

*****DECEMBER 13, 2004*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, December 13, 2004, at 7:00 p.m. in the Town Hall. Those present were:

Mayor William O. Leonard, III
 Vice-Mayor Stephen R. Ruffin
 Councilmember Robert V. Linehart, Jr.
 Councilmember Lizetta Paturalski
 Councilmember Robert E. White, II

Also present were: Town Manager Hershel Dick
 Town Recorder Diana Campbell
 Town Attorney Phil Noblett
 See attached list for others present

Mayor Leonard called the meeting to order and asked the Boys Scouts from Troop 60 to lead in the Pledge of Allegiance and then offered the prayer. The Town Recorder called the roll and all were present.

Vice-Mayor Ruffin moved that the minutes of the November 8, 2004, regular Council meeting and the November 13, 2004, special called Council meeting be approved as amended. The motion was seconded by Councilmember Linehart and passed unanimously.

The first resolution to come before the Council was "A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO THE TRAYLOR GROUP, INC. FOR THE SALE OF CORRUGATED PAPER TONNAGE PRODUCED IN THE TOWN OF SIGNAL MOUNTAIN ON A MONTHLY BASIS, AS SHOWN ON THE ATTACHED CONTRACT". Town Attorney explained the contract. The Traylor Group would come and pick up the paper and pay the Town 60 percent of the market value. Vice-Mayor Ruffin moved that the resolution be passed. The motion was seconded by Councilmember White and passed unanimously.

The next resolution to come before the Council was "A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER, AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S SUNTRUST BANK ACCOUNT". The Town Attorney said when Councilmembers change, they have to be authorized to sign checks and make transactions. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Paturalski and passed unanimously.

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The Council next considered "A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER, AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S CITIZENS TRI-COUNTY BANK ACCOUNT". Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Linehart and passed unanimously.

The next resolution to come before the Council was "A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER, AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S STATE OF TENNESSEE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT". Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Linehart and passed unanimously.

Discussion of "A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO SIGN A LANDLORD WAIVER AND ESTOPPEL AGREEMENT AS REQUESTED BY AMSOUTH BANK FOR THE SIGNAL MOUNTAIN GOLF AND COUNTRY CLUB" was deferred until later in the meeting.

The Council next considered "A RESOLUTION REAPPOINTING CERTAIN MEMBERS TO THE SIGNAL MOUNTAIN TOWN PLANNING COMMISSION." The members to be reappointed were Dan Saieed, Hale Hamilton, and Dick Dillender for three-year terms. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Paturalski and passed unanimously. The Town Attorney explained the resolution also provided pursuant to the Code that two people on the Council would actually serve on the Planning Commission. One of those by provisions would be the sitting Mayor and the other a member selected by the Council. The resolution would confirm those appointments.

The next resolution to be discussed was "A RESOLUTION REAPPOINTING MEMBERS TO THE TOWN OF SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION". The members to be reappointed were Don Moon, George Kangles, and John Curry. Don Moon and John Curry were reappointed for 3-year terms and George Kangles was reappointed for a 1-year term. Vice-Mayor Ruffin moved that the resolution be approved. Councilmember Linehart seconded the motion and it passed unanimously.

The Council considered "A RESOLUTION REAPPOINTING SAM POWELL TO THE PARKS BOARD FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE". The term would be for 5 years. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Paturalski and passed unanimously.

The next resolution was "A RESOLUTION APPOINTING MEMBERS TO THE LIBRARY BOARD FOR THE TOWN OF SIGNAL MOUNTAIN". Art Dickerson

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would be reappointed for a 3-year term, Robin Gaylor appointed for a 3-year term, and George Rea appointed for a 3-year term. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Linehart and passed unanimously.

“A RESOLUTION APPOINTING MEMBERS TO THE TOWN OF SIGNAL MOUNTAIN’S MOUNTAIN ARTS COMMUNITY CENTER (MACC) BOARD” was the next resolution to be considered. This resolution would appoint Norma Witherspoon, Tony St. Charles, and Dr. Eric Schubert for 3-year terms on the Board. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Linehart and passed unanimously.

The next resolution to be considered was “A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF ZONING APPEALS FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.” The resolution was reappointing Steve Bullard for another 3-year term on the Board. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Linehart and passed unanimously.

The Council considered “A RESOLUTION APPOINTING MEMBERS TO THE TOWN OF SIGNAL MOUNTAIN’S RECREATION ADVISORY BOARD. The resolution was to reappoint Terry McElveen to a 3-year term and appoint Dell Francescon to a 3-year term. Vice-Mayor Ruffin moved that the resolution be approved. The motion was seconded by Councilmember Paturalski and passed unanimously.

The first ordinance to be considered by the Council on first reading was “AN ORDINANCE TO AMEND CHAPTER 4, SECTION 15-401 OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO SPEED LIMITS IN UNPOSTED LOCATIONS IN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE”. Mr. Noblett explained the speed limits in the difference areas. He advised this ordinance added a commercial area. Vice-Mayor Ruffin moved that the ordinance be passed on first reading. The motion was seconded by Councilmember Paturalski and passed unanimously.

The second ordinance to be considered by the Council on second reading was “AN ORDINANCE TO AMEND A 1987 ORDINANCE KNOWN AS ‘THE SIGNAL MOUNTAIN AIR POLLUTION CONTROL ORDINANCE,’ AS AMENDED IN 1993, 1994, 1995, 1996, AND 1998, BY MODIFYING THE OPEN BURNING REGULATIONS AND PROVIDING FOR REGULATION OF GASOLINE DISPENSING FACILITIES”. Mr. Noblett explained that Mr. David Barrow came to the November 8, 2004, Council Meeting and recommended that the ordinance be passed by the Town Council. The Council passed the ordinance on first reading at a special called meeting on November 13, 2004. Vice-Mayor Ruffin moved that the ordinance be passed

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on second reading. The motion was seconded by Councilmember Linehart and passed unanimously.

Mr. Oliver Benton was present representing the Signal Mountain Golf and Country Club. He stated that back in July, the Club's architect presented a detailed visual presentation of the Club's plan to renovate the Club house, and the first segment of that was building a pool and some dressing rooms. The Club did not ask for approval from the Town at that time. Since then nothing has changed except for two things. One, the entrance to the pool had been moved from the back of the pool to the side and this was to make sure there was no congestion at the rear as people pulled up to get out and go into the pool. The other change was to lower the level of the pool and its walls around it by three feet. This would get around such a high wall at the rear of the pool.

There was a discussion about the Club. During the discussion, it was noted that the Club's lease expired in 2026, and Phil Noblett briefly explained the waiver and estoppel agreement. Mr. Benton explained that the Club was asking the Town to approve the waiver to which Mr. Noblett referred. Any bank would require that from a landlord. Coupled with that they were requesting a resolution approving the location of the pool. The Club had agreed to get a survey made to define the parcels that the Town uses. (The Mayor explained that Mr. Benton was the Town's representative on the Club's Board of Directors.)

The Mayor asked the Council to consider the issue of authorizing the Mayor to sign the landlord waiver and estoppel agreement to allow the Club to proceed with financing as presented. Councilmember Paturalski moved that the "RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO SIGN A LANDLORD WAIVER AND ESTOPPEL AGREEMENT AS REQUESTED BY AMSOUTH BANK FOR THE SIGNAL MOUNTAIN GOLF AND COUNTRY CLUB" be approved. The motion was seconded by Councilmember White and passed unanimously.

Next the Town needed to agree to the location of the pool. Vice-Mayor Ruffin moved that the Club be allowed to begin their preparations for the pool consistent with the site plan they have provided subject to a final survey being approved by the Town and by the Club and subject to an amendment to the lease agreement which would actually show the boundaries of the leased property. The motion was seconded by Councilmember Linehart and passed unanimously.

Mr. Lloyd Levitt, 307 Signal Mountain Boulevard, was present to discuss the Rainbow Lake Trail. His concern was that the gravel looked terrible and had ruined the character of the trail. He said the gravel was very loose and it created hazardous conditions. The Mayor explained that Mr. Sam Powell had made numerous presentations to the Council and had met with many of the residents of that area. The Mayor said he would have Mr.

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Powell get in touch with Mr. Levitt. It was explained that this was a work in progress and it would look different in the future.

In answer to a question by Jonathan Moss, 907 Dunsinane Road, the Mayor explained what was being done to Rainbow Trail and why. He also asked what would happen to the land the Country Club was using in 2026. The Mayor said it would probably be used as it was now.

Town Manager Hershel Dick reported for the Planning Commission. Two items came before the Commission at the last meeting. The Chappell's at 701 Signal Mountain Blvd. wanted to subdivide their lot to be able to have two lots, and this was approved. On Timberlinks/Hathaway Lots 11 and 12 the acreage was not enough to be subdivided. The Planning Commission denied that request.

The Mayor asked Councilmember White to give an update on Mountain Vision. Councilmember White said they had created a good plan, but thought maybe a better way would be to work through the Town's Committees and Commissions that were in place. He talked about things that had been done. One thing completed was the plan for the Library to be used as a history archive where people could go and access Town documents. Some things were HR-type (human resources) issues with the Fire and Police Departments. He said speed limits were a big issue. Plans for cataloging recreation fields, who used them, what leagues were responsible for, etc. were in process. The Mountain Vision Plan was still going forward he stated, and there were still things to accomplish. Councilmember Linehart commended Councilmember White for doing a good job. Councilmember Linehart would like to get a committee together to set up a 5-year strategic plan for recreation fields and parks. The Mayor suggested this recommendation be passed on to Recreation Director Scott Cook. The Mayor also suggested that Councilmember Linehart might want to get involved in working on the plan.

Councilmember White thanked Hershel Dick and Diana Campbell for their help and support with the Mountain Vision Plan. Councilmember White thought it was a good idea to have resumes for the citizens nominated for Boards, Committees, and Commissions. He had noticed that Mr. Saieed was heavily involved in grants. He suggested the Town have someone, maybe Diana, be responsible for grants.

Councilmember Paturalski commended Stan Crewe and Glenn Showalter for their work on the new Santa Claus train car. She thanked the Mayor for asking her to be on the Planning Commission. She also thanked Mr. Casavant for his support of recreation and other areas on the mountain.

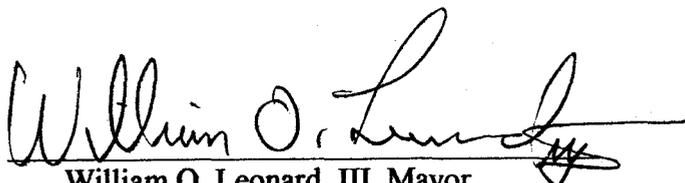
Vice-Mayor Ruffin thanked Hershel Dick, Diana Campbell, and Phil Noblett for all they have done. He said it had been a great year.

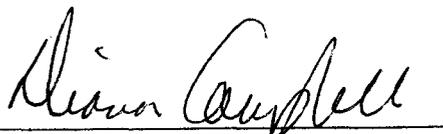
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Phil Noblett said there were two new stop signs in Town. He pointed out that on November 13 the Council voted to have the signs installed.

Mayor Leonard expressed his appreciation for the wonderful community we lived in. He warned the group not to speed and be careful in school zones. He said the train was a nice entrance into the Town.

There being no further business, the meeting was adjourned.


William O. Leonard, III, Mayor


Diana Campbell, Town Recorder

Date: DECEMBER 13, 2004

NAME	ADDRESS
1. <u>Shirley Bentzen</u>	<u>409 Brady Pt Rd</u>
2. <u>Ch J Hefly</u>	<u>67 Cool Springs Rd.</u>
3. <u>John Housdrup</u>	<u>509 Brady Pt. Rd</u>
4. <u>Scott HANE</u>	<u>511 GREENA AVE</u>
5. <u>Josh Owturf</u>	<u>8035 Mill Creek Rd</u>
6. <u>Cory Sotruenza</u>	<u>3124 Pintail Lane</u>
7. <u>Parker Davis</u>	<u>817 Cherokee Lane</u>
8. <u>Robby Hault</u>	<u>2938 Conns Rd.</u>
9. <u>Mandy Brown</u>	<u>3862 S. Quail Lane</u>
10. <u>Renee Ridge</u>	<u>2726 Edwards Pt</u>
11. <u>Michelle Cash</u>	<u>4309 Anderson Rike</u>
12. <u>Jean Beyer - Library Board</u>	<u>1002 Ardmore Way</u>
13. <u>John David Adams</u>	<u>403 Caraway Turn</u>
14. <u>Will Wilbert</u>	<u>28 Shual Creek Pls.</u>
15. <u>Joe Dumas</u>	<u>1111 James Blvd.</u>
16. <u>MARION PRIS STARK</u>	<u>501 James Blvd</u>
17. <u>Megan Carder</u>	<u>5818 Rocky Branch Rd.</u>
18. <u>Lindsay Beene</u>	<u>4717 Eldridge Rd</u>
19. <u>Nate Kinard</u>	<u>311 N. Palisades Dr.</u>
20. <u>Troop 60</u>	
21. <u>Jay & Alyson Kinard</u>	<u>311 N. Palisades Dr.</u>

RESOLUTION NO. R2004-40

A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD A CONTRACT TO THE TRAYLOR GROUP, INC. FOR THE SALE OF CORRUGATED PAPER TONNAGE PRODUCED IN THE TOWN OF SIGNAL MOUNTAIN ON A MONTHLY BASIS, AS SHOWN ON THE ATTACHED CONTRACT.

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 The Traylor Group, Inc., for the sale of corrugated paper tonnage produced in the Town of Signal Mountain provided that The Traylor Group, Inc. pays at a rate of sixty (60%) percent of the posted monthly market price for all corrugated paper tonnage collected from the Town, as shown on the attached contract.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

PAN/kac

CONTRACT FOR SALE OF CORRUGATED PAPER

THE TRAYLOR GROUP, INC.
PO BOX 1338
RAINSVILLE, AL 35986

STATE OF ALABAMA

THIS AGREEMENT is made and entered into by and between Town of Signal Mountain a business having its principal place of business in the City of Signal Mountain, State of Tennessee, hereinafter referred to as "Seller", and THE TRAYLOR GROUP, INC., and Alabama corporation having its principal place of business in DeKalb County, Alabama, hereinafter referred to as "Purchaser."

WITNESSETH:

WHEREAS, the parties hereto desire to enter into an agreement whereby Seller will sell and Purchaser will purchase all the "Recyclable Tonnage" produced by Seller, Seller agrees to bale all "Recyclable Tonnage" as stated in paragraph 1 all upon the terms and conditions hereinafter set out;

NOW THEREFORE, for and in consideration of the mutual covenants and promises made, the parties hereto agree as follows:

1. **SALE OF TONNAGE:** Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller, subject to the terms and conditions set forth herein, all the "Corrugated Paper Tonnage" produced by Seller monthly during the term hereof. The "Corrugated Paper Tonnage" shall be free from contamination as is described in Section 11 "CORRUGATED CONTAINER" of the "PAPER STOCK INSTITUTE OF AMERICA, CIRCULAR PS 96", a copy of which is attached hereto and the above-mentioned Section being incorporated herein by reference. Contamination in excess of standards, as described in CIRCULAR PS 96 will be adjusted at Purchaser's discretion.
2. **PURCHASE PRICE:** The purchase price for each ton of "Corrugated Paper Tonnage" purchased under and in accordance with the terms of this contract shall be 60% of the market price.

Purchaser shall remit a check to Seller within twenty (20) days after the 1st of each month for all tonnage purchased during the prior month. The provisions of this paragraph shall be deemed to have been satisfied upon Purchaser depositing its check in the United States Mail on or before the 5th day of each month, and being addressed to Seller at an address to be furnished by Seller to Purchaser. If Seller should fail to instruct Purchaser as to the proper mailing address, then Purchaser is hereby authorized to use the last known address of Seller as the mailing address for the purposes of this paragraph.

- 3. LENGTH OF CONTRACT: This contract shall be effective from and after the date of the execution hereof, and for a period of 1 year (12 months). Seller shall have an option to extend the term of this contract for an additional period of 1 year (12 months) from the original expiration date, and said option shall be automatically exercised without further action on the part of Seller unless Seller notifies Purchaser in writing on or before the original expiration date that said option to extend will not be exercised.

- 4. RIGHT TO SUSPEND PURCHASES: Purchaser shall have the right, upon giving Seller seven (7) days prior written notice, to suspend Purchaser's obligation to purchase "Corrugated Paper Tonnage" because of work stoppages, partial or complete plant shutdown, or other economic conditions. During such suspensions, Seller shall have the right to sell or otherwise dispose of its CORRUGATED PAPER TONNAGE in any manner it sees fit. Purchaser shall have the right to resume purchases of such materials upon giving Seller seven (7) days prior written notice to that effect.

- 5. MISCELLANEOUS PROVISIONS:
 - (a) This agreement sets forth the entire understanding of the parties and may not be changed except by written agreement signed by both parties hereto.
 - (b) This agreement shall be binding upon, and inure to the benefit of the parties hereto, and their respective successors and assigns.
 - (c) This contract is an Alabama contract, and shall be governed and interpreted in accordance with the laws of the State.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives on the 16th day of December, 2004.

Town of Signal Mountain
(Seller)

By: Hershel Dick

Name: Hershel Dick

Title: Town Manager

THE TRAYLOR GROUP, INC.
(Purchaser)

By: Charles Florek, Jr.

Name: Charles Florek, Jr.

Title: Regional Developer

RESOLUTION NO. R2004-41

A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S SUNTRUST BANK ACCOUNT.

WHEREAS, SunTrust Bank ("Financial Institution") be and is hereby designated a depository for the Town of Signal Mountain ("Town"); and

WHEREAS, the Financial Institution has requested the Town to complete a corporate resolution and certificate of incumbency for all authorized signatures on the Town's bank accounts:

NOW THEREFORE, BE IT RESOLVED, that any one of the currently elected Councilmembers, the Town Manager, and the Town Recorder which are shown below be and hereby are authorized to enter into on behalf of the Town any of Financial Institution's checking, savings, time deposit, wire transfer, night deposit or cash management and corporate service agreements or other deposit account agreements; that the Town shall be bound by both the terms and conditions of said agreements and Financial Institution's rules and regulations related thereto, all as now existing or as amended from time to time; and that any of the currently elected Councilmembers, the Town Manager and the Town Recorder of the Town which are shown below are hereby authorized on behalf of the Town to endorse for deposit with said Financial Institution, or for negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable to the Town, which endorsement, if any, may be in writing, by stamp, or otherwise affixed, with or without designation or signature of the person so endorsing, it

being understood that all prior endorsements on such items are guaranteed by the Town regardless of the lack of an express guarantee in the endorsement of the Town.

BE IT FURTHER RESOLVED, that said Financial Institution be and is hereby directed to honor, pay and charge to the accounts of the Town without inquiry as to the circumstances of the issuance or application of the proceeds of, checks, drafts, items or other written orders on any of the Town accounts with Financial Institution, whether or not payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the currently elected Councilmembers, Town Manager or Town Recorder of the Town when signed by any two of the individuals shown below.

BE IT FURTHER RESOLVED, that any of the currently elected Councilmembers, the Town Manager and the Town Recorder whose titles are shown below are hereby authorized to execute the Funds Transfer Agreement to authorize the transfer of funds to other financial institutions or other accounts at Financial Institution by written instruction, telephone or terminal communication device and all the schedules thereto, and to appoint persons from time to time who are authorized to request such transfers on behalf of the Town.

Individuals currently authorized to act as indicated in Deposit Accounts and Wire Transfer paragraphs on behalf of the Town are:

Mayor William O. Leonard, III

Councilmember Robert E. White, II

Vice-Mayor Stephen R. Ruffin

Town Manager Hershel Dick

Councilmember Robert V. Linehart, Jr.

Town Recorder Diana Campbell

Councilmember Lizetta Paturalski

BE IT FURTHER RESOLVED, that the Financial Institution is hereby requested, authorized and directed to honor any check, draft, item or other written order on the Town's payroll deposit accounts with Financial Institution when bearing or purporting to bear the following authorized machine or facsimile signature of the Town Manager and the Town Recorder whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed if signed by

Hershel Dick, Town Manager

Diana Campbell, Town Recorder

BE IT FURTHER RESOLVED, that the Town shall indemnify and hold Financial Institution harmless from any and all claims, expenses, losses, damages and costs (including attorneys' fees) resulting from, or growing out of Financial Institution's honoring the facsimile signature of the above officers, its refusal to honor any facsimile signature of an officer not listed above, or resulting from the unauthorized use of the instrument used to produce the facsimile signatures by persons other than authorized officers.

BE IT FURTHER RESOLVED, that the custodian of the records of the Town be and is authorized and directed to furnish said Financial Institution with a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of the rescission or modification of the same has been received by Financial Institution, and Financial Institution has had a reasonable time to act on said change; and to furnish said Financial Institution the names and specimen signatures of the person(s) named herein, and such persons from time to time holding the positions named herein, on

Financial Institution's usual form of signature card or on a form acceptable to Financial Institution.


WILLIAM O. LEONARD, III, Mayor

December 13, 2004

Date


DIANA CAMPBELL, Town Recorder

December 13, 2004

Date

Signatures of Authorized Individuals:

William O. Leonard, III, Mayor

Stephen R. Ruffin, Vice-Mayor

Robert V. Linehart, Jr., Councilmember

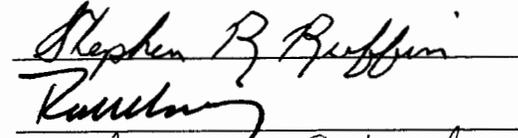
Lizetta Paturalski, Councilmember

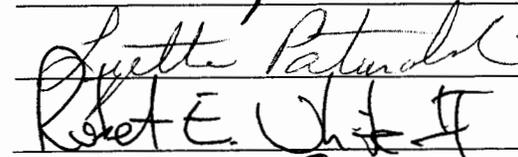
Robert E. White, II, Councilmember

Hershel Dick, Town Manager

Diana Campbell, Town Recorder













RESOLUTION NO. R2004-42

A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S CITIZENS TRI-COUNTY BANK ACCOUNT.

WHEREAS, Citizens Tri-County Bank ("Financial Institution") be and is hereby designated a depository for the Town of Signal Mountain ("Town"); and

WHEREAS, the Financial Institution has requested the Town to complete a corporate resolution and certificate of incumbency for all authorized signatures on the Town's bank accounts:

NOW THEREFORE, BE IT RESOLVED, that any one of the currently elected Councilmembers, the Town Manager, and the Town Recorder which are shown below be and hereby are authorized to enter into on behalf of the Town any of Financial Institution's checking, savings, time deposit, wire transfer, night deposit or cash management and corporate service agreements or other deposit account agreements; that the Town shall be bound by both the terms and conditions of said agreements and Financial Institution's rules and regulations related thereto, all as now existing or as amended from time to time; and that any of the currently elected Councilmembers, the Town Manager and the Town Recorder of the Town which are shown below are hereby authorized on behalf of the Town to endorse for deposit with said Financial Institution, or for negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable to the Town, which endorsement, if any, may be in writing, by stamp, or

otherwise affixed, with or without designation or signature of the person so endorsing, it being understood that all prior endorsements on such items are guaranteed by the Town regardless of the lack of an express guarantee in the endorsement of the Town.

BE IT FURTHER RESOLVED, that said Financial Institution be and is hereby directed to honor, pay and charge to the accounts of the Town without inquiry as to the circumstances of the issuance or application of the proceeds of, checks, drafts, items or other written orders on any of the Town accounts with Financial Institution, whether or not payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the currently elected Councilmembers, Town Manager or Town Recorder of the Town when signed by any two of the individuals shown below.

BE IT FURTHER RESOLVED, that any of the currently elected Councilmembers, the Town Manager and the Town Recorder whose titles are shown below are hereby authorized to execute the Funds Transfer Agreement to authorize the transfer of funds to other financial institutions or other accounts at Financial Institution by written instruction, telephone or terminal communication device and all the schedules thereto, and to appoint persons from time to time who are authorized to request such transfers on behalf of the Town.

Individuals currently authorized to act as indicated in Deposit Accounts and Wire Transfer paragraphs on behalf of the Town are:

Mayor William O. Leonard, III

Councilmember Robert E. White, II

Vice-Mayor Stephen R. Ruffin

Town Manager Hershel Dick

Councilmember Robert V. Linehart, Jr.

Town Recorder Diana Campbell

Councilmember Lizetta Paturalski

BE IT FURTHER RESOLVED, that the Financial Institution is hereby requested, authorized and directed to honor any check, draft, item or other written order on the Town's payroll deposit accounts with Financial Institution when bearing or purporting to bear the following authorized machine or facsimile signature of the Town Manager and the Town Recorder whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed if signed by

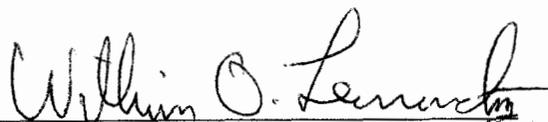
Hershel Dick, Town Manager

Diana Campbell, Town Recorder

BE IT FURTHER RESOLVED, that the Town shall indemnify and hold Financial Institution harmless from any and all claims, expenses, losses, damages and costs (including attorneys' fees) resulting from, or growing out of Financial Institution's honoring the facsimile signature of the above officers, its refusal to honor any facsimile signature of an officer not listed above, or resulting from the unauthorized use of the instrument used to produce the facsimile signatures by persons other than authorized officers.

BE IT FURTHER RESOLVED, that the custodian of the records of the Town be and is authorized and directed to furnish said Financial Institution with a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of the rescission or modification of the same has been received by Financial Institution, and Financial Institution has had a reasonable time to act on said change; and to furnish said Financial Institution the names and specimen signatures of the person(s) named herein, and such persons from time to time holding the positions named herein, on

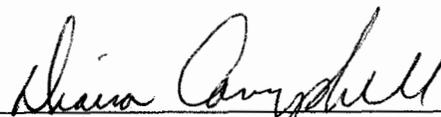
Financial Institution's usual form of signature card or on a form acceptable to Financial Institution.



WILLIAM O. LEONARD, III, Mayor

December 13, 2004

Date



DIANA CAMPBELL, Town Recorder

December 13, 2004

Date

Signatures of Authorized Individuals:

William O. Leonard, III, Mayor

Stephen R. Ruffin, Vice-Mayor

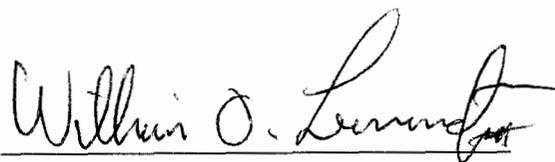
Robert V. Linehart, Jr., Councilmember

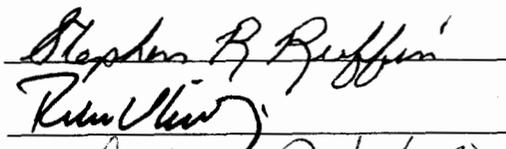
Lizetta Paturalski, Councilmember

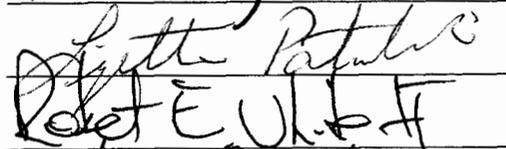
Robert E. White, II, Councilmember

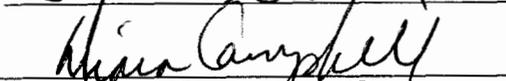
Hershel Dick, Town Manager

Diana Campbell, Town Recorder











RESOLUTION NO. R2004-43

A RESOLUTION AUTHORIZING THE TOWN COUNCIL, THE TOWN MANAGER AND THE TOWN RECORDER TO MAKE TRANSACTIONS AT THE TOWN'S STATE OF TENNESSEE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT.

WHEREAS, State of Tennessee Local Government Investment Pool ("Financial Institution") be and is hereby designated a depository for the Town of Signal Mountain ("Town"); and

WHEREAS, the Financial Institution has requested the Town to complete a corporate resolution and certificate of incumbency for all authorized signatures on the Town's bank accounts:

NOW THEREFORE, BE IT RESOLVED, that any one of the currently elected Councilmembers, the Town Manager, and the Town Recorder which are shown below be and hereby are authorized to enter into on behalf of the Town any of Financial Institution's checking, savings, time deposit, wire transfer, night deposit or cash management and corporate service agreements or other deposit account agreements; that the Town shall be bound by both the terms and conditions of said agreements and Financial Institution's rules and regulations related thereto, all as now existing or as amended from time to time; and that any of the currently elected Councilmembers, the Town Manager and the Town Recorder of the Town which are shown below are hereby authorized on behalf of the Town to endorse for deposit with said Financial Institution, or for negotiation or collection, any and all checks, drafts, certificates of deposit, savings certificates, items or other instruments or written orders for the payment of money payable to the Town, which endorsement, if any, may be in writing, by stamp, or

otherwise affixed, with or without designation or signature of the person so endorsing, it being understood that all prior endorsements on such items are guaranteed by the Town regardless of the lack of an express guarantee in the endorsement of the Town.

BE IT FURTHER RESOLVED, that said Financial Institution be and is hereby directed to honor, pay and charge to the accounts of the Town without inquiry as to the circumstances of the issuance or application of the proceeds of, checks, drafts, items or other written orders on any of the Town accounts with Financial Institution, whether or not payable to, endorsed or negotiated by or for the credit of any person signing the same or any other of the currently elected Councilmembers, Town Manager or Town Recorder of the Town when signed by any two of the individuals shown below.

BE IT FURTHER RESOLVED, that any of the currently elected Councilmembers, the Town Manager and the Town Recorder whose titles are shown below are hereby authorized to execute the Funds Transfer Agreement to authorize the transfer of funds to other financial institutions or other accounts at Financial Institution by written instruction, telephone or terminal communication device and all the schedules thereto, and to appoint persons from time to time who are authorized to request such transfers on behalf of the Town.

Individuals currently authorized to act as indicated in Deposit Accounts and Wire Transfer paragraphs on behalf of the Town are:

Mayor William O. Leonard, III

Councilmember Robert E. White, II

Vice-Mayor Stephen R. Ruffin

Town Manager Hershel Dick

Councilmember Robert V. Linehart, Jr.

Town Recorder Diana Campbell

Councilmember Lizetta Paturalski

BE IT FURTHER RESOLVED, that the Financial Institution is hereby requested, authorized and directed to honor any check, draft, item or other written order on the Town's payroll deposit accounts with Financial Institution when bearing or purporting to bear the following authorized machine or facsimile signature of the Town Manager and the Town Recorder whose signatures are reproduced below, regardless of by whom or by what means the actual or purported machine or facsimile signatures may have been affixed if signed by

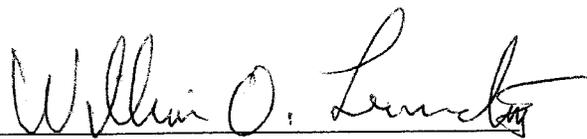
Hershel Dick, Town Manager

Diana Campbell, Town Recorder

BE IT FURTHER RESOLVED, that the Town shall indemnify and hold Financial Institution harmless from any and all claims, expenses, losses, damages and costs (including attorneys' fees) resulting from, or growing out of Financial Institution's honoring the facsimile signature of the above officers, its refusal to honor any facsimile signature of an officer not listed above, or resulting from the unauthorized use of the instrument used to produce the facsimile signatures by persons other than authorized officers.

BE IT FURTHER RESOLVED, that the custodian of the records of the Town be and is authorized and directed to furnish said Financial Institution with a certified copy of these resolutions, which resolutions shall continue in full force and effect until written notice of the rescission or modification of the same has been received by Financial Institution, and Financial Institution has had a reasonable time to act on said change; and to furnish said Financial Institution the names and specimen signatures of the person(s) named herein, and such persons from time to time holding the positions named herein, on

Financial Institution's usual form of signature card or on a form acceptable to Financial Institution.



WILLIAM O. LEONARD, III, Mayor

December 13, 2004

Date



DIANA CAMPBELL, Town Recorder

December 13, 2004

Date

Signatures of Authorized Individuals:

William O. Leonard, III, Mayor

Stephen R. Ruffin, Vice-Mayor

Robert V. Linehart, Jr., Councilmember

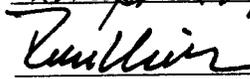
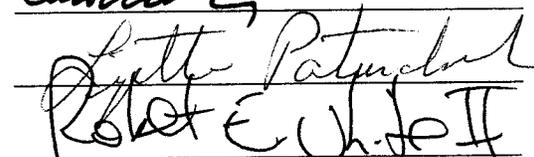
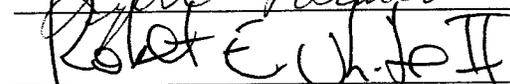
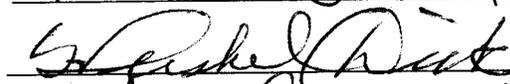
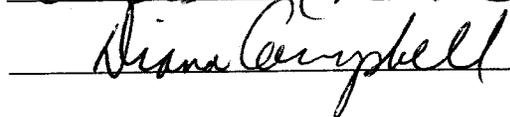
Lizetta Paturalski, Councilmember

Robert E. White, II, Councilmember

Hershel Dick, Town Manager

Diana Campbell, Town Recorder



RESOLUTION NO. R2004-44

A RESOLUTION AUTHORIZING THE MAYOR OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE TO SIGN A LANDLORD WAIVER AND ESTOPPEL AGREEMENT AS REQUESTED BY AMSOUTH BANK FOR THE SIGNAL MOUNTAIN GOLF AND COUNTRY CLUB.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Mayor is authorized to sign a Landlord Waiver and Estoppel Agreement as requested by AmSouth Bank for the Signal Mountain Golf and Country Club to facilitate financing of the new swimming pool and other construction improvements for the Signal Mountain Golf and Country Club.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

PAN/kac

RESOLUTION NO. R2004-45A RESOLUTION REAPPOINTING CERTAIN MEMBERS TO THE
SIGNAL MOUNTAIN TOWN PLANNING COMMISSION.

WHEREAS, pursuant to Signal Mountain Town Code § 14-101, the Signal Mountain Planning Commission shall consist of not less than nine (9) members nor more than ten (10) members; two (2) of these members shall be the Mayor and another member of the Town Council, selected by the Town Council; and the other eight (8) members shall be appointed by the Mayor; and

WHEREAS, the terms of the eight (8) planning commission members appointed by the Mayor are to be of a length of time prescribed by the Town Council and arranged so that the term of one (1) member will expire each year; and

WHEREAS, it appears that the terms of office of three (3) of the eight (8) appointed members of the Planning Commission of the Town of Signal Mountain will expire on January 31, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that:

Section 1. Pursuant to the authority granted to the Mayor under Signal Mountain Town Code § 14-101, the Mayor is hereby authorized to reappoint Dan Saieed, 937 Dunsinane Road, Signal Mountain, Tennessee, to the Signal Mountain Town Planning Commission for a three (3) year term expiring on January 31, 2008; the Mayor is hereby authorized to reappoint Hale Hamilton, 403 Barrington Road, Signal Mountain, Tennessee, to the Signal Mountain Town Planning Commission for a three (3) year term

expiring on January 31, 2008; and the Mayor is hereby authorized to reappoint Dick Dillender, 1063 Candlewick Court, Signal Mountain, Tennessee, to the Signal Mountain Town Planning Commission for a three (3) year term expiring on January 31, 2008, as three of the Mayor's appointed members of the Signal Mountain Planning Commission for the Town of Signal Mountain, Tennessee.

Section 2. BE IT FURTHER RESOLVED that the two (2) additional members of the Signal Mountain Town Planning Commission shall be Mayor William O. Leonard, III and Lizetta Paturalski as the other member of the Town Council selected by the Town Council to serve on the Planning Commission.

Section 3. This resolution shall become operative on the date of passage, the public welfare requiring it.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-46A RESOLUTION REAPPOINTING MEMBERS TO THE TOWN OF
SIGNAL MOUNTAIN'S DESIGN REVIEW COMMISSION.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that the appointment to the Signal Mountain Design Review Commission of Don Moon, P. O. Box 177, Signal Mountain, Tennessee, is renewed for a three (3) year term expiring on December 31, 2007; that the appointment of George Kangles, 913 Arden Way, Signal Mountain, Tennessee, is renewed for a one (1) year term expiring on December 31, 2005; and that the appointment of John D. Curry, 104 S. Palisades Drive, Signal Mountain, Tennessee, is renewed for a three (3) year term expiring on December 31, 2007.


MAYOR

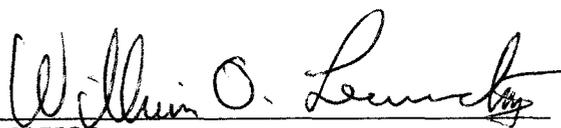

RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-47A RESOLUTION REAPPOINTING SAM POWELL TO THE PARKS
BOARD FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that Sam Powell, 506 Brady Point Road, Signal Mountain, Tennessee, is reappointed as a Board Member to the Town Parks Board. The term is for a five (5) term which shall expire on December 31, 2009.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-48A RESOLUTION APPOINTING MEMBERS TO THE LIBRARY
BOARD FOR THE TOWN OF SIGNAL MOUNTAIN.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that the appointment of Art Dickerson, 176 Woodcliff Circle, Signal Mountain, Tennessee, to the Signal Mountain Library Board is renewed for a three (3) year term expiring on December 31, 2007; that the appointment of Robin Gaylor, 1062 Whippoorwill Drive, is renewed for a three (3) year term expiring on December 31, 2007; and that the appointment of George Rea, 100 James Boulevard, BV-45, Signal Mountain, Tennessee, is renewed for a three (3) year term expiring on December 31, 2007.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-49

A 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 appoint to Signal Mountain's Mountain Arts Community Center
(MACC) Norma Witherspoon, 186 Woodcliff Circle, Signal Mountain, Tennessee, for a
three (3) year term expiring on October 1, 2007; Tony St. Charles, 419 South Palisades
Drive, Signal Mountain, Tennessee, for a three (3) year term expiring on October 1,
2007; and Dr. Eric Schubert, 18 Shoal Creek Falls, Signal Mountain, Tennessee, for a
three (3) year term expiring on October 1, 2007.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-50

A RESOLUTION REAPPOINTING MEMBERS TO THE BOARD OF ZONING APPEALS FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.

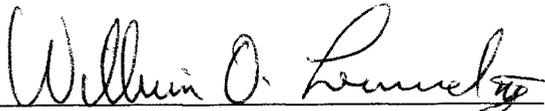
WHEREAS, pursuant to Article X of the Signal Mountain Zoning Ordinance, Members of the Board of Zoning Appeals are to be appointed for three (3) year terms and the terms shall be so arranged so that one (1) term shall expire for each year; and

WHEREAS, any vacancies occurring in the Board of Directors may only be filled by resolution of Chief Legislative Body for the unexpired term of the member affected;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that:

Section 1. Pursuant to the authority granted to the Mayor and the Town Council that pursuant to Article X of the Signal Mountain Zoning Ordinance the Mayor is hereby authorized to reappoint Steve Bullard, 314 James Boulevard, Signal Mountain, Tennessee, for a three (3) year term expiring on December 31, 2007.

Section 2. This resolution shall become operative on the date of passage, the public welfare requiring it.


MAYOR

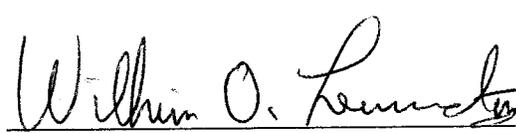

RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

RESOLUTION NO. R2004-51A RESOLUTION APPOINTING MEMBERS TO THE TOWN OF
SIGNAL MOUNTAIN'S RECREATION ADVISORY BOARD.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that the Town Council appoints Terry McElveen, 702 Windy Way, Signal Mountain, Tennessee, for a three (3) year term expiring on January 31, 2008; and Dell Francescon, 905 Crown Point Road, West, Signal Mountain, Tennessee, for a three (3) year term expiring on January 31, 2008 to the Signal Mountain Recreation Advisory Board.


MAYOR


RECORDER

December 13, 2004
DATE

December 13, 2004
DATE

ORDINANCE NO. 2004-7

AN ORDINANCE TO AMEND A 1987 ORDINANCE KNOWN AS "THE SIGNAL MOUNTAIN AIR POLLUTION CONTROL ORDINANCE," AS AMENDED IN 1993, 1994, 1995, 1996, AND 1998, BY MODIFYING THE OPEN BURNING REGULATIONS AND PROVIDING FOR REGULATION OF GASOLINE DISPENSING FACILITIES.

WHEREAS, it is the declared public policy of this municipality to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people; and

WHEREAS, local regulation of air quality is the most efficient means toward that end; and

WHEREAS, in order to maintain the Certificate of Exemption granted by the Tennessee Air Pollution Control Board it is necessary to adopt regulations no less stringent than state standards; and

WHEREAS, the adoption of these amendments is required for the protection of the health, safety and welfare of the people of this municipality and to insure maintaining the local Certificate of Exemption and the 8-hour Ozone Early Action Compact with the United States Environmental protection Agency;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Signal Mountain Air Pollution Control Ordinance be amended deleting Section 41, Rule 6 and adding new Rule 6 to read as follows in Section 1 and by adding the following new Rule 25.10 as follows in Section 2:

Section 1. That Section 41, Rule 6 be and hereby is amended by deleting in its entirety Rule 6 and by substituting in lieu thereof a new Rule 6 to read as follows:

Rule 6. Prohibition of Open Burning.

Rule 6.1. No person shall cause, suffer, allow or permit open burning except as provided in Rule 6.3, 6.4, and 6.5. No person shall cause, suffer, allow or permit controlled burning except as provided in Rule 6.6. No person shall fail or refuse to take all reasonable and necessary steps and precautions to prevent open or controlled burning upon any premises owned, occupied or under the control of such person. No person shall fail or refuse to take all reasonable and necessary steps and precautions to extinguish or otherwise terminate and abate any open or controlled burning which has originated through any cause whatsoever upon any premises owned, occupied or under the control of such person or upon premises upon which such person is carrying out any operation or activity.

Rule 6.2. No person shall conduct a salvage operation by open burning.

Rule 6.3. Open Burning. Open burning of vegetation and raw, untreated, non-manufactured wood materials, thoroughly dried to facilitate efficient combustion while minimizing smoke caused by naturally occurring moisture contained in vegetative materials ("clean wood materials") may be permitted only in the months of October, November, December, January, February, March and April, provided that the following conditions are met:

- (1) An application shall be submitted to the director stating the reason why there is no other method of disposal, the amount of material to be burned, and the location of material to be burned;
- (2) A non-refundable application fee of five dollars (\$5.00) shall be included with the application, which fee shall be collected by the Bureau and remitted to the fiscal agent of the Board;
- (3) No burning shall occur until such inspection of the material as may be required by the Bureau is conducted, a permit

has been issued and the permit has been received by the applicant;

- (4) The size of the piles of material to be burned shall not exceed 12' by 12' by 12';
- (5) Burning shall be conducted only on days of low air pollution potential as determined by the Bureau;
- (6) Only clean fuel not containing garbage, rubber, tires, plastics, roofing materials, tar paper or other refuse shall be allowed for the startup of fires;
- (7) Burning will only be allowed during the following hours on days approved under (5) above. The burning shall be completed by, and extinguished by, the end of the time period set forth below:

October 1 through November 15	9 a.m. - 4 p.m.
November 16 through December 31	9a.m.-3:30 p.m.
January 1 through February 15	9 a.m. - 4 p.m.
February 16 through April 3	9 a.m. - 5 p.m.
April 4 through April 30	9 a.m. - 6 p.m.
- (8) The burning must be attended at all times;
- (9) The permit may be revoked or suspended at any time at the site where there is a violation of the permit or of this Rule, with the right to a hearing before the Director or the Air Pollution Control Board;
- (10) The permit must be kept at or near the burn site and be readily available for inspection;
- (11) The permit is not valid until signed by the applicant signifying that the permit conditions have been read and understood;
- (12) Contact the local fire agency before burning;
- (13) Any permit issued will remain valid until the expiration date of the permit, unless revoked or suspended.
- (14) Burning is allowed only at the location set forth in the application.

Rule 6.4. Open Burning Exemptions. Open burning shall be allowed without compliance with Rule 6.3 only in the following specifically listed instances:

- (1) Fires used only for cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, but only if such fires are fueled for that particular purpose;
- (2) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of the spread of existing fires;
- (3) Safety flares and smokeless flares; except those for the combustion of waste gases. Flares for the combustion of waste gases shall comply with the permitting provisions of section 4-8 of this chapter;
- (4) Open burning used solely for the purpose of warming persons who are in the out-of-doors performing work and conducting lawful activities, provided such fires use only clean, raw, untreated, non-manufactured wood, not containing garbage, rubber, plastics, roofing materials, tar paper, cardboard, paperboard or other refuse;
- (5) Operation of devices using open flames such as tar kettles, blow torches, cutting torches, portable heaters and other flame-producing equipment.

Rule 6.5. Open Burning Exceptions. Open burning may be allowed without a permit in the following instances provided a written statement, such as is required in Rule 6.3(1), is filed with the director and written approval is given by the director:

- (1) Fires set for the training and instruction of public or private fire fighting personnel, including those in civil defense;
- (2) Carrying out recognized Best Management Practices for Agriculture necessary for production of crops;
- (3) The director may allow open burning prohibited during the months of May, June, July, August and September upon a determination that such open burning is necessary to protect public health, safety or welfare of the people, or there are no reasonable alternatives, e.g. disposal of

vegetative debris from storm damage. The action of the Director shall be in writing.

Rule 6.6. Controlled Burning. Clearing and burning of vegetation at a site of two acres or more within a one-year period, burning for silvicultural purposes, and burning of clean wood material require controlled burning and compliance with the following enumerated conditions. Controlled burning of vegetation and clean wood material may be permitted by the director only in the months of October, November, December, January, February, March and April and requires an air curtain destructor and pit. Burning for silvicultural purposes requires special equipment.

- (1) Controlled burning (other than burning for silvicultural purposes) requires the continuous use of a pit and an effective air curtain destructor to maintain the necessary air velocity to minimize to the absolute extent practical any emission of fly ash and/or smoke;
- (2) To obtain a controlled burning permit, a signed application shall be submitted to the director including the following:
 - a. Complete plans and details of the method and equipment to be used for the control of such burning must be approved by the director before the permit shall issue;
 - b. The names of those in charge of the equipment and those in charge of the site and how they may be contacted must be furnished;
- (3) A fee of four hundred dollars (\$400.00) shall be included with the application, which fee shall be collected by the Bureau and remitted to the fiscal agent of the Board;
- (4) Written approval is received from the director in the form of a controlled burning permit with conditions;
- (5) The pit shall be cleaned of ash on a daily basis;
- (6) Brush in the pit shall not be piled above the pit surface;
- (7) The persons in charge of the equipment shall notify the fire department serving the area in which the burning occurs at the beginning of each day's burn and the completion of each day's burn;

- (8) The person in charge of the equipment must have an operating telephone at the site at all times during operation of the equipment;
- (9) There shall be enough fuel at the site to maintain operation of the air curtain destructor without interruption;
- (10) Any modification to the pit design or location must be approved by the director prior to the modification;
- (11) The permit may be revoked or suspended at any time at the site where there is a violation of the permit or of this Rule, with the right to a hearing before the Director or the Air Pollution Control Board;
- (12) Burning will only be allowed during the following hours on days of low air pollution potential as determined by the Bureau, and completed by, and extinguished by, the end of the time period set forth below:
- | | |
|---------------------------------|------------------|
| October 1 through November 15 | 9 a.m. - 4 p.m. |
| November 16 through December 31 | 9 a.m.-3:30 p.m. |
| January 1 through February 15 | 9 a.m. - 4 p.m. |
| February 16 through April 3 | 9 a.m. - 5 p.m. |
| April 4 through April 30 | 9 a.m. - 6 p.m. |
- (13) The burning must be attended at all times;
- (14) The permit must be kept at or near the burn site and be readily available for inspection;
- (15) The permit is not valid until signed by the applicant signifying that the permit conditions have been read and understood;
- (16) Any permit issued will remain valid until the expiration date of the permit, unless revoked or suspended.
- (17) Applicant shall review the permit conditions with all parties that will be involved with the controlled burning process.

Section 2. That Section 41, Rule 25.10 be deleted and is hereby amended by adding the following new Section 41, Rule 25.10 to read as follows:

Rule 25.10. Gasoline dispensing facilities – stage I vapor recovery.

- (1) For the purpose of this rule, the following definitions apply:
- a. *Coaxial system* means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tanks occurs through a single coaxial fill tube, which is a tube within a tube. Product is delivered through the inner tube, and vapor is recovered through the annular space between the walls of the inner tube and outer tube.
 - b. *Delivery vessel* means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.
 - c. *Dual point system* means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tank occurs through two separate openings in the storage tank and two separate hoses between the tank truck and the stationary storage tank.
 - d. *Gasoline* means any petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
 - e. *Gasoline dispensing facility* means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
 - f. *Gasoline service station* means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.
 - g. *Line* means any pipe suitable for transferring gasoline.
 - h. *Operator* means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.
 - i. *Owner* means any person who has legal or equitable title to the gasoline storage tank at a facility.
 - j. *Poppeted vapor recovery adaptor* means a vapor recovery adaptor that automatically and immediately closes itself when the vapor return line is disconnected and maintains a tight seal when the vapor return line is not connected.
 - k. *Stationary storage tank* means a gasoline storage container that is a permanent fixture.

1. *Submerged fill pipe* means any fill pipe with a discharge opening which is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or which is entirely submerged when the level of the liquid is:
 1. Six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor; or
 2. Twelve inches above the bottom of the tank if the tank has a vapor recovery adaptor.

If the opening of the submerged fill pipe is cut at a slant, the distance is measured from the top of the slanted cut to the bottom of the tank.

m. *Throughput* means the amount of gasoline dispensed at a facility.

- (2) **Applicability.** This rule applies to all gasoline dispensing facilities and gasoline service stations and to delivery vessels delivering gasoline to a gasoline dispensing facility or gasoline service station; and this rule applies to all persons owning, occupying, operating or using a gasoline distribution facility or gasoline service station.
- (3) **Exemptions.** This rule does not apply to:
 - a. Transfers made to storage tanks at gasoline dispensing facilities or gasoline service stations equipped with floating roofs or their equivalent;
 - b. Stationary tanks with a capacity of not more than 2,000 gallons which were in place before July 1, 1979, if the tanks are equipped with a permanent or portable submerged fill pipe;
 - c. Stationary storage tanks with a capacity of not more than 550 gallons which were installed after June 30, 1979, if the tanks are equipped with a permanent or portable submerged fill pipe;
 - d. Stationary storage tanks at a gasoline dispensing facility or gasoline service station where the combined annual throughput of gasoline at the facility or station does not exceed 50,000 gallons, if the tanks are equipped with a permanent submerged fill pipe; and
 - e. Any tanks used exclusively to test fuel dispensing meters.
- (4) No person may cause, suffer, allow or permit the transfer of gasoline from any delivery vessel into any stationary storage tank unless they comply with the following:

- a. The stationary storage tank is equipped with a submerged fill pipe and the vapors displaced from the tank during filling are controlled by a vapor control system as described in Paragraph (8) of this rule;
 - b. The vapor control system is in good working order and is connected and operating with a vapor tight connection;
 - c. The vapor control system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired, replaced or modified;
 - d. Gauges, meters, or other specified testing devices are maintained in proper working order;
 - e. All loading lines and vapor lines of delivery vessels and vapor collection systems are equipped with fittings which are leak tight and vapor tight; and
 - f. All hatches on the delivery vessel are kept closed and securely fastened.
- (5) The following records shall be maintained for not less than two years and the same shall be made available for inspection and copy by representative or designees of the Bureau:
- a. The scheduled date for maintenance or the date that a malfunction was detected;
 - b. The date the maintenance was performed or the malfunction corrected; and
 - c. The date the component or element of design of the control system was repaired, replaced, or modified.
- (6) The premises of any gasoline dispensing facility or gasoline service station shall be available for inspection by representatives or designees of the Bureau at any time the facility or station is in operation.
- (7) The process of transfer of gasoline from any delivery vessel into any stationary storage tank shall be subject to observation and inspection or investigation by representatives or designees of the Bureau.
- (8) The vapor control system required by Paragraph (4) of this rule shall include one or more of the following:
- a. A vapor-tight line from the stationary storage tank to the delivery vessel and:

1. For a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor; or
 2. For a dual point vapor recovery system, a poppeted vapor recovery adaptor; or
- b. A refrigeration-condensation system or equivalent designed to recover at least 90 percent by weight of the organic compounds in the displaced vapor.
- (9) If an unpoppeted vapor recovery adaptor is used pursuant to Part (8)a.1. of this rule, the tank liquid fill connection shall remain covered either with a vapor-tight cap or a vapor return line except when the vapor return line is being connected or disconnected.
- (10) If an unpoppeted vapor recovery adaptor is used pursuant to Part (8)a.1. of this rule, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor when the tank is replaced or upgraded.
- (11) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adapters shall be used. No more than one tank is to be loaded at a time if the manifold vapor lines have a nominal pipe size of less than 3 inches. If the manifold vapor lines have a nominal pipe size of 3 inches or larger, then two tanks at a time may be loaded.
- (12) Vent lines on stationary storage tanks shall have pressure release valves or restrictors.
- (13) The vapor-laden delivery vessel:
- a. Shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport with the exception of normal pressure/vacuum venting as required by regulations of the Department of Transportation; and
 - b. If it is refilled in Hamilton County, Tennessee, shall be refilled only at:
 1. Bulk gasoline plants complying with Rule 25.8 of this section; or
 2. Bulk gasoline terminals complying with Rule 25.9 of this section.
- (14) It shall be the responsibility of owners, occupiers and operators of gasoline dispensing facilities and gasoline service stations to assure compliance with this rule and to disallow the transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels. It shall be the

responsibility of owners, operators and drivers of delivery vessels to assure compliance with this rule and to refuse to transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels.

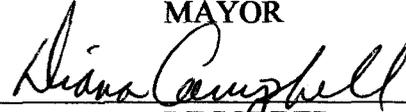
Section 3. That this Ordinance shall become effective immediately after Final passage on Second Reading as provided by the Town Charter.

Passed First Reading November 13, 2004.

Passed Second Reading December 13, 2004.



MAYOR



RECORDER

PAN/kac