

The Signal Mountain Town Council held a special agenda meeting on Friday, June 26, 2015 at 12:30 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

Council discussed a tentative agenda for the July 13, 2015 regular meeting.

**Resolutions**

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ROAD SALT FROM COMPASS MINERALS INC. UNDER TENNESSEE STATE CONTRACT #46239 IN THE AMOUNT OF NINETEEN THOUSAND TWENTY EIGHT DOLLARS (\$19,028.00) TO BE USED BY THE PUBLIC WORKS DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

Town Manager Boyd Veal informed the Council that this and other resolutions on the agenda are for next budget year. He explained that the FY 2015-16 budget will not be approved until later in the meeting. He asked that approval of these resolutions be subject to approval of the budget.

Vice Mayor Wallace thanked Public Works Director, Loretta Hopper for doing a supper job by being proactive dealing with salt for snow and ice. He said she always has it when needed and the Town appreciates that.

Councilmember Howley motioned to approve the resolution pending approval of the budget later in the meeting. Vice Mayor Wallace seconded the motion. All present being in favor, the motion was approved.

2. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. FOR THE PAVING OF CERTAIN STREETS WITHIN THE TOWN IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$725,000.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD."

Mr. Veal explained that this contract represents a bundling of 2 years of paving into one budget year.

Vice Mayor Wallace motioned to approve the resolution pending approval of the budget later in the meeting. Councilmember Howley seconded the motion. All present being in favor, the motion was approved.

3. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT A SURPLUS AND UNCLAIMED PROPERTY DISPOSAL POLICY"

Mr. Veal suggested adding the Water and Stormwater funds to the end of the first sentence under the heading of Funds, so that the end of the sentence should read "...unless otherwise required to be paid into the Drug Fund, Water Fund or Stormwater Fund."

Councilmember Lusk motioned to approve the resolution as corrected. Councilmember Howley seconded the motion.

During discussion, Councilmember Howley requested the third bullet point regarding "negotiated sale" be removed.

Councilmember Lusk motioned to approve the resolution with amendments to include striking bullet point three regarding negotiated sale, and to add Water Fund and Stormwater Fund to the "Funds" section. Councilmember Howley seconded the motion to amend.

All present being in favor, the motion, as amended, was approved.

4. "A RESOLUTION APPOINTING CLYDE WOMACK AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S PARK'S BOARD."

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

5. "A RESOLUTION APPOINTING MIKE ROWE AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER BOARD."

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

### **Public Hearing**

The regular meeting was temporarily suspended for the Council to convene a Public Hearing on the proposed Ordinance to adopt the FY 2015-2016 Budget.

Mayor Gee invited comments from the audience.

Bill Gallagher, North Palisades, said that he has spoken to the Council and sent letters regarding expanding Driver Field 30 feet at left field. He asked if the Council would put funds into the budget to begin the process. Mr. Gallagher suggested a phased project and in the first year clear trees, fill as needed and replace the fence.

Following discussion by the Council, Mr. Veal said he would get cost estimates for fencing, what additional fill will be needed, a general cost of site work to include the cost to clear trees.

Dave Wagner, Ridgeway Avenue, asked the Council if Timberlinks will be converted into a football field this season. He asked if the Hedges property was going to be turned into a baseball field.

Mr. Veal explained that staff had looked at rearranging some of the fields so that the space can be better utilized. He said that since that time an opportunity has been presented to add field space instead. He said that for that reason the Town is not currently looking at changing athletic field usage.

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

### **Ordinances**

1. "AN ORDINANCE OF THE TOWN OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016 HEREINAFTER KNOWN AS THE "FY 2015-2016 BUDGET ORDINANCE."

Mayor Gee reminded all present that the tax rate remains unchanged at \$1.5684.

Mayor Gee motioned to approve the second reading of the ordinance. Councilmember Spalding seconded the motion. The motion to approve the second reading of this ordinance passed with a vote of 4 to 1, with Councilmember Howley opposed.

2. "AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2014-05 AND 2014-11, ENTITLED THE "FY 2014-2015 BUDGET ORDINANCE," SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES AND EXPENDITURES IN THIS BUDGET YEAR."

Mayor Gee motioned to approve the second reading of the ordinance. Councilmember Howley seconded the motion. All present being in favor, the motion was approved.

### **Discussion**

Mr. Veal said that he had forwarded to the Council proposed language changes on the zoning changes that came from the Planning Commissions' last meeting. He informed the Council that this language will be considered at the Planning meeting scheduled for July 2<sup>nd</sup>.

Southeast Tennessee Development District Planner, Jordan Clark, said that the proposed ordinance allows the creation of a lot that is smaller than ½ acre but no smaller than ¼ acre within an existing subdivision. He said that it will, in some instances, allow reduced road frontage. He said this is all based on the average of the lots contiguous to the subject property. Mr. Clark said that the maximum lot coverage, which is how much the building, driveways, etc. can take up on a lot, is expressed as a percentage in the Zoning Ordinance so it floats up and down based on the size of the lot. Therefore, he said, for a ¼ acre lot, the maximum coverage is about 3,811 sq. ft., and for a ½ acre lot it is 7,623 sq. ft. (which is 35% of the total lot size). He said this applies uniformly.

Mr. Clark said that building height is a set number of 35 feet which can go up to 40 feet, but for every foot over the 35 foot mark, the property owner must move the building back 1 foot from the property line, thereby increasing the setbacks. He said this applies to any structure in the LDR district regardless of adjacent building height.

Councilmember Lusk said that this action will create a new infill lot out of existing lots that are somewhat larger than  $\frac{1}{4}$  acre or larger than the average of the two contiguous lots. He asked why not use the current standard criteria where an average of the two contiguous properties is used to determine height, bulk and setback. Mr. Clark replied that would be possible, but it is not the standard now in terms of existing lots in the Town. He said that would be a fairly substantial re-write of the current regulations. Councilmember Lusk said he was talking specific about this amendment and not a complete revision of the zoning code. Mr. Clark said that was possible with the Town exempting these infill subdivisions from many other regulations in the LDR district. He said one problem is that the neighboring lots could add on to a house as long as it does not go over 35 feet, or remove a driveway which would change the maximum lot coverage, thus creating floating standards in perpetuity if you base those components on the adjoining properties, whereas lot sizes are fairly constant.

Councilmember Lusk asked what prompted this proposed change. Mr. Clark replied that property owners, especially in the older part of Town where lot lines have been abandoned and lots have been combined, etc. wish to subdivide their property to sell what used to be a lot. He said these property owners thought they could do that, but the current regulations effectively outpaced that type of development with 1 and  $\frac{1}{2}$  acre lot sizes, which is clearly a very different development pattern than what is in the older platted parts of the Town.

Mr. Veal said one of the concerns that had been expressed was that owners of lots smaller than  $\frac{1}{2}$  acre could reduce the setbacks. Mr. Clark said that Section 817 allows a legally created lot less than the minimum lot size (which in the LDR is  $\frac{1}{2}$  acre for a minor subdivision) reduce the setbacks by a ratio based on the size of the lot and the minimum lot size. He said the question is whether that allowance for reduced setbacks should apply to this proposed amendment. He explained that an argument to allow this is that the neighboring lots already qualify for these reduced setbacks. He said that argument against allowing Section 817 to apply to the lots created under this zoning amendment is that it was put in place to allow automatic relief from the existing regulations for older lots where the regulations have changed since they were created. He said that the argument against allowing this section to apply to this amendment is that the new lots will be created in full knowledge of the existing regulations making it the responsibility of the property owner to create a lot that comply with the setback requirements.

Councilmember Lusk said that this is an opportunity to put the law of unintended consequences into play. He said the Town thinks the number of affected properties is 25-30 but no one is exactly sure how many and where they are. Mr. Clark said that he counted 27 properties with abandoned lot lines in the older part of town and an average of 5 to 6 in the new subdivisions, so he came up with a rough count of 100 lots that have abandoned lot lines in existing subdivisions. He said however that this amendment does not apply to abandoned lot lines.

The Council reviewed the Town's debt policy as established by Ordinance 2011-55. This review is required each year during the budget process. Councilmember Howley made a motion to continue the debt policy as established by Ordinance 2011-55. Vice Mayor Wallace seconded the motion. All present being in favor, the motion was approved.

Mayor Gee reminded the Council that members can choose to walk or ride in a police vehicle or fire truck in the July 4<sup>th</sup> parade.

Mayor Gee informed the Council that he had spoken with Bill Thornton, Executive Director of Walden's Ridge Emergency Services. He said there is a plan to expend significant funds to expand their capabilities and services. Mayor Gee said that he does not oppose that but does oppose the fact that Signal Mountain is not being taken into consideration as to our capabilities and plans for the Shackelford Ridge area. He said he and Mr. Thornton have agreed to talk further to coordinate capabilities, resources, etc.

Councilmember Spalding asked the status of the Towns disaster plan. Fire Chief, Eric Mitchell explained that the Town follows the Hamilton County plan and that all municipalities in Hamilton County use that plan, which is updated annually. He explained that the Red Cross is responsible for housing residents in case of a disaster. He said that the Red Cross has contracts, mainly with schools, for housing displaced residents as the schools have the needed kitchen and sanitary facilities. Councilmember Spalding asked that information regarding the emergency plan be posted on the Town's website. Mayor Gee suggested a link to the county's site.

Councilmember Spalding asked about establishing a board to prepare the Town's centennial celebration. Mr. Veal will prepare a resolution for the next meeting.

There being no further business, the meeting was adjourned.



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Dick Gee, Mayor



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Recorder