



# HAMILTON COUNTY COMMISSION AGENDA PREPARATION SESSION OCTOBER 11, 2017

## COMMITTEE ASSIGNMENTS

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

- The Juvenile Court Clerk's report for May 2017 would be submitted as a matter of record.
- Unaudited Financial reports for fiscal year ending June 30, 2017 for Circuit Court Clerk, Clerk and Master, County Clerk, and Register would be submitted as a matter of record
- An Order of Designation to the Planning Commission would be submitted as a matter of record.
- Resolution No. 1017-23 was the usual County Clerk item regarding notaries, etc. This required no committee assignment.
- Resolution Nos. 1017-32 through 1017-33 were assigned to the Finance Committee, chaired by Commissioner Smedley.
- Resolution No. 1017-34 was assigned to the Zoning Committee, chaired by Commissioner Bankston.
- Resolution Nos. 1017-24 through 1017-29, and 1017-30A, 1017-30B, 1017-31A, 1017-31B, and 1017-35 were heard by a Committee of the Whole.

## COMMITTEE OF THE WHOLE – RESOLUTION NOS. 1017-30A AND 1017-30B

1:32

Karen Rennich, Deputy Director of the Regional Planning Agency, spoke regarding these items, which rezone from A-1 Agricultural District to R-1 Single Family Residential District, property located in the 7300 block of South Dent Road. Ms. Rennich provided details and stated the applicant wished to withdraw the application.

There were no questions from Commissioners.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-31A AND 1017-31B**

3:32

Karen Rennich, Deputy Director of the Regional Planning Agency, spoke regarding these items, which rezone from A-1 Agricultural District to M-1 Industrial District property located in the 9000 block of Bryan Road. She clarified 1017-31A is the applicant's request, and 1017-31B includes conditions as recommended by the Planning Commission. It was noted the applicant, Greg Krum with Birchwood II, LLC, was present; a large number of opponents were also present. Ms. Rennich presented details regarding the project, which proposes to develop a 25-acre site for a future construction and demolition (C&D) landfill. The proposed entrance to the site would be off Birchwood Pike through the existing City landfill. A copy of Ms. Rennich's presentation was filed in the Clerk's Office.

Ms. Rennich reported the proposal came out of Planning Commission with a recommendation to approve with certain conditions, including its use be limited to a C&D landfill only. The applicant must also obtain a letter from Hamilton County Groundwater Protection indicating approval of the site with regard to the septic system, water supply, drainage characteristics, and general site suitability. She added the City of Chattanooga has approved the site access through the existing landfill, which will be addressed by Commissioners later in the meeting during discussion of Resolution No. 1017-35.

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8:53

At this time, Ms. Rennich answered several questions from Commissioners. She confirmed the proposed landfill is on property adjacent to the City's existing solid waste landfill and will be operated privately. Ms. Rennich clarified conditions approved by the Commission could only be lifted by the Commission.

14:38

The applicant, Greg Krum with Birchwood II LLC, residing at 5857 Canyon Pass Court, Ooltewah, TN 37363, presented additional details regarding the project. He stated there is a need for a C&D landfill as currently the closest construction debris landfill is in Bradley County. It was noted the only other C&D landfill in Hamilton County closed in March. A copy of the applicant's presentation was filed in the Clerk's Office.

18:57

Dr. George Hyfantis, hazardous materials consultant for Birchwood II, presented details about the completed environmental studies, including how the group plans to collect and treat leachate, which comes from water traveling through the landfill and picking up chemicals, if any is produced. He noted the Tennessee Department of Environment and Conservation (TDEC) requires a 100 foot buffer around the property where no waste will be placed, which will act as a liner.

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21:53

Dr. Rick Sinclair, a consultant for Birchwood II, also spoke on behalf of the applicant. He stated that as a former TDEC deputy commissioner he is aware that entity oversees all development and operations of these types of facilities. He reported TDEC rules and regulations must meet or exceed those of the Federal Environmental Protection Agency (EPA). He noted these regulations are designed to protect the environment and groundwater.

24:48

At this time, a lengthy discussion took place between Commissioners and Mr. Krum, Dr. Hyfantis, and Dr. Sinclair regarding TDEC regulations, which include a requirement that the development be a minimum of 500 feet from the nearest residence. Additional topics included managing leachate, preventing rodents, management and regulation of hazardous materials, and oversight of the landfill. It was noted TDEC performs random inspections of C&D landfills to check for hazardous materials.

Chairman Fairbanks asked those present in opposition to come forward at this time.

46:00

Ernie Burfitt, residing at 8708 Danny Lane, Harrison, TN 37341, gave a presentation in opposition to the proposed development. He distributed a handout to Commissioners, which included a petition with 2,100 signatures of community members opposing the site. Mr. Burfitt reported he is the pastor of New Bethel Baptist Church in

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the Harrison community and was asked to speak on behalf of community members opposed to the landfill. He spoke at length about precedent and referenced two prior cases in 1971 and 2007 (*Resolution No. 1207-12*) in which the Commission denied the rezoning of this property for the use of a landfill. Additional concerns included environmental and groundwater protection, toxic waste getting into the landfill, possible contamination to the nearby lake, and worries the owners might decide to pull out, which would leave the County responsible for cleanup.

Mr. Burfitt reported the landfill would decrease home and property value in the area and would provide no economic benefit to the County. He also presented the possibility of TDEC later reclassifying the type of waste this landfill would accept at the applicant's request and without public notification, including hazardous waste. A copy of the handout and Mr. Burfitt's presentation was filed in the Clerk's Office.

1:00:35

Andy Mullins, who is currently building a home at 6041 Morning Glory Drive, Harrison, TN 37341, which is less than 3,000 feet from the proposed development, spoke in opposition to the landfill. Mr. Mullins reported he is the Chairman of the Hamilton County Health and Safety Hearing Board, but is speaking today as a private citizen. He voiced concerns that the site's property line is 47 feet from a residence and 58 feet from a main water source. He encouraged Commissioners to visit the site.

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1:06:21

At this time, a lengthy discussion took place among Commissioners and Mr. Burfitt. Topics included TDEC regulations, legalities of dumping mattresses, and prior decisions regarding this property. Attorney Taylor stated he would provide additional information regarding the types of applications presented in the 1971 and 2007 rezoning cases.

1:18:43

John Chenkus, residing at 6117 Morning Glory Drive, Harrison, TN 37341, Lisa Davis, residing at 7370 Emanon Road, Harrison, TN 37341, Sam Wells, residing at 6235 Morning Glory Drive, Harrison, TN 37341, and Deborah Chenkus, residing at 6117 Morning Glory Drive, Harrison, TN 37341 all spoke in opposition to the proposed development. The each provided details on the negative impacts the landfill would have on their community.

At this time, Chairman Fairbanks gave the applicant an opportunity to respond to comments made during the opposition's presentation. Mr. Krum reiterated the need for this landfill in Hamilton County. Mr. Hyfantis clarified this Resolution would only approve rezoning and further public notification and environmental studies would be completed before development could begin. Additional discussion took place regarding how potential hazardous materials would be separated from general construction debris.

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1:35:25

Chairman Fairbanks thanked the applicants and opposition for their presentations and patience during today's lengthy discussion.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-24**

1:37:03

This item appropriates \$5,000 from general fund discretionary monies, as allotted to District 8, to Chattanooga Ballet, Inc. to assist with their Community Ballet Scholarship Program. Chairman Fairbanks reported Commissioner Boyd would be present next week to answer any questions.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-25**

1:37:25

Commissioner Beck spoke regarding this item, which appropriates \$15,000 from general fund discretionary monies, as allotted to District 5, to United Community Action Alliance. It was noted the funds will assist with a district wide senior citizen's event.

There were no questions from Commissioners.



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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-26**

1:37:55 Commissioner Beck spoke regarding this item, which appropriates \$10,000 from general fund discretionary monies, as allotted to District 5, to Independent Youth Services Foundation, Inc. It was noted the funds will assist with the 40-40-40 program.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-27**

1:38:34 Sam Mairs, Juvenile Court Administrator, spoke regarding this item, which authorizes the County Mayor to enter into and execute a contract with the State of Tennessee, Tennessee Commission on Children and Youth to receive \$20,000.00 to be used for the Court Appointed Special Advocate (CASA) program within the Hamilton County Juvenile Court. Mr. Mairs reported there is no county match.

There were no questions from Commissioners.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-28**

1:39:10 Jack Ellis, Financial Manager for the Sheriff's Office, spoke regarding this item, which accepts a 2017 Justice Assistance Grant with a term ending September 30, 2020, and amending the Sheriff's Office capital outlay budget by \$42,813. Mr. Ellis reported there is no county match.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-29**

1:39:48 Administrator of Public Works and County Engineer Todd Leamon spoke regarding this item spoke regarding this item, which accepts the bid of Higgins Construction, for \$298,450.00, for the Dallas Lake Road culvert replacement for the Hamilton County Engineering Department. He reported this was the only bid received and is budgeted under the Highway Department's operating budget.

1:40:38 In response to Commissioner Martin's question, Mr. Leamon reported a bid certification is done with a design professional to assure the cost is in line with construction pricing and procurement requirements.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 1017-35**

1:41:48 Mr. Leamon, spoke regarding this item, which approves the entering into of an ingress and egress easement agreement pertaining to the Birchwood Construction and Demolition Landfill. He explained if the rezoning of property for a new C&D landfill is approved, they would use existing ingress and egress, which crosses City of Chattanooga and Hamilton County property.

In response to Chairman Fairbanks' question, Attorney Taylor confirmed this item will only be applicable if the rezoning is approved.

1:43:15 Commissioner Bankston, Chairman of the Zoning Committee, stated the Zoning Committee will meet in the Commission Conference Room immediately following the Agenda Session.

Commissioner Smedley, Chairman of the Finance Committee, stated the Finance Committee will meet in the Commission Room immediately following the Agenda Session

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**ANNOUNCEMENTS**

Chairman Fairbanks asked for announcements from members of the Commission.

Commissioner Fields announced the Hamilton County Records Committee will meet next Wednesday, October 18<sup>th</sup> at 8:00 am in the Mayor's Conference Room.

1:44:20 Commissioner Mackey reminded everyone this Saturday, October 14<sup>th</sup>, officers with the Chattanooga Police Department and the Hamilton County Sheriff's Department will be provided a meal at St. Johns United Methodist Church on Highway 58. Commissioner Mackey invited Commissioners to help serve food at the event from 11:00 am to 2:00 pm.

Commissioner Graham reminded everyone about the Annual Lookout Valley Lions Club car show this Saturday.

1:45:00 Commissioner Graham asked Attorney Taylor to prepare a Resolution allowing the remainder of unspent discretionary monies to be combined with the \$100 million to be used for school projects.

Time Code  
Position

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1:46:29            Commissioner Smedley invited everyone to attend the annual Bark in Park event at Heritage Park on Saturday, October 14<sup>th</sup>, 10:00 am to 3:00 pm.

                    Mayor Coppinger announced this flu season is expected to be one of the worst and encouraged everyone to get flu shots this year.

1:48:03            Chairman Fairbanks congratulated the Sale Creek High School Panthers Volleyball Team for winning the regional tournament.

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**DELEGATIONS**

Chairman Fairbanks asked for delegations on matters other than zoning. There were none.

Being no further business, Chairman Fairbanks declared the meeting adjourned. The next regularly scheduled meeting will be Wednesday, October 18<sup>th</sup> at 9:30 AM.

Respectfully submitted:



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William F. (Bill) Knowles, County Clerk

Approved:

11-01-17  
Date

W.F.K.  
Clerk's Initials