

*****January 12, 2009*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, January 12, 2009, at 6:30 p.m. in the Town Hall. Those present were:

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

Also present were:

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

Stacey Seals, Fire Chaplain, opened the meeting with the invocation. Mayor Lusk led the pledge of allegiance. The roll was called.

Minutes

The minutes for the December 8th regular meeting and January 6th agenda meeting were discussed. Vice Mayor Robertson requested a minor grammatical change in the December 8th minutes. She then moved and Councilmember Dick seconded that the December 8th minutes be approved. The motion passed unanimously. Vice Mayor Robertson requested formatting changes in the January 6th minutes and asked if, in the first paragraph, the broad term "fowl" was intended instead of "chickens". Patrick Hagan said he intended that the language be broad. Vice Mayor Robertson therefore requested no change to that wording. Councilmember Allen moved and Vice Mayor Robertson seconded that the January 6th minutes be approved. The motion passed unanimously.

Honorary Resolutions

The following honorary resolutions were presented:

1. "A RESOLUTION RECOGNIZING AND COMMENDING THE SIGNAL MOUNTAIN GREEN GIANTS SWIM AND DIVE TEAM FOR THEIR OUTSTANDING SEASON." Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. The team was presented the resolution.
2. "A RESOLUTION HONORING LOU OLIPHANT FOR HER MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN AS A MEMBER OF THE PLANNING COMMISSION." Mayor Lusk said Ms. Oliphant is a good representative of the Town's strong volunteer spirit. He noted she had worked very hard with the Planning Commission. Councilmember Dick moved and

Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously. Ms. Oliphant was presented her resolution.

3. "A RESOLUTION COMMENDING CHRIS DAVIDSON FOR HER SERVICE ON THE MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
4. "A RESOLUTION COMMENDING DEL FRANCESCON FOR HER SERVICE ON THE SIGNAL MOUNTAIN RECREATION BOARD." Councilmember Dick moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
5. "A RESOLUTION COMMENDING FRANK CHANDLER FOR HIS SERVICE ON THE SIGNAL MOUNTAIN RECREATION BOARD." Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks noted he had spoken with Mr. Chandler earlier and that he appreciated the recognition.
6. "A RESOLUTION COMMENDING GEORGE HATCH FOR HIS SERVICE ON THE SIGNAL MOUNTAIN RECREATION BOARD." Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
7. "A RESOLUTION COMMENDING JEFF DUNCAN FOR HIS SERVICE ON THE SIGNAL MOUNTAIN STORMWATER COMMITTEE." Councilmember Allen moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

Honorary resolutions were presented to Mr. Duncan and Ms. Francescon, who were in attendance.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION RECOGNIZING AND CELEBRATING MARCH 6, 2009, AS ARBOR DAY WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Noah Long presented a brief history of Arbor Day in the United States and Tennessee. He reported some commercial sponsorship had already been obtained. The Tree Board met with school representatives about the fifth grade's participation in the National Arbor Day Foundation's poster contest. Mr. Long said he hoped Town employee participation would be encouraged.

2. "A RESOLUTION APPOINTING DARLENE WALDER AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S TREE BOARD." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION APPOINTING BONNIE HAMILTON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S RECREATION BOARD. "A RESOLUTION APPOINTING ROB PAYNE AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S RECREATION BOARD."and "A RESOLUTION APPOINTING TOM TURNER, JR. AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S RECREATION BOARD." Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.
4. "A RESOLUTION APPOINTING JOHN GEE AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD." Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks asked if Mr. Gee should actually be referred to as "Dick" Gee instead of John, as that is the name he generally uses. Mr. Rogers answered that he had applied under the name "John".
5. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES WITH CAWTHORNE ENGINEERING CO. INC. AND TO PROVIDE PAYMENT FOR PROFESSIONAL ENGINEERING SERVICES PERFORMED IN AN AMOUNT NOT TO EXCEED THIRTY FOUR THOUSAND AND 00/100 DOLLARS (\$34,000.00)." Ms. Rogers noted this project was budgeted and should begin during the current fiscal year and end in the next. She also said Cawthorne Engineering Co. has worked with the Water Department previously. Councilmember Hendricks asked how many customers were in this particular area. William Sanders, Utilities Director said approximately seventy. Councilmember Dick moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
6. "A RESOLUTION ESTABLISHING THE TRANSPORTATION SUBCOMMITTEE AS PART OF THE CITIZENS ADVISORY COMMITTEE FOR THE TOWN COUNCIL." Mayor Lusk noted the Council just completed a strategic planning session in which present and future transportation issues were discussed. To that end, the Town is requesting volunteers for a subcommittee to draft a general town transportation policy and create a long-term plan for transportation needs. Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
7. "A RESOLUTION ESTABLISHING THE TOWN OF SIGNAL MOUNTAIN CLEAN STREAMS TASK FORCE AS A SUBCOMMITTEE OF THE

CITIZENS ADVISORY COMMITTEE FOR THE TOWN COUNCIL.” Councilmember Allen noted three streams – Bee Branch, Short Creek, and Shoal Creek – contain E. coli. The task force hopes to determine and affect solutions to this issue. Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. “AN ORDINANCE TO AMEND ORDINANCE NO. 2008-08 ENTITLED THE ‘FY 2008-2009 BUDGET ORDINANCE’ SO AS TO PROVIDE FOR AN EXPENDITURE CHANGE IN THE STREET AID BUDGET WHICH SHALL INCLUDE THE REALLOCATION FROM PAVING FUNDING TO SIDEWALK FUNDING IN THE AMOUNT OF FIFTY THOUSAND AND 00/100 (\$50,000).” Mayor Lusk noted that an 80/20 matching grant is available as part of the Transportation Improvement Program. Councilmember Dick moved and Councilmember Hendricks seconded that the ordinance be approved. Ms. Rogers noted the work *should* begin in late summer/early fall, but that it is not certain. Councilmember Hendricks asked if any engineering work had been completed. Ms. Rogers said some had. She also noted the funding takes the relocation of utility lines into account. The motion passed unanimously.
 2. “AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE SECTION 8-106, REGARDING THE LOCATION OF ANY LIQUOR STORE AND/OR ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES WITH MORE THAN FIVE (5%) PERCENT ALCOHOL CONTENT WITHIN THE TOWN AND PROVIDING FOR THE COLLECTION OF INSPECTION FEES AND CERTIFICATES FOR ALCOHOL SALES WITHIN THE TOWN.” Mayor Lusk noted that, under state statute, to have a liquor store within the Town, there must be an ordinance allowing it. Councilmember Hendricks asked Mr. Noblett for clarification of the 500/200-foot restrictions in article three. Mr. Noblett said stores that allow on-premises consumption must be 500 feet from any school, church, or place of public gathering. Stores that only allow off-premises consumption must be 200 feet away. Councilmember Hendricks asked if those distances were more or less standard. Mr. Noblett said they were. He also added that the ordinance only allows one main entrance per store, unless the store is on a corner of two streets, in which case, two entrances are allowed. He stated that in the previous code section an interior adjoining door is allowed if an establishment is next to a hotel with a lobby open to the public; however, he deleted this language because there are no hotels in the Town.
- Vice Mayor Robertson asked if special entrance consideration should be given to strip malls in which there are adjoining doors between stores. Mr. Noblett said

the only requirement is that the store has an exterior street entrance. He said revisions to this language could be made, if needed. Mayor Lusk asked about the difference between "wholesale" and "retail" liquor sales as stated in the ordinance. Mr. Noblett said "wholesale" indicates the store would distribute to other retail outlets. He also said the language indicated only a *wholesale* liquor store could have entrances on two streets if on a corner, but the word "wholesale" could be removed to clarify that this is for *any* liquor store. The Council agreed to have the word "wholesale" removed.

Noah Long stated that article three should specifically say the 500 feet limitation is for on-premises consumption. Joe Dumas asked why the ordinance restricts store locations to "ground floor" activity. Mr. Noblett said that was specified in state law. Councilmember Allen moved and Vice Mayor Robertson seconded that the ordinance should be approved as amended. The motion passed unanimously. Ms. Rogers requested that the second reading take place at the next agenda session. Mr. Noblett reminded everyone that all ordinances must be read once at a regular meeting and indicated this reading fulfilled that obligation.

Other Discussions

Mayor Lusk opened a discussion regarding the ordinance banning fowl within the Town. He and Councilmember Hendricks thanked Patrick Hagan for his efforts and patience. Mayor Lusk announced that citizens should go to urbanchickens.org, which provides examples of other municipalities' fowl ordinances and other pertinent information. He also said the Council is considering an amendment to allow chicken ownership on a one-year trial basis.

Councilmember Dick said acreage restrictions would effectively discriminate against small lot owners. Councilmember Hendricks agreed and said distance restrictions/setbacks should be used instead. Vice Mayor Robertson said Councilmember Allen had suggested a fifty foot restriction in a previous meeting. Councilmember Allen said she didn't know how loud chickens could be. Vice Mayor Robertson detailed a recent experience in which she heard neighborhood chickens clucking at an adjacent lot that didn't, in her opinion, create a nuisance. She also said moveable chicken coops are available. Councilmember Allen suggested that perhaps the ordinance should include a restrictive distance requirement of less than 50 feet since if it is to be enacted on a trial basis. Mr. Noblett said the distance of chicken enclosures from streams should also be considered.

Jeff Duncan said he supports an ordinance amendment and agreed with Councilmember Dick regarding acreage restrictions. He also suggested that prospective chicken owners be allowed to obtain approval from neighbors in lieu of minimum lot size if they do not meet the setback restrictions. Vice Mayor Robertson suggested that an agreement with neighbors would have to be subject to re-negotiation when new neighbors move in. Councilmember Hendricks noted it would be easier to increase distance restrictions in the

event of problems than to lower them. Councilmember Allen said a small number of chickens shouldn't produce much of a nuisance. Councilmember Dick said he agreed, but nearby dogs may cause a problem. Mr. Hagan said he was never really in favor of an acreage restriction; he only added it to make the proposal acceptable, and he noted 50 feet is a good distance restriction and is popular across the country.

Councilmember Allen said Ms. Rogers recently noted that distance restrictions might best be measured from the neighbor's home, not the property line. Mr. Duncan noted that 50 feet would not be a good distance for citizens with smaller lots. Councilmember Hendricks said a clause could be put into the neighbors' agreement to waive such distance markings. Vice Mayor Robertson noted the position of a person's home relative to his/her own yard is also an important consideration. One citizen said placement of chicken coops could restrict the neighbor's use of his/her own property, e.g., a required distance between one person's home and another person's chicken coop could restrict the former's ability to construct a home addition. Ms. Rogers said a waiver suggested above by Councilmember Hendricks might be the solution.

Vice Mayor Robertson said that in the proposal, animal control is listed as a possible requirement, but the Town has no animal control structure to deal with chickens. Mr. Duncan said the position of chickens relative to streams is an important consideration, as their excrement would add to the problem of E. coli contamination. Vice Mayor Robertson asked what the current setback restriction is for placing structures near streams. Chuck Gearhiser, Building Inspector, answered that it is 30 feet. Mr. Duncan said a 50-foot distance restriction might also be insufficient if property is on a steep slope next to a stream. Mr. Gearhiser said the current 30-foot setback from streams is recommended by the state. He also noted the ordinance should address proper excrement disposal.

Councilmember Dick asked how compliance with a new ordinance would be policed. Ms. Rogers said it could only practically be enforced if a complaint is made. Councilmember Hendricks and Vice Mayor Robertson reiterated that roosters are prohibited. Mayor Lusk asked that each Council member complete a proposed ordinance to bring to the next work session. Mr. Noblett asked if egg sales have been considered. Councilmember Hendricks said it shouldn't be allowed since the Town is a residential community. Vice Mayor Robertson invited Mr. Hagan to the next work session to help draft an ordinance. He said he could attend. Vice-Mayor Robertson and Councilmember Allen said the Council is leaning away from the general term "fowl". Mr. Hagan said he is flexible in that regard.

Cori Hagan, Mr. Hagan's wife, said the goal of their proposal is to raise awareness, and she thought changing the discussion from allowing ducks to allowing chickens is a step in the right direction. One citizen asked if there were scientific names for certain chickens that might be specified in the ordinance. Vice Mayor Robertson said there are many different breeds. Another citizen asked why chickens couldn't be slaughtered. Mayor Lusk and Vice Mayor Robertson said the intent was to discourage slaughtering in public

view. Mr. Duncan said that in the case of smaller chickens, more than three might be needed. Mayor Lusk said any further comments could be emailed to Ms. Rogers.

Department Reports

Police

Police Chief Boyd Veal reported that the countywide 911 unification emergency system will become effective January 19th and there should be a relatively smooth transition. Additional staff was used during the New Year holiday and there were no DUI arrests. He thanked citizens for acting responsibly.

Fire

Fire Chief John Vlasis reiterated Chief Veal's comments on the 911 unification system. The fire engine is undergoing cosmetic repairs from a recent accident. One new firefighter was hired. The "busy season" is about to begin, in which, based on historical data more house fires are expected. An apartment fire was responded to and quickly contained.

Recreation

Recreation Director Jarred Thompson reported that work on the concession stand area was complete. Basketball will begin January 19th. A professional service has been used to clean the gym floors. Baseball/softball will begin soon, and field preparation is underway. Ray Sanders has been painting the library and will finish soon.

Water

Utilities Director William Sanders reported that 98 work orders were processed during the month. He reviewed the work his staff did over the past month. Work on the Signal Road project will resume soon.

Building Inspection

Building Inspector Chuck Gearhiser reported that building construction generally slows down at this time of year, although several renovations are in process. There was much stormwater-related work performed due to recent heavy rainfall. A schedule for hydro-jetter use is being developed. It will probably be used to clean Signal Road first.

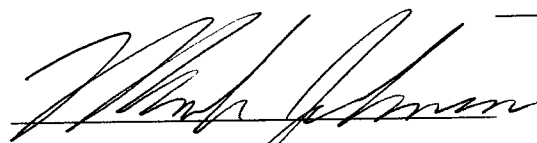
Councilmember Hendricks asked how many new homes have been constructed in the past year. Mr. Gearhiser said he was unsure but would estimate around twelve with perhaps about twenty over the past two years. He and Ms. Rogers indicated they would obtain a more exact figure.

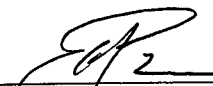
Mr. Noblett asked Mr. Gearhser if anything could be done about the stormwater overflow on Highway 127 outside of Town limits. Mr. Gearhiser said the ditches could possibly be dug deeper, but that might actually worsen the problem. Mr. Noblett asked who had jurisdiction in that area. Councilmember Dick said the state did, and that the Town had asked them for help in the past, but nothing was done. He thought that if Town employees work in the state right-of-way, the Town could be exposed to liability. Mr. Gearhiser said the hydrojetter could probably be used to clean out leaves with permission from TDOT. Ms. Rogers said the state typically does not perform preventative maintenance. Councilmember Dick said the Town might need to contact TML about any potential problems before Town personnel consider performing any work on the road. Mr. Gearhiser said Chattanooga might be able to assist. Mayor Lusk said he recently left a message with a TDOT representative and when he speaks to him, he may ask if Town personnel would be allowed to work on clearing the ditches. Ms. Rogers requested that Town personnel investigate the issue first.

Other Business

Mayor Lusk noted he and Ms. Rogers met with a representative of Comcast recently to discuss service quality issues. He said citizens were encouraged to contact the Town with their concerns, and as a result a good number of complaints had been received. He said Comcast has replaced 1800 feet of cable and will replace another 2400. One citizen asked if there were any measurements on number of subscribers per node. Mayor Lusk said there weren't, but Comcast is working on splitting nodes to eliminate bottlenecks. He encouraged everyone to contact the Town with any other related issues.

There being no further business, the meeting was adjourned.


Recorder


Bill Lusk, Mayor

DATE: January 12, 2009

NAME	ADDRESS
1. Ron Chiphant	alaska ave
2. Charlene Steyer Leal	2114 W Fairmount Rd.
3. James & Bill Gallagher	327 N Palawald St
4. Mark Ford	171 Woodcliff Cir
5. JEFF DUNCAN	951 PRAVINE
6. Joe Dumas	1111 James Blvd.
7. Jeff Davenport	911 Cherokee Lane
8. Renel D Miller	812 James Blvd
9. PATRICK HOGAN	497 Timberlinks Drive
10. Andy Inche	1236 Mtn. Brook Circle
11. Claire Gussing	40 Carriage Hill
12. Tom FRANCESCON	905 Crown Pt Rd W
13. Lannam Amy, McInimom, Seywell	512 Barrington Rd.
14. Martha Nagle	7 Big Rock
15. Lee Nagle	7 Big Rock
16. Ellis Gardner	103 Stratford Way
17.	
18.	
19.	
20.	
21.	