

Town of Walden
Special Called Meeting – Minutes
October 17, 2023

PUBLIC HEARING ON PROPOSED ORDINANCE 2023-359 AMENDING THE WALDEN ZONING ORDINANCE – COMMENTS FROM MAYOR DAVIS

Mayor Lee Davis opened the public hearing at 6:31 PM. The following interested citizens were present: Ted Tumelaire, Linda Collins, Tony Wheeler, Gary Smith, Kristin and Scott Allen, Joe and Margha Davis, Mary Lee and Lou Ziebold, Bill and Mary Hodges, John Argo, Ed and Mary Catherine O’Kelly, Joe Robbins, Jr., Ed Jolley, Tim Hilvers, Mike Cassidy, Catherine Colby, Jack Kruesi, Carrie Ashton, Debbie Fiser, Jean and Bill Trohanis, Angie Nunley, Kirby Yost, Maurice Edwards, John Mitchum, Dona Smith, Carol and Bruce Bishop, Thom Self, Vicki Love, Debbie Rodwell, Andrea Mynatt, Hannah Mynatt, Mickey Robbins, Winston Robbins, Lloyd Turley, Dawson Wheeler, Thomas Gallant, Hannah-Claire Boggess, David Garvey, Chuck Pruett, Becky and Greg Cullum, Jared Anders, Grace Mynatt, Mark and Sandra Koss, Bill Thornton, Andrew Hausler, Jason Farmer, Colin Johnson, and Laura Jolley.

Mayor Davis noted the following rules of order for the hearing. The issue at hand is whether or not to adopt the amended zoning ordinance following the adoption of the Walden Land Use Plan (LUP). This amendment is not about a grocery store. Mayor Davis asked that we all assume the best intentions of our neighbors and be kind to one another. He called on citizens one at a time to speak, in no particular order, from the Public Comment Cards that were submitted prior to the beginning of the hearing.

COMMUNICATIONS FROM THE CITIZENS

Jared Anders, Walden Resident: The vision of Walden is a small-town atmosphere. He disagrees with having no square footage limit on commercial structures. He also has concerns regarding large parking lots and sustainability of the workforce on the mountain.

Mickey Robbins, Walden Resident: The top three municipalities for home values (Lookout Mountain, Signal Mountain, Missionary Ridge) have very few commercial developments. He is concerned about increased traffic and strained infrastructure.

Jean Trohanis read a letter from Mr. Markum (Signal Mountain Resident), who is unable to attend the meeting. Mr. Markum supports commercial growth on the Mountain. He is concerned about the lost revenue from the elimination of the Hall Tax and would like a more affordable grocery option on the mountain.

Jean Trohanis, Walden Resident: Mrs. Trohanis urged the Board of Mayor and Aldermen not to forget about mountain residents who are on fixed or low incomes. She stated that she can complete all of her necessary tasks and appointments on top of the mountain, but feels the need to go off of the mountain in order to find affordable groceries.

Margha Davis, Walden Resident: As a 35-year resident of Walden, she does not see Signal Mountain as a shopping destination. She urges the Board of Mayor and Aldermen to please keep the rural feel and charm of Walden. She further reminded the Board that the only commercial building on the Mountain greater than 15,000 square feet is Pruett’s.

Lou Ziebold, Walden Resident: Mr. Ziebold opted to pass.

Linda Collins, Walden Resident: Deferred her turn to Joe Davis.

Joe Davis, Walden Resident: Mr. Davis urged the Board of Mayor and Aldermen to restore the 15,000 square foot cap. He noted that the LUP makes it clear that the fundamental concept of Walden is small spaces, with the word “small” appearing in the LUP more than 30 times.

Tim Hancock, Walden Resident: Mr. Hancock is the Chairman of the Walden Planning Commission (WPC). He feels these amendments serve to advance the LUP and noted that the amendments to the Zoning Ordinance were unanimously recommended by the WPC with one exception. There was a split vote (5-2) regarding Section 4.05, which is where the 15,000 square-footage cap was removed. A majority of the WPC members felt that 15,000 square feet was an arbitrary number, and therefore wanted it deleted. As a citizen of Walden, Mr. Hancock does not want to “shut the door” on an application that is not even before the WPC at this time, and he further noted that a smaller design does not guarantee a good design. Mr. Hancock closed by stressing his belief that a zoning ordinance should not be finalized based on opinions regarding a single project.

Jason Farmer, residence unknown: Mr. Farmer served on the Hamilton County Regional Planning Agency for eight years. He originally voted NO on the proposed 40,000 square foot grocery store and fuel station at the Lines Orchids Property. However, in reviewing the new verbiage of the proposed zoning ordinance, he asks that the Board of Mayor and Aldermen give all consideration to the current WPC recommendations.

John Argo, a representative of Southeast Capital Partners, expressed his thanks to the WPC for their hard work and recommendations.

Debbie Fiser, Walden Resident: She wants to keep Walden small and therefore include a 15,000 square-footage cap for commercial buildings in Walden. Also, she does not want to keep repeating this process.

Gary Smith, Walden Resident: He believes no size limit is a bad idea and does not want to set a “no-cap” precedent.

Tony Wheeler, Hamilton County (unincorporated) Resident: Mr. Wheeler is most concerned regarding environmental issues and mine disruptions. He brought mediation to Signal Mountain in 1987 regarding the mines.

David Garvey, Walden Resident: Mr. Garvey sees the potential for additional tax revenue for Walden, and also feels that the addition of a Town Center will improve the curb-appeal of the current LOP buildings. He likes the idea of a grocery store on the mountain.

Kirby Yost, attorney: Ms. Yost opted to pass.

Angie Nunnely: Ms. Nunnely was no longer present.

Maurice Edwards: Mr. Edwards opted to pass.

Vickie Love, Walden Resident: She loves the natural appeal of Walden and wishes more residents had attended the LUP-planning meetings. Her main concerns center around traffic, stormwater runoff, and septic efficiency.

Debbie Rodwell, Walden Resident: Mrs. Rodwell supports the 15,000 square feet cap.

Colin Johnson, Walden Resident: Mr. Johnson stated that both he and his wife support growth in Walden in the form of a Town Center. He also wants a sustainable zoning plan and does not support limitations or constraints in the zoning ordinance.

Mayor Lee Davis asked if there were any other citizens who wanted to speak. There were not. Mayor Davis adjourned the Public Hearing at 7:30 PM. He announced that the Special Called Meeting would begin in five minutes.

CALL TO ORDER OF THE SPECIAL CALLED MEETING

The regular monthly meeting of the Walden Board of Mayor and Aldermen was called to order by Mayor Lee Davis.

PRAYER AND PLEDGE TO THE FLAG

Town Recorder Stacy Stewart opened the meeting with a prayer and led the Pledge of Allegiance.

ROLL CALL

Town Recorder Stacy Stewart called the roll and noted the presence of Mayor Lee Davis, Vice Mayor Lizzy Schmidt, and Alderwoman Angela Cassidy. Town Attorney Sam Elliott was not present.

APPROVAL / CORRECTION OF MINUTES FROM PREVIOUS MEETING

ALDERWOMAN ANGELA CASSIDY MOVED TO APPROVE THE MINUTES OF SEPTEMBER 12, 2023, SECONDED BY VICE MAYOR LIZZY SCHMIDT, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

REPORTS

1. TOWN ADMINISTRATOR REPORT

Town Administrator Mariah Prescott noted that Walden staff members had reviewed the recent recordings of WPC meetings, and she confirmed that there was no formal vote taken on whether or not the WPC should temporarily serve as the Design Review Board (DRB).

NEW BUSINESS

1. CONSIDERATION OF THE FIRST READING OF PROPOSED ORDINANCE #2023-359, AMENDING THE EXISTING WALDEN ZONING ORDINANCE FOR THE PURPOSE OF DEFINING ADDITIONAL TERMS, AMENDING THE SPECIAL USES PERMITTED IN THE R-1 RESIDENTIAL ZONE, AMENDING THE USES PERMITTED AND ADMINISTRATIVE PROCEDURES FOR THE C-1 COMMERCIAL ZONE, ESTABLISHING THE TOWN CENTER BOUNDARY AND ESTABLISHING REGULATIONS FOR THE NEW TOWN CENTER-RESIDENTIAL (TC-R) AND TOWN CENTER-MIXED USE (TC-MU) ZONES, AS RECOMMENDED BY THE WALDEN PLANNING COMMISSION.

VICE MAYOR LIZZY SCHMIDT MOVED TO APPROVE ORDINANCE #2023-359, BUT WITH THE RETURN OF THE 15,000 SQUARE FOOTAGE CAP FOR COMMERCIAL BUILDINGS, SECONDED BY ALDERWOMAN ANGELA CASSIDY. Discussion followed.

Vice Mayor Lizzy Schmidt stated that she wants to keep Walden as a small-town, rural community. She also noted that a majority of the citizens who gave their opinion want the square-footage cap restored. Vice Mayor Schmidt affirmed that she is acting in the best interest of the citizens of Walden.

Alderwoman Angela Cassidy noted her agreement with Vice Mayor Schmidt, stating that she wants to keep Walden small in scale.

Mayor Lee Davis noted that he agreed with many of the concerns that have come from the citizens of Walden. However, he disagrees with amending the zoning ordinance. Mayor Davis stated that he had numerous concerns relative to the previous development proposal for the Lines Orchids Property, but he also supports responsible growth in Walden. Mayor Davis noted that he doesn't want the Board of Mayor and Aldermen to "become the WPC," and a vote to amend the ordinance would be going against the WPC recommendation. He stressed that the passing of the ordinance as written does not guarantee approval of any specific project, and he recommends that the Board put their trust in the WPC.

Vice Mayor Lizzy Schmidt noted that she does trust the WPC, but also realizes that "the buck stops with us." Further, she does not feel that the WPC should also serve as the DRB and she stressed that she answers to the citizens of Walden.

Aldерwoman Angela Cassidy stated that she appreciates all viewpoints relative to the zoning ordinance. However, she noted that 42 of the 45 letters submitted to the Board supported the square-footage cap. She stated that Keith Covington, a professional planner, recommended the 15,000 square feet cap. Aldерwoman Cassidy also noted that she must represent what she feels the citizens of Walden want.

Mayor Lee Davis noted that specific criteria within the ordinance would guide any approved projects. Further, he stated that Mr. Covington had used the 15,000 square-footage cap as a "placeholder" for further discussion. The recommended removal of the cap came from the LUP Committee.

VICE MAYOR LIZZY SCHMIDT MOVED TO APPROVE ORDINANCE #2023-359, BUT WITH THE RETURN OF THE 15,000 SQUARE FOOTAGE CAP FOR COMMERCIAL BUILDINGS, SECONDED BY ALDERWOMAN ANGELA CASSIDY. VOTING WAS AS FOLLOWS:

MAYOR LEE DAVIS – NAY

VICE MAYOR LIZZY SCHMIDT – AYE

ALDERWOMAN ANGELA CASSIDY – AYE

Mayor Lee Davis stated that, after the 2-1 vote, the proposed zoning ordinance will go back to the WPC.

2. CONSIDERATION OF PROPOSED RESOLUTION #2023-600 EXTENDING THE MORATORIUM ON BUILDING PERMITS IN A DESIGNATED AREA OF WALDEN.

Mayor Lee Davis noted that this Resolution will extend the Moratorium until January 31, 2024.

VICE MAYOR LIZZY SCHMIDT MOVED TO APPROVE RESOLUTION #2023-600, SECONDED BY ALDERWOMAN ANGELA CASSIDY, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

3. CONSIDERATION OF PROPOSED RESOLUTION #2023-601, WRUD SPECIAL USE PERMIT.

Town Administrator Mariah Prescott noted that approval of the permit was recommended by the WPC

ALDERWOMAN ANGELA CASSIDY MOVED TO APPROVE RESOLUTION #2023-601, SECONDED BY VICE MAYOR LIZZIE SCHMIDT, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

4. CONSIDERATION OF PROPOSED WALDEN ENGINEERING SERVICES CONTRACT.

Mayor Lee Davis stated that there was only one submission, and Town Administrator Mariah Prescott confirmed that she had reached out to five firms with the RFQ. It was recommended that Walden work with CTI on a "Cost-Plus" basis for one year and then reassess the contract.

MAYOR LEE DAVIS MOVED TO CONTRACT WITH "CTI ENGINEERING" FOR THE TOWN OF WALDEN'S ENGINEERING SERVICES FOR A PERIOD OF ONE YEAR ON A COST-PLUS BASIS, SECONDED BY VICE MAYOR LIZZIE SCHMIDT, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

UNFINISHED BUSINESS

FINAL READING OF PROPOSED ORDINANCE #2023-358, AMENDING THE WALDEN MUNICIPAL CODE, TITLE 20, CHAPTER 1, WHICH CHAPTER IS KNOWN AS "THE WALDEN AIR POLLUTION CONTROL ORDINANCE" AIR POLLUTION CONTROL BOARD.

VICE MAYOR LIZZY SCHMIDT MOVED TO APPROVE ORDINANCE 2023-358, SECONDED BY ALDERWOMAN ANGELA CASSIDY, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

COMMUNICATIONS FROM THE CITIZENS

One citizen asked if the Air Pollution Control ordinance would impact access to Burn Permits. Mayor Lee Davis confirmed that it would not.

The meeting was adjourned by Mayor Davis.



Respectfully submitted:
Stacy Stewart



Approved:
Mariah Prescott, Town Administrator



Approved:
Lee Davis, Mayor