

The Signal Mountain Town Council held a special agenda meeting on Friday, September 26, 2014 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 Boyd Veal
Town Attorney Phillip Noblett
Town Recorder Carol White
See attached list for others present

Council discussed a tentative agenda for the October 13, 2014 regular meeting.

Resolutions

1. "A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LOCAL AGENCY PROJECT AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO SECURE GRANT FUNDING FOR SIDEWALK REHABILITATION AND IMPROVEMENT ALONG CERTAIN STREETS WITHIN THE TOWN OF SIGNAL MOUNTAIN."

Town Manager Boyd Veal informed the Council that the Town had applied for TDOT funding quite some time ago for rehabilitation, restoration and improvements to sidewalks primarily in Old Town.

Public Works Director Loretta Hopper explained that this project does not normally meet the TIPS funding requirements through TDOT since TIPS grants are given based on TDOT's functional classification map. She said that this sidewalk project is on many different local roads and falls outside the normal funding criteria. However, the fact that the project will bring the sidewalks up to ADA standards made the project qualify for the TIPS grant.

Mayor Lusk requested a letter be sent to each affected homeowner prior to the beginning of the project. Ms. Hopper stated that she believes project construction will not begin prior to 2016.

Councilmember Gee requested that stormwater management also be included in this project. Ms. Hopper stated that could be done, however those costs will not be included in the grant funding.

Mr. Veal explained that this project will require funding from the fund balance.

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

2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) LCT600 BELT DRIVEN VACUUM LEAF COLLECTOR FROM OLD DOMINION

BRUSH COMPANY, FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY THREE THOUSAND SEVEN HUNDRED FORTY THREE (\$23,743.00) DOLLARS TO BE USED BY THE SANITATION DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

Mr. Veal explained that while this item exceeds the budget, the cost is offset by savings realized in the earlier purchase of a garbage truck.

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

Discussions

Following up on a suggestion by Councilmember Wallace at a prior meeting, the Council agreed to standardize the schedule for council agenda meetings. The Council agreed to hold these meetings on the fourth Friday of each month at 10:00 a.m., and on the third Friday if there should be a conflict for this date, such as a holiday. All council members present concurred with this decision.

Councilmember Allen introduced Mr. Joel Houser, Southeast Regional Director of the Land Trust for Tennessee. Mr. Houser and Town Attorney Phil Noblett informed the Council that they were finalizing the language contained in the conservation easement agreement. Mr. Noblett stated that he had verified, through a review of the Conservation Easement Act of 1981, that a governmental entity can enter into conservation easement agreements.

Councilmember Gee asked where allowed recreational use of properties was defined. Mr. Noblett and Councilmember Allen said that this would be regulated by the Town outside of the conservation easement agreement.

Mayor Lusk asked if the agreement would affect the golf course. Mr. Noblett replied that it would not. Mr. Noblett also stated that the Town Manager was going to have a survey completed to provide a legal description to define the division between the golf course and the conservation land. This survey will assure that the golf course would be protected. Councilmember Allen stated that the cost of the survey was being paid by private donations.

Mayor Lusk recommended including the following sentence in Section 1: "If new technologies or uses are developed subsequent to the making of this agreement and those uses do not affect the Conservation Value of the land, then those uses may be permitted at the discretion of the Town Council."

Mayor Lusk also recommended including in Section 6 (h) (i): "Any excess energy produced from energy producing structures could be utilized and/or sold by the Town at the discretion of the Town Council as long as there is no adverse effect on the Conservation Value of the land."

Councilmember Gee asked if the Land Trust will be able to sue the Town for polluted water. Mr. Noblett replied that the Land Trust has no remedies under this agreement to sue the Town for monetary damages.

Councilmember Wallace asked what advantage the Town will have by entering into a conservation easement with the Land Trust rather than doing it themselves. Mr. Houser replied that the Land Trust

is an accredited institution and donated conservation easements are their business. They have over 250 easements protecting over 100,000 acres in the state. He said they are in charge of monitoring the easements in perpetuity so they do annual site visits and they have the resources to provide the necessary stewardship of the easements.

Mr. Houser said that the Land Trust has easements with governmental institutions across the state, from Shelby County to Williamson County. He said they hold easements in Nashville on some of the Warner Parks properties, the Fiery Gizzard on Monteagle, 4,500 acres in Shelby County and Memphis, Radnor Lake in Davidson County, Williamson County (who has more conservation easements than any other county in the state), several easements with the State of Tennessee with the most recent being Blythe Ferry on the Hiwassee, and many other thousands of acres the Land Trust holds in conservation easements for governmental entities.

Mr. Veal presented the Council with a Memorandum of Agreement between the Town and the Mountain Library Foundation. He stated that this agreement was prepared to allow the Foundation to raise funds on behalf of the Library. He said that this agreement has been reviewed by Mr. Noblett and the Library Foundation.

Councilmember Gee said this document was very complete and a great model for agreements with other organizations. He further recommended that this type of agreement be used for any group that uses Town property, such as ball fields, etc.

Mr. Veal informed the Council that he had been contacted by an individual who asked to have the CARTA Care-A-Van program reinstated. He said that he contacted the agency and learned that they no longer provided service outside the city limits of Chattanooga.

Mr. Veal presented the Council with a brief update on the efforts to reduce speeding traffic in the Hidden Brook area. He informed them that staff had erected new speed limit signs, and have reviewed both speed humps and rumble strips. After discussions with Ms. Hopper, the Public Works department is doing a test strip of a minimized speed bump with a rise of 1" spread over 1'-2". He said that this test strip does not have the noise of a rumble strip nor the high impact issues of a speed bump. The Council discussed other methods including cameras, solar power caution lights, speed dollies, etc.

Bob Morrison, North Palisades Drive, informed the Council that while he had limited involvement with conservation easements, he is concerned about how the Town can get out of the conservation easement agreement if necessary. He expressed his concern that the Land Trust may not have the same values as the Town. He stated that this should be a referendum item.

Mr. Noblett stated that the agreement can be amended if both parties agree. In addition, he said that as a municipality, the Town has the power of eminent domain. Therefore, if there is a problem with part of an easement the government could condemn that portion, where a private landowner could not do that. Mr. Noblett reminded those present that the Town is granting an easement, and not turning over the deed for these properties.

Mr. Noblett stated that there is no provision in the Charter to have a referendum on this matter. He said that a legislative delegation would be needed to make any changes to the charter.

Mr. Chris Howley, Cool Springs Road, asked what the Town would have to pay in order to enact eminent domain on an easement. Mr. Noblett replied that since the land is still owned by the Town

there is no value associated with any of the easements granted. He further stated that the Town could condemn individual portions of the easement if necessary.

Bobby Morrison, Rock House Court, asked the Council to protect the Golf Club from infringement from the conservation easement. He stated that there is no current survey of the property line that divides the golf course from Rainbow Lake.

Mr. Veal stated that in the Town's review of the lease document with the Golf Club, it was determined that the legal description of the property line mentioned was incorrect. Therefore, it has been decided to have a survey performed to properly protect the golf course from any infringement. Mr. Veal said that the survey will establish a boundary line well outside the current golf course property. He said that the survey is being paid by donated funds.

Mr. Morrison asked that language be added to the agreement that would state that the golf course is excluded from the easement. The Council agreed to add a statement to that effect into the agreement.

Councilmember Allen stated that Sam Powell, a founder of the River Gorge Trust, approached the Council in 2007 about protecting Rainbow Lake and asked the Town to consider putting the property in a conservation easement. She said that the Parks Board studied the issue and made a recommendation to protect this and other properties forever.

Councilmember Allen explained that in 2011 the question was brought to the public by speaking to community groups and making presentations at Town Hall. She said that the Town tried to involve the public as much as possible. She explained that in the spring of 2013 the Council voted to move forward to work with the Land Trust on the details. She stated that the Council then appointed an 8 member committee from all those who had applied.

Councilmember Allen said that this committee met for 8 ½ months with a local representative of the Land Trust. She stated that the committee worked on the agreement that deals with improvements to find out how the land was being used and how it might be used in the future. She said that in that process the committee realized that the Town has the exclusive ability to determine new trails, maintaining trails, bridges, how the land is used for recreation, etc.

Councilmember Allen said that following the completion of the proposed agreement by the committee, the Town held public meetings over two days and invited public comment on those details. The committee then voted to approve the agreement and turned it over to the attorneys for the Town and Land Trust who reviewed and modified the agreement as needed.

She stated that the Council was concerned that some residents were just finding out about the proposed easements, so another public meeting was held last Tuesday night. Councilmember Allen explained that there has been overwhelming support for the easements.

Mr. Noblett informed the Council that a resolution will be included at the next regular meeting to allow the assignment and change of control of the Comcast franchise agreement. He explained that this is necessary since Comcast has purchased a large portion of Time Warner and they will transfer the cable franchise for Comcast to Mid-West Cable. Mr. Noblett explained that the current franchise agreement allows for this type of change.

Councilmember Gee informed the Council that the Signal Mountain girl's golf team has won the State championship for the 5th time. He requested a resolution to honor them be placed on the next regular meeting agenda.

There being no further business, the meeting was adjourned.



Mayor



Recorder