

*****SEPTEMBER 10, 2007, 7:00 P.M*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, September 10, 2007, at 7:00 p.m. in the Town Hall. Those present were:

Mayor Paul M. Hendricks
Vice Mayor Hershel Dick
Councilmember Annette Allen
Councilmember Bill Lusk
Councilmember Susan Robertson

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

Mayor Hendricks called the meeting to order and let the Pledge of Allegiance. Rev. Katherine Mathieson from St. Timothy's Episcopal Church offered the invocation. Roll call found all Council members present.

Mayor asked for approval of the minutes of August 13, 2007 regular monthly meeting, August 29, 2007 special agenda meeting and September 4, 2007 meeting with residents of Fox Run and Windtree. Councilmember Robertson moved that the minutes be approved as amended. The motion was seconded by Councilmember Lusk and passed unanimously.

Mayor Hendricks asked Glen Showwalter to come forward. Mr. Showwalter stated it was the fifth year to ask the Council for permission to place the train across from the CVS. Mr. Showwalter stated he and Mr. Stan Crews had been asked by many people to set up by Sunday on Signal; therefore, they would set up November 11, under the same conditions as in the past, with the permission of the Council. He said there would be a surprise addition to the train. Councilmember Allen moved to allow the placement of the train. The motion was seconded by Councilmember Robertson and passed unanimously.

The first resolution brought before the Council was "A RESOLUTION RECOGNIZING U.S. CONSTITUTION DAY AND U.S. CONSTITUTION WEEK WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE". Mayor Hendricks thanked Joe Dumas for bringing attention to Constitution week and Constitution day. Vice Mayor Dick moved that the resolution be passed. Councilmember Allen seconded the motion and it passed unanimously.

The second resolution brought before the Council was "A RESOLUTION APPOINTING SUSAN ROBERTSON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S PERSONNEL COMMITTEE". Councilmember Lusk moved that the resolution be

Page 2 – Minutes of the September 10, 2007 Regular Council Meeting

passed. Councilmember Allen seconded the motion and it was passed unanimously.

The third resolution before the Council was "A RESOLUTION APPOINTING BILL FRONK AND GEORGE DAVENPORT MEMBERS OF THE STORMWATER COMMITTEE FOR THE TOWN OF SIGNAL MOUNTAIN". Councilmember Allen moved the resolution be passed. The motion was seconded by Vice Mayor Dick and passed unanimously.

The fourth resolution before the Council was "A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LETTER OF UNDERSTANDING WITH ORANGE GROVE CENTER FOR ACCEPTANCE OF RECYCLABLE MATERIALS ACCUMULATED AT THE SIGNAL MOUNTAIN RECYCLING CENTER". Councilmember Lusk gave the background of the history with the Town and Orange Grove Center and detailed the scope of services provided by the Center. He stated the re-establishment of a relationship with Orange Grove would help to expand the Town's recycling program. Town Manager Campbell requested that in the agreement to add "There shall be ownership of the bailer by the Town". Councilmember Allen moved that the resolution be passed as amended. The motion was seconded by Councilmember Robertson and pass unanimously.

The fifth resolution brought before the Council was "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CONTINUE IN AN AGREEMENT WITH THE HUMANE EDUCATIONAL SOCIETY FOR THE CONTROL OF ANIMALS, RABIES CONTROL, EDUCATION CONCERNING ANIMALS TO THE PUBLIC AND PET THERAPY TO AREA NURSING HOMES FOR ANOTHER TWELVE (12) MONTH PERIOD ENDING JUNE 30, 2008 INA TOTAL AMOUNT NOT TO EXCEED \$36,550.68". Councilmember Robertson moved the resolution be put on the floor by Councilmember Robertson and seconded by Vice Mayor Dick. Councilmember Lusk requested the resolution be tabled to allow time to discuss the particulars further with the Humane Education Society. Town Manager Campbell stated the contract officially ended on October 15 with HES. Councilmember asked if the new contract contained the 90 day cancellation clause. Ms. Campbell said yes. Councilmember Robertson moved to withdraw the motion to accept the resolution. Councilmember Robertson seconded the motion to table and it was approved unanimously.

The sixth resolution brought before the Council was "A RESOLUTION AUTHORIZING THE TOWN OF SIGNAL MOUNTAIN TO PARTICIPATE IN THE LOCAL GOVERNMENT ENERGY EFFICIENCY LOAN PROGRAM ADMINISTERED BY THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT". Councilmember Lusk moved the resolution be passed. The motion was seconded by Councilmember Allen. Mayor Hendricks said the Town had had an energy audit and one recommendation was to change light fixtures for added efficiency.

He said the Local Government Efficiency Loan Program would make the loan to the Town, interest free, to make the changes. Town Manager Campbell said the MACC was not included in the initial program because the Town did not own the building. Councilmember Lusk said there needed to be discussion with Hamilton County regarding the transfer of ownership of that building to the Town. Councilmember Allen requested that Mayor Hendricks invite Chip Baker to attend the next agenda meeting. With no further discussion of the program, the resolution was approved unanimously.

Mayor Hendricks said there would be a public hearing regarding the first ordinance. The first ordinance to be considered on second reading was "AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN PARCELS OF REAL PROPERTY ADJACENT TO THE ST. IVES SUBDIVISION AND BOLLINGER ROAD, BY PETITION OF THE PROPERTY OWNER, WHICH ARE CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, AS SHOW BY THE ATTACHED MAP".

Mayor Hendricks moved in to the public hearing. He asked if anyone wanted to address the Council regarding the annexation. Town Attorney explained the purpose for the public hearing. He noted there would be six and one-half acres brought into the Town as one lot. With no further public comment Mayor Hendricks closed the public hearing. Councilmember Lusk moved the ordinance be passed on second reading. The motion was seconded by Councilmember Allen and passed unanimously.

The second ordinance to be considered on second reading was "AN ORDINANCE TO AMEND THE TOWN OF SIGNAL MOUNTAIN ZONING REGULATIONS BY DELETING ARTICLE XXV, ENTITLED "SIGNS" IN ITS ENTIRETY FROM THE TOWN ZONING ORDINANCE AND INSERTING ALL PROVISIONS REGARDING "SIGNS" WITHIN TITLE 20 OF THE TOWN CODE IN A NEW CHAPTER 5, ENTITLED "SIGNS".

Mayor Hendricks moved into the public hearing. With comments from the public, Councilmember Robertson moved the ordinance be put before the Council and was seconded by Vice Mayor Dick. The ordinance was approved unanimously on second reading.

The third ordinance to be considered was "AN ORDINANCE TO AMEND TITLE 15, CHAPTER 1 TO ADD A NEW SECTION 15-120 OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO RESTRICTIONS ON OPERATIONS OF TRUCKS AND THREE OR MORE AXLES WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE".

Page 4 – Minutes of the September 10, 2007 Regular Council Meeting

Town Attorney Noblett explained the reason for the ordinance. Councilmember Robertson moved the ordinance be passed on second reading. The motion was seconded by Vice Mayor Dick and passed unanimously. Mr. Noblett stated, for purpose of clarity, the first reading was approved in June 2007

Lou Oliphant reported on the Planning Commission. She said there was a tentative Land Use meeting October 2nd at 7:00 p.m. at Nolan School.. She also said the October 4th Planning Commission meeting was to be held at MACC at 7:00 p.m.

Mayor Hendricks stated the Shadow Ridge Park , in Shepherd Forrest, was re-dedicated as a right of way public space, not a roadway, and would remain in its natural state. He then asked Attorney Noblett to prepare a resolution.

Mayor Hendricks announced the next council meeting would be moved from October 3rd to Monday October 15th.

Mayor Hendricks addressed the traffic issue at Nolan School. He said "Spirit Day" for SMMS was on September 13th at 4:00. He then noted the Town had received a letter from Richard Urban regarding the Stormwater Program . He said the two main areas of concern were (1) education and (2) the Town's fines were not high enough. He said the State was strongly asking for significant penalties for stormwater violations.

Councilmember Allen requested a sign be posted on both ends of Town limits stating "All Roads-Unless Otherwise Posted – 25mph". Mayor Hendricks said a 30 mph speed limit sign needed to be posted on Timberlinks/Shackleford Ridge.

Jerry Robertson addressed the Council as a representative of Old Town residents. He asked the Council to pass an ordinance to establish the framework and set the process that allowed the creation of local historic districts, or conservation districts. Mr. Robertson said he had an ordinance for the Council to review. Mayor Hendricks said he would review the ordinance for consideration.

Noah Long requested the Town designate September 11 as Patriot's Day in order to recognize the first responders and all they do. Mayor Hendricks moved "The Town of Signal Mountain declares September 11, 2007 and every subsequent September 11th as Patriots Day in honor of the first responders-Police, Fire, EMS, and in honor of those who had given the last full measure the Town will lower its flag half staff". Councilmember Allen seconded the motion and it was passed unanimously.

Joe Dumas thanked the Council for passing the resolution regarding Constitution Day.

Mayor Hendricks announced the next agenda meeting would be September 26th and 11:00 a.m.

Page 5- Minutes of the September 10, 2007 Council Meeting

With no further business the meeting was adjourned.



Dr. Paul M. Hendricks, Mayor



Acting Recorder

DATE: SEPTEMBER 10, 2007, 7:00 P.M.

NAME	ADDRESS
1. <u>Donnae</u>	<u>937 Duane Rd</u>
2. <u>Sam Powell</u>	<u>506 Brady Pt Rd</u>
3. <u>Jean Dolan</u>	<u>Ladder Trail 1707</u>
4. <u>Lou Cliphart</u>	<u>Cherokee Lane 711</u>
5. <u>Paul Archambault</u>	<u>East Ridge</u>
6. <u>Thomas Parker</u>	<u>3145 Edgewood Dr.</u>
7. <u>Pauline Roger</u>	<u>185 Woodcliff Cir.</u>
8. <u>Gina & Bob Crumley</u>	<u>40 CAROLINE Pk</u>
9. <u>Frank & Elsie Preston</u>	<u>968 Sig. Rd.</u>
10. <u>Jerry Eckert</u>	<u>River Pt Rd</u>
11. <u>Glenn Showalter</u>	<u>513 GEORGIA</u>
12. <u>John & Marjorie</u>	
13. <u>Juliana Rath</u>	<u>400 Brady Pt. Rd.</u>
14. <u>Barry & Nancy</u>	<u>504 Aulet Rd</u>
15. <u>Noah Fry</u>	<u>171 Woodcliff Cir</u>
16. <u>Joe Dumas</u>	<u>1111 James Blvd.</u>
17. <u>Margaret Simpson</u>	<u>Jonhaskis</u>
18. <u>Rene Miller</u>	<u>812 James</u>
19. <u>Lisa Lee</u>	<u>1000 Creech Pt Rd West</u>
20. <u>Brandon Blair</u>	<u>717 James Blvd.</u>
21. <u>James Felder</u>	<u>31 11th. Orchard Path</u>

DATE: SEPTEMBER 10, 2007, 7:00 P.M.

NAME	ADDRESS
1. Don Clauson	505 Barrington Road
2. Aaron Hawcher	1714 Vandersgriff Rd.
3. Mike H. Funk	125 STUNAL POINT RD
4. Mike Cull	105 South Drive
5. Stt Liff	415 N Palisades Pr
6. Carol Jones	512 Fern Tr
7. Jim Henry	
8. Dean Holland	213 Timber Link
9. Britt Reynolds	120 Saint Charles
10. John Boutner	42 MTN Cove Rd
11. Mike O'Neal	TIMES FREE PRESS
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	

RESOLUTION NO. R2007-67A RESOLUTION RECOGNIZING U.S. CONSTITUTION DAY AND
U.S. CONSTITUTION WEEK WITHIN THE TOWN OF SIGNAL
MOUNTAIN, TENNESSEE.

WHEREAS, the Founding Fathers of the United States of America sought to form a new government that respected the people as the sole source of all governmental power and saw the need for a written document to establish a government based on that principle.

WHEREAS, In the words of our nation's first President George Washington during his April 30, 1789, inaugural address, "The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered deeply, finally, staked on the experiment entrusted to the hands of the American people;" and

WHEREAS, the U.S. Constitution was adopted in a Constitutional Convention on the 17th of September, 1787, establishing our current form of government and, along with the Bill of Rights thus became the supreme law of the land in order to secure and guarantee the rights of all free citizens of the United States of America; and

WHEREAS, the U.S. Constitution stands today as the oldest and greatest written document of its kind in the history of all mankind, as a result of the efforts of, and at great cost to, the patriots who founded our great nation, the United States of America; and

WHEREAS, September 17th is designated as U.S. Constitution Day, and that September 16 through September 22 is designated as U.S. Constitution Week throughout the United States of America.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council Members of the Town of Signal Mountain, Tennessee, hereby declare the official observance of September 17th

as U.S. Constitution Day, and September 16 through September 22 as U.S. Constitution Week, in humble respect for the patriots past and present who gave their all so that their fellow citizens, and those yet unborn in our nation, should remain free in perpetuity to enjoy the rights of Life, Liberty, and the Pursuit of Happiness. We urge all citizens to read the Constitution and learn about its history and understand its content.

Paul M. Budnick
MAYOR

9-10-07
DATE

PAN/kac

[Signature]
RECORDER

9-10-07
DATE

RESOLUTION NO. R2007-68

A RESOLUTION APPOINTING SUSAN ROBERTSON AS A MEMBER OF THE TOWN OF SIGNAL MOUNTAIN'S PERSONNEL COMMITTEE.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that Council member Susan Robertson, 115 River Point Road, Signal Mountain, TN 37377; is appointed as a member of the Signal Mountain Personnel Committee for terms which will expire on December 31, 2008.


MAYOR


RECORDER

9-10-07
DATE

9-10-07
DATE

RESOLUTION NO. R2007-69

A RESOLUTION APPOINTING BILL FRONK AND GEORGE DAVENPORT MEMBERS OF THE STORMWATER COMMITTEE FOR THE TOWN OF SIGNAL MOUNTAIN.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, that Bill Fronk, 332 N. Palisades, Signal Mountain, TN 37377; and George Davenport 327 Creekshire Drive, Signal Mountain, TN 37377, are appointed as members of the Stormwater Committee for the Town of Signal Mountain for terms expiring on April 30, 2008.



MAYOR



RECORDER

9-10-07
DATE

9-10-07
DATE

RESOLUTION NO. R2007-70

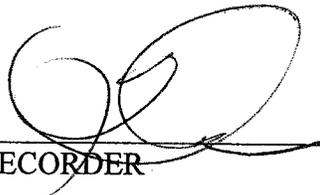
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LETTER OF UNDERSTANDING WITH ORANGE GROVE CENTER FOR ACCEPTANCE OF RECYCLABLE MATERIALS ACCUMULATED AT THE SIGNAL MOUNTAIN RECYCLING CENTER.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Mayor is authorized to enter into a Letter of Understanding with Orange Grove Center for acceptance of recyclable materials accumulated at the Signal Mountain Recycling Center. A copy of the Letter of Understanding is attached.


MAYOR

DATE

9-10-07


RECORDER

DATE

9-10-07

PAN/kac

Letter of Understanding between Orange Grove Center and the Town of Signal Mountain for Recycling Services

This Agreement for Recycling Services is entered into by and between the Town Signal Mountain and Orange Grove Center on October 1, 2007.

1. **PURPOSE AND SCOPE OF SERVICES.** Orange Grove Center (hereinafter OGC) agrees to accept the following recyclable materials from Signal Mountain's Recycling Drop-off Center: aluminum, steel, glass, plastic #1 and #2, electronics, batteries, and motor oil. Steel must consist of tin cans and no assorted scrap metals will be tendered. Products will be accepted at the John F. Germ Recycling Center during normal business hours Monday through Friday, 8:30 a.m. to 3:00 p.m. excluding the holidays of New Years Day, MLK Day, Good Friday, Memorial Day, July 4th, Labor Day, President's Day, Thanksgiving Day and the day after, Christmas Eve, and Christmas Day. Signal Mountain's Drop-off Supervisor or designee must call the Recycling Center prior to delivering material to give OGC time to prepare the baler or tipping floor to receive the specific product being delivered. Pilot projects can be initiated to collect specialty items in the attempt to collect a forty thousand pound truckload. Once Signal Mountain has collected a sellable amount of material, OGC agrees to make all reasonable efforts to market the recyclables collected. During the term of this agreement and thereafter by mutual agreement between the parties, OGC's cardboard baler located at the drop-off center may be utilized by Signal Mountain personnel with Signal Mountain continuing to provide all necessary maintenance. In the event that OGC requests the return of this cardboard baler at the end of this agreement or at any other time requested by the Town Manager, such baler shall be picked up by OGC at the drop-off center in "as is" condition and Signal Mountain shall not be responsible for any other costs to this equipment other than necessary maintenance.

2. **COMPENSATION.** Within ten (10) days after the end of each month, OGC will make payment to the Town Signal Mountain for recyclable materials received by OGC from the Town Signal Mountain. The monthly payment to the Town of Signal Mountain for each commodity shall be equal to the price per pound which is paid to other parties tendering materials to OGC during the same time period. Orange Grove will accept approved glass products with no additional processing fee, if aluminum or plastic or both are also delivered. Otherwise, Orange Grove will invoice Signal Mountain for \$15/ton for the processing and shipping of glass during any month in which other acceptable recyclable materials are not delivered. Any questions regarding OGC recycling services can be directed to Tera Roberts or John Chamberlin at Orange Grove Center.

3. **TERM AND CANCELLATION.** This agreement shall remain in effect for a period of one (1) year from October 1, 2007 and from year-to-year thereafter until cancelled, however, this agreement is subject to cancellation anytime upon 30 days notice. This agreement may be cancelled by either party upon thirty (30) days written notice delivered by registered mail to the other party. This contract shall cancel all previous agreements or contracts, written or verbal, between the parties hereto.

4. **INDEPENDENT CONTRACTOR.** OGC shall perform all of its services under this agreement as an independent contractor. The Town of Signal Mountain shall not be responsible for the employment of, discharge of and/or payment of OGC's subcontractors, agents and/or employees. OGC will secure all necessary permits, licenses related to such subcontracting and employment and shall, when applicable, provide for payment of any Workmen's Compensation, taxes, licenses, fees or other business contributions legally required

of OGC in the performance of this contract. OGC shall indemnify and save the Town of Signal Mountain harmless from and against any and all claims for such payments, taxes, licenses, fees or other business contributions.

5. HOLD HARMLESS PROVISIONS. OGC and Signal Mountain shall indemnify each other (including their respective employees and agents) and hold each other harmless from and against all claims, liabilities, losses, damages, fines, penalties, payments, costs and expenses (including reasonable legal fees) to the extent of any liability limits under the Tennessee Governmental Tort Liability Act at T.C.A. § 29-20-101 et. seq. when applicable which is proximately caused by or resulting from the negligence or intentional acts of the indemnifying Party, including its employees or agents, in connection with the performance of this Agreements or the Services. The previous sentence, however, shall not apply to the extent that such claims, liabilities, losses, damages, fines, penalties, payments, costs or expenses are proximately caused by or result from the negligence or intentional acts of the indemnified Party, including its employees or agents. Neither party shall be liable to the other nor indemnify the other for any indirect or consequential damages (such as, but not limited to, loss of profits, loss of market, loss of customer goodwill, assembly line shutdowns, or punitive or exemplary damages), regardless of whether the claim for such damages sounds in contract, tort, breach of warranty, consumer fraud, or otherwise.

IN WITNESS WHEREOF, the parties have here to set their hands the day and year first above written.

TOWN OF SIGNAL MOUNTAIN

ORANGE GROVE CENTER

By: _____
Name: Dr. Paul M. Hendricks
Title: Mayor
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

RESOLUTION NO. R2007-71

A RESOLUTION AUTHORIZING THE TOWN OF SIGNAL MOUNTAIN TO PARTICIPATE IN THE LOCAL GOVERNMENT ENERGY EFFICIENCY LOAN PROGRAM ADMINISTERED BY THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.

WHEREAS, the Tennessee Department of Economic Community Development (ECD) administers an Energy Efficiency Loan Program for Local Government Facilities; and

WHEREAS the Town of Signal Mountain wants to participate in the loan program in order to improve facility energy efficiency and reduce energy costs.

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

SECTION 1. The Town of Signal Mountain is submitting an Energy Efficiency Loan Program application to ECD for each of the following facilities:

- (a) Signal Mountain Town Hall;
- (b) Signal Mountain Police/Fire Department;
- (c) Signal Mountain Library; and
- (d) Signal Mountain Public Works.

SECTION 2. For each of the facilities approved by ECD for financing, the Town of Signal Mountain will fully participate in the Energy Efficiency Loan Program and will follow all applicable program rules and guidelines. Full program participation by the Town of Signal Mountain will include the following:

(a) The Town of Signal Mountain will borrow the approved loan amount from the ECD Energy Efficiency Loan Program within six (6) months of the date of loan approval;

(b) The Town of Signal Mountain will implement the approved projects within one year of the date of loan approval; and

(c) The Town of Signal Mountain will provide ECD with a final work completion report when the approved project is implemented.

SECTION 3. To help determine the level of energy savings produced by the energy efficiency project, the Town of Signal Mountain will send copies of monthly facility energy bills to ECD during the term of the loan for project evaluation purposes.

SECTION 4. The Town of Signal Mountain will properly operate and maintain the loan financed energy efficiency equipment in order to maximize facility energy savings.

SECTION 5. The Town of Signal Mountain will send this resolution to ECD, Energy Division, 320 Sixth Avenue North, Nashville, Tennessee 37243-0405, as an accompanying document to the application for loan program funds.

SECTION 6. This resolution shall take effect upon approval, the public welfare requiring it.



MAYOR



RECORDER

9-10-07

DATE

9-10-07

DATE

PAN/kac

ORDINANCE NO. 2007-11

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO ANNEX CERTAIN PARCELS OF REAL PROPERTY ADJACENT TO THE ST. IVES SUBDIVISION AND BOLLINGER ROAD, BY PETITION OF THE PROPERTY OWNER, WHICH ARE CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the Acting Town Recorder has been authorized to provide notice of a public hearing on September 10, 2007, with reference to the herein described annexation territory, to be held on September 10, 2007, at 7:00 p.m., which notice shall have been published in the daily newspaper of Chattanooga, Tennessee more than fifteen (15) days before September 10, 2007; 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 is attached to this Ordinance, 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 attached 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 the St. Ives Subdivision and Bollinger 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:

LEGAL DESCRIPTION FOR PROPOSED LOT 36, ST IVES COMMUNITY, TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being known as Lot 36, St. Ives Community as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); being all of the property of The Market Street Company, LLC, of record in Deed Book 7473, Page 959, R.O.H.C.; also together with Lots number One thru Five and St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, R.O.H.C.; being the property of James L. Henry, III, Trustee, of record in Deed Book 6765, Page 760, in the R.O.H.C. and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the intersection of the centerline of St. Ives Way with the centerline of Bollinger Road said intersection being marked by a nail and disk old;

THENCE North 54 degrees 37 minutes West along a chord line for a distance of 128.6 feet to the TRUE POINT OF BEGINNING; said point being the southeast corner of proposed Lot 36 and lying on the northern Right-of-Way line of St. Ives Way and marked by an IRON ROD NEW;

THENCE westwardly and in a curve to the left having a radius of 347.2 feet and an arc length of 165.0 feet, being subtended by a chord of North 89 degrees 12 minutes 30 seconds West for a distance of 163.4 feet to an IRON ROD NEW; being the southwest corner of Lot 36;

THENCE North 12 degrees 09 minutes 50 seconds East along the west line of Lot 36 for a distance of 335.1 feet to an IRON ROD OLD;

THENCE North 69 degrees 15 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD NEW;

THENCE North 20 degrees 44 minutes 10 seconds West along the centerline of old abandoned Right-of-Way for a distance of 148.7 feet to an IRON ROD OLD;

THENCE continuing along said centerline North 54 degrees 20 minutes 30 seconds West for a distance of 47.6 feet to an IRON ROD OLD;

THENCE North 35 degrees 49 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD OLD;

THENCE North 64 degrees 51 minutes 20 seconds East along the southeastern line of the property of Leonard J. Swanson of record in Deed Book 2297, Page 443, in the R.O.H.C. for a distance of 155.0 feet to a point located in the centerline of Ives Creek;

THENCE North 64 degrees 52 minutes 00 seconds East for a distance of 280.0 feet to an IRON ROD OLD;

THENCE South 32 degrees 27 minutes 10 seconds East for a distance of 50.1 feet to an IRON ROD OLD;

THENCE North 57 degrees 32 minutes 50 seconds East for a distance of 81.6 feet to a POINT;

THENCE along a curve to the left having a radius of 381.0 feet and an arc length of 53.6 feet, being subtended by a chord of North 53 degrees 31 minutes 00 seconds East for a distance of 53.6 feet to an IRON ROD OLD;

THENCE South 51 degrees 25 minutes 10 seconds East for a distance of 142.8 feet to an IRON ROD OLD;

THENCE South 53 degrees 45 minutes 00 seconds West for a distance of 135.0 feet to an IRON ROD OLD;

THENCE South 22 degrees 00 minutes 50 seconds East for a distance of 215.2 feet to an IRON ROD OLD;

THENCE South 37 degrees 30 minutes 30 seconds West for a distance of 286.3 feet to a POINT;

THENCE along a curve to the right having a radius of 191.2 feet and an arc length of 42.4 feet, being subtended by a chord of South 43 degrees 30 minutes 40 seconds West for a distance of 42.3 feet to a POINT

THENCE North 72 degrees 03 minutes 10 seconds West for a distance of 204.8 feet to a POINT;

THENCE continuing along the eastern line of Lot 36, South 17 degrees 33 minutes 20 seconds West for a distance of 174.3 feet to the POINT OF BEGINNING;

Containing 6.50 acres more or less.

The herein aforescribed proposed Lot 36 is all as shown on revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

LESS AND EXCEPT: The original Lot 36 as recorded in Plat Book 52, Page 150, R.O.H.C.; said original lot 36 being already located within the city limits of the Town of Signal Mountain.

Subject to: Final approval and recording of the aforesaid revised survey drawing.

Subject to: 20 foot wide Sanitary Sewer and Drainage Easements as shown on said drawing.

Subject to: 20 foot wide and 15 foot wide Power and Communications Easements as shown on said drawing.

Subject to: Residential building, exclusion area as shown on said plat.

Subject to: Covenants and Restrictions of St. Ives Community Subdivision.

LEGAL DESCRIPTION FOR THAT PORTION OF BOLLINGER ROAD WHICH IS TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN:

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being part of the Public Right of Way known as Bollinger Road; said part being 50 feet wide as shown on St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); and said part being more particularly described as follows:

All THAT PART of Bollinger Road as described as LYING within the following bounding borders:

THAT PART LYING south of a line crossing said Road at right angles from the most southern corner of the property of Lige Layne of record in Deed Book O - 29, Page 267, in the R.O.H.C.;

THAT PART LYING west of Lots 26 and 33, as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the R.O.H.C. ;

THAT PART LYING north of Lot 34, of the aforesaid plat of Revised : St. Ives Community;

THAT PART LYING east of Lots 1, 2, and 5, of the aforesaid plat of Revised : Ives Creek Subdivision.

Containing 0.38 acres more or less.

Bollinger Road is shown on a revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

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).

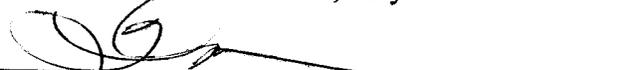
Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

Passed First Reading 8-13, 2007

Passed Second Reading 9-10, 2007



PAUL M. HENDRICKS, Mayor



SHERRY MORRISON, Acting Town Recorder

PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
AUGUST, 2007

The Town Council of the Town of Signal Mountain, Tennessee hereby proposes the following Plan for Provision of Services for certain property adjacent to the St. Ives Subdivision and Bollinger Road 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:

LEGAL DESCRIPTION FOR PROPOSED LOT 36, ST. IVES COMMUNITY, TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being known as Lot 36, St. Ives Community as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); being all of the property of The Market Street Company, LLC, of record in Deed Book 7473, Page 959, R.O.H.C.; also together with Lots number One thru Five and St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, R.O.H.C.; being the property of James L. Henry, III, Trustee, of record in Deed Book 6765, Page 760, in the R.O.H.C. and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the intersection of the centerline of St. Ives Way with the centerline of Bollinger Road said intersection being marked by a nail and disk old;

THENCE North 54 degrees 37 minutes West along a chord line for a distance of 128.6 feet to the TRUE POINT OF BEGINNING; said point being the southeast corner of proposed Lot 36 and lying on the northern Right-of-Way line of St. Ives Way and marked by an IRON ROD NEW;

THENCE westwardly and in a curve to the left having a radius of 347.2 feet and an arc length of 165.0 feet, being subtended by a chord of North 89 degrees 12 minutes 30 seconds West for a distance of 163.4 feet to an IRON ROD NEW; being the southwest corner of Lot 36;

THENCE North 12 degrees 09 minutes 50 seconds East along the west line of Lot 36 for a distance of 335.1 feet to an IRON ROD OLD;

THENCE North 69 degrees 15 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD NEW;

THENCE North 20 degrees 44 minutes 10 seconds West along the centerline of old abandoned Right-of-Way for a distance of 148.7 feet to an IRON ROD OLD;

THENCE continuing along said centerline North 54 degrees 20 minutes 30 seconds West for a distance of 47.6 feet to an IRON ROD OLD;

THENCE North 35 degrees 49 minutes 50 seconds East for a distance of 12.5 feet to an IRON ROD OLD;

THENCE North 64 degrees 51 minutes 20 seconds East along the southeastern line of the property of Leonard J. Swanson of record in Deed Book 2297, Page 443, in the R.O.H.C. for a distance of 155.0 feet to a point located in the centerline of Ives Creek;

THENCE North 64 degrees 52 minutes 00 seconds East for a distance of 280.0 feet to an IRON ROD OLD;

THENCE South 32 degrees 27 minutes 10 seconds East for a distance of 50.1 feet to an IRON ROD OLD;

THENCE North 57 degrees 32 minutes 50 seconds East for a distance of 81.6 feet to a POINT;

THENCE along a curve to the left having a radius of 381.0 feet and an arc length of 53.6 feet, being subtended by a chord of North 53 degrees 31 minutes 00 seconds East for a distance of 53.6 feet to an IRON ROD OLD;

THENCE South 51 degrees 25 minutes 10 seconds East for a distance of 142.8 feet to an IRON ROD OLD;

THENCE South 53 degrees 45 minutes 00 seconds West for a distance of 135.0 feet to an IRON ROD OLD;

THENCE South 22 degrees 00 minutes 50 seconds East for a distance of 215.2 feet to an IRON ROD OLD;

THENCE South 37 degrees 30 minutes 30 seconds West for a distance of 286.3 feet to a POINT;

THENCE along a curve to the right having a radius of 191.2 feet and an arc length of 42.4 feet, being subtended by a chord of South 43 degrees 30 minutes 40 seconds West for a distance of 42.3 feet to a POINT

THENCE North 72 degrees 03 minutes 10 seconds West for a distance of 204.8 feet to a POINT;

THENCE continuing along the eastern line of Lot 36, South 17 degrees 33 minutes 20 seconds West for a distance of 174.3 feet to the POINT OF BEGINNING;

Containing 6.50 acres more or less.

The herein aforescribed proposed Lot 36 is all as shown on revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

LESS AND EXCEPT: The original Lot 36 as recorded in Plat Book 52, Page 150, R.O.H.C.; said original lot 36 being already located within the city limits of the Town of Signal Mountain.

Subject to: Final approval and recording of the aforesaid revised survey drawing.

Subject to: 20 foot wide Sanitary Sewer and Drainage Easements as shown on said drawing.

Subject to: 20 foot wide and 15 foot wide Power and Communications Easements as shown on said drawing.

Subject to: Residential building, exclusion area as shown on said plat.

Subject to: Covenants and Restrictions of St. Ives Community Subdivision.

LEGAL DESCRIPTION FOR THAT PORTION OF BOLLINGER ROAD WHICH IS TO BE ANNEXED BY THE TOWN OF SIGNAL MOUNTAIN:

LEGAL DESCRIPTION

Land located in Town of Signal Mountain and/or County of Hamilton, State of Tennessee. Being part of the Public Right of Way known as Bollinger Road; said part being 50 feet wide as shown on St. Ives Creek Subdivision, of record in Plat Book 53, Page 170, in the Register's Office of Hamilton County, Tennessee (R.O.H.C.); and said part being more particularly described as follows:

All THAT PART of Bollinger Road as described as LYING within the following bounding borders:

THAT PART LYING south of a line crossing said Road at right angles from the most southern corner of the property of Lige Layne of record in Deed Book O - 29, Page 267, in the R.O.H.C.;

THAT PART LYING west of Lots 26 and 33, as shown by Revised Plat : St. Ives Community, of record in Plat Book 52, Page 150, in the R.O.H.C. ;

THAT PART LYING north of Lot 34, of the aforesaid plat of Revised : St. Ives Community;

THAT PART LYING east of Lots 1, 2, and 5, of the aforesaid plat of Revised : Ives Creek Subdivision.

Containing 0.38 acres more or less.

Bollinger Road is shown on a revised survey drawing by True Line Company, Land Surveyors Job Number 06-7423, dated: Revised date of June 29, 2007.

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 the Walden's Ridge Utility District, 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 Low Density Residential District.

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. 2007-12

AN ORDINANCE TO AMEND THE TOWN OF SIGNAL MOUNTAIN ZONING REGULATIONS BY DELETING ARTICLE XXV, ENTITLED "SIGNS" IN ITS ENTIRETY FROM THE TOWN ZONING ORDINANCE AND INSERTING ALL PROVISIONS REGARDING "SIGNS" WITHIN TITLE 20 OF THE TOWN CODE IN A NEW CHAPTER 5, ENTITLED "SIGNS."

WHEREAS, Article XXV of the Signal Mountain Zoning Ordinance was added on March 13, 2000, to establish some regulations for signage within the Town; and

WHEREAS, the Signal Mountain Planning Commission has recommended that Article XXV, entitled "Signs" be deleted from the Zoning Ordinance and placed within the Town Code to aid in the amendment and enforcement of signage provisions which are generally enforced by the Town Council and/or the Town Manager; and

WHEREAS, the Town Council has determined that all sign provisions previously contained within Article XXV of the Zoning Ordinance should be moved under Title 20 of the Town Code, entitled "Miscellaneous," as a new Chapter 5;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

1. Article XXV entitled "Signs" of the Signal Mountain Zoning Ordinance is deleted in its entirety from the provisions of the Zoning Ordinance;
2. That a new Chapter 5 entitled "Signs" shall be created within Title 20 of the Signal Mountain Town Code and the following language shall be contained therein:

SIGNS

20-501. SIGNS – PURPOSE:

The purpose of this Ordinance is to promote and protect aesthetic values as well

as the public health, welfare and safety by regulating the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures within the Town of Signal Mountain Zoning area.

This Ordinance is intended to protect property values and to create a more attractive and economic business climate, while at the same time, preserving and enhancing the scenic and natural beauty of our Town. This Ordinance strives to coordinate the mutual desire of the business and the residential communities of Signal Mountain to maintain, preserve and enhance this unique community.

This Ordinance recognizes the right of the citizenry to identify itself, its products and its services. It is intended that wasteful and unsightly competition in signs be avoided and that the community's economic value be enhanced by the attraction and direction of persons to various activities and enterprises with maximum public convenience consistent with quality and attractiveness of the community.

Provisions for the administration and enforcement to this Ordinance are included, as well as provisions for the elimination of nonconforming signs.

20-502.

DEFINITIONS:

The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

ABANDONED SIGN - means an on-premises or off-premises sign, including the sign frame, which no longer correctly directs, exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available at the premises to which the sign refers.

BILLBOARD - is a sign designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. This sign is also designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.

BORDER - means an edge or line constituting the perimeter of a sign.

BUSINESS - means a profit-making, charitable or governmental organization involved in the provisions of goods or services.

BUSINESS FAÇADE - means an exterior wall of a place of business, which wall has a doorway for pedestrian access and faces an adjacent public street, public walkway or parking lot. A series of connected walls located in parallel or generally parallel planes shall be deemed a single business façade.

CONSTRUCTION SIGN - a sign with a message identifying the person or firm associated with the construction project.

DEVELOPMENT SIGN - a sign with a message or information regarding the development of residential real property.

DIRECTIONAL SIGN - is a sign, other than a government sign, not more than four (4) square feet which provides directions for traffic flow to places of business. These signs shall be limited to logo and direction.

DIRECTORY - is a sign listing individual businesses within a single building.

ERECT - means build, construct, hang, place, enlarge, alter, attach, suspend, paint, post or display.

FREESTANDING SIGN - means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign.

GASEOUS ILLUMINATION - is light created by the excitation of any gas, e.g. neon gas.

GARAGE SALE SIGN - is a sign with a message advertising the resale of personal property by a resident on his property.

GRAPHIC DESIGN - means any artistic design or portrayal painted on an exterior wall, fence, awning, window or other structure which is visible from any public right-of-way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.

HEIGHT - is the distance measured from the road grade to the apex of the sign.

INDIRECT LIGHTING - means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign.

INTERNAL LIGHTING - means a source of illumination entirely within the sign which makes the signs visible at night by emanating light outward. The source of illumination shall not be visible.

MARQUEE - means a permanent roof structure attached to and supported by the building and projecting over public property.

NAMEPLATE - means a sign with a message that identifies only the name and/or address of the occupant.

OFF-SITE SIGN - means a sign that is not an "On-Site Sign".

ON-SITE SIGN - means a sign located on the same parcel of land from which the product, service or activity described by the sign is made available.

PERMANENT SIGN - means any sign for which a sign permit is issued with no time limit in accordance with the provisions of this chapter. Any mention of signs in this chapter shall be considered to mean permanent signs unless this chapter specifies a time limit or references to "temporary signs".

PLACE OF BUSINESS - shall mean either:

- (a) A building or portion thereof occupied by one business having exclusive entry and exit (e.g., none of its doorways and hallways used by another business) to and from the exterior of the building; or
- (b) A building or portion thereof occupied by two or more businesses having any entrance and exit to and from the exterior of the building shared by the businesses (e.g., doorways or hallways used in common).

POLITICAL SIGN - is a sign with a message advocating a particular candidate, party or proposition.

PROJECTING SIGN - means a sign erected upon a building wall or canopy and projecting more than twelve inches (12") outward from the plane of the business façade.

PUBLIC SIGN - is a sign posted by a government officer (e.g., traffic signs and legal notices) and signs indicating utility locations.

READERBOARD - means a sign constructed to display an advertising message that may be changed by the manual, electronic or other manipulation of letters or numbers on its face(s).

REAL ESTATE SIGN - means a temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

SHOPPING CENTER - means six or more businesses located on one or more parcels of land sharing common vehicular access from the street and/or common parking facilities. A single shopping center shall be deemed to include all businesses to which the common access and parking are available.

SIGN - means any medium for visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction or informational purposes and is viewable from a public right-of-way.

SPECIAL EVENT SIGN - is a banner or sign with a message identifying a civic or public event or holiday.

TEMPORARY SIGN - means any sign for which a sign permit is approved and issued with a time limit or which is described in this chapter as having a time limit. All regulations of signs shall apply to temporary signs as well as to permanent signs, except as otherwise specified herein.

WALL SIGN - means a sign erected upon a building, fence or other structure, at no point projecting more than twelve inches (12") horizontally to the back of the sign from the surface upon which it is erected.

WINDOW SIGN - is any sign erected inside or outside of a window. Merchandise displayed for sale is excluded.

20-503.

SIGN REQUIREMENT AND APPROVAL.

- (1) It is unlawful to erect any new sign or modify the appearance of an existing sign without first securing a sign permit. Normal maintenance of a sign in conformance with original appearance shall not be deemed modification and shall not require a sign permit.
- (2) Permits for signs shall be submitted to the Signal Mountain Building Inspector for review and action. The Building Inspector shall determine and require conformity with standards for mode of display, size, height, illumination and design based upon the standards stated in this chapter for similar signs. Permits shall be approved promptly and approved only when found in compliance with the provisions of this chapter and, following approval; permits shall be issued by the Building Inspector.
- (3) Any interpretation of the Building Inspector of the requirements of this chapter not subject to variance may be appealed to the Town Council for final determination.

20-504.

APPLICATION FOR SIGN PERMIT:

Application for a sign permit shall be made to the Building Inspector and shall be accompanied by the following:

- (1) An application fee in an amount set by resolution of the Town Council.
- (2) A scale drawing or a grid of the sign showing all faces and supporting structures and, for signs to be erected upon a building, a drawing of the building face, which drawing includes all existing and proposed signs.
- (3) A site plan of the property showing width of business façade(s) and the locations and sizes of all existing and proposed signs.
- (4) Samples of proposed colors and materials.

- (5) A description of the type and amount of illumination.

20-505.

EXEMPT SIGNS:

When not containing a characteristic of a prohibited sign and when non-illuminated and containing no reflective paint, and when complying with the height limitations specified in this Ordinance, the following signs may be erected without a sign permit:

- (1) Directional signs on-site.
- (2) Flags of all nations, states and political jurisdictions.
- (3) One garage sale sign for each residence, not to exceed six square feet (6'), temporarily erected on site for not more than one (1) week during any consecutive ninety (90) day period.
- (4) Nameplates.
- (5) Political signs, each not exceeding four and 3/10 (4.3) square feet, located on private real property with the owner's permission. (Amended 10 - 2004)
- (6) Public signs.
- (7) One (1) on-site real estate sign not to exceed nine (9) square feet.
- (8) One off-site real estate sign when the location of the dwelling is not viewable from the intersection of the public street and the access way to the parcel, and provided the sign is located within twenty-five feet (25') of the public street intersection, and that written permission of the property owner is secured.
- (9) Special event signs erected for not more than twenty-one (21) days, provided prior permission of the property owner is secured. These signs shall be removed not more than one (1) week after the event to which the sign pertains. After one week, the Town will remove such signs and charge the owner for removal.
- (10) Memorial plaques, corner stones, historical tablets and the like.
- (11) Barber poles.
- (12) Any signs required by law.
- (13) Signs located on private property which are not visible from any public right-of-way.
- (14) Gasoline service stations allowed up to two price signs that do not exceed ten (10) square feet each and the total of two signs not to exceed twenty (20) square feet.

20-506.

PROHIBITED SIGNING CHARACTERISTICS:

The following characteristics shall be prohibited in all signs:

- (1) Hazards to exits and entrances: No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with the free use of any fire escape, entrance, exit or standpipe. No sign

shall be erected which will obstruct any required stairway, door ventilator or window.

- (2) Hazards to traffic: No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic. All signs shall conform to the height limitation of this Ordinance.
- (3) Motion: Except for exempt flags, any sign constructed to incorporate wind-blown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices shall be prohibited except that time/temperature signs shall be permitted where specifically referred to.
- (4) Roof locations: Signs mounted on top of a roof or false roof structure shall be prohibited.
- (5) Portable signs: Signs erected upon trailers or portable rigs with intent to promote the business of the respective establishment shall be prohibited.
- (6) Illumination: Signs with flashing lights or changing colors shall be prohibited.
- (7) Visible gaseous illumination: Exposed gaseous tube illumination shall be prohibited unless such signs say "OPEN", are behind an exterior store window, and do not cause, or contribute to a violation of the twenty-five percent (25%) rule mentioned in item number five (5) of the "General Allowable Sign Characteristics" (sections below).
- (8) Readerboard signs: Readerboard signs shall be prohibited.
- (9) Banners, streamers and similar signs shall be prohibited.
- (10) Billboards shall be prohibited.
- (11) Abandoned signs shall be prohibited.

20-507.

GENERAL ALLOWABLE SIGN CHARACTERISTICS:

All zoning districts will have allowable signs in addition to the exempt signs listed in this Ordinance.

(a) Size:

- (1) Wall or façade signs-A maximum total sign area of fifty (50) square feet, or one-half (1/2) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area. Any building not in a Planned Commerce Center or a Shopping Center may have a sign up to twenty-five (25) square feet regardless of the formula. Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.
- (2) Freestanding signs in lieu of or in combination with wall signs shall conform to paragraph (1) above. Freestanding signs shall not exceed twenty-five (25) square feet per face and total sign area shall not exceed fifty (50) square feet total of all faces.
- (3) Projecting signs in lieu of or in combination with wall signs or

freestanding signs shall conform to paragraphs (1) and (2) above.

- (4) Directories shall not exceed twenty-five (25) square feet per face and total directory area shall not exceed fifty (50) square feet.
- (5) Window signs may occupy no more than 25% of the area of the window to which they are erected. A window sign exceeding 25% of the window area shall be allowed temporarily for a period not to exceed seven (7) days within any thirty (30) day period. Exposed gaseous tube illumination, or neon signs which say "OPEN" are allowed only for the word "OPEN" and only if they are located behind an exterior store window and do not contribute to violating the above twenty-five percent (25%) rule.

(b) Height:

- (1) Freestanding signs: The maximum height of freestanding signs shall be fifteen (15) feet.
- (2) All signs: A minimum ground clearance of seven (7) feet shall be required for any sign projecting over pedestrian walkway.

(c) Set Back:

- (1) Freestanding signs shall be no less than 25 feet from street right-of-way.

(d) Illumination:

Sign illumination shall be subject to the following limitations:

- (1) External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- (2) Illumination intensity shall be less than that which causes glare to be reflected upon any adjacent property or public street.
- (3) Internal light sources shall not be of such intensity as to create traffic hazards.

(e) Design:

The Building Inspector shall submit to the Town Council for approval any signs of questionable characteristics.

(f) Coordinated Signing Program:

The preceding limitations of this Section shall apply to each place of business located within a Shopping Center. All signs of a Shopping Center visible from the public right-of-way shall be coordinate as to number, mode of display, location, colors, finish materials and illumination of each sign with all the other signs and with the architecture

of the center. An application for approval of a coordinated sign program shall be made to the Town Council and shall include the information described in the application for sign permit except that when the design of an individual sign message is unknown, the required application drawings shall depict only the sign location and maximum size upon the building face. No freestanding signs shall be allowed to the individual business in the Shopping Center.

(g) Calculation of Sign Area:

For the purpose of applying sign size regulations, the following criteria shall be used to calculate sign area:

- (1) For single-faced signs, area shall be that within the outermost perimeter of the sign. A single-faced sign is a sign constructed so its message is displayed in a single plan and is viewable from only one side of the plan.
- (2) For double-faced signs, area shall be that within the outermost perimeter of one face of the sign. A double-faced sign is a sign constructed to display its message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes, provided the planes are not more than four (4) feet apart.
- (3) For multiple-faced signs, area shall be the sum of the areas within the outermost perimeter of each face. A multiple-faced sign is a sign constructed to display its message either on a curved surface or on two or more planar surfaces, excepting signs that qualify as double-faced signs.

20-508. Churches and Schools:

Signs identifying churches and schools shall comply with the provisions of this Ordinance, except that the size shall not exceed fifty (50) square feet regardless of street frontage.

20-509. Subdivisions:

Signs identifying subdivisions shall comply with the provisions of this Ordinance, except that the size shall not exceed fifty (50) square feet regardless of street frontage.

20-510. Condominiums and Apartments:

Signs identifying condominiums and apartments shall comply with the provisions of this Ordinance, except that the size shall not exceed twenty-five (25) square feet regardless of street frontage.

20-511. Development and Construction Signs:

Signs for developments and construction sites shall be allowed as follows:

- (1) One construction sign for each construction project when erected temporarily on site after issuance of building permits and removed prior to occupancy. Construction signs for single-family residences shall not exceed six (6) square feet in size. Construction signs for projects other than single-family residences shall not exceed twenty-five (25) square feet in size.
- (2) Signs identifying a development are allowed and shall not exceed twenty-five (25) square feet in size. A development sign can be indirectly illuminated.
- (3) The above signs are also subject to all other limitations of this Ordinance unless exempted above. Development and construction signs shall be removed within three (3) years after their erection or after two-thirds (2/3) of the project has been sold, whichever occurs first.

20-512. Administration and Variances:

The Town Council is authorized to permit variances in the administration of this Ordinance when good taste and unusual circumstances and/or practicality justify the granting of a variance. Part of the intent of this Ordinance is to promote creativity in signs. To apply for a variance, a person must file a petition with the Council setting forth what variance is requested and the reasons for the request. All applications and all petitions for new sign variances of a permanent nature shall be administered by the Town Council. The Town Council can hold a hearing on such petition if it desires to do so.

The Town Manager is authorized to permit temporary variances for non-profit organizations only in the administration of this Ordinance and may hold a public hearing on such if he so desires. The Town Manager is authorized to permit temporary variances of not more than fourteen (14) consecutive days and/or thirty (30) days during any twelve (12) month period. The maximum number of temporary locations shall be eight (8) at any one time.

20-513. Nonconforming Uses:

- (1) All signs deemed nonconforming by this Section shall be made to comply with the requirements of this Ordinance according to the following schedule :
 - (a) Signs twenty (20) years or older shall have five (5) years to comply;
 - (b) Signs twelve (12) years to twenty (20) years old shall have seven (7) years to comply;
 - (c) Signs five (5) years to twelve (12) years old shall have ten (10)

- years to comply;
- (d) Signs zero (0) years to five (5) years old shall have fifteen (15) years to comply.
- (2) Regardless of the above schedule, a nonconforming sign shall be made conforming if one of the following situations occur:
- (a) Any modification of sign appearance, other than normal maintenance necessary to retain the original appearance of the sign; or,
- (b) Removal of the sign, except when removal is done for maintenance and the sign is re-erected within fourteen (14) days; or,
- (c) Change of use or business, or termination of the business which existed: (also) a business will have one year to comply when ownership changes but type of business remains the same; or,
- (d) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign which duplicates the old; or,
- (e) Any sign prohibited by the adoption of this Ordinance shall be removed within 90 days from written notification.

20-514. Maintenance:

All signs shall be continuously maintained in conformance with the standards of appearance extant at the time of original erection. Deteriorated or damaged paint and construction materials shall be immediately renewed.

20-515. Abandoned Signs:

The Town Council may, at their discretion, order the removal of an abandoned sign if thirty (30) days have elapsed since the owner of the property on which the sign is located was notified in writing.

20-516. Penalties:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50). Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where anything in this violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

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 effective immediately from and after it's Final passage as provided by law.

Passed First Reading 8-13, 2007.

Passed Second Reading 9-10, 2007.



PAUL M. HENDRICKS, Mayor



SHERRY MORRISON, Recorder

ORDINANCE NO. 2007-13

AN ORDINANCE TO AMEND TITLE 15, CHAPTER 1 TO ADD A NEW SECTION 15-120 OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO RESTRICTIONS ON OPERATIONS OF TRUCKS WITH THREE OR MORE AXLES WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

SECTION 1. That Title 15, Chapter 1, of the Signal Mountain Town Code is hereby amended to include a new Section 15-120 as the following new section:

Section 15-120. Restrictions on operation of trucks with three or more axles.

- (a) The Town Manager is hereby authorized to direct the positing of official traffic control signs on any street, alley, or other public way or portion thereof to prohibit through traffic of trucks with three (3) or more axles to restrict such traffic on any residential street; upon any street which has an inadequate base or foundation to withstand truck traffic; or upon any street which is posted to prohibit truck traffic by the Tennessee Department of Transportation within the Town. Nothing herein shall be deemed to prohibit the operation of trucks with three (3) or more axles on such streets for the sole purpose of making a pick-up or delivery which would entail traveling over the restricted portion of the street for commercial or residential deliveries within the Town.
- (b) No person shall stand or park a truck or other motor vehicle having three (3) or more axles in any residential district within the Town on either a street right-of-way or on private property except during the loading or unloading of passengers or material.

SECTION 2. That this Ordinance shall become effective immediately after it's

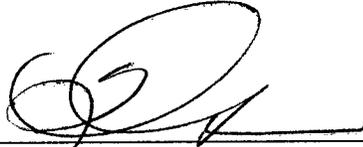
Final passage as provided by law.

Passed First Reading 6-11, 2007.

Passed Second Reading 9-10, 2007.



PAUL M. HENDRICKS, Mayor



SHERRY MORRISON Town Recorder