

\*\*\*\*\*October 6, 2008\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, October 6, 2008, at 6:30 p.m. in the Town Hall. Those present were:

Mayor Paul Hendricks  
 Vice-Mayor Hershel Dick  
 Councilmember Bill Lusk  
 Councilmember Susan Robertson  
 Councilmember Annette Allen

Also present were: Town Manager Honna Rogers  
 Town Attorney Phillip Noblett  
 Town Recorder Mark Johnson  
 See attached list for others present

The meeting was opened with the pledge of allegiance. Stacey Seals, Fire Chaplain, gave the invocation and briefly described the role of chaplain. The roll was called.

### Minutes

The minutes for the September 8<sup>th</sup> regular meeting, September 8<sup>th</sup> public hearing, and September 29<sup>th</sup> agenda meeting were discussed. Councilmember Robertson noted a few minor grammatical errors. The minutes were approved unanimously.

### Resolutions

The following resolutions were presented:

1. A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ROOF REPAIR ON THE PUBLIC WORKS QUONSET HUT LOCATED AT 714 MISSISSIPPI AVENUE TO PARRIS ROOFING IN THE AMOUNT OF NINETEEN THOUSAND NINE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$19,925.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD. Ms. Rogers noted this cost is below budget and serves as the best and lowest bid. Mayor Hendricks explained the need for repair, i.e., a badly leaking roof, and noted it was a short-term solution to the problem of an inadequate maintenance facility. Councilmember Lusk moved and Councilmember Robertson seconded that the resolution be approved. The motion passed unanimously.
2. A RESOLUTION APPOINTING NANCY CALDWELL, CORINNE GIAGNORIO, NOAH LONG, NEELD MESSLER, JEFF SIMMONS, AND

BARBARA WOMACK AS MEMBERS OF THE TOWN OF SIGNAL MOUNTAIN'S TREE BOARD. Mayor Hendricks summarized the mission of a Tree Board, and noted that openings were advertised and a meeting was held for those interested in serving. Councilmember Robertson moved and Vice-Mayor Dick seconded that the resolution be approved. Councilmember Robertson noted the group contained two master gardeners, a biologist as well as other individuals with extensive native tree and plant experience. She also said the Board serves as an advocacy group and is not restrictive. She and Noah Long described the kinds of activities Tree Boards are involved in. The motion passed unanimously. The Mayor discussed the terms of Board members and suggested eventually they be staggered.

3. A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SIGNAL SCHOOL OF PHYSICAL EDUCATION AND CHARITY PAINTER FOR USE OF THE SIGNAL MOUNTAIN GYMNASIUM FOR THIRTY SIX (36) MONTHS. A COPY OF SAID AGREEMENT IS ATTACHED HERETO. Ms. Rogers summarized the agreement, which was reviewed and approved by the Recreation Board. Mayor Hendricks asked Mr. Noblett if the fact that his son may teach a class for the school would constitute a conflict of interest. Mr. Noblett said there might not be a direct conflict, but it should be treated as such to be safe. Councilmember Allen moved, and Councilmember Robertson seconded that the resolution be approved. Councilmember Robertson asked if a three-year term is standard. Mr. Noblett said there was no term limit under the previous agreement and he felt a review every three years would suffice. Councilmember Lusk noted the agreement provides for proper removal and storage of equipment and asked how this will be enforced. Ms. Rogers said gym attendants would be responsible. Mr. Noblett said the agreement should also help avoid scheduling conflicts with basketball by providing for cleanup time between events. Ms. Rogers noted that Charity Painter is the new Director of the Signal School of Physical Education. The motion passed unanimously, with Mayor Hendricks abstaining from the vote.
4. A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT AN IDENTITY THEFT PREVENTION POLICY FOR THE TOWN OF SIGNAL MOUNTAIN. Ms. Rogers explained that the need for this policy resulted from federal legislation requiring governmental entities to implement measures to safeguard against identity theft by outside parties and employees. Councilmember Lusk moved and Vice-Mayor Dick seconded that the resolution be approved. Councilmember Robertson noted a misspelling in the third paragraph. Mayor Hendricks asked if the attached policy was produced by MTAS. Ms. Rogers said it was, and that it is a good policy. The motion, subject to the spelling correction, passed unanimously.

Mayor Hendricks mentioned a citizen request to speak on the proposed annexation before the ordinances were read. Council members agreed to deny the request and adhere to the agenda as it was originally prepared.

The following ordinances were presented:

1. AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING CERTAIN PARCELS ON ANDERSON PIKE ADJACENT TO THE FOX RUN SUBDIVISION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP. Councilmember Lusk moved, and Vice-Mayor Dick seconded that the ordinance be approved. The Mayor commented that decisions on controversial issues are always difficult. However, in this case the Council and Town personnel have worked on the details for a long time and ultimately believe annexation will be a benefit to all. He also noted this ordinance includes the plan of services that was approved by the Planning Commission. The motion passed unanimously.
2. AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN PROPERTIES ADJACENT TO WINDTREE SUBDIVISION ON ANDERSON PIKE AND SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP. Councilmember Allen moved, and Councilmember Robertson seconded that the ordinance be approved. The motion passed unanimously. Mayor Hendricks noted the second reading of the ordinance would be on November 10<sup>th</sup>.
3. AN ORDINANCE TO ADD A NEW SECTION 17-111 TO THE SIGNAL MOUNTAIN TOWN CODE, TO ESTABLISH RATES FOR COMMERCIAL REFUSE PICKUPS AND EQUIPMENT CHARGES WITHIN THE TOWN. Mayor Hendricks explained that Town staff had brought this issue to the Council's attention. He said that, previously, commercial users were limited to two garbage cans. Now they can have four. Ms. Rogers said the cost of service is based on landfill costs. Mayor Hendricks noted the Town encourages everyone to recycle. Councilmember Robertson moved, and Councilmember Allen seconded, that the ordinance be approved. Councilmember Robertson said it was a reasonable fee. The motion passed unanimously.
4. AN ORDINANCE AMENDING SECTION 18-107 OF THE TOWN CODE TO ESTABLISH A NEW CUSTOMER DEPOSIT IN THE AMOUNT OF ONE HUNDRED (\$100.00) DOLLARS IN THE WATER RATES WITHIN THE TOWN OF SIGNAL MOUNTAIN. Mayor Hendricks summarized the issue of renters moving from the Town without paying their final water bills; therefore, there is a need to increase the initial deposit rate for new service. The increase is still generally at or below deposit rates for other municipalities. Councilmember Robertson noted it is refundable as well. Ms. Rogers said the fact that the Town

bills quarterly rather than monthly means the unpaid bills are usually significant and need to be collected, if not from the former residents, then from their deposits. Councilmember Robertson moved, and Vice-Mayor Dick seconded that the ordinance be approved. The motion passed unanimously.

### Other Discussions

Ms. Rogers requested that the second reading of the commercial garbage ordinance be made at the next special agenda meeting rather than the November regular Council meeting. She noted that there are two businesses who would like their service to begin in November. The Council agreed. Mayor Hendricks asked if there is a 15-day requirement between readings. Mr. Noblett and Ms. Rogers said there was, and this request would meet that requirement.

Mayor Hendricks noted that next year is the Town's 90<sup>th</sup> anniversary and asked that the community consider ideas for a possible celebration.

### Citizen Comments

Lee Norris, Hollywood Lane, said he had no prepared remarks, but the recent national economic crisis has put a strain on people in the proposed annexation areas. He suggested that rather than adding to their strain, the Town should try to live within its budget. He also stated that he considers Town services negligible.

James Case, James Boulevard, commented on the trees at the Signal Mountain Country Club's property at the corner of Laurel Street and James Boulevard. He said they create a safety hazard; i.e., a "blind curve" for motorists, joggers, children, etc. He cited excerpts from the Town's website indicating trees or shrubbery near roads are to be trimmed to prevent traffic problems, either by the Town for trees on public property or by property owners for trees on private property. He was unsure why trees were planted on James Boulevard and Timberlinks Drive and not other streets. He asked the Council to consider these issues. Mayor Hendricks said they deserve attention and have been discussed before. He said the only reason for the trees that he was aware of is to protect private property from golf balls. Mr. Case said the reason was actually to encapsulate the property to make it more "private". Mayor Hendricks suggested the Council speak with representatives of the country club.

Rachel Miller, James Boulevard, said the trees create a visual barrier for residents across from the country club and should be removed. She said the trees do not do a good job of blocking golf balls. Ms. Rogers said the Public Works Department is aware of the problem with the trees and that it required the country club to trim them recently. She also said there are some trees in the right-of-way and some on country club property. Mr. Noblett said that under a lease agreement, the lessee is not prohibited from any activity not specifically stated in the lease; although, if there is a health and/or safety hazard in the right-of-way, the Town can remove it. If it is not in the right-of-way, options for dealing with it should be spelled out in a future agreement. Ms. Rogers said she

understood the country club has no plans for removing dead trees. Ms. Rogers agreed to look at the maps of the area and determine which trees are in the Town right-of-way. Councilmember Robertson asked if the Leyland Cypress trees could be trimmed down to a normal hedge. Noah Long said this couldn't be done because they are fragile trees that are susceptible to disease. Mr. Case said the safety issue should be taken seriously. Mayor Hendricks said that if a sidewalk eventually built along James, another problem will be created. Councilmember Robertson suggested a member of the Tree Board tell officials of the country club that the trees are diseased. Mr. Long said an official Town arborist, appointed to the Tree Board, should do this.

Austin Seay, Blue Teal Lane, underscored Mr. Norris' comments. He said the financial markets are in terrible shape, and as a retiree, he is significantly affected. He said the residents of the Fox Run and Windtree subdivisions have diligently opposed annexation since October 2007. He feels annexation would cause significant harm to the financial conditions of the residents in the areas, and the Town should take such harm into consideration. He also noted the residents have the legal means to oppose it.

Andy Tucker, Mountain Brook Circle, introduced himself as the liaison with the SMMHS PTSA. He reported that there is a total enrollment of 832 students in the new schools. Also, to show thanks for the new school, the students have been required to participate in community service. The students will only go to school for half a day on October 31<sup>st</sup> and he asked that the Town suggest community service projects. Mayor Hendricks said having a school liaison is a great idea. He also mentioned a recent discussion he had with the Sheriff's department regarding obtaining an additional SRO from Hamilton County.

Joe Dumas, James Boulevard, noted that the Council's first term would end soon. He also said the current Council has been the best he has seen. He hoped the Council would consider what kind of legacy it will have as they enter a second term if they vote for annexation. Mayor Hendricks said the Council is aware of economic conditions and the financial effect on individuals in the annexed area. The decision to annex has not been made lightly. He also noted he appreciates all comments, even those of people who disagree.

Patrick Hagan, Timberlinks Drive, asked the Council for the reasoning behind its denial of his request to keep a limited number of ducks on his property. He noted Walden allows fowl, and more than 10 too. Councilmember Robertson said the Council was interested in his proposal and noted the Residential Estate Zone allowed livestock. Mr. Noblett described the reasons for prohibiting livestock in LDR zoning was limited space and consideration for neighbors. He said there were also precedent issues with granting individuals exceptions to the rule, and more than one person would need to express interest in keeping livestock in residential neighborhoods. Mayor Hendricks said the proposal wasn't actually denied; the Council just wasn't prepared to make a decision at this time. He said the issue deserves a careful approach and encouraged Mr. Hagan to get support from other residents. Councilmember Robertson said there could also be a problem with loose dogs killing ducks. She also asked if anyone in the audience wanted to keep ducks. One individual from Fox Run said she would like to keep fowl there.

Councilmember Allen requested that Mr. Hagan obtain a copy of Walden's fowl ordinance for reference.

Chris, Freye Arden Way, said he tries to drive the speed limit but is discouraged when he sees police officers speeding without apparent repercussion. Police Chief Veal said often officers are responding to urgent calls, but he would remind them of the importance of obeying speed limits at all other times.

### Planning Commission Report

Lou Oliphant reported on the October 2<sup>nd</sup> meeting, saying there was a request by Susan Humphries to rezone her property from low density residential to office district. The Commission recommended the re-zoning, subject to certain conditions. Mayor Hendricks noted the recommendation would be discussed at the Council's next regular meeting. Ms. Humphries also made a request to subdivide her property. The Commission will not allow this unless each lot contains 15,000 square feet.

A request by Signal Mountain Construction to subdivide property at James Boulevard near Hathaway Drive was approved. Frank Powell requested rezoning eight and one-half acres behind Signal Crossings from low density residential to mixed-use. Ms. Rogers is working with the RPA on an ordinance for mixed-use zoning. Mr. Noblett said that currently commercial property does not allow residential. The next work session will be on October 23<sup>rd</sup>.

### Department Reports

#### *Police*

Police Chief Boyd Veal reported that the new officers are doing well, and he is accepting applications for one open position. A \$5,000.00 GHSO grant was received. Vice-Mayor Dick asked how the SRO was doing at the schools. Chief Veal replied he is very busy covering each.

#### *Fire*

Fire Chief John Vlassis reported Fire Prevention week began yesterday. The department will be visiting daycares this week with coloring books. A 100% grant from the Civilian Emergency Response Team for \$13,031 was received. Obtaining the grant for a fire engine is still possible. The Holiday Hodgepodge was a success. Positions for a training officer and firefighter are being advertised.

#### *Recreation*

Recreation Director Jarred Thompson reported that the pool was winterized and closed. The Town did not get a pool grant. The three trucks for the recreation and water departments should be available next week. A safety program for the recreation and

water departments, which entails monthly meetings to discuss safety issues, is now in place.

#### *Water*

Utilities Director William Sanders reported the 500,000-gallon tank on James Boulevard is offline due to the application of a final coat of lining. The 500,000-gallon receiving tank is offline and will hopefully be functional in a few days. There was also a problem with the 250,000-gallon tank. There have been a few line changeovers. The department received a score of 93 on the recent state inspection.

#### *Library*

Librarian Karin Glendenning reported a good local history program last week. There was also a volunteer appreciation program on Saturday. Jed Mescon will be at the library to read to children tomorrow.

#### *MACC*

Ms. Rogers reported for Karen Shropshire, saying Hodgepodge, sponsored by the Friends of MACC, went well. The coffee house program will be held on the last Saturday of every month.

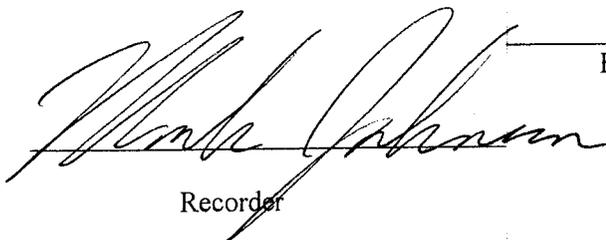
#### *Public Works*

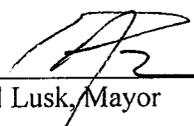
Ms. Rogers reported for Loretta Hopper, saying the recycle center is now accepting electronic items and automated garbage service is proceeding well.

#### **Other Business**

The Mayor recognized John Glass and Boy Scout troop 60, who were present for the meeting.

There being no further business, the meeting was adjourned.

  
Recorder

  
Bill Lusk, Mayor

OCTOBER 6, 2008

NAME	ADDRESS
1. <u>Robert D Miller</u>	<u>812 James Blvd.</u>
2. <u>Lee NORRIS</u>	<u>2226 Holly wood Ln</u>
3. <u>NOEL LOUIE</u>	<u>171 Woodcliff Cir</u>
4. <u>Sandy McMillan</u>	<u>2221 Fox Run Dr</u>
5. <u>James B. Case</u>	<u>906 JAMES Blvd</u>
6. <u>Andy Tucker</u>	<u>1236 Mtn. Brook Circle</u>
7. <u>Morgan Lakey</u>	<u>123 N. Palisades Dr.</u>
8. <u>Micajah Tucker</u>	<u>209 S. Palisades Dr.</u>
9. <u>Hogan McCormack</u>	<u>112 Green Gorge Ln</u>
10. <u>Andrew Clark</u>	<u>_____</u>
11. <u>Swan Pyles</u>	<u>3808 Windtree Drive</u>
12. <u>Barbara Swan</u>	<u>3831 Windtree</u>
13. <u>Albert Swan</u>	<u>" "</u>
14. <u>PATRICK HAGAN</u>	<u>497 Timberlinks Dr.</u>
15. <u>Wayne Wansley</u>	<u>1108 Glamu Circle</u>
16. <u>Al. Cole</u>	<u>607 CAROLINA</u>
17. <u>Ray Mc</u>	<u>4820 Shepleford Ridge</u>
18. <u>Louis Glandrup</u>	<u>206 Texas</u>
19. <u>David Enicks</u>	<u>327 Signal Mtn. Blvd.</u>
20. <u>Polly Ragan</u>	<u>185 Woodcliff Cir</u>
21. _____	_____

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NAME	ADDRESS
1. <u>Walter Dine</u>	<u>4006 N 58th St, Omaha NE 68131</u>
2. <u>Chris Grissinger</u>	<u>410 Carnegie Hall</u>
3. <u>A. Dooley</u>	<u>43 CHH</u>
4. <u>Amy Bick</u>	
5. <u>Austin M. Seay</u>	<u>2928 Blue Teal Ln.</u>
6. <u>Frank O'Leary</u>	
7. <u>B. Levy</u>	<u>Wintree</u>
8. <u>Lenore Levy</u>	<u>Wintree</u>
9. <u>Flaine Preston</u>	<u>Signal Rd.</u>
10. <u>Frank Prosser</u>	<u>Signal Rd.</u>
11. <u>Fran Mathison</u>	<u>Fox Run</u>
12. <u>Colleen McCall</u>	<u>902 James Blvd</u>
13. <u>James McCall</u>	<u>902 James Blvd</u>
14. <u>Low Elephant</u>	<u>622 Alfiar Way</u>
15. <u>Jerry Robertson</u>	<u>115 River Pt Rd</u>
16. <u>Mykell Mack</u>	<u>3010 Wingfield Ct</u>
17. <u>Joe Dumas</u>	<u>1111 James Blvd.</u>
18. <u>Beth Larson</u>	<u>3800 CHESTER MOUNT ROAD</u>
19. <u>Stan W. Lusk</u>	<u>2114 W Fairmount Rd.</u>
20. <u>Constantine Shapovalov</u>	<u>2401 Fox Run</u>
21. <u>Pat Doherty</u>	<u>3113 Bell Tall</u>