

\*\*\*\*\*September 14, 2009\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, September 14, 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 August 3<sup>rd</sup> regular meeting and August 28<sup>th</sup> agenda meeting were discussed. With no changes or corrections, the minutes were approved unanimously.

### Honorary Resolutions

The following honorary resolution was read: A RESOLUTION HONORING DICK GEE FOR HIS DONATION OF TWO BENCHES TO THE SIGNAL MOUNTAIN LIBRARY." Councilmember Hendricks moved and Councilmember Allen seconded that the resolution be approved. Mr. Gee was presented the resolution. The motion passed unanimously.

### Special Presentations

Ms. Rogers reviewed the accomplishments and contributions of Water Department employee, Mark Davis. She presented him with the "Employee of the Quarter" award.

Police Chief Boyd Veal offered a presentation on speeding in the Town. He explained that significant speeding is a widespread problem; i.e., motorists driving at speeds 11 miles per hour or more over the speed limit. He said his department has received numerous complaints about the safety issues speeding creates.

He reviewed a study performed by his department in which several roads were analyzed to determine the prevalence speeding and it was found to be all too common occurrence on most of those roads.

He said traditional enforcement methods have reduced speeding in recent years, but the problem continues. He said traditional enforcement is time-consuming and creates officer safety issues as well. Also, officers pursuing speeders are pulled away from their designated monitoring and patrol areas.

He reviewed the demographic makeup of the Town and how it affects traffic. He noted traffic accidents are the leading cause of teen death. He also noted that older drivers are more likely to be those struck in accidents.

He suggested the continued use of traditional enforcement, but with the addition of photo enforcement, either in the form of stationary cameras or those affixed to mobile vans. He said that under the fixed-camera option, there are essentially no operational costs; whereas with the mobile unit, there would be a cost of approximately \$3,900 for officers' salaries and benefits. He said that the cost in any given month would be recovered with the issuance of 277 citations.

Councilmember Dick asked how many officers would be trained for a mobile unit, if used. Chief Veal said a minimum of four or five. Mayor Lusk asked if the mobile unit could utilize a laser for tracking, rather than radar. Chief Veal said he was unsure, but the real issue would be positioning the camera properly. Councilmember Dick asked what recourse drivers would have if they wished to dispute the resulting citations. Chief Veal said that if merely paid, the citations would not affect driving records; however, if they are disputed and the driver is found guilty in court, it would affect his/her record.

Chief Veal noted that in Mount Carmel, the use of photo enforcement reduced traffic accidents by 34%. He also noted that Montgomery County, Maryland uses a system that reduced significant speeding by 70%. Councilmember Dick asked if the project would be bid out. Chief Veal said he thought that would not be required, but it can be done if the Council deems it necessary.

Ms. Rogers asked if the Council would like for an expert in the use of such a system to present more information to them. The Council indicated they would be in favor of hearing more information from company representatives at the next regular meeting. Councilmember Allen asked that pertinent statistics on municipalities similar to the Town be presented then. Ms. Rogers said a presentation would be scheduled for the October regular meeting.

#### **Citizens Opportunity to Address the Council**

Mayor Lusk invited audience members to address the Council.

Neeld Messler, Rolling Way, said that for many years, he was offended by the frequency of police officers pulling over drivers and searching their vehicles; however, this practice has been reduced in the past few years. Mayor Lusk and Ms. Rogers said they weren't aware of any changes in enforcement policy. Ms.

Rogers said officers have always abided by the law and continue to do so. Councilmember Hendricks said that, although it may not have anything to do with Mr. Messler's observation, the Town has endeavored to retain its officers. In so doing, the officer's may develop a better relationship with the community.

Mr. Messler also asked Vice Mayor Robertson if she had yet reviewed and shared with other council members his research on Iowa swine flu quarantine camps. She said she had not had the chance. Mr. Messler said that in Iowa, camps are set up to quarantine victims of swine flu, and that the Town should be wary of this growing trend. He said Florida has also passed a similar measure. He suggested that the Council advise the police department to not cooperate with state or federal agencies should they attempt to enforce such a measure here.

Mr. Messler disapproved of the use of photo traffic enforcement. He said it is tyrannical and oppressive, and the Police Chief should be fired for suggesting it to the Council. He thought a large number of speeders might indicate speed limits are too low. He said studies have shown that photo enforcement is not effective and is even counterproductive because drivers slam on their brakes and create a hazard for rear end collisions. Councilmember Hendricks asked Mr. Messler to provide the website(s) showing those studies.

Noah Long, Woodcliff Circle, seconded the comments made by Mr. Messler about photo enforcement. He said that Chief Veal gave no statistics on Town accident rates during his presentation. He said the process would be costly and would create more violations and distrust. He said that, in a presentation by Chief Veal two years ago, his speed limit recommendations were only designed to make the Police Department's job easier. He presented an economic analysis, stating that the difference along Taft Highway between 35 and 40 mph was 36 seconds between Town lines. He said that, factoring in the number of cars traveling, the cost of gas and the cost of lost time, the lower speed limit costs citizens around \$2,000,000. He noted that, even though people tend to drive slightly faster than the speed limit, most drivers adjust their speed based on the parameters of the highway, including width, obstructions, etc.

Councilmember Hendricks noted that before Chief Veal's recommendation two years ago, the speed limit was 40 and 30 mph along the highway. He said Chief Veal didn't advocate a specific speed, only consistency in the speed limit. He noted Taft Highway is a residential street and said it's not wise to develop speed limits based on typical driving speeds. Mr. Long said that Taft Highway is actually a state road, not residential. Councilmember Hendricks said it is a residential street to those who live there. He said there are more issues to consider than those of cost and that the speed limit should be set correctly then enforced properly.

Mayor Lusk noted that no one disputed the recommendations made two years ago, and a 35 mph speed limit does not seem unreasonable.

Vice Mayor Robertson said that when she first moved to the Town in 1976, vehicles speeding by her home on Ridgeway Avenue were a safety concern. She said regardless of how the road is designated or built it is a residential street in a residential community. Residents should not have to risk life and limb to retrieve mail from their mailboxes.

Mr. Long said Chief Veal should present accident statistics for the Town. Councilmember Allen said that statistics don't show the *potential* for accidents.

Mr. Long said an appropriate response would be for the police to put forth a stronger effort to pursue commercial vehicles and buses that are some of the worst offenders, and they should enforce speeding on residential streets more stringently than on major thoroughfares. Mayor Lusk said he is willing to speak with commercial entities regarding their drivers.

Rachel Miller, James Boulevard, said she appreciated Chief Veal's presentation as well as the Council's consideration and conservative attitude. She said she resented the insinuation that Chief Veal might not be acting in good faith. She noted that she is an avid walker who walks through Old Town, and she is always concerned about speeding there. She also said she was present for the presentation two years ago and it was determined that 35 mph was a good compromise for Ridgeway Avenue/Taft Highway.

Mayor Lusk said that if a driver isn't speeding, he/she doesn't have to worry about cameras. He said he is glad the issue of speeding is being discussed and commended Chief Veal on his presentation. He said more research would be performed.

### Resolutions

The following resolutions were presented:

1. "A RESOLUTION APPOINTING NATHAN BELL TO THE MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Hendricks said Mr. Bell is a musician who has long been involved with the MACC. Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE TWO (2) 2010 FORD F-150 TRUCKS, TENNESSEE STATE BID NUMBER 4037315, FROM ALEXANDER FORD LINCOLN MERCURY, IN THE AMOUNT OF NINETEEN THOUSAND SEVENTY SIX AND 00/100 (\$19,076.00) DOLLARS EACH TO BE USED BY THE RECREATION AND

WATER DEPARTMENTS FOR THE TOWN OF SIGNAL MOUNTAIN.” Mayor Lusk noted these were budgeted. Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

3. “A RESOLUTION AUTHORIZING AND RATIFYING THE ACTION TAKEN BY THE MAYOR ON JUNE 29, 2009 IN SIGNING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 CONTRACTS TO PROVIDE FEDERAL STIMULUS GRANT FUNDS FOR THE TOWN .” Mayor Lusk noted that the timeline and related deadline for signing the agreement for stimulus funds necessitated his approval of the contracts earlier, and this resolution will ratify that approval. Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Ms. Rogers said the Town will potentially receive \$420,000 of funds, and Loretta Hopper, Public Works Director, has done a good job of meeting all required deadlines and has often been ahead of schedule.

Councilmember Hendricks asked if the funds would cover LED lights. Ms. Rogers said they would.

Mayor Lusk asked about the status of the sidewalk along James Boulevard. Ms. Rogers said preliminary engineering will begin soon, and the whole project will be completed hopefully in 1 to 1 ½ years. Councilmember Hendricks asked if pedestrian protection from stray golf balls along the fairway of the golf course had been considered. Ms. Hopper said the sidewalk must be constructed around existing features, including the Leyland Cypress trees along the fairway. Mr. Noblett said this issue could be discussed with the Country Club, but it must be addressed. Ms. Rogers noted that the ARRA projects have slowed down the progress of the sidewalk.

### 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.” Councilmember Hendricks moved and Mayor Lusk 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 Vice Mayor Robertson seconded that the ordinance be approved. Mayor Lusk asked if progress had been made on requesting that Tennessee American Water Company convert billing from cubic feet to gallons. Ms. Rogers said they were unwilling to do so. Councilmember Hendricks noted that his earlier comment to the press that citizens should send their "letters and pitchforks" to Nashville – as the TRA was the party forcing this – was not intended to be disrespectful to the citizens. The motion passed unanimously.

3. "AN ORDINANCE TO AMEND THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE "FY 2009-2010 BUDGET ORDINANCE" TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010, AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR, INCLUDING NECESSARY BOND FINANCING REPAYMENTS FOR THE CONSTRUCTION OF A NEW HIGH SCHOOL/MIDDLE SCHOOL WITHIN THE TOWN; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2009-2010 AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTIES ON ALL DELINQUENT TAXES AND PRIVILEGES OWED TO THE TOWN OF SIGNAL MOUNTAIN. AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR." Mayor Lusk explained that this downward adjustment is necessary because the County completed property reassessments this year, and state law requires that the rate be adjusted to negate the increase in taxes the reassessment would cause. Councilmember Hendricks asked what effect this would have on the portion of the tax restricted to the High School debt service. Ms. Rogers said that after discussing the issue with Mr. Noblett, it was determined that the original resolution gave the Town leverage to adjust the restricted portion to any rate less than or equal to \$0.35. She said it would be adjusted proportionately with the total rate adjustment, thus still accounting for 19.7% of the total rate. Councilmember Allen moved and Mayor Lusk seconded that the ordinance be approved. The motion passed unanimously.

#### Other Discussions

Councilmember Allen opened a discussion on conservation planning. She recapped the Town's efforts toward achieving revised subdivision regulations to include conservation subdivision design that would benefit both the builders and the Town. She noted that she had spoken with Larry Collins at "Land Choices", a nonprofit conservation advocacy group, who indicated he would be available to provide consulting, if requested. She asked if the Council would be willing to approve expenditures for this and have Mr.

Collins visit in early October. She noted that the total for his expenses and base fee would be \$400. Councilmember Hendricks asked if the cost would have to be drawn from fund balance. Ms. Rogers said it is very early in the year to determine if we'll have enough savings in other areas to make up for it, so it may indeed come from fund balance. Councilmember Hendricks asked if a budget amendment would then be needed. Mr. Noblett said the expenditure could be approved now and an amendment could be made later, if needed. Chuck Gearhiser, Stormwater Official, said that, due to certain compliance requirements, it may be a Stormwater issue and could be paid from its budget. Mayor Lusk moved and Councilmember Allen seconded that the expenditure be approved. The motion passed unanimously.

### **Department Reports**

#### *Police*

Police Chief Boyd Veal reported that Officer Sharpless recently completed FTO training and is now certified in Tennessee. In-service training began last week and will be completed next Monday. All officers are now certified in CPR and AED use. There is one open position in the department.

#### *Fire*

Fire Chief John Vlasis reported that on September 26<sup>th</sup>, the Fire Department would partner with Signal Mountain Social Services in a food drive. Fire prevention week will begin soon, and the department will visit schools to educate students on fire prevention. They will also host a poster contest. The Tennessee Commission on Firefighting will arrive next week to test six firefighters for certification.

#### *Building Inspection*

Building Official Chuck Gearhiser reported that there was one new permit issued. All other work is progressing as usual.

#### *Recreation*

Recreation Director Jarred Thompson reported that the summer season is drawing to a close. Normal post-closing maintenance is being performed on the pool. General grounds maintenance is also being performed, which has been slightly more difficult since the department has lost a staff member. Maintenance/repair work was performed at the MACC. Decisions are needed regarding ground cover outside Town Hall to prevent erosion. A request by the Council to research the possibility of a dog park has revealed that locating one and maintaining one present difficult issues. Ms. Rogers said Mr. Thompson would review his research with the Parks Board at its next meeting.

#### *Water*

Utilities Director William Sanders reported that 1,142 meters were read, 107 work orders were processed, and other general maintenance/repair work was performed. The one million gallon water tank on James Boulevard is functioning again. Memorial plaques that were requested for Honor Trees have been prepared. He thanked Mr. Gearhiser and Mr. Thompson for their assistance in placing a motor back in the pump station last month. Only a minor amount of work remains for the completion of the SCADA installation.

### *Library*

Librarian Karin Glendenning reported that several programs would be held over the next month. She noted that 85 third graders visited the library. The library has been awarded a \$2,000 Target grant for Story Time for Toddlers.

### *Public Works*

Public Works Director Loretta Hopper reported that drainage work for the Palisades Road project was completed. Staff is completing the last round of mowing. Trimming had been a focus during the summer, and it will continue to be until "leaf season." Leaf mulch is being delivered to the recycling center as a separate store of mulch. Work has progressed regarding ARRA funds. Preparations for the James Boulevard sidewalk construction have also progressed. She noted that the process involves steps similar to those for the ARRA funds; i.e., obtaining appropriate levels of approval from entities such as TDOT.

### *MACC*

MACC Director Barbara Storm reported that the MACC hosted a concert featuring Neshawn Callaway on August 8<sup>th</sup>. A total of more than 120 students have enrolled for fall semester classes. She thanked the Water and Recreation Departments for their help with repair and maintenance. Several projects are underway, including light fixture replacement, kitchen renovations, AED emplacements and updating the cleaning routine. Discussions were held with school officials for the development of a community string ensemble program. Work is being performed to turn the MACC into a kind of a museum for the community with displays of historic items. The grand piano was moved from a room suffering moisture damage. A "painting party" will be held at the MACC on September 19<sup>th</sup> to paint the kitchen and cupboards. A part-time person will be hired.

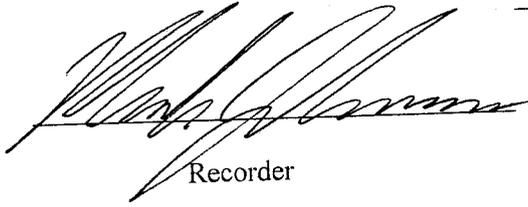
### **Tree Board**

Noah Long reported that the Board will have a booth at the Fall Hodgepodge this year to encourage the planting of disease-resistant dogwoods in the Town to replace those lost over the years to the blight. The Tree Board will have several varieties on consignment to sell.

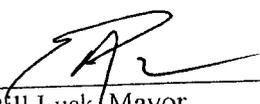
Other Business

Lynn Reese, Captain of the Chattanooga Women's Tennis League, said lights are needed at the tennis courts on Monday nights. Mr. Thompson said they are set on timers and should work. Ms. Reese said they were just at the courts and they did not work. Ms. Rogers said the problem would be investigated.

There being no further business, the meeting was adjourned.



Recorder



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Bill Lusk, Mayor