

\*\*\*\*\*JUNE 12, 2006\*\*\*\*\*

The Town Council of the Town of Signal Mountain held its regular monthly meeting on June 12, 2006, at 7:00 p.m. in the Town Hall. Those present were:

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

Also present:

Town Manager Diana Campbell  
 Acting Town Recorder Sherry Morrison  
 Town Attorney Phillip Noblett  
 See attached list for others present

Vice-Mayor Ruffin called the meeting to order and explained that the Mayor was on vacation. He led the Pledge of Allegiance to the Flag, and Councilmember White offered the prayer. The Acting Recorder called the roll and found Mayor Leonard absent.

Vice-Mayor Ruffin asked if there were any changes to the minutes to be approved. There were none. There was a motion by Councilmember Paturalski to approve the following minutes:

May 8, 2006, regular meeting, 7 p.m.  
 May 8, 2006, special called meeting, 5:30 p.m.  
 May 12, 2006, special called meeting with Planning Commission at the  
 Development Resource Center, 1250 Market St., Chattanooga, 11:30 a.m.  
 May 12, 2006, special called meeting, 2 p.m.  
 May 19, 2006, special called meeting/budget workshop  
 May 24, 2006, special called meeting/budget workshop  
 May 24, 2006, special called meeting, 7 p.m.  
 May 26, 2006, special called meeting, 5 p.m.  
 June 7, 2006, special called meeting/budget workshop, 4:45 p.m.

Councilmember White seconded the motion and it passed unanimously.

Vice-Mayor Ruffin suspended the regular meeting and went into a Public Hearing regarding annexation. He asked Town Attorney Phillip Noblett if he would like to address the issue. Mr. Noblett said there were ordinances in the Councilmembers' packets to be approved on Second Reading for three different areas for annexation. The Planning Commission had previously recommended the areas to the Council, the plans of services for those areas had been approved, and there was a First Reading in May. The first parcel was basically involving six parcels of real estate north of the Connor Creek

area and the plans of services for those areas were approved by the Planning Commission. The second ordinance involved seven parcels of real estate that were between Fox Run Subdivision and Hidden Brook Subdivision. There had been one amendment to the ordinance for Second Reading to take out one map parcel because there was something before the Planning Commission downtown on that one subdivision, and that one map parcel, 098-002, had been deleted. That was the only change since the First Reading. The third annexation ordinance involved two parcels of property that were completely encircled by the Town, and the road rights-of-way would allow a person to get to Shackelford Ridge Road from the Timberlinks area and would allow access Anderson Pike. He asked for questions on annexation.

Mr. David Evans, James Blvd., wanted to know the total number of acres involved. Mr. Noblett told him about 700 acres. Mr. Evans said the Town's current zoning ordinance was not up to handling future growth. Mr. Evans said he thought it would be best if the Town would defer any annexation plans until the Town came up with a comprehensive zoning plan that would address the problems of wall-to-wall traffic. Mr. Evans the traffic problems, sewer problems, etc. would be devastating to the mountain. He said it would be unfair to the people on the mountain to proceed without a comprehensive plan in place. Mr. Noblett said the Planning Commission had reviewed the plan and thought it was a thoughtful plan.

Councilmember Linehart thanked Mr. Evans for his thoughtful comments. He said the way the zoning ordinance currently was, out in the county, there could be more dense building and much smaller lots. If the Town annexed, even under the zoning ordinance passed on First Reading on April 10, it was still stricter than what the county was. He said he thought annexation was a good thing because it kept the growth under the ordinance of Signal Mountain rather than the county. He said the county zoning ordinance was loose. He said he hoped the Town of Walden exercised its legal options and annexed in its UGB as soon as it could. Vice-Mayor Ruffin said in the year 2000 one of the things the Council did was to work on the growth plan and that was a joint effort between the Town and Walden. He said nothing in there was new. Part of the Town's philosophy in annexing certain areas was to protect and control the Town's boundaries. He said the Town was also trying to maintain its character.

Mr. Joe Dumas, James Blvd., asked what was the population of the area proposed for annexation. Mr. Noblett said minimal if any.

Ms. Jean Dolan, Ladder Trail, said if the Town of Signal Mountain or the Town of Walden never issued another building permit it would not make any difference about the traffic.

Mr. Bill Lusk, N. Palisades Drive, asked if there were any plans to put this issue on the November ballot and let the voters decide. Councilmember Linehart asked Mr. Lusk if he was talking about zoning or annexation. Mr. Lusk said zoning, too. Mr. Noblett said the matter of zoning could not be put on a referendum. Mr. Noblett said this was started as an ordinance of annexation and the desire of the Council to change it to a referendum

could occur, but the Town was already in the process of completing the ordinance for annexation. Councilmember Linehart said he would not favor a referendum. He said it was not a requirement under the Town Charter. He said the citizens had elected the Council to make those types of decisions.

Ms. Charlene Smith, Druid Drive, said the citizens elected the Council to represent them, so she hoped the Council would listen to the citizens' requests.

Mr. Charlie Rowland, Crown Point Road West, asked if the property was annexed, was the 4 inch, 8 inch or 12 inch line addressed. Mr. Noblett said no. Councilmember Paturalski said if it did get annexed it would be under the same zoning laws of the Town, which were tighter than the county's. She said it was to everyone's best interest to have the area under the Town's control. Mr. Rowland asked if this property were annexed, would it necessarily mean there would be a sewer line. The answer was no. Minimum lot size is one-half acre. Mr. Rowland wanted to know when the sewer would be addressed and who was responsible for the sewer. He wanted to know who was responsible for deciding what size sewer line. Mr. Noblett told it was the Hamilton County Water and Wastewater Treatment Authority. Councilmember Linehart told Mr. Rowland annexation is a separate issue. Vice-Mayor Ruffin said that in 2003 the Town sold its sewer system to WWTA. This was a very financially smart move. WWTA would decide what they could afford. Mr. Rowland asked who was the WWTA. Councilmember Linehart said the WWTA was made up of 12 representatives from townships that were members of the Wastewater Treatment Authority. The Town of Signal Mountain had one representative on the WWTA and he said there were five other at-large members selected by the County Commission or perhaps Claude Ramsey. He said he was the Town's representative. Vice-Mayor Ruffin said it was a business and not part of Hamilton County. Councilmember Linehart told Mr. Rowland it truly was a separate issue. The sewer was not related to the annexation issue. He said annexation was about the Town's boundaries and the urban growth boundary and what the Town was able to annex and protect, from a zoning standpoint. Mr. Rowland said even if the Town annexed the area it did not mean there would be sewers; that decision would be made by the WWTA. Mr. Noblett said it would be whether it was annexed or not. Councilmember Paturalski said if the Town did not annex there would be 7,500 square foot lots.

Mr. Dun Monroe, Cherokee Lane, said the statement was made that if a referendum were held, it would be a precedent setter. He said he didn't think that was true. Mr. Noblett said it depended on what the issue was. He said there had to be statutory authority to be able to have a referendum on any matter. Mr. Noblett said there was statutory authority to have a referendum for matters of annexation. He said there were two methods to have annexation—one by ordinance and the other by referendum. Mr. Noblett said this matter was already started under an ordinance method and there was no authority for a referendum on zoning matters. Mr. Monroe said a referendum did not negate the Council's powers and that it was no precedent setting.

Mr. Britt Reynolds, St. Charles Street, asked about the third parcel being near Prentice Cooper. He wanted to know if it included State land. Mr. Noblett said it did not that it included road rights-of-way that existed there so that, such things such as, speed limits could be enforced by the Town.

Teresa Hanson, Crown Point Road West, asked if the Town annexes this property, then what was the next step. Vice-Mayor Ruffin said the goal of the Town was to protect its boundaries and to enable the Town to keep its character. He said if those lands were not annexed the Town would not be able to protect its boundaries. Councilmember Linehart said he did not know of any further steps. He said the Town was annexing to protect its boundaries. She asked if the next step was to approve the Overlay zone. Councilmember Linehart said no, there had been no proposal for high density zoning. He said the Overlay zone was a part of Signal Mountain already and that it was within the Town's boundary.

Mr. Sam Powell questioned the boundaries the Town and Walden off Taft Highway and wouldn't that have been a good area to draw taxes.

Mr. David Evans He said there was a real demand on the part of the residents out there to have good quality land use regulations. He said what had happened over the years was that Signal Mountain had always wanted the tax dollars and Town of Walden had always sought to protect the quality of life. His question to the Council was why not consider allowing Walden to extend its two-acre zoning over to this undeveloped land. He said he could not imagine a more important issue for this Council. Councilmember Linehart said certain points of that were valid—the two acres, and he said again he would love to see Walden fulfill their UGB, but that Taft Highway issue, he said the Town could not do anything about it now because it was approved in Nashville by the State. He said the Town of Walden, as pristine and beautiful and wonderful as they were, and were good friends, he said he was not quite sure that they (Walden) were not quite as concerned about sales tax dollars as the Town of Signal Mountain was. He said the issue about the property on Taft Highway that Mr. Powell addressed, was a great point. He said he wondered how that happened. He said along Taft Highway on the south side there was a long strip that was Walden's UGB and the Town could not annex it. He said he would contest those wholesome reasons that Walden wanted that property. Councilmember Paturalski said it was smart to want commercial tax dollars.

H. C. Bright, Signal Mountain Blvd., said he was against development, but he thought that people did not understand, right now, there was a zoning plan in place for the area being discussed, it was the County's zoning place. He said this meant if someone wanted to put a trailer park out there right now, they could. The Town would have no control over that. Annexation would mean that that area was a part of the Town, and once it was annexed, we, the people of Signal Mountain, could decide what the zoning rules were. He thought the area should be annexed. Vice-Mayor Ruffin said that was the reason for the area to be annexed.

David Hooten, James Blvd., said he fully supported annexation but wanted to know why annex now. Vice-Mayor Ruffin told him that was the time that was set aside in 2000. Mr. Noblett said there was an interlocal agreement entered into between every municipality in Hamilton County in 2001 that said until March 21, 2006, there could be no annexation by ordinance until that time. Mr. Hooten said the longer the Town puts off annexing the greater the risk of trailer parks, etc. Mr. Sam Powell asked about the County lines. Mr. Noblett said the growth boundary law prohibits the Town from going across county lines for annexation. Mr. Noblett said Signal Mountain's lines do not go into Sequatchie County at this point in time.

A citizen asked if lot sizes could be increased later. Vice-Mayor Ruffin said that would be up to the Council.

Vice-Mayor Ruffin went back into the regular meeting mode. He thanked citizens for their presence and comments.

The only resolution to be considered was "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2006 CHEVROLET IMPALA, POLICE CAR, TENNESSEE STATE BID NUMBER 4033158, FROM WILSON COUNTY MOTOR COMPANY, IN THE AMOUNT OF TWENTY THOUSAND FOUR HUNDRED FORTY-ONE AND 00/100 (\$20,441.00) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN". The Town Manager said this was not in the budget, but the budget was to be amended tonight to include this car. She said this would authorize the Town to purchase this car. Councilmember Linehart said we had about \$12,500 and would be amending the budget to add about \$10,000. Councilmember Linehart moved that the resolution be passed. The motion was seconded by Councilmember Paturalski and passed unanimously.

The first ordinance to be brought before the Council to be passed on Second Reading was "AN ORDINANCE TO AMEND ARTICLE VII OF THE SIGNAL MOUNTAIN ZONING ORDINANCE, RELATIVE TO NON-CONFORMING USES". Mr. Noblett explained that this ordinance was more restrictive than the county's and would help strengthen our zoning ordinance. Councilmember White moved that the ordinance be passed on Second Reading. The motion was seconded by Councilmember Linehart and passed unanimously.

The next ordinance was "AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING SIX PARCELS OF REAL PROPERTY IN THE CONNER CREEK AREA ADJACENT TO SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP". Mr. Noblett said these are large tracts and there were no structures on them now. Councilmember Linehart moved that the ordinance be adopted on Second Reading. Councilmember Paturalski seconded the motion and it passed unanimously.

The third ordinance was "AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING SEVEN PARCELS OF REAL PROPERTY CONTIGUOUS TO THE NORTHEASTERN TOWN LIMITS ADJACENT TO SHACKLEFORD RIDGE ROAD AT ANDERSON PIKE AND CONTINUING SOUTHWARD BETWEEN FOX RUN SUBDIVISION AND HIDDEN BROOK SUBDIVISION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP". Mr. Noblett explained there had been one amendment from the First Reading and that there were only seven parcels. Parcel 098-002 was in front of the Hamilton County Planning Commission and had been removed from the ordinance. Councilmember Linehart moved that the ordinance be passed on Second Reading. The motion was seconded by Vice-Mayor Ruffin and passed unanimously.

The next ordinance to come before the Council was "AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN ROADS AND RIGHT OF WAYS AND TWO PARCELS OF REAL PROPERTY ON THE NORTHWESTERN BOUNDARY OF THE TOWN LIMITS CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING AN AREA ADJACENT TO SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP". Mr. Noblett explained that these two parcels are completely surrounded by the Town except for the roadways coming into the Shackleford Ridge Road area where you could actually control the speed limits on those areas and enforce the law. Councilmember Paturalski moved that the ordinance be passed on Second Reading. Councilmember White seconded the motion and it passed unanimously.

The next ordinance was "AN ORDINANCE TO AMEND TITLE 19, CHAPTER 2, SIGNAL MOUNTAIN TOWN CODE, SECTION 19-205 REGARDING FEES TO INCLUDE CERTAIN ADMINISTRATIVE FEES FOR THE ISSUANCE OF A FUEL GAS PERMIT". Mr. Noblett said it was found that the Town was charging a \$20 administrative fee and that was not in the ordinance, so the ordinance was amended to include the amount previously charged. Councilmember Linehart moved that the ordinance be passed on Second Reading. The motion was seconded by Councilmember White and passed unanimously.

"AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 12, SECTION 12-103 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL RESIDENTIAL CODE, CONCERNING WORK EXEMPT FROM PERMIT AND TO AMEND CERTAIN REFERENCES IN SECTIONS 12-401 AND 12-403 TO ADOPT CHAPTER 41 OF THE INTERNATIONAL RESIDENTIAL CODE AS THE SWIMMING POOL CODE FOR THE TOWN" was brought before the Council on Second Reading. Mr. Noblett said there were two minor changes in the Residential

Code. One section of Town ordinance had requirement for fences having to have a permit. This section would have deleted that so it was taken out. There was also a requirement in the current code for an earlier edition the 1991 Standard Swimming Pool Code within the Town Codes, a newer version dated 2003 had been found. This ordinance said the 2003 version was the Swimming Pool Code. Councilmember Linehart moved that the ordinance be adopted on Second Reading. The motion was by Councilmember White and passed on Second Reading unanimously.

The next ordinance to come before the Council was "AN ORDINANCE TO AMEND ORDINANCE NO. 2005-2, ENTITLED THE "FY 2005-2006 BUDGET ORDINANCE: SO AS TO PROVIDE FOR CERTAIN REVENUES AND CHANGED EXPENDITURES IN THE GENERAL FUND TO INCLUDE ADDITIONAL REVENUES FROM THE LIBRARY BOARD, INSURANCE PROCEEDS, AND SALE OF SURPLUS PROPERTY AND TO TRANSFER BALANCES IN THE DEBT SERVICE FUND; AND TO PROVIDE FOR ADDITIONAL EXPENDITURES TO THE GENERAL FUND DUE TO THE PURCHASE OF A POLICE VEHICLE AND TO TRANSFER WAGES TO THE SOLID WASTE FUND FOR LEAF AND BRUSH PICK-UP AND TO PROVIDE FOR ADDITIONAL REVENUES AND EXPENDITURES TO THE SOLID WASTE FUND, DEBT SERVICE FUND, AND LIBRARY BOARD FUND, AS SET FORTH IN THE ATTACHED AMENDED BUDGET DURING THIS FISCAL YEAR". Ms. Campbell said the Library had trouble with air-conditioning and needed repairs so the Library Board was going to donate \$7,200 to the General Fund, and the General Fund would pay for the air-conditioning repairs. Ms. Campbell said \$25,000 had been added for the Police car and for its components and equipment that went on it. She said the \$13,000 had been included in the revenue from the insurance proceeds and the sale of surplus equipment. There was also a transfer from the Debt Service Fund. Ms. Campbell said the auditor and the State Municipal Audit Department wanted the Debt Service Funds dissolved if there was not a bond covenant that required one. She said the Town did not have a bond covenant so transferring the money to the General Fund would eliminate the Debt Service Fund and then the principle and interest would be paid from General Fund. She said there was also an amendment to transfer the salaries from the Street Maintenance Fund to the Sanitation Department where leaf and brush pickup should be tracked. She said the Town wanted to transfer \$100,000, take it out of the wages for Street Maintenance, and put it in the wages for the Sanitation Fund. Councilmember Paturalski moved that the ordinance be adopted on First Reading. The motion was seconded by Councilmember Linehart and passed unanimously.

The last ordinance brought before the Council was "AN ORDINANCE TO ADOPT THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE "FY 2006/2007 BUDGET ORDINANCE: TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2006, AND ENDING JUNE 30, 2007, AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN

THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2006-2007 AN THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTIES ON ALL DELINQUENT TAXES AND PRIVILEGES OWED TO THE TOWN OF SIGNAL MOUNTAIN AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR". Mr. Noblett said each year an ordinance had to be adopted to establish rate of taxation, and concludes the 2006-2007 budget. Vice-Mayor Ruffin commended Ms. Campbell for her work on the budget. Councilmember Linehart moved that the ordinance be adopted on First Reading. Vice-Mayor Ruffin seconded the motion and it passed unanimously.

Ms. Lou Oliphant gave the Planning Commission report. Signal Mountain Place, Inc. was deferred until July, final plat on the Huckleberry Grove Subdivision, final plat for the J. C. Wagner tract which was dividing some of Joe Wagner's property into two lots. She announced that there would be a joint meeting of the Planning Commission and the Town Council on June 20, 2006, at 6 p.m. at 1250 Market Street. She said there would be a \$100 sub-division processing fee collected by the Town before any Town official signed a plat. She said the Town did need to approve this amount.

Vice Mayor Ruffin opened the meeting for citizen comments.

Ms. Penny Selman, 7 Windy Way, addressed the Council regarding speeding in the Hidden Brook Subdivision. She proposed that a "Keep Kids Alive Drive 25" campaign be started in the Hidden Brook Subdivision. She said she had statistics she shared with the Council. This was an awareness campaign to inform neighbors and she asked the Council help her with Police support. Vice-Mayor Ruffin said the Town would be glad to lend support. Councilmember White said he had had conversations with Russell Craig and there had been talk about doing that program. Vice-Mayor Ruffin asked citizens to please slow down.

There were many lengthy comments from citizens regarding growth issues and selection of Planning Commission members.

Councilmember Paturalski asked if there was anything that could be done about the "Star" papers that appeared in driveways. Mr. Noblett said there was a provision in the code against that. He said there was a maximum of a \$50 fine per incident.

Councilmember Linehart said he thought it was great that so many people had come out to express their opinions. He said this was an exercise in democracy. Unfortunately, he said he thought most of the people had already left. They had gotten their points across and left. He said the minutes to every meeting were on the website even workshop meetings.

With no further business, the meeting was adjourned.

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Stephen Ruffin, Vice-Mayor\



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Sherry Morrison, Acting Town Recorder

RESOLUTION NO. R2006-22

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2006 CHEVROLET IMPALA, POLICE CAR, TENNESSEE STATE BID NUMBER 4033158, FROM WILSON COUNTY MOTOR COMPANY, IN THE AMOUNT OF TWENTY THOUSAND FOUR HUNDRED FORTY-ONE AND 00/100 (\$20,441.00) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the Town Manager be and is hereby authorized to purchase one (1) 2006 Chevrolet Impala, Police Car, Tennessee State Bid Number 4033158, from Wilson County Motor Company, in the amount of \$20,441.00 to be used by the Police Department for the Town of Signal Mountain. A copy of the bid documents for the purchase of this police vehicle is attached as Exhibit 1.

  
STEPHEN RUFFIN, Vice Mayor

  
SHERRY MORRISON-Recorder

DATE

12 June 2006

DATE

06-12-2006

PAN/kac

ORDINANCE NO. 2006-6

AN ORDINANCE TO AMEND ARTICLE VII OF THE SIGNAL MOUNTAIN ZONING ORDINANCE, RELATIVE TO NON-CONFORMING USES.

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SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Article VII of the Signal Mountain Zoning Ordinance be amended by deleting said Article in its entirety and substituting in lieu thereof the following:

**ARTICLE VII**

**NONCONFORMING USES**

701. Non-Conforming Uses of Land

- 701.01 The lawful use of land existing at the time of the passage of this Ordinance or any amendment thereto (the Zoning Ordinance and any amendments thereto are collectively referred to in this Article VII as the "Ordinance"), although such use does not conform to the provisions of the Ordinance, shall not be affected by the Ordinance, *provided, however,* that, subject to the provisions of Section 704, no such non-conforming use may be enlarged, increased or extended to occupy a greater area of land than that occupied by such use at the time of the passage of the Ordinance.
- 701.02 Subject to the provisions of Section 704, no such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these regulations.
- 701.03 If any such non-conforming use of land ceases for any reason for a period of not less than one hundred (100) consecutive days, regardless of the intent of the owner or occupant of such premises to continue or discontinue such non-conforming use, any future use of such land shall be in conformity with the provisions of the Ordinance.
- 701.04 Subject to the provisions of Section 704, no additional structure not conforming to the requirements of these regulations shall be erected in connection with such non-conforming use of land.

702. Non-Conforming Structures

702.01 The lawful use of a structure existing at the time of the passage of this Ordinance shall not be affected by the Ordinance, although such use does not conform to the provisions of the Ordinance, and such use may be extended throughout any such structure, *provided, however*, that, subject to the provisions of Section 704, (a) no structural alterations, except those required by law or other Town ordinance, or ordered by an authorized officer to secure the safety of the structure, may be made therein and (b) no such use shall be extended to occupy any land outside such structures.

702.02 If such non-conforming structure is removed or the non-conforming use of such structure is discontinued for one hundred (100) consecutive days regardless of the intent of the owner or occupant of such structure to continue or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance.

702.03 Manufactured homes, existing on lots where manufactured homes are not a permitted use at the time of passage of the Ordinance, shall be treated as legal non-conforming uses as specified in this Article VII. Nothing in this Article VII shall prevent the replacement of a manufactured home that is a legal non-conforming use in a residential zone with another manufactured home, *provided* that a new building permit shall be issued for such manufactured home to the extent required by the Town, specifying that such other manufactured home meets all of the current regulations concerning plumbing, electrical and other codes applicable to such other manufactured home.

702.04 Nothing in this Ordinance shall be taken to prevent the restoration within one (1) year of a legal non-conforming structure (other than a manufactured home referenced in 702.05) that is destroyed to any extent by fire, explosion or other casualty, nor the continued occupancy of such structure. In the event that additional time is necessary to complete restoration of a structure destroyed by fire, explosion, or other casualty, an applicant may apply to the Town Council for an extension of time within which to reconstruct a building or structure. The Town Council may approve a request for any necessary extension of time by resolution lawfully passed, *provided, however*, that no such extension or extensions of time shall exceed twelve (12) months in the aggregate. In other words, in the event that the Town Council grants any request or requests for such an extension or extensions of time, such restoration must be completed within twenty-four (24) months after such destruction occurs.

702.05 Any lot that had a single use consisting of a legal non-conforming manufactured home in a residential zone, that is destroyed to any extent by fire, explosion or other

casualty may, prior to the expiration of one hundred (100) consecutive days, have another manufactured home placed on the lot, *provided* that a new building permit shall be issued for such other manufactured home to the extent required by the Town, specifying that such other manufactured home meets all the current regulations concerning building, plumbing, electrical and other codes applicable to such other manufactured home.

702.06 Subject to the provisions of Section 704, if any non-conforming structure other than a manufactured home be moved any distance whatsoever for any reason, then such structure shall thereafter conform to this Ordinance and the regulations that are applicable to the district in which it is located after it has been moved.

703. Annexed Property Frontage

If any property is annexed by the Town that does not meet the frontage requirements contained in the Ordinance and the Planning Commission determines that such property is capable of being re-subdivided to meet such requirements, then the owner of such property shall apply to the Planning Commission for such re-subdivision and such property shall be re-subdivided to meet such frontage requirements within one (1) year after such property is annexed by the Town.

704. Non-conforming Industrial, Commercial or Other Business Establishments

704.01 Any non-conforming industrial, commercial or other business establishment (as used in this Section 704, a "business") in operation and permitted to operate under zoning ordinances, regulations or exceptions thereto in effect at the time of the passage of this Ordinance or immediately preceding a change in zoning, as the case may be, shall be allowed to expand operations and construct additional facilities which involve an actual continuation and expansion of the activities of such business that were permitted and being conducted immediately prior to the passage of the Ordinance or the change in zoning, as the case may be, *provided* that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case maybe, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to such a business seeking to expand and continue the activities conducted by such business that were permitted and being conducted immediately prior to the passage of the Ordinance or the change in zoning, as the case may be, *provided* that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case maybe, so as to avoid nuisances to adjoining landowners.

704.02 A business that is in operation and permitted to operate as a under zoning ordinances,

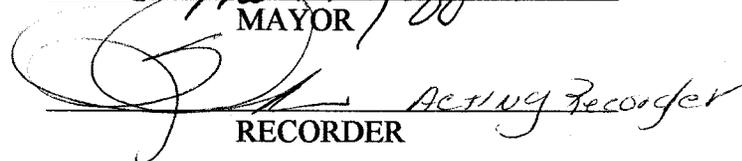
regulations or exceptions thereto in effect at the time of the passage of the Ordinance or immediately preceding a change in zoning, as the case may be, shall be allowed to destroy existing facilities and reconstruct new facilities necessary to the conduct of such business subsequent to the passage of the Ordinance or the change in zoning, as the case may be, *provided* that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under the Ordinance and any other zoning ordinances, regulations or exceptions thereto in effect immediately prior to or subsequent to the passage of the Ordinance or such change in zoning of the land on which such business is located, as the case may be, and *provided further* that the Town Council determines that the intended expansion or reconstruction constitutes the continuation or expansion of an activity of such business that existed and was being conducted at the time of the passage of the Ordinance or such change in zoning of the land on which such business is located, as the case may be, and not the undertaking of a new, different or additional commercial, industrial or other business activity. No building permit or like permission for demolition, construction or landscaping shall be denied to a business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that business, where such conduct was permitted immediately prior to the passage of the Ordinance or a change in zoning, *provided* that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case maybe, so as to avoid nuisances to adjoining landowners.

704.03           The provisions of this Section 704 shall apply only to land owned and in use by such affected business and shall not operate to permit expansion of an existing business through the acquisition of additional land.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this zoning amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become operative two (2) weeks from and after its passage as provided by law.

Passed First Reading 5-08, 2006.

Passed Second Reading 6-12, 2006.

  
MAYOR  
  
RECORDER

PAN/kac

ORDINANCE NO. 2006-7

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING SIX PARCELS OF REAL PROPERTY IN THE CONNER CREEK AREA ADJACENT TO SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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WHEREAS, the Acting Town Recorder has been authorized to provide notice of a public hearing on June 12, 2006, with reference to the herein described annexation territory, to be held on June 12, 2006, at 7:00 p.m., which notice shall have been published in the daily newspaper of Chattanooga, Tennessee more than fifteen (15) days before June 12, 2006; and

WHEREAS, pursuant to T.C.A. § 6-51-102, as amended by Public Chapter 1101 of 1998, it is necessary to submit a plan of services to the Signal Mountain Planning Commission; and

WHEREAS, the Plan of Services which is attached to this Ordinance was approved by the Signal Mountain Planning Commission on April 27, 2006, as required by Tennessee law; and

WHEREAS, after a public hearing and investigation by the Town Council, it now appears that the prosperity of the Town and of the territory herein described and as described in said notice will be materially retarded, and the safety and welfare of the inhabitants and property of the Town and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the plan of services is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the Town of Signal Mountain as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that there be and hereby is annexed to the Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town an area adjacent to Shackleford Ridge Road, in Hamilton County, contiguous to the corporate boundaries of said Town which is more fully described as follows:

All real property contained within the following six (6) maps and parcels of real property which are north of Conner Creek and contiguous to the current northern boundary of the Town, specifically including the property within:

Hamilton County Tax Map No. 088 001.01;

Hamilton County Tax Map No. 088 001.13;

Hamilton County Tax Map No. 088 001;

Hamilton County Tax Map No. 088 011;

Hamilton County Tax Map No. 088 021; and

Hamilton County Tax Map No. 089 003.02.

SUBJECT TO Governmental zoning and subdivision ordinances or regulations in effect thereon.

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the Town of Signal Mountain, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was approved by the Signal Mountain Planning Commission on April 27, 2006, pursuant to T.C.A. § 6-51-102, and is adopted as the Plan of Services for this annexation area shall be implemented in accordance with the terms and methods of services contained therein.

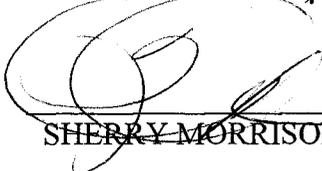
Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

Passed First Reading 5-08, 2006

Passed Second Reading 6-12, 2006

  
STEPHEN RUFFIN, Vice Mayor

  
SHERRY MORRISON, Acting Town Recorder

**PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
MARCH, 2006**

The Town Council of the Town of Signal Mountain, Tennessee hereby proposes the following Plan for Provision of Services for certain property in the Shackleford Ridge Road area which is shown on the attached map for certain properties lying contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, which are described as follows:

Including all property within the following maps and parcels:

All real property contained within the following six (6) maps and parcels of real property which are north of Conner Creek and contiguous to the current northern boundary of the Town, specifically including the property within:

Hamilton County Tax Map No. 088 001.01;

Hamilton County Tax Map No. 088 001.13;

Hamilton County Tax Map No. 088 001;

Hamilton County Tax Map No. 088 011;

Hamilton County Tax Map No. 088 021; and

Hamilton County Tax Map No. 089 003.02.

**A. POLICE**

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, will be provided when the need is established by appropriate traffic studies.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the Town's fire prevention staff and arson investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined and installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by the National Fire Underwriters' Association. As additional water lines are extended into the annexation area by Walden's Ridge Utility Service, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services into the annexed property as determined in the discretion of the Town Manager and the Town Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for construction of a fire substation to provide services to the annexed area on property owned by the Town and to assure the continued compliance with standards established by the

National Fire Underwriters appropriate to maintain the existing fire insurance rating for all citizens within the Town.

D. REFUSE COLLECTION

The same regular refuse collection now provided by the Town will be extended to the annexed area on the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWAYTER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous chuck holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will be provided to the annexed area on the effective date of annexation.

2. Routine maintenance, on the same basis as is provided within the present Town limits, will be provided to the annexed area on the effective date of annexation.

3. Within six (6) months of annexation, street name signs will be installed as needed in all substantially developed areas of the annexed area.

4. Street lights will be installed within the annexed area under the same standards as now prevail in the present Town limits as needed.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six months after the effective date of annexation. Erosion and drainage services which are currently provided to all existing streets within the present Town limits shall be provided to the annexed area on the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the Town will be extended to the annexed area on the effective date of annexation. Town Planning services and zoning regulations will

thereafter encompass the annexed area. Pending a review of the present zoning classifications within the annexed area by the Town of Signal Mountain Planning Commission and the Town Council within six (6) months of the effective date of annexation, the property within the annexed area shall be reclassified to a temporary classification of R-E Residential Estate District and shall be entitled to any use allowed pursuant to Article 614 of the Town's Zoning Ordinance.

G. RECREATION AND OTHER TOWN PROGRAMS

1. All recreational areas accessibility and programs which are provided for present Town residents will be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

2. All current recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

3. Access to the Town Library and the Mountain Arts Community Center facilities shall be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such accessibility and programs are provided to current Town residents.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided within the annexed area in the same manner as water service is currently provided by the Walden's Ridge Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided within the annexed area in the same manner as electric service is currently provided by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

Sewer services for any properties within the annexed area will continue to be provided in the same manner as such sewer services are currently provided by the Hamilton County Water and Wastewater Authority to the extent that sewer lines are constructed and available within the annexed area. The construction of new sewer lines within the annexed area will occur when the density of development makes new sewer lines feasible and funds for the construction of necessary sewer lines are made available as determined by the Hamilton County Water and Wastewater Authority and its board.

K. INSPECTION/CODE ENFORCEMENT

The Town of Signal Mountain currently provides inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services) to all areas within the Town limits. These same inspection and code enforcement services will be provided to the newly annexed area upon the effective date of annexation.

L. ANIMAL CONTROL

The Humane Educational Society currently provides the services of animal control and enforces the Town's leash laws and other animal control ordinances to all areas within the Town limits. These same services will be provided to the newly annexed area upon the effective date of annexation.

ORDINANCE NO. 2006-8

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING SEVEN PARCELS OF REAL PROPERTY CONTIGUOUS TO THE NORTHEASTERN TOWN LIMITS ADJACENT TO SHACKLEFORD RIDGE ROAD AT ANDERSON PIKE AND CONTINUING SOUTHWARD BETWEEN FOX RUN SUBDIVISION AND HIDDEN BROOK SUBDIVISION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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WHEREAS, the Acting Town Recorder has been authorized to give notice of a public hearing on June 12, 2006, with reference to the herein described annexation territory, to be held on June 12, 2006, at 7:00 p.m., which notice shall have been published in the daily newspaper of Chattanooga, Tennessee more than fifteen (15) days before June 12, 2006; and

WHEREAS, pursuant to T.C.A. § 6-51-102, as amended by Public Chapter 1101 of 1998, it is necessary to submit a plan of services to the Signal Mountain Planning Commission; and

WHEREAS, the Plan of Services which is attached to this Ordinance was approved by the Signal Mountain Planning Commission on April 27, 2006, as required by Tennessee law; and

WHEREAS, after a public hearing and investigation by the Town Council, it now appears that the prosperity of the Town and of the territory herein described and as described in said notice will be materially retarded, and the safety and welfare of the inhabitants and property of the Town and the herein described territory endangered if such territory is not annexed; and .

WHEREAS, the plan of services is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the Town of Signal Mountain as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that there be and hereby is annexed to the Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town an area adjacent to Shackleford Ridge Road, in Hamilton County, contiguous to the corporate boundaries of said Town which is more fully described as follows:

All real property contained within the following seven (7) maps and parcels of real property which are contiguous to the current northeastern Town limits and are adjacent to Shackleford Ridge Road at Anderson Pike and continuing southward following the Town limits between Fox Run subdivision and Hidden Brook subdivision which are contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, in the Shackleford Ridge Road Area, specifically including all property within:

Hamilton County Tax Map # 089 003;  
 Hamilton County Tax Map # 089 003.10;  
 Hamilton County Tax Map # 089 003.07;  
 Hamilton County Tax Map # 089 008  
 Hamilton County Tax Map # 089 010;  
 Hamilton County Tax Map # 098 001; and  
 Hamilton County Tax Map # 098 026

SUBJECT TO Governmental zoning and subdivision ordinances or regulations in effect thereon.

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the Town of Signal Mountain,

Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee.

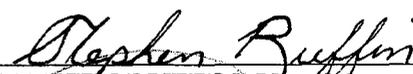
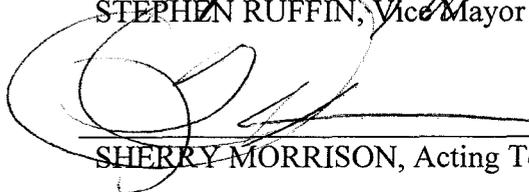
Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was approved by the Signal Mountain Planning Commission on April 27, 2006, pursuant to T.C.A. § 6-51-102, and is adopted as the Plan of Services for this annexation area shall be implemented in accordance with the terms and methods of services contained therein.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

Passed First Reading 5-08, 2006

Passed Second Reading 6-12, 2006

  
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STEPHEN RUFFIN, Vice Mayor  
  
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SHERRY MORRISON, Acting Town Recorder

**PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
MARCH, 2006**

The Town Council of the Town of Signal Mountain, Tennessee hereby proposes the following Plan for Provision of Services for certain property in the Shackleford Ridge Road area which is shown on the attached map for certain properties lying contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, which are described as follows:

Including all property within the following maps and parcels:

All real property contained within the following seven (7) maps and parcels real property which are contiguous to the current northeastern Town limits and are adjacent to Shackleford Ridge Road at Anderson Pike and continuing southward following the Town limits between Fox Run subdivision and Hidden Brook subdivision which are contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, in the Shackleford Ridge Road Area, specifically including all property within:

Hamilton County Tax Map # 089 003;

Hamilton County Tax Map # 089 003.10;

Hamilton County Tax Map # 089 003.07;

Hamilton County Tax Map # 089 008

Hamilton County Tax Map # 089 010;

Hamilton County Tax Map # 098 001; and

Hamilton County Tax Map # 098 026

A. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, will be provided when the need is established by appropriate traffic studies.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the Town's fire prevention staff and arson investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined and installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by the National Fire Underwriters' Association. As additional water lines are extended into the annexation area by Walden's Ridge Utility Service, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services into the annexed property as determined in the discretion of the Town Manager and the Town Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for construction of a fire substation to provide services to the annexed area on property owned by the Town and to assure the continued compliance with standards established by the National Fire Underwriters appropriate to maintain the existing fire insurance rating for all citizens within the Town.

D. REFUSE COLLECTION

The same regular refuse collection now provided by the Town will be extended to the annexed area on the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWAYTER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous chuck holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will be provided to the annexed area on the effective date of annexation.

2. Routine maintenance, on the same basis as is provided within the present Town limits, will be provided to the annexed area on the effective date of annexation.

3. Within six (6) months of annexation, street name signs will be installed as needed in all substantially developed areas of the annexed area.

4. Street lights will be installed within the annexed area under the same standards as now prevail in the present Town limits as needed.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six months after the effective date of annexation. Erosion and drainage services which are currently provided to all existing streets within the present Town limits shall be provided to the annexed area on the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the Town will be extended to the annexed area on the effective date of annexation. Town Planning services and zoning regulations will thereafter encompass the annexed area. Pending a review of the present zoning classifications within the annexed area by the Town of Signal Mountain Planning Commission and the Town Council within six (6) months of the effective date of annexation, the property within the annexed area shall be reclassified to a temporary classification of R-E Residential Estate District and shall be entitled to any use allowed pursuant to Article 614 of the Town's Zoning Ordinance.

G. RECREATION AND OTHER TOWN PROGRAMS

1. All recreational areas accessibility and programs which are provided for present Town residents will be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

2. All current recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

3. Access to the Town Library and the Mountain Arts Community Center facilities shall be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such accessibility and programs are provided to current Town residents.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided within the annexed area in the same manner as water service is currently provided by the Walden's Ridge Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided within the annexed area in the same manner as electric service is currently provided by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

Sewer services for any properties within the annexed area will continue to be provided in the same manner as such sewer services are currently provided by the Hamilton County Water and Wastewater Authority to the extent that sewer lines are constructed and available within the annexed area. The construction of new sewer lines within the annexed area will occur when the density of development makes new sewer lines feasible and funds for the construction of necessary sewer lines are made available as determined by the Hamilton County Water and Wastewater Authority and its board.

K. INSPECTION/CODE ENFORCEMENT

The Town of Signal Mountain currently provides inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services) to all areas within the Town limits. These same inspection and code enforcement services will be provided to the newly annexed area upon the effective date of annexation.

L. ANIMAL CONTROL

The Humane Educational Society currently provides the services of animal control and enforces the Town's leash laws and other animal control ordinances to all areas within the Town limits. These same services will be provided to the newly annexed area upon the effective date of annexation.

ORDINANCE NO. 2006-9

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN ROADS AND RIGHT OF WAYS AND TWO PARCELS OF REAL PROPERTY ON THE NORTHWESTERN BOUNDARY OF THE TOWN LIMITS CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING AN AREA ADJACENT TO SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

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WHEREAS, the Acting Town Recorder has been authorized to provide notice of a public hearing on June 12, 2006, with reference to the herein described annexation territory, to be held on June 12, 2006, at 7:00 p.m., which notice shall have been published in the daily newspaper of Chattanooga, Tennessee more than fifteen (15) days before June 12, 2006; and

WHEREAS, pursuant to T.C.A. § 6-51-102, as amended by Public Chapter 1101 of 1998, it is necessary to submit a plan of services to the Signal Mountain Planning Commission; and

WHEREAS, the Plan of Services which is attached to this Ordinance was approved by the Signal Mountain Planning Commission on April 27, 2006, as required by Tennessee law; and

WHEREAS, after a public hearing and investigation by the Town Council, it now appears that the prosperity of the Town and of the territory herein described and as described in said notice will be materially retarded, and the safety and welfare of the inhabitants and property of the Town and the herein described territory endangered if such territory is not annexed; and

WHEREAS, the plan of services is adopted and the annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as of the Town of Signal Mountain as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that there be and hereby is annexed to the Town of Signal Mountain, Tennessee, and included within the corporate boundaries of said Town an area adjacent to Shackleford Ridge Road, in Hamilton County, contiguous to the corporate boundaries of said Town which is more fully described as follows:

The legal description for the property to be annexed is set forth as follows:

All roads and accepted right of ways on the northwestern limits of the Town as shown on the attached map within the State of Tennessee property known as Prentice Cooper State Park, including that portion of Edwards Point Road and its right-of-way from the current Town of Signal Mountain town limits at Timberlinks Road northward to the intersection of Edwards Point Road and Shackleford Ridge Road, and then following that portion of Shackleford Ridge Road and its right-of-way from the intersection of Edwards Point Road and Shackleford Ridge Road, northeast to the current Signal Mountain Town limits which is adjacent to 4244 Shackleford Ridge Road; and further including that portion of Shackleford Ridge Road and its right-of-way beginning at the current Signal Mountain Town limits on the northeastern side of the Town adjacent to 5216 Shackleford Ridge Road and continuing northeast to the intersection of Shackleford Ridge Road and Anderson Pike; and further including all property contained within the following maps and parcels which are contiguous to the northwestern boundary of the Town as shown on the attached map; and

All real property contained within the following two (2) maps and parcels of real property which are contiguous to the northwestern boundary of the Town limits adjacent to Prentice Cooper State Forest and including the property within:

Hamilton County Tax Map # 088 036; and

Hamilton County Tax Map # 088 037 as shown on the attached map.

SUBJECT TO Governmental zoning and subdivision ordinances or regulations in effect thereon.

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the Town of Signal Mountain, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said Town of Signal Mountain, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto which was approved by the Signal Mountain Planning Commission on April 27, 2006, pursuant to T.C.A. § 6-51-102, and is adopted as the Plan of Services for this annexation area shall be implemented in accordance with the terms and methods of services contained therein.

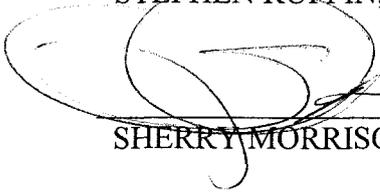
Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

Passed First Reading 5-08, 2006

Passed Second Reading 6-12, 2006

  
STEPHEN RUFFIN, Vice Mayor

  
SHERRY MORRISON, Acting Town Recorder

**PROPOSED PLAN OF SERVICES  
IN ACCORDANCE WITH  
TENNESSEE CODE ANNOTATED § 6-51-102  
MARCH, 2006**

The Town Council of the Town of Signal Mountain, Tennessee hereby proposes the following Plan for Provision of Services for certain property in the Shackleford Ridge Road area which is shown on the attached map for certain properties lying contiguous to the present corporate limits of the Town of Signal Mountain, Tennessee, which are described as follows:

Including all property within the following maps and parcels:

The legal description for the property to be annexed is set forth as follows:

All roads and accepted right of ways on the northwestern limits of the Town as shown on the attached map within the State of Tennessee property known as Prentice Cooper State Park, including that portion of Edwards Point Road and its right-of-way from the current Town of Signal Mountain town limits at Timberlinks Road northward to the intersection of Edwards Point Road and Shackleford Ridge Road, and then following that portion of Shackleford Ridge Road and its right-of-way from the intersection of Edwards Point Road and Shackleford Ridge Road, northeast to the current Signal Mountain Town limits which is adjacent to 4244 Shackleford Ridge Road; and further including that portion of Shackleford Ridge Road and its right-of-way beginning at the current Signal Mountain Town limits on the northeastern side of the Town adjacent to 5216 Shackleford Ridge Road and continuing northeast to the intersection of Shackleford Ridge Road and Anderson Pike; and further including all property contained within the following maps and parcels which are contiguous to the northwestern boundary of the Town as shown on the attached map; and

All real property contained within the following two (2) maps and parcels of real property which are contiguous to the northwestern boundary of the Town limits adjacent to Prentice Cooper State Forest and including the property within:

Hamilton County Tax Map # 088 036; and

Hamilton County Tax Map # 088 037 as shown on the attached map.

A. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, will be provided when the need is established by appropriate traffic studies.

C. FIRE

1. Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

2. Additional fire services such as those made available through the Town's fire prevention staff and arson investigation will be made available on the effective date of annexation.

3. Within six (6) months after annexation, the location of fire hydrants shall be determined and installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by the National Fire Underwriters' Association. As additional water lines are extended into the annexation area by Walden's Ridge Utility Service, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services into the annexed property as determined in the discretion of the Town Manager and the Town Council.

4. Within six (6) months after annexation, a study will be completed to determine the need for construction of a fire substation to provide services to the annexed area on property owned by the Town and to assure the continued compliance with standards established by the National Fire Underwriters appropriate to maintain the existing fire insurance rating for all citizens within the Town.

D. REFUSE COLLECTION

The same regular refuse collection now provided by the Town will be extended to the annexed area on the effective date of annexation.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWAYTER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous chuck holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will be provided to the annexed area on the effective date of annexation.

2. Routine maintenance, on the same basis as is provided within the present Town limits, will be provided to the annexed area on the effective date of annexation.

3. Within six (6) months of annexation, street name signs will be installed as needed in all substantially developed areas of the annexed area.

4. Street lights will be installed within the annexed area under the same standards as now prevail in the present Town limits as needed.

5. Stormwater and drainage services for all streets within the annexed area will be studied within six months after the effective date of annexation. Erosion and drainage services which are currently provided to all existing streets within the present Town limits shall be provided to the annexed area on the effective date of annexation.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the Town will be extended to the annexed area on the effective date of annexation. Town Planning services and zoning regulations will thereafter encompass the annexed area. Pending a review of the present zoning classifications within the annexed area by the Town of Signal Mountain Planning Commission and the Town Council within six (6) months of the effective date of annexation, the property within the annexed area shall be reclassified to a temporary classification of R-E Residential Estate District and shall be entitled to any use allowed pursuant to Article 614 of the Town's Zoning Ordinance.

G. RECREATION AND OTHER TOWN PROGRAMS

1. All recreational areas accessibility and programs which are provided for present Town residents will be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

2. All current recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to residents of the annexed area upon the effective date of annexation in the same manner as such programs are available to current Town residents.

3. Access to the Town Library and the Mountain Arts Community Center facilities shall be made available to the residents of the annexed area upon the effective date of annexation in the same manner as such accessibility and programs are provided to current Town residents.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided within the annexed area in the same manner as water service is currently provided by the Walden's Ridge Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided within the annexed area in the same manner as electric service is currently provided by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

Sewer services for any properties within the annexed area will continue to be provided in the same manner as such sewer services are currently provided by the Hamilton County Water and Wastewater Authority to the extent that sewer lines are constructed and available within the annexed area. The construction of new sewer lines within the annexed area will occur when the density of development makes new sewer lines feasible and funds for the construction of necessary sewer lines are made available as determined by the Hamilton County Water and Wastewater Authority and its board.

K. INSPECTION/CODE ENFORCEMENT

The Town of Signal Mountain currently provides inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services) to all areas within the Town limits. These same inspection and code enforcement services will be provided to the newly annexed area upon the effective date of annexation.

L. ANIMAL CONTROL

The Humane Educational Society currently provides the services of animal control and enforces the Town's leash laws and other animal control ordinances to all areas

within the Town limits. These same services will be provided to the newly annexed area upon the effective date of annexation.

ORDINANCE NO. 2006-10

AN ORDINANCE TO AMEND TITLE 19, CHAPTER 2, SIGNAL MOUNTAIN TOWN CODE, SECTION 19-205 REGARDING FEES TO INCLUDE CERTAIN ADMINISTRATIVE FEES FOR THE ISSUANCE OF A FUEL GAS PERMIT.

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Section 19-205 entitled "Fees" be amended to include certain administrative fees and the amended section shall state as follows:

**Sec. 19-205. Fees.**

(a) For each fuel gas installation there shall be an administrative fee for the issuance of the permit in the amount of twenty dollars (\$20.00). For the examination of an application for a permit for any construction, reconstruction, installation, reinstallation or alteration or repair covered by this chapter, the inspection division shall also collect, at the time of issuing such permit, for the use of the city, fees based on B.T.U. input as follows:

Less than 125,000 B.T.U. per hour, each object.....	\$	3.00
125,000-less than 250,000 B.T.U. per hour each object.....		4.00
250,000-less than 400,000 B.T.U. per hour each object.....		5.00
400,000-less than 1,000,000 B.T.U. per hour each object.....		6.00
1,000,000-less than 5,000,000 B.T.U. per hour each object.....		10.00
Over 5,000,000 B.T.U. per hour each object.....		20.00

In cases where more than five (5) objects in any category above are to be installed on one installation, the first five (5) objects will be at the maximum base cost for each. Additional objects will be at the rate of \$2.00 each.

(b) Reference to more than one (1) object covers the installation of furnaces or boilers and gas burners together or more than one (1) unit or combination in a given overall installation.

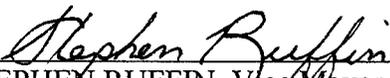
(c) These fees apply to all installation of circulators, boilers, gas burners, conversion gas burners, furnaces, combination of boilers and gas burners and stacks, or any other gas burning equipment except as hereinbefore excluded. The permit fees shall be paid to the inspection division prior to the approval of plans for such installations by the inspector or his representatives.

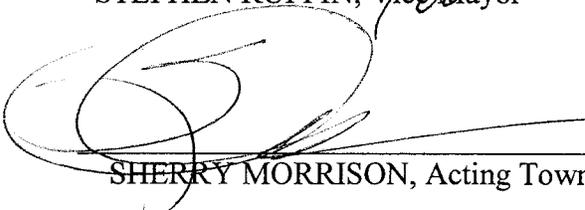
(d) Where installation of gas piping or appliances is commenced before a permit is obtained, the permit fees shall be doubled; provided, however, that, in case of emergency repair, work may be done; provided, further, that the necessary permits therefor must be obtained the following work day.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately from and after its passage as provided by law.

Passed First Reading 5-08, 2006

Passed Second Reading 6-12, 2006

  
STEPHEN RUFFIN, Vice Mayor

  
SHERRY MORRISON, Acting Town Recorder

ORDINANCE NO. 2006-11

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 12, SECTION 12-103 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL RESIDENTIAL CODE, CONCERNING WORK EXEMPT FROM PERMIT AND TO AMEND CERTAIN REFERENCES IN SECTIONS 12-401 AND 12-403 TO ADOPT CHAPTER 41 OF THE INTERNATIONAL RESIDENTIAL CODE AS THE SWIMMING POOL CODE FOR THE TOWN.

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SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Section 12-103 of the Signal Mountain Town Code be further amended to revise the following amended sections of the International Residential Code, 2003 edition, as hereinafter provided:

- a) Section R108.2 Schedule of fees is deleted in its entirety and the following language shall be substituted in lieu thereof:

All fees approved by the Town under § 108.2 of the International Building Code, as amended, shall be collected in the same manner under this section.

- b) Section R112 is amended by deleting such section in its entirety and substituting in lieu thereof the following language:

Section R112. Construction Board of Appeals.

The Construction Board for the Town of Signal Mountain shall hear Building, Residential, Electrical, Fire, Fuel Gas, Life Safety, Mechanical and Plumbing appeals of the Signal Mountain Town Code as established by Section 12-601, et seq., and shall act as the Board of Appeals for appeals from any decision of the Building Official or any designee and to consider variances of the technical codes as provided in this Code.

- c) Section R105.2 is amended by deleting section 2 under Building regarding Fences not over 6 feet.

- d) **R311.4.1. Exit doors required.** Not less than two exit doors conforming to this section shall be provided for each dwelling unit. The required exit doors shall provide for direct access from the habitable portions of the dwelling to the exterior without requiring travel through a garage. Access to habitable levels not having an exit in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.

**Exception:** Travel through a garage is allowed when the exterior wall of the garage has an exit door meeting the requirements of Section R311.4.2.

- e) **R311.4.2. Door type and size.** The required exit door shall be a side-hinged door not less than 3 feet (914mm) in width and 6 feet 8 inches (2032mm) in height. Other doors shall not be required to comply with these minimum dimensions.

**Exception:** The second means of egress exit door shall be a side-hinged door or a side sliding door not less than 2 feet 8 inches (812mm) in width and 6 feet 8 inches (2032mm) in height.

- f) **Section R403.** Table R403.1 entitled Minimum Width of Concrete or Masonry Footings is deleted in its entirety and the following Amended Table and subsection is adopted in lieu thereof:

**TABLE R403.1**  
**MINIMUM WIDTH OF CONCRETE OR MASONRY FOOTINGS**  
**(inches)<sup>a</sup>**

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
<b>Conventional light-frame construction</b>				
1-story	16	16	16	16
2-story	20	16	16	16
3-story	27	21	16	16
<b>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</b>				
1-story	16	16	16	16
2-story	25	20	16	16
3-story	36	28	20	16
<b>8-inch solid or fully grouted masonry</b>				
1-story	20	16	16	16
2-story	33	25	18	16
3-story	46	36	25	20

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kN/m<sup>2</sup>.

Where minimum footing width is 16 inches, a single wythe of solid or fully Grouted 12-inch nominal concrete masonry units is permitted to be used.

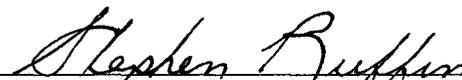
**R403.1.3.1 Foundations with stemwalls.** Foundations with stemwalls shall be provided with a minimum of one No. 4 bar at the top of the wall and one No. 4 bar at the bottom of the footing.

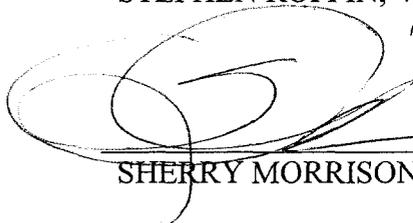
- f) Any reference to the International Electrical Code shall be deleted from the reference standards in Chapter 43 of the International Residential Code and all such references within the International Residential Code shall be construed to reference the appropriate official codes adopted by the Town of Signal Mountain.
- g) Chapter 41 of the International Residential Code, 2003 edition, is adopted as the current swimming pool code for the Town of Signal Mountain. All references to the "Standard Swimming Pool Code, 1991 edition" or standard building code shall be deleted from Sections 12-401 and 12-403 and such sections shall reference instead "Chapter 41 of the International Residential Code, 2003 edition" as the Swimming Pool Code for the Town.

SECTION 2. That this Ordinance shall become effective immediately after its passage.

Passed First Reading 5-08, 2006

Passed Second Reading 6-12, 2006

  
STEPHEN RUFFIN, Vice Mayor

  
SHERRY MORRISON, Acting Town Recorder

Date: 6/12/06

NAME	ADDRESS
1. Lori + Rick Govan	113 RIVER POINT ROAD
2. Alice Shetcher	1113 Crown Point Rd W.
3. Britt Reynolds	120 St Charles
4. Mary Rowland	902 Crown Pt. Rd. W
5. Charlie Rowland	902 Crown Pt. Rd W
6. Siira Morris	4820 Shackleford Rdg Rd
7. JAY MORRIS	"
8. Richard Barral	1123 James Blvd
9. Joe Dumas	1111 James Blvd.
10. Prii + MARK MARTIE	501 James Blvd
11. Mary Ann	109 Stratford Way
12. Rose Olipiant	296 Cherokee Ln
13. Jean Nolan	1004 Ladder
14. Judae Ousman	14 Rockcrest Dr.
15. Mark Jones	Stone Mt. Community Hous
16. Tim + Mary McLean	31 Ridge Rock
17. Judy Chapman	161 Woodcliff Cir.
18. J. Marisa Nentwig	311 Sip Hts. Blvd
19. Tom + Monique Potect	111 River Point Rd
20. John Ah	205 North Palisades
21. Tom BAIRD	2020 Corbett Rd
Penny Selman	7 Windy Way
Tad Bremfield	36 Old RIDING WAY
Jean Anderson	202 Louisiana Ave

Date: June 12, 2006

NAME	ADDRESS
1. Annette Doog	43 Carriage Hill
2. Claire Guesing	40 Carriage Hill
3. Phil Freeman	Hidden Brook
4. Evan Quinley	CARRIAGE HILL
5. Colleen Connor	Hidden Brook
6. John Houstrop	509 Brady Point Rd.
7. Dan Monroe	907 Cherokee Ln
8. Brenda Monroe	907 Cherokee Ln.
9. Jean Halland	213 Timberlents Dr.
10. Ann Evans	1179 James Blvd
11. Dave Evans	1179 James Blvd
12. Rachel Miller	812 James Blvd.
13. Heather Seay	119 River Point Rd.
14. Huguelyts	4446 Shackelford Ridge
15. Pete Garland	919 Glamis Circle
16. Jake Garland	919 Glamis Circle
17. Cystere Hines	100 Mt. Court
18. Jan H. Pugh	506 Brady Pt Rd
19. Julie Ruff	400 Brady Pt Rd.
20. Linn M. Hines	310 Oak Ave
21. John C. Wynne	58 Signal Mtn, Blvd

Date: June 12, 2006

NAME	ADDRESS
1. Bill Lusk	212 N. PALISADES DR
2. Mary Caldwell	405 Brady Pt
3. Bert Bunter	1414 Mtn Brook
4. Bill Bunter	1111
5. Cindy Keane	511 Fern Tr.
6. John Kinard	311 N. PALISADES
7. Tom Turner	507 Boulder Place
8. He Bruch	407 5th St.
9. Cindy Evans	408 Signal At Blvd.
10. DONALD OBRECHT	40 OLD RIDING WAY
11. Olga Satterfield	#3 Purnose Circle
12. John M. Chan	601 James Blvd.
13. Larry McClure	908 Dundanone Rd
14. Mary Beth McClure	908 Dundanone Rd
15. Nancy Freeman	14 Northfield
16. Phil Freeman	14 Northfield
17. Mary Seay	119 River Pt. Rd.
18. Sis Moyer	106 Florida Ave.
19. Ellis Umbage	937 Range Rd.
20. K. Varner	607 Albert Rd
21. Susan & Jerry Roberts	115 River Point