

*****January 4, 2010*****

The Signal Mountain Town Council held a special agenda meeting on Monday, January 4, 2010 at 10:00 a.m. in the Town Hall. Those present were:

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

Others present were: Town Manager Honna Rogers
Town Recorder Mark Johnson
Town Attorney Phil Noblett
Russell Byrd, Comcast
Ann Coulter, Kennedy, Coulter, Rushing & Watson
And Others (as noted)

Fire Chief John Vlasis introduced Kyle Bateman, a new firefighter.

The following resolution was read: "A RESOLUTION APPOINTING CHARLES POSS AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S PLANNING COMMISSION". Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

The following ordinance was read: "AN ORDINANCE OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE GRANTING TO COMCAST OF THE SOUTH, A COLORADO GENERAL PARTNERSHIP, ITS SUCCESSORS, LESSEES AND ASSIGNS, A FRANCHISE FOR THE TERM OF FIVE (5) YEARS THE RIGHT, AUTHORITY, POWER, PRIVILEGE AND PERMISSION TO OPERATE A NON-EXCLUSIVE CABLE TELEVISION SYSTEM WITHIN THE TOWN OF SIGNAL MOUNTAIN". Mr. Noblett explained the contract, which proposed a five-year term and a subsequent five-year renewal option for Comcast. Russell Byrd, Comcast's Senior Director of Government affairs participated in the discussion. He noted the agreement is similar to the previous one except for a change in the Town's authority to regulate service rates. He explained that when only one cable provider is present in a community, that community has the legal right to regulate service rates; however, when "effective competition" is present, federal law does not allow such regulation. Competition is now present in the form of EPB's service proposal. Various other issues were also discussed, including regulated and unregulated rates for surrounding areas; rights of the Town at the time of contract renewal; performance bond requirements; the definition of "gross revenue" on which franchise taxes are based; consideration of Fox Run and Windtree should they be annexed; timing of tax remittances; rate structures; etc. Councilmember Hendricks moved and Councilmember Allen seconded that the ordinance be approved. The motion passed unanimously.

Ann Coulter was present and participated in a discussion of Kennedy, Coulter, Rushing & Watson's proposal for "Development of Commercial Vision and Guidelines" for the Town. She explained that the proposal advocated creating a plan through multiple phases. Those phases, the fee structure, public involvement, the role of Town staff, and budgetary considerations were discussed. Ms. Coulter said the whole process would take no longer than three months. Councilmember Hendricks moved and Councilmember Dick seconded that the proposal be approved. The motion passed unanimously. Ms. Rogers said that a formal resolution would be presented at the January 11th meeting.

Mario Piccolo, Kentucky Avenue, requested an application to apply for an appointment to the MACC board. Vice Mayor Robertson gave him an application.

Ms. Rogers explained that the slide at Norris Field had been vandalized and was currently taped off. A quote for repairs was \$727. After consideration, the Council agreed to pay for the repairs out of the fund balance.

The agenda for the January 11, 2010 regular meeting was discussed as follows:

- Approval of the December 14th and November 9th regular meeting and January 4th agenda meeting minutes. Ms. Rogers reviewed the question raised at the December 14th meeting regarding the motion to defeat the speed camera issue. She said no official vote was taken so no formal decision was made at the previous agenda session, although there was agreement regarding the cameras; therefore she suggested the language only say "a motion was made.", rather than "Councilmember Hendricks confirmed that the Council had decided against cameras by motioning for a formal vote". Councilman Hendricks stated he was comfortable entering the text as it was recorded from the tape. The December 14th minutes were discussed regarding language concerning the Design Review Commission (DRC) members' term limits. Ms. Rogers said she had spoken with Mr. Noblett, who said state law says they "can" continue after the end of their terms if no one new is selected. A formal motion is not required; however, Ms. Rogers suggested a motion be made in those situations. She agreed to explain this further at the January 11th meeting if requested.

Vice Mayor Robertson recapped the procedure for editing minutes. After transcription, the recorder emails the minutes to each council member. Each council member has the opportunity to edit them privately and return them by email to the recorder. The recorder then combines the edits of all five members into a single corrected document that is presented to the council for consideration each month at a regularly scheduled public meeting. The public meeting is when the council votes on the meeting minutes. Vice Mayor Robertson noted that this procedure has improved the accuracy and quality of the minutes as well as saved time in public meetings.

- Resolutions thanking former board members for service.
- A resolution commending the Thrasher Elementary Environmental Club.

- A resolution supporting Arbor Day.
- Resolutions appointing/reappointing DRC members. Various prospective members and their qualifications were discussed, and the following actions were taken regarding whether to include them in the resolutions at the January 11th meeting.
 - Councilmember Hendricks moved to include Greg Goodgame. With no second, the motion was defeated.
 - Councilmember Allen moved and Councilmember Dick seconded to include Jay Caughman. The motion passed unanimously.
 - Councilmember Allen moved and Councilmember Dick seconded that Ed Garbee be included. Councilmembers Dick, Allen and Vice Mayor Robertson approved the motion. Councilmember Hendricks abstained.
 - Councilmember Allen moved and Vice Mayor Robertson seconded that Jeremy Rardin be included. The motion passed unanimously.
 - Councilmember Allen moved and Councilmember Dick seconded that Rusty Sewell be included. Councilmembers Dick, Allen and Vice Mayor Robertson approved the motion. Councilmember Hendricks abstained.

Ms. Rogers stated that formal resolutions would be passed at the January 11th meeting. Councilmember Hendricks resigned the position of Council liaison to the DRC.

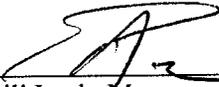
- Second reading of an ordinance accepting a cable franchise agreement with EPB. Ms. Rogers noted Mr. Noblett spoke with EPB's attorney Rick Hitchcock, who requested that he contact him after today's meeting to inform him of actions taken regarding Comcast's agreement.
- Second readings of the Park Rules and Board ordinances. The Council agreed to make no changes to the Board ordinance regarding required participation at work sessions. It was agreed as Councilman Hendricks had suggested that adequate participation by board members was covered under Section 2-105-4.
- Approval of animal control contracts. Ms. Rogers reviewed a recent memo she had written the Council regarding proposed animal control services and opened a discussion. Police Chief Boyd Veal was also present. She noted that Charlie Hall, who had performed raccoon trapping services for the Town at the MAAC, has agreed to capture stray animals. Also, the City of Cleveland has agreed to house animals, and the East Ridge Council will also consider doing the same at their January meeting. Ms. Rogers and Chief Veal agreed the services are reasonably priced and will save the Town a great deal of money. The Council directed Ms. Rogers to add a resolution to the January 11 meeting directing her to begin the process of severing the Town's contract with the Humane Educational Society, which has cost the Town \$36,000 per annum.

Ms. Rogers reviewed a board application form template used by the City of Snellville, which Annette Allen had brought to her attention. Ms. Rogers agreed to use the

Snellville application as a template and amend it to include the Town's information. She will then email it to the Council for it review.

The Council discussed the need for department heads to be present at regular monthly Council meetings. Members agreed that it was good to have them present to answer questions requiring their expertise, but the practice of presenting oral reports wasn't necessary.

There being no further business, the meeting was adjourned.



Bill Lusk, Mayor
Recorder