

\*\*\*\*\*December 14, 2015\*\*\*\*\*

The Signal Mountain Town Council held its regular monthly meeting on Monday, December 14, 2015, at 6:30 p.m. in the Town Hall. Those present were:

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

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

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

### Minutes

The minutes for the November 2<sup>nd</sup> special agenda meeting were presented. Vice Mayor Wallace requested one change to the minutes. The correction is on page 2, second paragraph to correct the title of Jonathan Welch from School Superintendent to School Board Member. All present being in favor, the minutes were approved as amended.

The minutes for the November 9<sup>th</sup> regular meeting were presented. There being no changes, the minutes were approved.

The minutes for the December 4<sup>th</sup> special agenda meeting were presented. There being no changes, the minutes were approved.

### Beer Board

The regular meeting was temporarily suspended for the Council to convene as the Beer Board.

Deputy Thomas of the Hamilton County Sheriff's Office informed the Council that Lisa Andrews, a clerk at the Xpresso Mart had been cited for selling beer to a minor. Deputy Thomas explained that Ms. Andrews had gone to court and her case was passed for 6 months, and if there were no further infractions in that time, her case will be dismissed. Deputy Thomas said she was also required to pay court costs and to perform 2 days of community service.

Xpresso Mart owners, Neal and Laura Stites, explained they have owned the store for 13 years with no previous infractions. Ms. Stites explained that Ms. Andrews was a valued employee with 30 years of experience. She also stated that Xpresso Mart has written procedures which require

all customers' identification be verified prior to any sale of beer. Mayor Gee requested they provide a copy of their written procedures.

Councilmember Lusk made a motion to take no action at this time and that appropriate action will be taken for any future occurrences. The motion was seconded by Councilmember Howley. All present being in favor, the motion was approved.

The Council considered a beer permit application by Alexian Village. Councilmember Howley made a motion to accept the application. Councilmember Lusk seconded the motion. All present being in favor, the motion passed.

The regular meeting was reconvened.

Mayor Gee welcomed County Commissioner Jim Fields to the meeting.

### **Citizen Comments**

Mayor Gee invited comments from the audience.

Rachel Miller, James Boulevard, spoke in opposition to selling the water utility. She cited numerous and substantial rate increases and poor service as reasons for her strong opposition to Tennessee American Water Company.

Dun Monroe, Cherokee Lane, asked the Council to look for Federal grants for the MACC. He also asked the Council to seek local builders instead of architects or engineers in order to save money.

Daphne Kirksey, Applewood Circle, spoke as a representative of Tennessee American Water. She informed the Council that Tennessee American would be holding a public meeting at the Country Club on December 15<sup>th</sup>, from 6 to 8 p.m. and invited residents to attend and learn more about Tennessee American Water. Ms. Kirksey explained that current Tennessee American rates are about \$23.00 in Chattanooga and a current capital recovery rider being reviewed by the Tennessee Regulatory Authority will average \$ .95 if approved. She stated that Tennessee American has an award winning water quality record.

There being no further comments, the meeting resumed.

### **Update-Public Works Facility-Thompson Engineering**

Jamie Blanton, Project Engineer of Thompson Engineering spoke to the Council about the recent plan changes for the Public Works facility. He explained these changes were a result of new geo technical studies of the initial building site. Mr. Blanton said the new studies revealed that this site was not suitable for the main building. He explained the new strategy is to flip the plans and place the main buildings away from this site and instead place the equipment building there.

During discussion, Mr. Blanton said the area will remain as stable as it is now. When asked, Mr. Blanton stated he anticipates the project will still come in at the same price as original projections.

Public Works Director, Loretta Hopper said she will inform the residents of James Town of the changes. She said this new layout is an improvement for the residents as the new building placements will provide greater noise reduction.

### Resolutions

1. "A RESOLUTION REAPPOINTING DAVID CANTRELL AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S BOARD OF ZONING APPEALS."
2. "A RESOLUTION REAPPOINTING JERRY ROBERTSON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS."
3. "A RESOLUTION REAPPOINTING ED GARBEE AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION."
4. "A RESOLUTION REAPPOINTING BARBARA WOMACK, CLYDE WOMACK, ANNE HAGOOD, KYLE KELLY, YUKIE KAJITA, ROBERT RICHIE, JR., AND JOSHUA ROGERS AS MEMBERS OF A SUB-COMMITTEE OF THE TREE BOARD ENTITLED TOWN OF SIGNAL MOUNTAIN'S HEMLOCK CONSERVATION TASK FORCE."
5. "A RESOLUTION REAPPOINTING MARY SCOTT NORRIS, JOHN WYNN, ELAIN PRESTON, DAVID REED, BONNIE HAMILTON AND SAM ELLIOTT, TO THE TOWN OF SIGNAL MOUNTAIN'S HISTORICAL COMMITTEE."
6. "A RESOLUTION REAPPOINTING DICK MOREL AND JUDY BEATY TO THE TOWN OF SIGNAL MOUNTAIN'S LIBRARY BOARD."
7. "A RESOLUTION REAPPOINTING NATHAN BELL AND BECKY POPE TO THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER BOARD."
8. "A RESOLUTION REAPPOINTING CHERYL GRAHAM, CHARLIE POSS, LAURA DUNCAN AND ERIC OPATICH TO THE TOWN OF SIGNAL MOUNTAIN'S MUNICIPAL PLANNING COMMISSION."
9. "A RESOLUTION REAPPOINTING BILL FRONK, SAM POWELL, CAROLINE WOERNER AND JOSH ROGERS TO THE TOWN OF SIGNAL MOUNTAIN'S PARKS BOARD."
10. "A RESOLUTION REAPPOINTING ROBBI HENDERSON TO THE TOWN OF SIGNAL MOUNTAIN'S PERSONNEL COMMITTEE."
11. "A RESOLUTION REAPPOINTING RUSTY SEWELL AND SAM POWELL TO THE TOWN OF SIGNAL MOUNTAIN'S STORMWATER APPEALS BOARD."
12. "A RESOLUTION REAPPOINTING NOAH LONG, JENNIFER BOYD AND ANNE HAYGOOD TO THE TOWN OF SIGNAL MOUNTAIN'S TREE BOARD."

Mayor Gee read all the above resolutions, numbers 1 through 12. Councilmember Howley motioned to approve all the resolutions. Councilmember Lusk seconded the motion.

Councilmember Spalding requested that Resolution #1 regarding the appointment of David Cantrell to the Board of Zoning Appeals be removed from the motion. Councilmember Lusk stated he would not be willing to amend the original motion.

The motion to approve all the resolutions (numbers 1 through 12) passed with a vote of 4 to 1, with Councilmember Spalding opposed.

13. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2016 FORD EXPLORER, TENNESSEE STATE BID NUMBER 40034, FROM GOLDEN CIRCLE AUTO GROUP, JACKSON, TENNESSEE, FOR A TOTAL AMOUNT NOT TO EXCEED THIRTY TWO THOUSAND SIX AND 14/100 (\$32,006.14) DOLLARS TO BE USED BY THE FIRE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

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

14. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2016 FORD F-250 XL, TENNESSEE STATE BID NUMBER 40034, FROM GOLDEN CIRCLE AUTO GROUP, JACKSON, TENNESSEE, FOR A TOTAL AMOUNT NOT TO EXCEED FORTY THREE THOUSAND SIXTY EIGHT AND 10/100 (\$43,068.10) DOLLARS TO BE USED BY THE FIRE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

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

15. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE EIGHT (8) 2016 FORD POLICE INTERCEPTORS, TENNESSEE STATE BID NUMBER 40034, FROM GOLDEN CIRCLE AUTO GROUP, JACKSON, TENNESSEE, FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED NINETY NINE THOUSAND FIVE HUNDRED SIXTY NINE AND 92/100 (\$199,569.92) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

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

16. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO MAKE PAYMENT FOR ADDITIONAL WORK AND MATERIAL COSTS FOR THE PAVING OF CERTAIN STREETS WITHIN THE TOWN TO WRIGHT BROTHERS CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF FIFTY THREE THOUSAND NINE HUNDRED NINETY THREE AND 32/100 DOLLARS (\$53,993.32)."

Town Manager, Boyd. Veal explained the additional cost is a result of additional milling and binder work required in Fox Run subdivision.

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

17. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO INITIATE A COMPREHENSIVE ASSESSMENT OF THE MOUNTAIN ARTS COMMUNITY CENTER FACILITY."

Mayor Gee explained that this resolution is a result of an urgent need to assess the potential health and structural issues in the historic portion of the MACC. He said there is a secondary need to create a long term plan for the entire MACC.

Lolly Durant, Signal Mountain Boulevard, spoke as a representative of "MACC Patrons" a 501(c)(3) currently in formation. Ms. Durant informed the Council of the organizations progress to-date and their desire to support the MACC in the future.

Sandra McCrea, Whippoorwill Drive, spoke as Chairperson of the MACC Board, said the MACC Board offers \$10,000.00 to be used toward the evaluation process of the MACC needs. She explained these funds are donations held by the Chattanooga Community Foundation. Ms. McCrea explained to the Council that since the MACC is owned by the Town, grants are difficult to obtain and the Board hopes the MACC Patrons 501(c)(3) organization will have better success.

Dun Monroe, Cherokee Boulevard, suggested utilizing local builders to assess the issues at the MACC.

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

### **Public Hearing**

#### Zoning Ordinance – Liquor Stores in Highway Commercial Zoning

Mr. Veal explained that Title 8 of the Municipal Code states that liquor stores shall be located in a highway commercial zone and/or planned commerce center. He said however, the Zoning Code for highway commercial does not list this as a permitted use, but does in a planned commerce zone. He said the general provisions of the Zoning Code indicate that if a use is not specifically listed as permitted, then it is assumed to be not allowed. He stated this item will amend the Zoning to allow liquor stores in highway commercial districts subject to all licensing provisions and other governmental regulations. Mr. Veal said the Planning Commission has approved this change.

Mayor Gee invited comments from the audience. There being no comments, the meeting resumed.

### **Ordinances**

- i. "AN ORDINANCE TO AMEND ARTICLE VI SCHEDULE OF DISTRICT REGULATIONS OF THE SIGNAL MOUNTAIN ZONING ORDINANCE

REGARDING ALLOWING LIQUOR STORES IN HIGHWAY COMMERCIAL DISTRICTS.”

Councilmember Spalding motioned to approve the second reading of the ordinance. Vice Mayor Wallace seconded the motion. The motion to approve the second reading passed with a vote of 4 to 1, with Councilmember Lusk abstaining.

2. “AN ORDINANCE TO AMEND TITLE 14, CHAPTER 3, SECTION 14-303, OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO THE AREAS OF SPECIAL FLOOD HAZARD AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WITHIN THE TOWN.”

Councilmember Lusk motioned to approve the first reading of the ordinance. Councilmember Spalding seconded the motion. All present being in favor, the motion to approve the first reading was approved.

### Discussion

Town Attorney, Phil Noblett informed the Council the estimated annual loss from the amended property tax status of the Alexian is \$124,723.44. He said he has spoken with Emily Bennett, Assistant Attorney General. Mr. Noblett said Ms. Bennett stated that the Assessor’s Office is not opposed to filing an appeal of the Alexian’s initial determination and that the Town can file a petition for intervention pursuant to the Administrative Procedures Act. Ms. Bennett said it would be up to the Administrative Law Judge (who will handle this matter on behalf of the State Board of Equalization) to decide whether to allow the Town to intervene. Mr. Noblett asked the Council if they want to appeal the matter if the Assessor’s Office files an appeal.

Councilmember Howley made a motion to direct Mr. Noblett to find out if the Town has a basis to challenge the determination of the State Board of Equalization. Vice Mayor Wallace seconded the motion. All present being in favor, the motion was approved

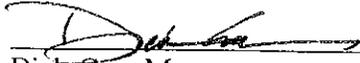
Mr. Veal informed the Council that a recent e-mail from the Tennessee Municipal League (TML) stressed that the TML presentations regarding the recent proposed state shared sales tax distribution change which spoke about proposals from Bo Watson were premature. TML stated that there is no formal proposal from Bo Watson to the legislature.

Mayor Gee suggested that Bo Watson and Patsy Hazelwood be invited to the January 11<sup>th</sup> meeting.

Councilmember Spalding asked Mr. Noblett to share information about the Chattanooga press release policy. Mr. Noblett replied that he had forwarded the information to Mr. Veal last week. Mr. Veal stated his review of the material showed that Chattanooga has no specific guidelines. Mr. Noblett said he could assist the Council in developing a press release policy. After discussion, the Council determined there is no current need for the policy.

Councilmember Howley thanked Finance Director/Recorder Carol White for providing a new monthly financial report for the Council.

There being no further business, the meeting was adjourned.



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Dick Gee, Mayor



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Recorder