

*****May 10, 2010*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, May 10, 2010, 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 April 12th regular meeting and April 30th agenda meeting were discussed. With no additions, deletions, or corrections the minutes were approved.

Citizens Opportunity to Address the Council

Mayor Lusk invited comments from the audience.

Parker Miller, Forest Park Drive, introduced himself a member of Boy Scout Troop 16 and said he was present to learn about local government and to earn a related merit badge.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH JOHNSON, MURPHEY & WRIGHT, P.C. TO AUDIT TOWN ACCOUNTS FROM JULY 1, 2009 THROUGH JUNE 30, 2010, AND TO PROVIDE PAYMENT FOR MUNICIPAL AUDITING SERVICES PERFORMED ON TOWN ACCOUNTS FOR THAT TIME PERIOD IN THE AMOUNT OF \$17,275.00." Ms. Rogers explained that the proposed fee had not changed from the prior year's contract. Councilmember Dick moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A CONTRACT WITH CTI ENGINEERING IN AN AMOUNT NOT TO EXCEED

FORTY TWO THOUSAND AND 0/100 (\$42,000) DOLLARS FOR PROFESSIONAL ENGINEERING SERVICES CONCERNING A COMPREHENSIVE SEWER EXPANSION STUDY AND IMPLEMENTATION PLAN FOR THE TOWN OF SIGNAL MOUNTAIN."

Ms. Rogers explained that this study would help determine how the existing sewer system could be expanded to other areas in town. She noted that the Palisades and Hidden Brook areas would be reviewed first because stream contamination from impaired septic systems is greatest in those areas. She then invited Paul Cate, Vice President of CTI, to further explain the study.

Mr. Cate explained that this is an adjunct of a 2003 study performed for the WWTA, in which pressure sewer systems were recommended for mountainous areas. Councilmember Dick asked if a line tie-in at Timberlinks Drive would process everything from Hidden Brook. Mr. Cate said that the line was designed for that, but the added pressure, coming primarily from the school, would require a separate pumping station at Middle Creek. Councilmember Dick asked if a connection to Moccasin Bend would be ready by the time a plan is implemented. Mr. Cate said that it would have to be.

Mr. Cate further explained that the study is essentially a preliminary step that will map areas where sewer can be practically installed. Mayor Lusk asked if the study would show what areas can accommodate sewers and which cannot. Mr. Cate said it would show the level of pumping capacity that would be necessary and where pumping stations would have to be built. Mr. Cate said that pressure systems are now the most commonly used. Councilmember Dick asked if CTI would be considering the use of gravity systems anywhere. Mr. Cate said it wouldn't because grinder pumps are the current WWTA standard.

Mr. Noblett said he was concerned over what he felt was an inadequate liability limitation provision in the contract. He noted that this provision conflicted with other insurance provisions within the contract. Mr. Cate said CTI has adequate insurance coverage, but they don't offer maximum insurance coverage for every job because premiums would become too high. He noted, however, that the work he was proposing was not for a specific design, but only for planning. Ms. Rogers said the study is part of a long-range project. Such preliminary planning will help determine if it's worth investing more time and resources into the project. Mr. Cate said this planning would help avoid future costs being higher than expected. Mayor Lusk said that while he felt the potential for liability during this phase was low, the Council should listen to Mr. Noblett. Mr. Cate said he would be willing to amend the contract to eliminate the current restriction on liability, making it identical to the other sections in the contract. Councilmember Dick moved and Councilmember Hendricks seconded that the resolution be approved subject to the amendment for the restriction on liability. The motion passed unanimously.

3. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ROOF REPAIR ON THE MOUNTAIN ARTS COMMUNITY CENTER LOCATED AT 809 KENTUCKY AVENUE TO JD HELTON ROOFING COMPANY IN THE AMOUNT OF ONE HUNDRED AND EIGHTY THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$180,500.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Ms. Rogers said that the bid proposals contained multiple options, and management recommends the one that provides for the installation of dimensional shingles for basic roof repair, but does not provide for repairs to certain flat portions of the roof. She said contractors stated that those portions are not in need of near-term repair. She noted that the contract does not include work on the ceilings; those repairs will be made later. Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks thanked Barbara Storm, MACC Director, Ms. Rogers, and Town staff for their hard work.

4. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN EMERGENCY PURCHASE CONTRACT TO REPAIR DAMAGES TO WINDY WAY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND AND 0/100 DOLLARS (\$100,000.00)." Ms. Rogers explained that deteriorating culverts underneath Windy Way were discovered six weeks ago, and the road was therefore closed. Town personnel have been discussing the problem with engineers, but the road is now sinking and threatening utility lines and action is needed immediately. She noted that the Town is currently considering contracting Pinnacle Design Group. Mayor Lusk asked if Ms. Rogers was confident the cost would be \$100,000 or less. Ms. Rogers said she was as long as unforeseen circumstances did not occur. She said that this is a stormwater issue and would therefore be paid for by the stormwater fund. Mr. Noblett reminded everyone that emergency purchases are allowed under state statute. He said TDEC declared compromising the utility lines posed an imminent danger. Councilmember Hendricks asked if the stormwater fund could afford this. Ms. Rogers said it could. Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

5. "A RESOLUTION APPOINTING ROBERT GRAY AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S TREE BOARD." Vice Mayor Robertson said that Mr. Gray was selected after a four-week long advertisement. She also noted that he is a retired forest ranger from West Virginia who is well qualified to serve on the Tree Board.

Councilmember Dick asked if honor trees are only placed for or in memory of Town citizens. Vice Mayor Robertson said that there have been some donations on behalf of nonresidents, but the trees were placed within Town limits. Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

Ordinances

The following ordinance was presented:

“AN ORDINANCE TO CREATE AND ESTABLISH NEW SECTIONS IN TITLE 13-201 THROUGH 13-221 WHICH SHALL BE KNOWN AS THE MUNICIPAL LANDSCAPE ORDINANCE FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.” Vice Mayor Robertson explained that this ordinance’s purpose is to protect trees and shrubs on Town property. She said it is based on Tree City USA standards, and that the State Forester, the Tennessee Urban Forestry Council and Mr. Noblett have approved it.

Noah Long, Chairman of the Tree Board, said that the ordinance is a prerequisite for qualifying for the “Tree City USA” program. He directed attention to a provision that stated the Town has the right to remove dead or diseased trees that threaten public health and welfare. Councilmember Allen asked how that stipulation would apply to property owners not treating their Hemlock trees, which can spread the infestation of Woolly Adelgid. Mr. Long said it is a difficult issue, but he doesn’t envision the Town compelling a property owner to dispose of a damaged tree. Ms. Rogers said that the power to remove trees that are a threat to the public interest is provided for in other Town ordinances. Vice Mayor Robertson noted that, in such a case, the property owner would have a right to appeal. Mr. Noblett said that if the Town must remove a tree, the cost could be recouped from the property owner.

Mr. Long pointed out that the Arbor Day Foundation recently published a newsletter that listed the benefits of trees, such as shade, property value enhancement, lower energy costs, etc.

Councilmember Allen asked if in section 13-220 a “violation” would be a contractor who erroneously removes a tree. Vice Mayor Robertson said it would, but it would also apply in other situations, such as the recent incident in which a motorist ran into a tree and damaged it. Mr. Long said the intent applies more to someone removing a tree they don’t approve of that is in a Town right-of-way. Ms. Rogers noted that the Town wouldn’t plant trees in rights-of-way adjacent to residential lots.

Councilmember Hendricks noted that Karna Levitt, a landscape architect, had suggested that under section 13-211, the Town require protective fencing around trees near construction work to prevent harmful ground disturbance. Vice Mayor Robertson referred to the section of the ordinance entitled “Duties and Responsibilities” that directs the Tree Board to develop specific guidelines to address best management practices for the care and maintenance of trees. She pointed out that the purpose of this ordinance is only to provide the Board with the authority to create the guidelines that will address specifics such as drip line fencing. Councilmember Hendricks suggested that “administering” guidelines should be a staff responsibility. Vice Mayor Robertson and Mr. Long agreed. Ms. Rogers suggested that this section say only “maintain” guidelines. The Council agreed to the change.

Councilmember Hendricks also noted that Ms. Levitt made a recommendation regarding the tree topping language in the ordinance, but he said that would probably be addressed in the guidelines. Mayor Lusk asked how EPB’s easement affects the tree topping issue. Ms. Rogers said EPB does not intend to top any trees. Mr. Long agreed, saying EPB’s new forester believes in trimming trees, not topping them. Vice Mayor Robertson noted that the Town discourages planting near power lines. Councilmember Hendricks asked Building Official Chuck Gearhiser if utility lines are required to be underground. Mr. Gearhiser said they aren’t and that it is a

more expensive and therefore less popular option. Mayor Lusk asked if the language under section 13-213 regarding the Town Manager or Tree Board's ability to determine when tree topping is appropriate would give the Town leverage with EPB. Mr. Noblett said it would give the Town the ability to make recommendations, but it is still EPB's right-of-way and therefore at their discretion. Mr. Noblett noted that it is difficult to run underground lines through rock. Councilmember Allen thanked Vice Mayor Robertson for her work drafting the ordinance. Vice Mayor Robertson moved and Councilmember Allen seconded that the resolution be approved as amended. The motion passed unanimously.

Ms. Rogers said that a citizen who originally submitted a rezoning request for 617 Cauthen Way to the Planning Commission has since requested tabling the related ordinance. Councilmember Hendricks moved to table the ordinance. Councilmember Allen seconded, and the motion passed unanimously.

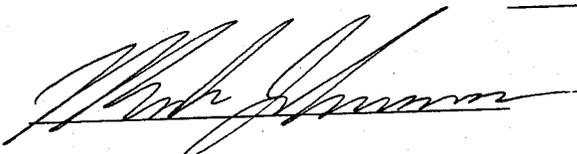
Discussions

Ms. Rogers noted that Willis Murdock had passed away and a new member is needed on the Health, Education, and Housing Facility Board. Vice Mayor Robertson said she would include an advertisement in "Council Notes".

Mayor Lusk noted that a resident had contacted him recently with concern about the closing of Shoal Creek Road on Sundays for walking. Councilmember Allen noted that, when this issue was discussed not long ago, the consensus was that the closing offers more benefit than inconvenience. Councilmember Dick said that it's not a significant issue since the closure is only on Sunday afternoons. The Council agreed to not discuss the issue further.

Councilmember Hendricks asked about the status of the parking of an RV on Stratford Way which was discussed at the March meeting. Ms. Rogers said the RV has since been removed.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor