

\*\*\*\*\*JANUARY 9, 2006\*\*\*\*\*

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, January 9, 2006, at 7:00 p.m. in the Town Hall. Those present were:

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

Also present were: Diana Campbell, Interim Town Manager and Recorder  
 Town Attorney Phil Noblett  
 See attached list for others present

Mayor Leonard called the meeting to order and led the Pledge of Allegiance to the Flag. Vice-Mayor Ruffin offered the prayer and the Town Recorder called the roll.

Councilmember Linehart moved that the minutes of the December 12, 2005, meeting be approved. The motion was seconded by Vice-Mayor Ruffin and passed unanimously.

The Mayor turned the meeting over to Councilmember White who was in charge of flag football on the mountain. The Razorbacks, the red and white team, presented the Mayor and Town with a football that was used in the championship game signed by all the team members. The 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> game champions presented the Mayor and Town a football and trophy. Councilmember Linehart thanked Councilmember White and the coaches for the great job they were doing and time they were spending with flag football on the mountain.

Mr. Brian Wright of Johnson, Murphey, and Wright was on hand to present the June 30, 2005 audit report for the Town. He explained the report was an unqualified opinion which meant he didn't find any errors or misstatements that would cause him to say he found something materially wrong. He further explained an unqualified report was a good and clean report. As far as the audit opinion went, it was as good as you could get he said. The financial presentation of the Town was very good also. He explained there were two ways of accounting. The General Fund under the old way of accounting made \$435,800 last year which was very good. Some of the other funds lost \$323,000 because the Town did not transfer money to those funds. In a normal year, if the transfers had been made, the General Fund would still have been over \$100,000 he said. Under the new way GASB 34 basis the financial statements for the Town was like a for profit basis similar to operating a business. Councilmember Paturalski asked at what point the Town could stop reporting two ways. Mr. Wright said probably after four or five years of doing it two ways it eventually would be dropped.

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Mr. Wright next discussed the enterprise funds. The Water Fund operated at a net income of \$278,000 and Stormwater Fund operated for profit of \$56,000 for a combined \$334,000. The reserve legally restricted for the high school was \$675,000 at the end of June. Unrestricted funds designated for the high school was another \$77,000 for total of \$752,000. Mr. Wright said the ½ cent sales tax restricted funds became unrestricted on July 1, 2004. Attorney Phil Noblett explained that whenever the county imposed a sales tax within an unincorporated area, from that point on there would be no designation for the sales tax to be restricted by the municipalities for school purposes. In summation he said Mrs. Campbell did a great job including writing the Town financial report, the Town had money on hand, received a clean opinion, and no findings.

The next matter before the Council was appointments to the Planning Commission. Attorney Noblett explained that the Planning Commission was created under Title 14 of the Signal Mountain Code of Ordinances, and it had provisions currently to allow the Planning Commission to consist of not less than nine members and not more than ten members. He said with a ten member Commission there could be a problem of having a tie vote if the entire group was present. He said the Town had three good candidates for the Planning Commission for the coming year and Diana Campbell had prepared a ballot. He explained that if the Council wanted a ten-member Commission they should vote for three people and if they wanted a nine-member Commission they should vote for two people.

Mayor Leonard then moved that the Planning Commission be a nine-member Commission, and the motion was seconded by Councilmember Linehart. The motion passed unanimously. The Councilmembers were asked to vote by ballot. Diana Campbell reported the results of the vote. Those getting the majority of the votes were Lou Oliphant and Don Moon.

The Council then considered the resolution "A RESOLUTION REAPPOINTING LOU OLIPHANT TO THE SIGNAL MOUNTAIN TOWN PLANNING COMMISSION". Councilmember Paturalski moved that the resolution be adopted. The motion was seconded by Councilmember White and passed unanimously.

The second resolution was "A RESOLUTION APPOINTING DON MOON TO THE SIGNAL MOUNTAIN TOWN PLANNING COMMISSION". Councilmember Paturalski moved that the resolution be adopted. The motion was seconded by Councilmember Linehart and passed unanimously. The Mayor asked Ms. Campbell to send a letter to Ms. Bullard thanking her for her many years of service to the Town.

The first ordinance to be considered was "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 2, TO INCLUDE A NEW CHAPTER 6, ENTITLED GENERAL BOARD REQUIREMENTS AND TO ESTABLISH A NEW

SECTION 2-601 ENTITLED TERMS OF BOARDS AND COMMITTEES WHERE NOT OTHERWISE SPECIFIED". Attorney Noblett said he added a new section as requested which would say that if there was not a term for a Board or Committee specified in the ordinance elsewhere that there would be a term of three years from and after the date of appointment. The Mayor stated that he thought indefinite terms were not really appropriate for committee work for the Town. He said the Town needed to be sure Boards and Committees were fully functioning with individuals who were fully committed and he thought a term of three years was appropriate. The Mayor moved that this ordinance be approved on First Reading. The motion was seconded by Vice-Mayor Ruffin and passed unanimously on First Reading.

The second ordinance to be considered was "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 2 SECTIONS 2-506 THROUGH 2-507, TO INCLUDE REVIEW OF PROPOSED MEMORIALS AND MONUMENTS WITHIN THE TOWN OF SIGNAL MOUNTAIN AS PART OF THE DUTIES AND POWERS OF THE DESIGN REVIEW COMMISSION AND TO ESTABLISH CERTAIN PROCEDURES FOR THE REVIEW OF PROPOSED MEMORIALS AND MONUMENTS". Attorney Noblett said the Town had the Design Review Commission that looked at specific development of commercial property in the Town. He said he had amended Section 2-506 of the Code to provide that any proposed memorials or monuments involving construction of land or land disturbance activities which would require a building permit would have to go before the Design Review Commission. They would also receive any proposed memorials or monuments that did not have to have a building permit. The request should at least show where the memorial or monument would be placed on property in the Town. He said he had also provided provisions in the section about allowing a time period for when those items should be considered by the Town. He said there would be a 90 day time that would allow some cooling off period for the Design Review Commission to make decisions on these matters and 90 day period that was recommended before any action could be taken by the Town Council. He said the Town Council ultimately had the authority about making decisions where memorials or monuments would be placed, but a recommendation of the DRC would be the initial action any decision would occur by the Town Council. Councilmember Linehart moved that the ordinance be passed. The motion was seconded by Vice-Mayor Ruffin. There was a discussion of the time frame, guidelines, etc. The motion passed unanimously.

Planning Commission Secretary Lou Oliphant said she did not have a report. The Planning Commission meeting would be Wednesday, January 11, 2006, at 7 p.m. in the Town Hall. She asked Council to remember the recommendation presented at the last meeting on Article 7 of the Zoning Ordinance. She said that item should be decided before any annexation takes place.

Attorney Noblett asked the Council to vote to defer a vote on Article 7. There was a recommendation by the Planning Commission to adopt the legal non-conforming use provisions. He suggested the Council defer that action until amendments are

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made to the Code that may be coming up shortly. Vice-Mayor Ruffin moved that the vote be deferred until the February meeting. The motion was seconded by Councilmember White and passed unanimously.

The Mayor asked for citizens to address Council. Mr. Jim Webster of 606 Signal Mountain Boulevard addressed the Council. He wanted to discuss the plans of the Signal Mountain Presbyterian Church to expand. He said the last time there was an expansion there was problems with noise and water runoff. He said the water was not going through the normal channeling process. He said his concern was if the Planning Commission did not take a good look at it, the expansion may have a negative impact on those residents who live around it. Councilmember Linehart said the last time there was expansion at the Church, there was extensive work done on water flow. Mr. Webster said there was significant noise from the HVAC when the system came on and that was a big concern for him. Lou Oliphant explained that the churches are allowed under Low-Density Residential Zone to expand. She said they just had to get a building permit and the DRC would not be involved. The Mayor suggested that the Building Inspector get involved with this issue. Vice-Mayor Ruffin said just go to the source and find out what the intention was. Mr. Noblett said he would have to look into the issue of the DRC having to approve additions, etc. to churches.

Pris Shartle asked about the terms for Boards, Committees, and Commissions. The three-year terms would be for those Boards, Committees, and Commissions whose terms are not defined in their duties, etc. She also said she was glad the Council had saved money this year, but she hoped it was not at the expense of the Library and MACC. Councilmember Linehart said the Council did not make cuts in Library and MACC budgets. Dee Dee Raulston said they were asked to cut the Library budget. She said they had been asked to cut hours and days. Councilmember White read figures from the budgets for the Library and MACC. He explained that no money was taken away.

The Mayor said the Library was probably the best run community library in the region, and thanked volunteers who helped. He also said MACC was a wonderful community resource. He said the Town was able to secure a 20-year lease this year.

Vice-Mayor Ruffin said he would like to correct an article written by Pris Shartle. On the vote for the CVS pharmacy, there was one dissenting vote. He said he made a promise when he ran that he would not vote to change a residential parcel to commercial. He said he did not want to break his promise.

Councilmember White thanked all the people who covered the Council meetings for the paper and others such as Greg Goodgame, and Lou Oliphant.

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Mr. Noblett advised that the Comcast people were coming back to ask the Town to review the cable franchise documentation and he would be presenting that to the Town in the next few months. There would be an increase in rates. Ms. Polly Ragan, Woodcliff Circle, said she had heard where other states were going to pass a bill to promote more competition among cable companies. Mr. Noblett said the trouble we had here was not having enough companies to compete.

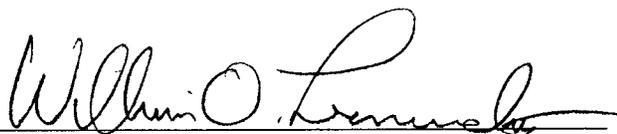
Diana Campbell explained that she would like for the Town to enter an agreement with Marion Environmental for two years to do emergency oil, hydraulic fluid and other spills in the Town. With the contract Marion would be available to help the Town clean up spills. It would be on an as needed basis. She said since we did not have a dollar amount, the Town could not really do a resolution but approve this. Councilmember Linehart moved that the Town enter an agreement with Marion Environmental. The motion was seconded by Vice-Mayor Ruffin and passed unanimously.

Doctor Robert Steel was in attendance. He hoped the Council would get someone to take Hershel Dick's place as Town Manager. He also suggested that only requests for memorials from Town citizens be considered by DRC.

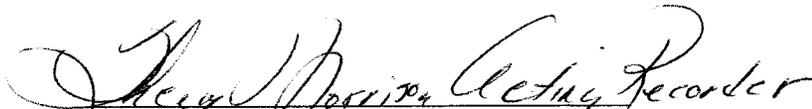
Mayor Leonard said he had announced at the last meeting that the Town had a Town Manager in place who would report on February 20. He said the candidate called Thursday and declined, so there was not a manager in place at the time. He said Diana Campbell had done a great job during that time. He said the Town does need to get a strong Town Manager in place.

The Mayor asked James Cawthorne if he had anything to say. He thanked him for his service to the Town for engineering.

There being no further business, the meeting was adjourned.



William O. Leonard, III, Mayor



Diana Campbell, Interim Town Manager

Date: JANUARY 9, 2006

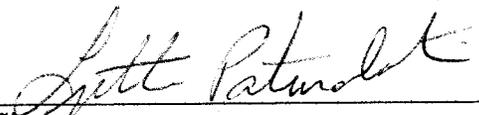
NAME	ADDRESS
1. <u>Bru Wren</u>	<u>800 Glamis</u>
2. <u>Mary McLean</u>	<u>119 Grayson</u>
3. <u>Irby Park</u>	<u>105 Mtn. Court</u>
4. <u>Holly Cowart</u>	<u>Signal Mountain Post</u>
5. <u>PRINCE MARK SHARTEE</u>	<u>501 Camp Blvd</u>
6. <u>Deedee Raulston</u>	<u>Library Board</u>
7. <u>JAMES CAWTHORPE</u>	<u>2100 MOUNTAIN HOLLOW DR</u>
8. <u>Pauline Ragan</u>	<u>185 Woodcliff Cir.</u>
9. <u>Lon Olyphant</u>	<u>Cherokee Ln</u>
10. <u>Jean Dolan</u>	<u>Ladder Trail</u>
11. <u>Jim Webster</u>	<u>606 Signal Mtn Blvd</u>
12. <u>Greg Goodgana</u>	<u>1112 Glamis Circle</u>
13. <u>Mike Egan</u>	<u>Timber Fox Drive</u>
14. <u>Bob Steel</u>	<u>10 Victoria Lane</u>
15. <u>James Bardone</u>	<u>21 Middle Creek</u>
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____

January 9, 2006

If you prefer the Commission return to nine members, vote for two. If you prefer the Commission have ten members, vote for three.

Check here:

- 1. \_\_\_\_\_ Jean Bullard
- 2.  \_\_\_\_\_ Don Moon
- 3.  \_\_\_\_\_ Lou Oliphant

  
\_\_\_\_\_  
Signature

January 9, 2006

If you prefer the Commission return to nine members, vote for two. If you prefer the Commission have ten members, vote for three.

Check here:

- 1. \_\_\_\_\_ Jean Bullard
- 2.   X   \_\_\_\_\_ Don Moon
- 3.   X   \_\_\_\_\_ Lou Oliphant



Signature

ROBERT V LINEHART, JR.

January 9, 2006

If you prefer the Commission return to nine members, vote for two. If you prefer the Commission have ten members, vote for three.

Check here:

- 1. \_\_\_\_\_ Jean Bullard
- 2.  \_\_\_\_\_ Don Moon
- 3.  \_\_\_\_\_ Lou Oliphant

*Robert White II*

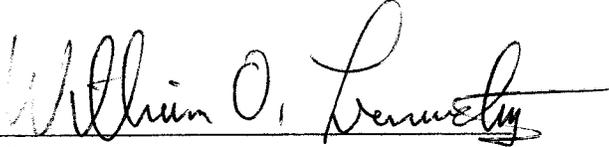
Signature

January 9, 2006

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2.  \_\_\_\_\_ Don Moon
3.  \_\_\_\_\_ Lou Oliphant

  
Signature

January 9, 2006

If you prefer the Commission return to nine members, vote for two. If you prefer the Commission have ten members, vote for three.

Check here:

- 1.  \_\_\_\_\_ Jean Bullard
- 2.  \_\_\_\_\_ Don Moon
- 3.  \_\_\_\_\_ Lou Oliphant

Stephen Ruffin  
Signature

RESOLUTION NO. R2006-1A RESOLUTION REAPPOINTING LOU OLIPHANT TO THE  
SIGNAL MOUNTAIN TOWN PLANNING COMMISSION.

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WHEREAS, pursuant to Signal Mountain Town Code § 14-101, eight (8) members of the Signal Mountain Planning Commission are to be appointed by the Mayor, and two (2) other members of the Planning Commission shall be the Mayor and another member of the Town Council selected by the Town Council; and

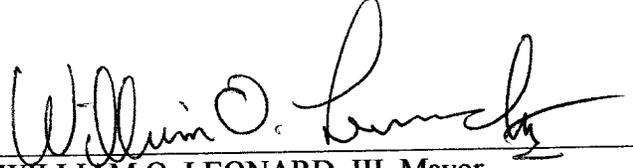
WHEREAS, the terms of the eight (8) planning commission members appointed by the Mayor are to be of a length of time prescribed by the Town Council and arranged so that the term of one (1) member will expire each year; and

WHEREAS, it appears that the terms of office of two (2) of the eight (8) appointed members of the Planning Commission of the Town of Signal Mountain will expire on January 31, 2006.

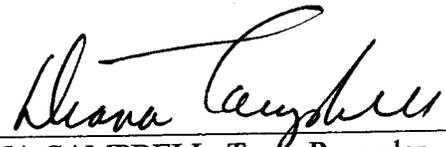
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that:

SECTION 1. Pursuant to the authority granted to the Mayor under Signal Mountain Town Code § 14-101, the Mayor is hereby authorized to reappoint Lou Oliphant, 796 Cherokee Lane, Signal Mountain, Tennessee, to the Signal Mountain Town Planning Commission for a three (3) year term expiring on January 31, 2009.

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

A handwritten signature in cursive script, reading "William O. Leonard, III". The signature is written in black ink and is positioned above a horizontal line.

WILLIAM O. LEONARD, III, Mayor

A handwritten signature in cursive script, reading "Diana Campbell". The signature is written in black ink and is positioned above a horizontal line.

DIANA CAMPBELL, Town Recorder

RESOLUTION NO. R2006-2A RESOLUTION APPOINTING DON MOON TO THE SIGNAL  
MOUNTAIN TOWN PLANNING COMMISSION.

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WHEREAS, pursuant to Signal Mountain Town Code § 14-101, eight (8) members of the Signal Mountain Planning Commission are to be appointed by the Mayor, and two (2) other members of the Planning Commission shall be the Mayor and another member of the Town Council selected by the Town Council; 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 two (2) of the eight (8) appointed members of the Planning Commission of the Town of Signal Mountain will expire on January 31, 2006.

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 appoint Don Moon, 1 Oliver Court, Signal Mountain, Tennessee, to the Signal Mountain Town Planning Commission for a three (3) year term expiring on January 31, 2009.

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

William O. Lynch  
MAYOR

Elisa Campbell  
RECORDER

1/9/06  
DATE

1/9/06  
DATE