

*****May 14, 2018*****

The Signal Mountain Town Council held its regular meeting on Monday, May 14, 2018, at 6:30 p.m. in the Town Hall. Those present were:

Those present were: Mayor Chris J. Howley
Vice Mayor Dick Gee
Councilmember Robert Spalding
Councilmember Amy Speak

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

Mayor Howley led the pledge of allegiance. Stacey Seals, Fire Chaplain, gave the invocation.

Minutes

The minutes for the March 2nd special worksession 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.

The Council considered a request from Pruett Enterprises for an on-site beer permit. Owner, Chuck Pruett appeared before the Council. Mayor Howley motioned to approve the on-site beer permit for Pruett Enterprises. Vice Mayor Gee seconded the motion. All present being in favor, the motion passed.

Town Manager, Boyd Veal, explained that Mayfly Coffee LLC has been working towards meeting the requirements for an on premise beer permit, but has not yet met those conditions. Mr. Veal said this item will be placed on a future agenda for Council review.

The regular meeting was reconvened.

Citizen Comments

Craig Peavy, James Boulevard, provided a copy the Commercial Districts Vision and Guidelines report commissioned by the Town in 2010. Mr. Peavy also provided 3 site plans for the site proposed for rezoning at 617 Cauthen Way that he had drawn. Mr. Peavy spoke in opposition to the proposed rezoning

Lane Ford, James Boulevard, presented the Council with a petition opposing the proposed rezoning of 617 Cauthen Way. Mr. Ford also spoke in opposition to the proposed rezoning.

Charlie Poss, Brady Point Road, said he believes the Council has already exceeded a 30 day allowance for Council to amend the zoning ordinance based on his reading of 1802.02 of the Zoning Ordinance.

Town Attorney, Phil Noblett, replied that Mr. Poss was wrong since 1802.02 does not address rezoning petitions. Mr. Noblett stated that, per 1802.04, the Council will set a public hearing within 3 months of the date when the Town Council received the Planning Commission's recommendation. Mr. Noblett said the Council has a duty and obligation to make a decision on a rezoning request.

Robert Franklin, Walden resident, spoke as a representative of Keith Corp. He said the silent majority is in favor of the proposed rezoning and development plan of Keith Corp.

Glenn Showalter, Georgia Avenue, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Wendy Morgan, James Boulevard, said the Land Use Plan (LUP) identified potential uses for future rezoning of this parcel to include a government building not a big box store. She spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Shawn Campbell, James Boulevard, said it is OK to disagree, but that he is in favor of the proposed rezoning.

Annette Allen, Primrose Way, said any rezoning of 617 Cauthen Way should not take such low density to such high usage. She spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Charlotte Davis, Crown Point Road East, said that the proposed rezoning was an issue of property rights versus community interest. She spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Theresa Jones, Crown Point Road West, stated she has 1,500 signatures on a petition to oppose the rezoning of 617 Cauthen Way.

Bob Linehart, Rock Crest Lane, said that growth will occur and that growth outside the Town limits will happen without the benefit or control of the stringent requirements the Town has. He said the Town needs additional growth and believes a grocery is coming in somewhere and that the Town needs to take advantage of the sales tax potential. Mr. Linehart said the current properties are run down and the proposed plans are attractive.

Amy German, James Boulevard, spoke in favor of the proposed rezoning of 617 Cauthen Way.

Dun Monroe, Cherokee Boulevard, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Mary Hudson, James Boulevard, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Nancy Gill, Coffin Hill, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

David Evans, Carolina Avenue, said the Council should have stopped the meeting since not all residents could attend due to the occupancy limitations of the room. He spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Claire Griesinger, Carriage Hill, spoke in opposition to the proposed rezoning of 617 Cauthen Way. She said that Councilmember Spalding should not vote since she believes he has a conflict of interest.

Missy Cantrell, South Drive, said that Councilmember Spalding should not vote. Mr. Noblett replied that unless Councilmember Spalding has an ownership or employment interest, there is no ethical or monetary conflict. Ms. Cantrell spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Lisa Turner, Scenic Hollow Lane, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Rosemary Varner, Albert Road, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Tom Williams, James Boulevard, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Andrea Bock, Albert Road, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Richard Ford, Pine Ridge Drive, non-resident, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Patrick Collins, owner of Mountain Top Toys, spoke in favor of the proposed rezoning of 617 Cauthen Way. He said that as a business owner, he knows the importance of an anchor store to encourage foot traffic. He said that small town feel does not mean to keep business small. Mr. Collins stated his belief that 2 grocery stores can survive in a growth economy.

Ann Hagood, James Boulevard, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Liz Wilkerson, Big Rock Road, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Carol Miles, Mountain Creek Road, non-resident, said she was representing Molly Miles, Alexian Way. Ms. Miles spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Anne Rittenberry, Crown Point Road West, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Keith Bohman, Kell Road, non-resident, spoke in favor of the proposed rezoning of 617 Cauthen Way.

Kathy Kessler, Signal Mountain Boulevard, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Debbie Bock, Albert Road, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Jackie Benkert, Miles Road, spoke in opposition to the proposed rezoning of 617 Cauthen Way.

Resolutions

1. "A RESOLUTION APPOINTING BOYD A. VEAL AS THE DESIGNATED REPRESENTATIVE FOR THE TOWN OF SIGNAL MOUNTAIN, ON THE CHATTANOOGA-HAMILTON COUNTY/NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION EXECUTIVE BOARD."

Councilmember Speek made a motion to approve the resolution. Councilmember Spalding seconded the motion. All present being in favor, the motion was approved.

2. "A RESOLUTION APPOINTING LORETTA HOPPER AS PROXY FOR THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE, BOYD A VEAL, ON THE CHATTANOOGA-HAMILTON COUNTY/NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION."

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

3. "A RESOLUTION APPOINTING CASEY HOUSTON AS A MEMBER OF THE SIGNAL MOUNTAIN BEAUTIFICATION SUBCOMMITTEE OF THE TOWN OF SIGNAL MOUNTAIN'S CITIZENS ADVISORY COMMITTEE."

4. "A RESOLUTION APPOINTING SALLY HALLORAN AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER BOARD."

5. "A RESOLUTION APPOINTING ETHAN NELSON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MUNICIPAL PLANNING COMMISSION."

6. "A RESOLUTION APPOINTING JAMIE BLANTON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S MUNICIPAL PLANNING COMMISSION."

7. "A RESOLUTION APPOINTING MIKE RICHARDS AND JARRED THOMPSON AS MEMBERS OF THE TOWN OF SIGNAL MOUNTAIN'S CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS."
8. "A RESOLUTION APPOINTING CURT KOONTZ AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S PARKS BOARD."

Councilmember Speek made a motion to approve resolutions 2018-30 through 2018-35. Councilmember Spalding seconded the motion. All present being in favor, the motion was approved.

9. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2018 FORD POLICE INTERCEPTOR, TENNESSEE STATE CONTRACT NUMBER 56446, FROM FORD OF MURFREESBORO, MURFREESBORO, TENNESSEE, FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND THREE HUNDRED THIRTY-FIVE DOLLARS (\$25,335.00) TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN."

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

10. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HIGGINS CONSTRUCTION FOR CULVERT REPLACEMENT LOCATED AT 933 WHIPPOORWILL DRIVE IN AN AMOUNT NOT TO EXCEED THIRTY-EIGHT THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$38,550.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD."

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

11. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO BRIAN SITTON CONSTRUCTION FOR SHACKLEFORD RIDGE ROAD DITCH REHAB IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND NINE HUNDRED EIGHTY EIGHT DOLLARS AND 70/100 (\$35,988.70) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD."

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

12. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HIGGINS CONSTRUCTION FOR FERN TRAIL DRAINAGE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED FIFTY SIX THOUSAND TWO HUNDRED NINETY-FIVE AND NO/100 DOLLARS (\$56,295.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD."

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

13. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ESTES EQUIPMENT COMPANY, INC. FOR A FUEL PUMP & FUEL MANAGEMENT SOFTWARE FOR THE PUBLIC WORKS DEPARTMENT IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$19,750.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD."

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

14. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH THE SIGNAL MOUNTAIN LIONS CLUB OF SIGNAL MOUNTAIN, TENNESSEE, IN THE AMOUNT OF FOUR THOUSAND DOLLARS (\$4,000.00), TO PROVIDE EVENTS DURING THE JULY 4TH CELEBRATION TO IMPROVE THE CIVIC, CULTURAL, SOCIAL AND MORAL WELFARE OF THE COMMUNITY."

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

15. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO DONATE SURPLUS RADIO EQUIPMENT TO THE MARION COUNTY EMERGENCY MANAGEMENT AGENCY."

Vice Mayor Gee 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 FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO RAINES BROTHERS, INC., IN THE AMOUNT OF FOUR HUNDRED NINE THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$409,470.00), AS THE LOWEST AND BEST BID FOR REPAIRS AND RENOVATIONS TO THE MOUNTAIN ARTS COMMUNITY CENTER AS APPROVED BY THE STATE FIRE MARSHAL'S OFFICE AS PROJECT 2017090801 AS WELL AS ADDITIONAL STRUCTURAL REPAIRS AND RENOVATIONS AS SPECIFIED IN THE ASSOCIATED BID DOCUMENTS AND ENGINEERED PLANS."

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

Presentation

Knox Campbell, Retail Brokerage and Development Division of the Keith Corporation, made a presentation (copy attached) to the Council regarding the rezoning of 617 Cauthen Way and the redevelopment of Signal Plaza and Signal Crossing shopping areas.

Stephen Spangler, Vice President of Real Estate for Food City, explained that this proposed store, at 38,000 sq. ft., will be the smallest footprint they have.

Steve Smith, President and CEO of Food City, explained that this is a 2nd generation family business, with 13-14% of stock owned by employees. Mr. Smith spoke extensively about his company's desire to come to this community and be a positive corporate partner for the Town.

Councilmember Spalding asked if there was a gas station in the plans. Mr. Smith assured him there was not, but that they would like to put in a drive through pharmacy in the future.

Council held extensive discussion regarding the long term permanency of the store and the development. Council expressed concern regarding store hours, truck deliveries, noise reductions and light pollution. Mr. Smith agreed that he was willing to negotiate solutions to these issues with the Council.

Councilmember Spalding asked if he would be required to recuse himself from any voting because he has a lease within the current development. Mr. Noblett replied that there is no conflict since Councilmember Spalding does not have an ownership or employment interest. Mayor Howley said he doesn't question Councilmember Spalding's integrity. Vice Mayor Gee and Councilmember Speek agreed.

Councilmember Spalding said that the business owners he has talked to like the idea of the proposed redevelopment of the shopping areas.

Council asked Cheryl Graham of the Planning Commission about her position on the matter. She said this type of grown is in the LUP and she felt this development would work well with the bike/ped. plan the Town is currently developing. She confirmed that she was the only vote in favor of this development when it was presented to the Planning Commission.

Ordinances

1. "AN ORDINANCE TO REZONE A PORTION OF PARCEL 0980 A 003 FROM LOW DENSITY RESIDENTIAL DISTRICT TO HIGHWAY COMMERCIAL DISTRICT."

Mr. Veal recommended amending the ordinance as presented to provide the opportunity to address as many conditions as possible at this time. He recommended the following changes:

1. Caption - add at the end of last sentence - subject to certain conditions.

2. Final Whereas paragraph - add at the end of the last sentence – subject to certain conditions designed to ameliorate injuries created by the rezoning to surrounding property interests as set forth pursuant to TCA 13-7-101(b)
3. Section 2 will become Section 3
4. New Section 2 will be inserted and say – Rezoning of the aforementioned property shall be subject to the following conditions:

Mr. Veal said that conditions determined by the Council will be inserted thereafter.

5. Section 2 will be concluded with – Failure to comply with any of these conditions shall result in this ordinance becoming null and void.

Vice Mayor Gee made a motion to accept the Town Manager’s recommendation to amend the ordinance as described. Councilmember Speek seconded the motion. All present being in favor, the motion was approved.

Following further extensive discussion by Council, Vice Mayor Gee made a motion to defer any action on the ordinance until conditions are determined before the May 25, 2018 meeting. Councilmember Spalding seconded the motion. The motion to defer was passed with Mayor Howley, Vice Mayor Gee, and Councilmember Spalding in favor. Councilmember Speek abstained.

2. “AN ORDINANCE TO AMEND ORDINANCE NUMBERS 2017-07 AND 2017-11, ENTITLED THE “FY 2017-2018 BUDGET ORDINANCE,” SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES AND EXPENDITURES IN THIS BUDGET YEAR.”

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

3. AN ORDINANCE OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 HEREINAFTER KNOWN AS THE “FY 2018-2019 BUDGET ORDINANCE”.

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

Discussion

Mr. Veal reminded the Council that the June regular meeting had been rescheduled to June 18th.

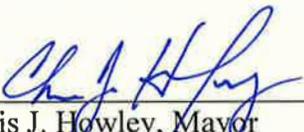
Other Business

Mayor Howley said the Town has been asked to reconsider and join the Small Cities Coalition. He asked that this item be placed on the next worksession for discussion.

Mayor Howley asked for an update at the next worksession regarding a possible code violation on Windy Way.

Mayor Howley asked for an update at the next worksession regarding TDEC.

There being no further business, the meeting was adjourned.



Chris J. Howley, Mayor



Recorder