to contact him directly.

42:16 Commissioner Fairbanks spoke regarding the proposed project, which is located in his district. He voiced his support for shooting ranges, but expressed his concern

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about location and the quality of life for nearby residents. He displayed several different sizes of ammunition that might be fired on the property and noted his concern about the close proximity of homes in relation to the shooting range.

In response to Commissioner Fields' question, Mr. Phillips clarified that the recording he played was from James Creek shooting range in North Carolina and was about half a mile away from the gunfire.

In response to Commissioner Fields' question, Mr. Clayton stated the 600 yard range runs perpendicular to Retro Hughes Road.

49:43

In response to Commissioner Graham's question, Public Works Administrator and County Engineer Todd Leamon stated that Retro Hughes Road is a County maintained road and is fully capable of handling additional traffic if the need arises.

51:21

In response to Commissioner Beck's question, Bob Bissell, Ballistics Expert for Dead Zero Shooting, LLC gave details regarding the types of weapons that might be used to fire the ammunition that Commissioner Fairbanks displayed.

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Commissioner Fairbanks reported that Retro Hughes Road was capable of handling additional traffic. In response to Commissioner Fairbanks question, Mr. Clayton stated that school buses do travel on Retro Hughes Road.

Chairman Bankston reminded Mr. Batson that he had two minutes to address any comments made by the opposition.

57:41

Mr. Batson clarified that the portion of Retro Hughes Road that runs perpendicular to the range was actually 71 feet below where the shooting would take place. He expressed his concern about the impact on the community and stated that most outdoor shooting ranges do not take the sound abatement and engineering measures they are taking.

Commissioner Smedley expressed her concern about the negative impact on property values.

In response to Commissioner Graham's question, Mr. Whaley described in detail the sound abatement measures they are taking for the proposed site including large concrete and dirt walls.

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1:06:08 In response to Commissioner Fairbanks question, Mr. Batson stated that the total investment will be approximately \$2.4 million including the cost of the land.

Commissioner Fairbanks expressed his concern that the applicants rather than an independent organization performed the sound testing. It was noted that while the applicants planned to do an extensive amount of sound abatement, there was no legal requirement for them to do so.

Ellis Lord, Attorney with Miller & Martin, spoke on behalf of the applicants. He stated that many measures have been taken by the applicants to address issues with sound and safety.

In response to Commissioner Fairbanks question, Jamar Sanders, Attorney with Miller & Martin, and Mr. Lord stated that they were involved in drafting the purchase agreement for the property. He added that the County could add any necessary stipulations to the agreement before approving. It was noted that neither Mr. Lord nor Mr. Sanders visited the property.

Commissioner Fairbanks thanked everyone who spoke regarding the project. He specifically mentioned Chairman Bankston and Commissioner Smedley, Chairman of the Zoning Committee, for moving this item to be heard by a Committee of the Whole.

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COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-15

1:15:39 This item appoints Commissioner Randy Fairbanks, Tammy Cotter, and Johnny Johnson to the Agricultural Extension Committee, for a term beginning January 18, 2017 and ending January 18, 2019.

There were no questions from Commissioners.

COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-16

1:16:05 This Resolution authorizes the expenditure of up to \$500,000 from bond funds to replace the Central High School/Brown Middle School track. Chairman Bankston reported that this item was initially heard on January 4, 2017 (*previously numbered 117-6*) and failed to receive the required number of votes. It was noted that the item is being revisited at Commissioner Boyd's request.

Commissioner Boyd stated that Chairman Bankston submitted additional information regarding the track, including a budget report with photographs. A copy of the report was filed with the Clerk's office. He spoke about the poor condition of the track and the importance of addressing similar projects before conditions become so deteriorated.

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1:21:09 County Attorney Taylor clarified the rules of procedure. He stated that according to Robert's Rules of Order each member, as his name is called, responds in the affirmative or negative. If a member does not wish to vote, he answers *present* (or abstain), and that abstention has the same effect as a negative vote. Attorney Taylor stated that it has not been the procedure of the Commission or the Clerk's office to record abstentions as negative votes.

In response to Commissioner Boyd's question, Attorney Taylor stated that any member of the Commission could bring this item back before the body as there was no prevailing side when the vote took place last week.

1:23:49 Commissioner Beck voiced his concerns regarding equal distribution and availability of funds for projects in other districts. He stated that he could not support this expenditure with no guarantee that funds will be available for future projects. He added that the same opportunities for improvements should be given to each district.

In response to Commissioner Smedley's question, Attorney Taylor clarified that the Commission has not customarily treated an abstention as a negative vote.

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1:27:27 Commissioner Smedley asked those in the audience in support of this Resolution to raise their hands. It was noted that a large group was present in support of the track replacement. No opposition was present.

1:31:00 Commissioner Smedley asked that a list be provided to Commissioners from the School Board prioritizing the needs in schools across each district. In response to Commissioner Smedley's question, Chairman Bankston clarified that the total cost of the project will not exceed \$500,000.

In response to Commissioner Fields' question, Chairman Bankston stated that handout that was distributed to Commissioners contained information from engineering firm Barge Waggoner.

Commissioner Fairbanks spoke about the unrepairable shape of the Central High School track. He encouraged Commissioners to bring projects of this type before the Commission, and his vote will be based on the necessity of the project.

Commissioner Beck questioned whether there was any guarantee that funds would be available in the next budget for projects in District 5.

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1:36:10 Commissioner Martin spoke at length about the importance of the School Board providing a prioritized list of needs in schools in Hamilton County. He recommended postponing the expenditure of bond funds for school projects until the School Board provides the list in order to address the most needed projects first.

 Commissioner Graham recommended that any discussion regarding the Commission's rules and procedures go through the Rules Committee, chaired by Commissioner Fields.

1:43:47 Commissioner Boyd reported that he has been requesting a comprehensive plan regarding spending from the Department of Education since 2011. He requested the plan again and emphasized how crucial it would be in assisting the Commission and Mayor's staff with determining how to prioritize projects with a limited budget.

 Commissioner Beck echoed Commissioner Martin's and Commissioner Boyd's comments, and stated that he would be willing to support the track replacement if a comprehensive plan is put together for future projects.

1:49:43 Steve Lewis, Athletic Director at Central High School, spoke about the condition of the track at Central High School/Brown Middle School. He stated that the track is heavily used by the community and in its current state is covered in potholes, floods

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when it rains, and is severely deteriorated. Mr. Lewis also spoke about several athletes who have been injured, severely in some cases, due to the poor condition of the track.

In response to Commissioner Martin's question, Chairman Bankston stated that the completion date of the track replacement is unknown as it would still require approval from the School Board. Commissioner Martin stated that since it is unlikely the track will be completed for this year's track season in the spring, deferring approval of the project would have little consequence.

There was discussion regarding the possible use of proceeds from the sale of East Brainerd Elementary School to cover many of the deferred maintenance needs. In response to Commissioner Martin and Commissioner Smedley's question, Chairman Bankston stated that East Brainerd Elementary School is titled to the Board of Education, and they have authority over how the proceeds from the sale of the school are allocated.

2:03:26 In response to Commissioner Smedley's question, Chairman of the School Board Steve Highlander stated that he has encouraged David Testerman, Chairman of the Facilities Committee, to develop a list of priorities for school needs. He noted that the Department of Education is about six weeks behind due to the horrific Woodmore Elementary School bus tragedy in November of last year.

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Mr. Highlander encouraged Commissioners to support the track replacement at Central High School/Brown Middle School. It was noted that Mr. Highlander's wife fell on the track last year and broke both of her elbows.

In response to Commissioner Martin's question, Mr. Highlander stated that several years ago an engineering firm evaluated athletic facilities at several Hamilton County Schools to determine if they were a liability if left unrepaired.

Chairman Bankston stated that Commissioner Beck had to leave the meeting and would not be returning.

COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-17

2:09:31 This item approves the expenditure of up to \$2,500.00 from discretionary bond funds as allotted to District 5, to assist with the purchase of library books for Hillcrest Elementary School.

2:10:18 Commissioner Boyd questioned if Read 20 could provide library books to Hillcrest Elementary School.

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In response to Commissioner Fields' question, Administrator of Finance Albert Kiser stated that the purchase of library books is in compliance with the bond requirements.

In response to Commissioner Graham's question, Mr. Kiser stated that these funds have been allocated to District 5 and meet all purchasing requirements.

COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-18

2:12:20 Commissioner Graham spoke regarding this item, which accepts the bid of Ross Glass & Aluminum, LLC, for \$32,275.00 for replacement windows at the John A. Patten Recreation Center. It was noted that this item was initially heard on October 19, 2016 (*previously numbered 1016-15*) and the vote ended in a 4-4 tie. Commissioner Graham stated that the funds are from District 6 general fund discretionary monies. He stated that the City of Chattanooga and the Lookout Valley Neighborhood Association also allocated funds towards renovations at the recreation center. Commissioner Graham added that the purchase is in compliance with all purchasing requirements.

2:15:35 Commissioner Martin asked if members of the Commission voting against this item could share their reasons with him. In response to Commissioner Martin's

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question regarding previous discussion of this item, Clerk Knowles stated that his office would provide Commissioner Martin with audio from the October 19, 2017 meeting.

In response to Commissioner Smedley's question, Commissioner Graham reported that the recreation center is owned by the City of Chattanooga. He emphasized the important role the recreation center plays in the Lookout Valley community. Commissioner Smedley recalled that she had not supported this item because it was property owned by the City of Chattanooga.

In response to Commissioner Fields' question, Commissioner Graham stated that the recreation center is also used as a voting precinct.

2:20:17

In response to Commissioner Martin's question, Attorney Taylor clarified that there is nothing in the Commission's rules of procedure preventing them from contributing discretionary funds to buildings owned by separate municipalities. Administrator of Finance Albert Kiser added that it has been common practice in the last several years for the County to spend discretionary funds in other municipalities.

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COMMITTEE OF THE WHOLE – RESOLUTION NO. 117-19

Administrator of Public Works and County Engineer Todd Leamon spoke regarding this Resolution, which establishes the minimum bid amount for certain parcels of property acquired by Hamilton County through previous delinquent tax sales. The item also authorizes the offer of said parcels for sale at that minimum bid amount, and authorizes certain said parcels to be offered for sale for an amount less than the total amount of taxes, penalty, cost and interest accumulated against the property. He stated that there are 119 properties to be placed back on the tax rolls.

2:23:46

In response to Commissioner Boyd's question, Real Property Manager Paul Parker stated that the last step in the sale of delinquent tax properties is to offer them at the minimum bid amount in order to attract bids and get the properties back on the tax roll. These properties had previously been included in the Chancery Court's back tax property sale and received no bids.

Chairman Bankston reported that Resolution Nos. 117-22A and 117-22B would be pulled from the agenda. It was noted that these were special permit items that did not need County approval. John Bridger, with the Regional Planning Agency, agreed.

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Commissioner Smedley, Chairman of the Zoning Committee, stated that the Zoning Committee would meet in the Commission conference room immediately following the Agenda Session.

Commissioner Boyd, Chairman of the Finance Committee, stated that the Finance Committee would meet in the Commission Room immediately following the Agenda Session.

2:26:30 Chairman Bankston announced that interviews for the Judicial Commissioner vacancy would take place in the Commission Room following the committee meetings. It was noted that the vacancy was created by the resignation of Sharetta Smith.

ANNOUNCEMENTS

Chairman Bankston asked for announcements from members of the Commission.

2:26:50 Commissioner Graham thanked Chairman Bankston and Commissioner Smedley for allowing Resolution No. 117-20 to be heard by a Committee of the Whole.

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2:27:19 Commissioner Martin announced that today marks the 260th birthday of Alexander Hamilton, for whom Hamilton County is named. He spoke of the tough life Alexander Hamilton lived and acknowledged his accomplishments as one of the Founding Fathers of the United States.

Commissioner Fairbanks announced that the Securities and Corrections Committee would be meeting next Wednesday, January 18th at 11:00 am in the Commission Room.

2:29:58 In response to Clerk Knowles question, Chairman Bankston stated that a recording of the Judicial Commissioner interviews would be sufficient.

DELEGATIONS

2:30:11 Chairman Bankston asked for delegations on matters other than zoning. There were none.

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Being no further business, Chairman Bankston declared the meeting adjourned until Wednesday, January 18th at 9:30 AM.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved:

02-01-17
Date

W.F.K
Clerk's Initials