

*****January 7, 2013*****

The Signal Mountain Town Council held a special agenda meeting on Monday, January 7, 2013 at 10:00 a.m. Those present were:

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

Others present were: Town Manager Honna Rogers
Town Attorney Phillip Noblett
Town Recorder Carol White
See attached list for others present

Town Manager Honna Rogers provided the Council with an update regarding bee hives. Ms. Rogers received an opinion from MTAS that states that the Town can alter the animal control ordinance regarding residents keeping beehives in their front yards. She is currently awaiting a review from the Town attorney on this MTAS opinion.

Ms. Rogers presented the Council with a copy of the State of Tennessee Apiary Office's pending Best Management Practices Policy. While this voluntary agreement is not enforceable, it does provide some protection for beekeepers from lawsuits if it is followed. Included in this Policy are guidelines on signage, limits on the number of hives, apiary entrance locations, barriers to control flight paths, etc. At Council's request, Ms. Rogers will prepare a revised ordinance for the next work session.

Council reviewed the latest revision of the Criteria for New Streets. Loretta Hopper, Director of Public Works, explained that following discussions with Councilmember Annette Allen and Vice Mayor Susan Robertson, there were changes to some of the language in the Criteria and a reduction of the required grading width of streets. After further discussion it was decided to revise Section 200.14.2 to require temporary cul-de-sacs to be constructed to the same standards as permanent cul-de-sacs. In addition, references to pedestrian pathways or trails will be removed, and definitions and guidelines for building and maintaining same will be addressed at a later time. Council will vote on Criteria for New Streets at its next meeting.

The January 14, 2013 regular meeting agenda was discussed as follows:

- Presentation by Honna Rogers regarding SR 8 – TDOT Report
- Resolution adopting the New Street Criteria
- Resolution of Board and Commission Appointments
- Resolution designating 2013 Arbor Day
- Resolution approving an Architect Contract (Public Works Facility)
- Resolution commending Town Manager on completing State CMFO certification

- Ordinance amending Title 16 of the Town Code, "Pedestrian Crossings" (2nd Reading)
- Ordinance amending the Zoning Ordinance – PUD Building Height (2nd Reading)
- Ordinance establishing an Administrative Hearing Officer (2nd Reading)

Mayor Bill Lusk addressed the Council regarding the protection of specimen hemlocks against the wooly adelgid. Mayor Lusk asked if it would be appropriate for the Tree Board to lead the efforts to partner with the State, Walden's Ridge, or some other municipality in an effort to combat this disease. He informed the Council that the cost of materials to treat the trees has declined.

Vice Mayor Susan Robertson stated that Tom Stebbins or Heather Staten of the Tennessee Department of Agriculture are prepared to host a public meeting to discuss treatment requirements. She stated that \$1,500.00 will purchase enough supplies to treat almost all the trees on town property. However, there are a large number of personnel needed to adequately treat all the required areas. Vice Mayor Robertson stated that chemical treatment of the hemlocks is good for two to four years.

Ms. Rogers will work with the Tree Board and get a proposal to Council at a future meeting.

After discussion, it was determined that Councilmember Wallace will be the new Council liaison to the Tree Board.

Ms. Rogers asked Council to review a list of persons available to fill vacancies on Town boards. Ms. Rogers will present resolutions to fill board vacancies for the BZA, Construction Board of Adjustments & Appeals, Historical Committee, Library Board, MACC Board, Parks Board, Personnel Committee, Recreation Board and the Tree Board.

Vice Mayor Susan Robertson informed Council that the DRC has asked the Town to amend the DRC sign ordinance to allow staff review of signage. Ms. Rogers will develop procedures to present to Council at a later meeting.

Vice Mayor Robertson said she had assisted resident Eleanor Davies of Inverness Drive in preparing a letter to Council requesting an adjustment to her water bill (see copy of letter attached). Ms. Davies had a significant water line leak that was not discovered until November. The water department was prepared to offer the standard adjustment to Ms. Davies's billing. However, the standard adjustment resulted in a higher bill than the one Ms. Davis actually received. This was due to the fact that the standard adjustment relies on an average of previous usage history. In the past, Ms. Davies has watered a flower garden quite heavily, while she had not done so this year.

After thorough review and discussion, Councilmember Allen made a motion to amend Ms. Davies's water bill of \$288.32 to \$135.06 to cover the minimum water usage billed, plus the Town's costs for the overage lost from the leak. Mr. Noblett explained that Ms. Davies' appeal should be granted as a one-time adjustment because of her unique

circumstances. Mayor Lusk seconded the motion. All present being in favor, the motion was passed.

Ms. Rogers presented Council with a letter from the Town's insurer, TML, regarding its position on the Town's potential liability should it allow rock climbing on Town property. TML recommended that the Town prohibit rock climbing on Town property. Chief Veal also requested the Council prohibit rock climbing on Town property.

Britt Reynolds of Saint Charles Street and Zachary Lesch-Huie of Access Funds spoke to Council asking them to consider revising Title 11, Chapter 8 of the Municipal Code to allow rock climbing in the Town and on private property. Mr. Noblett informed Council that he is also concerned about the Town's potential liability. Additionally, he expressed concern about the consequences should the Town's emergency personnel be unavailable to deal with a Town emergency because they are preoccupied with the rescue of a rock climber in trouble on a bluff. He suggested that in such a case the Town and its staff could risk exposure under the Government Tort Liability Act. Mr. Noblett also discussed State law 11-10-101, Lease of Recreational Lands to State. He understands the purpose of this law is to protect private landowners and the state from suit, but not municipalities or staff.

Mr. Noblett concurred with the recommendation that Council consider changing the ordinance to prohibit climbing only on Town property, thus allowing climbing on private property for which the Town has no potential liability. Ms. Rogers agreed to prepare a provision in the ordinance. She will bring it before Council next month.

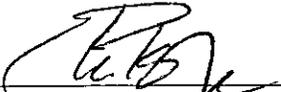
Ms. Rogers informed Council that she and the Mayor will be attending the Walden's Ridge Utility Board Meeting tomorrow evening. She also informed Council that interviews for a new Fire Chief would be held on Thursday. She, along with a three person panel consisting of a fire chief, a town manager/volunteer fire department member, and an HR director, all from other municipalities, will interview four of the 36 applicants who applied for the position.

Councilmember Gee requested an update on the break-ins at the MACC. Ms. Rogers informed him that a suspect has not been identified in the two separate thefts. After consulting with the Town's police department, MACC Director Barb Storm has ordered a security system.

Mayor Lusk informed Council that he had received a letter from the Department of Environmental Conservation informing him that the Town's water department had received a numerical rating of 100%.

Councilmember Wallace brought up the issue of four-wheelers in Prentice Cooper State Forest and on the trails at Edwards Point. He and the Mayor have received complaints regarding the use of these trails by four-wheelers. It was determined that the county is the entity that should take the lead in handling this issue, but the Town will assist as able and appropriate.

There being no further business, the meeting was adjourned.



Bill Lusk Mayor



Recorder