

*****March 14, 2011*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, March 14, 2011, at 6:30 p.m. in the Town Hall. Those present were:

Mayor Bill Lusk
Vice Mayor Susan Robertson
Councilmember Annette Allen
Councilmember Bill Wallace
Councilmember Dick Gee

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 February 14th regular meeting and February 28th agenda meetings were discussed. With no additions, deletions, or corrections aside from minor typographical errors, all minutes were approved.

Honorary Resolutions

The following resolutions were presented:

1. "A RESOLUTION RECOGNIZING AND COMMENDING KATARINA McMAHAN, WINNER OF THE NOLAN ELEMENTARY SCHOOL ARBOR DAY POSTER CONTEST, AS SECOND PLACE WINNER IN THE TOWN OF SIGNAL MOUNTAIN FOR 2011." Noah Long, Tree Board Chairman, read the resolution, displayed the winning poster and presented Miss McMahan with a potted birch tree. Vice Mayor Susan Robertson presented the resolution to Ms. McMahan.
2. "A RESOLUTION RECOGNIZING AND COMMENDING SAVANNAH CHERRY, WINNER OF THE THRASHER ELEMENTARY SCHOOL ARBOR DAY POSTER CONTEST, AS THE OVERALL WINNER IN THE TOWN OF SIGNAL MOUNTAIN FOR 2011."

Noah Long, Tree Board Chairman, read the resolution, displayed the winning poster and presented Miss Cherry with a potted birch tree. Vice Mayor Robertson presented the resolution and thanked Shane Harwood, Nolan Elementary Principal, for his support and work on Arbor Day. Mayor Lusk moved and Councilmember Wallace seconded that both resolutions be approved. The motion passed unanimously.

3. "A RESOLUTION RECOGNIZING AND COMMENDING SIGNAL MOUNTAIN TOWN EMPLOYEES FOR THEIR OUTSTANDING RESPONSE DURING THE TOWN'S RECENT TORNADO." Police Chief Veal commented that employees worked above and beyond their normal duties and complimented their efforts. Mayor Lusk moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.

Citizen Comments

Mayor Lusk invited comments from the audience.

Linda McLean, Ohio Avenue raised four issues before the Council. First, she explained that her husband mulches and spreads pine straw at the entrance to Rainbow Lake across from her property and requested that the Recreation Department should maintain it. Second, she noted that Ohio Avenue hasn't been paved in twenty years and asked that this be done in concert with replacing the curbs in Old Town that were damaged over the winter. Third, she noted that the portion of James Boulevard between Alexian Village and the trolley stop should be repaired and said that Alexian Village should share the burden of this repair because commercial trucks used during the construction of Alexian's new highrise caused the degradation of the road. Finally, she said that one of her neighbors told her that someone had left garbage on the Ohio Avenue side of the golf course property.

Mayor Lusk addressed the issue of James Boulevard, saying that the Town has been awarded a grant to repair the road, though its completion may take two years. He also noted that Alexian Village officials have been open to contributing to the costs of repair. Ms. Rogers said she would investigate the garbage issue.

Ms. McLean also noted that several road reflectors in her neighborhood were missing. Ms. Rogers said that the snowplow accidentally removed some of them and replacement will occur this spring.

Councilmember Wallace asked Ms. McLean to clarify the location of the curbs she referenced earlier. She said they are along Ohio Avenue and other parts of Old Town. Vice Mayor Robertson said that it might be best to remove the curbs and not replace them as they seem to exacerbate stormwater runoff. She suggested that Stormwater Manager Chuck Gearhiser look into it.

Councilmember Allen suggested that flat curbs should be installed.

Noah Long, Woodcliff Circle, addressed the scheduled resolution concerning public notices being placed on websites. He noted that Georgia reached a compromise between local governments and the state in which regular public meetings and purchasing may be published on websites, but other notices such as those for public hearings, zoning changes or budget issues continue to be advertised in traditional newspapers. He said he believed that using websites only may exclude people prefer to read newspapers.

Mayor Lusk agreed that Mr. Long made good points. Mr. Noblett said that the proposed state legislation does not currently exempt items such as referendums, industrial development or board issues; therefore, they do have to continue to be published in newspapers. A recommendation was made to allow zoning issues only on website. Mr. Long said he would prefer to see zoning issues published in the newspaper. Mayor Lusk noted that our resolution is different than that presented by other legislative delegations in that it supports cost-saving publications, but it also supports requesting the *Times Free Press* to publish these notices at no charge as a public service. Vice Mayor Robertson noted that she spoke to the Town's state representatives and advised them to look at the Georgia example. Mayor Lusk said that the representatives might encounter resistance from other legislators.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION SUPPORTING THE PUBLICATION OF PUBLIC NOTICES ON MUNICIPAL WEBSITES." Councilmember Gee moved and Councilmember Wallace seconded that the resolution be approved. Councilmember Allen said she agreed with Mr. Long's earlier comments concerning zoning matters. Mr. Noblett mentioned that the Town Code still requires newspaper notices. Mayor Lusk noted that the town posts meeting agendas in public places and asked if Chattanooga does anything similar. Mr. Noblett said that Chattanooga posts an annual notice of when and where meetings take place and also publishes weekly agendas on its website. He also said that the Town is currently working with our network provider on creating e-mail listings to provide interested citizens with Town updates. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE A NEW PHONE SYSTEM FROM SIGNAL VOICE & DATA, INC., IN THE AMOUNT OF THIRTEEN THOUSAND FIVE HUNDRED FIFTY TWO AND 57/100 (\$13,552.57) DOLLARS TO BE USED BY THE TOWN HALL FOR THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers explained that Town Hall's telephone system is very old and its hardware is no longer distributed in the United States. She said that it is over ten years old and in need of replacement. She also noted that the proposed amount is under-budget. Mayor Lusk moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE A NEW BACKHOE FROM NORTRAX, IN THE AMOUNT OF SEVENTY ONE THOUSAND NINE HUNDRED AND 00/100 (\$71,900.00) DOLLARS TO BE USED BY THE PUBLIC WORKS DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers noted that this amount will be taken out of the vehicle replacement fund and that it is under-budget. Councilmember Allen

moved and Councilmember Wallace seconded that the resolution be approved. The motion passed unanimously.

4. "A RESOLUTION RECOGNIZING AND ENCOURAGING THE CITIZENS OF THE TOWN TO CELEBRATE MARCH 26, 2011, FROM 8:30 PM TO 9:30 PM AS EARTH HOUR WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Councilmember Allen presented the history of this initiative, noting that its ultimate goal is to combat climate change. She moved and Vice Mayor Robertson seconded that the resolution be approved. Mayor Lusk said he was glad this was presented. Councilmember Wallace asked if the Town should really be involved in this, noting that conserving power should be each citizen's decision. Councilmember Allen said that it is only being encouraged; i.e., it won't be policed. Mayor Lusk, Vice Mayor Robertson, and Councilmembers Allen and Gee voted to approve the resolution. Councilmember Wallace voted to deny.

Ordinances

1. "AN ORDINANCE TO AMEND, TITLE 9, CHAPTER 1, SECTION 113 OF THE SIGNAL MOUNTAIN TOWN CODE." Mayor Lusk explained that this was a temporary ordinance that was originally created to allow solicitation hours on Saturdays and that it now requires approval for permanent status. He said that he had only heard two negative comments about the issue since its passage. Vice Mayor Robertson said that she solicited opinions on the issue in *Council Notes* and had heard little. Dun Monroe, a citizen in the audience, said he was surprised by the lack of negative comments. He asked if it was legal for anyone to solicit. Mr. Noblett said that any solicitors must be permitted by the town. Councilmember Wallace asked how long a permit to solicit was valid. Police Chief Veal said he thought it required an annual renewal. Ms. Rogers said that she thought they didn't expire. Mr. Monroe asked if the ordinance could be extended for a one-year term. Councilmember Allen said that even an ordinance allowing Saturday solicitations indefinitely could be overturned in the future with due process if a problem arises. Mayor Lusk said the ordinance language could be amended on this reading. Mr. Noblett warned that two readings should be held on the final version. Mayor Lusk moved that the ordinance be tabled. Councilmember Gee seconded, and the motion passed unanimously.
1. "AN ORDINANCE TO AMEND SECTIONS 5-101, 5-102, 5-103, AND 5-104 TO THE SIGNAL MOUNTAIN TOWN CODE, TO SET THE RATES ON GYM RENTAL FEES, NON-RESIDENT FEES FOR USE OF TOWN FACILITIES AND TOWN FEES FOR USAGE OF THE TOWN SWIMMING POOL." Ms. Rogers explained the ordinance would raise most Town fees by 15%. She noted that there were two new fees for

pavilion and tennis court reservations. She noted that there was no change in swimming pool daily rates, and she explained that these daily charges are on par with other municipal pool rates. She explained that the transfer station non-resident fee increase of 60% is the most significant. She said the new fee is probably still less than what Allied Waste Services charges. Mayor Lusk noted that fees never completely cover Town costs. He also noted that the greatest increases seem to be in non-resident fees. Ms. Rogers said that most increases were between 15% and 20%. Mayor Lusk moved and Vice Mayor Robertson seconded that the ordinance be approved. Councilmember Gee noted that, even with the increases, costs aren't completely covered. Councilmember Wallace asked how non-resident transfer station fees are collected. Ms. Rogers said that individuals must purchase a card at Town Hall. She explained that it is not completely monitored at the station, but the number of violators the staff notice is surprising. The motion passed unanimously.

Discussions

Ms. Rogers informed the Council that panic bars for MACC doors would be purchased. She explained that these were placed under bid, but the sole bid was below \$10,000; therefore, it didn't require Council approval, but she wanted them to be informed.

Ms. Rogers reminded the Council that a 28% rate increase had been requested by Tennessee American Water Company. The Tennessee Regulatory Authority has held hearings on the matter. She explained that under state law the TRA must make a decision in nine months, but if a ruling is not passed in six months, Tennessee American could proceed with an increase anyway. However, this would be refunded if, before the ninth month, TRA ruled against it. If increased, the Town would incur an additional \$115,000 cost. A minimum bill would be raised from \$57.57 to \$73.68 per quarter. She said that the TRA would not make a decision by Thursday. Mayor Lusk said that Tennessee American Water Company has never justified their increases well.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor