

\*\*\*\*\*June 14, 2010\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, June 14, 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 May 10<sup>th</sup> regular meeting and May 6<sup>th</sup> and June 4<sup>th</sup> agenda meetings were discussed. With no additions, deletions, or corrections the minutes were approved.

#### Honorary Resolution

“A RESOLUTION RECOGNIZING AND HONORING FLAG DAY 2010.” Councilmember Hendricks moved and Mayor Lusk seconded that the resolution be approved. The motion passed unanimously.

#### Presentation – Commercial Design Review

Christian Rushing of Kennedy, Coulter, Rushing, and Watson (KCRW) presented the final report addressing future commercial design standards in the town, based on public input at their March meeting. Mr. Rushing reviewed the purpose of the plan. He explained that KCRW began with the existing Town land use plan and developed guidelines from there. He said there were two sets of guidelines – general commercial guidelines and those specific to certain areas. He noted that areas of greatest potential were the existing commercial Taft Highway and Mississippi/Palisades Districts and the as yet undeveloped Shackleford Ridge Road area. He also reviewed other parts of the study which was performed, including recommendations on how to develop a Town center and other implementation plans. Councilmember Hendricks asked if any further discussions had taken place with Frank Powell as much of the subject property belongs to him. Mr. Rushing replied that Mr. Powell had been consulted and seemed very supportive. Councilmember Hendricks noted that a very similar plan was turned down by the Planning Commission. He asked if that had been considered by KCRW. Mr. Rushing said that KCRW modified its plan based on citizen input, but relied heavily on the Town's land use plan. Ms. Rogers stated KCRW's complete study would be available on the Town website.

### Appeal

Will Garrett and Grady Williams, owners of the Guthrie's Restaurant franchise, presented an appeal to the Council regarding recent decisions by the Design Review Commission (DRC), in its May 25<sup>th</sup> meeting, to disallow certain signage. They addressed two DRC concerns – use of a “Guthrie’s” logo and the placement of the drive-thru menu board. Mr. Garrett addressed the logo issue first, noting that the Guthrie’s corporation requires a standard logo on all its restaurants.

Mr. Noblett noted that the Council could approve, disapprove, or give conditional approval at this time of the appeal. Mr. Garrett noted that the owners wish to open one week from this Wednesday and would appreciate the Council’s consideration. Mr. Noblett noted that any opposition must be heard prior to a Council decision.

Claire Griesinger, representing the DRC, said she will not speak in opposition, but wished to present some salient facts. She said that the menu board placement originally approved by the DRC should be acceptable because positioning it elsewhere could cause a safety and/or convenience issue by automobiles turning to properly read the board. Mr. Garrett presented a new drawing, made that day, with an alternative traffic plan which would necessitate his request to mount the menu board differently from the site originally approved by the DRC. He said the new traffic plan would allow for vehicles to be turn into the drive-thru without obstructing traffic flow or creating a problem for customers. The Town Manager agreed to consult a traffic engineer who would give final approval of Mr. Garrett’s plan.

Councilmember Hendricks asked if signage, directing customers to the drive-thru, would be constructed. Mr. Garrett said that signs would be needed, though that issue was not discussed at the DRC meeting. He also noted that directional lines would be painted on the pavement. Other spatial and traffic issues were discussed further.

Councilmember Hendricks asked how the DRC can rule against a logo and why an appeal must be made when logos are allowed in the guidelines. Vice Mayor Robertson said Guthrie’s did not specifically address a logo when it appeared before the DRC nor was a traffic plan available at that time. Councilmember Hendricks said the process should be simplified.

Councilmember Hendricks moved that the appeals and related changes be approved.

Tammy Rardin, Cauthen Way, asked Mr. Garrett for more specifics on how measurements were made; i.e., would a larger vehicle parked at the reader board actually stick out in a traffic lane. Mr. Garrett said the measurements are such that that problem would not occur.

Mayor Lusk seconded the motion above. The motion passed unanimously.

Councilmember Hendricks moved to allow Guthrie’s to use temporary directional signage until permanent signage could be discussed at the July DRC meeting. Councilmember Dick seconded the motion, and it passed unanimously.

### Citizens Opportunity to Address the Council

Mayor Lusk invited comments from the audience.

Noah Long, Woodcliff Circle, addressed item 10f on the agenda, which referred to establishing DRC design review standards. He noted that in a previous meeting, he suggested having more than one public input meeting. The Council informed Mr. Long that while the wording on the agenda might be a little confusing, that item actually had nothing to do with the presentation on the commercial plan noted above. Councilmember Hendricks told Mr. Long that he agreed with the point that there should be more public input, however.

Dun Monroe, Cherokee Lane, referring to the presentation, asked what the specifics were; i.e., what particular businesses would be located in the subject areas. Councilmember Hendricks said that the Town doesn't pick particular businesses with this plan; it only creates a framework. Councilmember Allen said that previously, there was a certain arbitrariness to these kinds of decisions, and a new plan will provide more structure. Mr. Monroe suggested bringing in businesses that market to children as this would also bring in revenue from parents.

Frank Powell, Hampton Road, said that having guidelines is very helpful. He also noted that the perception that the Town does not work well with developers is no longer valid.

### Resolutions

The following resolutions were presented:

1. "RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TALLEY CONSTRUCTION COMPANY, INC. FOR ASPHALT RESURFACING OF SECTIONS OF JAMES BOULEVARD IN THE AMOUNT OF TWO HUNDRED AND THIRTY THREE THOUSAND AND EIGHT HUNDRED AND NINETY NINE AND 25/100 DOLLARS (\$233,899.25) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Mayor Lusk moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO TALLEY CONSTRUCTION COMPANY, INC. FOR ASPHALT RESURFACING OF SECTIONS OF NORTH PALISADES DRIVE IN THE AMOUNT OF ONE HUNDRED AND FIFTY EIGHT THOUSAND AND TWO HUNDRED AND EIGHTY NINE AND 63/100 DOLLARS (\$158,289.63) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE TRAFFIC SIGNAL UPGRADE ON HIGHWAY 127 TO STANSELL ELECTRIC COMPANY, INC. IN THE AMOUNT OF EIGHTY SIX THOUSAND FIVE HUNDRED AND FORTY TWO AND 20/100 DOLLARS (\$86,542.20) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE

ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.” Councilmember Allen moved and Councilmember Hendricks seconded that the resolution be approved. Ms. Rogers mentioned that the bid came in under budget, but the resurfacing bids came in over, causing a net overage of approximately \$43,000. However, she will apply to use the Transportation Planning Organization overrun bucket – a cushion that TPO participants can utilize – to cover the overage. The motion passed unanimously.

4. “A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH BLUE CROSS BLUE SHIELD OF TENNESSEE TO PROVIDE MEDICAL INSURANCE FOR ALL TOWN EMPLOYEES FOR A PERIOD OF ONE YEAR BEGINNING JULY 1, 2010 BASED UPON PREMIUMS NOT TO EXCEED \$317.07 PER MONTH FOR SINGLE COVERAGE AND \$820.26 PER MONTH FOR FAMILY COVERAGE.” Ms. Rogers explained that this is a renewal with Blue Cross Blue Shield under which employees will have the same two options. Deductibles will be higher, but employees will see a net decline in premiums. Mayor Lusk moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks thanked all involved for their hard work on this issue.
5. “A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH SUN LIFE FINANCIAL INSURANCE COMPANY FOR DENTAL INSURANCE COVERAGE FOR TOWN OF SIGNAL MOUNTAIN EMPLOYEES AT THE RATE OF \$21.87 PER MONTH FOR INDIVIDUAL EMPLOYEES AND \$68.04 PER MONTH FOR EMPLOYEES AND THEIR FAMILIES EFFECTIVE JULY 1, 2010 THROUGH JUNE 30, 2011.” Vice Mayor Robertson moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
6. “A RESOLUTION SUPPORTING THE PURCHASE OF THE PROPERTY KNOWN AS MUSHROOM ROCKS FOR CONSERVATION BY THE STATE OF TENNESSEE.” Councilmember Hendricks explained that the state of Tennessee is considering purchasing this land, and he felt the Town should encourage it. Councilmember Hendricks moved and Vice Mayor Robertson, who wrote the resolution, seconded that the resolution be approved. The motion passed unanimously. Upon Councilmember Hendricks suggestion, the Council agreed to send this resolution and a letter that identifies the land specifically.

#### Ordinances

The following ordinances were presented:

1. “AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE, ARTICLE III, SECTION 303, TO ADD A NEW DEFINITION FOR HEALTH SPA, TO ADD LICENSED MASSAGE THERAPISTS TO THE EXCLUSIONS LISTED UNDER ARTICLE XII, 1200.08.01.06 AND TO

ALLOW HEALTH SPA AS A PERMITTED USE IN THE HIGHWAY COMMERCIAL DISTRICT AND COMMUNITY COMMERCIAL DISTRICT." Mayor Lusk explained that the current ordinance is out-dated, and that the Planning Commission recommended allowing licensed massage therapists to operate within the Town.. Councilmember Hendricks moved and Vice Mayor Robertson seconded that the ordinance be approved. Councilmember Allen said that this was an appropriate request brought before the Planning Commission. Councilmember Hendricks said he welcomes such therapists. Vice Mayor Robertson and Councilmembers Dick, Hendricks, and Allen approved the motion. Mayor Lusk abstained from voting, explaining that he owns a building containing a massage therapist's office, which, though its existence was probably grandfathered in, but may constitute a conflict of interest.

2. "AN ORDINANCE TO AMEND ORDINANCE NO. 2009-11, ENTITLED THE "FY 2009-2010 BUDGET ORDINANCE" SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THIS BUDGET YEAR IN THE AMOUNT OF ONE MILLION AND THREE HUNDRED AND EIGHTY EIGHT THOUSAND AND ONE HUNDRED AND 00/100 DOLLARS (\$1,388,100.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE GENERAL FUND BUDGET AND WHICH SHALL INCLUDE AN INCREASE FOR CONTRACT SERVICES IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF SEVENTEEN THOUSAND AND 00/100 DOLLARS (\$17,000.00); A DECREASE IN THE POLICE DEPARTMENT IN THE AMOUNT OF SIXTY NINE THOUSAND AND 00/100 DOLLARS (\$69,000.00); FOR A DECREASE IN THE FIRE DEPARTMENT IN THE AMOUNT OF EIGHTEEN THOUSAND AND 00/100 DOLLARS (\$18,000.00); FOR A DECREASE IN THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF FIFTY ONE THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$51,400.00); FOR ADDITIONAL REPAIRS AND CHEMICAL COSTS IN THE RECREATION DEPARTMENT IN THE AMOUNT OF SIXTY FOUR THOUSAND AND 00/100 DOLLARS (\$64,000); FOR A DECREASE IN THE LIBRARY DEPARTMENT IN THE AMOUNT OF FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00); TO PROVIDE FOR NON-MONETARY REVENUE REQUIRED BY GASB STANDARDS REGARDING THE BUILDING GIFT AT THE MOUNTAIN ARTS COMMUNITY CENTER IN THE AMOUNT OF ONE MILLION AND FOUR HUNDRED AND FOURTEEN THOUSAND AND 00/100 DOLLARS (\$1,414,000.00); TO PROVIDE FOR ADDITIONAL FUNDING ON PRINCIPAL PAYMENT IN DEBT SERVICE IN THE AMOUNT OF SIXTY FIVE THOUSAND AND FIVE HUNDRED AND 00/100 DOLLARS (\$65,500.00); FOR A DECREASE IN TRANSFER TO THE SOLID WASTE FUND IN THE AMOUNT OF THIRTY THOUSAND AND 00/100 (\$30,000.00), AS SET FORTH IN THE ATTACHED AMENDED BUDGET DURING THIS FISCAL YEAR. ALSO, TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THE FY 2009-2010 BUDGET YEAR IN THE AMOUNT OF THIRTEEN THOUSAND ONE HUNDRED

AND 00/100 DOLLARS (\$13,100.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE SOLID WASTE FUND BUDGET FOR ADDITIONAL CONTRACT SERVICES IN THE PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF THIRTEEN THOUSAND ONE HUNDRED 00/100 DOLLARS (\$13,100.00)." Ms. Rogers explained that an amendment is typically needed each year. She noted that the biggest adjustment was an additional \$1.2 million in both revenues and expenses. This was caused by the gift of the MACC property to the Town from the Hamilton County Board of Education. The gift constitutes revenue according to GASB standards; therefore, it is recorded as such. However, it must also be recorded as an expenditure to avoid artificially inflating fund balance. The reasons that some departments were over or under budget were reviewed. Mayor Lusk moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

3. "AN ORDINANCE TO ADOPT THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE "FY 2010-2011 BUDGET ORDINANCE" TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2010-2011 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." Ms. Rogers noted that the General Fund budget is \$6,116,806. She also reviewed other notable items, including the vehicle replacement plan, capital items, the status of various debts, employee raises, etc. She also noted that property taxes would not increase this year. Mayor Lusk moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.
4. "AN ORDINANCE TO AMEND TITLE 18 TO CREATE A NEW CHAPTER 9 ENTITLED "FLOOD INSURANCE REGULATIONS" WHICH IS ADOPTED PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 6-19-101 FOR THE PURPOSE OF REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF SIGNAL MOUNTAIN, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM." Ms. Rogers explained that the state contacted the Town, and it was determined that flood insurance regulations were

needed for any areas in Town that would qualify as flood zones as required by FEMA. Councilmember Allen moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

5. "AN ORDINANCE TO AMEND TITLE 2, SECTION 2-605 TO THE SIGNAL MOUNTAIN TOWN CODE, TO SET THE RATE FOR DESIGN REVIEW COMMISSION APPLICATION FEE." Mayor Lusk explained that the DRC would begin charging an application fee to offset the costs of paper and copies. Should an applicant fail to appear at the appointed time without notice of cancellation, he/she would have to re-apply and pay a second fee. Vice Mayor Robertson moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.
6. "AN ORDINANCE TO AMEND TITLE 2, CHAPTER 6, SECTION 2-606 TO THE SIGNAL MOUNTAIN TOWN CODE TO ADOPT THE DESIGN STANDARDS AND PRINCIPLES OF THE DESIGN REVIEW COMMISSION AS THE OFFICIAL DESIGN STANDARDS OF THE TOWN AND INSERT SUCH STANDARDS AS SECTION C-1 OF THE APPENDIX." Mr. Noblett explained that the purpose of this ordinance is to correct the Board ordinance amendment made earlier in the year. He said that, included in the section concerning the DRC, an older version of this section was presented that did not contain the design standards passed in 2008. The ordinance to be re-adopted contains no changes. Vice Mayor Robertson moved and Councilmember Allen seconded that the ordinance be approved. The motion passed unanimously.
7. "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." Mayor Lusk noted that the ordinance only pertains to Town property. He then moved and Councilmember Dick seconded that the ordinance be approved. The motion passed unanimously.

#### Discussions

Councilmember Dick announced that he decided not to run for re-election. He said he loves Signal Mountain and appreciates everyone here. He complimented Ms. Rogers and the department heads for their work and noted that, of all Town managers he has worked with, Ms. Rogers is the best. Mayor Lusk thanked Councilmember Dick for his service.

Councilmember Hendricks also announced that he would not be running for re-election. He also noted that paperwork for Council applicants must be submitted by mid August.

Vice Mayor Susan Robertson announced that she would be running for re-election in November.

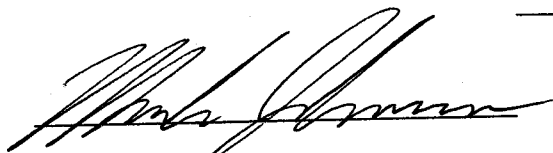
Councilmember Hendricks noted that there is a dead tree on the MACC property that should be removed. Ms. Rogers said she would have Public Works look at it.

Councilmember Allen thanked Ms. Griesinger for her work toward the Guthrie's proposal.

Mr. Monroe asked if the old traffic light could be sold. Ms. Rogers explained that the Town generally attempts to sell such items on GovDeals. Mr. Monroe also asked why the post office doesn't keep longer hours. Mayor Lusk said the Town would contact the post office about this.

Mr. Noblett noted that a recent summary judgment on the annexation case yielded a no win for the plaintiff. He said there would probably be three to four trial days in November. Councilmember Hendricks asked if those who gave depositions would be required to testify. Mr. Noblett and Ms. Rogers said they probably would.

There being no further business, the meeting was adjourned.



Recorder

  
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Bill Lusk, Mayor



DATE: June 14, 2010

NAME

ADDRESS

1. Lois Truesdell 40 Carrige Hill
2. Angela Woodward 316 High Court Rd.
3. Henry Fred Chy 2114 W. Fairmount Rd.
4. Elaine Preston 968 Sig. Rd
5. Frank Turk 968 Signal Rd
6. Brenda & Don Monroe 907 Cherokee Rd.
7. Ed & Peggy Kelly 136 Cunningham Ln.
8. Oliver & Liz Barber 409 Brady Point Rd.
9. Albert Joyce 605 Ga. Ave
10. Hal Robinson 40 Oliver Court
11. David L. Abudubal 316 High Court Rd.
12. Norma Simon 106 Circle Drive
13. Jean Jordan 1004 Ladder
14. Jim Ogata 3907 Windtree Hollow
15. Grady Williams & Phyllis 5 Stonehaven
16. Lou Oliphant 622 Alexan Way B-4
17. Billie Beard 4 Stonehaven Dr.
18. Sarah Swann 412 Brady Pt. Rd
19. Tammy & Jeremy Rardin 709 Cawthon Way
20. Dot Nation 420 Brady Pt. Rd
21. Wall L. Hamelt

DATE: June 14, 2010

NAME	ADDRESS
1. Grady P. Williams Jr.	1002 Signal Rd.
2. James McCall	902 James
3. Colleen McCall	"
4. Martie Leeels	
5. Nathaniel Foster	2409 Altusca Dr.
6. Jeremy Logan	200 Miles Rd
7. Jody Hunter/Logan	200 Miles Rd
8. Franz Rosen	424 HAMPTON RD
9. Karen Rannick	715 Texas Ave
10. Patrick Emanuel	902 Cherokee Lane
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