

*****March 12, 2012*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, March 12, 2012, at 6:30 p.m. in the Town Hall. Those present were:

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

Also present were: Town Attorney Phillip Noblett
Town Recorder Mark Johnson
Assistant Town Manager/Police Chief Boyd Veal
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 13th regular meeting and March 2nd agenda session were discussed. Vice Mayor Robertson noted one grammar correction on the February 13th minutes and moved that they be approved as amended. Councilmember Allen seconded, and the motion passed unanimously. The March 2nd minutes were also approved.

Honorary Resolutions

Vice Mayor Robertson reviewed the recent Arbor Day activities at the elementary schools and commended the winners of the poster contest. .

The following honorary resolutions were presented:

1. "A RESOLUTION RECOGNIZING AND COMMENDING TAEGAN BUNCH, WINNER OF THE THRASHER ELEMENTARY SCHOOL ARBOR DAY POSTER CONTEST, AS THE OVERALL WINNER IN THE TOWN OF SIGNAL MOUNTAIN ARBOR DAY POSTER CONTEST FOR 2012."
2. "A RESOLUTION RECOGNIZING AND COMMENDING GEORGE ANDREESCU, AS WINNER OF THE NOLAN ELEMENTARY SCHOOL, ARBOR DAY POSTER CONTEST AND AS SECOND PLACE WINNER IN THE TOWN OF SIGNAL MOUNTAIN ARBOR DAY POSTER CONTEST FOR 2012."

Vice Mayor Robertson noted that the resolutions mistakenly listed the year "2011" instead of "2012" and said that they should be amended. She moved and Councilmember Allen seconded that the resolutions be approved as amended. The motion passed unanimously.

Noah Long, Tree Board Chairman, presented the winners with tree saplings.

Presentation – Scout Project

Ian Dingle, a member of Eagle Scout troop 176, proposed a public service project involving building bat houses. He explained that the bat population has declined in recent years due to “White Nose Syndrome”, a disease caused by a fungus that attaches to bats while they sleep. He noted that he wants to build multiple houses that would be constructed at an estimated cost of \$350, some of which would probably be donated by the Tennessee Department of Wildlife. He also explained that the work would be performed between March and April, and he would coordinate the effort with the Tree Board. He asked for approval.

Vice Mayor Robertson asked what kind of screws would be used in construction. Mr. Dingle said that in accordance with TDOW regulations, non-galvanized screws would be used to prevent tree damage. He also said that the stain used on the wood would be non-toxic and would look natural. Vice Mayor Robertson asked why the houses would need to be stained. Mr. Dingle said that staining protects the wood from weathering. Mr. Long mentioned that the use of preservatives doubles the life of the wood.

Mayor Lusk asked what the Council had authority to approve. Would the proposed sites be on Town property? Chief Veal said that most were. Any placements on private property locations would require the authorization by owners. Mayor Lusk suggested placing some bat houses along North Palisades Drive. Mr. Dingle said that he was open to suggestions and will look at any areas that could benefit from the project. He noted that even though there have been no reported effects on humans from White Nose Syndrome, several caves in Tennessee have been quarantined as a matter of caution. He also noted that helping the bat population would reduce the insect population.

Councilmember Gee complimented Mr. Dingle on his presentation. Mayor Lusk moved and Councilmember Gee seconded to approve the project. The motion passed unanimously.

Citizen Comments

Mayor Lusk invited comments from the audience.

Noah Long, Woodcliff Circle, noted that a culvert on Highway 127 was clogged since the previous Friday afternoon. He suggested that, even though, it is outside Town limits, TDOT should be contacted due to the culvert’s importance. He also suggested that TDOT erect Jersey barriers in that location. Loretta Hopper, Public Works Director, said that she recently contacted TDOT officials and would attempt to again.

Mr. Long also addressed the budget process. He suggested that to prevent complaints by citizens similar to those received last year regarding public input, the Council should give

public budget guidelines to Town management, such as stipulating no increase in expenditures, limited increases in expenditure based on projected increases in revenue if applicable, etc., at the beginning of the process.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO ALLIED WASTE IN AN ANNUAL AMOUNT OF ONE HUNDRED THIRTY NINE THOUSAND FOUR HUNDRED NINETY SIX AND NO/100 (\$139,496.00) DOLLARS, FOR A THREE (3) YEAR TERM BEGINNING ON APRIL 1, 2012 AND ENDING MARCH 31, 2015, AS THE LOWEST AND BEST BID FOR THE HAULING AND DISPOSAL OF WASTE FROM THE TOWN TRANSFER STATION." Mayor Lusk asked if Allied Waste was the existing service provider. Ms. Hopper said that the current provider was Santek. Ms. Hopper noted that the Town received three bids, the lowest of which was Allied Waste's. Councilmember Wallace asked if a three-year contract was customary. Ms. Hopper said that it was. Councilmember Allen moved and Councilmember Gee seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION APPOINTING ANGELA BEAIRSTO AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER BOARD." Councilmember Gee explained that the MACC Board had openings – that were previously designated for Signal Mountain Playhouse and the MACC Foundation respectively. He said that this appointment would fill one of those seats. He moved and Councilmember Wallace seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH M & T ON SIGNAL, LLC TO LEASE THE WALKING TRACK AND TRAILS AS SHOWN ON THE ATTACHED MAP TO BE UTILIZED BY ALL CITIZENS OF THE TOWN AT A COST NOT TO EXCEED ONE THOUSAND AND NO/100 DOLLARS ANNUALLY FOR TWELVE (12) MONTHS BEGINNING MARCH 15, 2012." Chief Veal explained that Signal Mountain Athletic Club's owner, Tom Poteet, contacted the Town with concerns over the Club's ability to maintain liability insurance on the track and trails on the his property that is currently are open to the public. He asked if the town could cover it. Chief Veal said that the Town could cover it if it entered into a lease agreement for the facilities under the town's liability insurance. He said that timing is an issue. Should the decision to enter into an agreement be postponed, uninsured risk would be created, and the facilities could be closed to the public. He said that this resolution proposes allowing him to negotiate an agreement under certain parameters. Mr. Noblett verified that leased property could be covered by the

Town's insurance. Chief Veal said that covering it shouldn't affect the Town's liability insurance premiums if the property is used as it is currently used. He said that the effect of any new activities would be researched.

Councilmember Wallace asked for clarification on the provision for the lease amount, asking if it were definitely going to be \$1,000 per year or any amount from \$1.00 to \$1,000. Mr. Noblett said it would be the latter. He further said that the lease wouldn't be valid without some form of consideration.

Vice Mayor Robertson asked if the term could be extended to a longer period, such as three or five years. Chief Veal suggested that the resolution be amended to require that any negotiated term beyond two years be brought back for Council approval. He noted that any amount over \$1,000 would require Council approval also. Mr. Noblett said that changes requiring Council approval would need to take the form of another resolution. He said that the financial impact under the current terms would be nominal. Councilmember Gee said that couldn't see a downside and moved that the resolution be approved, even if not amended. However, further discussion ensued.

Mayor Lusk said that keeping the property open to the public was part of its original vision. Mr. Long noted that when the zoning issue concerning this property was discussed previously, he opposed it because it seemed to be an example of egregious commercial "spot-zoning". He said that in the discussions, it was indeed decided that the subject area would be available to the public by the owner, and the Club should have to bear the cost of insuring it. Mr. Noblett said that he was not aware of any specific condition in the zoning ordinance that required that the park be kept available to the public. He said that this could be a "win-win" situation for the Town if the lease provides for Town use of the facilities. Mayor Lusk said he recalled a provision in the ordinance that the Club could not expand its building beyond a certain level so as to further develop the property. Mr. Noblett agreed. Mr. Long said that Mr. Poteet pledged that he would keep the area available to the public.

Councilmember Wallace asked what areas would be covered. Chief Veal said it would be the walking track, trails, and field. Jarred Thompson, Recreation Director, said that he would be able to make use of the facilities for recreation events.

Councilmember Gee asked if the Club's insurance company was prompting this action. Mr. Noblett said that the Club would only insure activities of Club members. Councilmember Gee said that the advantages seem to outweigh the disadvantages.

Mayor Lusk asked if the Town could stipulate a maximum \$1.00 per year payment. Mr. Noblett said that he prepared it with the \$1,000 amount to provide

flexibility. He said that if any change is made, the maximum should only be lowered to \$100.

Mr. Long asked how this would apply to non-residents. Mr. Noblett said that the area exists for the benefit of residents, but it is open to anyone and our coverage would apply to them. Councilmember Wallace warned that people tend to sue governments rather than private parties. Mr. Noblett said that the Town has greater protection under the Governmental Tort Liability Act than the Club would ordinarily have.

Chief Veal noted as a point of clarification that the Club's policy was sold to another insurer, and that insurer made the stipulation that it wouldn't cover the general public.

Councilmember Gee moved and Councilmember Allen seconded that the resolution be approved subject to amendments that lowered the maximum fee to \$100/year, increased the term to 24 months, and included the word "field" to more accurately describe the property. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND TITLE 5, CHAPTER 5 OF THE SIGNAL MOUNTAIN TOWN CODE, TO ADD A NEW SECTION 5-505 TO SET THE RATES ON RENTAL AND ASSOCIATED FEES FOR USE OF FACILITIES WITHIN THE MOUNTAIN ARTS COMMUNITY CENTER." Councilmember Gee noted that in recent history, the MACC building has undergone several repairs and questions were raised as to its status as a going concern. Now that the repairs have been made and significant progress has ensued, charging higher user fees are warranted and can be supported. He moved and Mayor Lusk seconded that the ordinance be approved.

Vice Mayor Robertson asked why the provision for non-resident fees hadn't been eliminated as previously discussed. Barbara Storm, MACC Director said that she thought it had been eliminated. Mr. Noblett said that changing it to reflect that now for this reading would require a third reading. Mayor Lusk suggested that it be passed now as is, and if an issue arises, that it be amended later. Councilmember Allen asked if it could be passed with an amendment allowing a waiver of the non-resident fee at the MACC Director's discretion. Mr. Noblett said that it would still require a third reading. Ms. Storm said that passage could wait until a third reading is held at the next agenda session. Ms. Storm said that the non-resident fee is only paid once per year. Mr. Noblett said that the non-resident fee's purpose is to charge non-residents an amount equal to what residents pay in taxes relative to the service.

Chief Veal asked Ms. Storm how many single-time renters make use of the MACC. Ms. Storm said that such use varies. She noted that the fee might keep some parties from renting, but not others. Vice Mayor Robertson asked Ms. Storm what her preference was. Ms. Storm said that having additional fees is more cumbersome. She asked if other departments charge non-resident fees. Chief Veal said that they do.

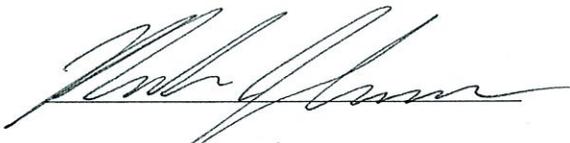
Chief Veal suggested that the ordinance be passed without amendment with the understanding that Ms. Storm would monitor and assess the non-resident fee's effect on rentals in the future.

The motion above passed unanimously.

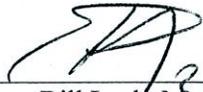
Discussions

Vice Mayor Robertson noted that there were several clerical and formatting errors noted in the recently passed sign ordinance that have since been corrected. Mr. Noblett said that the changes didn't warrant new readings, but suggested that both versions be maintained in Town records.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor