

*****April 13, 2009*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, April 13, 2009, at 6:30 p.m. in the Town Hall. Those present were:

Mayor Bill Lusk
Vice Mayor Susan Robertson
Councilmember Annette Allen
Councilmember Hershel Dick

Also present were: Town Manager Honna Rogers
Town Attorney Phillip Noblett
Town Recorder Mark Johnson
See attached list for others present

Mayor Lusk led the pledge of allegiance. Stacey Seals, Fire Chaplain, gave the invocation. The roll was called, and all were present with the exception of Councilmember Hendricks.

Minutes

The minutes for the March 9th regular meeting and March 30th agenda meeting were discussed. Vice Mayor Robertson noted a minor grammatical error in the March 9th minutes and another in the March 30th minutes. Councilmember Dick moved and Councilmember Allen seconded that the March 9th minutes be approved. The motion passed unanimously. Vice Mayor Robertson moved and Councilmember Dick seconded that the March 30th minutes be approved. The motion passed unanimously.

Honorary Resolutions

The following resolutions were presented:

1. "A RESOLUTION RECOGNIZING FRIDAY, MAY 8, 2009, AS 'PAINT THE TOWN PURPLE' AND RELAY FOR LIFE WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Representatives from Relay for Life were presented with the resolution.
2. "A RESOLUTION HONORING THE MUNICIPAL TECHNICAL ADVISORY SERVICE (MTAS) 60th anniversary." Mayor Lusk noted that MTAS is an extraordinary resource for municipalities, and its programs provided the Town with its current Town Manager and recent interim Town Manager, Lynn Wampler. Councilmember Dick moved and Councilmember Allen seconded that the resolution be approved. The motion passed unanimously.

Citizens Opportunity to Address the Council

Mayor Lusk invited audience members to address the Council.

Andy Tucker of Mountain Brook Circle, who is the Signal Mountain High School liaison, reported that there would be an "I-Fest" on April 25th at the school from 4:00 p.m. to 8:00 p.m., which will showcase the work of students who have been studying international cultures. He also said that on Saturday, May 2nd, there would be a five-mile race and a two-mile "Fun Run" for education at the High School. He said 100% of the proceeds will benefit MEF, and the major sponsor for the event is the Signal Mountain Athletic Club.

Mr. Tucker, also President of the Signal Mountain Youth Basketball League, thanked Jarred Thompson, Recreation Director, and his staff for the wonderful job they did working with the league this year.

Lou Oliphant, Alexian Way, thanked Police Chief Boyd Veal for his response to her request for the trimming of bushes at Timberlinks Drive, Texas Avenue, and James Boulevard.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION REAPPOINTING WILLIS MURDOCK TO THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Allen moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously. Mr. Noblett said that for this particular Board, state law requires a term of six years as opposed to the three-year term for other Boards.
2. "A RESOLUTION APPOINTING KAREN RENNICH AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION APPOINTING KARNA LEVITT, BILL ALLEN, RUZHA CLEAVELAND, SAM POWELL, DAVID COOK, JOHN RICHARDSON AND WILLIAM LORD TO THE TRANSPORTATION SUBCOMMITTEE FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

4. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2009 CHEVROLET IMPALA, TENNESSEE STATE CONTRACT NUMBER 4037410, FROM WALKER CHEVROLET-OLDSMOBILE, IN THE AMOUNT OF SIXTEEN THOUSAND SIX HUNDRED THIRTEEN AND 50/100 (\$16,613.50) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers noted this purchase was originally scheduled for the next budget year; however, a surplus in this year's Police budget deemed making the purchase now more economical. Councilmember Allen moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

5. "A RESOLUTION REQUESTING THE HAMILTON COUNTY COMMISSION TO PROVIDE FUNDING FOR A SCHOOL RESOURCE OFFICER FOR THE NEW SIGNAL MOUNTAIN HIGH SCHOOL AS A PART OF ITS BUDGET FOR THE 2009-2010 SCHOOL YEAR." Mayor Lusk noted there was an incident at the school in the previous week and that in light of its magnitude and the fact that the current SRO, Gregg Hill, must patrol both the Middle and High Schools, it would be beneficial to approach the county again for additional SRO funding. Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Police Chief Veal said Officer Hill patrols the elementary schools, handles traffic and operates the D.A.R.E. program as well. Mayor Lusk noted he had placed calls to School Board members and was waiting to hear from them.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 11, CHAPTER 2, SECTIONS 11-201 and 11-202, REGARDING POSSESSING ALCOHOLIC BEVERAGES ON TOWN PROPERTY AND DRINKING ALCOHOLIC BEVERAGES IN PUBLIC WITHIN THE TOWN." Councilmember Allen moved and Vice Mayor Robertson seconded that the ordinance be approved. Mayor Lusk said there have been several requests by individuals over the years to serve alcoholic beverages at the MACC when it is rented for special events such as wedding receptions, anniversaries, etc. He explained this ordinance would allow a licensed caterer to sell alcoholic beverages, subject to appropriate restrictions such as a permit and proof of liability insurance. He also noted the permitting process would be approved by the Council. The motion passed unanimously.

2. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 8, CHAPTER 1, SECTION 8-106, REGARDING THE LOCATION OF ANY ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES OF MORE THAN FIVE (5%) PERCENT ALCOHOL CONTENT WITHIN THE TOWN, AND

AMENDING TITLE 8, CHAPTER 2, SECTION 8-242, REGARDING THE LOCATION OF ANY ESTABLISHMENT SELLING BEER WITHIN THE TOWN." Mr. Noblett explained that the first ordinance allowed alcohol distribution, subject to possession of a permit, and this ordinance defines where that distribution can be within the Town.

Mr. Noblett explained that, concerning sales of alcohol containing more than 5% alcohol content, the state regulates permit issuance; however, location of distribution is at the discretion of the Town. He said that for sales of alcohol containing less than 5% alcohol content, both location and permitting are at the discretion of the Town. He stated the purpose of this ordinance is to allow the Town to issue temporary permits, and for the Council to define any restrictions they deem appropriate.

Mayor Lusk stated that the Council should also have the power to deny permits. He asked how readily available background information on caterers would be. Mr. Noblett explained that if the caterer had ever committed an offense, it would be public record unless the charge was expunged. He said any Town records on the caterer would also be public record. Ms. Rogers said there is already a process for background checks concerning beer permits, and this same process would be used for other permits. Police Chief Veal noted that the TBI performs criminal background checks when notified by the Town, but a general background check is performed by the Town Investigator afterward. He said this could take time as the goal is to obtain a good impression of caterer's character; although in a small community, the services and quality of most caterers are well-known. Councilmember Allen moved and Vice Mayor Robertson seconded that the ordinance be approved. The motion passed unanimously.

3. "AN ORDINANCE AMENDING AND REVISING SIGNAL MOUNTAIN TOWN CODE, TITLE 2, SECTIONS 2-701 THROUGH 2-707 REGARDING THE CREATION OF A TREE BOARD FOR THE TOWN." Vice Mayor Robertson explained that the section in the Memorial Donation Policy ordinance regarding memorial donations of trees should actually be under the Tree Board ordinance. It was in the Memorial Donation Policy ordinance originally because the Tree Board was established after the memorial policy. She said that having memorial donations of trees under the Honor Tree Program in the Tree Board ordinance would help the Town obtain credit when applying to be a "Tree City USA". She noted that an Honor Tree had been planted that afternoon at the Library in memory of Bill Close donated by the Historical Committee.

Mr. Noblett noted an error in the caption in which "2-707" should actually be "2-703". He said this change could be made under second reading. Councilmember Dick moved and Vice Mayor Robertson seconded that the ordinance be approved. The motion passed unanimously.

4. "AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, OF THE SIGNAL MOUNTAIN TOWN CODE, SECTIONS 2-512 THROUGH 2-519, REGARDING HONOR TREE AMENDMENTS TO THE "SIGNAL MOUNTAIN ACKNOWLEDGEMENT AND MEMORIAL DONATION POLICY." Mayor Lusk said the basis for this was explained in the Tree Board ordinance amendment above. Councilmember Allen moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

Other Discussions

Councilmember Allen opened a discussion regarding the chicken ordinance. She said an individual recently brought a variance request to the Planning Commission that would waive the 25-foot setback requirement. That person had obtained a letter from the closest neighbor granting permission to that effect. Councilmember Allen noted this issue took a significant amount of time to discuss, and she asked that as long as an individual has obtained a letter of permission, the Town Manager should be allowed to grant the variance.

Mayor Lusk added that in that particular request, the closest and therefore potentially most adversely affected neighbor approved of the variance and this improved conditions for other neighbors who objected to chickens. Therefore, a letter accepting a variance by a neighbor who did not object to chickens, and which also moved a coop further away from neighbors who objected, seemed reasonable. Councilmember Allen added that if Ms. Rogers had been designated to grant permission instead of the Planning Commission, the process would not only have been simpler, but time spent on the issue relatively insignificant.

Mr. Noblett explained the reason he recommended the variance request process was to prevent Ms. Rogers from regulating request disputes. He suggested one solution might be for the Council to consider amending the normal 25-foot setback requirement. If not, he recommended the requests still go to the Planning Commission. Councilmember Allen reiterated that she felt a letter of permission would be a clear indicator of approval from the neighbor(s) and would eliminate the need for further discussion. Mr. Noblett said there could be a situation in which a neighbor first gives consent, then later changes his/her mind. In that case, Ms. Rogers would need to bring that to the Planning Commission.

Vice Mayor Robertson asked the difference is between a "variance" and an "exception". Mr. Noblett said a variance is a use that is different than what is provided for in an ordinance; whereas an exception is a special use allowed via permit. Vice Mayor Robertson asked if an easy, more concise process could be developed to allow variances in simpler requests. Councilmember Allen agreed, suggesting the Planning Commission review cases involving several variables. Vice Mayor Robertson suggested that requests go to the Board of Zoning Appeals (BZA). Mr. Noblett said that could be done. Councilmember Dick said the BZA might not want to handle these issues. Mayor Lusk

said that at one time, the Council discussed whether the Planning Commission or the BZA would handle these, and he couldn't recall why the Commission was chosen.

Mr. Noblett explained the reason was that the body reviewing chicken issues should have Council members on it who are familiar with the ordinance, i.e., the BZA normally only handles zoning variances relating to state law. Mr. Noblett said the process could be simplified by having the Planning Commission ask for a letter granting permission. If there is not one, then they can review the request on its merits. Councilmember Allen said that would be reasonable. She also noted that other property owners were present at the meeting to which she had referred, whose properties were not adjacent to the neighbors requesting the variance. They had come to the meeting under the impression that they could influence the outcome of the request, which they couldn't. Mayor Lusk asked if a requirement for a letter of permission should be specified in the ordinance. Ms. Rogers said that wasn't necessary since the application for chicken ownership already requires a letter. Councilmember Allen noted some of the Commission members questioned the variance because they were unclear about criteria in the ordinance for granting it; i.e., a letter. Mr. Noblett said that could be corrected and discussed at the next agenda session.

Vice Mayor Robertson suggested that a contract for the Town Manager be discussed at the next agenda session.

Vice Mayor Robertson asked if the website should also be discussed. Ms. Rogers said she will be speaking to Robin Derryberry next week, and she will be invited to the next work session. Councilmember Dick asked when the next work session would be. Ms. Rogers said the date was not final but that it may be May 1st.

Department Reports

Police

Police Chief Boyd Veal reported that there are several officers scheduled for upcoming training. Officer Jane Phipps has been accepted to the "Senator Tommy Burke Victim Assistance Academy" at UTC, which will enable the department to better assist those who have been victimized, including providing counseling and information. Lieutenant Sullivan is updating contact information from Town businesses. Chief Veal said that after that is complete, he would be contacting business owners for input regarding police service. Background investigations are being performed on potential officer candidates for an open position, and interviews will hopefully be performed soon.

Fire

Fire Chief John Vlasis reported that a lot of training has been completed recently, including EMS symposiums. The normal 40-hour in-service training will be held in May. There hasn't yet been any major damage as a result of weather.

Water

Utilities Director William Sanders reported that a new float was installed at the pumping station. Also, Tennessee American Water Co. repaired a valve at the station. Concrete work and a valve replacement had been completed, and more valve replacements and concrete work is scheduled as well as line replacements.

Recreation

Recreation Director Jarred Thompson thanked Andy Tucker for his comments earlier, and said Mr. Tucker did a good job of staying in touch with him. Mr. Thompson also reported that baseball and softball had begun. A concrete ramp was constructed at Scott Rutledge Field to prevent further water runoff damage. Several trees were planted at the old playground at Althaus Park, and one was planted at the library. The High and Middle School tennis players are now making use of the courts at Town Hall. The Chattanooga Women's Tennis League is also using them. Mr. Thompson said the pool had been drained. A new federal law requires anti-entrapment grates in all pools, and, weather permitting; these should be installed within the next week.

Mayor Lusk asked if there had been any progress in separating the children's pool circulating system from that of the main pool to avoid having to shut down the main pool when an accident occurs in the children's pool. Mr. Thompson said a new line to the pump house would have to be constructed. Vice Mayor Robertson asked how much that would cost. Mr. Thompson said he was unsure. Ms. Rogers said a new health requirement is in place that small children must wear plastic pants in the pool. Mayor Lusk asked if Town staff could perform construction to separate the system. Ms. Rogers said that might be possible, but the Town doesn't have the necessary funds and there are higher priorities to be addressed. Mr. Thompson said the electrical work would have to be outsourced, but Town staff could perform some of the deck cutting. Mayor Lusk said this could be discussed again at the next work session.

Building Inspection

Building Inspector Chuck Gearhiser reported that there have been several requests for new building permits, but the sewer moratorium seems to be an obstacle. He thanked William for help from his staff in installing a new light rack and toolbox on the truck he uses. The Hydro Jetter is working well.

Public Works

Public Works Director Loretta Hopper reported that work was started on pothole repairs. She noted there were a lot of potholes this year because of the very cold weather. There has been significant brush pickup due to recent storms. Tomorrow is the deadline for RFQ's for Shoal Creek and Palisades Road repairs. In the next week, she and a staff member will be attending a seminar required under the stimulus package program. Almost \$500,000 of stimulus funding has been applied for, which will be used for paving

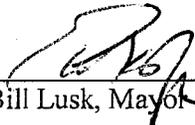
and upgrading the Town's signal light. Mayor Lusk asked where the paving would take place. Ms. Hopper said it would be along North Palisades Drive and James Boulevard, because funds were restricted to collector street paving only.

Ms. Hopper thanked the Council for their tree donation in honor of her son.

Library

Ms. Rogers reported for Librarian Karin Glendenning, who was absent. She said the event involving author/speaker Jill McCorkle was a success. Signal Mountain resident Frank Hill has given six antique ships to the library, and a "Thank You" reception will be held for Mr. Hill on April 30th at 6:30 p.m. Poetry Night will be held on April 23rd at 6:30 p.m. Ms. Rogers mentioned that this week is an amnesty week; that is, if a can of food is donated to the library for Signal Mountain Social Services, the donor will receive \$0.25 off library fines.

There being no further business, the meeting was adjourned.


Recorder
Bill Lusk, Mayor

DATE: April 13, 2009

| NAME | ADDRESS |
|------------------------|----------------------------|
| 1. Elaine Preston | Sig. Rd. |
| 2. Frank Presta | Signal Rd |
| 3. Brenda & Don Moore | Signal Mtn Cherokee Ln. |
| 4. Chapin Steacy Seals | 2114 W. Fiermont Rd. |
| 5. Lavinia Sussinger | 90 Carriage Hill |
| 6. Andy Inker | 1236 Mountain Brook Circle |
| 7. Lou Olickant | 622 Alpeian Way |
| 8. Lillian | Sig Mtn Blvd. |
| 9. Joan Dixon | 1004 Ladder Trail |
| 10. Kathy Moudel | 2247 Little Bard Rd |
| 11. Debbie Fasonu | 125 Arrow Dr |
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