

*****AUGUST 9, 2004*****

The Town of Signal Mountain held its regular monthly meeting on Monday, August 9, 2004, at 7:00 p.m. in the Town Hall. Those present were:

Mayor James H. Althaus
 Vice-Mayor William O. Leonard
 Councilmember Rachel Bryant
 Councilmember Stephen Ruffin

Others present were: Town Manager Hershel Dick
 Town Attorney Phil Noblett

Mayor Althaus called the meeting to order. Mayor Althaus offered the prayer and the Pledge of Allegiance was led by Major Pete Garland and his son Jake. Roll call found Councilmember White absent.

Councilmember Ruffin moved that the minutes of the July 12, 2004, regular meeting be approved. The motion was seconded by Councilmember Bryant and passed unanimously.

The first resolution considered was "A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO EXECUTE AN AMENDMENT TO THE 2000 INTERLOCAL COOPERATION AGREEMENT BETWEEN AND AMONG, CLEVELAND, TENNESSEE, AND ALL CITIES AND/OR POLITICAL SUBDIVISIONS WHICH HAVE ADOPTED AND APPROVED THIS INTERLOCAL AGREEMENT FOR INCREASED HOURLY RATES AND MOBILIZATION COSTS FOR CHIPPING, SHREDDING AND/OR GRINDING OF YARD WASTE SERVICE". Phil Noblett explained the resolution and increased hourly rates and mobilization costs to the Council. Councilmember Ruffin moved that the resolution be approved. The motion was seconded by Vice-Mayor Leonard and passed unanimously.

The second resolution considered was "A RESOLUTION APPOINTING JIM FRAZEY, FIRE CAPTAIN, AND M. SCOTT FERGUSON, OF HUFFAKER & TRIMBLE, INC., TO THE CONDEMNATION BOARD FOR THE TOWN OF SIGNAL MOUNTAIN". Phil Noblett explained the resolution to the Council. Councilmember Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Bryant and it passed unanimously.

The last resolution considered was "A RESOLUTION PROCLAIMING SUPPORT OF THE TENNESSEE GUARD AND RESERVE FORCES FOR THE PATRIOTIC SERVICE OF THOSE INDIVIDUALS IN THE VITAL NATIONAL DEFENSE OF

Page 2 – Minutes of the August 9, 2004, Council Meeting

THIS COUNTRY". Phil Noblett explained that individuals called up for guard duty would have specific rights as required by law. This resolution is complying with the Federal law. Councilmember Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Bryant and passed unanimously.

Ms. Martha Nagle, President of the Green Giants Swim Team, and the team members presented championship trophies for 2004 to the Town.

Phil Noblett advised that he had had a call from Mike St. Charles, representing the Signal Mountain Golf and Country Club. The group needed a landlord waiver and estoppel agreement. Mr. Noblett was drawing up a resolution. The Country Club was proposing a four-phase remodeling project. Phase 1 was a swimming pool proposed to be completed that May, 2005. Phase 2 was remodeling the kitchen, phase 3 was moving the ballroom, and phase 4 was to redo the downstairs area. It was suggested by a citizen that the Country Club put up a fence between their area and the Town's playground.

Mayor Althaus recognized Betty Jones and her Fourth of July parade committee, for planning the parade that was held in the Olde Towne. He encouraged the citizens to make this an annual event.

Ms. Brandi Buntain, Member of the Playground Committee, advised the Council that Mr. Blake Moore wanted to donate a carved bear statue to place in the playground area. Mayor Althaus said the Town would accept on the condition that it was placed in a desirable location and that it was firmly and safely secured and anchored. She advised that the Playground Committee was planning a fundraiser. Money was being donated through the Mountain Beautification Committee. Also the Newcomers donated \$750.

Ms. Buntain asked about the Town having the restrooms clean and in good shape by the time of the Labor Day bar-b-que. The Playground Committee would like to have the dedication of the playground on Labor Day. She requested a meeting of the Playground Committee with the Council to decide on a name for the playground. Mayor Althaus asked that the meeting be coordinated with Town Manager Hershel Dick. Mr. Bob Linehart said that some people might be confused about the playground not being on Town property.

Lou Oliphant, Planning Commission Secretary, pointed out that the Annual Performance Report that the Planning Commission had just received from Mr. Bryan Shults, of the Local Planning Office, contained good information. She also reported that the cleanliness of the gym had improved.

Councilmember Bryant thanked all the volunteers who had done so much for the Town. She asked about the basketball goals, and Hershel said they were on the way. She also

Page 3 – Minutes of the August 9, 2004, Council Meeting

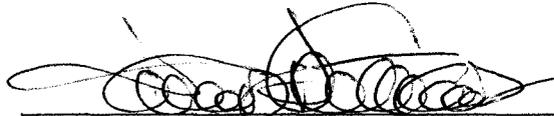
asked about the lights at the ball park and if they had been fixed so they would come on. Hershel said they had. Councilmember Bryant asked about the drainage problem at the big pavilion at the playground. She asked if gutters could be run underground. Hershel said he hoped to have this problem fixed by the Labor Day bar-b-que. Councilmember Bryant asked about the status of the tax increase for the Town. Mr. Noblett explained that there was no deadline for any agreement, except for the provisions in the referendum that interest on any bonds issued could not exceed 5% and the amount of any bonds issued by the Town could not exceed the 35 cent tax increase approved by the voters of the Town. Mr. Noblett explained that the Town Council could decide to honor the referendum whenever Hamilton County agreed to build a high school on the Mountain based on the terms approved by the voters of the Town provided that interest rates did not exceed 5%.

Councilmember Ruffin stated he was tired of cuts being made to the education budget. He asked, "When are we going to put our children first?" He asked for an update on the Rainbow Lake parking lot. Hershel advised him the work had stopped at present. He said the Town was waiting for Alexian Village to provide the dirt. The completion date would depend on when the Town receives the dirt. Councilmember Ruffin asked if there was a list of streets being paved and the order in which they were being paved. Hershel told him there was. Councilmember Ruffin said the Council seemed to work well together, and it was an honor to sit on the Council. He then announced that he would be a candidate for re-election.

Vice-Mayor Leonard announced there had been a very nice ceremony for the drug dog, Wolfe, who passed away recently. He complimented the Playhouse on a great play this year, Hershel Dick for the good Town picnic last Friday night, and the paving of the streets in Birnam Wood. He informed the citizens that a meeting had been held with TDOT regarding the condition and safety of the mountain road. This month TDOT would replace the barriers from the Signal Mountain welcome sign up Signal Mountain Boulevard beside Shoal Creek and in about four or five months they will replace the barriers on down the mountain starting on the right hand side. He advised that the Mountain Vision process would start again in October.

Attorney Phil Noblett advised there had been a settlement between the Tabb and James families, and construction of the new CVS could begin soon.

There being no further business, the meeting was adjourned.



James H. Althaus, Mayor



Diana Campbell, Town Recorder

Date: August 9, 2004

NAME	ADDRESS
1. John Houshrop	509 Brady Pt. Road
2. Lou Ophant	Cherokee Ln
3. Bob Allen ⁴⁵⁶	Sarrington Rd
4. Madeline P. Sussler	501 James Blvd
5. Erby Park	105 Mountain Court
6. Conqilin Cooper	
7. Brandi Fountain	
8. Joann Ziesin	510 Rolling Way
9. Joe Dumas	1111 James Blvd.
10. Gray Goodgame	1112 Glanis Circle
11. BOB LINEHART	5 ROCKCREST LANE
12. Michelle Nagle	7 Big Rock Rd
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	

RESOLUTION NO. R2004-26

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE TO EXECUTE AN AMENDMENT TO THE 2000 INTERLOCAL COOPERATION AGREEMENT BETWEEN AND AMONG, CLEVELAND, TENNESSEE AND ALL CITIES AND/OR POLITICAL SUBDIVISIONS WHICH HAVE ADOPTED AND APPROVED THIS INTERLOCAL AGREEMENT FOR INCREASED HOURLY RATES AND MOBILIZATION COSTS FOR CHIPPING, SHREDDING AND/OR GRINDING OF YARD WASTE SERVICE.

WHEREAS, the Town of Signal Mountain, as a participant Town, has entered into an interlocal agreement with the City of Cleveland dated September 11, 2000 for the chipping, shredding and/or grinding of yard waste services for term ending December 31, 2010; and

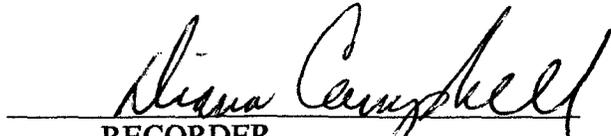
WHEREAS, Article I, Section 4 of that agreement established an hourly rate for chipping, shredding, and/or grinding of yard waste applicable to all cities and a mobilization charge for each specific city, and all costs for providing these services have increased since 2000;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Mayor is hereby authorized to enter into an Amended Interlocal Agreement with the City of Cleveland to increase the hourly rate for Yard Waste Services in the Interlocal Agreement to Three Hundred Twenty-Five and 00/100 (\$325.00) Dollars per hour and to increase the mobilization costs for each visit to One Hundred Twenty-Seven and 10/100 (\$127.10) Dollars as stated in the attached Interlocal Agreement Amendment.


MAYOR

August 9, 2004
DATE

PAN/kac


RECORDER

August 9, 2004
DATE

INTERLOCAL AGREEMENT

AMENDMENT

This interlocal agreement of August 9, 2004, is for the purpose of amending the interlocal agreement of September 11, 2000 between the City of Cleveland, Tennessee ("Cleveland") and the City of Signal Mountain, Tennessee (the "Recipient City").

WHEREAS, Article I, Section 4, of that agreement established both an hourly rate for chipping, shredding and/or grinding of yard waste applicable to all cities and a mobilization charge for each specific city, and

WHEREAS, all costs for providing this service has increased, and

WHEREAS, Article VI authorizes the Recipient City and Cleveland to amend the interlocal agreement only by written agreement between them.

NOW THEREFORE, it is agreed between Cleveland and the Recipient City that Article I, Section 4, of the interlocal agreement of September 11, 2000 be amended in its entirety to read as follows:

4. Consideration. In consideration for the chipping, shredding and/or grinding of Yard Waste at each Recipient City's site(s), (the "Yard Waste Services") the Recipient City shall pay Cleveland three hundred twenty five dollars (\$325.00) per hour. The calculation of time worked shall include the changing of screens, if a change is requested by the Recipient City. In addition to such amount, the Recipient City shall pay Cleveland one hundred twenty seven dollars and ten cents (\$127.10) for all mobilization costs incurred by Cleveland for each visit to Recipient City to perform the Yard Waste Service. This unit price for mobilization is inclusive of all Yard Waste stockpile sites within Recipient City.

IN WITNESS WHEREOF, Recipient City, and Cleveland have caused this Agreement to be executed in the date and year first above written.

CITY OF SIGNAL MOUNTAIN

APPROVED AS TO FORM



Name: Jim Althaus

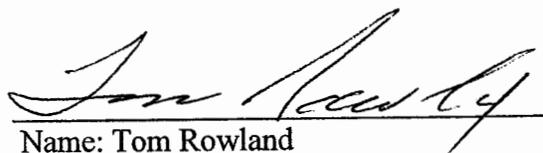
Title: Mayor



City Manager

CITY OF CLEVELAND

APPROVED AS TO FORM



Name: Tom Rowland

Title: Mayor

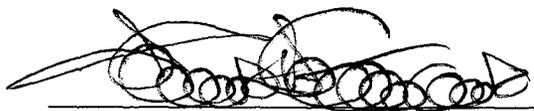


City Attorney

RESOLUTION NO. R2004-27

A RESOLUTION APPOINTING JIM FRAZEY, FIRE CAPTAIN,
AND M. SCOTT FERGUSON, OF HUFFAKER & TRIMBLE,
INC., TO THE CONDEMNATION BOARD FOR THE TOWN OF
SIGNAL MOUNTAIN.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee
that Jim Frazey, Fire Captain, as designated representative of the Signal Mountain Fire Department,
and M. Scott Ferguson, Executive Vice President of Huffaker & Trimble, Inc., as designated
representative of an Insurance Company, are hereby appointed to the Condemnation Board for the
Town of Signal Mountain to serve until their replacement by the Town Council pursuant to Section
12-302 of the Signal Mountain Town Code.



MAYOR

August 9, 2004

DATE



RECORDER

August 9, 2004

DATE

PAN/kac

RESOLUTION NO. R2004-28

A RESOLUTION PROCLAIMING SUPPORT OF THE TENNESSEE GUARD AND RESERVE FORCES FOR THE PATRIOTIC SERVICE OF THOSE INDIVIDUALS IN THE VITAL NATIONAL DEFENSE OF THIS COUNTRY.

WHEREAS, the importance of the Reserve and Guard Force is recognized as vital to the National Defense of this Country, since the patriotic men and women of the Guard and Reserve comprise fifty (50%) percent of the total force; and

WHEREAS, if these Volunteer Forces are to continue to serve our Nation, increased public understanding of the essential role of the Guard and Reserve in preserving our National Security is required; and

WHEREAS, it is important to have the constant cooperation of all American employers in encouraging continuous employee participation in the Guard and Reserve Forces training programs;

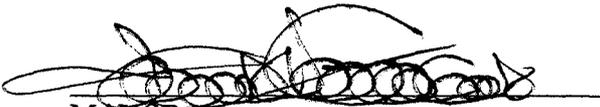
NOW, THEREFORE,

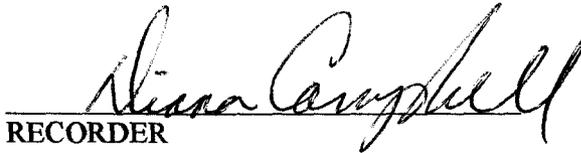
BE IT RESOLVED by the Mayor and Town Council of the Town of Signal Mountain, Tennessee that the Town of Signal Mountain proclaims that it fully supports any soldier, airman, sailor, marine, or member of the Coast Guard, who is in the Guard or Reserve and is employed by the Town of Signal Mountain. The Town Council fully supports personnel policies adopted by the Town Manager which preserve the right to immediate re-employment upon return from active duty, after release of any call up of such Guard or Reserve forces to the full extent required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, codified at 38 U.S.C. §§ 4300 *et seq.*).

BE IT FURTHER RESOLVED that the Town Council pledges that:

1. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve.
2. Employees will be guaranteed Leave of Absence for military training in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation.

BE IT FURTHER RESOLVED that a copy of the Statement of Support for the Guard and Reserve which is attached to this Resolution shall be prominently displayed in the Town Hall as Testimony of the Town of Signal Mountain's support for the Guard and Reserve as part of the total military force of the United States of America.


MAYOR


RECORDER

August 9, 2004
DATE

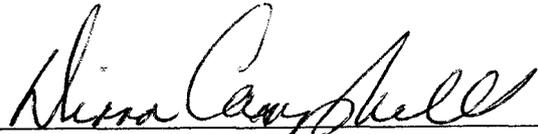
August 9, 2004
DATE

PAN/kac

STATE OF TENNESSEE
COUNTY OF HAMILTON

I, Diana Campbell, Recorder for the Town of Signal Mountain, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 9th day of August, 2004, the original of which is on file in this office. I further certify that 4 members voted in favor of the resolution and that 4 members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the Town of Signal Mountain, Tennessee.



TOWN RECORDER

SEAL



10397

STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

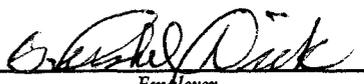
We recognize the National Guard and Reserve as essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve training programs.

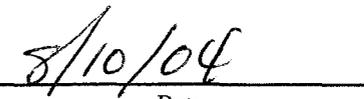
Therefore, we join other employers in pledging that:

1. Employment will not be denied because of service in the Guard or Reserve;
2. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve;
3. Employees will be granted leaves of absence for military training in the Guard or Reserve, consistent with existing laws, without sacrifice of vacation; and
4. This agreement and its resultant policies will be made known throughout our organization.


Employer


Chairman
National Committee for Employer
Support of the Guard and Reserve


Secretary of Defense


Date

