

*****January 13, 2014*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, January 13, 2014, 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 Manager Chris Dorsey
Town Attorney Phillip Noblett
Town Recorder Carol White
See attached list for others present

Mayor Bill Lusk led the pledge of allegiance. Phil Noblett, Town Attorney, gave the invocation.

Minutes

The minutes for the December 9th regular meeting were presented. There being no changes, the minutes were approved.

Citizen Comments

Mayor Lusk invited comments from the audience.

Sandra McCrea, Whippoorwill Drive, stated that as a Signal Mountain resident and MACC Board Chairperson, she wished to challenge the Chattanooga.com article regarding the MACC Director. Ms. McCrea said that the implication of the article was that Barb Storm, MACC Director, had failed to perform her job. Ms. McCrea stated that this is untrue. She said that Ms. Storm has pursued grants, including a \$100,000.00 heating grant and a \$50,000.00 grant from Lowes. She further stated that before the end of the month Ms. Storm will submit a grant request in the amount of \$200,000.00 for the sprinkler system.

Ms. McCrea said she was shocked and upset by the innuendoes in the article. She said that no member of the Council had ever said that Ms. Storm had ever failed to perform her job. The only comments she has ever heard from the Council were comments on what a wonderful job Ms. Storm has done. Ms. McCrea reminded Council members that when the MACC's roof fell in because of raccoon and rat feces, it was Ms. Storm, only two months on the job, who acted as general contractor to make sure the work was done properly while she continued to ensure that MACC programs continued uninterrupted.

Ms. McCrea then stated that Ms. Storm has worked tirelessly to improve the quality of the programs and the building. She said that Ms. Storm has obtained many hours of free time from professional engineers and architects.

Ms. McCrea said that the use of the building and revenue is up. She further stated that the number of individuals who use the MACC exceeds the number of people who voted in the last election and exceeds the census bureau's listing for the number of households in Signal Mountain.

Eric Merkle, South Palisades Drive, said he wanted to address the Chattanooga.com article. He said that this article implied there had been vandalism to the property located on South Palisades and that this claim is attributed to Mayor Lusk. He asked if it was true that his neighbor and son had initially received permission to conduct a Boy Scout project at that location, which later upset neighbors who asked that it be stopped. Mayor Lusk stated that they had received permission for an Eagle Scout project to clear brush that ultimately went well beyond the scope of that request.

Mr. Merkle stated that as a police officer, he understands that vandalism is an action against the wishes of the property owner, and it is not vandalism if permission has been granted. He explained that because the Mayor claimed the project "vandalism" his neighbor is upset that his son has been characterized as a criminal. Mayor Lusk stated that he had not used the word "vandalism". Mr. Merkle said that he feels it is incumbent on Council members to stand up for what is right and make sure the claim against the father and son as vandals is corrected.

Cathy Barker, Druid Drive, has been a resident since 1972. She is upset about the comments in the Chattanooga.com article about the MACC. She is a prior member of the Library Board, the Parks Board and the MACC Board. She said that articles have compared MACC to Bachman, which she said are very different in many ways. She said that Bachman was not turned over to a governmental body as was the MACC. She said that means that the Council has control over what is done at the MACC, and whether any action becomes a problem or a positive, it is in their control. Ms. Barker reminded those present that a prior article had used a picture of the MACC as a symbol of Signal Mountain as "The Best Place to Live".

Ms. Barker stated that the Chattanooga.com article implied that the MACC Director does not do much to raise money or to offset expenses. She said that part of the renovation costs at the MACC have been offset by the ingenuity of the Director by getting people such as the Boy Scouts, the Lions Club, and Garden Club to do special projects. She stated that another example was the recent Christmas tree lighting where the Director held a best decorated room contest. Ms. Barker states that it is not just getting grants and funding dollars that is important. It is also the ingenuity of involving members of the community in projects. She concluded by saying the MACC is a wonderful blessing to the mountain, and the arts often get the short end of funding. She asked the Council to keep their eyes, minds, and hearts open for our wonderful community center.

Bob Griesinger, Carriage Hill, stated that it is the Council's job to make sure the Town has an effective Town Manager. He said that his one interaction with the current Town Manager was less than effective and less than positive. He also stated that the Council should show leadership in regard to a decision regarding whether to endorse or remove the Town Manager. He further stated that the MACC is a nice building, but it's old and decrepit. He stated that the Town has put hundreds of thousands of dollars into it. He

said that if the Town is going to continue to put that kind of money into it, he would like the residents to be made aware of this in a straightforward manner. He stated that he knows we need a new Public Works facility but asks that the two projects not be lumped together.

Mayor Lusk stated that the MACC Board along with the architect Mr. Bob Franklin provided a detailed listing of the repairs and improvements the MACC facility needs. He said that the listing is a matter of public record and is available if Mr. Griesinger would like to see it.

Mr. Griesinger asked if the Council knew how much money would be spent on the MACC improvements. Mayor Lusk stated that the architect had provided that information, and that the Council will make a decision on what is spent.

Dun Monroe, Cherokee Lane, said that he had read that Councilmember Allen "doesn't want it too crowded up here too fast". However, he said, she had previously stated that the Town could use more multiple units. He stated that multiple units are the cause of rapid growth. Councilmember Allen stated that she had not said that.

Mr. Monroe asked if the Town was going to be borrowing \$2 million for buildings. Mayor Lusk informed him that there has not been any decision on that issue. Mr. Monroe stated that it would be fiscally responsible to wait two years before taking on this expense. He said the school loan will be paid off then and there would be sufficient funds available for the Town to fund building expenditures without paying interest.

Mr. Monroe commended the Council for voting to keep the trolley tracks on James Boulevard.

Nathan Bell, Signal Road, said that as a private citizen and a member of the MACC Board, he is saddened because he has been excited by the relationship between the Council and the MACC Board. He stated that there has been a lot of progress at the MACC this year as evidenced by the building improvements. Mr. Bell invited Council members to attend a MACC Board meeting. He stated that he moved to Signal Mountain 17 years ago, not expecting to stay. However he has stayed because of the community and the arts. He said that Signal Mountain was the only community he knew of that had stepped up when arts programs were abandoned by the schools. Mr. Bell said he was shocked at the article in the Chattanooga.com as it related to the MACC. He asked the Council to remember that the relationship between the Council and the MACC Board has never been stronger, he is excited to work with all of the Council members, and he would love to see the Council members at the MACC Board meeting this month.

Shona Siers stated that before she became a three year resident of Signal Mountain, she resided in Red Bank. She said that while there, she would call about condemned homes, unkempt yards that impinged on roadways, etc. and would not receive any response. She then explained that she once again had called about an unkempt property, and she received a call from Mr. Dorsey who was the new Town Manager. Ms. Siers said that Mr. Dorsey took the time to explain what the town was going to do to change the situation. He explained that there was a legal process that had to be followed and if Ms. Siers would give him time, there would be action taken against the problem properties.

She further stated that five or six months later she saw several properties demolished due to issues that included discharge of sewage and other severe problems. She explained that she continued to call Mr. Dorsey with similar issues, and he always returned her calls.

Ms. Siers stated that any new leader in an organization needs time, and she urged the Council to give Mr. Dorsey some time, just like he had once asked her to do. She said that when she did, he held true to his word.

Ms. Siers said that the news article had grossly fabricated the "vandalism". She stated that there was brush removed, and while the person doing the removal should have stopped when asked to do so, there does not appear to be any legal recourse.

Ms. Siers stated that the only reason she would support a tax increase would be if it were to fund improvements in the parks and recreation areas. She expressed her belief that there was a need for more space to play as more families move into the Town.

There being no further comments, the meeting resumed.

Public Hearing

Wayne Williams, Chairperson of the Planning Commission, explained the proposed amendments and language clarification changes to the Zoning Ordinance pertaining to Article III, IV, VI, VII, , XI, and XII to the Council and the residents in attendance. Mr. Williams explained that the Planning Committee had recommended the proposed amendments based on the new Subdivision Regulations. He further explained that the amendments are necessary to provide clarity and consistency in definitions for "buildable area", "setbacks" and "yards".

Mayor Lusk thanked Mr. Williams and the Planning Commission.

Mayor Lusk invited comments from the public regarding this matter. There being no comments, the meeting resumed.

Resolutions

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXTEND THE WATER PURCHASE AGREEMENT WITH TENNESSEE-AMERICAN WATER COMPANY FOR A TERM OF EIGHTEEN (18) MONTHS BEGINNING JANUARY 1, 2014 THROUGH JUNE 30, 2015, WHICH RETAINS THE WATER PURCHASE RATE OF \$1.0344 PER HUNDRED CUBIC FEET AS WAS DETERMINED BY THE SETTLEMENT AGREEMENT FILED WITH THE TENNESSEE REGULATORY AUTHORITY IN TRA DOCKET 12-00049 EFFECTIVE NOVEMBER 1, 2012."

Mayor Lusk reminded the Council that Kevin Rogers of Tennessee American Water had spoken to the Council in October and indicated that since there was not a contract in place, the Town needed to move forward and agree to one. Mr. Rogers was asked to give

the Town until January to resolve this matter. Mayor Lusk then explained that TN American sent a letter indicating there would be a rate increase. Mayor Lusk characterized this letter as a "shot across the bow". Mayor Lusk explained that he and Chris Dorsey, Town Manager, had met with Mr. Rogers to discuss extending the old agreement that had lapsed. He explained that as a result of that meeting the proposed water purchase agreement extension maintains the rate currently in place, unless the TN Regulatory Authority chooses to allow TN American to implement a rate increase. Mayor Lusk stated that Phil Noblett, Town Attorney, had reviewed the proposed agreement.

Vice Mayor Robertson motioned to approve the resolution. Councilmember Gee seconded the motion. All present being in favor, the motion was approved.

2. "A RESOLUTION APPOINTING CHARLES POSS TO BE THE MUNICIPAL ADMINISTRATIVE HEARING OFFICER TO HEAR BUILDING AND PROPERTY MAINTENANCE VIOLATIONS FOR THE TOWN OF SIGNAL MOUNTAIN AS AUTHORIZED BY TENNESSEE CODE ANNOTATED, SECTIONS 6-54-1001 THROUGH 6-54-1018 AND SECTIONS 12-801 THROUGH 12-817 OF THE TOWN CODE."

Mr. Dorsey explained that the Town had passed an ordinance to allow the hiring of an Administrative Hearing Officer to help control enforcement of building and property maintenance violations. Charlie Poss has attended the state Administrative Hearing Officer classes and is one of only ten certified Administrative Hearing Officers in the state.

Councilmember Wallace asked if this was a new town staff position. Mr. Noblett explained that it is not, that Mr. Poss will be paid per case or per call and serves at the pleasure of the Council

Councilmember Allen made a motion to approve the resolution. Vice Mayor Robertson seconded the motion. The motion was approved unanimously.

Ordinance

1. "AN ORDINANCE TO AMEND AND CLARIFY DEFINITIONS FOR "BUILDABLE AREA", "SETBACK (S)" AND "YARD (S)" IN ARTICLES III, IV, VI, VII, XI AND XII OF THE SIGNAL MOUNTAIN TOWN CODE, APPENDIX A, IN SECTIONS 303, 503-505, 602, 604-611, 614, 803, 809-813, 816, 1103 AND 1200 OF THE TOWN ZONING ORDINANCE TO PROVIDE CONSISTENT ZONING TERMS IN ALL ZONING DISTRICTS OF THE TOWN."

Mayor Lusk made a motion to approve the first reading of the ordinance. Vice Mayor Robertson seconded the motion. The motion was approved unanimously.

Discussions

Mayor Lusk stated that during the worksession on Friday, Council members had an opportunity to go through the employment evaluation for Chris Dorsey, Town Manager. He said that it was decided that any Council member who had concerns regarding Mr. Dorsey's performance would take the time to meet with Mr. Dorsey before the meeting tonight.

Mayor Lusk stated that he had an opportunity to meet with Mr. Dorsey prior to the Friday meeting. At that time, he said, he had gone through issues of concern that he had with Mr. Dorsey. Mayor Lusk asked who else had had an opportunity to meet with Mr. Dorsey. Councilmember Allen stated that she had met with Mr. Dorsey, but that unfortunately her concerns were not allayed.

Councilmember Allen made a motion to terminate the contract with Mr. Dorsey as Town Manager. Vice Mayor Robertson seconded the motion.

Councilmember Wallace stated that he thought this action was wrong. He stated that it is unfortunate. He said that while he appreciates performance evaluations, he was unaware of the criticisms of Mr. Dorsey's performance, which made it tough to make an informed or enlightened decision. Councilmember Wallace again stated that this action was not a good thing.

Mayor Lusk stated that for the public's information, the Council went through an exhaustive process in the recruitment of a Town Manager. He explained that MTAS and the former Town Manager ran the candidates through a wringer. He said at that time each Council member had an opportunity to meet one-on-one and lay out their expectations for the position of Town Manager. Mayor Lusk explained that the Council had conducted a three month informal evaluation of Mr. Dorsey to assure that any concerns a Council member had relative to his or her expectations of Mr. Dorsey and his job performance were communicated early in his tenure so to give him the opportunity to address those concerns. He stated that Mr. Dorsey did address some of his concerns, though not to his complete satisfaction. Mayor Lusk said that he appreciates and understands Councilmember Wallace's comments and thoughts, but stated that his personal experience has been quite a bit different.

Councilmember Wallace asked what the specific issues were. Mayor Lusk stated that they were laid out in great detail. Councilmember Wallace stated that it would be good to present them. Vice Mayor Robertson said that the Council was not going to discuss personnel issues at this meeting. She reminded him that he was at the meeting on Friday where the issues were discussed with Mr. Dorsey present, and she did not feel that the Council needed to go over them again. Mayor Lusk said that they had been discussed item by item and that he had a copy of his evaluation with him if Councilmember Wallace would like to see it again. Councilmember Wallace said that he did not need it.

Councilmember Gee stated that he believes the Council has brought great dishonor to the Town and themselves in the way that the Council had conducted what he believes to be nothing more than a smear campaign. Councilmember Gee said that he had looked at the charges, violations and atrocities that Mr. Dorsey has committed and can't find anything

that rises to the level that warrants dismissal of an employee after six months. He said that he believes that everyone is entitled to an opportunity to perform the job that has been described and put to them. He said that six months is a fair time for an evaluation, but is not a fair time to come to the conclusion that this man doesn't have the capability to perform or doesn't have the potential to reach that capability to perform.

Councilmember Gee said that he objects to the hostile and malicious manner in which this evaluation was conducted, and that he thinks it is an abomination. He stated that he asked for it to be handled in a way that could meet both the Sunshine law and the discretion needed to deal with sensitive personnel issues, and he was rebuffed. He further stated that this has greatly distressed him. Councilmember Gee said that he thinks the Council has made a terrible mistake, and he is extremely critical of his fellow Council members who have taken this to this point.

Mayor Lusk called for the vote. The motion passed with Mayor Lusk, Vice Mayor Robertson and Councilmember Allen voting in favor, with Councilmember Gee and Councilmember Wallace voting against.

Councilmember Wallace and Councilmember Gee exited the meeting. Mr. Dorsey asked to be excused and was granted permission by the Mayor.

Mayor Lusk stated that the Council needed to appoint an Interim Town Manager. He stated that the Town had a gentleman who had served the Town well as the Chief of Police and additionally holds the title of Assistant Town Manager. Mayor Lusk made a motion to appoint Boyd Veal as Interim Town Manager to give the Council an opportunity to chart their course. Councilmember Allen seconded the motion. All present being in favor, the motion passed.

There being no further business, the meeting was adjourned.



Bill Lusk, Mayor



Recorder