

\*\*\*\*\*April 14, 2014\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, April 14, 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 Boyd Veal  
Town Attorney Phillip Noblett  
Town Recorder Carol White  
See attached list for others present

Mayor Bill Lusk led the pledge of allegiance. Stacey Seals, Fire Chaplain, gave the invocation.

### Minutes

The minutes for the February 28<sup>th</sup> special agenda meeting were presented. There being no changes, the minutes were approved.

The minutes for the March 10<sup>th</sup> regular meeting were presented. There being no changes, the minutes were approved.

### Presentation

Area Forrester for Hamilton County Tom Hudlow presented the Tree City USA 2013 Award to the Town Council. Mr. Hudlow presented a plaque, Tree City flag and sign decals to Noah Long, Chairman of the Tree Board on behalf of the Town. Mr. Hudlow explained that this is the 4<sup>th</sup> year the Town has received this award.

### Citizen Comments

Dun Monroe, Cherokee Lane, stated he had sent a letter to the Council expressing his belief in extreme conservatism in regards to financial matters. Mr. Monroe said that he supports the sprinkler system installation at the MACC and pay increases for police officers. He stated that the Council had done an outstanding job paying off the debt for the school loan early and hopes that the Town will not incur any further debt.

Tom Wicks, Signal Road, began by congratulating Boyd Veal on his new position as Town Manager. Mr. Wicks then went on to express his dissatisfaction with the current use of Norris Field. He thanked the Council for their responses to his e-mails on this subject. However, he stated that residents were not informed of the Council's decision to use the field for organized practices. He further stated that a petition to keep the fields closed had been ignored by the Council. Mr. Wicks asked why the Town of Signal Mountain was hosting activities for north Hamilton County, Walden and residents of Sequatchie County

on Signal Mountain. Mr. Wicks stated he had received an e-mail from Recreation Director Jarred Thompson, which refers to 400+ baseball players, 100+ softball players, and 100+ lacrosse players. He asked how many of those players are actually Signal Mountain residents.

Mr. Wicks stated that he has read the deed for Norris Field, and he has interpreted that deed to say that Norris Field is to be used solely as a playground and that open play (such as organized sports practices) does not fit that definition. He further stated that Norris Field cannot be used as a municipal field and to do so is a misrepresentation or a misuse of power. He explained that the residents in the area are trying to preserve the essence of Norris Field.

Mr. Wicks told the Council that the biggest problem is that Norris Field is located in a residential neighborhood. As a result, there are continual problems with large volumes of traffic and the parking limitations in the area. He stated that he was forced to call the police to assist him when he was blocked from his own driveway. Mr. Wicks then stated that it was time for the Council to meet with Walden's Ridge, Hamilton County and the State to have a major sports complex built on Signal Mountain.

President of the Signal Mountain Lacrosse League, John Troutner who also lives on Signal Road, agreed that there is a need for a sports complex. His league continues to grow and has approximately 150 player this year. However, Mr. Troutner stated there is a lack of green space available and that there are four acres at Norris Field that are needed for the use of the leagues.

Mayor Lusk requested that Mr. Veal investigate the possibility of using Hamilton County's recreation complex by the Town. Hamilton County Commissioner Jim Fields informed the Council that the complex is owned by the Department of Education. He stated that Hamilton County has a 20 year lease for the use of the complex. The County has an agreement with Mountain Recreation, Inc., that includes fees for maintenance of the fields. Mr. Fields said he would ask Ron Creedy of the Hamilton County Parks & Recreation Department to contact Mr. Veal.

Dun Monroe, Cherokee Lane, stated that the Council should make a greater attempt to redress disagreements with residents surrounding Norris Field. He said the Council should send out notices and meet with the residents and get their input.

Councilmember Allen asked Councilmember Wallace if that had not been done in the past. Councilmember Wallace stated that there had indeed been several Sunday afternoon meetings with neighbors in that area. He stated that those meetings were well attended.

Mr. Wicks again spoke and stated that Norris Field is a playground and has a large sign stating that. He added that when an organized team is using the fields no one else can have use of it. Mr. Wicks claimed that the use of the field is "organized chaos". He invited the Council and residents of Signal Mountain to come to his front yard during practices to see for themselves the problems he has described.

Mayor Lusk stated that there had been discussions of how to alleviate Mr. Wicks's concerns. Mr. Wicks asked why the Town was not willing to spend money to remedy the problem. Mayor Lusk replied that there are currently many pressing needs in the Town

that will cost several million dollars to address. He explained that there are no funds budgeted to build a sports complex. He further stated that with the other pressing needs he doubts if there will be any funds budgeted in the next fiscal year for a sports complex. However, he stated that the Council is trying to address the issue as best they can, and the use of Norris Field has always been as an overflow situation for small groups of young children to play. Mayor Lusk asked how a few children can take up 4 acres and leave the playground facility unusable. Mayor Lusk further stated that he would come out to the area on a Tuesday or Thursday night to observe the situation first hand.

Mr. Wicks stated that he had sent in a petition asking the Council to hear his grievance on this matter. Mayor Lusk asked Phil Noblett, Town Attorney, to explain when a redress of grievance is required.

Mr. Noblett stated that a redress of grievances occurs at every public meeting where the Council discusses a topic. He stated that there has been ample opportunity to discuss the issue this evening, along with other meetings where this matter has been discussed. Mr. Noblett said that what is required is that both sides be heard and that the Council make a decision that they think is fair. He stated that is what the Council has done.

Austin Cone, Signal Road, and Shannon Bielcik, Signal Road, also stated that they agreed with the comment made by Mr. Wicks. Ms. Bielcik expressed a further concern that there not be any trees removed to improve or expand the parking area.

There being no further citizen comment, the meeting was resumed.

### Resolutions

1. "A RESOLUTION AUTHORIZING A LOAN PURSUANT TO A LOAN AGREEMENT BETWEEN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, AND THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID LOAN; APPROVING THE ISSUANCE OF A BOND BY SUCH PUBLIC BUILDING AUTHORITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID LOAN AND THE PAYMENT OF SUCH INDEBTEDNESS; AND, CONSENTING TO THE ASSIGNMENT OF THE TOWN'S OBLIGATION UNDER SUCH LOAN AGREEMENT."

Mr. Veal explained that this is the second resolution in the loan process. He stated that the Council had passed the initial resolution last month, and a notice was published giving public notice of the intent to borrow these funds. Mr. Veal explained that this resolution gives authorization to enter into the loan agreement. He explained that the two primary projects associated with the use of these funds are a public works facility and the proposed new fire station with further funds available once the Council identifies and approves other facility improvement needs.

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

2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A LETTER OF UNDERSTANDING WITH ORANGE GROVE CENTER FOR THE PERIOD OF APRIL 01, 2014 THROUGH JUNE 30, 2014 TO PROVIDE CONTRACT WORKERS TO OPERATE THE SIGNAL MOUNTAIN RECYCLE DROP-OFF CENTER FOR TOTAL MONTHLY COSTS OF \$3,676.00 WHICH SHALL NOT EXCEED \$11,028.00."

Councilmember Gee motioned to approve the resolution. Councilmember Allen seconded the motion. The motion was approved unanimously.

### **Public Hearing**

The regular meeting was temporarily suspended for the Council to convene a Public Hearing on a Zoning Amendment Ordinance regarding accessory structures and swimming pools.

Councilmember Allen explained that the Planning Commission has been reviewing the Zoning Ordinance to address clarifications to language or provide additional information as needed. They determined that the section on accessory structures needed to be enhanced. Therefore, this ordinance clarifies the definition and location parameters for accessory structures. Councilmember Allen informed the Council that this ordinance also provides for exceptions.

Councilmember Allen explained that the Planning Commission had also added parameters and setback requirements for swimming pools to the amendment. She stated that swimming pools had not previously been included in the Zoning Ordinance.

There being no public comment, the meeting was resumed.

### **Ordinances**

1. "AN ORDINANCE TO AMEND ARTICLE III SECTION 303 OF THE SIGNAL MOUNTAIN ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY STRUCTURES AND TO AMEND ARTICLE VIII OF THE SIGNAL MOUNTAIN ZONING ORDINANCE TO REVISE REGULATIONS FOR ACCESSORY STRUCTURES AND SWIMMING POOLS WITHIN THE TOWN."

Vice Mayor Robertson made a motion to approve the second reading of the Ordinance. Councilmember Allen seconded the motion. All present being in favor, the second reading of the Ordinance passed.

2. "AN ORDINANCE TO AMEND ORDINANCE NO. 2013-10, ENTITLED THE 'FY 2013-2014 BUDGET ORDINANCE,' SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES AND EXPENDITURES IN THIS BUDGET YEAR."

Boyd Veal explained that this ordinance is necessary to fund certain spending authorized by the Council in previous meetings. Additionally, the recent evaluation of the vehicle replacement plan indicated additional expenditures are needed in the current fiscal year.

Mayor Lusk made a motion to approve the second reading of the Ordinance. Councilmember Gee seconded the motion. All present being in favor, the second reading of the Ordinance passed.

3. "AN ORDINANCE TO AMEND ARTICLE III DEFINITIONS OF CERTAIN TERMS USED HEREIN OF THE SIGNAL MOUNTAIN ZONING ORDINANCE REGARDING THE DEFINITION OF A TWO FAMILY DWELLING."

Councilmember Allen explained that this ordinance provides a new definition for a two family dwelling unit. Vice Mayor Robertson motioned to approve the first reading of the Ordinance. Councilmember Allen seconded the motion. All present being in favor, the first reading of the Ordinance passed.

#### Discussions

Mayor Lusk informed the Council that Kevin Rogers of Tennessee American Water (TAW) had informed him that the Tennessee Regulatory Authority has approved the rate requested by TAW. This results in a .07% decrease in the rate charged to the Town of Signal Mountain.

Councilmember Gee stated that he does not believe there are continuous problems with allowing organized practices at Norris Field as portrayed during the Citizen Comment section of tonight's meeting. He said that he understood that there had been a one-time event that was presented tonight as an ongoing issue. Councilmember Gee stated that further investigation was needed.

Councilmember Wallace stated that the residents around Norris Field have used different definitions. He said that some resident refer to it as a playground, others as a Town park. He asked which definition is the most appropriate.

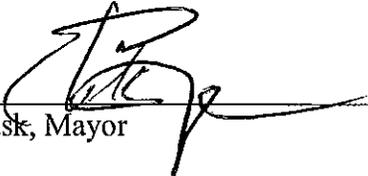
Mr. Noblett gave a brief history of the area. He stated that newspapers from the WWII era show Norris Fields being used as a large playground area around a victory garden. It was used as sports fields when the plants were not growing. He stated that Norris Fields had been in use for 70 years and is shown on plats since the 1920's.

Vice Mayor Robertson stated that she had lived in that neighborhood for 20 years. She said that the area was always called Norris Field, as in "a sports field", and had never been called a park. Several other Councilmembers also stated that they and their children had played organized sports at Norris Field.

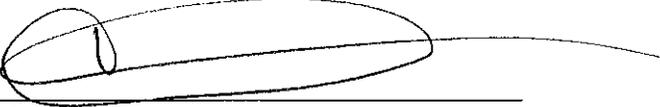
Councilmember Gee stated that he feels that if the issues presented tonight regarding vehicles are accurate, the Town might need to address those matters, including speeding and parking.

Mr. Veal informed the Council that he had responded to Mr. Wicks's previous e-mail and had asked Mr. Wicks to inform him if there should be any other incidents. Mr. Veal stated that he had not heard anything further from Mr. Wicks.

There being no further business, the meeting was adjourned.



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Bill Lusk, Mayor



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Recorder