

*****May 11, 2009*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, May 11, 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
Councilmember Paul Hendricks

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.

Minutes

The minutes for the April 13th regular meeting and May 1st agenda meeting were discussed. Vice Mayor Robertson noted minor grammatical errors in both sets of minutes, which she communicated to Mr. Johnson. The April 13th minutes were approved unanimously. Councilmember Dick moved and Vice Mayor Robertson seconded that the May 1st minutes be approved. The motion passed unanimously.

Honorary Resolutions

The following resolutions were presented:

1. "A RESOLUTION HONORING FRANK HILL FOR HIS DONATION OF SIX MODEL SHIPS TO THE SIGNAL MOUNTAIN LIBRARY." Mr. Hill was presented the resolution. Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

Special Presentations

Leslie Hicks of the Public Works department was honored as the "Employee of the Quarter". Ms. Rogers presented a narrative on Mr. Hicks' exemplary contributions to the Town.

Citizens Opportunity to Address the Council

Mayor Lusk invited audience members to address the Council.

Julian Bell, Middle Creek Road, asked why the resolution regarding the Shackleford Ridge Overlay Zone (SROZ) was going to be presented. Mayor Lusk said the resolution would be discussed later in the meeting. Mr. Bell asked if he could speak at that time. Mayor Lusk said under normal procedure, he couldn't. Therefore, Mr. Bell elected to continue. He said he owns approximately 145 acres on Shackleford Ridge, and he could currently develop 1.9 homes per acre on this property. He said increasing lot size requirements would not change the roadways as they are defined by topography. He also noted the resolution would require that development be placed on a septic system. He said there is no pollution in Middle Creek as discovered by periodic tests, which he has been sending to the Town. He commented on his proposed sewer plan in which a sewage pump station would be built and the costs split between the developers and the Town. To do that, he said higher density areas would be needed. He asked that the Council postpone approval of the resolution until the process of updating subdivision regulations is complete.

Tom Baird, Corral Road, said he owns 187 acres on Shackleford Ridge area, and he is disturbed by the proposed resolution after enduring the long process when the SROZ was created. He asked what justification could be made for repeal if the zone is consistent with the land use plan. He said he and his brother Glenn are opposed to the repeal as it would cause developers further delay, and that the SROZ was no threat to the Town. He noted the owners are planning development for various residential needs. He said any repeal should be replaced with a substitute.

Councilmember Hendricks suggested that the Council suspend normal procedure and allow more public input later in the meeting when the SROZ resolution comes up for discussion. He said in the past the Council has allowed more discussion time when issues appear controversial. Mayor Lusk said he would not object if the rest of the Council didn't. Vice Mayor Robertson said there would be opportunities for public input at the Planning Commission meeting and at a public hearing should the Commission make a recommendation. Councilmember Allen said she would have no problem with it so long as only new points were addressed. Mayor Lusk concurred with Councilmember Allen and said further discussion would be allowed after the Council's discussion of the resolution, but before the vote.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO COLLEY SALES AND SERVICE TO PROVIDE A SCADA SYSTEM TO MONITOR WATER LEVELS FOR THE PUBLIC UTILITIES DEPARTMENT IN THE AMOUNT OF SIXTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$16,800.00)

AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Mayor Lusk said that currently a Town employee manually monitors water tank levels. This system would automate that function. Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks thanked Ms. Rogers for her efforts to improve efficiency.

2. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO NAFECO, INC., FOR FOUR (4") INCH LDH FIRE HOSE IN THE AMOUNT OF FOURTEEN THOUSAND NINE HUNDRED THIRTY FOUR AND 02/100 DOLLARS (\$14,934.02) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Councilmember Dick moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
3. "A RESOLUTION AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT TO PINNACLE DESIGN BUILD GROUP, INC. FOR THE PALISADES DRIVE RETAINING WALL REPAIR IN THE AMOUNT OF ONE HUNDRED THIRTY-THREE THOUSAND ONE HUNDRED SIXTY NINE AND 80/100 DOLLARS (\$133,169.80) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS FOR TEMPORARY OR PERMANENT CONSTRUCTION EASEMENTS IN CONNECTION WITH THIS PROJECT." Councilmember Allen moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
4. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH JOHNSON, MURPHEY & WRIGHT, P.C. TO AUDIT TOWN ACCOUNTS FROM JULY 1, 2009 THROUGH JUNE 30, 2010, AND TO PROVIDE PAYMENT FOR MUNICIPAL AUDITING SERVICES PERFORMED ON TOWN ACCOUNTS FOR THAT TIME PERIOD IN THE AMOUNT OF \$17,275.00." Councilmember Dick moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
5. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH TML RISK MANAGEMENT POOL FOR THE PURPOSE OF PARTICIPATING IN AN INSURANCE POOL FOR POTENTIAL CLAIMS AGAINST THE TOWN." Ms. Rogers said this is a standard renewal of the Town's contract with TML, the Town's insurance provider. She said TML is a pool of many

Tennessee municipalities and in the past few years, the Town has kept its premiums low under its coverage. Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously. Mr. Noblett said it is very good to be part of this pool. He said it is funded by many municipalities and covers various kinds of legal liability; therefore, taxpayer dollars are held to a lower risk than they would have under a self-insurance setup.

6. "A RESOLUTION REQUESTING THE SIGNAL MOUNTAIN PLANNING COMMISSION TO MAKE A RECOMMENDATION TO THE TOWN COUNCIL ON WHETHER THE SHACKLEFORD RIDGE OVERLAY ZONE SHOULD BE REPEALED AT THIS TIME." Councilmember Allen moved and Vice Mayor Robertson seconded that the resolution be approved. Councilmember Allen said that representatives from the WWTa recently made a presentation on the Lateral Program. She said that since sewers will be available, the Town wishes to provide developers with new progressive ideas for greater flexibility, lower environmental impacts, and reduced costs. The Town was very receptive to these ideas after a presentation by consultant, Randall Arendt, explaining how conservation development can address these issues. As a result, a new Land Use Plan was adopted in 2008, and the Planning Commission has been working on revising subdivision regulations with such development in mind. Thus, she explained, the revisions would make the SROZ ordinances redundant. She suggested that now is a good time to repeal the SROZ because the Chattanooga area has become a desirable place to live and a popular place to retire. She said she believed the Town should have only one set of zoning regulations because it is more equitable. She also said the growth plan performed by the RPA in 2006 when the SROZ ordinances were passed, specifically stated that the SROZ was *not* consistent with the land use plan in place at the time, and the new land use plan gives preference to conservation development.

Councilmember Dick said he wants more public input because citizens were not given adequate opportunity to address the SROZ when it was first created.

Councilmember Hendricks read a prepared statement, saying his platform when campaigning was to pursue progressive property development that would preserve open space and consult with experts for help toward that goal. Mr. Arendt was consulted after his election and his recommendations were consistent with Councilmember Hendricks' own opinions on density-based zoning. He said Mr. Arendt's report criticized zoning based on lot sizes. He said that when asked about his position on repealing the SROZ, he indicated he would not want to *repeal*, but *replace* the SROZ with modern zoning regulations and not return to the former,

faulty practices of the past. He said the Commission has been asked twice to repeal the SROZ prior to completing its subdivision regulation revisions and anticipated zoning revisions and has twice very wisely declined to do so. He said he does not agree with changing anything now. He said the sewer moratorium does have a positive effect on the timing of this process. He suggested that the Commission redouble its efforts to complete the subdivision regulations and establish a subcommittee to pursue zoning regulation revisions. He said the SROZ was merely an expanse of land allowing for different zoning because of potential sewer availability. He said that ideally, the whole Town would be under one set of zoning regulations, but he is open to discussing exceptions. The SROZ provides for a one-third acre minimum lot size, unlike the one-half minimum lot size for the rest of the Town.

Councilmember Allen said she recently received the new subdivision regulations for Shelbyville and related zoning ordinances, which seemed simple. She asked Mr. Noblett if the Town faced legal issues regarding ordinances and development. Mr. Noblett said the existing ordinances are the law of the Town and anyone can develop according to them, but all development in the SROZ would have to be septic because of the sewer moratorium.

Vice Mayor Robertson asked what would happen if someone invested to develop property and later the subdivision regulations were changed. Mr. Noblett said they would have to comply with the new requirements. Councilmember Allen noted that Mr. Noblett said before that Tennessee judges tend to look at expense incurred when deciding cases on such issues. Mr. Noblett agreed, and said the expense would be the cost to develop, but developers would still have to comply with regulations in effect at the time of development.

Councilmember Hendricks said the SROZ only allows the use of a one-third acre lot size if sewer access is available. Vice Mayor Robertson asked what would happen if someone invested significant funds in anticipation of sewer availability that never actually occurs. Mr. Noblett said that wouldn't have a significant effect on their responsibility. Councilmember Hendricks said he hoped a judge would rule against someone who developed without looking at the regulations of the Town. Mr. Noblett said the Town should make known its revision of the subdivision regulations to avoid this problem.

Councilmember Allen said the landowners of SROZ property in the audience seemed surprised that the Council was considering changing the zoning. Therefore, she suggested the Council already hasn't been clear about its intentions. Councilmember Hendricks said they were only surprised it was being considered tonight. Vice Mayor Robertson agreed

with Councilmember Allen. Councilmember Allen said the subdivision regulations being developed would allow for improved flexibility and environmental sensitivity that would make the SROZ unnecessary.

Councilmember Hendricks said the subdivision regulations don't address density or lot size, to which Councilmember Allen responded that the ordinances regarding zoning in the example from Shelbyville do. Councilmember Hendricks said neither he, nor the public, nor had the rest of the Council seen those documents. Vice Mayor Robertson said the zoning ordinances reflect the density based zoning recommended by Mr. Arendt. Councilmember Hendricks said that didn't seem to be what the Council was discussing; i.e., they were discussing increasing required lot size.

Vice Mayor Robertson said she has been contacted frequently over the past few years by citizens who have complained that the SROZ ordinances are unfair and the Town should be under one set of zoning regulations. Councilmember Hendricks said he agreed with having one set of regulations, but disagreed that lot size requirements should be included. He said that the yield of a lot would be less than the total lot size due to utilities space, varying topography, etc. Vice Mayor Robertson said the recommendation from Mr. Arendt stipulated that zoning would dictate what yield would be achieved and that the Planning Commission was working to develop the yield plan. Councilmember Hendricks said the Council should wait until the yield plan is ready before repealing the SROZ. Vice Mayor Robertson called for question. Councilmember Hendricks summarized by saying he wants to complete all zoning regulation work, incorporating Mr. Arendt's suggestions, before repealing the SROZ.

Mayor Lusk said he believes the SROZ is unnecessary and unfair and has heard complaints from citizens too. He said that there are tracts of land outside the SROZ that can connect to sewer. He thought they should be allowed to develop under the principles of conservation development too. Those landowners are clearly discriminated against. He said the WWTA has made significant progress in addressing sewer issues. He also said it is clear that the Planning Commission is reviewing subdivision regulations and will be reviewing zoning regulations. He said anyone wanting to develop property should be aware of the direction in which the Town is headed. He also noted that he is concerned about the pressure new development in the SROZ would place on Town road infrastructure.

Glenn Baird, James Boulevard, said SROZ landowners were aware that Councilmember Allen didn't like the zoning and wanted to develop an alternative for it, but they were unaware that full repeal was considered. He said he would be in favor of an alternative, but that no other zoning

regulations address sewers. He also said he was concerned about listing all this property as a conservation zone. Councilmember Allen said it wouldn't be. He asked why the subdivision regulations being developed wouldn't work under the SROZ. Councilmember Allen said that both are attempts to achieve the same goal, but in different ways, and she felt the SROZ was unnecessary.

Mr. Baird noted that the Shackleford Ridge area was annexed in 1995, and the owners have waited patiently through many moratoriums and land use plans. He said there hasn't been that much demand for the property. He said he was concerned that Mayor Lusk had voted against the WWTAs Service Lateral Program. He also referenced Mayor Lusk's and Vice Mayor Robertson's public comments on how residential development does not pay for itself but is expensive for the Town. He said if that were the case, he would request that the property be de-annexed. Mr. Baird felt the public's inattention in 2006 to two years' worth of public meetings on this issue was its own problem. Councilmember Dick said that he was at some of those meetings and members of the public were cut off from speaking. Mr. Baird disagreed, saying that was not the case in the earlier meetings.

Mayor Lusk asked Mr. Baird to clarify his concern about his vote on the WWTAs Board. Mr. Baird said he thought Mayor Lusk voted against the Lateral Program. Mayor Lusk said what he voted against was an unpublicized rate increase and that he voted in favor of the Lateral Program. Mr. Baird accepted the response.

Vice Mayor Robertson told Mr. Baird that he was the one who had claimed that there was demand for the property. Mr. Baird said that was not true. Vice Mayor Robertson said the Council is only trying to be fair by having one zoning standard, and conventional or conservation development would be allowed. Mr. Baird asked what density number was being considered. Councilmember Hendricks said that "2" would probably be the figure proposed, but ideally, meetings would be held to determine the appropriate figure. He also said he hoped the process would make the Town the vanguard for conservation development.

Mr. Baird said it must be remembered that the process of development will take a long time and there is already competition in the nearby county. Vice Mayor Robertson asked Mr. Gearhiser how many homes per year have been developed in the Town. Mr. Gearhiser said approximately 15 in each of the last three years.

Julian Bell said it is difficult to listen to non-developers and that the Council is not considering the buyer. He said more money is needed to run a property development company that it does the Town. He also said there is no demand for the property; in fact, approximately 12-15 families

move *from* the mountain per year and into his developments in the valley. He said the Council continually bickers and does not sound civil. He said there is very little participation from the citizens because the Council wearies them. He said he sees better cooperation from other areas in which he develops. He said years ago he personally paid \$10,000 to bring Mr. Arendt to Hamilton County and the resulting open space ordinance has not been used. He urged the Council to reconsider what they are doing.

Rachel Miller, James Boulevard, said the discussion seemed to be about vision. She said that when the SROZ was discussed in previous years the citizens did not get an adequate chance to address it. She said the points-of-view of citizens should be heard, not that of business people.

Theresa Groves, Homebuilders Association, said she and other realtors feel more housing options should be made available.

Steve Bullard, James Boulevard, said a perfect vision for zoning can't be developed, and since several Town administrations have already considered the issue, someone has to start making decisions. He said only 15 new homes per year was pathetic. He said only large homes seem to be available and therefore many younger people can't afford to pay \$800,000 to move into the Town. He indicated that the Council belabors issues such as the chicken ordinance when other issues are more important.

The motion was approved by a 4-1 vote, with Councilmember Hendricks dissenting.

7. "A RESOLUTION APPOINTING CLAIRE GRIESINGER AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION (DRC)." Mayor Lusk noted there was also a similar resolution on the agenda appointing Werner Slabber to the DRC. Mr. Slabber was not present. Councilmember Hendricks asked if this discussion could be postponed until Mr. Slabber could attend. Vice Mayor Robertson said that he has not attended any meetings thus far and therefore suggested appointing Ms. Griesinger. She noted Ms. Griesinger worked with her on the Mountain Vision Committee and is very dependable. Councilmember Hendricks said "new blood" is needed. Vice Mayor Robertson said Mr. Slabber is an architect, and there are already two architects on the DRC. Councilmember Dick said the Council should proceed with appointment. Mayor Lusk and Councilmember Allen agreed. Vice Mayor Robertson moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously. Councilmember Hendricks clarified himself by saying that even though he commented earlier that new participants are needed, he

voted for Ms. Griesinger because she deserved a unanimous vote based on her qualifications.

Councilmember Hendricks moved and Mayor Lusk seconded that discussion of the following, "A RESOLUTION APPOINTING WERNER SLABBER AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION (DRC), be postponed. The motion passed unanimously. Councilmember Hendricks suggested reviewing other available positions and inviting Mr. Slabber to fill one of those. Vice Mayor Robertson noted that Mr. Slabber was a neighbor of hers and a good man. She said he should definitely be considered for a board position in the future.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE AMENDING TITLE 10 OF THE SIGNAL MOUNTAIN TOWN CODE, SECTION 10-102, PARAGRAPH 3(d), REGARDING VARIANCES FOR PROPERTY LINE SETBACKS WHERE AN ADJOINING PROPERTY OWNER SUBMITS A LETTER OF SUPPORT FOR THE KEEPING OF CHICKENS AND FOWL WITHIN THE TOWN." Councilmember Allen explained that when considering the chicken ordinance, several models were reviewed that included setback requirements, and the Town decided on 25 feet. However, in the event a homeowner wants to place his chicken coop within the setback, a variance could be requested based on a letter of support from the adjoining neighbor. She said this ordinance would provide clearer language to that effect to the Planning Commission. Councilmember Dick moved and Councilmember Hendricks seconded that the ordinance be approved. Councilmember Hendricks thanked Councilmember Allen for the clarification. Mayor Lusk noted two areas that could also be changed for further clarification: 1) under 3(d), the wording regarding a letter from the adjoining neighbor could be changed to indicate the neighbor closest to the coop, and 2) under the same section, the language regarding the applicant obtaining a letter of support from the adjoining neighbor within thirty days be changed to specifically indicate the *new* owner. Councilmembers Dick and Hendricks agreed to have their original motions amended to allow for these changes. The motion passed unanimously, subject to the requested amendments.
2. "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. The motion passed unanimously.

3. "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." Councilmember Dick moved and Vice Mayor Robertson seconded that the ordinance be approved. Councilmember Hendricks asked if under item 3 the 500-foot distance requirement pertained to on-premises consumption. Mr. Noblett said it did. Councilmember Hendricks asked if that should be clarified. Vice Mayor Robertson and Mayor Lusk said it was clear to them. Councilmember Hendricks asked if the language had changed from the first reading. The Council indicated it didn't, and he withdrew his suggestion. The motion passed unanimously.
4. "AN ORDINANCE AMENDING AND REVISING SIGNAL MOUNTAIN TOWN CODE, TITLE 2, SECTIONS 2-701 THROUGH 2-703 REGARDING THE CREATION OF A TREE BOARD FOR THE TOWN." Vice Mayor Robertson noted there is a similar amendment to the Memorial Policy ordinance coming up next. She said this amendment would place provisions for the Honor Tree program in the Tree Board ordinance. Vice Mayor Robertson moved and Councilmember Dick seconded that the ordinance be approved. Councilmember Hendricks noted there were questions from citizens prior to the meeting about some of this ordinance's language and asked if comments could be taken from the floor.

Vice Mayor Robertson and Mr. Noblett said Glen Baird's question about language requiring contacting the Tree Board prior to the issuance of a land disturbing permit was unchanged from the first reading. Mr. Noblett said the Board has no regulatory authority and the only pre-development requirement involving the Tree Board is that developers would receive a Tree Board pamphlet with suggestions on how to save trees during development. Mr. Baird asked if developers would be required to meet with the Board. Vice Mayor Robertson and Mr. Noblett said they would not. Mr. Baird said he was uncomfortable with the language in the "purpose and use" section. He felt the words "protect" and "advocate" regarding trees made it open to interpretation. He said he was also concerned that non-residents were allowed to serve on the Board. He said he also didn't like the language in the "Duties and Functions" section that indicates programs and regulations can be adopted by the Council. He summarized by saying the language opens up the possibility of loose interpretation.

Vice Mayor Robertson said the Tree Board ordinance was passed last summer and the only change now is to add the section on Honor Trees. Mr. Baird disagreed, saying there were many items included in this version that weren't in the original version, for example, the "Advisory Responsibilities" section was not in the

original. Mr. Noblett said he thought the only language in question pertained to whether the Board has regulatory authority. He said it does not. He said any other changes were minor. Vice Mayor Robertson repeated that the only document required before a land-disturbing permit is issued is a brochure, which a developer could either read or toss in a trash can. Councilmember Allen remarked that she hoped they would recycle it instead. Vice Mayor Robertson reiterated that the Tree Board has no regulatory powers and only serves in an advisory capacity to the Council. Mr. Baird said section A was not included in the original version. Vice Mayor Robertson said it was at the end of another section originally.

Councilmember Hendricks noted that he had asked that the ordinance be postponed until this meeting so this issue could be discussed. He also said the Board can recommend regulations, but then again, anyone can recommend regulations to the Council. He also noted that the only reason non-residents were allowed on the Board was to have professional expertise available. He said the Tree Board is purely for educational and advocacy purposes.

Mr. Baird said he liked the idea of a Tree Board, but disapproved of the language in the ordinance. Councilmember Hendricks said that originally when the Tree Board was proposed, the Council considered requiring that a developer meet with the Tree Board before a permit was issued, but that the Council had chosen the pamphlet option instead. He said he hoped people would consider the information in it.

Mayor Lusk addressed the concern of non-resident members, saying the requirement to have a certified arborist on the Tree Board forces the Town to admit a non-resident member in this case. Mr. Baird said all non-resident members should be ad hoc. Vice Mayor Robertson said it was not uncommon for people from different areas to come together to discuss these issues. She noted the Chattanooga Tree Board, for example, has members from Signal Mountain.

The motion passed unanimously.

5. "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." Vice Mayor Robertson said that the Honor Tree program was begun after the memorial donation policy was established, and there was conflict over who was to approve Honor Trees – the DRC or Tree Board. This ordinance will now reference the Tree Board ordinance and place the approval of Honor Trees under the Tree Board. She also said this amendment would aid the Town in achieving designation as a "Tree City USA". Councilmember Allen moved and Vice Mayor Robertson seconded that the ordinance be approved. The motion passed unanimously.

6. "AN ORDINANCE TO AMEND THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1603 TAFT HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY RESIDENTIAL (LDR) TO OFFICE DISTRICT; SUBJECT TO CERTAIN CONDITIONS." Mayor Lusk said the owner originally wanted to subdivide the property, but she had failed to meet certain conditions. He said she had not been heard from in many months. Mr. Noblett said the ordinance has already been read once, and if a motion is made to postpone the ordinance, the owner will have further opportunity to meet the requirements. If the ordinance is defeated and the issue is brought back up in the future, another two readings will be required. Mayor Lusk moved and Councilmember Allen seconded that the request be denied. Ms. Rogers mentioned her only concern might be that she had not contacted the owner, notifying her that her request was being reconsidered. Mayor Lusk asked Ms. Rogers if she had tried to contact the owner at any time during the last several months. Ms. Rogers stated that indeed she had on many occasions. The Council agreed then that the owner had been given ample opportunity to comply. The motion passed unanimously.

Other Discussions

Mr. Johnson noted a typographical error in resolution no. 4 above, in which the audit year mentioned should be July 1, 2008 to June 30, 2009, not July 1, 2009 to June 30, 2010. Councilmember Hendricks moved and Mayor Lusk seconded that the resolution be approved subject to said amendment. The motion passed unanimously.

Ms. Rogers noted the budget meeting would be tomorrow, May 12th.

Department Reports

Fire

Fire Chief John Vlais reported that a normal level of calls is being handled. The recent national "Swine Flu" pandemic is being addressed. One firefighter is scheduled to receive a new level of firefighter certification.

Police

Police Chief Boyd Veal reported that there has been a slight increase in traffic recently due to the warmer months, but that it is partially offset by a decrease because of rainfall. More traffic enforcement activity is expected by summer when GHSO overtime grant funds are received. The department is working on filling one open position. On May 21st, a law enforcement memorial service will be held in downtown Chattanooga for officers in the Chattanooga area who have fallen in the line of duty. Councilmember

Dick commended Chief Veal on the efforts of his department. Mr. Noblett asked that the new officer hired have all necessary certifications prior to being on duty.

Public Works

Public Works Director Loretta Hopper reported that road maintenance is being performed on every day the weather allows. Mowing rights-of-way has been performed and trimming those areas will begin soon. A certified arborist has been contacted to give a class on trimming. The Palisades Drive project is being worked on and an engineering firm has been selected for it. A striping RFP has been issued. The stimulus project is also being worked on, with 3.7 miles of paving planned. The budget is being developed.

Mayor Lusk noted and Ms. Hopper acknowledged that an LED traffic signal replacement is being planned as part of the stimulus package.

MACC

MACC Director Karen Shropshire reported that everything is going well at the MACC. There has been good attendance at the Coffee Café.

Water

Utilities Director William Sanders reported that there were two significant leaks during the month. A valve was replaced. Two of his staff will be attending flag and safety training. A total of 131 work orders were processed. There were 27 Tennessee One Call notifications. The department helped plant trees. Road cuts along Signal Road are being planned. The WWTa will arrive soon to do repairs. The motor on pump no. 5 is malfunctioning.

Library

Librarian Karin Glendenning reported that there has been a steady increase in membership in the past year. Approximately 2300 new books were added. Several programs are being planned. A box of food was collected for Signal Mountain Social Services. Ms. Glendenning thanked the Fire Department for its participation in a recent Storytime.

Recreation

Recreation Director Jarred Thompson reported that his department is behind schedule due to rain. Grates were installed at the pool. Chuck Gearhiser, Building Official, helped with safety repairs at the Playhouse. Vice Mayor Robertson asked about the status of the drainage issue at Scott and Rutledge fields. Mr. Thompson said Town staff discovered that a backed-up drain is causing the problem. Vice Mayor Robertson asked if citizens could get involved to help solve the problem. Mr. Thompson said he had spoken with several baseball coaches and Commissioners who said they would be willing to help. Mr.

Gearhiser said iron oxide was the primary pollutant released because of the problem. He also said that contamination testing would be performed in that area to determine if e.coli were present. Councilmember Allen asked if it would be worthwhile to put up a temporary sign explaining the odor. Ms. Rogers said league officials had been contacted and Mr. Thompson said the area has been barricaded.

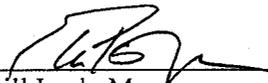
Building Inspection

Building Official, Chuck Gearhiser, reported that one new residential permit was issued. An expansion to First Tennessee Bank is underway. Commercial space is being renovated. A new restaurant opened. Stormwater work has been particularly high due to rainfall. Stream pollution testing was performed, and the results will be made available to TDEC. He then listed specific results of his testing. Mayor Lusk asked if the improvement at Shoal Creek was attributable to the efforts of the WWTA. Mr. Gearhiser said it was.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor

DATE: May 11, 2009

NAME	ADDRESS
1. <u>Clare Sresinger</u>	<u>40 Carriage Hill</u>
2. <u>Julie Bell</u>	<u>51 Middle Creek</u>
3. <u>DAVE CANTRELL</u>	<u>105 South Dr</u>
4. <u>Gwen Thompson</u>	<u></u>
5. <u>Bob Anderson</u>	<u>520 Fern Trail</u>
6. <u>David Lewis</u>	<u>Public Works</u>
7. <u>Sandy Porteluis</u>	<u>Malcolm Lane - Library Board Mem.</u>
8. <u>Tom Trimble</u>	<u>24 Middle Creek Rd.</u>
9. <u>Christen Hayes</u>	<u>2114 W. Summit Rd.</u>
10. <u>Low D. Liphant</u>	<u>672 Alpin Way</u>
11. <u>Jean Nolan</u>	<u>1004 Fodder Trail</u>
12. <u>Charles Low</u>	<u>403 Brady Point</u>
13. <u>Jerry Robertson</u>	<u>115 River Point Rd</u>
14. <u>Tom Baird</u>	<u>2002 Coast Rd</u>
15. <u>Steve Ballard</u>	<u>314 James</u>
16. <u>Alan Baird</u>	<u>210 James</u>
17. <u>Jeff Halland</u>	<u>203 Timberlinks Dr</u>
18. <u>Doug Fustun</u>	<u>700 Kennedy Ave</u>
19. <u></u>	<u></u>
20. <u></u>	<u></u>
21. <u></u>	<u></u>