

*****April 12, 2004*****

The Town Council of the Town of Signal Mountain held a regular meeting on Monday, April 12, 2004, 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 Boy Scouts, Wes Althaus and Patrick Wagner, from Troup 116 led the Pledge of Allegiance to the Flag. Councilmember Bryant offered the prayer. The Recorder called the roll, and all were present except Councilmember Ruffin who was out of Town on business.

Vice-Mayor Leonard made a motion to approve the minutes of the March 8, 2004, regular Council meeting and the March 23, 2004, special called meeting. Councilmember White seconded the motion and it passed unanimously.

Councilmember White made a presentation on the strategic plan the "Mountain Vision." Councilmember White thanked the facilitators for their work on the plan and Vice-Mayor Leonard for helping with the process. He noted that the process took 1390 man-hours to complete from the mid-September start date to the end of February. He stated that he hoped the Town could use the plan as a guideline for the next two to four years. He explained that the process began with three meeting in which the group did a S.W.O.T. analysis, that is they determined the Town's Strengths, Weaknesses, Opportunities and Threats. He further explained from the analysis they built the Town's Core Values and Mission Statement. Then they set goals, strategies for each goal, and tactics and accountability for each tactic. He informed the citizens that the facilitators consisted of Team Leaders Chip Baker, Lisa Hawkins, Art Dickerson, Glenn Baird, and Mark and Pris Shartle with Vice-Mayor Leonard acting as Co-Facilitator with him. He discussed the various strengths, weaknesses, opportunities and threats that the group included as the basis for the plan. The core values they determined to consist of recreation, culture, education, family, quality of life and safety. He stated the Mission Statement they came up with was "To Enhance a Sense of Community Where Individuals Thrive in a Safe Environment that Supports Freedom, Fellowship, and Recreation; Where Families Matter and Life-Long Learning is Treasured." He further discussed the goals and some of the tactics for each goal. The Mayor thanked Councilmember White and Vice-Mayor Leonard and all the team that worked on the plan. Councilmember Bryant also thanked them and urged them to come up with an action plan and follow through. Councilmember White stated they would be keepers of the plan and make sure it keeps moving.

The first resolution before the Council was "A RESOLUTION ADOPTING VACATION LEAVE, SICK LEAVE, HOLIDAY AND COMPENSATORY LEAVE POLICIES FOR TOWN EMPLOYEES AS RECOMMENDED BY THE PERSONNEL COMMITTEE FOR THE TOWN OF SIGNAL MOUNTAIN." The Town Attorney briefly explained that the Personnel Committee had reviewed the policies existing in the Town covering vacation, sick leave, holidays, and leave time and put in writing their recommendation and the Town Manager's recommendation for the Council. The Mayor noted that much of this has been unchanged and the last time this was done was several years ago. The Vice-Mayor made a motion to approve the resolution. The Mayor seconded the motion. Councilmember Bryant made several inquiries including what changes were made, who was on the Personnel Committee and when did they meet. The Recorder responded by explaining the Personnel Committee was made up of Mayor Althaus, Vice Mayor Leonard, Ron Eytchison, Bob Steel, herself as the employee representative and the Town Manager as a non-voting member. She explained that the Committee had met several times and had reviewed what the Town was doing compared to all the other towns in the area. She explained that one of the changes was in the amount of accumulated vacation leave. She further explained that in writing the policy stated 10 days but in practice the carryover had been unlimited. The Committee was recommending a maximum of 60 days. She noted that there were two days added at the sixth year and three days added at the 16th year. In response to her inquiry as to how this compared to other towns, the Mayor explained that the Recorder had prepared a comprehensive schedule showing what each of the other towns were doing on these subjects. Councilmember Bryant asked to see the comparison schedule before she voted. The Recorder left the room and returned with a schedule for Councilmember Bryant to review. Councilmember Bryant expressed concern of the make up of the Committee and suggested that the Committee should have more members with backgrounds and expertise in personnel issues. Vice-Mayor Leonard talked about the extensive time the Committee had spent reviewing the issues. He suggested postponing the vote until Councilmember Bryant had time to study the material. After additional discussion it was decided to table a vote until the next meeting.

The second resolution before the Council was "A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO GAME TIME DIVISION – PLAY CORE WISCONSIN, INC. IN AN AMOUNT OF SIXTY-TWO THOUSAND THIRTEEN AND 00/100 (\$62,013.00) DOLLARS AS THE LOWEST AND BEST BID FOR THE EQUIPMENT AND SURFACING OF THE NEW PLAYGROUND AREA BEHIND THE SIGNAL MOUNTAIN GOLF & COUNTRY CLUB." The Town Attorney briefly discussed this resolution and referred the Council to a letter he had written to the Town Manager regarding the recommendation of the Playground Committee that this was the lowest and best bid. Councilmember Bryant made a motion to approve the resolution. Vice-Mayor Leonard seconded the motion. After an additional discussion the vote was unanimous to approve the resolution.

The next resolution discussed was "A RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO FILE A LAWSUIT ON BEHALF OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, FOR DECLARATORY JUDGEMENT AGAINST JOHN DOE AND JANE DOE, MOUNTAIN LAND COMPANY AND STUART JAMES ASKING THE COURT TO ADJUDGE AND DECREE THAT THE DEED RESTRICTIONS ON THE TABB PROPERTY BE DECLARED VOID AND OF NO EFFECT SO THAT THEY DO NOT INTERFERE WITH THE CURRENT DEVELOPMENT OF SAID PROPERTY APPROVED BY THE TOWN." The Town Attorney explained that approximately six months previous there was a letter from the James family that stated that they did not want any development to occur that would be in violation of some language that was in the original deed. He stated the Tabb family is proceeding to develop the property and there is the need to file a lawsuit to have a declaratory judgment to determine whether the restrictions in the deed were valid or not. He said the Town would be a plaintiff rather a defendant in this matter and he needed this to authorize him to proceed. The Mayor further explained and gave a brief history of the transfer of the property. Councilmember Bryant made a motion to approve the resolution. The Vice-Mayor seconded the motion and it was approved unanimously.

The final resolution before the Council was "A RESOLUTION RESCINDING THE ACTION OF THE TOWN COUNCIL ON MARCH 8, 1993, CREATING THE POSITIONS OF PUBLIC SAFETY DIRECTOR AND CHIEF DEPUTY TO THE PUBLIC SAFETY DIRECTOR AND ACCEPTING THE RECOMMENDATION OF THE TOWN MANAGER TO ELIMINATE THE POSITIONS OF PUBLIC SAFETY DIRECTOR AND CHIEF DEPUTY TO THE PUBLIC SAFETY DIRECTOR, AND TO ASSIGN MANAGEMENT POSITIONS WITHIN THE FIRE AND POLICE DEPARTMENTS AS THE TOWN MANAGER DEEMS NECESSARY UNDER HIS POWERS AND DUTIES SPECIFIED IN THE SIGNAL MOUNTAIN TOWN CHARTER." The Town Attorney explained that at the time the form of government was changed there were specific provisions in the private act charter that were passed that said that any appointments or removals of administrative officers were to be at the discretion of the Town Manager. He stated that shortly after the form of government was changed in 1993 in response to the then Town Manager, Rick Sonnenburg, recommendation, there was change and the Town Council was involved in eliminating the position of Police Chief and Fire Chief and creating the positions of Public Safety Director and Chief Deputy to the Public Safety Director. He explained those positions were created by Council action. He further explained that the Council must approve a change by the Town Manager in any position created by Council. He stated that the resolution would allow the Town Manager to make the decisions about the positions. He noted the Town Manager has the authority under the Charter to affect any position within the Town government. Vice-Mayor Leonard made a motion to approve the resolution. Councilmember White seconded the motion. There was further discussion and comments from the Mayor and Council. After the discussion the vote was unanimous to approve the resolution.

Page 4 – Minutes of the April 12, 2004, Council Meeting

Next, John Clark representing Mountain Recreation came before the Council and gave an update on the Shackleford Ridge park and requested the Council to continue the contribution to their organization in next year's budget.

Next, Glenn Baird reported on the vote for the high school on the referendum on May 18, 2004. There was a lengthy discussion including question and comments from the Council and citizens.

Next, Lou Oliphant gave a report on the Planning Commission meeting of April 1, 2004. She requested the Council approve continuing the services of the Local Planning Office. Councilmember Bryant made a motion to approve the services of the Local Planning Office. Councilmember White seconded the motion and it passed unanimously.

There were further discussions on the high school, budgeting and other issued but no further action was taken. The meeting was adjourned.



James H. Althaus, Mayor



Diana Campbell, Recorder

Date: APRIL 12, 2004

NAME	ADDRESS
1. <u>Near Holland</u>	<u>223 Timberlark Dr.</u>
2. <u>Irby Park</u>	<u>105 Mtn. Court</u>
3. <u>Loch Ophkamt</u>	<u>Cherokee Ln</u>
4. <u>Jean Nolan</u>	<u>Ladder Tr.</u>
5. <u>John Clark</u>	<u>325 Creekside</u>
6. <u>Barbara Eddings</u>	<u>2010 Horseshoe Rd. Signal</u>
7. <u>Debbie Adams</u>	<u>815 Skyline Dr.</u>
8. <u>Jay Eddings</u>	<u>2010 Horseshoe Rd.</u>
9. <u>Paul W. Cole</u>	<u>2052 OAK</u>
10. <u>David M. Adams</u>	<u>815 Skyline Dr.</u>
11. <u>John Clark</u>	<u>714 Dawbury Dr</u>
12. <u>Martin Priest</u>	<u>501 James Blvd</u>
13. <u>Gay Hall</u>	<u>2815 HALL ROAD</u>
14. <u>Edie Smith</u>	<u>5183 HOGAN ST</u>
15. <u>David Tallent</u>	<u>70 E Albert Rd</u>
16. <u>DAVE KEMMERER</u>	<u>42 MIDDLE CREEK RD</u>
17. <u>Glen Baird</u>	<u>210 JAMES BLVD.</u>
18. <u>Corey Jato</u>	<u>706 Kentucky Ave</u>
19. <u>John Houshrop</u>	<u>509 Brady Pt. Rd</u>
20. <u>Greg Goodgame</u>	<u>1112 Glens Circle</u>
21. <u>Joe Dumas</u>	<u>1111 James Blvd.</u>

Date: APRIL 12, 2004

NAME	ADDRESS
1. <u>ANNIE LEONARD</u>	<u>16 WHISPERING PINES</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____

RESOLUTION NO. R2004-11

A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO GAME TIME DIVISION – PLAY CORE WISCONSIN, INC. IN AN AMOUNT OF SIXTY-TWO THOUSAND THIRTEEN AND 00/100 (\$62,013.00) DOLLARS AS THE LOWEST AND BEST BID FOR THE EQUIPMENT AND SURFACING OF THE NEW PLAYGROUND AREA BEHIND THE SIGNAL MOUNTAIN GOLF & COUNTRY CLUB.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to award a contract to Game Time Division – Play Core Wisconsin, Inc. in the amount of \$62,013.00 as the lowest and best bid for the equipment and surfacing of the new playground area behind the Signal Mountain Golf & Country Club.


MAYOR

4-12-04
DATE


RECORDER

4-12-04
DATE

PAN/kac

RESOLUTION NO. R2004-12

A RESOLUTION AUTHORIZING THE TOWN ATTORNEY TO FILE A LAWSUIT ON BEHALF OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE FOR DECLARATORY JUDGMENT AGAINST JOHN DOE AND JANE DOE, MOUNTAIN LAND COMPANY AND STUART JAMES ASKING THE COURT TO ADJUDGE AND DECREE THAT THE DEED RESTRICTIONS ON THE TABB PROPERTY BE DECLARED VOID AND OF NO EFFECT SO THAT THEY DO NOT INTERFERE WITH THE CURRENT DEVELOPMENT OF SAID PROPERTY APPROVED BY THE TOWN.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Attorney is authorized to file a lawsuit on behalf of the Town of Signal Mountain, Tennessee for declaratory judgment against John Doe and Jane Doe, Mountain Land Company and Stuart James asking the Court to adjudge and decree that the Deed restrictions on the Tabb property be declared void and of no effect so that they do not interfere with the current development of said property approved by the Town.


MAYOR


RECORDER

4-12-04
DATE

4-12-04
DATE

PAN/kac

RESOLUTION NO. R2004-13

A RESOLUTION RESCINDING THE ACTION OF THE TOWN COUNCIL ON MARCH 8, 1993 CREATING THE POSITIONS OF PUBLIC SAFETY DIRECTOR AND CHIEF DEPUTY TO THE PUBLIC SAFETY DIRECTOR AND ACCEPTING THE RECOMMENDATION OF THE TOWN MANAGER TO ELIMINATE THE POSITIONS OF PUBLIC SAFETY DIRECTOR AND CHIEF DEPUTY TO THE PUBLIC SAFETY DIRECTOR, AND TO ASSIGN MANAGEMENT POSITIONS WITHIN THE FIRE AND POLICE DEPARTMENTS AS THE TOWN MANAGER DEEMS NECESSARY UNDER HIS POWERS AND DUTIES SPECIFIED IN THE SIGNAL MOUNTAIN TOWN CHARTER.

WHEREAS, on March 8, 1993 the Town Council in response to the recommendation of Town Manager Rick Sonnenburg created the positions of Public Safety Director and Chief Deputy to the Public Safety Director and eliminated the positions of Police Chief and Fire Chief effective with the appointment of a Public Safety Director at that time; and

WHEREAS, the Charter of the Town of Signal Mountain requires that neither the Town Council nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officer or employee whom the Town Manager is empowered to appoint and the action taken by the Town Council on March 8, 1993 infringes on the authority of the Town Manager to direct and supervise the administration of all departments, offices and agencies of the Town.

BE IT RESOLVED that the Town Council of the Town of Signal Mountain, Tennessee hereby rescinds the action taken on March 8, 1993 creating the positions of Public Safety Director and Chief Deputy to the Public Safety Director as recommended by the Town Manager and

that the Town Manager is authorized to eliminate the positions of Public Safety Director and Chief Deputy to the Public Safety Director, and to reorganize and assign management positions within the Fire and Police Departments as the Town Manager deems necessary under his powers and duties specified in the Signal Mountain Town Charter.


MAYOR


RECORDER

4-12-04
DATE

4-12-04
DATE

PAN/kac