

*****September 12, 2011*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, September 12, 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 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 August 8th regular meeting and August 30th agenda meeting were discussed. With no additions, deletions or corrections, both sets of minutes were approved.

Honorary Resolutions

The following resolution was presented: "A RESOLUTION RECOGNIZING THE SIGNAL MOUNTAIN PLAYHOUSE AS AN OUTSTANDING COMMUNITY ASSET AND COMMENDING IT FOR FORTY YEARS OF ENTERTAINMENT." Councilmember Gee moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Playhouse representatives were presented the resolution.

Mayor Lusk acknowledged County Commissioner Jim Fields who was in attendance.

Citizen Comments

Mayor Lusk invited comments from the audience.

Julian Bell, Middle Creek Road, referring to the Arcadis contract resolution on the agenda, said that he had recently tried to discuss the order of operations for the subdivision review with Town personnel and Arcadis, but it was difficult to get answers. He also noted that the proposed fee under the resolution is expensive and requested that the resolution not be approved.

Noah Long, Woodcliff Circle, noted that he was impressed with the September 11th memorial held in Chattanooga. He said that the Town's own public safety staff should be commended as well. He also commended the Public Works Department for their work after the recent storm that downed many trees.

Mr. Long referred to a discussion concerning the proposed Rainbow Lake conservation easement held during the August 30th agenda session, reiterating that he agrees with land protection, but disagrees with the permanent nature of the proposed easements. He also said that budget meetings should be held at times when those with jobs can attend; i.e., the evening.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO B&W CONTRACTORS, INC., FOR SIDEWALK INSTALLATION ALONG SECTIONS OF JAMES BOULEVARD IN THE AMOUNT OF TWO HUNDRED AND TWO THOUSAND AND EIGHT HUNDRED AND NINETY FIVE AND 94/100 DOLLARS (\$202,895.94) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Ms. Rogers explained that a grant was applied for approximately ten years ago for this construction project; however, the work suffered several delays. She requested that the resolution be amended to indicate that the contract will be valid upon approval by TDOT. Loretta Hopper, Public Works Director, said construction would likely begin three weeks after TDOT approval. Ms. Rogers noted that the proposed amount is under budget. Mayor Lusk moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCADIS U.S., INC. FOR PROFESSIONAL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) FOR THE WATER DEPARTMENT WITHIN THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers explained that this contract, received through a previous RFQ process, would allow for various engineering services for the water department, and that \$10,000 was an amount suggested by Mr. Noblett since that is the maximum amount Ms. Rogers is authorized to spend without another resolution. She explained that she had interviewed four engineering firms before choosing Arcadis. She further noted that this contract is necessary because the Water Department does not have an engineer on staff. She also noted that the contract was not exclusive so other engineering firms could be used for larger projects. Mr. Noblett explained that professional services do not require bidding. Councilmember Wallace asked how the analysis of firms was performed for previous projects. Ms. Rogers said she

was unsure of what was used in previous years, but currently the Town is following WRUD's example. She said she tried to contact other utilities for examples, but none had yet returned her calls. She noted that WRUD frequently uses Arcadis and that Arcadis is familiar with the town's water system. Mayor Lusk moved and Councilmember Allen seconded that the resolution be approved. The motion was approved by Mayor Lusk, Vice Mayor Robertson, and Councilmembers Gee and Allen. Councilmember Wallace did not approve the motion.

Other Discussions

David Soloff, owner of *Poppy's Barbecue*, presented a request for a change in the Zoning Ordinance that would allow him to set up a mobile kitchen beside *Pruett's Grocery Store*. Mayor Lusk noted that the issue was discussed at a recent Planning Commission meeting. The Commission recommended it be approved subject to any particular Council stipulations.

Mayor Lusk said that the zoning ordinance currently prohibits mobile kitchens under the "Planned Commerce Center." He suggested that the structure be made permanent eventually. Mr. Soloff said that was his intention and that the construction materials would be the same as those used in the existing shopping center. Councilmember Gee asked how quickly it could be made permanent. Mr. Soloff said it could hopefully be done within a few months. Vice Mayor Robertson asked if the facility would have a grease trap. Mr. Soloff said that it would not have a grease trap, but grease would be contained and collected periodically by a disposal service. Vice Mayor Robertson asked about exterior equipment to be used that is not shown in the submitted drawing. Mr. Soloff said that the facility would be raised so that tanks and other equipment could be stored underneath. Vice Mayor Robertson asked if the facility would utilize a smoker. Mr. Soloff said that using a smoker on site is preferred, but not absolutely necessary. Councilmember Gee asked if, despite the appearance, the kitchen would always technically be "mobile". Mr. Soloff said that it would. Councilmember Wallace asked if outside tables would be set up. Mr. Soloff said that they are also preferred but not necessary. Vice Mayor Robertson asked if the proposed location would cause a traffic problem and if Mr. Soloff had considered setting up on the other side of *Pruett's*. Mr. Soloff said that there isn't enough room on the other side, and signage could possibly mitigate traffic issues.

Vice Mayor Robertson asked Mr. Noblett what the setback requirement would be. Mr. Noblett said that the normal setback requirement is 25 feet; however, this is a mobile unit, which constitutes an accessory use, and the Planned Commerce Center zone currently prohibits such use. In order to allow an accessory use, an ordinance amendment would be needed. He noted that a report from Karen Rennich of the RPA presented the various problems other communities are dealing with concerning this issue, including sanitation, restroom, and utility meter requirements as well as noise and hours of operation concerns. He said the Town should also consider what current and future uses

should be allowed, and the effect a mobile kitchen would have on competitors who face the expense typical of permanent-structure restaurants. He recommended that the Council review Murfreesboro's ordinance, which provides for a special-use permit for mobile kitchens.

Councilmember Gee asked for the definition of "temporary use permit"; i.e., what time frame does "temporary use" cover? Mr. Noblett said the Council would define it. He noted that Murfreesboro's ordinance provides for six and twelve month permits. He said that they are for "temporary use" because a mobile unit may relocate quickly. Councilmember Gee said that the problem is defining it as "mobile" when it actually isn't; that is, Mr. Soloff seems to be pursuing more of a permanent structure, at least in appearance. Ms. Rogers said that it is not temporary if it is anchored in some way. Councilmember Wallace asked if granting the variance would open the possibility of mobile units of various types opening on the subject property. Mr. Noblett said that it would. Mr. Soloff asked if removing the wheels and adding skirting would remove "mobility". Mr. Noblett said that without wheels, it would be considered "immobile". Vice Mayor Robertson said that changing an ordinance for one party's use could be problematic. Mr. Soloff noted that Mr. Noblett had informed him that this might be a good test of a special use because only *Pruett's* would be affected. Councilmember Allen asked if Nino's Restaurant is a Planned Commerce Center. Mr. Noblett said that he was unsure. Vice Mayor Robertson said that future use should be considered. Ms. Rogers noted that Ms. Rennich suggested that if an amendment is made, the Council should consider adding a sunset provision. Councilmember Gee asked if there are any advantages to kitchens being "mobile". Mr. Soloff said that the cost savings are outweighed by loss of revenue due to limited seating. Councilmember Gee said that he would rather the facility appear to be mobile if that is how it is defined, and that allowing a quasi-permanent structure may give *Poppy's* unfair competitive advantage. Mr. Noblett mentioned that under Murfreesboro's ordinance, one facility could only use a site for 70 days. Vice Mayor Robertson said that input from both citizens and the business community is needed. Councilmember Allen said that the Town doesn't have a clear model to follow. Ms. Rogers said that per Ms. Rennich, many governments are reviewing this and none have come up with a clear answer. Councilmember Gee said that a temporary use would be a good test.

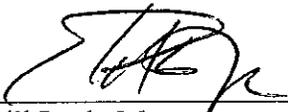
Councilmember Wallace asked how *Poppy's* is performing in its current county location. Mr. Soloff said that it is doing well. He noted that Hamilton County allows mobile kitchens virtually anywhere in unincorporated communities. Councilmember Gee asked Mr. Soloff what his timetable is for opening. Mr. Soloff said he would like to open as soon as possible. Mr. Noblett explained that any zoning amendment requires fifteen days public notice before an amendment can be voted upon. The Council agreed to defer a decision until more research can be performed. Ms. Rogers asked if this should be advertised for the October regular meeting. The Council agreed that it should.

Mr. Noblett opened a discussion on a resolution he prepared for owners of the "Mushroom Houses", the octagonal houses next to the bluff on Highway 127. The following resolution was presented: "A RESOLUTION AUTHORIZING THE TOWN

MANAGER TO ENTER INTO AN AMENDMENT TO THE WATER SERVICES AGREEMENT BETWEEN THE TOWN AND HARREL W. ULRICH AND WIFE JEAN Y. ULRICH RECORDED AT BOOK 2143, PAGE 297 IN THE HAMILTON COUNTY REGISTER'S OFFICE TO PROVIDE FOR WATER SERVICES TO ONE RESIDENTIAL SUBDIVISION LOT BY THE SIGNAL MOUNTAIN WATER DEPARTMENT."

Thomas (Hobby) Jones, the potential buyer of the property, was present for the discussion. Mr. Noblett explained that most of the homes in this subdivision, which is outside Town limits, were under an old agreement in which the Town agreed to provide water and sewer service to them with the signed consent of the Council. He said that one undeveloped property does not have that service, but it must if the property is ever to be developed. Mayor Lusk asked if the reference to "sewer service" could be stricken, as the Town no longer provides this service. Mr. Noblett said that it could. Mr. Jones said that he has no intention of developing, but pricing assumes water service. Ms. Rogers suggested that the language be amended to indicate that sewer service would be provided by the WWTA. Councilmember Gee asked if this issue would ever come up again since specific properties were being discussed. Mr. Noblett said that it could easily happen again. Mayor Lusk requested correcting the third line of the resolution, which included the word "with" erroneously. Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved with all suggested amendments noted above. The motion passed unanimously.

There being no further business, the meeting was adjourned.



Bill Lusk, Mayor



Recorder