**Town of Walden**

Meeting Minutes

September 8, 2020

**call to order of the regular meeting**

Mayor William Trohanis called the regular monthly meeting of the Town of Walden to order utilizing the Zoom online platform. Town Attorney Sam Elliott noted that the meeting was being held via the online platform based on Governor Bill Lee’s executive order, allowing for online-based meetings due to the COVID crisis. There is no opposition from the council.

**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.

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

ALDERWOMAN SARAH MCKENZIE MOVED TO APPROVE THE MINUTES OF AUGUST 11, 2020 AS SUBMITTED, SECONDED BY VICE MAYOR LEE DAVIS, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN BY ROLL CALL VOTE.

**communications from the mayor**

Mayor Trohanis expressed his wishes that all Walden citizens had an enjoyable and restful Labor Day holiday. He expressed his wishes for health and well-being, and confirmed that meetings would be held via Zoom through at least September.

**roads report**

The culvert repair at East Brow and Altura has been completed.

**Police Report**

No report.

**financial report**

The end-of-year June 30 report has been completed and is attached as an exhibit to these minutes. The financial report for August is also attached as an exhibit to these minutes.

**codes enforcement**

No report.

**WRES Report**

No report.

**Bachman council**

Katy Murphy reported a new Yoga class has been added on Monday and Friday morning, and both are $5 drop-in classes. These classes practice social distancing.

**pumpkin patch**

The playground and pavilion are now re-opened.

**McCoy farm & gardens**

Joe Davis reported that the Tennessee Urban Forestry Counsel has certified McCoy Farm and Gardens as a Level II Arboretum, which requires a minimum of 60 plant species. Also, the new Taft Highway entrance and the fencing are proud accomplishments. Lastly, Mr. Davis noted that there are several garden videos available for viewing on the McCoy website.

**dog park**

Vice Mayor Lee Davis inquired as to the purpose of the flag markers near the dog park, and Mayor Trohanis clarified that the flags are marking off parking spaces.

**land use study committee**

Mayor Trohanis noted that the suggested date to mail out the RFP documents is September 15, 2020. All RFPs should be returned no later than November 1, 2020 with a target selection date of December 15, 2020 and a kickoff date of January 5, 2021.

**NEW BUSINESS**

1. **any new business**

No new business.

**UNFINISHED BUSINESS**

1. **discussion on ordinance #2020-334, an ordinance to amend Title 14, Chapter 2 of the Town of Walden Municipal Code, relative to signs and advertisements**

Town Attorney Sam Elliott opened the discussion with a review of the issue at hand, which is the unconstitutional nature of regulating signage based on the nature of their contents. Attorney Elliott has verified with MTAS attorneys that the Board of Mayor and Aldermen cannot grant variances on signage if it is a “police power” ordinance, which is what the board currently has in place. This is only allowed within a zoning ordinance. Thus, if the board does NOT want the power to grant variances, this can simply be passed as an ordinance at the next meeting. If the board DOES was this power, it would have to be submitted to the planning commission for their approval. Attorney Elliott asked the board for guidance on which direction they want to take.

Mayor Trohanis asked Attorney Elliott for guidance on how other municipalities might be handling this same issue. Attorney Elliott stated that Collegedale is approaching it as a zoning ordinance, Soddy Daisy already had it in their zoning ordinance, Lakesite’s is currently under a police power ordinance, but they have not yet made a determination as to how they want to proceed.

Vice Mayor Lee Davis expressed his wishes to have the sign ordinance written into the zoning ordinance so variances can be granted by the board. Attorney Elliott will draft the new ordinance and send it on to the planning commission.

VICE MAYOR LEE DAVIS MOVED TO SEND ORDINANCE #2020-334 TO THE REGIONAL PLANNING AGENCY FOR THE PURPOSE OF INCLUDING IT IN THE ZONING ORDINANCE, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN BY ROLL CALL VOTE.

1. **discussion on allocating expenditures from the state of tennessee direct appropriations grant for $77,270**

Mayor Trohanis opened the discussion with a review of expected repair costs from Engineer Mac McCarley, which include repairs at Altura and Clegg, Lake and Wilson, and bridge repair on Fairmount. These repairs are estimated to be completed at a cost of $52,000. The repairs would need to be bid out, and this price does not include the engineer’s fees. Alderwoman Sarah McKenzie asked if the fees could be paid out of the grant monies or if there were restrictions. Town Recorder Fern Lockhart verified that there were no longer any restrictions and that the fees could be paid from the grant.

MAYOR WILLIAM TROHANIS MOVED TO PUT FORTH FOR BIDS THE THREE REPAIR PROJECTS RECOMMENDED ABOVE, SECONDED BY ALDERWOMAN SARAH MCKENZIE, AND UNANIMOUSLY APPROVED BY THE BOARD OF MAYOR AND ALDERMEN BY ROLL CALL VOTE.

Town Recorder Fern Lockhart clarified for the board that, once the bids are received, monies to pay for the repairs and the engineering fees would then need to be appropriated from the State of Tennessee Direct Appropriations Grant.

**any other unfinished business**

There is no other unfinished business.

**COMMUNICATIONS FROM THE CITIZENS**

1. Joe Robbins stated his concern regarding a “bed and breakfast” sign that is currently on East Brow Road. He inquired as to whether Walden regulations restricted the number of days a renter could stay at this location, and voiced concern over it becoming a “rental cottage.” Town Attorney Sam Elliott addressed these concerns, first stating that there is not a limitation of that nature. However, this particular rental is not an “Air B-and-B,” therefore, the people renting the room(s) must maintain residence in the home while it is rented. Mr. Robbins renewed his concern that, despite this requirement, a long-term renter could result in two families living in one home. Attorney Elliott suggested a future re-opening of discussion regarding this ordinance. Mayor Trohanis noted that the Planning Commission will take into account the input of neighbors on an issue like this, and encouraged Mr. Robbins to share his feedback with them. It was later clarified that there is actually a 30-day limit to bed and breakfast rentals. It was further clarified that the permit was only approved for the construction of the additional building (intended now for the bed and breakfast), with the condition that it be utilized for immediate family only.

The meeting adjourned by motion and unanimous roll call vote.

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Respectfully submitted:

Fern Lockhart, Recorder

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Approved:

William Trohanis, Mayor