

*****December 19 2014*****

The Signal Mountain Town Council held a special agenda meeting on Friday, December 19, 2014 at 20:00 p.m.

Those present were: Mayor Dick Gee
Vice Mayor Bill Wallace
Councilmember Chris Howley
Councilmember Bill Lusk
Councilmember Robert Spalding

Others present were: Town Manager Boyd Veal
Town Attorney Phil Noblett
Town Recorder Carol White
See attached list for others present

Variance Request

Mr. Jack Kruesi, Wilson Avenue, introduced himself as the developer of the Wild Ridge Subdivision. Mr. Kruesi requested the development be granted a variance to the sign ordinance for the entrance signage for the subdivision. He described the attributes of the feature and provided an artist depiction.

Councilmember Spalding made a motion to grant a variance providing the Wild Ridge Subdivision entrance sign is a minimum of 100 feet off of Shackelford Ridge Road, comply with the ordinance restrictions relative to the right-of-way restrictions for local roads, and have a minimum of 15 feet height clearance. Councilmember Howley seconded the motion. All present being in favor, the motion was approved.

Council discussed a tentative agenda for the January 12, 2015 regular meeting.

Resolutions

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE SIX (6) STALKER MOVING RADAR UNITS, TENNESSEE STATE BID NUMBER 40843, FROM APPLIED CONCEPTS, INCORPORATED, FOR A TOTAL AMOUNT NOT TO EXCEED TEN THOUSAND ONE HUNDRED SEVENTY (\$10,170.00) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

Town Manager Boyd Veal informed the Council that these radar units will be paid for by the Governors Highway Safety Office Grant. He explained that the Council has already approved a budget amendment for the reimbursement grant.

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

2. "A RESOLUTION REAPPOINTING LARRY MCCLURE AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION."

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

3. "A RESOLUTION RECOGNIZING EDDIE SMITH AS THE SIGNAL MOUNTAIN GOLF AND COUNTRY CLUB LIAISON TO THE SIGNAL MOUNTAIN TOWN COUNCIL."

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

4. "A RESOLUTION RESCINDING RESOLUTION NUMBER 2014-63 AND REAPPOINTING BARBARA WOMACK, CLYDE WOMACK, ANNE HAYGOOD, KYLE KELLY AND JOSHUA ROGERS AND APPOINTING ROBERT RICHIE, JR. AND YUKIE KAJITA AS MEMBERS OF A SUB-COMMITTEE OF THE THREE BOARD ENTITLED TOWN OF SIGNAL MOUNTAIN HEMLOCK CONSERVATION TASK FORCE."

Mayor Gee asked that Barbara Womack attend the February regular meeting to give an update on the beetles released to control the woolly adelgid infestations.

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

5. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE UP TO 3,468 AUTOMATED WATER METER SYSTEM UNITS FROM UNITED UTILITIES, INCORPORATED AS A SINGLE SOURCE OF SUPPLY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED TWENTY THOUSAND DOLLARS (\$520,000.00)."

Mr. Veal informed the Council that the Town started a water meter replacement program last year. He determined that it is better to invest those funds in an automated meter system. Mr. Veal explained that he has spoken to Walden's Ridge Utility District (WRUD). He said that once our system is automated, WRUD can do the complete billing service for us. He said that he is very impressed with the customer service that WRUD can offer. He explained that where we have a single manual quarterly meter reading, the system used by WRUD can provide automated readings for each hour for three months. He said that in addition, the WRUD system will offer monthly billing to the customers instead of the current quarterly billings. Mr. Veal stated this will allow us to better serve our customers and to track usage.

Mr. Veal stated that just replacing the meters will increase the Town's accountability. He explained that in the last audit the Town had a 27% water loss. He summarized by stating that with this purchase, the Town can fully automate the residential system, meters can be read in one day, bills can be processed monthly, and the Town can track usage for the customers. Mr. Veal said that the cost of this aspect of the water department operation he is confident that the Town can contract with WRUD for full service on billings. He said the cost of the WRUD service will be less than what the Town currently pays for employee costs including benefits to read meters manually. He stated however, if there is no savings and it is the same costs, the system will be greatly enhanced. Mr. Veal stated that funds budgeted for water improvement projects that will not be undertaken this year will cover the cost of these meters.

Mayor Gee asked if all the meters would be purchased at one time. Mr. Veal replied that the order will be split into thirds with approximately 1,000 meters purchased at a time.

Mr. Veal informed the Council that WRUD will provide 2 men whom we will pair with 2 of our people so that there will be two teams of 2 men each to install the new automated meters. WRUD expects to have the meters changed out in three months.

Mr. Veal explained that the Town obtained pricing a few years ago for automated meters at \$200-\$250 each. He said that there is an existing contract with Hixon Utility for \$149.50 each that United Utilities is extending to the Town. In addition, he explained that United Utilities is the sole distributor in this region for the Badger meters.

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

Discussions

Fire Chief Eric Mitchell informed the Council that he and Captain Kevin Nichols and Chuck Martin have been investigating various methods of video streaming council meetings. He explained that they spoke with other municipalities and churches who do video streaming. Chief Mitchell said that one of the first options they looked into was live cable broadcast. However, he said that given equipment, expertise, and technicians the startup costs is \$100,000 to \$150,000.

Chief Mitchell explained that there are two other options. The first is live video streaming – which is video as it happens. The basic equipment needed to get started would be a separate server with the capabilities of a core I7, software, cameras, video capture hardware to take raw video taken and put it into a IP format, audio software to take audio from the mixing board and match it to the video. He stated that this equipment for live video streaming is in the \$8,000 to \$10,000 range to get started. He said this price included one camera at a cost of \$2,000 and he was told that 3 cameras would be best.

Chief Mitchell mentioned streaming services like Ustream who charge a monthly fee that varies depending on quality desired. He said that for our needs we would need their Enterprise (commercial) package which is \$2,000 per month. He said there are other services like Cisco, FUSE, and GoToMeeting (which is free for up to 15 people, however viewers must have login and software and over 15 people there is a per person cost, so we would not know what the monthly cost would be).

Chief Mitchell said the second option is offering video on a streaming site – which is meetings being videotaped and uploaded to a streaming site. He mentioned two, Vimeo and YouTube. He said that he will use YouTube as an example as it is the most popular. He said that the Town will need 1 or more cameras, with audio coming direct from the sound board, at a cost of \$1,500 to \$2,000 each camera and would need wiring for sound equipment to camera. He also said that there is a 100 megabyte video upload limit which is 15 minutes of video. He said there is a way to extend that service by using a YouTube commercial site. Chief Mitchell said that there would also be a need for cable wiring to archive from YouTube video tape meeting and a person to manually download from camera into computer (with software that changes it to IP so it can be uploaded to YouTube). He said it takes the same time to download and then again to upload as the length of time the video actually runs (so a ½ hour video takes 1 hour to download and upload). YouTube is owned by Google so the

Town would have to create a Google account and a YouTube channel and then closely manage that site because YouTube has a lot of spam issues.

Chief Mitchell asked if video streaming is an official record and what is the town's obligation to archive video? Town Attorney Phil Noblett said that was a matter that is not clear and he will research it further.

Chief Mitchell informed the Council that the Town will need IT support. Mr. Veal said that the current staff does not have the technical expertise needed for these video streaming programs.

Council requested that staff focus research on live streaming and to make the necessary changes to the web site to facilitate that activity. Councilmember Spalding asked if there would be further information available by the January agenda meeting. Mr. Veal said that would probably not be possible given the fact that outside expertise is now needed and that will take a little time.

Councilmember Spalding asked how interactive the Town's website is. Mr. Veal explained that the web site is supported by Local Government (LG) who is available from 9-5 Monday thru Friday. Mr. Veal explained that LG had not designed the website and there are limitations on what can be done. He said he has been in discussions with LG to make some changes, however, they would have to design a new website.

Mr. Veal explained that the MACC is asking for approval to access an upper asphalted playground which is unused that the MACC would like to use for parking. He said the safest place to access the proposed parking area is via Kentucky Avenue. Mr. Veal said that the MACC Board has offered donated funds towards this project. The funding would cover the cost of taking part of a rock wall out, putting in a culvert, grading and smoothing the drive and putting down gravel. He explained that there might need to be an asphalt driveway instead of gravel which would not be a cost covered by the donations. He stated that this additional parking would be useful but was unsure how often it would be needed. Councilmember Howley asked if this is a budgeted item. Mr. Veal replied that it is not but funding is provided through donations.

Mr. Veal expressed his concern about putting a driveway through a historic rock wall. Councilmember Howley suggested an entrance to the proposed parking area from the existing drive in front of the MACC. Mr. Veal stated that he would investigate that option prior to proceeding. Mayor Gee asked the Council if there were any objections to taking a portion of the wall down for this project. All present were in favor of removing a portion of the wall if needed.

Mr. Veal presented a form for Councilmembers to use to nominate individuals for Mayor for a Minute. He said that he will e-mail the form to each Councilmember.

After discussion, the Council determined that agenda sessions will be held at 12:30 p.m. on the 4th Friday of each month, unless that is a holiday and then it will be moved to the 3rd Friday.

Council also discussed the possibility of adding a "Consent Agenda" to the regular meetings. Mr. Noblett said that he believes there is a requirement to read the caption in order to pass a resolution. He suggests reading the captions in rapid order. Councilmember Howley asked Mr. Noblett to verify that state law requires the captions of resolutions be read in order to be approved.

Councilmember Spalding made a motion accept the nomination of Eric Opatich to take Guy Beaty's seat on the Planning Commission. Councilmember Howley seconded the motion. All present being in favor, the motion was approved.

Mayor Gee made a motion to appoint Don Andrews to the MACC Board. The motion was seconded by Vice Mayor Wallace. All present being in favor, the motion was approved.

Other Business

Jerry Zanzig, Arden Way, asked the Council what needed to be done to have the speed bumps removed from his street. He said he was informed the placing of the speed bumps was to be a test case, but he said he was not sure what that meant. He asked what data is to be collected, what will the data be compared to, and what is the time frame involved? He stated that at least 7 residents of Arden Way are opposed to the speed bumps verses the 1 or 2 that have spoken in favor of them.

Steve Robinson, Arden Way, said that if speed bumps were so wonderful everyone would be asking for them. He said that the speed bumps are a blemish on the neighborhood and punish the neighborhood, not the guilty parties (the speeder). He stated that the Council should look at other ways to control speeding. He said he sent a form to 22 neighbors between Windy Way and Hidden Brook Lane. He said those were postage paid and were to be sent to Public Works Director Loretta Hopper. Mr. Robinson said that many did not respond, but of those that did, 80% were opposed to speed bumps. Mr. Robinson asked what can be done to have the speed bumps removed.

David Edwards, Arden Way, asked what the basis was for choosing Arden Way for the installation of the speed bumps. He said speeding is no worse on Arden Way than it is anywhere else in town and there may actually be less of a speeding problem there. He suggested that Hidden Brook Lane has more traffic and might be a better location for the speed bumps. Mr. Edwards again asked why the speed bumps were placed on Arden Way. Mr. Veal replied that this was the primary focus of the first requests and complaints received.

Mayor Gee stated that the Council heard from residents concerned about speeding on Arden Way and Hidden Brook Lane due to the diversion of traffic as a result of people trying to find shortcuts between the high school and their destinations via Timberlinks. He said there is an increase in traffic on neighborhood streets that are not designed for through traffic and there are many more children today in the neighborhoods than 5 years ago. Mayor Gee said that the spot on Arden Way where the speed bumps are located was chosen because there are a lot of children there and, as it is a blind curve, it is a particular danger. He said that the speed bumps may not be the ultimate solution, but that they are a deterrent and they do work. He said the speed bumps are a public safety issue.

Mr. Robinson said that the speed bumps on Arden Way are simply moving the traffic onto other residential streets in the area. He said that the fine for speeding on residential streets should be increased along with increased enforcement.

Councilmember Spalding suggested the residents present a petition to the Council. He said that while he is in favor of speed bumps he may not be in favor of where they are located on Arden Way in light of objections from an apparent majority of the residents. He suggested there might be higher priority areas within Hidden Brook. He said that Hidden Brook Lane might be a better place for speed bumps and that there are several residents there that support the speed bumps. He said he has spoken with

residents on Middle Creek who like the idea of having speed bumps. He said that if there is a majority of residents from Arden Way who are opposed to the speed bumps he would support removing and relocating the speed bumps.

Mayor Gee stated that he does not believe that the danger is determined by either the volume of the traffic or whether people like the speed bumps. He said that the Council should respond to the danger and that the Council should consider this issue further. He invited the residents to return and speak further with the Council to work toward a solution that works for everybody.

Mr. Robinson recommend a traffic study be done on Arden Way, Hidden Brook Lane and Windy Way. Mayor Gee suggested that the Town have someone come in who has the credentials to bring information to the Council. Mr. Veal reminded the Council that was the intent when he enlisted the assistance of MTAS to come and provide information to the Council.

Councilmember Howley asked about a survey that the town had done on this issue. Mr. Veal informed him that the survey was done by a resident and then sent to the Town, and therefore the staff could not attest to the accuracy of the results. Mr. Veal said that if the Council wanted a measure of the support for speed bumps in that area, the Town would have to do the investigation or survey itself to secure and insure the process.

Councilmember Lusk left the meeting at this point.

Councilmember Spalding said that he has received a complaint from a resident across from the Rainbow Lake entrance parking lot. He said the resident has complained of parties and activities at all times of day and night. He stated the resident has requested that the parking lot be locked except when the entrance needs to be open to the public. Councilmember Spalding asked if parking lot could be locked like Signal Point.

Mr. Veal explained that Signal Point is a federal park and they do not have anyone stationed in the area. He said that, when able, the Town personnel close the entrance at night as a courtesy. He said there has never been a lock on the parking lot for Rainbow Lake. Mr. Veal said that one of the issues is that that is an access point to other properties. He said that people can go through that property to Edwards Point and camp. Therefore, he said, if there is a car in the lot and they get locked in there is an issue.

Councilmember Spalding asked how the resident address issues that arise at that location. Mr. Veal said that the resident has been instructed to call the police when there is an issue. He said that when people cause a disturbance that is a violation, the police can deal with it. He said that the problem is when no one calls there is no way to substantiate later complaints. Mr. Veal said that someone being in the parking lot is not in itself a violation. Mr. Veal said that he will review any documentation available about what has been going on in that area and forward that information to the Council.

Councilmember Spalding said that new council members are elected every 2 years but board members have 3 year terms. He said he thinks board members should also be appointed to 2 year terms. Councilmember Howley noted that terms are set to allow members to have staggered terms.

Councilmember Spalding asked what is needed to change the Town Charter to allow voter referendums. He asked if a committee could be appointed to review options. Mr. Noblett informed the Council that changes to the Charter requires a State Representative support a bill for an

amendment. Council held general discussion on the proper method to discuss and address issues of this magnitude. Mr. Veal said that if a Councilmember has this type of issue he recommends that they put it into a proposal which would then go to the Council for discussion and a vote. Mayor Gee said that if the Council has already held discussions and reached a consensus they could ask staff to bring a proposal back to the Council for a vote. However, he said, this is a single council member's concern and needs to come forward as proposed by Mr. Veal. Councilmember Spalding said he will bring this issue to the Council at a future meeting.

Councilmember Spalding asked what are the boundaries of the no trespassing area at the old leaf dump. Mayor Gee said that he should speak to Mr. Veal about that matter.

Councilmember Howley said he has been contacted by many people about what can be done to get out of the conservation easement agreement. He said that he had previously asked Mr. Noblett to provide options to get out of the agreement. He suggested that the Council put together a 5 person committee to study the issue. He said that each council member would appoint a member of the committee.

Mayor Gee said that he believes the agreement is legal and binding and is in place. He said that to undo the agreement will require legal action. He said that to undertake that at this point would create unnecessary tension in the community. He said he understands that to accomplish the reversal of the agreement would provide satisfaction to some individuals but he does not believe that in the end a lot would be accomplished. Mayor Gee said he voted against the proposal because he did not believe the land was in danger to begin with and that it is certainly not in danger of development today. He said he is inclined to let that sleeping dog lie. He stated that he does not want staff working on this as they have many more important things to work on. He said that if the Council wants to work on this it should be clear that it will be the Council who does the work and not staff. He said he would have to be convinced this matter is so compelling a committee is needed to study it.

Councilmember Spalding said he agreed with Councilmember Howley. He said there are a lot of people who still have not had their questions answered. He said there is a lot of consternation about the agreement and the quickest way to put it to rest is to let the Council appoint a committee. He said the committee might find the legal impediments and roadblocks in place as described by Mayor Gee. However, he said, it is impossible to squelch the citizens' concerns until they deal with the information themselves. Councilmember Spalding said that appointing a committee will reduce the Council's involvement to allow them to do other things. He said the committee will do their review and make a recommendation to the Council, who will then address it. He stated that appointing the committee will let the residents deal with the issue, removed the Council from that, and gives those people who charged the Council candidates with doing something about the agreement an option to look for solutions.

Vice Mayor Wallace said that the Council did something about the agreement, they voted to support it. He said that means the Council has spoken. He said he brought up the idea of a referendum a year ago but the conservation easement did not qualify for that action. He said that the agreement is now legal, signed, sealed and delivered but that it might be helpful to residents to have them go through the agreement as the Council did. He said that a committee, independent and separate from the Council and arrive at the same frustrations as he had to deal with, might be a good thing and would put the matter to rest. Councilmember Spalding said that would be more cathartic than just the Council saying there is nothing that can be done.

Mayor Gee asked if the purpose of the committee would be to study and make an objective proposal or is the purpose to work towards nullifying the agreement. Councilmember Howley said that in his view it is to study the agreement to see if this is the best thing for the Town, in the overall picture which is to conserve land as an asset of the Town. He said if there is agreement that it is, great, but if not the committee would look into local options, and if there are no local options, then condemnation or other legal action.

Mayor Gee said that the 2 new council members voiced objections previously, so their positions are known on this issue. Further he said, there are 2 incumbent council members who voted against the agreement. He asked how then do you avoid the perception that this is not a committee to reject the agreement but an objective committee to simply study it. Councilmember Howley said that representatives should be those who have a vested interest in the outcome and suggested Pat St. Charles and Jeff Duncan.

Mayor Gee said there are a substantial number of residents in favor of the agreement and the Council represents all the people and not just those who are opposed. He said the Council needs to be sensitive to the fact that any action that is perceived as trying to nullify this agreement is a bit of a log in the eye and it would be a perception well justified. He said that Jeff Duncan spoke against the conservation easement agreement from the beginning. He said that if council members who were against the agreement appoint people who are also against the agreement then it simply is an insult to the people who were for it.

Vice Mayor Wallace said that Councilmember Spalding said that this is the only fair way to do it. Vice Mayor Wallace said this is one of those issues where fairness does not have anything to do with it. He said that implies unfairness somewhere and there are people who are passionate on both sides.

Mayor Gee said to assume the committee came to the Council with a recommendation to nullify the agreement. He said the only action that we have available is legal and that there is no undoing this action through a referendum, which is not an option. So, he said, what you are going to do is subject the town to the costs of legal action and that will further inflame the people in favor of the agreement.

Councilmember Howley said that Mayor Gee was assuming what the conclusion is going to be. He said there may be some other outcome. He said while Pat St. Charles spoke against the agreement he has given land to the Town, and Councilmember Howley feels Mr. St. Charles is a reasonable person. He said that if Mr. St. Charles comes back and says the committee is happy with the agreement then that would provide closure to the issue. Councilmember Howley said he does not believe there is any closure by just letting sleeping dogs lie. Mr. Noblett remarked that Mr. St. Charles's property is adjacent to properties included in the agreement. Mayor Gee said that he certainly is not a disinterested party.

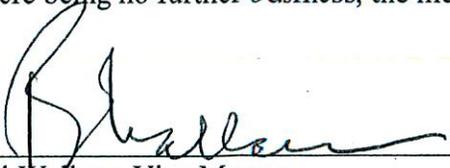
Councilmember Howley said that all council members should be present to discuss this issue in an open, fair manner, and equitable manner and with full respect to those residents for and those against the agreement. He said he would wait until the next agenda meeting but will bring the issue up again.

Mayor Gee asked if it is the intent of those who are making an issue of this agreement to nullify the agreement or to get the objective answer. Councilmember Howley said he would find out before the next agenda meeting. Mayor Gee said that was really important because if the Council is going to go down this road, and for the final recommendation to be legitimate, the committee recommendation has to be squeaky clean from an intent standpoint.

Council agreed to add this issue as a discussion item to the next agenda meeting.

Councilmember Wallace asked that orange cones be placed away from the gate when it is closed at Shoal Creek Road. Mr. Veal said this was supposed to be done when the gate is schedule to be closed on the weekends. He said he will assure that is being done.

There being no further business, the meeting was adjourned.



Bill Wallace, Vice Mayor



Recorder