

MINUTES
Agenda Review Meeting
Tuesday, March 6, 2018
City – County Building

Continuing with its peripatetic inclinations manifested in recent months, the Knoxville/Knox County Metropolitan Planning Commission convened on Tuesday, March 6, 2018, at 11:30 o'clock a.m. in the lofty and commodious environs of the **Large** Assembly Room of the City-County Building, having been again dispossessed by the Knox County Election Commission from its normal meeting space in the Small Assembly Room. In attendance were Planning Commissioners Chris Ooten, Charles Thomas, Elizabeth Eason, Gayle Bustin, Laura Cole, Scott Smith, Rebecca Longmire, Chair of MPC, Patrick Phillips, Mac Goodwin, Mike Crowder, Reverend Charles Lomax, Jr., and Art Clancy, III.

Also in attendance were MPC Executive Director, Gerald Green, and various MPC staff members.

Ms. Longmire called the meeting to order at 11:39 o'clock a.m. Mr. Green then welcomed everyone to meeting and presented the monthly Executive Director's Report which included the following:

1. Approximately sixty (60) people were in attendance at a community confab regarding the John Sevier Scenic Highway, at which event free coffee and ice cream were provided.
2. The Chapman Highway Implementation Study moves forward with negotiations with engineering professionals.
3. The Hardin Valley Mobility Study will get underway in the spring, reflecting an effort to deal with the challenges posed by the healthy growth in that area.
4. The City and the County Parks and Recreation Departments have requested MPC to review and update the comprehensive parks, recreation and greenway plan.
5. On March 21, 2018 at 2:00 o'clock p.m. a public presentation of the Consultants' efforts on Re-Zone Knoxville will be made available in the Small Assembly Room.
6. ULI has made an opportunity available to Commissioners for a trip to Cincinnati to look at the riverfront development in that City on April 4 and April 5. Several of the Commissioners are scheduled to attend.

At the conclusion of the report, Mr. Green introduced Cindy Pionke, Director of the Planning and Development Division of Knox County Engineering for a program on stormwater issues. Ms. Pionke greeted Commissioners and introduced her colleagues, Chris Granju with office of Stormwater Management and Brad Warren with the office of Construction Service both with the Knox County Engineering Department.

Thereupon, Mr. Granju commenced a dazzling Power-Point presentation by first welcoming interruptions from the Commissioners. Commissioner Janice Tocher joined the meeting at this time, but did not choose to interrupt the speaker.

Mr. Granju then explained the differences between: (i) retention ponds; (ii) detention ponds; (iii) sediment ponds; (iv) sediment traps; (v) bio-retention ponds; and (vi) permanent stormwater controls, as helpfully illustrated by the dazzling Power-Point presentation.

At the conclusion of Mr. Granju's remarks, Mr. Warren, accompanied by a pedestrian Power-Point presentation, discussed the pre-construction form required for development projects in Knox County and advised of the policy of monthly inspections on erosion controls. The bulk of the Power-Point presentation consisted of slides reflecting both successful efforts and failed efforts at erosion control. At the conclusion of Mr. Warren's remarks, Commissioner Cole inquired about pending litigation with the State to which Mr. Granju responded. Ms. Cole further inquired whether stream quality in Knox County has improved in recent years, to which Mr. Granju replied that some improvement has occurred due to restoration work but necessarily as a result of the newer regulations.

Commissioner Goodwin inquired as to how County Engineering is dealing with increased rainfall due to climate change. Mr. Granju advised that studies are now based on hydrology models designed for agricultural properties in the 1940's, acknowledging that the current development in Knox County may not correspond with that model. He further suggested that new hydrology models may be forth coming.

Commissioner Crowder inquired as to whether inspections are adequate to address the problem associated with erosion and other stormwater issues, to which Mr. Warren replied "No", but that contractors are sometimes burdened by problems created by the developers, which problems manifest only when the contractors work begins.

Commissioner Crowder then commented on problems associated with new developments that lie adjacent to existing developments which have suffered long term stormwater problems. In response, Mr. Warren explained the remedial authority of County Engineering via the notification process. Mr. Granju offered that the use of pervious surfaces to diminish the need for stormwater construction is an important opportunity.

Commissioner Tocher inquired as to who paid for the remediation in the photos reflected in Mr. Warren's Power-Point presentation to which Mr. Warren replied that his recollection is the developer was responsible. Ms. Tocher inquired as to whether any training has made available to any contractors on how to build retention ponds, to which Mr. Granju replied, in essence, "Nope".

Commissioner Smith noted that detention and retention ponds sizes have blown up in recent years. Mr. Granju noted that environmental regulations and the development of tort law determine the design size, which is based on the 100 year storm standards. He further advised that County Engineering staff is trying to reduce the size of required ponds within the existing policies, by use of other tools.

Mr. Smith noted that since TDEC took over the permitting process it now takes much longer than when the County was involved in the process. He inquired as to whether there were any plans for the County reassume that responsibility. Mr. Granju responded "Probably not".

Commissioner Cole inquired about the proper time to begin discussions of soil quality in the development process. Ms. Pionke noted her perspective that discussion needs to occur much earlier in the development process and perhaps at the time of rezoning. Mr. Green advised that MPC Staff can start making the soil quality information available to Commissioners and to applicants at the rezoning level.

Commissioner Cole inquired as to the number of inspectors that are typically employed. Ms. Pionke responded that the number of inspectors has remained fairly constant over several years regardless of changes in the real estate market. Mr. Granju offered that the number of inspectors currently available is probably not enough. The specific number was never revealed.

Commissioner Cole inquired as to whether the collection of fines for stormwater violations is tracked to which Mr. Warren replied in effect "You betcha". In completing his point that prevention is superior to cure of defective stormwater facilities, Mr. Warren relied upon: (i) a wobbly train analogy; (ii) a hay cutting analogy; and (iii) a Biblical reference to the "sins of the father".

Commissioner Clancy, III, reiterated Commissioner Cole's inquiries and the responses of Mr. Warren and Mr. Granju, and suggested methods to squeeze owners and/or contractors to force remediation of ineffective stormwater installation and suggested more inspectors which would be useful. A discussion ensued.

Commissioner Smith offered that checks are balances on design and inspections are in place via the bonding process.

Commissioner Longmire inquired as to whether there is public record of those persons that have not paid penalties for violation of the stormwater ordinances, to which Mr. Warren replied in effect "You betcha". Commissioner Phillips inquired whether there are more problems found in the development phase or in the individual construction phase, to which Mr. Warren responded "Both".

At this point Mr. Green introduced Curtis Williams with the City of Knoxville Department of Engineering. Assisted by a nifty schedule circulated to the Commissioners, and a dazzling Power-Point presentation consisting exclusively of screen shots from the KGIS webpage, Mr. Williams discussed triggers for stormwater detention requirements in

the City and provided details of notable retention and detention ponds contained within the 10 Mile watershed. He also explained various options for draw-downs of retention basins as anticipated by the City's Ordinance.

Commissioner Longmire inquired whether a stormwater issue within the boundaries of the City right-of-way which arises out of seepage from County property would be a City issue. Mr. Williams indicated that the City would be willing to look at the issue.

Commissioner Clancy, III inquired whether the City examines the impacts upon drainage occasioned by the resurfacing of roads which result in shifting drainage problems. Mr. Williams acknowledged that the City is aware and typically considers shifting drainage patterns from anticipated road improvements.

Commissioner Patrick inquired whether design plans anticipate the impact of construction build-out in addition to the project development, to which Mr. Williams replied in effect "You betcha".

Commissioner Longmire thanked all of the presenters for their efforts and their patience in responding to questions. Warm applause from the Commissioners followed.

Tom Brechko of MPC staff then provided a "brief" (heh, heh) explanation of the Staff Recommendation for Agenda Item 6 on the March agenda, acknowledging that the matter will likely be placed on the Consent Agenda.

Mr. Brechko then provided another "brief" (heh, heh) explanation of the Staff Recommendation for Agenda Item 8, and of the need for postponement.

Commissioner Tocher then asked why two (2) separate plans are included with the Staff Recommendation. Noting that the decision on road improvements has not been made by the County, Mr. Brechko noted that the differing plans constitutes another reason for the recommendation for postponement.

John King, an up-and-coming young lawyer representing the Applicant, then rose and advised of the status of discussions with the County on the choice of the route of the new road construction, and gave further explanation for why two (2) separate plans were submitted for the project.

Mr. Brechko then "briefly" explained the Staff Recommendation for Agenda Item 9. Commissioner Longmire inquired about the contents of the landfill located on property at which time Dan Kelly of MPC staff (after being surprisingly quiet for the entire meeting) spoke up to advise that the property is the final resting place of the bodily remains of the old Young High School. Ms. Pionke advised Commissioners of the nature of the County Engineering inquiry into landfill sites anticipated for development, and the existing remediation standards. Commissioner Clancy, III, inquired of County Engineering whether a Phase I Environmental Site Assessment should be required by County Engineering and was advised that is not the typical practice. A general discussion ensued.

Mike Reynolds then explained the Staff Recommendation for Agenda Item 10.

Mr. Brechko then explained “briefly” the Staff Recommendation for Agenda Item 25

Mike Brusseau of MPC Staff then explained the Staff Recommendation for Agenda Items 23 and 24 and there followed a general discussion about opportunities for bonus density on ridgeside and hilltop properties, and the possible impact on the quality of development proposals.

Mr. Green then explained the Staff Recommendation for Agenda Item 31.

There being no further business, the Agenda Review meeting was duly adjourned.

This 6th day of March, 2018.

Recording Secretary