

\*\*\*\*\*July 13, 2009\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, July 13, 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

Mayor Lusk led the pledge of allegiance. Honna Rogers, Town Manager, gave the invocation. The roll was called.

### Minutes

The minutes for the June 8<sup>th</sup> regular meeting and June 29<sup>th</sup> agenda meeting were discussed. With no additions, deletions, corrections, etc., the minutes were approved unanimously.

Mayor Lusk and Councilmember Hendricks complimented Police Chief Boyd Veal and the Town Police Department as well as the Fire Department for their handling of an incident on July 10<sup>th</sup>. Mayor Lusk also complimented Ms. Rogers on her assistance in dealing with the children involved.

### Citizens Opportunity to Address the Council

Mayor Lusk invited audience members to address the Council.

Neeld Messler, Rolling Way, addressing the scheduled resolution regarding guns in parks, said he would feel safer if guns were allowed everywhere and would hate to see someone arrested for stopping a crime with a firearm.

Cliff Haney, Lancaster Drive, said that in order to obtain a permit, applicants must complete training and must have no indictments on record among other requirements. He referred to a study that indicated that crime rates among licensed holders were low.

Jack Lawrence, Arden Way, asked if there had been any gun violence in Town parks. Mayor Lusk said he wasn't aware of any. Councilmember Hendricks said guns were already banned; the resolution was merely a continuance of that ban. Mr. Lawrence said

that if there hadn't been any violence noted, the second amendment rights of citizens should be respected by lifting the ban. He submitted that the lack of such violence may be because potential assailants don't know who might be carrying a handgun.

Bill Gallagher, Palisades Drive, asked why Dr. Richard Casavant opposed Mr. Poteet's purchase of the old middle school property for an athletic club. He also asked where the Council and Town Manager stood on that issue. Mayor Lusk said that the Council voted unanimously to support the sale on the first reading of the ordinance. Mr. Gallagher said Mr. Poteet's offer seemed favorable.

Bob Griesinger, Carriage Hill, said he had no particular opinion on the issue of guns in parks, but asked what he is being defended against with the ban since criminals aren't concerned with the law to begin with. He said higher levels of government have approved allowing them. He also noted that he has never seen any kind of check for firearms; therefore, strong enforcement will be necessary to make the ban worthwhile.

Dun Monroe, Cherokee Lane, asked what parties made offers on the school property and what their offers were. Councilmember Hendricks said he knew of no other bids on the property.

### **Public Hearings**

The Council suspended its regular meeting to hold a public hearing on rezoning the old middle school property at Ault Road.

Polly Ragan, Woodcliff Circle, said residents in the surrounding neighborhoods have invested a lot of money in their homes, and are therefore concerned about noise that comes with a pool. She noted Mr. Poteet had called her and said he didn't plan on using sound amplification, and she felt there indeed shouldn't be any. She said noise reduces property values in those neighborhoods. She advocated the use of transparent sound barriers that would reduce noise while not making participants feel "closed-in". She said that if there weren't a positive aspect of commercial use, the noise factor would cause her to oppose the sale. Councilmember Hendricks said he raised the issue of special permits for sound amplifications for special events because of Relay for Life's use of them. Ms. Ragan said she had heard complaints from Shoal Creek Falls residents that noise produced by Relay for Life was a nuisance. She noted that if an exception is made for one group, exceptions will have to be made for others. She said noise could be tolerated if not for long periods of time. Mayor Lusk asked if rewording this for "one-day" permits would appropriately address her concern. Ms. Ragan said it would, if permits were not given often. Mayor Lusk said Chattanooga passed a similar ordinance that specified an acceptable decibel level. Councilmember Hendricks suggested that the 11:00 p.m. cutoff time also be expressly stipulated. Mr. Noblett asked if the ordinance should indicate a one-day permit per year. Mayor Lusk suggested that that be under the discretion of the Town Manager. Ms. Rogers said there was a problem in that there is no definition of "amplification". She said the main concern has been microphones and speakers. Mayor Lusk said a decibel limit would address that issue and asked if the

Town has a decibel meter. Ms. Rogers said it does not, but they are inexpensive. Ms. Ragan said most residents in her neighborhood have their lights out by 10:00 p.m. Councilmember Hendricks said monitoring decibel levels would be an appropriate means of control. Ms. Rogers asked Mr. Noblett if there had been any problems in Chattanooga. Mr. Noblett said there weren't as long as a decibel meter was used. Mayor Lusk suggested that the second reading be postponed until Friday. Mr. Noblett suggested recessing the meeting and reopening it on Friday. Mayor Lusk also suggested that Ms. Rogers research definitions for "amplification". He also suggested discussing restrictions on commercial truck deliveries as it also creates noise.

Noah Long, Woodcliff Circle, said the rezoning is completely incompatible with the land use plan and that the Council is bending over backwards for something that is inappropriate. He said the property should only be residential, and it is a very old building with little potential for commercial use. He said the price offered should be much higher.

Kim Heys, Cherokee Lane, said the sale to Mr. Poteet would be a good and convenient use of the property. She said neighbors had adjusted to noise from school events. She said the Hamilton County School Board should not be involved in real estate transactions and the Town should take the highest bid. She noted that there was only one complaint during last year's Relay for Life and none in this past year's. She also said a combined Relay for Life event will be held at the River Park; therefore, the issue may not even come up next year.

Mr. Messler said this is the wrong time to sell, and it's not really the Council's decision to make, but rather the School Board's. He said it should be sold after the sewer moratorium is lifted. He said the property is better used as residential and suggested that a temporary use variance be issued instead.

Mr. Monroe asked again who was making the offers for the property. He said it's better to get something for the property now than to wait on potentially higher earnings.

Jim Horton, Shoal Creek Falls, said he wasn't originally happy about this offer, but after taking part in several meetings, he approves. He said the Poteets would be good neighbors. He noted that the Relay for Life created a lot of noise in the past and requested that the Town closely monitor noise permits. He also noted that he couldn't think of any other commercial uses for the property, nor did he know of anyone who participated in the meetings that were opposed to the offer or promoted any other commercial use.

Dr. Richard Casavant, River Point Road, asked if a contract is in force between the Town and Mr. Poteet. Mayor Lusk said there was no contract.

Dr. Casavant and Mr. Poteet then addressed one another. Dr. Casavant asked how many members the club has. Mr. Poteet said approximately 600. Dr. Casavant asked what the typical monthly member fee is. Mr. Poteet's club manager said it ranged from \$39 for a

single membership to \$77 for a family. Dr. Casavant asked what improvements were being made. Mr. Poteet listed several examples, including locker and bathroom renovations, a new central heat/air system, painting, etc. Dr. Casavant mentioned that the offer was \$800,000 plus two properties owned by Mr. Poteet in Soddy Daisy and asked him what the estimated cost of improvements was. Mr. Poteet said he was unsure, but estimated \$250,000 to \$400,000 which would be covered by his personal funds, not financing. Dr. Casavant asked what the anticipated revenue from the club would be. Mr. Poteet was unsure but said he wasn't doing this for the money. Dr. Casavant asked if this was then essentially a gift. Mr. Poteet said he felt he was blessed in his life and wanted to do something for the Town. Mr. Poteet said the club would support itself with club revenue. Dr. Casavant asked if he would then essentially be breaking even. Mr. Poteet said the cost is less than anticipated revenues.

Dr. Casavant said the offer is a money-losing project that will hurt taxpayers, because the property would be worth more in a few years. He noted the appraised value of \$600,000 does not take into account its highest and best use. He said he discovered that the County is co-owner of the property. He asked everyone to consider whether Mr. Poteet would remain generous in a few years when he may be able to sell the property at a higher price. He said zoning is the leverage against Mr. Poteet, but asked if it will in fact be zoned. He said other developers won't bid on the project because they don't want to deal with this Town, for reasons that will become evident in the upcoming discussion on the SROZ. He said that Mr. Poteet is a smart business man and a good neighbor, as well as a savvy politician, who has constructed a work of art with this offer. He said he will be speaking with the County Commission regarding the issue.

Mayor Lusk said he was getting the impression that some people think this project "came from nowhere", when in fact there were more than five public meetings prior to this one. He said the Council was most heavily influenced by the fact that the surrounding neighbors were highly in favor of the offer. They communicated that they didn't want high-density residential or commercial development. He said they originally didn't want any development, but they were thoughtful and understood it would be developed in some manner eventually. He also noted the Town has relatively stable real-estate values, even in the recent downturn. He said a lot of work went into determining the best use of the property and several stipulations were listed in the related ordinance. Vice Mayor Robertson noted the property is limited to lower intensity retail. Mayor Lusk told Dr. Casavant that there is a stipulation preventing any outside warehouse access. He also said that from listening to Gary Water's (Hamilton County Department of Education) comments in a previous County Commission meeting, costs to renovate the property, including asbestos abatement, would cost around \$400,000, and Mr. Poteet's acceptance of those costs makes the offer more reasonable. He said the Council has done what it can to address the concerns of its citizens.

Dr. Casavant said he did not attend the previous meetings as the property did not seem to be the Town's. He said the moratorium does impact the price. He said job opportunities in the surrounding areas are great and individuals who are against growth will have a

hard time keeping younger potential property owners out. He said Mr. Waters merely wants to push the sale through.

Councilmember Hendricks said there will be a County Commission meeting on Wednesday and encouraged interest parties to attend and address the issue. Mayor Lusk agreed.

Rob Payne, Ault Road, asked Dr. Casavant how the County would maintain the property if the sale does not proceed. He said he is in favor of the offer and mentioned that grass is growing on the property and windows had been broken. Dr. Casavant said he felt the school should be torn down, in his opinion. Ms. Heys asked who would pay for that. Dr. Casavant said the County School system would. He said the County has trouble keeping grass mowed at all its schools. He said the proposal shouldn't be accepted just because the building is in a state of disrepair and that he hoped the police department would do a better job of monitoring vandalism. He also said it's easier to "downzone" property, rather than upgrade it.

Ms. Heys questioned why the County was unaware that it was co-owner. She also asked why, if a majority favored the offer, why the County doesn't just go ahead and sell it.

Jim Cooper, Grayson Road, asked if a property search was done. Dr. Casavant said it wasn't. He also said the property should be sold at a good price. Mr. Cooper said that he would rather have one million dollars in hand now rather than wait for a better offer.

Mr. Cooper then asked if a Town truck he saw on Grayson Road indicated the Town would be starting road repairs there. Ms. Rogers said the road is being analyzed as part of a Town-wide pavement improvement plan.

Ellis Gardner, Stratford Way, said the discussion flushed out that the offer is good for the Town. He noted the Town invested \$7.7 million in its own school, so it should be able to do this nice thing for the citizens. He encouraged the Council to send a strong message to the County by taking a vote tonight.

Councilmember Hendricks said he had great respect for both Dr. Casavant and Mr. Poteet and also respects the rights of others to disagree with the offer; however, he supports it. He moved to send a statement on behalf of the Council to the County Commission that supports the property's sale to Mr. Poteet. Mayor Lusk seconded the motion, and it passed unanimously.

Mayor Lusk closed the public hearing and reconvened the regular meeting.

### Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE TO INCLUDE REVISIONS TO ARTICLE VI, SECTIONS 607.02 AND 607.03 OF THE ZONING ORDINANCE TO PROVIDE FOR A CHANGE IN THE LOCATION REQUIREMENTS FOR COMMUNITY COMMERCIAL DISTRICT AND TO ADD FITNESS CENTER AS A PERMITTED USE IN THE COMMUNITY COMMERCIAL DISTRICT." Councilmember Hendricks moved and Councilmember Allen seconded that the ordinance be approved. The motion passed unanimously.
2. "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE, ARTICLE III, SECTION 303, TO ADD A NEW DEFINITION FOR FITNESS CENTER." Councilmember Hendricks moved and Councilmember Allen seconded that the ordinance be approved. The motion passed unanimously.
3. "AN ORDINANCE REZONING THE PROPERTY LOCATED AT 315 AULT ROAD, MAP 108B-A-031, WHICH WAS FORMERLY OCCUPIED BY SIGNAL MOUNTAIN MIDDLE SCHOOL FROM LOW DENSITY RESIDENTIAL DISTRICT TO COMMUNITY COMMERCIAL DISTRICT (CCD) AND WAREHOUSING AND WHOLESALING DISTRICT (WWD), SUBJECT TO CERTAIN CONDITIONS." The Council agreed to postpone approval of the ordinance until continuance of this meeting on Friday, July 17th. Mr. Noblett said an official motion was not necessary.

### Resolutions

The following resolutions were presented:

1. "A RESOLUTION PURSUANT TO T.C.A. § 39-17-1311(d) TO PROHIBIT HANDGUNS IN TOWN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, BALL FIELDS OR OTHER SIMILAR PUBLIC PLACES." Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. Councilmember Hendricks noted the Council is not creating a ban, but continuing one, and he believed there was no reason not to continue it. Mayor Lusk agreed saying police chiefs across the state have indicated it would be ill-advised to eliminate it.

Police Chief Boyd Veal agreed with Councilmember Hendricks and Mayor Lusk, saying people have been attracted to living here because of safety and the ban contributes to that. He said there has never been a problem with the ban in Town before and that people come here for safety. He said we should continue that trend.

Mr. Noblett asked Chief Veal what the level of danger was if a firearm is discharged in a park in close proximity to other people. Chief Veal said it was very dangerous as stress reduces a person's ability to use the firearm effectively; i.e., bystanders could easily be hit. He said parks and ball fields are at greater risk in small Towns that have a stronger concentration of people near those areas. Mr. Noblett asked how often police are required to have firearm training. Chief Veal said it's required annually, but the Town's police complete it quarterly. Mr. Noblett asked if civilian permit holders are required to have ongoing training. Chief Veal said they are not required to train beyond the initial training needed to obtain a permit. Mr. Noblett asked what the bullet capacity is for modern handguns. Chief Veal said it varies greatly; for example, a revolver may only hold five bullets, but a semi-automatic can hold fifteen to sixteen. Mr. Noblett asked what level of danger citizens are in if an intended target is not hit on the first shot and additional rounds are fired. Chief Veal said it's exponential; i.e., each time an additional round is fired, the risk of an innocent victim being hit increases. Mr. Noblett asked if the Council should have significant concern over these issues. Chief Veal said that while the second amendment rights of civilians are important, the safety of others is more important. Mayor Lusk asked if disarming prevention is a part of civilian training. Chief Veal said he was unsure. Mr. Haney said it is.

Councilmember Hendricks said he would be willing to hear more from citizens if the rest of the Council agreed. Mayor Lusk said if someone had something new to say, they could make comments now.

Councilmember Allen said she found Chief Veal's comments compelling.

Mr. Noblett said this resolution was suggested by the Municipal Technical Advisory Service (MTAS) and relates to state law that now allows handguns in the aforementioned areas, unless a municipality opts out by resolution. Hamilton County has adopted a similar resolution regarding County parks, of which the park at Shackelford Ridge belongs, and the Town wishes to enact consistent regulations that affect its citizens. The law does not result in a Town ordinance, but if there is a violation after signs are posted, the result is a state law violation.

The motion passed unanimously.

2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXTEND THE WATER PURCHASE AGREEMENT WITH TENNESSEE-AMERICAN WATER COMPANY FOR A TERM OF THREE (3) YEARS BEGINNING JULY 1, 2009 THROUGH JUNE 30, 2012, WHICH INCLUDES A WATER PURCHASE RATE INCREASE

FROM \$1.061 PER 1,000 GALLONS TO \$1.1969 PER 1,000 GALLONS AS SHOWN ON THE ATTACHED AGREEMENT." Ms. Rogers said that she was exploring a legal point about the contract with the Tennessee-American President and that he is supposed to provide her with documentation of a law that he says determines the aspect of the contract that is in question. She recommended that the Council postpone approval of the resolution until she had received the documentation. Mayor Lusk moved and Councilmember Dick seconded to postpone approval of the resolution. The motion passed unanimously.

### Public Hearing

The Council suspended its regular meeting to hold a public hearing on repealing the Shackleford Ridge Overlay Zone (SROZ).

Mayor Lusk summarized the issue.

Councilmember Hendricks read a prepared statement, saying that there has always been Council unanimity on repealing the SROZ ordinances, and that the only real differences of opinion related to timing. The Planning Commission is recommending that the repeal be made now, and that it be replaced with the zoning in effect prior to the SROZ, which requires ½ acre minimum lot sizes be reinstated, whereas he feels the Town should wait until it is ready to replace the ordinances with conservation zoning. He said he has had no direct citizen contact regarding this, but correspondence with the rest of the Council and letters to the editor in the local press indicates support for conservation zoning. Previously, the Town went through a long process of rewriting its land use plan, which recommends conservation zoning as the preferred alternative to the SROZ. He said the Commission's recommended replacement requires larger lot sizes and no open space requirements. Therefore, he said, this constitutes a violation of the land use plan and he can't support it. He said that under the Commission's recommendation, there is only one area of allowed open space, which only requires 25% be left as open space with minimum quarter-acre lot sizes, thus creating the availability for 2 ¾ homes per acre. He noted that at a previous Commission meeting, Dr. Dick Urban of TDEC stated that sewerage is preferred for the area, which is also stated in the land use plan. He said sewerage is expensive. He said arguing against any development in this area is unconstitutional and not within the powers of the Council; they can only determine what kind of development is desired. He said he has advocated conservation development with sewers since elected. He noted Randal Arendt, who consulted the Town on this issue, is referenced in the land use plan and also advocates conservation zoning. He said Mr. Arendt said zoning based on lot sizes is fundamentally flawed and precludes conservation development. He noted the SROZ ordinances only apply to sewered lots. Therefore, as the Town is under a sewer moratorium, there effectively is no SROZ. He said that Ms. Rogers indicated that the most optimistic estimates for the moratorium to end, per the WWTA, is one and one half to two years. Ms. Rogers said that was correct. Councilmember Hendricks said TDEC has indicated it may take two to three years. Dr. Urban was present and said that was correct. Councilmember Hendricks asked why, if

the SROZ is ineffective for two years, there is a need to rush this. He suggested this issue be returned to the Commission with the request that they produce a plan for conservation zoning within six months, and that, if the moratorium is somehow lifted in that time, the lots be placed under a Town-specific moratorium for that time. He also suggested that the Commission utilize a consultant to this end. He asked that citizens who wish to comment please comment specifically on what zoning they would like to see and what they think of his proposal, not the repeal itself.

Councilmember Allen said conservation development is the goal and that the Town should return to a consistent base zoning before a conservation development model can be applied. She said the reason to do this now is because it seems apparent that the landowners don't seem to be aware that the Council wants to repeal the SROZ. Mayor Lusk asked what zoning would be in place for the area if the SROZ is repealed without going back to ½ acre lot size requirements. Councilmember Allen said there would be no zoning.

Mr. Lawrence said there are more citizens than the few SROZ landowners and he doesn't care about those landowners. He said that when homes are close together, social conflicts result.

Glenn Baird, James Boulevard, told Mr. Lawrence that his comment about landowners was inappropriate. Mayor Lusk and Councilmember Hendricks agreed, and called for better decorum.

Mr. Baird asked who wrote the preamble. Councilmember Allen said she did. Mr. Baird asked what "city center" meant in a section that indicated density should be encouraged near such an area under the EPA's "Smart Growth Program". Councilmember Allen said it referred to where shops and other amenities were located in the Town. Mr. Baird asked if there was any land in the city center that could be developed into residential homes. Councilmember Allen said it could, if zoning laws were amended. Mayor Lusk gave land owned by Frank Powell behind Signal Crossing as an example of potential residential development. Mr. Baird referenced language in the ordinance regarding the Commission's recommendation, noting that it was approved by a four - three vote, and two of the Commission members weren't present. He also commented on Councilmember Hendricks' earlier statement, noting that a 25% open space set-aside actually requires a property owner to give 25%, indicating that the statement "only 25%" implies it should be more, when 25% is a significant amount. Councilmember Hendricks said the open space would be given to acquire density zoning, which would retain the value of the land and as long as this is so it does not constitute a taking. Councilmember Hendricks said he would retract the word "only".

Mr. Baird said conservation zoning should only be one option, not the only option. Mayor Lusk said leaving this as the only option was not the intent. Councilmember Hendricks agreed, saying this was only a preferred option.

Mr. Monroe said he once disagreed with the calculations of potential new homes in the SROZ, but now understands it. He suggested the Town choose the option that limited growth and crowding. He said growth would be expensive and detract from the Town's character. He said younger people moving in can live in other areas on the mountain outside of the Town.

Ms. Miller said she would encourage the ½ acre requirement. She said growth would create capacity problems and add to already dangerous traffic issues. She noted that her sister owns land in that area and has owned it since before the SROZ was enacted. She complimented Councilmember Hendricks on his presentation, but said leaving an open zoning requirement would create chaos. Councilmember Hendricks asked if she then disapproved of conservation zoning. Ms. Miller said moving to a ½ acre requirement would be more conservation-oriented.

Jean Dolan, Ladder Trail, said there is no way to stop growth and that if the SROZ must be repealed for conservation zoning, it should be done.

Lois Baird, Norvell Drive, gave a history of the SROZ. She said increasing minimum lot size would create increased home prices both in the undeveloped area and the existing developed Town. She said this might create a situation in which homes built on these lots would be torn down and new, larger homes would be built in their place, which would not be in line with the rest of the community atmosphere. She noted Mr. Arendt suggested "clustering, open-space style" development. She said this would be economically feasible and reduce the pressure to change the Town. She said the topography of the area must be considered, including the unbuildable areas that cannot be set aside for open space. She said the open space restriction is strange, considering that the subject property lies adjacent to Prentice Cooper State Forest. She said this may not be an appropriate time to consider this, given the state of the economy.

Joe Dumas, James Boulevard, said the Council had to decide three things 1) whether to repeal the SROZ, 2) when to do so, and 3) what to replace it with. He said he harbors no ill will toward anyone, but asked why give the landowners the possibility of different zoning when the citizens don't want it. He said that if the SROZ is to be repealed, it should be done now. Councilmember Hendricks asked Mr. Dumas why the replacement should be made now and then eliminated in six months. Mr. Dumas said that would allow the Council time to determine what the next replacement would be. He said that something has to be in place in the interim and suggested reverting back to the ½ acre requirement now and ask the Planning Commission to research alternatives. He said a previous Council unwisely passed the SROZ, when the citizens said they didn't want it.

Nancy Caldwell, Brady Point, asked how Walden got two acres with no opposition. She asked if anyone had thought of possibly increasing the minimum lot size to one acre. Mayor Lusk said he had heard that question from others and said anything is possible, but the Planning Commission would have to be involved. Ms. Caldwell said she too was concerned about the effect growth would have on traffic. Councilmember Hendricks said a traffic study was performed that indicated growth would have no significant effect on

traffic. Vice Mayor Robertson said that study was flawed and was being re-performed. Ms. Caldwell said she was in favor of conservation zoning. Councilmember Hendricks said such zoning requires flexible lot sizes and that that was the position of Mr. Arendt. He also said he disagreed with the idea that people living close together automatically causes problems. He said the Town can't have both conservation zoning and minimum lot sizes.

Vice Mayor Robertson said zoning has nothing to do with conservation development or lot sizes; it only prescribes number of units per acre. She said conservation development is based on base zoning, as Councilmember Allen indicated. Vice Mayor Robertson said conservation zoning could be performed on any lot size, but she feels three homes per acre is not the optimal lot size for the SROZ.

Ms. Ragan asked if it were true that if the Town doesn't build a certain number of homes, it would have to fund a portion of sewer infrastructure on Shackleford Ridge Road. Councilmember Hendricks said the Town never agreed to that. Vice Mayor Robertson said the number was 751 homes, and the RPA said there was plenty of space to achieve that number without reducing minimum zoning to three units per acre.

The public hearing ended and the regular meeting was reconvened.

### Ordinances

The following ordinances were presented:

1. AN ORDINANCE REPEALING SECTION 617 CREATING THE SHACKLEFORD RIDGE OVERLAY ZONE AS PART OF THE TOWN ZONING ORDINANCE, REPEALING SECTIONS 618, 619, 620 AND 621 OF THE TOWN ZONING ORDINANCE, AND REVISING SECTION 614.01, TO BE REPLACED WITH LANGUAGE OF THAT SECTION OF THE TOWN ZONING ORDINANCE WHICH EXISTED PRIOR TO AUGUST 14, 2006. Vice Mayor Robertson moved and Councilmember Allen seconded that the ordinance be approved.

Councilmember Allen said the Town should make use of modern planning methods. She said this ordinance is the first step in making conservation development possible. She said the ½ acre zoning would provide the base zoning for conservation zoning. It will not need to be replaced. Councilmember Hendricks said this is a zoning ordinance and made no mention of density. Vice Mayor said that was correct but that it is only temporary. Councilmember Hendricks said it is unnecessary for the Town to move backward before it moves forward. He said he will oppose this ordinance, based on the replacement recommendation. He also noted that although he knew the Commission is committed to making progress on this, he was

frustrated with the slow progress of getting through subdivision regulations and getting to conservation zoning. Vice Mayor Robertson said the issue seems to revolve around numbers; i.e., she advocates two units per acre and Councilmember Hendricks advocates three. Councilmember Hendricks asked Councilmember Allen what her position was on units per acre. She said it was two. Councilmember Hendricks agreed and said he never thought it would be three per acre. Vice Mayor Robertson said the SROZ ordinance said it would be three. Councilmember Hendricks disagreed, saying it only called for minimum 1/3 acre lots, which does not directly translate into three units per acre. Mayor Lusk said he was confident that the Planning Commission would get to conservation development as soon as possible. He then addressed Ms. Baird's comments, saying the intent was never to have landowners give up land, but to provide conservation development as an option. Councilmember Hendricks said two homes per acre would be good, but that can't be achieved with 1/2 acre minimum lots. He said the ordinance should just dictate two homes per acre rather than mentioning lot sizes. Councilmember Dick said this ordinance's language indicates developers can't build with septic tanks. Councilmember Hendricks and Vice Mayor Robertson said it did. Councilmember Hendricks said the reference to minimum lot sizes on sewerred lots should be eliminated. Councilmember Allen said that would entail establishing new setbacks. Councilmember Hendricks said he thought those were addressed in the subdivision regulations. Mr. Noblett said setbacks were addressed in zoning regulations. Councilmember Hendricks asked where they were addressed in this ordinance. Councilmember Allen and Mayor Lusk said normal setbacks would apply, and Mr. Noblett said the section to be amended by this ordinance does not address normal setbacks, but they are addressed elsewhere in the code.

Mayor Lusk called for a vote. The motion was approved by Lusk, Allen, Robertson, and Dick. The motion was not approved by Councilmember Hendricks.

Ms. Rogers asked the Council exactly how she is to communicate the support of the Ault Road property sale to the County Commission. Mayor Lusk said that a letter hand-delivered tomorrow would be best.

#### **Other Discussions**

There being no further business, Mayor Lusk moved that the meeting be recessed until Friday, July 17<sup>th</sup>. Councilmember Allen seconded. The motion passed unanimously and the meeting was so recessed.

A handwritten signature in cursive script, appearing to read "Mark Johnson", written over a horizontal line.

Recorder

A handwritten signature in cursive script, appearing to read "Bill Lusk", written over a horizontal line.  
Bill Lusk, Mayor

DATE: July 13, 2009

NAME	ADDRESS
1. Jim + Betty Jo Horton	11 Shoal Creek Falls
2. Cliff Haney	712 Lancaster
3. Hank Kaminski	403 Barnington Rd
4. Tom Poteet	11 St, Nicholas Way
5. DAVE CANTRELL	105 South Dr
6. Tim Schell	221 Stratford Way
7. Glenn Baird	210 James Blvd.
8. Bob/Claire Guisinger	40 Carriage Shop
9. Chelle Kowach	3010 Winfield Ave
10. Monique Poteet	11 St Nicholas Way
11. Mott Grammon	1524 Sunset Dr.
12. Pete Grammon	406 Potting Way
13. ART DICKERSON	176 WOODCLIFF CIRCLE
14. DAVID FRANK	907 Crown Pt. Rd. E.
15. DENNIS CRAIG	220 LANCASTER DR
16. Ted Cooper	206 Grayson Rd
17. JIM COOPER	209 GRAYSON RD,
18. Mark + Nancy Hill	113 James
19. Elmo Gardner	103 Stratford Way
20. Paul Pate	502 Barrington
21. Dick Connelly	5 Old Hickory Ln
Patsy Connelly	

DATE:

NAME	ADDRESS
1. James McCall	} 902 James
2. Callen McCall	
3. Kathryn Barrow	719 Kentucky
4. Lisa T. Smith	1111 Woodbine Way
5. Bonnie Hamilton	403 Bavington Road
6. Daniel Bill Gallagher	327 N Palisades Dr.
7. BRENDAN OLIN	821 CHEROKEE LANE
8. David Reed	202 Promise Way
9. Steve Mesler	403 Rolling Way
10. Percy Daniel	607 Mississippi Ave
11. COLLEEN COMBS	802 CROWN POINT RD W
12. Tommy Lewis	1409 Sawyer CMT
13. Frank Harring	705 Danbury
14. Dave Phelps	1305 WRT Hwy
15. Richard Casavant	
16. Margaret M. Smith	190 Woodcliff Circle
17. Jean Dolan	1004 Ladden
18. Lois Baird	32 Ansell
19. Doug Foster	706 Kentucky Ave
20. Alan Baurine	
21. Alicia Bardner	21 Middle Creek Rd.

DATE: July 13, 2009

NAME	ADDRESS
1. JACK LAWRENCE	905 ARDEN WAY
2. Sherry Lawrence	905 Arden Way
3. Kelly Rager	185 Woodcliff Cir.
4. Dan B Monroe	907 Cherokee
5. Brenda Monroe	907 Cherokee Ln
6. W. A. O'Leary	
7. Elaine Preston	968 Signal Rd.
8. Frank Pugh	968 Signal Rd.
9. N. Cantrell	105 South Dr
10. Jim Patten	3803 W. W. Lane
11. Bruce Caldwell	909 Fairmount Ave
12. Kimberly Deep	909 Cherokee Lane
13. Debbie Ferguson	125 Arrow Drive
14. Noah Fry	171 Woodcliff Circle
15. Jerry Robertson	115 River Rd
16. Jim O'Keller Sr	115 Parkside Dr
17. Bob Hawkins	165 Woodcliff Circle
18. David Hawkins	165 Woodcliff Circle
19. Roy Pughant	622 Abigail Way
20. H. J. Jirgen	505 Rolling Way
21. Richard D. Urban	707 Windy Way

DATE: July 13, 2009

NAME	ADDRESS
1. <u>Laura Thasene</u>	<u>1113 Crown Point rd west</u>
2. <u>Julie Rothf</u>	<u>400 Brady Pt Rd</u>
3. <u>Corinne Giagnorio</u>	<u>57 Carriage Hill</u>
4. <u>Lillian Caldwell</u>	<u>405 Brady Pt.</u>
5. <u>Joe Dumas</u>	<u>1111 James Blvd.</u>
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