

*****August 9, 2010*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, August 9, 2010, at 6:30 p.m. in the Town Hall. Those present were:

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

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 July 12th regular meeting were discussed. With no additions, deletions, or corrections, the minutes were approved.

Honorary Resolution

The following resolution was presented:

“A RESOLUTION RECOGNIZING TAYLOR LUTHRINGER AS THE THIRD PLACE WINNER IN THE 2010 STATE OF TENNESSEE D.A.R.E. ESSAY CONTEST.” Officer Greg summarized the D.A.R.E. essay program and contest. Miss Luthringer read her essay. Her mother, Teri Luthringer, thanked the Council for its recognition and reflected on the D.A.R.E. program’s positive impact. She also commended Officer Hill for his work. Mayor Lusk moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

Ms. Rogers then recognized Officer Hill as the “Employee of the Quarter” and read a summary of his contributions and accomplishments.

Citizens Opportunity to Address the Council

Mayor Lusk invited comments from the audience.

Dun Monroe, Cherokee Lane, asked Ms. Rogers how much money was spent on the new traffic light. Ms. Rogers said that a few thousand had been spent for preliminary engineering. Mr. Monroe said that conversations he had recently with other individuals indicated it might have not been a worthwhile project.

Mr. Monroe then asked how much was paid to Kennedy, Coulter, Rushing and Watson for their commercial development recommendations. Ms. Rogers answered \$25,000. Mr. Monroe asked if the Town had received cost allocation statements from KCRW. Ms. Rogers said that qualification requests were received from various firms before the contract was issued, and KCRW was the lowest bidder. Also, the proposed fee was negotiated to a lower amount. Mr. Monroe said he thought the Town already had a development plan. Mr. Noblett said that a town land use plan does exist, but doesn't address specific commercial design standards or signage guidelines. Mr. Monroe said he felt this purchase might also not have been necessary. Vice Mayor Robertson said that the Council felt a professional was needed to review and update old ordinances and policies. She also noted that the work performed by KCRW was impressive and could not have been performed by Town personnel. Mr. Monroe asked if cost allocation sheets were available for review. Ms. Rogers said the invoices were available. Councilmember Hendricks noted that Town boards made up of volunteers do not necessarily have the time or the necessary expertise to complete such a project. He also noted that the both the DRC and the Planning Commission had requested outside professional help.

Mr. Monroe then commented that he believed the work performed by Franklin Architects on the MACC roof could possibly have been performed by a contractor for a smaller fee. He summarized by saying that the Council should ensure that it is being cost-conscious.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION APPOINTING SCOTT GAST AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S TRANSPORTATION SUBCOMMITTEE." Mayor Lusk moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION APPOINTING BUFFY HARPER AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER BOARD. Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF AN APPLICATION FOR LOCAL PARKS AND RECREATION FUNDS (LPRF) FOR SWIMMING POOL IMPROVEMENTS." Jarred Thompson, Recreation Director, explained that this grant would be used first for re-plastering the pool, then repairing the baby pool, and finally making smaller miscellaneous repairs. Mayor Lusk said that these repairs had become necessary and the council agreed that it sincerely hoped to receive the grant money. Councilmember Hendricks moved and Mayor Lusk seconded that the resolution be approved. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO ADD DEFINITIONS FOR "PRIMARY SIGNS" AND "SECONDARY SIGNS" WITHIN SECTION 20-502 OF THE TOWN CODE

AND TO AMEND SECTION 20-507 REGARDING DRC DISCRETION ON SECONDARY SIGNS AND ESTABLISHING A MAXIMUM SIGN AREA FOR BUSINESSES WITHIN THE TOWN.” Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

Discussions

Ms. Rogers opened a discussion to a request by the *Chattanooga Times Free Press* for door-to-door solicitation privileges on Saturdays. She explained that solicitation is currently allowed only on weekdays ending at 5:00 p.m. She also explained the current solicitation permitting process. She invited Ronald VanHoozier, a representative of the *Times Free Press*, to comment.

Mr. VanHoozier thanked council for the opportunity to speak. He reiterated his request and reviewed the history and services of the company. He said that the *Times* solicitors would be different than most in that its salespeople are well trained and not overbearing. He noted that other local governments have made exceptions for the *Times*, in some instances, on the basis of the First Amendment to the Constitution’s “freedom of the press” provision.

Vice Mayor Robertson asked how often Saturday solicitations would be made. Mr. Vanhoozier answered only once or twice a year. Vice Mayor Robertson asked him to explain the solicitation procedure. Mr. Vanhoozier said the salespeople introduce themselves, providing/displaying various forms of identification. Councilmember Dick asked if they would visit the homes of current customers. Mr. Vanhoozier said they would not. Councilmember Allen said that sometimes she, a current customer, does receive solicitation calls. Mr. Vanhoozier explained that sometimes the *Times’* computer system limitations prevent current subscribers from being removed from calling lists. Councilmember Hendricks said that he is open to considering a variance, but on the other hand, he said he must consider the implications of making exceptions that apply only to one entity. He said the highest priority is citizen safety. He also noted that as an elected representative, he must take any citizen comments he receives into consideration.

Mr. VanHoozier noted that some governments have included in their ordinances first amendment considerations. Mr. Noblett responded that the first amendment protects freedom of the press, but not the *sale* of the press. He also said that the Supreme Court is considering the issue of a reasonable right to privacy of citizens, even though that concept is not officially addressed in the constitution. Mr. Noblett said that when the solicitation ordinance was reviewed in 2007, hours of operation and their reasonableness were the focus – not solicited material content. Mayor Lusk asked what hours Mr. Vanhoozier were requesting for Saturday. Mr. Vanhoozier said it would be sometime between 10:00 a.m. and 2:00 p.m. Mayor Lusk asked if the *Times* had considered direct mail. Mr. Vanhoozier said that method was considered limited. Jeremy Rardin, a citizen, asked if paper machines in front of grocery stores were considered. Mr. Vanhoozier said that method was limited also.

Mr. Monroe said exceptions shouldn’t be made for one entity. Brenda Monroe said she loves the newspaper, but doesn’t want to deal with door-to-door sales. Councilmember Hendricks said that citizens can post a blue sticker on their mailboxes to prohibit solicitors from coming to their doors. Ms. Rogers noted that most people who sell door-to-door do so illegally.

Ms. Rogers and Mr. Noblett agreed to research typical hours of operation for solicitors in other municipalities. Mayor Lusk said that the public needs time to consider this.

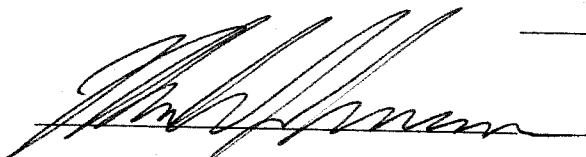
Ms. Rogers opened a discussion of the vehicle replacement plan loan that was approved in the 2010-2011 budget. She noted that the resolution for the loan was approved in July. The Tennessee Municipal Bond Fund (TMBF) was the lowest bidder by about \$3,000. She noted that several existing loans will be paid in-full this year. Mayor Lusk explained that this loan would be the seed money to initiate a plan of annual savings for continued systematic vehicle replacement. He also noted that in addition to the loan, a few CD's were being redeemed for this purpose. He moved to accept the low bid of the TMBF. Vice Mayor Robertson seconded, and the motion passed unanimously.

The Council then discussed the pending Town Manager contract. Mayor Lusk reviewed the contractual process and political nature of a Town Manager's position. He said that the contract was modeled after the ICMA model and the Red Bank City Manager agreement, and the Council needs to decide if this is the best agreement. Councilmember Dick said he was anxious to move forward. He moved and Councilmember Allen seconded to approve the contract. Noah Long, a citizen, asked for disclosure of the contract terms. Mayor Lusk reviewed them, noting that the salary is not specified; i.e., it is discussed separately during her annual reviews. He explained that the contract, which will be effective as of March 1, 2009, has a three-year term that can automatically renew for two additional years and provides for TCRS coverage, business expenses, severance pay, and termination options. The contract was approved unanimously.

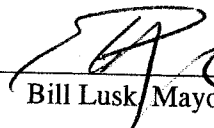
Councilmember Hendricks opened a discussion of the MACC's long-range plan. He said that since MACC building repairs are nearing completion, the Town would be planning, with the aid of citizen input, the future of the MACC. He invited Barbara Storm, MACC Director, to explain further.

Ms. Storm outlined the process for creating the long-range plan. She said a vision for the MACC will be developed, a design will be created involving professional help, then a phase-by-phase strategic plan will be finalized. She said each step would involve public input. She noted that the MACC board has embraced this project. Mayor Lusk thanked Ms. Storm for her work. Councilmember Hendricks asked when the MACC would reopen. Ms. Storm said the building will host music classes next week and a reception is planned for September.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk Mayor