

*****April 11, 2011*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, April 11, 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 March 14th regular meeting and March 29th agenda meetings were discussed. With no additions, deletions, or corrections aside from minor typographical errors, all minutes were approved.

Citizen Comments

Mayor Lusk invited comments from the audience. There were none.

Resolutions

Ms. Rogers noted that a scheduled resolution approving the bid for concession stand repairs was not presented because the sole bid was under \$10,000 and as such did not require Council approval.

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, 2010 THROUGH JUNE 30, 2011, AND TO PROVIDE PAYMENT FOR MUNICIPAL AUDITING SERVICES PERFORMED ON TOWN ACCOUNTS FOR THAT TIME PERIOD IN THE AMOUNT OF \$17,795.00." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Mayor Lusk noted that the fee increased by a reasonable \$500.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT A FUND BALANCE POLICY." Ms. Rogers explained the basis of a new GASB rule in effect for the current fiscal year that encourages the creation of a fund

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

Ordinances

1. "AN ORDINANCE TO AMEND, TITLE 9, CHAPTER 1, SECTION 113 OF THE SIGNAL MOUNTAIN TOWN CODE." Mayor Lusk explained that the solicitation ordinance was originally amended six months ago to allow for Saturday solicitation hours, requested by *The Chattanooga Times Free Press*, and that this amendment is scheduled to expire on April 30th if not made permanent by this amendment. Councilmember Allen moved and Councilmember Gee seconded that the ordinance be approved. Mayor Lusk said that there had been little citizen protest during the six-month probationary period. Vice Mayor Robertson said that this amendment was tabled previously because of a lack of citizen response, but since then she had heard a lot of dissent. She said that she didn't think Saturday solicitation is a good idea. She asked Police Chief Boyd Veal if there were many unlicensed solicitors. He said that there were. Councilmember Allen noted that incidents of unlicensed solicitation will continue to occur with or without the amendment. She said that the proper response in those situations is to call the police. She also explained that the "blue dot policy" is in place to protect privacy and that blue stickers are available at Town Hall. She asked if licenses are revoked if that policy is violated. Ms. Rogers said that it could be for repeated violations. Vice Mayor Robertson asked how long a solicitation permit is valid. Mr. Noblett said it is valid for one year. Vice Mayor Robertson asked if anyone aside from the *Times* had requested a Saturday permit. Chief Veal said that permits do not specify days, but since the amendment was passed, perhaps one or two businesses have solicited on Saturdays. Mayor Lusk and Councilmembers Allen, Wallace and Gee voted to approve the resolution. Vice Mayor Robertson voted to deny.
2. "AN ORDINANCE TO AMEND SECTIONS 303, 603.01.06, AND ADD A NEW SECTION 1200.15 TO ALLOW MEMORIAL GARDENS AND COLUMBARIA AS AN ACCESSORY USE IN THE LOW DENSITY RESIDENTIAL DISTRICT (LDR) SUBJECT TO A SPECIAL EXCEPTIONS PERMIT FROM THE BOARD OF ZONING APPEALS." Patsy Hazlewood of Signal Mountain Presbyterian Church, which had earlier requested the right to build a columbarium and memorial garden, was present. Councilmember Gee moved and Councilmember Allen seconded that the ordinance be approved. Councilmember Allen did note, however, concern over language that gives the BZA discretion over setback requirements. She asked if it would be more appropriate to have the BZA deliver a draft of setback parameters to the Council for approval. Mr. Noblett said that the ordinance provides for a minimum setback of 25 feet with any additional setbacks to be at the BZA's discretion. He also noted that his primary concern related to setbacks involves property access by emergency services.

Vice Mayor Robertson asked how neighbors feel about a columbarium – an actual structure – being on adjoining property. She noted that the Presbyterian Church doesn't have much room to expand. Mr. Noblett said that a provision was created to require a written agreement between the Town and the church that arrangements would have to be made for the proper removal of human remains as required by state law if the property's use is changed. Ms. Hazlewood assured the Council that this property will not be used for anything else and that there is some room for expansion. She also said that additional structures would not be added and that the garden space could be reused over time.

Vice Mayor Robertson asked if there should be a neighborhood meeting regarding this issue. Ms. Rogers said that she had mailed letters to neighboring citizens and only received one response. The responder had no complaint after it was explained. Mr. Noblett said that this is a zoning ordinance amendment that will require public notice. Ms. Rogers asked if future expansion would need another approval from the BZA. Mr. Noblett said it would because the special exception permit would relate to the current request. Vice Mayor Robertson asked if the required setback footage should be increased. Mr. Noblett said the point of the provision was to give the BZA discretion regarding setbacks. He said that additional language concerning setback requirements for the BZA to follow could be added. Mayor Lusk said that the ordinance should require the BZA to make a recommendation to the Council. Councilmember Allen suggested that height and screening restrictions also be added. Councilmember Wallace asked if this ordinance is similar to what allowed St. Timothy's to build a similar structure. Ms. Rogers said that there is no record of St. Timothy gaining approval but it was explained to her that the Town Manager at that time permitted it. Councilmember Gee asked why a height restriction would be needed. Mr. Noblett said that some neighbors might want a tree line to look at as opposed to a structure. Mr. Noblett summarized the ordinance language amendments as follows:

- The setback requirement would specify a *minimum* of 25 feet.
- The ordinance will require that the *Council*, not the *BZA*, grant special permits.
- The ordinance will require that the BZA make a recommendation on height, screening, and setback requirements.

Councilmembers Gee and Allen accepted the amendments and the motion passed unanimously.

3. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE SECTIONS 8-106 AND 8-243 REGARDING THE LOCATION OF ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES WITH MORE THAN FIVE (5%) PERCENT ALCOHOL CONTENT AND BEER OR ALCOHOL WITH LESS THAN FIVE (5%) WITHIN THE TOWN AND PROVIDING FOR A LOCATION EXCEPTION FOR CONTINUING CARE RETIREMENT COMMUNITIES WITH A SPECIAL PERMIT IN AN AREA

ZONED HIGH DENSITY RESIDENTIAL DISTRICT.” Matt Fox, Alexian Village CEO, was present. Mayor Lusk reviewed the request by Alexian Village to obtain a beer permit. He said that the BZA granted the Continuing Care Retirement Community permit to Alexian. He said that the original ordinance intent was to prevent establishments such as bars from being constructed next to churches, but Alexian Village is a special use situation. Mayor Lusk moved and Councilmember Gee seconded that the ordinance be approved. Councilmember Allen noticed that the 500-foot limitation did not indicate a limitation for on-premises consumption. Mr. Noblett agreed it should be corrected. Mr. Noblett explained that the amendment was only meant to allow a special exception to the footage limitation for Continuing Care Retirement Communities with special permits. Vice Mayor Robertson asked if ordinance would allow the Village to sell wholesale. Mr. Noblett said it would not. Mayor Lusk accepted the amendments. The motion passed unanimously. Ms. Rogers said that Village officials requested that the second reading take place at the next special called meeting and then presented to the Council as the beer board in May. The Council agreed.

4. “AN ORDINANCE AMENDING SECTION 18-107 OF THE TOWN CODE TO ESTABLISH A NEW RATE SCHEDULE FOR WATER RATES WITHIN THE TOWN OF SIGNAL MOUNTAIN BEGINNING APRIL 21, 2011.” Mayor Lusk reviewed the recent almost 15% water rate increase by Tennessee American Water Company.. Ms. Rogers noted that the Town opposed the increase. She said that this is an increase of \$8.62 per month for citizens. Vice Mayor Robertson moved and Mayor Lusk seconded that the ordinance be approved. Councilmember Wallace asked if the increase is a direct pass-through. Ms. Rogers said that it is. Councilmember Wallace also asked if the increase is the same for both commercial and residential users. Ms. Rogers said that it is. She noted that Signal Mountain Golf and Country Club is billed differently, but the rates are the same. Councilmember Wallace asked if the Club’s billing included both the course itself and facilities. Ms. Rogers said that it does. The motion passed unanimously.

Discussions

Ms. Rogers requested that the Council meet on April 18th for second reading of the water rate ordinance so that it will be effective for the cycle beginning April 22, 2011.

Councilmember Allen noted that RockTenn now accepts single-stream recycling.

There being no further business, the meeting was adjourned.


Recorder



Bill Lusk, Mayor