

AGENDA SESSION MINUTES

CHATTANOOGA CITY COUNCIL

June 27, 2017

In Attendance

Vice Chairman Ken Smith called the meeting to order at 3:04 p.m. in the Assembly Room. A quorum was present, including Council members Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Chip Henderson, Darrin Ledford and Erskine Oglesby. City Attorney Wade Hinton and Council Support Specialist Keren Campbell were also present. Council Chairman Jerry Mitchell was not present.

Others in Attendance

Fire: Chris Adams, Chief; HR/Safety: Michael Anthony, Safety Manager; Regional Planning: John Bridger, Executive Director; Economic and Community Development: Donna Williams, Administrator

Approval of Minutes

On motion of Councilman Henderson and seconded by Councilman Ledford, the minutes of the last meeting (June 20, 2017) were approved as published.

Certificate Presentation

Chief Adams briefed the Council on an incident last Thursday at City Hall where EMS services were needed. Prior to their arrival, Mr. Anthony had already administered CPR and others had also rushed to the scene. Chief Adams presented Mr. Anthony with the lifesaving certificate and thanked him for what he had done to help save a life. Both Councilman Ledford and Vice-Chairman Smith thanked Mr. Anthony for his heroic act.

Ordinances (Final Reading) - Agenda Item 5A

This item had been discussed at previous open meetings. Upon no questions or comments, the issue was closed.

Ordinances (First Reading) - Agenda Item 6A

This item had been discussed at previous open meetings. Upon no questions or comments, the issue was closed.

Resolution - Agenda Item 7A, 7B, 7C, 7D, 7E, 7F, 7G & 7H

These items had been discussed at previous open meetings. Upon no questions or comments, the issues were closed.

Ordinances (First Reading) - Agenda Item 6C / Short-Term Vacation Rental Hearing

Prior to opening the floor to constituents, Vice-Chairman Smith asked Mr. Bridger to give an up-to-date presentation on the ordinance. Mr. Bridger discussed the recent forum on the short-term vacation rental (STVR) overlay and discussed the challenges and problems with the current ordinance. He indicated that the work session brought up some valid points, such as buffers next to school, park and recreational centers that resulted in suggested amendments regarding sex offenders, distance from schools and buffers similar to those already in place for liquor stores and adult entertainment facilities. He stated that some of the main discussion topics of this forum were the limit on how many STVR properties one could own and how to address properties outside of coverage. He noted that minor substitute changes were made to some of the current wording of the ordinance.

Councilman Henderson thanked Mr. Bridger for the presentation and what they have been able to come up with thus far. He informed the Council that he would be offering the ordinance as it was originally written with no changes or amendments. He discussed the 1-year review period for the ordinance, whereby adjustments and amendments could be made after the ordinance was put into place. He asked Ms. Williams if the Land Development Office would make Council aware anytime an application was made for STVR so that there would be clarification on the occupancy status of the requested STVR. Ms. Williams confirmed this.

Mr. Bridger responded to Councilman Gilbert's question on whether the 10-acre proposal mentioned in the presentation applied to one house.

Councilwoman Berz asked for clarification on what the original ordinance: the urban overlay plus Lookout Valley. She clarified the following:

- That stated that this original ordinance does protect the neighborhood;
- That the ordinance states that non-owner occupied STVR have to notify Council and the community about placing a zoning sign in front of their home, which will allow the community to address it like any other zoning matter;
- That nothing will be happening without everyone being notified, which also include Council for both owner occupied or non-owner occupied.

A hearing ensued, with Vice-Chairman Smith asked Attorney Hinton to read to the rules for those who wished to address the Council on the STVR ordinance for up to three (3) minutes. Vice-Chairman then recognized the following speakers:

- **Jennifer Clay (District 4)** – She stated that she lives on a 20-acre farm where she runs an owner-occupied STVR. She has an interest in the 10-acre amendment being proposed and wants to be awarded the same opportunity as those in the overlay. She would like the language added to the ordinance allowing for the 10-acre exception. She does not want her rights to be taken away.
- **Barry Snider (Chattanooga)** – He currently runs an STVR and he applauded the Council for the work they are doing. He has chosen to live off his retirement and uses his owner-occupied STVR for supplemental income. He stated that some of the people coming through have had a hard time finding hotels. He does not agree with “non-owner occupied” rentals, but overall is in support of what the Council is doing with this legislation.
- **Tim Michael** – He is an attorney in Chattanooga who represents stakeholders who own STVRs. He agrees that the amendments being presented should not be passed as he feels they violate people's property rights. He did state that hotels have people coming in-and-out, but do not have vetting procedures guests; yet, they are in certain distances from school. He indicated that there was no real evidence of criminal behavior correlated with STVRs. He

distributed a map to the Council that shows the areas that would be within the proposed buffer zones.

- **Billy Reynolds (District 9)** – He lives in the Glenwood neighborhood and runs a STVR. He would like for his community to be included in the overlay map. He argued that the Glenwood Neighborhood has not formally opted out of the overlay, and that only two members who were present at a meeting asked for Glenwood to be excluded. He argued that they did not represent the association as a whole.
- **John Mower (District 9)** – He works in the film industry and commented on industry people looking for STVR properties while working on-location. He also voice concerns about including his neighborhood, Glenwood, because it would be good business for them.
- **Chris Smith (Chattanooga)** – He is board chair at GPS. He would like for proposed “amendment 2” to be considered for the safety of children. He voiced concerns with the background checks. He also noted that he was happy about the notification process that will be happening once a STVR application is filled.
- **Olivia Karavatakis (Chattanooga)** – She would like the Council to consider the substitute ordinance that has minor changes in the language. She stated statistics regarding sex offenders and how they are mainly people whom the child knows, not strangers.
- **Mike Mallan (Chattanooga)** – He is an attorney from Miller & Martin representing GPS. He passed out the standard terms and conditions from Airbnb. He did state that renting a bed out is not a constitutional right. He asked the Council to seek a compromise regarding safety, especially for children since GPS does have some special geographical circumstances.
- **Peggy Peachy (Chattanooga)** – She stated that all that matters to her is the safety of the children. She spoke about her childhood and stated that she was the prey of a sexual predator who lived two doors away from her. She was also raped at age 13 by a babysitter in her neighborhood. She did state that parents need to teach their children about “stranger danger” and educate themselves about predators in their neighborhood. She spoke about the responsibility of schools and parents about knowing who predators usually are: people that the victim knows.
- **Randall Addison (Chattanooga)** – He gave kudos to Councilman Henderson for taking on this ordinance. He stated that we cannot keep bad things from happening by legislating, or we cannot control who people are renting to whether that is long- or short-term. He spoke about people doing their own vetting because their investments are important to them. He spoke about the revenue that the City is losing now. He proposed that the City take STVR money and repurpose it for the districts themselves.
- **Nathan Waldorf (District 2)** – He gave the Council information on the background checks that Airbnb does. He informed the Council that Airbnb just bought a company that does background checks. He stated that as an owner of a STVR, he also does his own vetting in order to run a good business.
- **Lisa Brown (Chattanooga)** - He who works for Keller Williams and runs a non-owner occupied STVR. She spoke about home owner and property rights, and how this business suits her. She fears that non-factual data will hurt her business, and that inaccurate claims will keep her from running a business. She discussed calling the police department to speak about the correlation between STVR’s and criminal activity and she stated that they told her there was none.

Councilwoman Coonrod voiced opinions about hearing people say they did not receive the information for meetings in her community and utilized plenty of avenues to do so. She supports STVRs and asked the Council for amendments to add large lots and all of Glenwood to the overlay.

Upon no further questions or comments, the issue was closed.

Adjournment

There being no further business, Vice-Chairman Smith adjourned the meeting at 4:08 p.m.