

*****JANUARY 22, 2007*****

The Town Council of the Town of Signal Mountain held a special called meeting on Monday, January 22, 2007, at 3 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 Attorney Phil Noblett
Town Recorder Sherry Morrison
See attached list for others present

Mayor Hendricks called the meeting to order and welcomed those present. Roll call found all Councilmembers present.

Mayor Hendricks said they would not deal with the sales tax issue during this meeting. He read a statement clearing up some misunderstandings. "Democracy is alive and well on Signal Mountain. First, I want to announce the Town Council has made no decision and has taken no vote on the sales tax funds for this fiscal year. Second, while I am always extremely reluctant to speak for my fellow Councilmembers, I will go out on a limb and state we all support a first-class public high school on Signal Mountain. I want to explain my recent suggestions. When I was elected I realized the previous Town Council had dedicated sales tax money to the high school. I was made aware there was a legal opinion. This wouldn't happen unless we did it on an annual basis. Therefore, I prepared to propose this. The weekend before my proposal I became aware of an acute problem of the heating system at MACC failing, leading to extremely uncomfortable cold and essentially making the facility unusable and leading to potential loss of tenants. Therefore, I decided to suggest that we use some of the money for the MACC. I came up with this idea entirely on my own just sitting at home thinking how are we going to fix this problem without discussing it with anyone. Since then many concerns have been raised about this proposal. In retrospect, I got ahead of the issue. I should have taken more time to research and evaluate all the options. The rest of the Council has wisely asked that we take more time to evaluate this during the budgeting process. And I think is a reasonable request. We can accomplish nothing if we don't work together as a Council and as a community. I regret I let my passion and enthusiasm get ahead of my knowledge. I remain committed to funding the high school and to providing a reliable heating system for the MACC along with evaluating their other needs. I also have great respect for my responsibility for the fiscal status of the Town. I appreciate the input of all

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citizens on various aspects of this issue and I look forward to continue to hear more from you. Signal Mountain citizens are nothing if not passionate. I only ask that we treat each other with respect and courtesy and I appreciate the patience of the Town and the Council as I learn my job and the best way to accomplish our goals. I look forward to working with the Council and citizens in the best interest of the Town on this issue and many others.”

Mayor Hendricks moved to selecting a new Councilmember. He invited the candidates to address the Council if they chose to. The Councilmember candidates were James Althaus, Frank Chandler, Joe Dumas, Courtney Hoss, Sandra McCrea, and Susan Robertson. All candidates spoke of their desires to serve the community by being on the Council.

The Mayor opened the floor to the Council for discussion. Councilmember Lusk thanked former Mayor Althaus for his time on the Council. He spoke for Ms. Robertson. Councilmember Allen concurred with Councilmember Lusk. Vice-Mayor Dick spoke for Ms. Robertson also. Mayor Hendricks also spoke for Ms. Robertson. Ms. Robertson was elected unanimously. Mayor Hendricks thanked all the candidates. He said he was hoping to find positions on Committees, Commissions, and Board for those wanting to serve. Mayor Hendricks said a swearing in ceremony for new Councilmember Robertson would be set.

The first resolution to come before the Council was “A RESOLUTION APPOINTING TOWN MANAGER, DIANA CAMPBELL, AS THE TOWN OF SIGNAL MOUNTAIN’S REPRESENTATIVE ON THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY BOARD”. Vice-Mayor Dick explained he had served on this authority and he had asked Ms. Campbell to serve on it as Town Manager. He moved that the resolution be passed. The motion was seconded by Councilmember Allen and it passed unanimously.

The second resolution brought before the Council was “A RESOLUTION URGING THE TENNESSEE DEPARTMENT OF TRANSPORTATION (“TDOT”) TO RESTRICT ACCESS OF ALL COMMERCIAL VEHICLES ALONG U. S. HIGHWAY 127 AND STATE ROUTE 8 WITHIN THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE TO LOCAL DELIVERIES ONLY”. Mayor Hendricks asked Councilmember Lusk to give an update on the mountain road issues. Councilmember Lusk explained that he and the Mayor had met with TDOT in Nashville and made a lot of progress on the issues. Councilmember Lusk moved that the resolution be approved. The motion was seconded by Councilmember Allen and passed unanimously.

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The first ordinance to be considered to be passed on second reading 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". Vice-Mayor Dick moved that the ordinance be approved on second reading. Councilmember Lusk seconded the motion and it passed unanimously.

The last ordinance to be brought before 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 TWENTY NINE THOUSAND ONE HUNDRED AND 00/100 (\$29,100.00) TO BE USED FOR EXPENDITURES IN THE GENERAL FUND TO INCLUDE ADDITIONAL HOURS AND SALARIES IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF THREE THOUSAND FIVE HUNDRED FIFTY AND 00/100 DOLLARS (\$3,550.00); FOR BENEFITS IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF SIX THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$6,150.00), 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 TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$2,500.00), AND TO PROVIDE FOR ADDITIONAL REVENUE OF SEVEN THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$7,900.00) FROM THE LIBRARY BOARD FOR ADDITIONAL EXPENITURES FOR NEW WINDOWS AND SIDING FOR THE LIBRARY IN THE AMOUNT OF SEVEN THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$7,900.00) AS FORTH IN THE ATTACHED AMENDED BUDGET DURING THIS FISCAL YEAR". Ms. Campbell explained these changes. Vice-Mayor Dick moved that the ordinance be passed on first reading. Councilmember Allen seconded the motion and after a short discussion, the motion passed unanimously.

Mr. Althaus addressed the Council regarding the road going up the mountain and gave them the history in the last 12 years or so. He said about 12 years ago in discussions with the Tennessee Department of Transportation; the TDOT misunderstood what the Town was asking for. He said the Town was asking for help with the road at the foot of the mountain, not the road up the mountain. He encouraged the Council to continue to work with TDOT on improving the road up the mountain.

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Ms. Annie Hall, 12 Highdown Court, a resident since 1975, said she had recently written a letter to the Councilmembers regarding the high school on the mountain. She said the letter was written to express her thoughts about using the sales tax for repairing MACC. She said tragic divisions had been made on the mountain that would not benefit anyone. She said there were three options for using the sales tax funds and she hoped the Council would look at all these. She hoped citizens would make donations to the Founders Fund.

Ms. Lisa Shander, Fox Run, congratulated new Councilmember Susan Robertson. She also thanked the Council for revisiting the use of the collected sales tax money. She said the Founders Fund was not requesting the money be given to them, but that the Council would let them help to find a project that would meet the Council's criteria and have a positive impact at the new school. She assured the Council that the Founders Fund would work with them in a very friendly manner.

Ms. Lou Oliphant, Cherokee Lane, stated she was concerned about the articles that had appeared in the news. She said it was not the super highway the citizens did not want; it was the 9 degree grade they did not want. She said the TDOT would not compromise. She said she did not think the Town missed a chance then.

Mr. Althaus asked how the resolution passed tonight, regarding commercial vehicles using the road up the mountain, was going to be enforced. Mr. Noblett said the resolution was asking TDOT to impose those restrictions here. And if that happened, the Council would pass an ordinance to enforce the restrictions.

Mr. Joe Dumas thanked the citizens who asked to be considered for the vacant Council position and congratulated Ms. Robertson on being appointed as the new Councilmember. He asked to be called on if needed.

Ms. Barbara Smith, South Drive, thanked the Council for the new Councilmember. She also spoke about better communication.

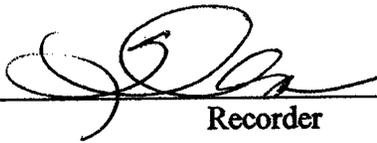
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Mayor Hendricks explained Councilmember Lusk's suggestion of having a pre-meeting meeting the week before the regular Council meeting in order to determine the agenda for the regular meeting. He said the only decisions that would be made at those meeting would be the agenda items for the regular meeting. The Mayor suggested Wednesday, February 7, at 9 a.m. The Council agreed on that date.

There being no further business, the meeting was adjourned.



Dr. Paul M. Hendricks, Mayor



Recorder

Ballot for Town Council Seat

CANDIDATE NAME	1 ST VOTE	2 ND VOTE	3 RD VOTE
Althaus, Jim			
Chandler, L. Frank			
Dumas, Joe			
Hoss, Courtney			
McCrea, Sandra			
Robertson, Susan	✓		


Vice-Mayor Hershel Dick

Town of Signal Mountain – January 22, 2007

Ballot for Town Council Seat

CANDIDATE NAME	1 ST VOTE	2 ND VOTE	3 RD VOTE
Althaus, Jim			
Chandler, L. Frank			
Dumas, Joe			
Hoss, Courtney			
McCrea, Sandra			
Robertson, Susan	✓		



Mayor Paul Hendricks

Town of Signal Mountain – January 22, 2007

Ballot for Town Council Seat

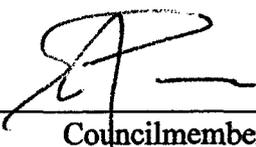
CANDIDATE NAME	1 ST VOTE	2 ND VOTE	3 RD VOTE
Althaus, Jim			
Chandler, L. Frank			
Dumas, Joe			
Hoss, Courtney			
McCrea, Sandra			
Robertson, Susan	✓		



Councilmember Annette Allen

Ballot for Town Council Seat

CANDIDATE NAME	1 ST VOTE	2 ND VOTE	3 RD VOTE
Althaus, Jim			
Chandler, L. Frank			
Dumas, Joe			
Hoss, Courtney			
McCrea, Sandra			
Robertson, Susan	✓	✓	✓



Councilmember Bill Lusk

Date: January 22, 2006 7:00 p.m.

NAME	ADDRESS
1. Susan & Jerry Roberts	115 River Point Rd
2. Mark & Pat Stewart	501 James Blvd
3. Frank Chordler	55 Cool Springs
4. Frank Roberts	968 Sprad Rd
5. Jack McGee	1058 Whippoorwill
6. Don Strickland	1058 Whippoorwill
7. Olga Astorga	#3 Primrose Circle
8. Jim Althaus	108 STAFFORD WAY - SEVACON
9. Mike O'Neil	Times free Press
10. Don Clauson	505 Bermington Rd
11. Bo Olesky	11 St Ives Way
12. M McCune	908 Dunsinane
13. M. Cline	908 Dunsinane
14. Courtney Hoss	1000 South Dr
15. Phyllis Stale	104 River Point
16. Billy Steele	104 River Point
17. Bob Smith	107 South Dr.
18. A. Dooley	43 Carrington
19. Jean Dean	100 of Ladder
20. Lou Oliphant	Cherokee
21. Russa Van	1000 W. Court Rd.

Date: January 22, 2006 7:00 p.m.

NAME	ADDRESS
1. Joe Dumas	1111 James Blvd.
2. Sis Morgan	106 Florida Ave.
3. Peggy Aldrett	126 Arrow
4. Port Utley	1108 Applewood Circle
5. Ed d Utley	" "
6. Charlene Griffin	105 Druid Dr
7. Annie Holl	12 Highdown Ct.
8. Lisa Crowder	11 Rock Hawk Lane
9. Becc Pustay	1244 Men Brook
10. Min Child	105 South Dr
11. DAVID CANTRELL	105 South Dr
12. Ann Evans	1179 James Blvd
13. Margal Jumper	820 Tumbulists
14. Rob Philycaw	461 Emain Court
15. Dwayne Jim	1179 JAMES
16. May Hutzler	1150 James
17. Lisa Shander	2506 Fox Run Dr
18. Karen Dolmanich	#1 St. Ives Way
19. Ann Morris	404 Brady pt. Rd
20. Stephen Maroe	3105 Pintail Ln
21.	

RESOLUTION NO. R 2007-1

A RESOLUTION APPOINTING TOWN MANAGER, DIANA CAMPBELL, AS THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE ON THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY BOARD.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that Town Manager, Diana Campbell, is hereby appointed as the Town of Signal Mountain's representative on the Hamilton County Water and Wastewater Treatment Authority Board.



MAYOR



RECORDER

January 22, 2007
DATE

January 22, 2007
DATE

PAN/kac

RESOLUTION NO. R 2007-2

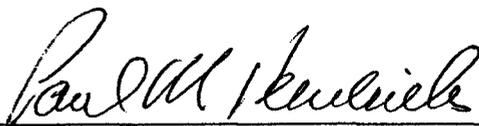
A RESOLUTION URGING THE TENNESSEE DEPARTMENT OF TRANSPORTATION ("TDOT") TO RESTRICT ACCESS OF ALL COMMERCIAL VEHICLES ALONG U.S. HIGHWAY 127 AND STATE ROUTE 8 WITHIN THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE TO LOCAL PICKUPS AND DELIVERIES WITHIN THE TOWNS OF WALDEN, AND SIGNAL MOUNTAIN ONLY.

WHEREAS, the Town of Signal Mountain, Tennessee has limited access along U.S. Highway 127 and State Route 8 which was originally built in 1910; and

WHEREAS, the access road for the Town of Signal Mountain along U.S. Highway 127 and State Route 8 within the Town of Signal Mountain has recently developed structural cracks and defects due to the extensive daily use of that roadway; and

WHEREAS, the Transportation Planning Organization ("TPO") has recommended immediate review of the condition of the roadway due to the recent appearance of structural cracks and defects;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Tennessee Department of Transportation ("TDOT") is urged to restrict access of all commercial vehicles along U.S. Highway 127 and State Route 8 within the corporate limits of the Town of Signal Mountain, Tennessee to local pickups and deliveries within the Towns of Signal Mountain and Walden only.



MAYOR



RECORDER

January 22, 2007
DATE

January 22, 2007
DATE

PAN/kac

ORDINANCE NO. 2007-4

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.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Chapter 2, Section 1-201 is hereby amended by deleting said section in its entirety and substituting in lieu thereof the following:

**CHAPTER 2
CODE OF ETHICS**

Sec. 1-201. Applicability.

This Chapter is the code of ethics for personnel of the Town of Signal Mountain. It applies to all full-time and part-time employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

Sec. 1-202. Definition of "personal interest."

- (1) For purposes of Sections 1-203 and 1-204, "personal interest" means:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

- (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

Sec. 1-203. Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself/herself from voting on the measure.

Sec. 1-204. Disclosure of personal interest in nonvoting matters.

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise or discretion in the matter.

Sec. 1-205. Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of any act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

Any annual gift provided to Town employees by the S.M. Robertson Police and Fire Christmas Fund or the Town Employee's Christmas Fund shall not constitute money, gift, gratuity, or other consideration or favor prohibited by this section.

Sec. 1-206. Use of Information.

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

Sec. 1-207. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the municipality.

Sec. 1-208. Use of position or authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the municipality.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the municipality.

Sec. 1-209. Outside employment.

An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the municipality's charter or any ordinance or policy.

Sec. 1-210. Ethics complaints.

- (1) The town attorney is designated as the ethics officer of the municipality. Upon the written request of an official or employee potentially affected by a provision of this chapter, the town attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.
- (2)
 - (a) Except as otherwise provided in this subsection, the town attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
 - (b) The town attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the municipality's governing body, the governing body shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the town attorney or another individual or entity chosen by the governing body.

- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

Sec. 1-211. Violations.

An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law and in addition, is subject to censure by the governing body. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

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

Passed First Reading Jan 08, 2007.

Passed Second Reading Jan 22, 2007.



 MAYOR



 RECORDER

PAN/kac