

\*\*\*\*\*November 9, 2009\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, November 9, 2009, at 6:30 p.m. in the Town Hall. Those present were:

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

Also present were:

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

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

### Minutes

The minutes for the October 12<sup>th</sup> regular meeting and November 2<sup>nd</sup> meeting were discussed. With no changes or corrections, the minutes were approved unanimously.

### Honorary Resolutions

The following honorary resolution was read:

“A RESOLUTION RECOGNIZING AND COMMENDING THE SIGNAL MOUNTAIN HIGH SCHOOL LADIES GOLF TEAM FOR WINNING THE 2009 CLASS A-AA STATE CHAMPIONSHIP.” Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Members of the team were presented the resolution.

### Special Presentation – Employee of the Quarter

Ms. Rogers presented the Employee of the Quarter award to Officer Jane Phipps of the Police Department. Ms. Rogers reviewed her qualifications and accomplishments and noted Ms. Phipps will receive \$50.00 in addition to recognition.

### Planning Commission Report

Wayne Williams, Planning Commission Secretary, reported that at the last regular Commission meeting a request was submitted to rezone the property directly behind the CVS from Low Density Residential to Highway Commercial. The request would

facilitate the construction of a 45,000 sq. ft. neighborhood grocery store and a 6,600 sq. ft. building for other commercial use. Mr. Williams noted the request is consistent with the land use plan and that the RPA has recommended the rezoning with certain conditions. He said there were questions regarding property access points, and that the Commission voted to defer approval until these questions were resolved. Mayor Lusk asked if the potential developer had any intention of supporting additional public meetings. Mr. Williams said he was unsure. Ms. Rogers said the developer indicated after the Commission meeting that he might hold another meeting.

Councilmember Hendricks said he had many questions, but felt it would be wise to defer them until the Commission makes an official recommendation. Mr. Williams said that he personally reviewed the access point question in a site walk and agreed with the developer that it was workable. Vice Mayor Robertson noted that the Council had been discussing the development of a comprehensive commercial plan similar to the residential land use plan with the intent to bring in consultants to hold a series of public meetings to establish a community vision for future commercial development in the Town. She suggested that a plan should be in place before any decisions are made. Councilmember Hendricks asked if that plan was discussed at the Commission meeting. Mr. Williams said it was noted; however, the rezoning request must be considered in conjunction with current ordinances. Mr. Williams noted that Highway Commercial zoning is the least restrictive commercial zoning. A Planned Commerce Center is the most restrictive; however, current ordinances prohibit two such centers from being within a half mile of each other, and the existing shopping center is directly across the street from the proposed new commercial site. Vice Mayor Robertson asked if that restriction could be lifted. Mr. Williams answered that it could and that he felt it should be lifted. .

#### **SMMS Art on Display**

Mayor Lusk directed attention to pastel portraits of individual fall tree leaves that were displayed in the room. Noah Long, Tree Board Chairman, explained that the art work was created by SMHS students and was the result of a study of the works of renowned artist Georgia O'Keefe. He added that the work was so impressive that he felt it should be showcased at Town Hall.

#### **Special Presentation - State of the Town Address**

Mayor Lusk presented the Annual State of the Town Report detailing the Town's activities and accomplishments during the 2008-2009 fiscal year and the Town's challenges and opportunities in the future. In particular, he reviewed significant financial savings, staff training and support, and legislative actions.

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

Mayor Lusk invited comments from the audience.

Neeld Messler, Rolling Way, said he assumed any new grocery store behind the CVS property would also be under the sewer moratorium and asked about the moratorium's status. Mayor Lusk said there is nothing new and that the lateral program will not begin until January. Ms. Rogers noted that when the program begins, the WWTA would request permission from TDEC to allow some sewer connections based on progress as the WWTA repairs the system. She said the lateral program is estimated to be completed in one and a half years.

Next, Mr. Messler addressed the proposed use of traffic enforcement cameras. He referred to comments made by Mayor Lusk at recent meetings about protecting lives and compliance with law. He said Mayor Lusk may have missed the point because the issue actually concerns liberty. He quoted Patrick Henry, "Give me liberty or give me death." He noted that speed cameras themselves concern him, but his real concern is the claim made by ATS's president at the October meeting that the cameras would take eight pictures per second. Mr. Messler said this would photograph *all* drivers, not just speeders. He said speed camera use is highly offensive.

Councilmember Hendricks asked if the prospective grocery store subject to the rezoning request would be under the moratorium. Ms. Rogers said it would be. Councilmember Hendricks mentioned that it should be because there is a waiting list for those who wish to connect to the sewer.

Mo Kiah, Fairmount Avenue, disapproved of traffic camera use. He said cameras are a violation of the U.S. Constitution and Bill of Rights. He said rights shouldn't be violated for transient services.

Joe Dumas, James Boulevard, noted that a vast majority of citizens are against traffic camera use. He pointed out that in Maryland, some teenagers had abused the camera system by making copies of others' license plates, placing them on their cars, and then speeding by the cameras. He asked that the issue be defeated now or at least deferred until after the holidays, noting that governments sometimes pass laws at times when citizens can't give them their full attention.

Mr. Dumas asked what status the annexation litigation. Mr. Noblett said it is still in litigation and he will soon know more about the trial date. He said the original trial date was December 14<sup>th</sup>, but the Court of Appeals indicated they would need more time to review the case presented on November 5<sup>th</sup>. He said the trial would probably occur in the new calendar year. Mr. Dumas asked if simply dropping the annexation has been considered. Mr. Noblett said it has not.

Dun Monroe, Cherokee Lane, said the proposal to raise local sales taxes, discussed at the last meeting, should be dropped. He asked if the Council was aware of comments by state representatives that the state will not likely pursue a levy if municipalities do not pass their own. Mayor Lusk answered that,

unfortunately, the Council did not have that information at the time it discussed setting a referendum on a sales tax increase, but it does now.

Mr. Monroe noted that he had spoken with Red Bank's Mayor who said that accidents had been reduced 42% since the inception of speed cameras.

Ellis Gardener, Stratford Way, said he would drive as fast as the Town will let him, and his children probably would too. He added that speeding wasn't good in a family community. He said speed cameras are just an automated extension of radar equipment, and he thought they were a good idea.

Tom Francescon, Crown Point Road, disapproved of traffic camera use. He said it's a civil rights issue. He said the evidence that they reduce accidents is inconclusive. He noted that Red Bank's government was excited about the resulting revenue, but its businesses were hurt by it.

Mr. Francescon also said that the proposal to increase local sales taxes via referendum is a bad idea at this time. He said he had spoken with state representatives who informed him that the state has no appetite for levying more taxes. He finally noted that he was not in favor of *any* tax dollars being used for a dog park, which the Council had discussed recently.

Noah Long, Woodcliff Circle, said there is current debate over the effectiveness of traffic cameras, and there has been a desire by the public for independent organization studies, rather than those from camera producers. He said the University of South Florida's Health Institute's study indicates cameras actually increase accidents. He noted that he has not received any further accident data from the Police Department that he requested. He said speeding should be reduced using other means, such as re-engineering intersections. He said that the presentation by ATS's president indicated a 20% reduction in speeding in Red Bank, but that could result from any raw data such as a reduction of ten accidents to two, 1000 to 800, etc.; therefore, statistics like that don't tell the whole story. He said it might just reflect a reduction in actual traffic traveling to Red Bank businesses.

Mr. Long also addressed the sales tax issue. He said he had spoken with state representatives who stated there is no indication that the state will usurp a tax increment that is not levied by municipalities. Mayor Lusk said he had been told the same thing; however, based on past history, the state could reduce its shared revenues, which would result in significant revenue loss to the Town as well as all municipalities in the state. Phyllis Brown, Short Creek Road, disapproved of speed camera use, saying that they are as distracting to drivers as cell phones, drinking beverages, shaving, etc. She noted that the speed limit of 35mph is too low for Taft Highway.

Jeff Caplenor, Oliver Court, said that if traffic camera use is about safety rather than revenue, he approves. He asked, however, that the same consideration should also be given to safety issues caused by extending the sidewalk along the golf course. He said the construction would necessitate tree removal, causing a safety issue for pedestrians.

Jay Casavant, Signal Mountain Boulevard, said he felt the Town should have a dog park because it would allow dogs the opportunity to run free without leashes. He noted that Chattanooga and Soddy Daisy each have one.

### Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT CORRECTIONS TO THE TOWN OF SIGNAL MOUNTAIN PERSONNEL POLICY, AS REVIEWED AND REVISED BY THE SIGNAL MOUNTAIN PERSONNEL COMMITTEE." Vice Mayor Robertson moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION APPOINTING BONNIE HAMILTON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S HISTORICAL COMMITTEE." Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

### Ordinances

The following ordinances were presented:

1. "AN ORDINANCE OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE AMENDING TITLE 3, CHAPTER 1, TO CREATE A NEW SECTION 3-114 OF THE TOWN CODE RELATING TO THE EMPLOYMENT OF COLLECTION AGENCIES TO COLLECT MUNICIPAL FINES AND COSTS." Councilmember Allen moved and Councilmember Dick seconded that the resolution be approved. Ms. Rogers explained that the Town has used collection agencies for delinquent water accounts and other general accounts previously; however, state law requires an enabling ordinance to allow similar collections of delinquent court costs. Mr. Noblett explained that under state statute, the cost of the service could be added as a court cost. The motion passed unanimously.

### Discussions

Mayor Lusk opened a discussion on the issue of initiating a referendum for a sales tax increase. He referred to citizen's comments made earlier in the meeting that there is no

indication from the state legislature that it will usurp a ½ cent increase if the Town chooses not to levy it. Councilmember Hendricks explained that the process wouldn't be simple. The Council would have to hold a public hearing, two readings of an ordinance and then a Town-wide election. He said the chances of the state taking the increment seem slim, and citizens should only consider a sales tax increase if there is a revenue need. He said there doesn't seem to be enough of a revenue need for taxpayers to burden themselves at this time. The Council agreed unanimously to table the issue indefinitely.

The Council then revisited a discussion of the proposal to employ speed enforcement cameras. Councilmember Hendricks moved to formally defeat the issue to install speed cameras in the Town. Vice Mayor Robertson stated that the Council had already decided this at the agenda meeting. Councilmember Hendricks said it had been discussed and there was a sense that the Council wanted to do this but there was not a formal vote. Mayor Lusk seconded the motion, and the Council voted unanimously against the use of photo speed enforcement in the Town. Council member Hendricks added that he greatly respects Police Chief Boyd Veal, and that Chief Veal shouldn't take negative comments made by some personally. He said that because there is so much disapproval, he couldn't support it as a representative; however, speeding should be reduced somehow.

Mayor Lusk agreed, saying the data that had been accumulated should be used as part of new enforcement efforts in problem areas. He said a public campaign might work. One citizen suggested electronic speed signs, such as those used in construction areas. Councilmember Dick asked if part of the overtime grant recently awarded to the Police Department could be used for radar equipment. Chief Veal answered positively. Councilmember Allen reminded citizens that Signal Mountain is like Mayberry, not Manhattan, and she cautioned residents to slow down and drive safely.

### Department Reports

#### *Fire*

Fire Chief John Vlasits reported that there were two new openings for firefighters. Fire prevention programs had been completed and related posters made by local school children were submitted to the state competition.

#### *Police*

Police Chief Boyd Veal reported that there were two new openings for officers, and interviews are being conducted. Officer Reidel was recently promoted to the position of sergeant. The GHSO highway enforcement grant was awarded, which will be used for overtime pay and radar equipment.

#### *Library*

Librarian Karin Glendenning reported that the last program of the year would be the Poetry Night held on November 19<sup>th</sup>.

### *Water*

Utilities Director William Sanders reported that there is an opening for a water laborer and interviews are being conducted. The No. 4 pump is operational again. There was a major leak on Fern Trail. Other repairs and line additions were made. The Water Department assisted the Recreation Department with maintenance.

### *Building Inspection*

Building Inspector Chuck Gearhiser reported that he has been inspecting damage and repair work at the MACC. Marion Environmental will soon produce a third set of stream pollution testing samples.

### *MACC*

MACC Director Barbara Storm reported that the MACC is still closed for repairs, and classes are being held at various offsite locations.

### *Public Works and Recreation*

Ms. Rogers reported for Jarred Thompson, Recreation Director, and Loretta Hopper, Public Works Director, who were absent.

For Recreation, she reported that the department has begun reconditioning the ball fields, as a result, pool deck repairs have been postponed.

For Public Works, she reported that the tree bid was completed and the winning bid came in under budget. Contractual arrangements will be completed with Volkert & Associates for filing documentation with TDEC regarding environmental clearance for ARRA fund projects. For the James Boulevard sidewalk project, a consultant is surveying the right-of-way. Seasonal leaf collectors are being hired. Also, information on leaf pickup is available on the website.

### **Other Business**

Noah Long asked when new traffic count data will be available, noting that this is performed every three years. Ms. Rogers said she was unsure, but would ask TPO personnel.

Melissa Cantrell, Chairperson of the Planning Commission, said she regularly attends Council meetings and she is available at any of them for questions regarding Commission activities.

There being no further business, the meeting was adjourned.