**Town of Walden**

Meeting Minutes

May 12, 2020

**call to order of the regular meeting**

Mayor Trohanis called the regular monthly meeting of the Town of Walden to order. This meeting was held using the “ZOOM” virtual meeting platform.

**roll call**

Fern Lockhart called the roll and noted the presence of Mayor William Trohanis, Vice Mayor Lee Davis, Alderwoman Sarah McKenzie and Town Attorney Sam Elliott.

The following interested persons were present via ZOOM: Joe Durek, Susan Snow, Andy Snow, Mickey Robbins, Anthony Wheeler, Linda Collins, Charles Adams, and Gene Adams.

**Approval/Correction of Minutes from Previous Meeting**

ALDERWOMAN SARAH MCKENZIE MOVED TO APPROVE THE MINUTES OF MARCH 12 AND APRIL 11, 2020 AS SUBMITTED, SECONDED BY VICE MAYOR LEE DAVIS, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN.

**communications from the mayor**

Mayor Trohanis said, “It’s been an interesting couple of months. I appreciate everyone’s patience and leadership as we try to follow the Governor’s guidelines and the County’s guidelines, etc. It was pretty challenging at times with what we obviously went through, but I want to thank all of the people on the front lines that kept us all safe and, to this point, healthy – and I’m thankful for that. We are going to follow the guidelines as prescribed by the executive order. As far as at Town Hall, anyone who comes in if they have a mask if they would please wear it. That would be beneficial for us and for those folks working at the Town.”

Mayor Trohanis asked if anyone else had thoughts about the past two months. Vice Mayor Lee Davis shared that he thought Mayor Trohanis’ comments were stated well.

**roads report**

Mayor Trohanis reported that striping should be completed this week on the newly paved portion of Ivory, as well as parking spots at Bachman.

**Police Report**

No report.

**financial report**

The financial report is attached as an exhibit of these minutes.

**codes enforcement**

Vice Mayor Lee Davis read the codes report for the month of April, 2020 from Dan Maxwell. The codes report is attached as an exhibit of these minutes.

Vice Mayor Lee Davis complimented Mr. Maxwell on his response and follow-up time, as well as his communications that keep the board informed regarding his work. Mayor Trohanis agreed.

**WRES Report**

No report.

**Bachman council**

No report.

**pumpkin patch**

No report.

**McCoy farm & gardens**

Mickey Robbins reported that Charles Adams is doing a wonderful job with multiple projects for McCoy Farm and Gardens. These projects include new fencing and also doubling the parking spaces. The “Maintenance / Projects Report” is attached as an exhibit to these minutes.

Mr. Robbins also noted that McCoy Farm and Gardens is currently closed and not booking any new events, in accordance with the Governor’s shut-down orders.

Alderwoman Sarah McKenzie congratulated Mr. Robbins on the gardening award, and Mayor Trohanis complimented the McCoy group on the new fencing going down Anderson Pike.

**dog park**

Alderwoman Sarah McKenzie reported that the dog park now has a Facebook page, and the committee is looking for ideas on naming the dog park. The committee will narrow the choices down to three favorites, which will be sent to the board for final selection and approval. Alderwoman McKenzie noted that some of the work may be delayed due to COVID-19 and the recent tornadoes, but the committee hopes to have the dog park open by the end of June, 2020.

**land use study committee**

Mayor Trohanis reported that the entire board is planning to attend the Land Use Committee meeting on May 27th. The meeting will also be open to the public. Mayor Trohanis asked for clarification from Attorney Sam Elliott regarding the legality of the board’s attendance. Attorney Elliott confirmed that there was no issue with the board attending the meeting, but also stated that board members could not have conversations among themselves during the Land Use Committee meeting time. Attorney Elliott offered to attend the meeting as well, if desired.

Alderwoman Sarah McKenzie noted that several committee members had already expressed some questions that they would like clarified. Attorney Elliott suggested that the Town Recorder, Fern Lockhart, also advertise a special called meeting of the board at the same time as the Land Use Committee’s meeting. With both groups holding a meeting together, there could be free discussion.

Recorder Lockhart asked if the social distancing policy would still be in place for the May 27th meeting, and the board felt it would be. Mayor Trohanis further stated that the maximum number of individuals allowed at the meeting would be ten. Recorder Lockhart expressed concern regarding this limitation, and Mayor Trohanis shared plans to hold the meeting at the Pumpkin Patch Pavilion – with picnic tables appropriately separated. Attorney Elliott agreed that he felt this would be safe, but also stated that he would look further into any newly-released guidelines.

Alderwoman McKenzie closed the discussion with a statement clarifying that this meeting was being held only for giving guidance into developing the RFP for a consultant group. The purpose is **not** for the committee to write the actual land use plan.

**NEW BUSINESS**

1. **CONSIDERATION / APPROVAL OF BIDS FOR DOG PARK FENCE.**

Alderwoman Sarah McKenzie reported that two quotes have been secured for the dog park fence. Mack McCarley received the bids and is recommending that the bid from Quality Fence Company ($11,500) be accepted. There was also a second bid from Ace Fence Company ($12,954). Quality Fence Company met with the committee first, which is why it was determined that bids would be needed since the purchase was over $10,000.

It was then noted by Town Recorder Fern Lockhart that the Quality Fence Company did not receive the second addendum to the fence proposal, so $300 needed to be added to their bid amount – for a total of $11,800. While it cannot be verified whether or not Ace Fence Company received both addendums, their bid amount still exceeds Quality Fence’s.

ALDERWOMAN SARAH MCKENZIE MOVED TO ACCEPT THE BID FROM QUALITY FENCE, BASED ON MACK MCCARLEY’S RECOMMENDATION, SECONDED BY VICE MAYOR LEE DAVIS, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN SARAH MCKENZIE-YEA.

1. **CONSIDERATION / APPROVAL OF QUOTES FOR AN IRRIGATION SYSTEM AT THE DOG PARK.**

Alderwoman Sarah McKenzie reported that two quotes have been secured for the dog park irrigation system. Additionally, quotes were sought from three other companies, but all declined to participate in the bid process. The two quotes were from Mountain Top Landscaping ($4,800) and Absolute Landscapes ($5,965). Alderwoman McKenzie further stated that she would like to wait for a third quote, but also notes that Absolute Landscapes is working with the company doing the grading and seeding for the dog park. Town Recorder Fern Lockhart noted that the Walden purchasing policy only requires that three bids have been sought, not necessarily received.

ALDERWOMAN SARAH MCKENZIE MOVED TO ACCEPT THE QUOTE FROM ABSOLUTE LANDSCAPE (CHATTANOOGA TURF & LANDSCAPE) FOR $5,985, SECONDED BY VICE MAYOR LEE DAVIS, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN MCKENZIE-YEA.

1. **DISCUSSION / AMENDMENT TO THE DOG PARK BUDGET.**

Alderwoman Sarah McKenzie reported that additional donations of $13,300 have been received for the dog park. This extends the total budget now to $38,300. Town Recorder Fern Lockhart verifies that there is $25,000 in a line item for “planner” that will likely not be used in FY:20. Any monies not invoiced, billed, and paid prior to the end of 2019-2020 would be returned to the General Fund and would then need to be reallocated for 2020-2021.

VICE MAYOR LEE DAVIS MOVED TO TRANSFER $8,300 FROM THE “PLANNING” LINE ITEM TO THE DOG PARK BUDGET, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS -YEA, ALDERWOMAN MCKENZIE-YEA.

1. **RESOLUTION #2020-533, LEASE AGREEMENT MCCOY FARM AND GARDENS.**

Attorney Sam Elliott explained that this is the same fundamental lease agreement approved two years ago, extended for two more years. The only change is that the Cumberland Trail Representative provision has been taken out, but the description was erroneously left in the current agreement. Attorney Elliott recommends that a motion be made approving the resolution, with the deletion of the Trail Representative description.

MAYOR TROHANIS MOVED TO APPROVE RESOLUTION #2020-533, THE LEASE AGREEMENT WITH MCCOY FARM AND GARDENS, DELETING ALL REFERENCES TO THE CUMBERLAND TRAIL REPRESENTATIVE, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN MCKENZIE-YEA.

1. **RESOLUTION #2020-534, APPLICATION FOR STATE OF TENNESSEE GOVERNMENT SUPPORT GRANT.**

Attorney Sam Elliott noted that the State of Tennessee is making funds available to municipalities across the state as a stimulus relating to the loss of revenue due to the Coronavirus pandemic. There are certain provisions, including identifying a capital project such as the Town Hall roof repair. Town Recorder Fern Lockhart noted that Walden is slated to receive just over $77,000. The specific guidelines for allocation of the funds is attached as an exhibit of these minutes.

Decisions on specific project(s) to be supported by this funding and approval of the resolution are deferred until the regular June meeting.

1. **recommendation from mack mccarley for repairs to sink hole on east brow.**

Mack McCarley’s report (attached as an exhibit of these minutes) notes that the best repair strategy for the sinks on each side of East Brow Road is to clean out debris as much as practical and fill the voids with concrete. He also recommends removal of the debris in and adjacent to the creek channel to prevent future blockages. Mayor Trohanis shared that Ron West quoted the concrete costs at $1,500 to $2,000.

VICE MAYOR LEE DAVIS MOVED TO ALLOW MAYOR TROHANIS TO PURSUE REPAIRING THE SINKS ON EAST BROW ROAD, UP TO THE AMOUNT OF $4,000, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN MCKENZIE-YEA.

1. **DISCUSSION ON PARKING AT FALLING WATER.**

Mayor Trohanis discussed the “No Parking” area at Falling Water Trail. Hamilton County Sheriff’s Department has clarified that, since this is a Walden-specific ordinance, they can take no action to ticket vehicles or tow vehicles from the site. Mayor Trohanis further inquired as to what action could be taken to enforce the “No Parking” restrictions. Attorney Sam Elliott suggests appointing a special police officer to ticket individuals in violation, with follow-up occurring in Walden City Court.

Vice Mayor Lee Davis suggested re-striping the parking area, then hiring Officer Gregg Carson to patrol the area during a few high-traffic times in order to educate people as to parking guidelines.

1. **DISCUSSION OF IMPACT FEE.**

Attorney Sam Elliott states that the Walden Board does have the statutory ability to enforce an impact fee, but also notes that it is “a little more complicated than charging vehicles ‘x’ number of dollars for coming into town.” Instead, it relates to the burden that new development puts on Walden’s infrastructure. An engineering study would need to be completed to justify the impact of the extra burden to the town prior to a fee being put in place. Attorney Elliott suggests conferring with MTAS prior to moving forward. Attorney Elliott further stated that there should be a provision in place requiring any utility that makes a road cut to be responsible for repairing that cut. Town Recorder Fern Lockhart verified that this provision already exists.

1. **SET DATE FOR A BUDGET WORKSHOP.**

Town Recorder Fern Lockhart verified that the second reading of the FY:21 budget must be passed by June 30, 2020. The first reading by caption will be held at the June 9, 2020 meeting, with a special called meeting following that date for the second reading. A budget workshop will be held at the Town Hall on June 12, 2020, @ 9:30 AM.

1. **DISCUSSION ON DAMAGE TO SHED ON PROPERTY OWNED BY THOM MILLS (MAYOR TROHANIS).**

Mayor Trohanis stated that Mr. Mills had a fallen tree damage a garage on his property. The tree was on property owned by the Town of Walden. Mr. Mills removed the tree and requested reimbursement of $750 from the Town’s budget. Attorney Sam Elliott noted that, as a matter of law, unless the Town had been given notice of the tree potentially posing a risk of falling, the Town of Walden has no legal obligation to reimburse the property owner. Alderwoman Sarah McKenzie echoed Attorney Elliott’s comments. Vice Mayor Lee Davis noted that, even outside of the law, this could be a “neighborly thing to do.”

Attorney Elliott noted that, in the future, the Board should involve our insurance company so that an adjuster could visit the site and make pictures and / or recommendations. He further noted that it was totally the discretion of the Board if they wanted to approve this reimbursement.

VICE MAYOR LEE DAVIS MOVES TO REIMBURSE MR. THOM MILLS IN THE AMOUNT OF $750, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN MCKENZIE-YEA.

1. **DISCUSSION ON ADDITIONAL GUIDANCE FOR THE LAND USE STUDY COMMITTEE.**

Previously resolved – see “Land Use Study Committee” on pages 2 and 3.

1. **ANY OTHER NEW BUSINESS**

No new business.

**unfinished business**.

1. **SECOND READING OF PROPOSED ORDINANCE # 2020-333, AN ORDINANCE TO AMEND SECTION 10.03, PUBLIC HEARING ON AMENDMENTS AND SECTION 10.04, ACTION OF THE BOARD OF MAYOR AND ALDERMEN IN THE TOWN OF WALDEN ZONING REGULATION.**

Attorney Sam Elliott reminded the Board that he had asked the Regional Planning Commission to approve the Board “cleaning up” part of their zoning ordinances that created confusion regarding the LOP, LLC zoning. The first reading was passed at the March meeting.

MAYOR TROHANIS MOVED TO APPROVE ORDINANCE 2020-333, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND APPROVED BY THE BOARD OF MAYOR AND ALDERMEN IN A ROLL CALL VOTE AS FOLLOWS: MAYOR TROHANIS-YEA, VICE MAYOR DAVIS-YEA, ALDERWOMAN MCKENZIE-YEA.

1. **ANY OTHER UNFINISHED business.**

No additional unfinished business.

**COMMUNICATIONS FROM THE CITIZENS**

1. Anthony Wheeler stated that, on April 12, 2020, a storm dropped approximately four inches of rain in three hours. This rainfall caused major damage and eroded 60 feet of his driveway. He noted that there is a mine opening above his driveway that has been remediated by T-DEC, and the rain created a two-foot gouge there. Mr. Wheeler stated that he is now finding “pieces of coal the size of cantaloupe” in the creek. He is concerned about the significant new erosions throughout the watershed. On May 3, 2020, a two-inch rainfall caused a power line to go down and start a fire on Lewis Mine Road. Mr. Wheeler opined that there are mines under the LOP, LLC property and expressed concerns about the area.

The meeting adjourned by motion.

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Respectfully submitted:

Fern Lockhart, Recorder

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Approved:

William Trohanis, Mayor