

*****January 8, 2007*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, January 8, 2007, at 7:00 p.m. in the Town Hall. Those present were:

Mayor Paul Hendricks
 Vice-Mayor Hershel Dick
 Councilmember Annette Allen
 Councilmember Bill Lusk

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

Mayor Hendricks called the meeting to order and led the Pledge of Allegiance to the Flag. The Mayor welcomed Father Patrick Brownell from St. Augustine Catholic Church, also serving his country in the National Guard, who gave the prayer. Roll call found all present with the exception of Lizetta Paturalski who submitted her formal resignation on the evening of December 11, 2006.

Councilmember Allen moved that the minutes of the December 11, 2006, regular meeting, the December 12, 2006, Special-Orientation Meeting, the December 15, 2006, Special Orientation Meeting, and the January 5, 2007, Special Called Meeting/Workshop Session all be approved on one motion. The motion was seconded by Vice-Mayor Dick and passed unanimously.

Ms. Campbell introduced Mr. Jarred Thompson who was the new full-time Recreation Director. Mr. Thompson gave his background and plans for the future. The Mayor welcomed him.

The Mayor explained the first resolution "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO DESIGNATE THAT ALL SALES TAX PROCEEDS COLLECTED BY THE TOWN OF SIGNAL MOUNTAIN BETWEEN JULY AND DECEMBER OF 2006 SHALL BE CREDITED TO CONSTRUCTION FUNDING FOR THE HIGH SCHOOL-MIDDLE SCHOOL BUILDING WHICH IS LOCATED WITHIN THE TOWN OF SIGNAL MOUNTAIN IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT DATED SEPTEMBER 28, 2005, WITH THE TOWN OF WALDEN, HAMILTON COUNTY, TENNESSEE, AND THE HAMILTON COUNTY SCHOOL BOARD". Mayor Hendricks asked Mr. Noblett to review the history of the sales tax. The Mayor suggested that for the next six months the sales tax money be dedicated to the high school funding and determine later how the Town could apply that and retain control over that money until the needs could be determined. Hopefully the county would accept that as part of the Town's contribution

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Mr. Noblett said the Town should have an inter-local agreement with the county that the payments would go to the Town's contribution. Councilmember Allen discussed some of the problems that needed to be taken care of at the MACC including the heating system. She asked if the Town had money in the reserve fund or other monies to cover that. The Mayor said he thought the Town could dedicate the money to MACC the second half of the year. He said the county was not obligated to make improvements to MACC. Vice-Mayor Dick moved that the resolution be removed. The motion was seconded by Councilmember Lusk

The first ordinance was "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 5, TO ADD A NEW CHAPTER 5, ENTITLED TOWN FEES TO SET THE RATES ON GYM RENTAL FEES AND NON-RESIDENT FEES FOR USE OF TOWN FACILITIES" to be passed on second reading. Ms. Campbell explained the need for increased rates for gym rental. Councilmember Allen moved that the ordinance be passed on second reading. The motion was seconded by Vice-Mayor Dick. Ms. Campbell explained how groups were approved for using the gym. Councilmember Lusk asked how the non-resident passes were handled. Ms. Campbell explained. The motion passed unanimously on second reading.

The second ordinance considered by the Council on second reading was "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 9, CHAPTER 1, SECTION 9-103, REVISING THE FEE FOR PERMIT APPLICATIONS FOR PEDDLERS". The Mayor explained the Town had been charging \$25 per person for solicitation permits. He said it costs the Town more than that to investigate the applicants. Vice-Mayor Dick moved that the ordinance be approved on second reading. Councilmember Allen asked if the solicitors would be required to wear an I.D. The motion was seconded by Councilmember Lusk and passed unanimously.

The next ordinance to be considered on second reading was "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 5, CHAPTER 2, TO ADD A NEW SECTION 5-203 TO ALLOW THE SIGNAL MOUNTAIN TOWN MANAGER TO ROUND PROPERTY TAXES, INTERESTS, AND PENALTIES". Councilmember Allen moved that the ordinance be passed on second reading. The motion was seconded by Vice-Mayor Dick and passed unanimously.

The fourth ordinance brought before the Council was "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, CHAPTER 2, SECTION 1-201, ADOPTING THE MUNICIPAL TECHNICAL ADVISORY SERVICE ("MTAS") PROPOSED CODE OF ETHICS FOR TOWN OF SIGNAL MOUNTAIN PERSONNEL". Mr. Noblett said from the last reading he had made an amendment to Section 1-205 stating that any annual gift provided to the Town employees by the S. M. Robertson Police and Fire Christmas Fund or the Town Employees Christmas Fund shall not constitute money, gift or gratuity or other consideration or favor prohibited by this

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section. Councilmember Allen moved that the ordinance be passed on first reading. The motion was seconded by Councilmember Lusk and passed unanimously.

The next ordinance to be considered by the Council on first reading was "AN ORDINANCE TO AMEND ORDINANCE NO. 2006-12, ENTITLED THE "FY 2006-2007 BUDGET ORDINANCE" SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THIS BUDGET YEAR IN THE AMOUNT OF THIRTY-FIVE THOUSAND AND 00/100 (\$35,000.00) TO BE TRANSFERRED TO EXPENDITURES IN THE GENERAL FUND TO INCLUDE ADDITIONAL HOURS AND SALARIES IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF SEVEN THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$7,100.00), AND FOR BENEFITS IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF TWELVE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$12,900.00), AND TO PROVIDE NINE THOUSAND AND 00/100 DOLLARS (\$9,000.00) FOR A PROFESSIONAL COMPENSATION PAY PLAN, AND FOR ADDITIONAL BENEFITS IN THE JUDICIAL DEPARTMENT IN THE AMOUNT OF SIX THOUSAND AND 00/100 DOLLARS (\$6,000.00), AS SET FORTH IN THE ATTACHED AMENDED BUDGET DURING THIS FISCAL YEAR". Councilmember Allen moved that there be a discussion of this ordinance. The motion was seconded by Vice-Mayor Dick. Ms. Campbell explained the reasons for this amendment. It was decided that Mr. Noblett would re-do the ordinance and have it ready for first reading at the February meeting.

"AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 9, CHAPTER 1, TO ADD A NEW SECTION 9-113 ENTITLED HOURS FOR SOLICITATION AFTER OBTAINING PERMIT" was the last ordinance to be considered on first reading. The Council discussed making photo I.D.s for solicitors. The Mayor asked how citizens felt about solicitors on weekends. It was decided the solicitation hours would be from 9 a.m. to 5 p.m. Monday through Friday. The Mayor asked Mr. Noblett to draft something dealing with exempting school-age organizations. Mr. Noblett suggested there be a separate section on hours of solicitation and something about permit display and exempting minors living within the Town for school purposes and Girl and Boy Scouts within the Town not having to have a type of display. Mr. Noblett would have something drafted for the January 22, 2007, meeting. No vote was taken on this ordinance.

Ms. Lou Oliphant reported the Planning Commission met on January 4, 2007, and had a request from the AmSouth Bank to rezone property in the 500 block of Ault and Hampton Roads. She said a motion was made to deny the requests to rezone which passed by seven votes with Mr. Hamilton abstaining. Vice-Mayor Dick moved that the Council vote to accept the recommendation of the Planning Commission that the request for rezoning be denied. The motion was seconded by Councilmember Allen and passed unanimously. Ms. Oliphant said the Commission had a request for annexation of 6.7

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acres that would be connected to St. Ives, Lot 36. There was a motion to defer until the Commission could get with the president of the homeowners' association and the owner of Lot 36 and get more information. Mr. Noblett explained the details of the request. Ms. Oliphant said the Town had been investigating the annexation of Fox Run and Windtree Subdivisions and Ms. Campbell explained the changes that were made. There was recommendation to the Council that the Town annex both Fox Run and Windtree Subdivisions one at a time at the discretion of the Town Council. Mr. Noblett explained the steps for annexation and said he would prepare an ordinance for annexation. Ms. Oliphant said the Commission decided the sidewalk issue should be covered in the Land Use Plan and 5 feet seemed to be the ideal width of sidewalks. She also reported that Mr. Don Claussen, 505 Barrington Road, asked for guidance on the procedure to close a stretch of road in Shepherd Forest. She said the name of the road was Shadow Ridge Drive.

Mayor Hendricks suggested a public meeting on annexation of Fox Run and Windtree Subdivisions, one at a time, and choosing which one would be first. He hoped to have some public meetings on the annexation maybe in the spring.

Mayor Hendricks asked Mr. Tom Brien to explain the first Signal Mountain American Cancer Society Relay for Life. Mr. Brien said it would be May 18 and 19, 2007, an overnight event held at Signal Mountain Middle School. He said there was a kickoff party on January 25, 2007, 7 p.m. at MACC. He said all were encouraged and invited to attend. Debbie Fassino talked to the Council about her experience with the Relay for Life.

Mayor Hendricks announced that a Scout, Landon Gary, was working on a project and was collecting retired flags, ones too tattered for use. He said there was a ceremony for those flags, burning them, which was a very honorable and moving ceremony. He said he was accepting them at the Recycle Center in a receptacle. The Mayor asked people to bring old flags to the Recycle Center.

Ms. Susan Robertson addressed the solicitation issue. She said since the Town had community newspapers, it could be announced in them that the Scouts were going to be selling cookies, etc.

Ms. Margaret Spittler asked if there had been any interest in the Council position.

Ms. Lisa Crowder, representing the Founders Fund, advised the committee would be available to help the Council.

Mr. Dun Monroe, Cherokee Lane, said he starting going to MACC to Weight Watchers and he suggested the Town could send out bulk mail and ask for contributions for MACC. Mr. Noblett said if a non-profit organization wanted to help MACC that might be possible. Mr. Eric Shubert said there was a Friends of MACC, and they had

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fundraisers during the year. He said they had thought about sending out mailings requesting contributions for MACC. He said MACC had critical needs..

Ms. Ann Evans was concerned about a safety issue. She was worried about the dead trees coming up and going down the mountain. She mentioned a few in particular. She was told some of them were probably on private property and TDOT could not do anything about them. She also said if things needed to be done at MACC it seemed it would make more sense to take care of MACC, first, before the high school.

Ms. Lisa Crowder said she and other volunteers had spent many hours researching what the high school would need and it was important that all the things that were needed should be there. She asked what was the Town's responsibility to MACC? The Mayor said the heating situation was very important now. He hoped private contributions could be obtained. The Mayor said the Town's goal was to own the MACC building.

Mayor Hendricks announced that today was the cutoff for those interested in being on the Council. He gave the names of those who had expressed interest. He mentioned the fact there was a rumor that a decision had been made already. He said this was not true. He said the decision will be made on January 22.

Councilmember Allen questioned whether or not people knew the Town was going to appoint a Communications Committee. She asked if that could be added to the openings the Town had listed in the papers. It was decided to list the names of the Chairmen of the different Board, Committees, and Commission so those interested in serving could call for information.

There being no further business, the meeting was adjourned.



Dr. Paul Hendricks, Mayor



Recorder

Date: January 8, 2006 7:00 p.m.

NAME	ADDRESS
1. <u>Dynn & Brenda Monroe</u>	<u>907 Cherokee Ln</u>
2. <u>Bampf Pam Winkley</u>	<u>504 Ault Rd</u>
3. <u>Nick Western</u>	<u>29 Mountain Orchard Path</u>
4. <u>Melvin Campbell</u>	<u>105 South Drive</u>
5. <u>Joan & Robert</u>	<u>115 River Point Rd</u>
6. <u>Fern & Robert</u>	<u>" " " "</u>
7. <u>John & Jean</u>	<u>Timberline Pkwy</u>
8. <u>Robert & Ruth</u>	<u>102 South Hill</u>
9. <u>Mary Weston</u>	<u>1150 James Blvd.</u>
10. <u>Sandra Morgan</u>	<u>434 Ault Rd.</u>
11. <u>Debbie Fastno</u>	<u>125 Arrow Drive</u>
12. <u>Ashley Tanis</u>	<u>906 Timesville Rd.</u>
13. <u>Craig Honey</u>	<u>416 Ault Rd.</u>
14. <u>Don Gausman</u>	<u>505 Barrington Rd</u>
15. <u>Thomas & Esme Brien</u>	<u>103 Primrose Way</u>
16. <u>Lou Olyphant</u>	<u>711 Cherokee</u>
17. <u>Jean Dolan</u>	<u>1004 Ladder</u>
18. <u>Dean Holland</u>	<u>213 Timberlane</u>
19. <u>Margaret Spittler</u>	<u>505 Rollingway</u>
20. <u>Jeanne Geiser</u>	<u>510 " "</u>
21. <u>Lisa Shander</u>	<u>2506 Fox Run Dr</u>

ORDINANCE NO. 2007-1

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 5, TO ADD A NEW CHAPTER 5, ENTITLED TOWN FEES TO SET THE RATES ON GYM RENTAL FEES AND NON-RESIDENT FEES FOR USE OF TOWN FACILITIES.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Title 5, be amended to add a new Chapter 5, which shall state as follows:

CHAPTER 5

GYM RENTAL FEES AND
NON-RESIDENT FEES FOR USE
OF TOWN FACILITIES

5-101 Gym Rental Fees. The fees for using the Town gymnasium shall be paid by residents and non-residents in accordance with the schedule below:

Town Resident Rate:

Town Functions and Town sanctioned Recreation leagues	No Charge
Non-profit with no admission fee	\$ 20.00 per hour
Non-profit with admission fee	\$ 34.00 per hour
	(or 10% of gross revenue – whichever is greater)
For profit with no admission fee	\$ 38.00 per hour
For profit with admission fee	\$ 42.00 per hour
	(or 20% of gross revenue – whichever is greater)
Individuals for private birthday parties, etc.	\$ 20.00 per hour
Town Sanctioned Community Organizations	\$ 10.00 per hour

Non-Resident Rate:

An annual fee of \$10.00 will be added for non-resident usage of the Town Gymnasium in addition to the above-listed hourly rates.

5-102

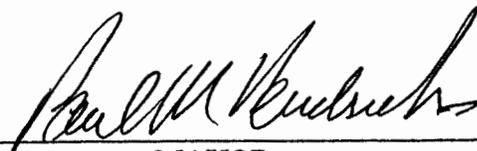
Non-Resident Fees for Use of Town Facilities. The Town shall issue non-resident cards on a calendar basis to individuals or families that do not live within the Town but desire to use the Town's facilities. The costs for non-resident cards for various facilities paid for by Town taxpayers shall be as follows:

<u>Facility</u>	<u>Annual Fee</u>
Swimming Pool	\$ 29.00
Tennis Courts	\$ 3.00
Ball fields	\$ 34.00
Summer Camps	\$ 3.00
Gymnasium	\$ 10.00, plus hourly rates as specified in 5-101.
MACC	\$ 21.00 (MACC offers a reduction in class costs rather than collect this fee).
Library	\$ 49.00
Recycle Center	\$ 15.00
Transfer Station	\$ 59.00
TOTAL	\$ 219.00

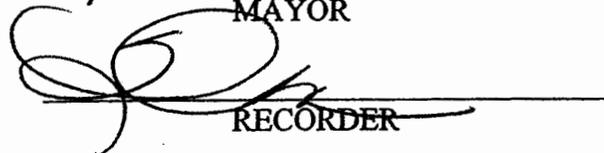
SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 12-11, 2006.

Passed Second Reading 1-08-07, 2006.



MAYOR



RECORDER

PAN/kac

ORDINANCE NO. 2007-2

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 9, CHAPTER 1, SECTION 9-103, REVISING THE FEE FOR PERMIT APPLICATIONS FOR PEDDLERS.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Title 9, Chapter 1, Section 9-103 is hereby amended by deleting said section in its entirety and substituting in lieu thereof the following:

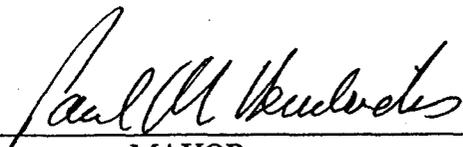
9-103. **Application for permit.** Applicant for a permit under this chapter must pay the town manager a fee of seventy-five dollars (\$75.00) and file a written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance and if so, the nature of the offense and the punishment or penalty assessed therefor.
- (7) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (8) Such other available evidence as will enable an investigation to evaluate the applicant's moral reputation and business responsibility.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 12-11, 2006.

Passed Second Reading 1-08-07, 2006.



MAYOR


RECORDER

PAN/kac

ORDINANCE NO. 2007-3

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 5, CHAPTER 2, TO ADD A NEW SECTION 5-203 TO ALLOW THE SIGNAL MOUNTAIN TOWN MANAGER TO ROUND PROPERTY TAXES, INTERESTS AND PENALTIES.

WHEREAS, Tennessee Code Annotated, Section 67-5-103 authorizes municipalities to impose taxes on property for municipal purposes on the value of such property as the same is ascertained by the assessment for state taxation; and

WHEREAS, the Signal Mountain Town Charter, Article IV, Section II, authorizes the Town Council by ordinance to levy taxes for the Town of Signal Mountain; and

WHEREAS, the rounding of ad valorem property tax amounts to the nearest dollar would simplify and expedite the payment and collection of property taxes in the Town of Signal Mountain; and

WHEREAS, the rounding of property taxes, interests and penalties will not significantly impact the revenues of Signal Mountain, Tennessee; and

WHEREAS, the rounding of property taxes, interests and penalties will be a convenience to Town taxpayers; and

WHEREAS, the Town Council of the Town of Signal Mountain desires to authorize the Town Manager of Signal Mountain, Tennessee to round property taxes, interests and penalties to the nearest dollar;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED, BY THE COUNCIL FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Title 5, Chapter 2, is amended by adding a new Section 5-203, which shall state as follows:

5-203. Rounding of Property Taxes, Interests, and Penalties. The Town Manager is hereby authorized to round individual ad valorem property tax amounts and delinquent interests and penalties to the nearest dollar. Such rounding shall be applied uniformly to all property tax bills in the Town for real and personal property, whether such property is locally assessed or centrally assessed and shall be accomplished by rounding amounts ending in \$0.01 to \$0.49 down to the nearest dollar, and amounts ending in \$0.50 to \$0.99 up to the nearest dollar. Such rounding shall apply to both the tax amount and any interest and penalty added to delinquent taxes.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 12-11, 2006.

Passed Second Reading 1-08-07, 2006.



MAYOR


RECORDER

PAN/kac