

\*\*\*\*\*October 12, 2009\*\*\*\*\*

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

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

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

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

### Minutes

The minutes for the September 14<sup>th</sup> regular meeting and August 28<sup>th</sup> and July 31<sup>st</sup> agenda meetings were discussed. With no changes or corrections, the minutes were approved unanimously.

### Honorary Resolutions

The following honorary resolutions were read:

1. "A RESOLUTION RECOGNIZING THE LIFE AND ACHIEVEMENTS OF EMMA BELL MILES AND PROCLAIMING OCTOBER 18, 2009 TO BE 'EMMA BELL MILES DAY' IN THE TOWN OF SIGNAL MOUNTAIN." Vice Mayor Robertson moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously. Anne Davis, representative of a citizen group who requested the resolution, was presented the resolution.
2. "A RESOLUTION HONORING VAN BUNCH AND CORINNE GIAGNORIO FOR THEIR WORK TO ESTABLISH AN ELECTRONICS RECYCLING PROGRAM IN THE TOWN OF SIGNAL MOUNTAIN." The Council agreed to suspend approval until Mr. Bunch and Ms. Giagnorio could be present to accept it.

### Special Presentation - Photo Traffic Enforcement

Mr. Bill Kroske, President of American Traffic Solutions (ATS), gave a presentation on ATS's photo traffic enforcement product. He gave a brief history of the company. He noted speeding is dangerous, causing 31% of all fatal car crashes in America. He cited several cities that have used the technology and reduced speeding significantly. He also noted that several polls taken across the country indicate an 85% to 90% public approval rating for photo enforcement.

He reviewed how the product works, noting that there were two options – fixed cameras and mobile unit cameras. He said that fixed cameras are good for areas in which there are consistent speeding problems and/or school zones. Mobile unit cameras are affixed to vans and can be set up anywhere. A band radar system is used that can track multiple cars and differentiate between multiple violators.

He reviewed the responsibilities of the Town and ATS, noting that the Town would remit a percentage of collections to ATS. He also said the Town would review and approve citations prior to them being mailed. He said that when sent, the citation would provide information on payment methods and contact information for disputes. He noted that violators can be videotaped when speeding and record retention policies exist for retaining those videos.

Councilmember Hendricks asked to whom a citation would actually be sent. Mr. Kroske said it would be sent to the registered owner of the vehicle, but the owner could designate who should actually be ticketed if someone other than himself/herself was driving.

Mr. Noblett noted that in Tennessee a photo enforcement citation would not affect the driver's driving record, unlike a normal citation, which constitutes a "moving violation".

Councilmember Dick asked if there is some maximum ticket limit at which multiple violators are reported to the state. Mr. Kroske said this is not automatically handled by the system, so several tickets can exist without being reported; however, the number of tickets issued to a violator can be monitored manually. He added that multiple violators are typically the ones who don't pay.

Vice Mayor Robertson noted that the real speeding problems occur in residential areas. She asked Mr. Kroske how far above the speed limit one would travel before the system issues a ticket. Police Chief Veal said the Town would define that limit. Mr. Kroske said the average for most municipalities is 10 mph above the speed limit on larger roads and 6-8 mph above the limit in neighborhoods.

Councilmember Allen asked how other states' municipalities collect and apply payments. Mr. Kroske said that several use ATS, and funds are accounted/dispersed for by the municipalities as they see fit.

Mayor Lusk asked why a mobile camera unit would be more effective than a patrol car. Mr. Kroske said pulling cars over and issuing citations takes up officer's time and attention, which gives other drivers speeding opportunities.

Mayor Lusk noted that according to his research laser radar guns seem to be preferred over standard radar. Mr. Kroske said laser radar is better, but laser units for vehicles aren't preferred because they are more sensitive to changing weather conditions.

Mayor Lusk said that he noted a study on the system used in Scottsdale, Arizona indicated that there was a savings in time, accident costs, etc. of \$10.6 million from its use, and he didn't notice such information in Mr. Kroske's presentation. Mr. Kroske said he had seen data indicating that municipalities can save \$35,000 to \$40,000 per year. He said that, surprisingly, many municipalities aren't interested in reporting this type of savings because they don't appear in terms of direct cost reductions.

Mayor Lusk noted that a University of Hawaii study indicated that stationary cameras are actually more effective. He noted that the program used in Hawaii failed because the government failed to notify its citizens that cameras were in use. Mr. Kroske agreed that that program was a fiasco for multiple reasons. He said that stationary cameras are better, but if they are not on main thoroughfares, the associated setup costs often aren't justified. He said vans are better for areas with multiple speed limits and that Chief Veal should review areas where there are speeding concerns to determine if the cost of stationary cameras is justifiable.

Mayor Lusk invited citizen comments.

Dun Monroe, Cherokee Lane, said the Town should contact Red Bank, an existing user of traffic cameras, to identify any concerns its officials have had before making a decision.

George Derryberry, Mississippi Avenue, said he was impressed with the efficiency of the technology but disagreed with traffic camera use on a philosophical basis. He said there are two extremes of enforcement – no enforcement at all and constant surveillance, and in America, we try to achieve a balance between the two. He noted that machines could make mistakes. He indicated that a small town such as ours should be evaluated differently than a large city. He said the police are doing a sufficient job of enforcement already.

Rachel Miller, James Boulevard, said she is conflicted about the use of traffic cameras. She said that in one respect, the dangers that speeding poses, including children's safety, should be considered; however, cameras are invasive. She said she trusts the Council's judgment and urged them to consider the fabric of the community.

Paul Zwicknagel, Rock Crest Drive, asked who would collect the fines. He said that if many tickets were issued, collection would be difficult. He said he opposes photo enforcement, noting that Red Bank has developed a bad reputation because of its use.

Curtis Hewlett, Applewood Circle, asked when action would be taken on this issue. Mayor Lusk said there would be no vote at this meeting. Mr. Hewlett said Red Bank couldn't be making enough money to justify the program. He said school zone speeding shouldn't be used as justification. He said photo enforcement isn't practical for a small town - its only practical effect is making money. He said the police already do a good job.

Tom Creal, James Boulevard, said he supports the use of traffic cameras. He said he has observed speeders of all ages and that safety should be considered.

Bobby Morrison, Rock House Court, said that traffic cameras only create an efficient "Big Brother". He asked if their use would reduce the number of officers. He also asked if there are municipalities that were customers of ATS that ultimately terminated the program.

Lisa Shivers, Windy Way, said that, having not been to any recent meetings, she wasn't sure why cameras are even being considered. Mayor Lusk said that Chief Veal presented a traffic study at the last regular meeting that indicated there is significant speeding in many parts of Town. Ms. Shivers asked if speeding has resulted in more injuries or accidents. Mayor Lusk said that there was an accident on Shackleford Ridge Road in which a woman was struck and killed by a driver who was speeding to school to avoid being late. He said that if one life can be saved or one injury prevented with this program, it's worth consideration. He said Chief Veal has traffic data available for anyone interested and is in the process of gathering more.

Joe Dumas, James Boulevard, said the Council has historically made good decisions, but he disagreed with the consideration of camera use. He said the Town would be sacrificing liberty for security. He said wrecks would still occur, so cameras would essentially achieve nothing. He asked why, if the issue is safety, ATS isn't a not-for-profit company. He said he doesn't want big brother watching over him, particularly when he is not breaking the law. He also said that machines couldn't take all factors into consideration.

David Cook, Claridge Court, said he teaches a course on democracy and noted that under such a government, cameras are often pointed toward leaders rather than constituents. He suggested that the Town should ask groups of people and children to stand by roadsides holding up signs urging people not to speed and delineating the reasons why. He said this would be a revolutionary and friendly way to address speeding and would probably be a sufficient deterrent.

Pauline Ragan, Woodcliff Circle, said that if there are so many speeders, it's because speed limits are too low.

Phil Levi, Taft Highway, said the presentation was good, but it merely reflected funding for a police state.

Carolyn Nakken, Hargis Road, said the presentation gave extreme examples; i.e., cities with speeding problems that are not representative of the Town.

Don McKerley, Windy Way, said that he and his wife live here because it's safe. He said the police handle enforcement. He said generous people have donated to the Town in the past and revenue resulting from speed cameras is not needed.

Tim Nakken, Hargis Road, urged the Council to not utilize photo enforcement. He said that he had asked several people in Town if they've noticed many accidents, and they replied they hadn't.

### **Special Presentation - Local Option Sales Tax**

Ms. Rogers made a presentation proposing increasing the local sales tax from 2.25% to 2.75%. She noted that sales taxes are comprised of 7% for state taxes and a maximum allowable rate of 2.75% for local taxes. She said that while it is uncertain, the state has alluded to taking the additional .5% local tax in the future, if the Town does not levy it. Therefore, citizens would have to pay more taxes either way; it would merely be a question of whether to allow the state to collect it and disperse it to municipalities based on population or to allow the Town to collect it and keep the money in the community. She noted a benefit of such an increase would be that all shoppers would pay it, not just Town residents.

She said that with Council approval a special election could be held in February or March in which citizens could vote to approve or disapprove the increase. If approved, the increase would yield an additional \$150,000 for the Town. She noted, however, that the County could still levy its own sales tax increase prior to the election, subject to limitations, which would nullify the Town's levy up to the level of the County increase. She suggested that funds received from an increase should be designated for capital improvements such as building a new public works building, repairing the town hall, building sidewalks, paving, etc. She also suggested that the increase be discussed further at the next meeting.

Vice Mayor Robertson asked Mr. Noblett to clarify how sales taxes have been used in relation to schools, particularly how it was affected by the last sales tax increase. Mr. Noblett said that the ½ cent sales tax increase voted on a several years ago provided initial funding for construction of the new school, but the County subsequently voted its own tax increase to cover the same purpose. He said that if the County does not levy its own tax concurrent with this proposed increase by the Town, the funds could be used at the Town's discretion. If the County does levy a similar tax, half of the funds will be given to the School Board. Vice Mayor Robertson asked whether the state's collection of the tax would result in money for schools. Mr. Noblett and Ms. Rogers said it wouldn't unless it specifies it as such.

Ms. Rogers mentioned that Cleveland recently passed a sales tax increase. Councilmember Hendricks suggested the Council needs to move forward on this issue in November and December if we intend to have a referendum in late winter or early spring.

Councilmember Dick asked if the Council could go ahead and amend the budget for needed repairs to Town Hall. Ms. Rogers said it could be amended, but the funds would have to come from fund balance. She agreed to get estimates on repairs.

Councilmember Hendricks asked if the Town has an estimate on the next Hall income tax remittance. Ms. Rogers said it is budgeted at \$350,000, compared to last year's actual receipt of \$535,000.

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

Mayor Lusk invited comments from the audience.

Dun Monroe asked if the Council had an ominous feeling from the state about the sales tax issue, and if so, should the Town contact state representatives for discussion. Mayor Lusk said he was unsure, but that may only alert the state further to the benefit of collecting it.

Joe Dumas commended the Council for keeping taxes low. He said that in light of that, he would hate to see an increase made, noting that it would be a disadvantage to Town merchants. Mayor Lusk reiterated that if the Town doesn't increase it, the state might. Councilmember Allen said the state has considered it before. Mr. Dumas said the tax shouldn't be increased unless there is a fair degree of certainty that the state would take the difference. Mayor Lusk said he doesn't want to disadvantage anyone, which is why a public referendum this spring would be appropriate. It would give voters time to learn what the state legislature's intentions are early in the year before making a decision. Councilmember Hendricks said he would hate for someone to bypass the Town to shop in other areas, expending more in gas costs than what would be saved in taxes. He asked what the sales tax rate is in Chattanooga. Mr. Noblett said he was unsure, but thought it was 2.75%. Vice Mayor Robertson noted that the state is already \$69 million under budget in revenue and has developed a trend of taking more taxes and fees. She also said that other municipalities have passed a similar measure. She suggested that an increase in sales tax should be discussed with the Mountain Business Association.

Bob Parks, Eagle Creek Way, spoke for the SM Country Club addressing the scheduled resolution regarding the sidewalk-engineering contract for James Boulevard. He asked the Council to consider safety issues caused by removing trees for the sidewalk. He said the trees are there to protect pedestrians from stray golf balls. He suggested constructing the sidewalk on the other side of the street.

Mac Hedges, Ohio Avenue, seconded Mr. Parks' comments. He also asked the Council to consider repairing the sidewalks in "Old Town" instead. He said they are used more. Mayor Lusk agreed that the Old Town sidewalks are in need of repair; however, the James Blvd. sidewalk is funded by a grant that is non-transferable. Councilmember Hendricks noted that this project was initiated prior to his term and asked whether the Town would lose the grant if were not used for its original purpose. Ms. Rogers said it would. Councilmember Dick said the James Boulevard sidewalk was a popular idea and considered a need when it was first discussed eight years ago. Councilmember Hendricks asked if the option of constructing the sidewalk on the other side of the street was considered. Loretta Hopper, Public Works Director, mentioned that there is a resolution scheduled for this meeting to approve engineering services for the sidewalk, and if approved, a series of public meetings will be held afterward for citizen input. Councilmember Hendricks asked if the engineering services would address safety issues. Ms. Hopper said it would, and there are other alternatives for safety besides trees. Mr. Parks said that the Club is not an opponent of sidewalk construction, but a proponent of safety.

### Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE IN AN AMOUNT OF TWENTY THOUSAND FOUR HUNDRED FOURTEEN AND 40/100 DOLLARS (\$20,414.40) WHICH WILL RESULT IN PAYMENT FOR EQUIPMENT, TRAINING AND OVERTIME TO BE PROVIDED AS A HIGHWAY TRAFFIC SAFETY GRANT FOR LAW ENFORCEMENT ACTIVITIES TO REDUCE SPEEDING, AGGRESSIVE DRIVING, DRIVING UNDER THE INFLUENCE, AND NON-SEATBELT USAGE FOR CHILDREN AND PASSENGERS WITHIN MOTOR VEHICLES IN THE TOWN". Chief Veal noted that last year, the Town was part of a smaller program. This year, \$6,000 will be used for radar equipment and the remainder will be used for overtime. Councilmember Dick moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

Ms. Rogers noted that a scheduled resolution approving an engineering services contract related to ARRA funds was removed due to questions over some items in the contract.

2. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THOMPSON ENGINEERING COMPANY, INC. IN THE AMOUNT OF FORTY ONE THOUSAND THREE HUNDRED TEN AND 20/100 (\$41,310.20) DOLLARS FOR PROFESSIONAL ENGINEERING SERVICES FOR SIDEWALK CONSTRUCTION ALONG JAMES BLVD WITHIN THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers noted that the cost estimate was

included in the related grant. Vice Mayor Robertson moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.

3. "A RESOLUTION HONORING PROMOTING HEALTHFUL PLANT BASED FOODS IN THE TOWN OF SIGNAL MOUNTAIN." Councilmember Hendricks said David Cook presented this initiative to him. He said it encourages healthy and environmentally conscious food consumption as well as buying from local growers. Councilmember Hendricks moved and Mayor Lusk seconded that the resolution be approved. The motion passed unanimously.
4. "A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A DEED OF TRANSFER TO THE TOWN FROM THE HAMILTON COUNTY BOARD OF EDUCATION FOR THE OLD SIGNAL MOUNTAIN ELEMENTARY SCHOOL WHICH IS CURRENTLY OPERATED AS THE MOUNTAIN ARTS COMMUNITY CENTER." Mr. Noblett explained this was a deed of transfer from the Hamilton County Board of Education. He noted that on page two, there is a provision that the Town cannot operate a school within the building. If it does so, the building will revert back to the County. Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks suggested that there be a signing ceremony. Mayor Lusk agreed, and then suggested a letter be sent to the School Board to formally thank its members. Councilmember Dick suggested that all Council members sign the letter. The Council agreed.

### Department Reports

#### *Police*

Police Chief Boyd Veal reported that he recently attended a 911 Board conference in Pigeon Forge. He noted that his involvement with the Board is increasing and is beneficial. Applications for a vacant position are being received, and another officer had tendered his resignation.

Councilmember Hendricks explained part of the negotiations over the 911 Board formation was that two appointments would come from the three-town group the Town was part of in the negotiations. He said the benefits achieved by Chief Veal's involvement are a positive outcome of that.

Councilmember Dick said Chief Veal is doing a good job and shouldn't take comments about photo traffic enforcement personally. Chief Veal said he is trying to be responsive to the citizens.

#### *Fire*

Fire Chief John Vlasits said upgrades to the department are going well. All firefighters are certified Level 2. Kevin Nichols, Fire Training Officer, was sent to a NIMS course in Alabama. An animal control class was held last week for various departments.

## *MACC*

MACC Director Barbara Storm reported that the first "Coffee House" was held. The elementary string program was established. The Fall Hodgepodge was successful.

## *Public Works*

Public Works Director Loretta Hopper thanked the Council for deferring approval of the ARRA contract, noted above. Brush was chipped for four days last week. The department is accepting applications for seasonal leaf collectors. The tree removal bid documents have been issued. The opening will be on October 29<sup>th</sup>. Ms. Rogers noted that the City of Cleveland issued the Town a check for approximately \$21,000 to reimburse it for its share of the fund balance for the old contract for the chipping machine.

## *Library*

Librarian Karin Glendenning reported that there are several good programs coming up – a visit on the 15<sup>th</sup> by Frank Hill to discuss model ships, a "Connecting with the Cosmos" presentation by Dick Morrell on October 22<sup>nd</sup>, and a Poetry Night on November 12<sup>th</sup>. Story time is going well. Also, the Girl Scouts set up scarecrows.

## *Recreation*

Recreation Director Jarred Thompson reported that general maintenance is being performed. A vacant position has been filled. The sun deck at the pool will be replaced. The ball fields will be reconditioned with 80 to 100 tons of clay.

## *Building Inspection*

Building Inspector Chuck Gearhiser reported that inspections are level as are stormwater operations. He thanked the Council for the flowers sent to his mother's memorial.

## *Water*

Utilities Director William Sanders reported that the water system received a score of 100% from TDEC. Building maintenance and repairs were performed. The Water department assisted the Recreation department with its duties.

## **Other Business**

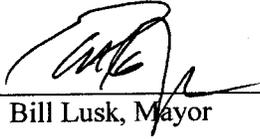
Mayor Lusk thanked the department heads for their "State of the Town" report data.

There being no further business, the meeting was adjourned.



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Recorder



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Bill Lusk, Mayor