

*****February 9, 2009*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, February 9, 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 January 12th regular meeting and January 27th agenda meeting were discussed. Vice Mayor Robertson noted two places in the January 12th minutes of redundant punctuation. She also requested that the word *modular* on page five under "Other Discussions" be changed to *moveable*. Finally, she noted a few formatting errors. Councilmember Allen noted that on page six under "Other Discussions" the misspelling of the word "coop". Vice Mayor Robertson moved and Councilmember Dick seconded that the January 12th minutes be approved. The motion passed unanimously. Councilmember Dick moved and Vice Mayor Robertson seconded that the January 27th minutes be approved also. The motion passed unanimously.

Presentations

John Calvert, a representative of Pavement Technology, Inc., was present to review the use of Reclamite in response to citizen concerns over its recent application in the Town. Mr. Calvert began by explaining some of the basic properties of road pavement. He said asphalt includes a mixture of adhesive to bind it together. Over time, this adhesive essentially "bakes out" of the pavement, i.e., it is weakened to the point it loses its ability to bind, and the pavement begins to dry and crack. Reclamite is a stop-loss method that replenishes the adhesive. He noted this product has been in use since the late 1960's, and it has been used in more than 20-25 cities in Tennessee, of which he listed several examples. He stated TDOT approved the product and its representatives were amazed with its results. He also noted that he first tested it in Oak Ridge several years ago and the results were impressive. He said Reclamite should be applied to recently paved roads

because it extends the life of the roads, effectively reducing the annual prorated cost of the pavement.

Mayor Lusk noted the essential question citizens have had about Reclamite regarded the temperature at which it was applied. Mr. Calvert explained that, generally, it should only be applied at a temperature of 50 degrees or higher. It can be applied at lower temperatures, however, but shouldn't be applied at or below freezing temperatures due to the water content in the solution. He noted that it is not uncommon for subsequent residue to be picked up by tires, shoes of pedestrians, etc., but unlike tar, this residue eventually wears away. He said fliers were made available that listed a telephone number to call for answers to questions or complaints. He noted that Reclamite isn't necessarily as neat and clean as ordinary hot mix, but it is environmentally safer and there have been no environmental issues raised since his company began using it. He also noted that Pavement Technology, Inc. is essentially the only provider of this product because its application has exacting specifications and requires specialized knowledge.

Vice Mayor Robertson noted that several complaints came from citizens who live on one particular street on which Reclimate was used – Woodcliff Circle. Noah Long noted he was a civil engineer and has had several years of paving experience. He said Mr. Calvert's presentation was excellent and that Reclamite is a good product, but the issue lies in its application. Mr. Long said citizens on Woodcliff Circle were told it could actually be applied at any temperature above 40 degrees, but even then, the product was applied below this temperature. He also noted that he requested the Town's engineer to inspect the product, and the engineer agreed the temperature was low for application. Mr. Long stated the Reclamite didn't cure properly because the two days following application were also very cold, and the next three days were rainy. He said the truck applying the product was moving too quickly to apply sufficient coating. He also said that the problem is visible. Mr. Long requested that Pavement Technology, Inc. come back in April or May to reapply the product.

Mr. Calvert noted he wasn't present at the time of application, but logs are kept of the work performed. He agreed to investigate the issue. He mentioned that it is possible for pavement temperature to be in the low 50's when the ambient temperature is in the low 30's. He also noted that the sprayers on the trucks are computer-controlled and increase output with faster driving speeds. Mayor Lusk asked Mr. Calvert if he could give the Council his assurance that any problems would be corrected. Mr. Calvert indicated he could. Another representative of the company in attendance said Woodcliff Circle was actually sprayed twice in response to complaints that day.

Citizens Opportunity to Address the Council

Mayor Lusk invited comments on issues other than the sale of Town property; a discussion scheduled to be held later in the meeting. He encouraged everyone to be respectful and to follow the Town's Rules of Decorum.

Tish Gailmard, Ravine Road, asked that the 50-foot setback limitation in the fowl ordinance be reduced to 25 feet.

Lisa Hawkins, Woodcliff Circle, objected to the addition of the German translation of "Welcome" to the Town's welcome sign. She claimed it favored one nationality over others. Mayor Lusk said her comments would be taken under advisement. Ms. Hawkins asked if the Town originally planned to limit the time such wording would remain in place. Mayor Lusk said he was unsure. Vice Mayor Robertson said it would make sense to have one. Councilmember Hendricks said that perhaps it should indeed be allowed to "sunset". Ms. Rogers said the "word" could easily be removed. Councilmember Allen asked Jarred Thompson, Recreation Director, if removing the letters would leave a "shadow" on the sign. Mr. Thompson said it wouldn't. Vice Mayor Robertson asked who in the audience was in favor of eventually removing the sign. Many indicated they were. The Council agreed that the word "Willkommen" would be removed in 30 days.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION APPOINTING MIKE BERRY, GEORGE DAVENPORT, JOHN MIES, JOSH ROGERS, RUSTY SEWELL, AND MARY BETH SUTTON TO THE CLEAN STREAMS TASK FORCE FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Allen moved, and Councilmember Hendricks seconded that the resolution be approved. Councilmember Allen summarized the intended use of the task force as a committee that would seek solutions to contamination of Town streams. She also asked that Tim Galbreth, a retired engineer, be added as a member. She made a motion to pass the resolution as amended. Vice Mayor Robertson seconded, and it passed unanimously.
2. "A RESOLUTION REAPPOINTING JEFF DUNCAN TO THE PARKS BOARD FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Mayor Lusk thanked Mr. Duncan for his service.
3. "A RESOLUTION RECOGNIZING AND ENCOURAGING THE CITIZENS OF THE TOWN TO CELEBRATE MARCH 28, 2009, FROM 8:30 pm TO 9:30pm AS EARTH HOUR WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Councilmember Dick moved and Councilmember Allen seconded that the resolution be approved. Councilmember Hendricks said this was a great idea. Councilmember Allen explained that the the World Wildlife Foundation developed Earth Hour in Australia in 2007. On March 28th all over the world people will turn off non-essential lights and electrical items in their homes and workplaces for an hour to save energy and bring awareness to the need for energy conservation. She added she and her family had participated last year

and that she thought the Council and the community might enjoy doing so too. The motion passed unanimously.

4. "A RESOLUTION TO CELEBRATE THE 200TH BIRTHDAY OF ABRAHAM LINCOLN." Councilmember Hendricks moved and Councilmember Allen seconded that the resolution be approved. Councilmember Hendricks said Mr. Lincoln was a great American who should be recognized. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 10, TO REVISE SECTION 10-102, TO PROVIDE RULES AND REGULATIONS FOR THE KEEPING OF CHICKENS AND OTHER FOWL WITHIN THE TOWN." Councilmember Allen moved and Councilmember Hendricks seconded that the ordinance be approved. Councilmember Hendricks said he thought the Council agreed to not include a minimum lot size requirement, but the language in the ordinance indicated otherwise. He asked that this language be stricken. Vice Mayor Robertson agreed, saying Councilmember Dick had noted earlier that this would effectively discriminate against small lot owners. She suggested striking the lot size *and* setback requirements in favor of an agreement with neighbors. Councilmember Hendricks said one's neighbor shouldn't be allowed to have unilateral veto power. Vice Mayor Robertson said a 15-foot setback already exists under normal zoning regulations. Mr. Noblett said one issue to consider is that a chicken coop might not be a "structure" as defined by building codes, i.e., it must be moveable. Therefore, the same setback requirements may not apply. He also noted that only the Planning Commission has the power to prescribe setbacks. He said he preferred including setback requirements in the ordinance. His primary concern, he explained, is to ensure enough distance to prevent nuisances. He also said a nuisance may be created simply by inadequate maintenance of the coops, which is why the ordinance is set up for a one-year trial basis.

Councilmember Hendricks asked if the outside enclosure requirement was meant to be 10 square feet per bird. Mr. Hagan and Mr. Noblett said it was 10 square feet total – two square feet per bird.

Ms. Gailmard said enclosures can be semi-permanent or take the form of a "chicken tractor" and asked if, with this in mind, permission could be obtained from a neighbor that the coop be placed closer to his/her property if another adjoining neighbor protested close proximity. Mr. Noblett said a variance based upon permission from that neighbor could be allowed, and he agreed to add language indicating such.

Mayor Lusk said that section "k" of the ordinance seemed to indicate that it does not become effective until one year after passage, rather than saying it will be effective for one year after passage. Mr. Noblett said the language would be corrected.

Vice Mayor Robertson referred to section "A" of item 3 and suggested duplex owners also be allowed to keep chickens. Ms. Rogers explained that those who live in duplexes aren't the property's owners and the ordinance only applies to property owners. Vice Mayor Robertson said the language should therefore be left unchanged.

Councilmember Hendricks asked that a larger setback be in place for streams, i.e., 50 feet. Jeff Duncan agreed, but said a variance could be issued based on variables regarding property near streams to allow for less than 50 feet.

Vice Mayor Robertson referred to section "I" of item 3 and asked if the \$35.00 permit fee should be raised. Ms. Rogers said \$35.00 would cover basic costs. Councilmember Hendricks suggested the fee could be reevaluated after the one-year trial period.

Vice Mayor Robertson noted that section "J" doesn't address complaints from neighbors. Councilmember Allen explained that issue is covered in item 2. Mr. Noblett said an investigation should be made regarding complaints to determine if there is an actual nuisance.

Councilmember Allen moved and Councilmember Hendricks seconded that the ordinance be approved subject to requested amendments noted above. The motion passed unanimously.

Other Discussions

Mayor Lusk opened a discussion regarding a proposal from Capstone Properties to purchase municipal property near the Town Hall for commercial development. Ms. Rogers summarized the situation, saying it is common for developers to approach towns, but municipal property sales must be made through a public bidding process. Capstone understood this and presented their proposal at a public meeting. She also explained that public input should always be considered. Mr. Noblett said that under state law any development project that changes the use of public property must be submitted to the Planning Commission, a public meeting must be held by the Commission to discuss the project, and the Commission must make a recommendation to the Council. He said the Council would ultimately approve any project. Mayor Lusk invited comments from the audience.

Dun Monroe, Cherokee Boulevard, asked if it would be acceptable to call for a show of hands regarding opinions on this issue. Mayor Lusk asked for a show of hands and most of the audience indicated they opposed it. Councilmember Hendricks said he had

significant reservations about the proposal. Mr. Monroe said development would only cause problems. He said it would detract from the Town's identity, and the economy couldn't support new businesses.

Bo Patten, Laurel Street, said he has lived in Signal Mountain for 27 years and knows it well. He said he opposes development as existing shop space can't be filled, and additions would only hurt the Town.

Nathan Bell, Signal Road, said he has lived in Signal Mountain for 12 years. He indicated opposition to the plan and said that the fact that there was an article in the paper covering this issue implies it is more than just an idea. He asked what it would take to "kill" the issue now. Vice Mayor Robertson said the Council's job is to be open-minded to all offers and discuss those ideas publicly to avoid rumors and conjecture. She said the Council's wish for any prospective development is that it occurs properly. She also noted additional revenue will be needed in the future for infrastructure. Mr. Bell said the Town couldn't adequately support existing businesses as it is.

Councilmember Hendricks said the proposal was public knowledge and he hadn't heard any rumors. Vice Mayor Robertson said she had received several emails asking her vote "NO" to selling town property that was "rumored" to take place that evening when a vote wasn't scheduled or possible. The Council could not "vote" for or against an illegal, unsolicited proposal that was not competitively bid. Councilmember Hendricks said that although this issue might be "killed", future requests regarding Town property might be made and would need to be evaluated.

Anne Rittenberry, Crown Point Road, said she has lived in Town for many years. She said many people enjoy the recreational areas around the Town Hall and they shouldn't be taken away.

Glenn Showalter, Georgia Avenue, said the public needs more information even if the discussions are only preliminary. He asked if the playhouse was part of the land being considered. Vice Mayor Robertson replied it was not. Councilmember Hendricks said he understood from the proposals that moving the playhouse might be part of a later phase, which he finds impractical. Mr. Showalter said he would hate to see the playhouse go.

Barbara Smith, South Drive, said she has lived in the Town for almost 50 years and has always enjoyed the atmosphere. She said the Townspeople are open to progress; however, she disagreed with this proposal. She complimented the current Council on being upstanding and said it grieves her to think that outside forces are causing problems here and asked that offers come from people who have a history in the Town, not outsiders.

Glenn Baird, James Boulevard, said the newspaper article indicated the Town Hall complex was built with federal funds. He said this was not true. Instead, citizens and the Town came together to help purchase the complex, and federal money was only used for

the pool. He asked Mayor Lusk to clarify what he meant in the newspaper article regarding new residential development not being adequate to support Town services and infrastructure. Mayor Lusk said he meant property taxes are a poor primary funding source. Mr. Baird asked who the principals of Capstone Properties were. Councilmember Hendricks said the principal is Steve Bovell, but Joseph Settle III, Jeff Davenport, and Kevin Boehm were copied on the proposal. Mr. Baird asked if they were citizens. Ms. Rogers said Mr. Davenport is.

Regina Hickl-Szabo, Mountain Orchard Path, said she had two concerns: 1) that conflicting information was given concerning the proposal; i.e., at first, two Council members said there was no specific proposal, but later she heard there was a specific proposal with a price attached; and 2) that some of the very amenities that make the Town pleasant place to live might be replaced by retail blight.

Joe Dumas, James Boulevard, said he appreciates the due diligence of the Council on this matter, but he disagrees with the proposal. He said he lives near the subject property and enjoys being able to walk to the tennis courts. He said he is also concerned about what impact a change in land use might have on his property values.

Councilmember Dick stated he had lived in the Town for 44 years and feels he was "raised" by Signal Mountain. He stated firmly that this Council would never do anything intentionally harmful or act on these or any important issues without consulting and having the support of the community. Councilmember Hendricks agreed. He said this was actually a bad idea that came from a good one. He noted the handling of this issue by Town personnel, the Council, and citizens was appropriate. He said development for the land in question could be a favorable, but perhaps not commercial, development. He said he hopes the Council can focus on improving what we have now and move forward positively with any commercial development.

Councilmember Allen said she hoped this was the beginning of new discussions. She said she hasn't been completely on board with this particular proposal, but it was worthy of consideration. She also said she shares the concern that property taxes alone wouldn't be sufficient in the future. Finally, she noted the TVA retail program is investigating a way of filling retail gaps. She said existing Town commercial services shouldn't be duplicated, but rather complemented by other services.

Vice Mayor Robertson noted that Councilmember Allen just said what she had tried to express earlier in the discussion. She reiterated that although this proposal is not viable, she encouraged the Town and the Council to take a long view, secure the services of a professional planner, and begin the conversations that will lead to a plan for additional commercial development in the future.

Mayor Lusk referenced a proposal by the Department of Transportation in 1992 to replace the road up the mountain. He agreed that the plan was flawed. But rather than communicate with TDOT, the Town dismissed the proposal out-of-hand and TDOT dropped the project from its 20-30 year Transportation Plan. Over fifteen years later, the

road is in even worse condition, and TDOT still has no plan to address it. Mayor Lusk says he regrets the Town's decision, but he views it not as a "failure" but as a "failure to communicate." He encouraged the Town and the Council to keep their minds open to what could be opportunities and continue to communicate. He agreed that it would be inappropriate to move forward on the Capstone proposal, but that the discussions that it generated could and should be continued. He said he doesn't want to see life in the Town degraded either.

Councilmember Hendricks moved to ask Mayor Lusk to formally reject the offer by Capstone Properties in a letter. Councilmember Dick seconded the motion, and it passed unanimously.

Department Reports

Police

Police Chief Boyd Veal reported that the annual in-service program is being developed. Also, he is working on standard operating procedures for the department. Supervisors are working on goals to be reviewed annually.

Noah Long asked if Chief Veal would produce another annual law enforcement report, as he had been done this time last year. Chief Veal said that report dealt specifically with speed studies; although, he could compile a report if the Council wished. Councilmember Hendricks said Chief Veal provides a monthly report. Vice Mayor Robertson said this report is a public record and is available at the Town Hall.

Fire

Fire Chief John Vlasis reported that the Department's medical equipment has been upgraded. The fire hall and any stations added in the future would have 911 emergency operations center access. A letter was received from the Community Emergency Response team regarding the grant that was received and its intended use. The first use will be volunteer firefighter training for interested citizens.

Public Works

Public Works Director Loretta Hopper reported that the last round of leaf pickup is underway and the new leaf machine had been received. Testing using the pavement management system for evaluating road conditions within a town should be performed in a one month or so when Chattanooga is finished using it. She also said Mr. Gearhiser and Cliff Fite, Engineering Tech, had been evaluating the structural deterioration at Palisades Road, and information had been received from engineering firms on how to repair it.

Mountain Arts Community Center

Karen Shropshire, MACC Director, reported that enrollment for winter classes exceeded 200. The most recent Coffee House went well. The next Coffee House event may be hosted at St. Timothy's Episcopal Church because of a playhouse production. Also, Earth Hour will be observed during the Coffee House.

Building Inspection

Building Inspector Chuck Gearhiser reported the suspension of one new house permit due to a time lapse; i.e., no work had been performed on the house for 180 days. Vice Mayor Robertson asked where the house was located. Mr. Gearhiser said it was on Hampton Road.

Library

Recreation Director Jarred Thompson, reported on library activities for Karin Glendenning, Librarian. He reported that the library received a grant from the National Endowment for the Humanities. The library will host author Jill McCorkle on April 1st, who will answer questions from the audience and about her work.

Recreation

Recreation Director Jarred Thompson reported that preparations were being made for the new baseball/softball season. Mr. Thompson will be attending "Park Professional School", which will teach cost-effective and safe uses of ball fields. Councilmember Hendricks asked if the Recreation Department accepted baseball/softball equipment donations. Mr. Thompson said in the prior year, the Boy Scouts were accepting those. Basketball is going well. Work on the swimming pool will begin in the next month.

Water

Utilities Director William Sanders reported that a previously inoperable motor was repaired. Work has been performed on Signal Road and James Boulevard. Landscaping will be performed in the next month due to recent water line repair. Also, work on curbs will be performed.

Other Business

Mayor Lusk asked if paving was considered in the stimulus package. Ms. Rogers said that the Town must submit its requests for funding along with requests from the entire Chattanooga area. She said requests for paving and other improvements have already been made. She noted the Town must rank its roads' conditions as part of the request. She said the prospect of receiving some amount of funding is promising.

Ms. Rogers noted that the Town is awaiting the completion of the WWTA lateral program, which may begin in the spring.

Councilmember Hendricks asked why there had been no money received for aluminum recently. Ms. Rogers said the Town only receives money if aluminum collections exceed a certain threshold. Due to low market value of aluminum recently, this threshold has not been reached.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor

DATE: February 9, 2009

NAME	ADDRESS
1. Tom Poteet	11 St. Nicholas Way
2. Jeff Halladay	213 Timberlinks Dr.
3. Mark Long	171 Woodcliff Cir
4. Jean Phillips	1403 1st Hwy.
5. Frank Adams	" "
6. Martha	3803 WW Lane
7. Tom Bond	728 Smart Man Dr.
8. Bob McManis	488 Alexia Way apt 506
9. Dick Gailmar	955 Ravine
10. W. Andrew Clark	
11. Paige McDaniel	507 Marlow Dr
12. Liz Bird	132 Hazell Dr
13. Jay Casavant	320 Signal Mt. Blvd
14. Cindy Weller	121 N. Palmdale Dr.
15. Bill Wallace	121 N. Palmdale Dr.
16. Cori Hagan	497 Timberlinks Dr
17. Patrick Hagan	"
18. Linda Roberts Hagan	1308 Aswan Dr
19. JOE HARRIS	" " "
20. Rickie Sparks	
21. Lisa Hankins	165 Woodcliff
JEFF DUNCAN	951 Ravine
BRIAN FADES	1100 GLAMIS CIR

DATE.

NAME

ADDRESS

1. Gene BAIRD 210 James Blvd
2. Joe Dumas 1111 James Blvd.
3. Bill & Gloria Hertsborn 804 Crown Pt. Rd W
4. Russ Schindler 115 Grand Drive
5. Barbara Walsh 102 South Drive
6. Oliver Benton Signal Mtn Library (Pineley Pt) Rd.
7. ALIX PARKS 920 GLAMIS CIRCLE
8. Ann Parks 920 GLAMIS CIR
9. Don Fletcher 12 Shoal Creek Falls
10. Jim Fanger 329 James Blvd
11. Charles & Eve Schiffe 35 Oliver Court
12. DAVID BROWN 1200 JAMES
13. Jack Myatt 1458 Palisades Rd
14. Bill Hunt 1 Silver Bow Ln.
15. Klem Shmitts 513 GA AV
16. Mike & Mary Westman Mtn Orchard
17. Steve Klein 217 Arrow
18. MARTIN PEVETI 1210 TAFT
19. Jim Seal 92 Shoal Ck Falls
20. Mathan Bell 932 Signal Rd
21. David Pruitt 1210 TAFT
22. Frank Lane 109 Woodcliff
23. Dan & Stephanie Sawyer 203 Mathes Ln

744 T. SPITTLE R

DATE: .

NAME	ADDRESS
1. Jeff Davenport	911 Cherokee Ln
2. Kevin Boehm	720 Mt Vernon Ave ^{apt} 3745
3. IR ARL S. M. 75	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	