

BILL LUSK
Mayor

PHILLIP A. NOBLETT
Town Attorney

HONNA K. ROGERS
Town Manager



SUSAN ROBERTSON
Vice Mayor

PAUL M. HENDRICKS
Councilmember

HERSHEL DICK
Councilmember

ANNETTE ALLEN
Councilmember

Town of Signal Mountain

1111 RIDGEWAY AVENUE
SIGNAL MOUNTAIN, TENNESSEE 37377
423-886-2177

REGULAR MONTHLY MEETING OF SIGNAL MOUNTAIN TOWN COUNCIL, MONDAY, April 12, 2010 TOWN HALL, 6:30 P.M.

AGENDA

1. Pledge
2. Prayer
3. Roll Call
4. Approval of minutes:
 - a. Regular Meeting March 15, 2010
 - b. Agenda Meeting March 25, 2010
5. Honorary Resolutions
 - a. Commending Emma Kerley - Arbor Day State Poster Contest Winner
 - b. Thanking Clean Streams Task Force for service
 - c. In Memory of Neeld Messler
6. Citizens Opportunity to Address Council (Three minute time limit)
7. Resolutions
 - a. Approving truck purchase
8. Ordinances
 - a. Fowl Ordinance
9. Discussions
 - a. Signal Mountain Lacrosse
 - b. James Boulevard Sidewalk Recommendation
 - c. Other items of business
10. Other Business
11. Adjourn

RESOLUTION NO. _____

A RESOLUTION RECOGNIZING AND COMMENDING
EMMA KERLEY FOR WINNING THE 2010 TENNESSEE
NATIONAL ARBOR DAY FOUNDATION POSTER CONTEST

WHEREAS, Emma Kerley is a student in Kathee Jones' science class at Nolan Elementary School; and,

WHEREAS, in preparation for the Signal Mountain Tree Board's Arbor Day celebration, Kathee Jones taught a unit based on the 2010 Arbor Day theme "Trees are Terrific...and Energy Wise;" and,

WHEREAS, Mrs. Jones asked her students to draw posters demonstrating what they learned and entered them in the Signal Mountain 5th grade Arbor Day Poster Contest; and,

WHEREAS, Emma Kerley's poster won first place and was therefore entered into the State of Tennessee Arbor Day Poster Contest where it again won first place from among 1,200 entries from across the state; and,

WHEREAS, Emma earned a \$100 savings bond, a certificate and the opportunity for her poster to be entered into the National Arbor Day Poster Contest where she could win a \$1,000 savings bond and a family trip next year to the National Arbor Day headquarters' celebration in Nebraska;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Signal Mountain, Tennessee recognizes and commends Emma Kerley for her extraordinary accomplishment. We wish her success in the national contest and encourage all citizens of the Town to do the same.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION COMMENDING MIKE BERRY, GEORGE DAVENPORT, JOHN MIES, JOSHUA ROGERS, RUSTY SEWELL, MARY BETH SUTTON, TIM GALBRETH, AND JOHN TUCKER FOR THEIR SERVICE ON THE SIGNAL MOUNTAIN CLEAN STREAMS TASK FORCE.

WHEREAS, Mike Berry, George Davenport, John Mies, Joshua Rogers, Rusty Sewell, Mary Beth Sutton, Tim Galbreth, and John Tucker have served the Town of Signal Mountain for the past one (1) year as valuable members to the Signal Mountain Clean Streams Task Force; and,

WHEREAS, Mike Berry, George Davenport, John Mies, Joshua Rogers, Rusty Sewell, Mary Beth Sutton, Tim Galbreth, and John Tucker have provided excellent volunteer service to the Town and its citizen as a member of the Clean Streams Task Force.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, that Mike Berry, George Davenport, John Mies, Joshua Rogers, Rusty Sewell, Mary Beth Sutton, Tim Galbreth, and John Tucker are commended and recognized for their excellent public service to our community.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION HONORING THE MEMORY OF NEELD MESSLER,
SR., FOR HIS SERVICE TO THE TOWN COUNCIL AND THE TREE
BOARD OF SIGNAL MOUNTAIN, TENNESSEE

WHEREAS, Neeld Messler was born in Falls City, Nebraska in 1947 and was educated at the University of Nebraska Lincoln; and,

WHEREAS, Neeld Messler developed a love of trees from his many childhood visits to the National Arbor Day Farm located in Nebraska City, Nebraska near his hometown; and,

WHEREAS, Neeld Messler followed his career as a real estate broker, a mortgage broker and an insurance broker from Nebraska to Kansas to Colorado and back to Nebraska, planting trees everywhere he lived; and,

WHEREAS, Neeld Messler and his wife Kitty on a visit with their son Neeld, Jr., decided to relocate to the Chattanooga area; and,

WHEREAS, Neeld, Jr., recognizing his father's love of trees, recommended they settle on Signal Mountain; and,

WHEREAS, in 2000 Neeld Messler and his wife Kitty subsequently bought a home on Rolling Way where he continued to plant trees as he worked as a real estate investor and became a an interested and appreciated attendee at Town meetings; and,

WHEREAS, Neeld Messler in 2006 became a founding and valued member of the Signal Mountain Tree Board;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL AND THE TREE BOARD OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE that the memory of Neeld Messler, Sr., be honored for his contributions and his service to the community.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2011 FORD F250, TENNESSEE STATE BID NUMBER 4038638, FROM GOLDEN CIRCLE FORD LINCOLN, IN THE AMOUNT OF TWENTY TWO THOUSAND SIX HUNDRED THIRTY SIX AND 26/100 (\$22,636.20) DOLLARS TO BE USED BY THE PUBLIC WORKS DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town Manager be and is hereby authorized to purchase one (1) 2011 Ford 250, Tennessee State Bid Number 4038638, from Golden Circle Ford Lincoln, in the amount of \$22,636.20 to be used by the Public Works Department for the Town of Signal Mountain.

MAYOR

RECORDER

DATE

DATE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 10, SECTION 10-102, TO CONTINUE TO PROVIDE RULES AND REGULATIONS FOR THE KEEPING OF CHICKENS AND OTHER FOWL WITHIN THE TOWN.

WHEREAS, the Signal Mountain Town Council and staff have been requested to consider amending the provisions of the Signal Mountain Town Code to allow a person to keep a small number of chickens on residential lots within the Town which originally had a sunset provision located at Section 10-102 (k); and

WHEREAS, the Signal Mountain Town Council and staff have considered the requests for keeping chickens and other fowl within the Town since this Ordinance was adopted and have approved the decisions to allow persons to keep chickens under certain conditions and keep the provisions of Section 10-102 subject to certain minor amendments which also delete the sunset provisions contained in Section 10-102(k);

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 10, Section 10-102 is hereby amended to delete said section in its entirety and substitute in lieu thereof the following language:

10-102. Keeping Chickens and other Fowl within the Town.

1. It shall be unlawful for any person to keep ducks, geese, or other fowl in the Town. It shall be unlawful for any person to keep chickens in the Town, except by special permit issued by the Town Manager as provided in this section.
2. The purpose of this section is to provide standards for the keeping of domesticated chickens within the Town only where an appropriate permit has been obtained from the Town Manager. This section is intended to enable Town residents to keep a small number of female chickens on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and

neighborhood. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This section is intended to create licensing standards and requirements within the Town on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the Town.

3. No permit shall be issued for any person to keep chickens within the Town unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the Town Manager:
 - a. No more than four (4) hens shall be allowed for each single family dwelling in a Low Density Residential District. No more than six (6) hens shall be allowed for each single family dwelling within a Residential Estate District subject to the criteria for Livestock and other Animals with a minimum lot size of three (3) acres, subject to approval of the Board of Zoning Appeals. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.
 - b. No roosters shall be allowed within the Town.
 - c. There shall be no outside slaughtering of birds in the Town.
 - d. Any chickens must be kept in a secure moveable enclosure at all times (not visible from the street) which has been approved by the Town Manager or designee. The size of any outside enclosure shall be a minimum of 10 square feet and the outside enclosure shall be set back at least 25 feet from any adjoining property line and at least 50 feet from any stream. Variances for property line set backs may be obtained upon approval from the Planning Commission. The Planning Commission shall approve any variance for a property line set back less than 25 feet as long as the adjoining property owner nearest to the enclosures submits a letter of support for the reduction in set back for the location of an outside enclosure. Upon change of ownership of any adjoining property owner who submitted a letter of support to the Planning Commission, the set back variance approved by the Planning Commission will become null and void and the applicant will have thirty (30) days to bring a new letter of support from the new adjoining property owner to the Planning Commission along with a request for a new variance which shall be considered at that time. The enclosure must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. The enclosure shall provide a minimum of 2 square feet space inside for each bird.

- e. The enclosure shall be approved by the Town Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and locked at night.
 - i. Opening windows and vents shall be covered with predator and bird-proof wire of less than one (1) inch openings.
 - ii. The materials used in making the enclosure shall be uniform for each element of the structure within the Town such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be well-maintained.
 - iii. The enclosure shall be placed in the rear yard in a location where it is uniform and in harmony with other structures on the lot and is not visible from the street.
 - iv. Enclosures shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met and sight obscuring fencing is constructed. No enclosure may be placed in front yards in the Town.
- g. Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.
- h. Chicken feed must be kept in a rodent-proof container which is approved by the Town Manager and all chickens shall be humanely treated.
- i. Prior to purchasing any chickens pursuant to this ordinance within the Town, any person must obtain a permit from the Town Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of \$35.00 for any person desiring to keep chickens within the Town and there shall be an annual renewal fee of \$15.00 for follow up inspections and monitoring of complaints.
- j. The Town Manager or designee shall deny a permit to keep domesticated chickens within the Town if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the Town Manager at any time when there is a risk from existing

conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to appeal to the Signal Mountain Town Council within 10 days of the denial, revocation or suspension by the permit holder.

- k. Any land owner who has requested any permit for keeping chickens as allowed by this ordinance since February 28, 2009 shall be considered a legal use within the Town in compliance with this ordinance.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading _____, 2010.

Passed Second Reading _____, 2010.

Mayor

Town Recorder