

*****MAY 14, 2001*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, May 14, 2001, at 7:00 p.m. in the Town Hall. Those present were:

Mayor James H. Althaus
 Councilmember Rachel Bryant
 Councilmember Stephen Ruffin
 Councilmember William C. Steele, Jr.

Also present were:

Town Manager Hershel Dick
 Town Recorder Diana Campbell
 Town Attorney Joe Wagner
 Advisory Attorney Phil Noblett
 See list at bottom for additional people present

The Mayor called the meeting to order and offered the prayer. The Recorder called the roll.

Councilmember Ruffin made a motion to approve the minutes of the April 9, 2001, regular monthly meeting. The motion was seconded by Councilmember Steele and passed unanimously.

The Mayor introduced Attorney Phil Noblett to present the first item, a resolution titled "A RESOLUTION APPROVING THE AMENDMENT OF THE GROWTH PLAN ADOPTED BY THE TOWN OF SIGNAL MOUNTAIN ON APRIL 9, 2001, PURSUANT TO THE PROVISIONS OF THE TENNESSEE GROWTH POLICY ACT, AT T.C.A. 6-58-101, ET SEQ. Mr. Noblett explained the amendment removes one tract of land from the Urban Growth Boundary of the Town of Signal Mountain and adds it to the Urban Growth Boundary of the Town of Walden. He stated that the Town of Walden had already approved the revised plan. He further explained that the last and final step would be for the municipalities and County to sign the Master Interlocal Agreement, which should be ready the following week. Councilmember Steele made a motion to approve the resolution. Councilmember Ruffin seconded the motion, and it passed unanimously.

The next item before the Council was the Planning Commission report by Lou Oliphant. She noted the Council had received copies of the minutes from the Planning Commission's May 3, 2001, meeting. She explained the Planning Commission had discussed a request to amend the Zoning Ordinance relating to a day care home/center. The Planning Commission recommended to the Council that the Zoning Ordinance be amended to delete from Article XII, Section 1200.03.01.02 the wording that states, "The lot shall have a frontage on a State highway," and replace it with "The place shall be occupied by the primary caregiver." The Council heard from Brendan Olin from the Planning Commission and various citizens. After much discussion, including the legal meaning of the term occupy, the Council decided to refer the amendment back to the Planning Commission.

Next Mathew Leavens presented to the Council details of an Eagle Scout project he plans to perform for the Town of Signal Mountain. He proposed that he would collect hazardous materials, such as paint, in the parking lot of the Recycle Center on June 8 and June 9, 2001, and transport them to the Chattanooga location that accepts these types of materials. He proposed to notify the citizens with a sign at the top of the mountain on the main road and with posters and flyers. Councilmember Ruffin made a motion to approve the project. Councilmember Bryant seconded the motion, and it passed unanimously.

Erin Grist then gave an update to the Council regarding the nomination of a section of Olde Town to the National Historic Register. She explained that the nomination had been approved by the State and would be announced on May 30, 2001. The announcement at the national level would be in September, 2001, and details would be available at that time.

Polly Dillender addressed the Council and requested something be done regarding the intersection at the entrance to Carriage Hill. The Town Manager, Hershel Dick, stated that he had been looking into the problem and a potential solution would be to make the intersection a four-way stop. He stated that he would continue to work for a solution.

Next Jim Raulston who owns property at 1216 James Boulevard asked the Council to consider a problem he has had with an easement he gave to allow a sewer line from St. Ives to go across his property. He stated that, in addition to damage to his septic system and problems with odors, four large oak trees had died as a result of the sewer line. He explained that he had received an estimate to have the trees cut down for \$200 each and hauled off for another \$200 each. He asked the Council to consider paying for the tree removal. The Town Manager stated he would contact the contractor and try to resolve the matter.

Brendan Olin discussed the situation of an alleyway behind his property at Cherokee Lane. He explained that in 1998 he had requested that the Council pass a resolution to abandon the alleyway. A resolution had been passed but no property had been deeded to the adjacent property owners. He asked the Council to rescind Resolution 98-20 that had been passed. After the Council heard from Attorney Phil Noblett as to what might be the correct procedures in the situation, the Council decided the item should be put on the agenda of the next Planning Commission meeting. The Council took no further action on the matter.

Town Manager Hershel Dick requested the Council's approval for the appointment of Mr. Herbert (Buddy) Haile to fill Seth Sizer's seat on the Health, Education and Housing Board. Councilmember Steele made a motion to approve the appointment. The motion was seconded by Councilmember Ruffin and passed unanimously.

The Recorder informed the Council that the Town had solicited and advertised for bids on a tri-axle dump truck. She stated that Art Parry, the Town Engineer, had analyzed the bids and had recommended the low bid of \$81,086.00 from Lee Smith with a \$300 option to add an in-cab trailer brake control. Councilmember Steele made a motion to approve the bid with the option. Councilmember Ruffin seconded the motion, and it passed unanimously.

Councilmember Bryant informed the Council that a citizen had called her and requested that Shoal Creek Road be closed on some periodic basis, such as one Sunday afternoon a month, to allow pedestrian traffic only. The Town Manager stated he would discuss this with the various Heads of Town Departments and report back to the Council.

Councilmember Steele inquired about the status of various items that had come before the Council. He was informed that Bobby Hawkins would probably drop her request for additional reimbursement. It was noted that regarding the Tabb lawsuit, Rick Sonnenburg had given a deposition about two weeks earlier and the case was continuing. He inquired regarding the lawsuit filed by former Judge Bob Moon. The Mayor explained that Judge Moon's contention is that he was a full-time employee from 1983 forward. And the Town's position has been that he was a practicing attorney and only a part-time employee for the Town. Mayor Althaus further noted that the way the Tennessee Consolidated Retirement System calculates the liability for pension benefits, the Town would be required to pay \$14,000 in benefits each year that Judge Moon is in the retirement plan even though he was making only \$8,000 a year when he left the Town. Councilmember Steele recommended defending the lawsuit publicly. Attorney Noblett advised against saying anything that might cause trouble in the lawsuit and noted that the lawsuit must be answered to the Court within 30 days.

The meeting was adjourned.


Recorder


Mayor

Others present at meeting:

**Nikki Wiram
John Richardson
Paul McKay
Jesse Farr, Esq.
Matt Leavens
Bill Murdock
Lou Oliphant
Jean Dolan
Michael Loftin
Erin Grist
Jim Raulston
Laure Martin
Polly Dillender
Ellan Luper
John Houstrup
Pris and Mark Shartle
Tom Smith
Margaret Spittler
Joanne Zeiser
Greg Goodgame
T. R. Cook, III
Brendan Olin
Emily McKay
Sandy Lusk
Ben Smith
Barbara C. Bennett
James Bardoner
Irby Park**

RESOLUTION NO. R-2001-2

A RESOLUTION APPROVING THE AMENDMENT OF THE GROWTH PLAN ADOPTED BY THE TOWN OF SIGNAL MOUNTAIN ON APRIL 9, 2001, PURSUANT TO THE PROVISIONS OF THE TENNESSEE GROWTH POLICY ACT, AT T.C.A. § 6-58-101, ET SEQ.

WHEREAS, the Town of Walden passed a resolution approving the final boundaries of its UGB on May 8, 2001, which slightly differs from the Growth Boundary adopted by the Town of Signal Mountain on April 9, 2001, in that Map No. 89G-C-007.01 is now included in the Urban Growth Boundary for the Town of Walden; and

WHEREAS, the Signal Mountain Town Council believes that an additional modification, including Map No. 89G-C-007.01 within the Urban Growth Boundary of the Town of Walden, to the GPCC Growth Plan, it is in the best interest of the Town of Signal Mountain and its citizens, and that the Growth Plan, as modified, should be adopted; and

WHEREAS, the Signal Mountain Town Council believes that the adoption of this modified Growth Plan and the related Master Interlocal Agreement between the municipalities and the County will encourage greater cooperation between all ten (10) municipalities and the County, particularly in matters related to economic development within the greater metropolitan area;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN:

Section 1. The Urban Growth Boundary map dated May 11, 2001 prepared by the Chattanooga Hamilton County Regional Planning Agency, which is attached as Exhibit A, reflecting the changes in the UGB's of the Cities of Chattanooga and Collegedale and the PGA of Hamilton County; and the UGB's of the Town of Signal Mountain, the Town of Walden, the City of Lakesite, the City of Soddy Daisy, and the Town of Lookout Mountain is adopted as the Final Modified Growth Plan of the City of Chattanooga and the final boundaries of the UGB and PGA as they affect the boundaries of the City of Chattanooga are changed accordingly.

Section 2. The Town Council Clerk is directed to distribute a certified copy of this Resolution and the attached documents to the Clerk of Hamilton County, the City or Town Recorders of the affected municipalities; the attorneys for the respective parties; and to Administrative Law Judge Thomas G. Stovall, State of Tennessee B Department of State; Administrative Procedures Division; 312 Eighth Avenue, North, 8th Floor, William Snodgrass Tower, Nashville, Tennessee 37243, as soon as reasonably possible.

Section 3. This Resolution shall take effect from and after its passage, the public welfare requiring it.

ADOPTED: May 14, 2001.

TOWN OF SIGNAL MOUNTAIN, TENNESSEE

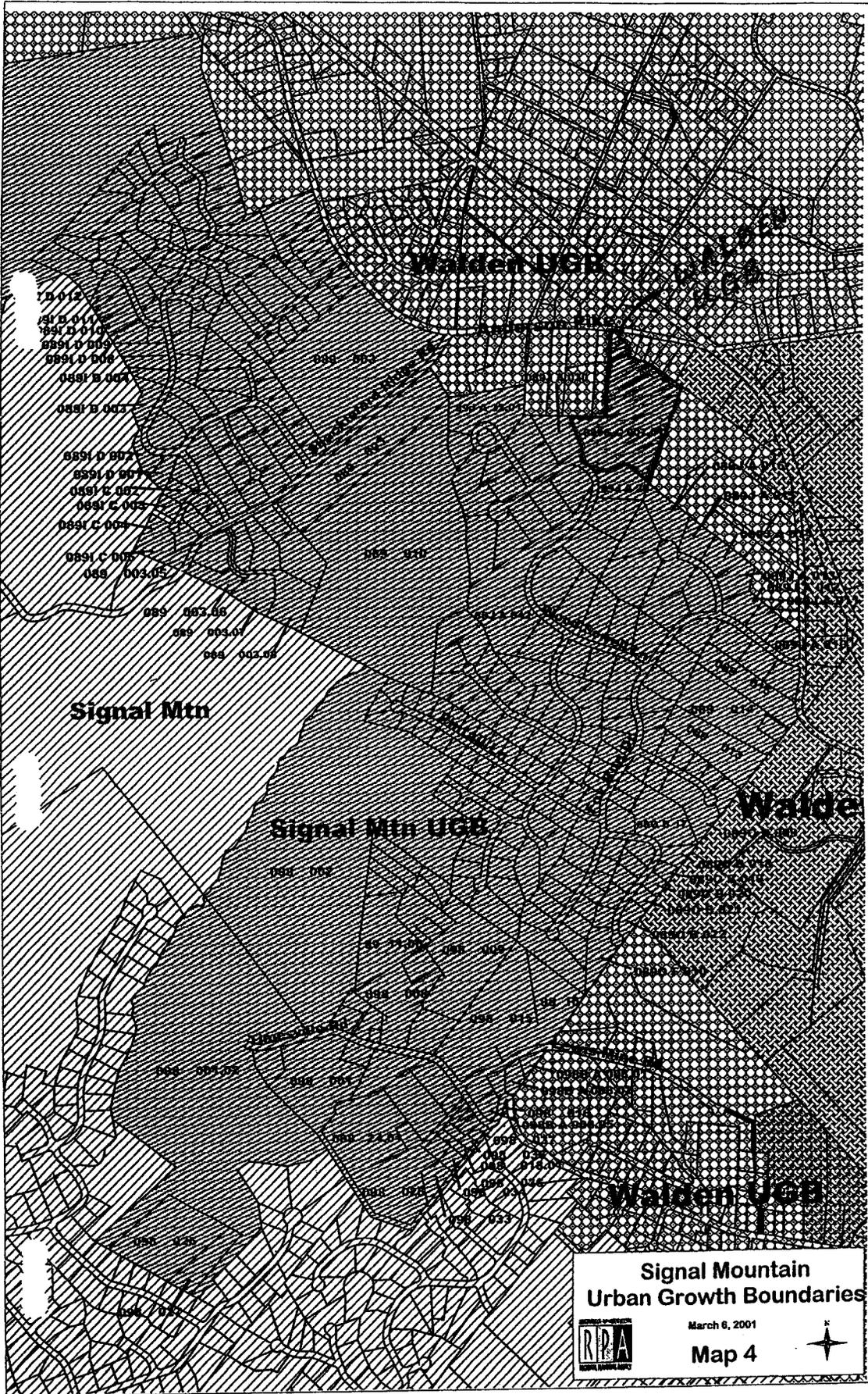


JIM ALTHAUS, Mayor

By: 

Town Recorder

PAN/kac



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Signal Mtn

Signal Mtn UGB

Walder

Walder

**Signal Mountain
 Urban Growth Boundaries**
 March 6, 2001
Map 4