

*****August 3, 2009*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, August 3, 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. Stacey Seals, Fire Chaplain, gave the invocation. The roll was called.

Minutes

The minutes for the July 13th and July 17th regular meetings were discussed. Councilmember Hendricks requested two name changes in the July 13th minutes. Those minutes were then approved unanimously as amended. He then requested two corrections in the July 17th minutes: 1) that his last name be included in one sentence where it is omitted, and 2) that in reference to the section regarding census sampling, that the term *\$250,000 homes* be replaced with *250,000 homes*. He moved and Councilmember Allen seconded that the July 17th minutes be approved. The motion passed unanimously.

Honorary Resolutions

The following honorary resolutions were presented:

1. "A RESOLUTION HONORING KAREN SHROPSHIRE UPON HER RETIREMENT AND COMMENDING HER FOR HER MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN AND AS DIRECTOR OF THE MOUNTAIN ARTS COMMUNITY CENTER". Councilmember Hendricks read the resolution. He then moved and Councilmember Dick seconded that the resolution be approved. Mayor Lusk said he was thrilled that the Town received the MACC property prior to her retirement. The motion passed unanimously. Ms. Shropshire was presented the resolution.
2. "A RESOLUTION HONORING THE MEMORY OF DR. PAUL NOLAN AND RECOGNIZING HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN". Mayor Lusk read the resolution. He said Dr.

Nolan and his wife Ann were like surrogate parents to him. He recalled fond memories of Dr. Nolan and his contributions to the community. Councilmember Hendricks also spoke highly of Dr. Nolan, saying he helped him learn about the community and advised him in his decision to run for public office. Mayor Lusk moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Dr. Nolan's family was presented the resolution.

Citizens Opportunity to Address the Council

Mayor Lusk invited audience members to address the Council. No one came forward.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM WHICH SHALL BE AWARDED IN SEPTEMBER OF 2009." Ms. Rogers explained that this is a "50/50" grant in which the Town would receive a reimbursement of \$2,000 for safety equipment such as vests, boots, breathing apparatuses, etc., if granted. Vice Mayor Robertson moved and Councilmember Allen seconded that the resolution be approved. 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 explained that the resolution needed amending to indicate that the contract will not be for three years, but 18 months instead. During that period of time Tennessee American cannot raise water rates. She said Mr. Noblett had approved this change. Therefore, the term would end on January 1, 2011. Councilmember Robertson asked why Tennessee American had sent a letter on June 11th indicating the contract would be for three years. Ms. Rogers said that that letter indicated the rates could be changed at any time during the three-year term. Mayor Lusk moved and Councilmember Dick seconded that the resolution be approved as amended.

Councilmember Hendricks noted that the Tennessee Regulatory Authority (TRA) mandated this rate increase.

Mayor Lusk asked if the prospect of converting sales to the Town in cubic feet to gallons was still being discussed. Ms. Rogers said that the TRA does not require Tennessee American to do that, and they no longer provide credit for conversion differentials to Walden or any other customers. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED RIGHT-OF-WAY FROM 630 TIMBERLINKS DRIVE TO 700 TIMBERLINKS DRIVE WITHIN THE TOWN OF SIGNAL MOUNTAIN, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS." Mr. Noblett said the Town has not closed or abandoned any rights-of-way in a long time. He said whenever there is a procedure to designate a right-of-way, there has to be one for its elimination. He said this abandonment has already been referred to the Hamilton County Regional Planning Agency (RPA), and it has recommended the right-of-way be abandoned. He said this would be subject to approval by any utilities that have lines along this area. Councilmember Hendricks asked if there wasn't already a right-of-way along the entire connection between Timberlinks Drive and Dunsinane Lane. Mr. Noblett said there had been originally, but a re-subdivision of lots 400 and 401 may have prevented it. He said the ordinance effectively says the Town has no interest in the right-of-way; therefore, property owners would have to resolve issues with it amongst themselves privately. Vice Mayor Robertson moved and Councilmember Allen seconded that the ordinance be approved. The motion passed unanimously.
2. "AN ORDINANCE AMENDING SECTION 18-107 OF THE TOWN CODE TO ESTABLISH A NEW RATE SCHEDULE FOR WATER RATES WITHIN THE TOWN OF SIGNAL MOUNTAIN BEGINNING JULY 1, 2009." Councilmember Dick moved and Councilmember Allen seconded that the ordinance be approved. Noah Long, Woodcliff Circle, asked if the sewer rate would be increased also. Ms. Rogers said it wouldn't. She also said this would first apply to bills ending in September because of our quarterly billing cycle.
3. "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." Councilmember Allen moved and Vice Mayor Robertson seconded that the ordinance be approved. Councilmember Hendricks requested two corrections: 1)

on page three, item no. four should indicate that section 619 establishes an Open Space design option that allows *lower* density, not *greater* density, and 2) on the same page, item no. six should indicate that the Alternative Low Density Residential design option allows for a gross density of 2.25 houses per acre, not 3. Mayor Lusk moved to approve the ordinance as amended. Councilmember Hendricks said that since this ordinance does not provide for a conservation development-based zoning replacement, he does not support it. Councilmember Dick seconded the motion, and it passed 4-1; i.e., The motion was approved by Mayor Lusk, Councilmember Allen, Vice Mayor Robertson, and Councilmember Dick. The motion was not approved by Councilmember Hendricks.

Department Reports

Police

Police Chief Boyd Veal reported that officers are heavily involved in training; for example, Officer Greg Hill attended and received certification through a D.A.R.E. conference, Captain Greg Hall attended a safety conference and instructed at the D.A.R.E. conference, Officer Scott Ogradowczyk began a two-week criminal investigation program, Officer Tyler Price will attend an interview and interrogation class and Officer Cory Sharpless will be attending an emergency vehicle operations class.

In-service training will begin during the first week of September.

Mr. Long said the police and Ms. Rogers should be commended for their actions during a recent shooting incident. Mayor Lusk said that was actually done at the last regular meeting. Councilmember Hendricks said it deserved reiteration.

Fire

Fire Chief John Vlasis reported that the new Training Officer would begin on August 17th. The new fire hose is in service, which will make the equipment compatible with other fire departments in the area as well as prove useful in backup procedures. The previously used hose will be made available to other fire departments.

MACC

MACC Director Karen Shropshire thanked the Council for their support of the MACC. She said it has a great future. Summer camps were being completed.

Ms. Shropshire introduced Barbara Storm, the new MACC Director. Councilmembers Dick and Hendricks said Ms. Storm has big shoes to fill. Ms. Shropshire said working at the MACC has been a privilege. Mayor Lusk said Ms. Shropshire has given the MACC a

great foundation, and he noted that there would be a reception for Ms. Shropshire on Thursday, August 13th.

Public Works

Public Works Director Loretta Hopper reported that a significant amount of trimming has been performed, particularly along Shackleford Ridge Road. Paving work had also been performed. There had been some storm damage that was cleared. She recently attended a Tennessee Health and Safety conference.

Building Inspection

Building Inspector Chuck Gearhiser reported that there had been an increase in permits issued, although they were related to improvements, not new homes. He has been busy with stormwater-related work due to heavy rainfall. The last stream pollution testing report, indicating the same results as those on prior tests, was received. Once the one million gallon water tank is back online, he will continue hydro jetting and stormwater work. He commended the group effort of the Recreation, Building Inspection, and Water Departments on playhouse repairs. Councilmember Hendricks noted that the playhouse does look good. He asked what should be done to delist the streams that aren't actually polluted. Mr. Gearhiser said samples will be sent to TDEC in Nashville, who will visit and perform their own tests, and assuming they produce the same results, they will report the results to the EPA, who will delist the streams. He said the Town has been diligent in fostering pollution reduction. A member of the audience asked Mr. Gearhiser if there are percolation-testing requirements for developers who build on lots with septic tanks. Mr. Gearhiser said the normal procedure is to have a soil test performed, and if that proves insufficient, a percolation test is then performed. Mayor Lusk asked what the next step is in having the Health Department compel contributors to Shoal Creek pollution to connect to sewer. Mr. Gearhiser said it would probably go through TDEC, rather than the Health Department, and that sewer availability would act as TDEC's leverage.

Recreation

Recreation Director Jarred Thompson reported that summer activities are winding down. Flag football is about to begin. August 16th will be the last full day for the pool, after which and until Labor Day it will be open on weekends only. The Health Department gave the pool facilities a score of 94. He reiterated that the playhouse work went smoothly.

Water

Utilities Director William Sanders reported that 27 one-call orders were processed, 86 work orders were processed, 985 meters were read, several leaks were repaired, minor maintenance projects were completed, and one water tap was installed. He also noted

that the Althaus Park bathroom had been vandalized. The department will soon be working on the Signal Road project again. The SCADA system is about 75% complete.

Councilmember Dick asked when the one million gallon tank would be operational again. Mr. Sanders said it should be this week. Councilmember Allen asked if the aforementioned vandalism was the first incident. Mr. Thompson said it had been vandalized several times, and it will now be locked in the evening. Councilmember Hendricks asked if the police patrol that area much. Mr. Thompson said Officer Ogradowczyk is there often. Ms. Rogers said it couldn't be monitored constantly.

Library

Librarian Karin Glendenning reported that the summer reading program was completed. Several events were held, including programs through the Tennessee Aquarium and a visit to the playhouse. There was a significant focus on fine collection in July, resulting in \$1,551 dollars in collections. On the Monday following the Fourth of July, there was an all-time record of 709 check-ins and 507 checkouts. Twenty-nine new members were added in July.

There being no further business, the meeting was adjourned.


Recorder


Bill Lusk, Mayor