

BILL LUSK
Mayor

PHILLIP A. NOBLETT
Town Attorney

BOYD VEAL
Town Manager



SUSAN ROBERTSON
Vice Mayor

ANNETTE ALLEN
Councilmember

DICK GEE
Councilmember

BILL WALLACE
Councilmember

Town of Signal Mountain

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

REGULAR MONTHLY MEETING OF SIGNAL MOUNTAIN TOWN COUNCIL, MONDAY, SEPTEMBER 8, 2014 TOWN HALL, 6:30 P.M.

AGENDA

1. Pledge
2. Prayer
3. Roll Call
4. Approval of minutes
5. Citizens Opportunity to Address Council
6. Resolutions
 - a. Formally Naming 1116 James Blvd the Signal Mountain History Center
 - b. Recognize Tom and Sally Calhoun for Their Donation to the Signal Mountain History Center
 - c. Authorizing Purchase of Breathing Air – Cascade System
 - d. Authorizing Town Manager to Enter into Contract with H-GAC
 - e. Authorizing Purchase of Ladder Truck for Fire Department
 - f. Approving GHSO Grant
 - g. Reappointment of Kerry Lansford to BZA
 - h. Authorizing Mayor to sign a Conservation Easement with the Land Trust of TN, Inc.
7. Ordinances
 - a. Court Costs-2nd reading
8. Discussions
9. Other Business
10. Adjourn

RESOLUTION NO. _____

A RESOLUTION DESIGNATING THE
BUILDING AT 1116 JAMES BOULEVARD AS
THE SIGNAL MOUNTAIN HISTORY CENTER AND
AUTHORIZING THAT BUILDING TO BE USED BY THE
SIGNAL MOUNTAIN HISTORICAL COMMITTEE TO
SHARE THE ARCHIVES OF THE TOWN.

WHEREAS, the Town of Signal Mountain has recently purchased the building and property at 1116 James Boulevard to provide additional activity space and parking at the Signal Mountain Library; and

WHEREAS, the historical archive of the Town, maintained by the Signal Mountain Historical Committee, has expanded and additional space is needed, beyond its current location in the basement of the Library, to maintain and continue to add to its collection of historical artifacts and documents;

NOW, THEREFORE, BE IT RESOLVED that the building at 1116 James Boulevard is hereby designated the Signal Mountain History Center and that building is authorized to be used by the Signal Mountain Historical Committee to gather, collect, maintain and share the archives of the Town with the public.

Mayor

Recorder

Date

Date

RESOLUTION NO. _____

A RESOLUTION THANKING TOM AND SALLY CALHOUN
FOR THEIR GENEROUS DONATION OF FURNISHINGS
TO THE SIGNAL MOUNTAIN HISTORY CENTER
LOCATED IN THE TOWN AT 1116 JAMES BOULEVARD.

WHEREAS, in the 1940's an important romance blossomed on the campus of Juniata College in Huntingdon, Pennsylvania when Tom Calhoun met Sally Wright; and

WHEREAS, in 1949, Tom married Sally and they began their careers in education which led them first to Philadelphia where Tom received his Doctorate and then on to Delaware and Fairfax, Virginia, where Tom served as Superintendent of Schools and Sally continued to teach; and

WHEREAS, at the end of their careers, Tom and Sally retired to the Alexian Village where they met many new friends and became aficionados of local history and dedicated members of the Signal Mountain Library; and

WHEREAS, when it time came to move from their Canyon View apartment, Tom and Sally decided to donate their furniture to the Town's new Signal Mountain History Center, an annex to the Library and the new home of the Signal Mountain Historical Committee and its archive of Town history;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Signal Mountain, Tennessee, recognizes and thanks Tom and Sally Calhoun for their generous donation of furnishings to the Signal Mountain History Center located at 1116 James Boulevard and encourages the citizens of the Town to do the same.

Mayor

Recorder

Date

Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) EAGLE AIR, BREATHING AIR CASCADE SYSTEM FROM NAFECO, INC., IN THE AMOUNT OF TWELVE THOUSAND TWO HUNDRED THIRTY NINE AND 00/100 (\$12,239.00) DOLLARS TO BE USED BY THE FIRE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

WHEREAS, the Fire Department in the Town of Signal Mountain currently utilizes an *Eagle Air* breathing air compressor and SCBA cylinder fill station; and

WHEREAS, the current system does not have the capability of storing breathing air as required for efficient operation; and

WHEREAS, the *Eagle Air* breathing air cascade system will provide this capability while being completely compatible with existing components; and

WHEREAS, NAFECO is the only authorized *Eagle Air* vendor for this region and a sole source for this equipment; therefore

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 Eagle Air breathing air cascade system from NAFECO, Inc., in the amount of \$12,239.00 to be used by the Fire Department for the Town of Signal Mountain.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO
ENTER INTO AN INTERLOCAL CONTRACT FOR
COOPERATIVE PURCHASING WITH THE HOUSTON-
GALVESTON AREA COUNCIL OF GOVERNMENTS.

WHEREAS *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the procurement of any supplies, services or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the Houston-Galveston Area Council of Governments (H-GAC) is a political subdivision of the State of Texas and administers the cooperative purchasing program known as HGACBuy which meets the authorized public bidding requirements for the State of Tennessee set forth by *Tennessee Code Annotated* §§ 12-3-1204; and

WHEREAS, The Town of Signal Mountain is authorized to participate in this Interlocal Cooperative Purchasing Program provided that it adopts a resolution accepting the terms of the program and the Town as a participant acquires and maintains documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the Town pursuant to *Tennessee Code Annotated* § 12-3-1205; and

WHEREAS the Town Manager has determined that the competitive bid process undertaken by H-GAC allows the Town to meet applicable legal purchasing requirements for municipalities in the State of Tennessee, pursuant to *Tennessee Code Annotated* § 12-3-1204;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town accepts the terms of the H-GAC Cooperative Purchasing Program and the Town Manager be and is hereby authorized to enter into an Interlocal Contract For Cooperative Purchasing with the Houston-Galveston Area Council of Governments and to execute all documents necessary to initiate said contract.

Bill Lusk, Mayor

Recorder

Date

Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) PIERCE ARROW XT 75' AERIAL LADDER TRUCK FROM PIERCE MANUFACTURING, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND AND 00/100 (\$750,000.00) DOLLARS TO BE USED BY THE FIRE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

WHEREAS, *Tennessee Code Annotated* § 12-3-1205 provides that any municipality may participate in, sponsor, conduct, or administer a “cooperative purchasing agreement” for the procurement of any supplies, services or construction with one (1) or more other local governments in accordance with an agreement entered into between the participants, including governmental entities outside this state; and

WHEREAS, the purchasing contract between Pierce Manufacturing and the Houston – Galveston Area Council of Governments (H-GAC) and the associated Cooperative Purchasing Program, which may include the Town of Signal Mountain, meet the authorized public bidding requirements for the State of Tennessee to provide specialized fire service apparatus, as permitted by *Tennessee Code Annotated* §§ 12-3-1205; and

WHEREAS, The Town of Signal Mountain has passed a resolution accepting the terms of the Master Agreement and authorizing the Town Manager to enter into an Interlocal Contract for Cooperative Purchasing with H-GAC; and

WHEREAS, the Town as a participant shall acquire and maintain documentation that the purchasing entity that procured the bid complied with the purchasing requirements for the Town pursuant to *Tennessee Code Annotated* § 12-3-1204; and

WHEREAS, the Fire Chief of The Town of Signal Mountain has reviewed and evaluated the technical specifications of the Pierce Arrow XT 75' Aerial Ladder Truck offered under H-GAC contract #FS 12-13 and found those specifications to fully meet the needs of the Signal Mountain Fire Department and has recommended the purchase of said apparatus as budgeted under the Vehicle Replacement Plan.

NOW THEREFORE, 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) Pierce Arrow XT 75' Aerial Ladder Truck, as detailed in attached specifications, as a participating public agency under H-GAC Contract #FS 12-13, from Pierce Manufacturing, for a total amount not to exceed \$750,000.00 to be used by the Fire Department for the Town of Signal Mountain.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A GRANT FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE IN AN AMOUNT OF FORTY THOUSAND AND 00/100 DOLLARS (\$40,000.00) WHICH WILL RESULT IN PAYMENT FOR EQUIPMENT, AND OVERTIME TO BE PROVIDED AS A HIGHWAY TRAFFIC SAFETY GRANT FOR LAW ENFORCEMENT ACTIVITIES TO REDUCE SPEEDING, AGGRESSIVE DRIVING, DRIVING UNDER THE INFLUENCE, AND NON-SEATBELT USAGE FOR CHILDREN AND PASSENGERS WITHIN MOTOR VEHICLES IN THE TOWN.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the Chief of Police be and is hereby authorized to accept a Governor's Highway Safety Office Grant in the amount of \$40,000.00, which will result in payment for equipment, and overtime to be provided as a Highway Safety Grant for law enforcement activities to reduce speeding, aggressive driving, driving under the influence, and non-seatbelt usage for children and passengers within motor vehicles in the Town.

MAYOR

RECORDER

DATE

DATE

RESOLUTION NO.:

A RESOLUTION REAPPOINTING KERRY LANSFORD AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S BOARD OF ZONING APPEALS.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that Kerry Lansford, Signal Mountain, Tennessee, is reappointed to the Board of Zoning Appeals for a two (2) year term expiring on December 31, 2016.

Bill Lusk, Mayor

Recorder

Date

Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONSERVATION EASEMENT PURSUANT TO THE CONSERVATION EASEMENT ACT OF 1981, TENN. CODE ANN. § 66-9-301 ET. SEQ. WITH THE LAND TRUST OF TENNESSEE, INC, FOR THE PURPOSE OF FOREVER CONSERVING THE CONSERVATION VALUES OF TWELVE TRACTS OF LAND OWNED BY THE TOWN WHICH ARE LISTED IN THE ATTACHED CONSERVATION EASEMENT CONSISTING OF APPROXIMATELY THREE HUNDRED FORTY TWO (342) ACRES.

WHEREAS, The Land Trust of Tennessee, Inc., a Tennessee non-profit corporation has agreed to assist the Town to forever conserve the conservation values of certain Town property and the Town Planning Commission has provided a recommendation approving a proposed change of use of certain property owned by the Town in order to conserve the values of twelve tracts of land owned by the Town pursuant to its consideration at a public meeting on September 4, 2014; and

WHEREAS, The Town is a “public body” within the meaning of the Conservation Easement Act of 1981, Tenn. Code Ann. § 66-9-301 *et. seq.*, as specifically defined by Tenn. Code Ann. § 66-9-303 and is the sole owner in fee simple of certain real property located in Hamilton County, Tennessee, consisting of approximately three hundred forty-two (342) acres, comprised of twelve (12) separate tracts and more particularly illustrated in Exhibit A attached to and incorporated in this Resolution (the “**Property**”) and the granting of a Conservation Easement to The Land Trust of Tennessee, Inc., is intended to comply with the requirements of The Conservation Easement Act of 1981, Tennessee Code Annotated (“**T.C.A.**”) § 66-9-301, et seq., as amended, which permits the creation of conservation easements by public bodies to .

preserve, maintain or enhance the present condition, use or natural beauty of the land, the open-space value, the air or water quality, the agricultural, forest, recreational, geological, biological, historic, architectural, archaeological, cultural or scenic resources of” the Property; and

WHEREAS, The Town Council has received public input and has publicly discussed the approval of the Conservation Easement with the Land Trust of Tennessee, Inc., on September 8, 2014 for the specific listed properties owned by the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Mayor is authorized to sign a Conservation Easement pursuant to the Conservation Easement Act of 1981, Tenn. Code Ann. § 66-9-301 *et. seq.* with The Land Trust of Tennessee, Inc., for the purpose of forever conserving the conservation values of Twelve (12) tracts of land owned by the Town which are listed in the attached Conservation Easement consisting of approximately three hundred forty-two (342) acres.

MAYOR

RECORDER

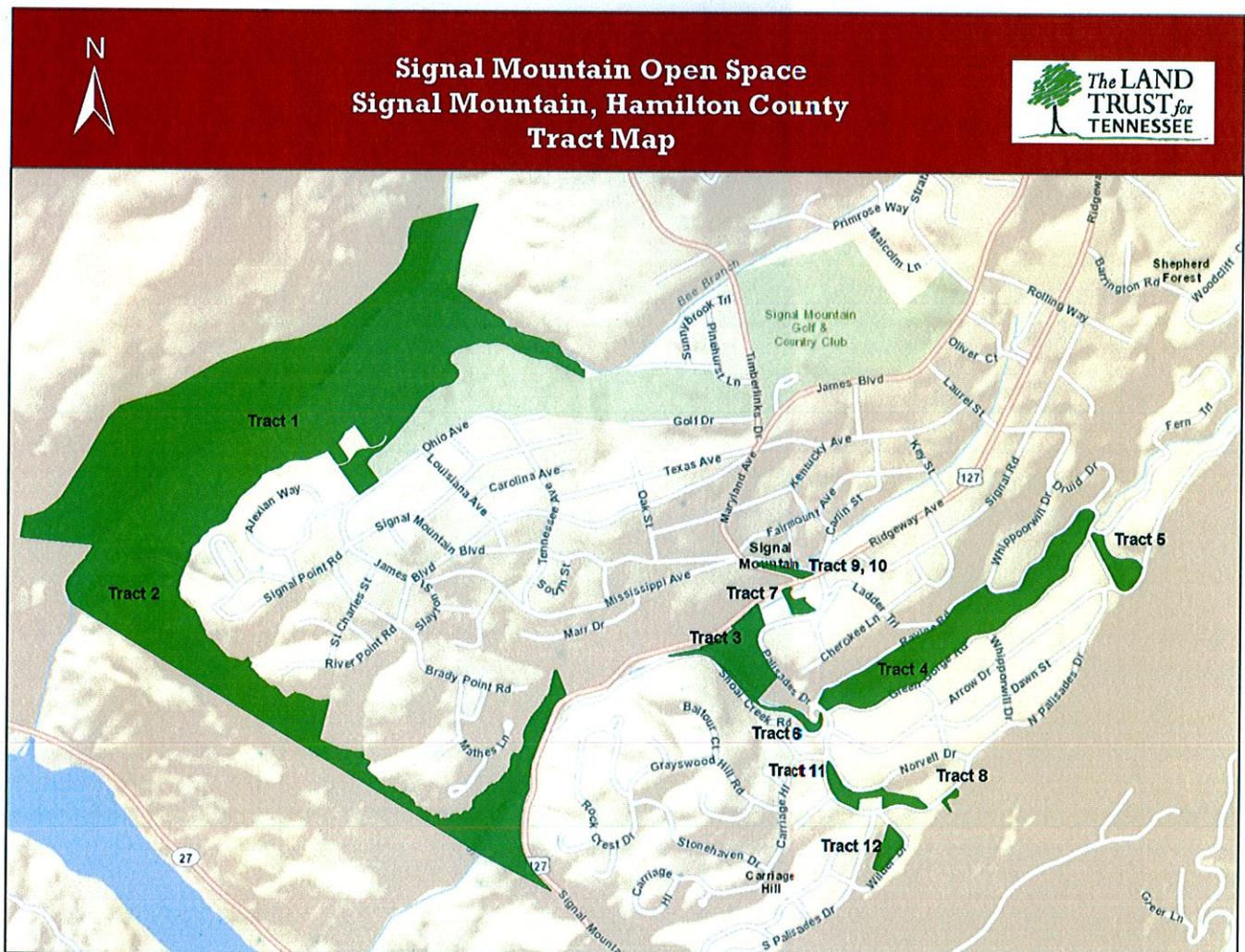
DATE

DATE

EXHIBIT A

LIST AND MAP OF TRACTS

- Tract 1.** Rainbow Lake – Map 107 Parcel 005
- Tract 2.** Bluff Property – Map 107 Parcel 006
- Tract 3.** Land between Shoal Creek, 127 and Palisades – Map 107M B003
- Tract 4.** Green Gorge (Patten Park) – Map 108P Parcel B016
- Tract 5.** Dogwood Park - Map 108J Parcel B009
- Tract 6.** Land NE of Shoal Creek – Map 107M Parcel B002
- Tract 7.** Lot below CVS – Map 107M Parcel B008
- Tract 8.** Overlook Park – Map 117A Parcel E011.01, Map 117A Parcel E015
- Tract 9.** CE James Park – Map 107L Parcel J009
- Tract 10.** Lena Givens Park – Map 107L Parcel J010
- Tract 11.** Ravine between Norvell & Palisades – Map 117A Parcel D014.01
- Tract 12.** Ravine between Wilder & S. Palisades – Map 117A Parcel C002



Property boundaries are approximate. Created by Sarah O'Rear, Land Trust Staff, 2014

ORDINANCE NO.:

AN ORDINANCE TO AMEND TITLE 3, CHAPTER 1, SECTION 3-110, OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO MUNICIPAL COURT COSTS.

Whereas, the Municipal Court Reform Act of 2004 T.C.A. § 16-18-304 provides for municipalities to set and collect municipal court costs in an amount prescribed by ordinance; and

Whereas, the Town of Signal Mountain has determined that in order to maintain and improve the operation of the court it is in the best interest of the Town to modify current court costs as provided to keep up with the increasing financial demands upon the Town and the costs attendant to the administration of the Court.

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 3, Chapter 1, Section 3-110, of the Signal Mountain Town Code is deleted in its entirety and the following substituted in lieu thereof:

Section 3-110 Imposition of Fines, Penalties, Taxes and Costs

- (1) In all cases heard and determined in the municipal court of the Town of Signal Mountain for the violation of ordinances of said Town:
 - (a) The Judge shall impose court costs, in addition to all fines and penalties, in the amount of \$75.25 (Seventy Five Dollars and Twenty Five Cents).
 - (b) A \$5.00 (Five Dollars) Continuance Fee shall be assessed when a continuance is requested by the defendant (after the first free continuance).²
 - (c) Contempt of Court shall be punished by a fine of \$50.00 (Fifty Dollars), or such lesser amount as may be imposed at the Judge's discretion.
 - (d) The Clerk shall add to any cost bill any additional state taxes and fees as prescribed by law.¹

- (2) In all State criminal cases heard and determined in the court of general sessions of the Town of Signal Mountain:
 - (a) The Judge shall impose court costs, in addition to all fines and penalties, in the amount of \$83.50 (Eighty Three Dollars and Fifty Cents).
 - (b) Costs, taxes, fines and fees shall be imposed as set forth by state law.²
 - (c) A Citation in Lieu of Arrest fee of \$25.00 (Twenty Five Dollars) will be imposed as necessary.

¹T.C.A. § 16-18-304, § 16-18-305(a), § 67-4-602(d)

²T.C.A. § 8-21-401, § 16-18-304, § 16-18-305(a), § 67-4-602

- (c) Arrest, Transportation, Bail Bond and Service of Process fees shall be imposed as set forth by state law.³
- (d) Head and Spinal Cord Injury fees shall be imposed as set forth by state law.⁴
- (e) Alcohol and drug related offense fees shall be imposed as set forth by state law.⁵
- (f) A Jail Fee shall be imposed as necessary as set forth by the Hamilton County Board of Commissioners Resolution No. 511-3 as said Resolution now exists or is hereafter amended or replaced.
- (g) Fees for expungements will be collected and disbursed as required by state law.⁷

(3) All fines from drug offenses shall be disbursed as required by state law.⁶

SECTION 2. Every section, sentence, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. That this ordinance shall become effective immediately from and after its passage as required by law.

³T.C.A. § 8-21-901

⁴T.C.A. § 68-55-301 through 68-55-306

⁵T.C.A. § 39-17-428, § 55-10-401

⁶T.C.A. § 39-17-428

⁷T.C.A. § 8-21-401, § 40-32-101

Passed First Reading _____, 2014

Passed Second Reading _____, 2014

Bill Lusk, Mayor

Recorder