

*****OCTOBER 13, 2003*****

The Town Council of the Town of Signal Mountain held a regular meeting on Monday, October 13, 2003, at 7:00 p.m. at the Town Hall. Those present were:

Mayor James H Althaus
Vice-Mayor William O. Leonard
Councilmember Rachel Bryant
Councilmember Robert E. White, II

Also present:

Town Manager Hershel Dick
Town Recorder Diana Campbell
Town Attorney Phil Noblett

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

Councilmember Bryant made a motion to approve the minutes of the September 8, 2003, regular meeting and the September 30, 2003, special called meeting. Councilmember White seconded the motion and it passed unanimously.

The first item before the Council was "A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO PAY THE CITY OF CHATTANOOGA, TENNESSEE, FOR ITS CONTRIBUTION TO THE ROUNDABOUT CONSTRUCTION AT THE INTERSECTION OF THE 'W' ROAD AT MOUNTAIN CREEK ROAD, IN THE AMOUNT OF TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS." The Town Attorney read the title and stated that the Town Manager would need the resolution passed to be able to make a payment to Chattanooga. Then the Mayor noted that he had written a memo on this subject to the Council on September 9 but for the citizens' review he outlined some of the background on the roundabout. He explained that a previous Council had approved a payment of \$10,000 towards the cost of a stoplight. The Town of Walden had agreed to pay \$10,000 and the balance of about \$100,000 would be paid by the City of Chattanooga. Then he noted that a few months previous, John Van Winkle the engineer for the City of Chattanooga, had a meeting at the Town of Walden and presented the plan to have a roundabout rather than a traffic light. The Towns of Walden and Signal Mountain agreed with his plan. Then the Mayor explained that at budget time the Council reduced the contribution by the amount the State was going to reduce the Town's funding. Next the Mayor relayed a telephone conversation that he had with Mr. Van Winkle in which Mr. Van Winkle was upset that the Town was not going to pay the original amount. The

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Mayor then asked the Council to pay the full \$10,000 to the City of Chattanooga. There was discussion and several questions on the item. Vice-Mayor Leonard made a motion to approve the resolution. Councilmember White seconded the motion and it passed unanimously.

The next resolution was "A RESOLUTION SETTING WATER RATES." Phil Noblett stated the resolution would be setting the water rates for the Town effective November 1, 2003. The Mayor further explained the Town had received a rate increase from Tennessee American Water Company and TVA had announced a rate increase. He noted that the average water bill would go up about \$24.00. After a brief discussion, Councilmember White made a motion to approve the resolution. Mayor Althaus seconded the motion. There was further discussion and questions. The Recorder read a memo to the Council dated October 8, 2003, that explained the cost increases and the effect on the revenue and monthly cost to customers. Next the Council voted. The resolution was approved unanimously.

The next item before the Council was "A RESOLUTION APPOINTING MEMBERS TO THE TOWN OF SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD." Phil Noblett explained that the resolution would be reappointing two members and appointing two new members to the Board. He noted the information to each Councilmember included a biographical sketch of each person. Vice-Mayor Leonard made a motion to approve the resolution. Councilmember Bryant seconded the motion and it passed unanimously.

The next resolution to be considered was "A RESOLUTION RESCINDING RESOLUTION NO. 2003-21 DATED SEPTEMBER 30, 2003, AWARDED A CONTRACT TO SOUTHERN PROFESSIONAL PAINTING DUE TO THAT FIRM'S INABILITY TO OBTAIN A PERFORMANCE BOND AND INSTEAD AUTHORIZING THE TOWN MANAGER TO AWARD SAID CONTRACT TO MID-SOUTH MAINTENANCE PAINTING CO., INC. IN AN AMOUNT OF TWENTY SEVEN THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$27,250.00) DOLLARS WHICH IS THE LOWEST AND BEST BID FOR THE REPAIR AND REPAINTING OF THE 250,000-GALLON SUCK CREAK ROAD WATER RECEIVING TANK." Phil Noblett explained the resolution was needed to award the contract on painting the water tank. After a brief discussion Councilmember Bryant made a motion to approve the resolution. Vice-Mayor Leonard seconded the motion and it passed unanimously. During further discussion the Town Manager stated that there was 2,000,000 gallons capacity on the mountain and 750,000 gallons capacity at the pumping station.

The next resolution before the Council was "A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSE, TO AWARD A CONTRACT TO NORTH AMERICAN SALT IN AN AMOUNT OF

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EIGHT THOUSAND FIVE HUNDRED TWELVE AND 00/100 (\$8,512.00) DOLLARS AS THE LOWEST AND BEST BID FOR THE PURCHASE OF TWO HUNDRED (200) TONS OF SALT FOR THE TOWN.” Phil Noblett explained the bid was for salt for roads. Councilmember Bryant made a motion to approve the resolution. The Mayor seconded the motion. There was a brief discussion about the status of the salt inventory. Then the Council voted unanimously to approve the resolution.

An additional resolution presented to the Council at the meeting was “A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH YERBY CONCRETE COMPANY FOR REBUILDING THE COMPACTOR AND HOPPER AT THE TOWN SANITATION TRANSFER STATION TO COMPLY WITH CURRENT STORMWATER REGULATIONS OF THE TOWN IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTEEN THOUSAND SEVERN HUNDRED EIGHTY-SEVEN (\$118,787.00) DOLLARS.” Phil Noblett explained the resolution was authorizing the Town Manager to enter into a contract with Yerby Concrete for \$118,787 for the rebuilding of the compactor at the transfer station. The Mayor then explained that the compactor was the hopper where trash is placed and compacted by hydraulics before being hauled to the landfill. He noted the current compactor had been in use about 30 years. Councilmember Bryant inquired if the item was in the budget. The Town Manager explained there was \$75,000 in the budget for this item. Vice-Mayor Leonard made a motion to approve the resolution. The Mayor seconded the motion and it passed unanimously.

The first ordinance before the Council was “AN ORDINANCE TO CREATE A NEW CHAPTER 3 OF THE SIGNAL MOUNTAIN TOWN CODE, TITLE 9, RELATIVE TO GARAGE SALES, ESTATE SALES AND RUMMAGE SALES BY RESIDENTS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.” Phil Noblett explained that the Mayor had requested he draft an ordinance to regulate yard sales. He further explained that the ordinance would regulate all sales in the yard such as garage sales, yard sales, and estate sales. He noted that the ordinance would permit yard sales for only four days a year the same as the Town’s zoning ordinance. He stated the ordinance would require the homeowner to first obtain a permit and then the yard sale must be only on the resident’s own yard. He further explained that the ordinance also regulates the use of directional signs. He stated the permittees could post a sign in their own yard only and not on any other property.

Councilmember Bryant stated she felt that it would be a policing nightmare. She stated she felt like the Town shouldn’t prohibit directional signs. Vice-Mayor Leonard stated he was uncomfortable about limiting yard sales to four days and limiting directional signs since they do guide people where they need to be, but he noted the people were not taking the signs down. He said perhaps the ordinance could allow directional signs but impose a fine if they weren’t removed within a certain period. There was a lengthy discussion on the regulation of yard sales and signs. During the discussion Phil Noblett explained that

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there was a section of the zoning ordinance that allowed only four days of yard sales per house per year and the ordinance had been in effect for quite a while. Councilmember White noted that one of the main points of the ordinance was that a homeowner couldn't rent out their yard to someone else and cause congestion on the highway. He noted that the permit would not cost anything. He stated that he wouldn't want to see signs left everywhere. The Mayor suggested the Council work more on the ordinance. Councilmember White made a motion to table the item. The Mayor seconded the motion and the vote was unanimous.

The next ordinance was "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE BY AMENDING TITLE 18, CHAPTER 7, ENTITLED STORMWATER RUNOFF REGULATION AND CONTROL BY INSERTING NEW DEFINITIONS AND DELETING CERTAIN SECTIONS TO BE PLACED IN THE STORMWATER MANAGEMENT MANUAL." Phil Noblett explained the ordinance was needed to revise Title 18, Chapter 7 of the code regulating stormwater. He noted that there were substantial revisions to 18-702 in the definitions. He also noted that a number of sections were deleted from the ordinance and placed in the Stormwater Management Manual used for enforcing stormwater regulations. He explained that would prevent constant revisions to the ordinance to be in compliance with changing federal regulations. After he explained other revisions and answered a few questions, Councilmember White made a motion to approve the ordinance on first reading. Councilmember Bryant seconded the motion and it passed unanimously.

The last ordinance to be considered by the Council was "AN ORDINANCE TO AMEND THE TOWN OF SIGNAL MOUNTAIN MUNICIPAL CODE BY AMENDING TITLE 18, CHAPTER 8, ENTITLED STORMWATER UTILITY ORDINANCE." Phil Noblett explained this ordinance sets up the Stormwater Operating Board and defines their function. He further explained that a billing procedure, due date, and penalty were being revised by the ordinance to make it easier to add the stormwater fee on the property tax bill. After a brief discussion, Councilmember Bryant made a motion to approve the ordinance on first reading. Councilmember White seconded the motion and it passed unanimously.

Next during the opportunity for Citizens' to address the Council, Pris Shartle representing the Signal Mountain Mirror addressed the Council and asked questions regarding several items that had come up in prior meetings. She noted that in October, 2002, there was a mention of painting the fire station. The Town Manager informed her that painting the police/fire station was in the current fiscal year budget. She then inquired about an item in the November, 2002, meeting when the Mayor stated that there would be a fitness study in the Safety Department. In response the Mayor stated that the study had not been completed but not forgotten. Then she asked about an item in May, 2003, in which the Town Manager had stated that the sidewalks had been flagged and staked and would

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probably be in by the Fall. In response Hershel Dick stated that the sidewalks would not be completed by the Fall but would probably be completed by the spring since the State had just sent the contract back the previous week. Next Ms. Shartle asked about another item brought up at the May, 2003, meeting about a 1928 deed restriction on the Tabb property that the Town Attorney was going to research. Councilmember Bryant said that Stuart James had found a 1928 deed that stated something to the effect that the property could only be used for Town purposes. The Mayor stated that it was his understanding that Phil had looked into the matter and that Phil was of the opinion that Mr. James was wrong and that the only thing that might stop the development was, that whenever construction would begin, Mr. James might bring a lawsuit. Phil noted that there was title insurance on the property. Next Ms. Shartle noted that in June, 2003, meeting it was noted that vandalism was a community-wide problem. She noted that in the May, 2003, meeting Councilmember Bryant suggested a campaign to educate the kids on the subject and she inquired if the campaign had been done. The Mayor stated that it had not been done.

Next Lou Oliphant gave a report of the Planning Commission. She stated that Mr. Thelen had withdrawn his request. She noted that the Commission had received some additional training.

Next Councilmember Bryant gave a presentation on the playground area behind the golf club. She noted that the Playground Committee had a difficult time coming to a decision. She stated that the work status was that two pavilions had been painted, a new roof had been put on the larger pavilion, there was a purchase order out to have lights installed on the larger pavilion, and a survey with elevations had been completed. She informed the Council that the plan agreed on by the Committee was for the two tennis courts closest to the driving range to be rebuilt, the other two tennis courts would be resurfaced. The court closest to the tennis courts would have a basketball goal and the other court would be for free play. There would be new lighting with electricity going underground. There would be two playground areas that would be built as community projects. One area would be for two to five-year-olds and the other would be for five to twelve-years-old. There would be some landscaping done. They would come back with a recommended name by the November 10 meeting. After a lengthy discussion with Councilmember Bryant explaining the Committee's suggestion for the play area, the Mayor made a motion that the Committee put together specification to put the playground equipment out to bid. Councilmember White seconded the motion and it passed unanimously.

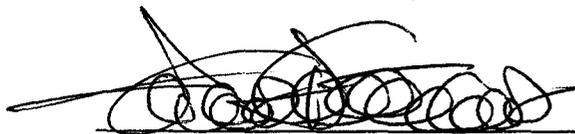
Councilmember White thanked Lou Oliphant for her work on the Planning Commission and thanked Councilmember Bryant for her work on the Playground Committee. He pointed out some of the good work done by the Police Department during the month. Councilmember White stated that there had been a fundraiser at the Signal Mountain Golf and County Club that netted \$25,040 for the Thrasher gym project. He informed the Council that an individual had agreed to guarantee the financing for the Thrasher gym

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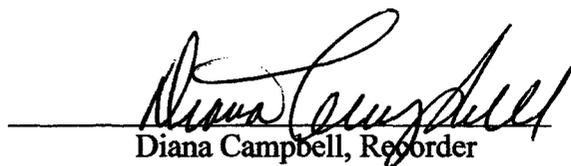
and the Town would not have to guaranty anything. He noted that the Mountain Vision had been a great success. He said there had been good turnout by the residents.

Councilmember Bryant commented that in the three years she had been on the Board there was energy in the work being accomplished.

The Mayor applauded the quality and experience of the Town's Department Heads.



James H. Althaus, Mayor

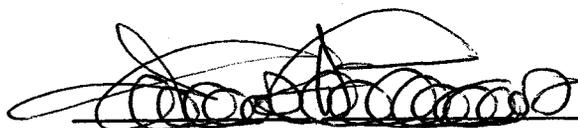


Diana Campbell, Recorder

RESOLUTION NO. R2003-22

A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO PAY THE CITY OF CHATTANOOGA, TENNESSEE FOR ITS CONTRIBUTION TO THE ROUNDABOUT CONSTRUCTION AT THE INTERSECTION OF THE "W" ROAD AT MOUNTAIN CREEK ROAD, IN THE AMOUNT OF TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the Town Manager be and is hereby authorized to pay the City of Chattanooga, Tennessee for its contribution to the roundabout construction at the intersection of the "W" Road at Mountain Creek Road in the amount of \$10,000.00.


MAYOR


RECORDER

10-13-03
DATE

10-13-03
DATE

PAN/kac

Resolution No. R-2003-23

RESOLUTION SETTING WATER RATES

WHEREAS, The Town Council is authorized by Signal Mountain Town Code 18-107 to adopt rate schedules for water rates from time to time by appropriate resolution or ordinance which reflect operating costs and bond interest and redemption costs incurred by the Town; and

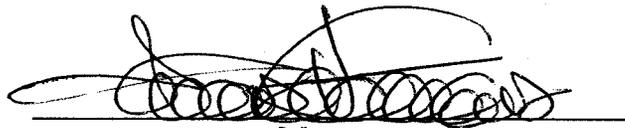
WHEREAS, All water within the Town of Signal Mountain is authorized to be supplied exclusively by the Town subject to such water rates;

NOW, THEREFORE, the Town Council does set the following rates for use of the Town's water services, said rates to be effective beginning on November 1, 2003.

Town of Signal Mountain Water Rates

In Town – monthly basis	\$14.96	0 – 4,000 gal.	\$4.28 per 1,000 each additional gal.
In Town – bi-monthly basis	29.92	0 – 8,000 gal.	\$4.28 per 1,000 each additional gal.
In Town – quarterly	44.88	0 – 12,000 gal.	\$4.28 per 1,000 each additional gal.
Town swimming pool monthly	\$175.45	0 – 50,000 gal.	\$3.01 per 1,000 gal. next 50,000 gal. \$2.57 per 1,000 gal. over 100,000 gal.
Outside the Town-monthly basis	\$19.28	0 – 4,000 gal.	\$5.32 per 1,000 each additional gal.
Outside the Town-bi-monthly basis	38.56	0 – 8,000 gal.	\$5.32 per 1,000 each additional gal.
Outside the Town-quarterly basis	57.84	0 – 12,000 gal.	\$5.32 per 1,000 each additional gal.
Town Building Sprinklers	\$289.78		
Building Sprinklers	96.59		
Golf Course-Clubhouse monthly	\$187.00	0 – 50,000 gal.	\$4.28 per 1,000 each additional gal.

ADOPTED this 13 day of October, 2003.



Mayor



Town Recorder

RESOLUTION NO. R2003-24A RESOLUTION APPOINTING MEMBERS TO THE TOWN OF
SIGNAL MOUNTAIN'S MOUNTAIN ARTS COMMUNITY
CENTER (MACC) BOARD.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that it shall renew the appointments to Signal Mountain's Mountain Arts Community Center (MACC) for Ken Gross, 914 Cherokee Lane, Signal Mountain, Tennessee, for a one (1) year term expiring on October 1, 2004; and Glenn Showalter, 513 Georgia Avenue, Signal Mountain, Tennessee, for a one (1) year term expiring on October 1, 2004. It is further resolved to appoint Rodney Van Valkenburg, 523 Fern Trail, Signal Mountain, Tennessee, for a three (3) year term expiring on October 1, 2006; and Pris Shartle, 501 James Boulevard, Signal Mountain, Tennessee, for a three (3) year term expiring on October 1, 2006.


MAYOR10-13-03
DATE

PAN/kac


RECORDER10-13-03
DATE

RESOLUTION NO. R2003-25

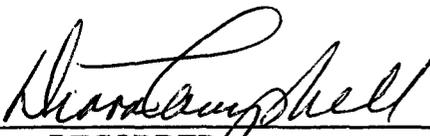
A RESOLUTION RESCINDING RESOLUTION NO. 2003-21 DATED SEPTEMBER 30, 2003, AWARDING A CONTRACT TO SOUTHERN PROFESSIONAL PAINTING DUE TO THAT FIRM'S INABILITY TO OBTAIN A PERFORMANCE BOND AND INSTEAD AUTHORIZING THE TOWN MANAGER TO AWARD SAID CONTRACT TO MID-SOUTH MAINTENANCE PAINTING CO., INC. IN AN AMOUNT OF TWENTY-SEVEN THOUSAND TWO HUNDRED FIFTY AND 00/100 (\$27,250.00) DOLLARS WHICH IS THE LOWEST AND BEST BID FOR THE REPAIR AND REPAINTING OF THE 250,000 GALLON SUCK CREEK ROAD WATER RECEIVING TANK.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that Resolution No. 2003-21 dated September 30, 2003 is hereby rescinded , awarding a contract to Southern Professional Painting due to its inability to obtain a required performance bond. As a result of the failure to perform the bid of Southern Professional Painting is rejected and the Town Manager is authorized to award said contract to Mid-South Maintenance Painting Co., Inc. for the repair and repainting of the 250,000 gallon Suck Creek Road Water Receiving Tank in the amount of \$27,250.00 which is the lowest and best bid provided all appropriate performance bonds are received.


MAYOR

DATE

10-13-03


RECORDER

DATE

10-13-03

PAN/kac

RESOLUTION NO. R2003-26

A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO NORTH AMERICAN SALT IN AN AMOUNT OF EIGHT THOUSAND FIVE HUNDRED TWELVE AND 00/100 (\$8,512.00) DOLLARS AS THE LOWEST AND BEST BID FOR THE PURCHASE OF TWO HUNDRED (200) TONS OF SALT FOR THE TOWN.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager to is authorized to award a contract to North American Salt in the amount of \$8,512.00 as the lowest and best bid for the purchase of two hundred (200) tons of salt for the Town.



MAYOR



RECORDER

10-13-03
DATE

10-13-03
DATE

PAN/kac

RESOLUTION NO. R2003-27

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH YEARBY CONCRETE COMPANY FOR REBUILDING THE COMPACTOR AND HOPPER AT THE TOWN SANITATION TRANSFER STATION TO COMPLY WITH CURRENT STORMWATER REGULATIONS OF THE TOWN IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTEEN THOUSAND SEVEN HUNDRED EIGHTY-SEVEN (\$118,787.00) DOLLARS.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into a contract with Yearby Concrete Company as recommended by the Town Engineer as the lowest and best bid for rebuilding the Compactor and Hopper at the Town Sanitation Transfer Station in order to comply with current Stormwater Regulations of the Town, in an amount not to exceed One Hundred Eighteen Thousand Seven Hundred Eighty-seven (\$118,787.00) Dollars.


MAYOR


RECORDER

10-13-03
DATE

10-13-03
DATE

PAN/kac

Date: October 13, 2003

NAME	ADDRESS
1. Ken Brown	914 Cherokee Ln
2. Jean Dofa	1004 LADDER TR
3. Lou D. [unclear]	796 Cherokee
4. Pris & Mark Shastle	501 James Blvd
5. Joe Dumas	1111 James Blvd.
6. Erby Park	105 Mtn Court
7. Patricia Vincent - library rep.	3 Balfour Ct
8. Gray Goodgame	1112 Glens Circle
9. Coughlin Cooper	918 James Blvd
10. Brandi Buntain	114 Green Grove Rd.
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