

*****February 11, 2008*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, February 11, 2008, at 7:00 p.m. in the Town Hall. Those present were:

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

Also present were:

Interim Town Manager Lynn Wampler
 Town Attorney Phillip Noblett
 Town Recorder Mark Johnson
 See attached list for others present

Mayor Hendricks called the meeting to order and led the Pledge of Allegiance to the Flag. The Mayor welcomed Reverend Greg Nance from Signal Mountain Church of Christ, who gave the prayer. Mayor Hendricks opened the meeting by asking the council for comments on the minutes for the January 28, 2008 agenda meeting and the January 14, 2008 regular monthly meeting. Councilmember Robertson asked that the word "think" in the third paragraph of page 4 of the January 14 minutes be changed to "thing", and that the first paragraph on page three be amended to add additional language clarifying that the \$5.00 per-visit non-resident charge for use of the transfer station was eliminated from the recent ordinance raising non-residents user fees for the transfer station. Councilmember Allen moved to accept the minutes as amended. Councilmember Robertson seconded, and the motion was passed unanimously.

Mayor Hendricks explained the first "RESOLUTION RECOGNIZING AND CELEBRATING THE FIRST FRIDAY IN MARCH, 2008, AS ARBOR DAY WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Mayor Hendricks recognized Noah Long, Woodcliff Circle, who thanked the Council for the resolution and gave a brief summary of the National Arbor Day Foundation and its history. Mr. Long also invited everyone to a tree-planting event to be held on March 7th at 11:00 A.M. at the new school. Councilmember Lusk moved to accept the resolution, Councilmember Allen seconded, and it was passed unanimously.

The Mayor explained the next three resolutions, "A RESOLUTION COMMENDING HALE HAMILTON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION"; "A RESOLUTION COMMENDING DAN SAIED, JR. FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION"; and "A RESOLUTION COMMENDING DICK DILLENDER FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION. These gentlemen were introduced and recognized by Mayor Hendricks for their cumulative 60 years of service to the Town.

The Mayor explained the next resolution, "A RESOLUTION COMMENDING RON EYTCHISON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PERSONNEL COMMITTEE. Admiral Eytchison was introduced and recognized by Mayor Hendricks.

The Mayor explained the next three resolutions: "A RESOLUTION COMMENDING ROBIN GAYLOR FOR HER YEARS OF SERVICE ON THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD"; "A RESOLUTION COMMENDING ART DICKERSON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD"; "A RESOLUTION COMMENDING GEORGE REA FOR HIS YEARS OF SERVICE ON THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD". These individuals that were present in the audience were introduced and recognized by Mayor Hendricks for their service.

The Mayor explained the next resolution, "AUTHORIZING AND SUPPORTING THE SUBMISSION OF AN APPLICATION FOR LOCAL PARKS AND RECREATION FUNDS (LPRF) FOR SWIMMING POOL IMPROVEMENTS." Jarred Thompson, Recreation Director, gave a summary of necessary improvements to the pool, including re-plastering for the main and baby pools, acquisition of modular life guard stands and ladders, replacement of pool lights, deck re-surfacing, and erosion prevention. Mr. Thompson noted the Town is in the process of applying for a \$200,000.00 50/50 grant to cover the costs. The Town's portion would be \$100,000. Councilmember Robertson inquired if the leaking faucets in the pool dressing rooms would be covered under the grant. Mr. Thompson indicated they would. Councilmember Allen asked about the timing of the grant process. Mr. Thompson noted work could begin, provided the grant application is accepted and approved in late summer. Councilmember Robertson asked about the availability of volunteers to help with the work. Mr. Thompson replied he was unsure of any significant, available help. Mr. Wampler noted bids for this project would have to be solicited. Councilmember Robertson moved the resolution be accepted, Councilmember Lusk seconded, and it was passed unanimously.

The Mayor called for a vote on the following ordinance, "AN 'ORDINANCE TO AMEND ORDINANCE NO. 2007-10, ENTITLED THE FY 2007-2008 BUDGET ORDINANCE' SO AS TO PROVIDE FOR THE CREATION OF A CAPITAL PROJECT FUND AND TO AMEND THE GENERAL FUND IN THE AMOUNT OF \$275,229.00 FOR PROJECTED CAPITAL FUNDS NEEDED, TO AMEND THE PUBLIC UTILITIES FUND IN THE AMOUNT OF \$61,339.00 FOR PROJECTED CAPITAL FUNDS NEEDED, AND TO AMEND THE STORMWATER FUND IN THE AMOUNT OF \$2,500.00 FOR PROJECTED CAPITAL FUNDS NEEDED, FOR A TOTAL AMENDMENT FOR CAPITAL PROJECT FUNDS IN THE FISCAL YEAR 2007-2008 OF \$339,068.00". The mayor noted these funds are needed to replace/repair several capital assets. Councilmember Robertson moved, and Vice Mayor Dick seconded the ordinance be approved. The ordinance was approved unanimously.

The Mayor called for a vote on the next ordinance, "ORDINANCE TO ESTABLISH AN OCCUPATIONAL SAFETY AND HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND IMPLEMENTATION OF SUCH PROGRAM." The Mayor noted approval of this ordinance is an update required by the state. Mr. Wampler noted it is required every five years. Councilmember Allen moved the ordinance be passed, Councilmember Lusk seconded, and it passed unanimously.

The Mayor called for a vote on "AN ORDINANCE TO AMEND SECTIONS 5-101, 5-102 AND ADD NEW SECTIONS 5-103 AND 5-104 TO THE SIGNAL MOUNTAIN TOWN CODE, TO SET THE RATES ON GYM RENTAL FEES, NONRESIDENT FEES FOR USE OF TOWN FACILITIES AND TOWN FEES FOR USAGE OF THE TOWN SWIMMING POOL." Mayor Hendricks noted the current fees are relatively low, and the increases would relate to infrastructure improvements. He then asked for any audience comments. There were none. Councilmember Robertson moved the ordinance be passed, and Vice-Mayor Dick seconded. Councilmember Lusk inquired as to whether the cost of lifeguards was addressed in the pool fee structure. Mr. Wampler noted the non-resident \$75 fee included such consideration. Mr. Wampler also noted, after inquiry by Councilmember Robertson, the fee covered the additional cost of swim meets. Mayor Hendricks noted the fee increases are indeed beneficial to the maintenance of the various recreation facilities, and his hope was that the public would understand the need for them. Mr. Wampler asked if consideration had been given to charges for the use of certain county ball fields by local sports teams. Mayor Hendricks noted that would be more of a county issue, as the Town does not perform maintenance on said fields. The ordinance was passed unanimously; however, Mayor Hendricks noted this was only the first reading.

The Council also agreed to add a special provision to the non-resident fee structure allowing for a \$5 per use fee for non-residents to use the transfer station as an alternative to the one time yearly fee of \$125. Mr. Noblett suggested that this provision be attached to the ordinance setting non-resident fees at the transfer station.

Lou Oliphant, Secretary for the Planning Commission, reported on the commission's recent meeting. She noted the following officers were elected: John Trimpey - Chairman; Wells Blake - Vice Chairman; Secretary - Lou Oliphant. Also, upcoming classes applicable for the four-hour education requirement for Planning Commission members were discussed. Mrs. Oliphant noted an upcoming workshop on February 27, 2008, regarding subdivision regulations is scheduled at the Town Hall. Mayor Hendricks noted the Planning Commission is to begin the process of reviewing and revising current subdivision regulations.

Mr. Wampler discussed the Town's negotiations on its cable contract with Comcast. Mr. Wampler had reviewed the new contract and compared it with the one for Chattanooga, noting the present contract is for sixteen years, whereas the new contract would be for ten. He also noted it is a non-exclusive contract. Negotiations will continue.

Mayor Hendricks summarized the recent meeting with Waste Water Treatment Authority (WWTA). There have been additional overflows released into the Tennessee River because of the inadequacy of the Signal Mountain sewage treatment plant, owned and operated by the WWTA. The WWTA has suggested directing the Town's sewer outflow to Moccasin Bend; however, officials of Chattanooga are reticent because they have their own overflow problems. Mayor Hendricks mentioned there are failing sewer lines in the Town and called for discussion.

Councilmember Lusk noted that, according to the WWTA, there are several current sewer connections that need to be repaired; and, as a long-term consideration, the Town needs a comprehensive sewer plan. Mayor Hendricks noted this is a big environmental problem for everyone. Councilmember Robertson said individual testing of residential lines to verify deficiencies is important and any damage caused by such testing and/or repairs should be the WWTA's liability. She also noted WWTA wants to convert the treatment center into a pumping station that would deliver outflow to Moccasin Bend if Chattanooga will agree to take it. Mayor Hendricks noted Dr. Dick Urban, of the Tennessee Department of Environment and Conservation, has been contacted about visiting in March to take a look at the issue. Vice-Mayor Dick reiterated that individual testing is important. Mayor Hendricks indicated he would try to get all parties to attend the March meeting. Councilmember Robertson moved and Councilmember Allen seconded a motion to continue to negotiate with WWTA over this issue. The motion passed unanimously.

Mr. Wampler then reported that several candidates had been interviewed for the position of Town Manager. The Council members each gave comments on who they felt would be the best fit for this position among the candidates. They agreed that Honna Rogers was the most qualified and able choice. Council member Lusk noted he had received excellent recommendations from other municipalities regarding her qualifications. Councilmember Robertson moved and Councilmember Allen seconded a motion to hire Honna Rogers as Town Manager. The motion passed unanimously.

Monthly Department Heads Reports

- Police: Chief Boyd Veal reported that the recent law enforcement management school classes went well. A team building course is scheduled for July. The following promotions have been made: Bronco Sullivan – Lieutenant; David Smith – Sergeant. Mayor Hendricks asked how the animal control situation was proceeding. Chief Veal said it had been difficult to keep up with since the recent station fire. Mr. Wampler noted that the recent interview process for promotions was handled very professionally.
- Fire: Chief Valsis reported that there have been several fires in the Town recently, including one at the residence of Council member Lusk. The Town had also backed-up WRES at a fire scene in Walden. Several firefighters are currently attending the Wildland Urban Interface class. A National Incident Management

System (NIMS) class is scheduled for next week. The promotion processes for the department were completed and those promoted would be announced in the near future.

- MACC: Karen Shropshire reported that a preliminary estimate indicates enrollees in MACC classes of about 200. There have been several organizational meetings (e.g. Lions Club). "Friends of the MACC" have voted to buy blinds for some of the center's rooms. The MACC board met in January to welcome Bill Wallace and Michael Huseman to the board.
- Public Works: Loretta Hopper reported that replacing raised pavement markers has been a large project. Bids were outstanding on an automated garbage truck and waste-hauling services. A reimbursement in the amount of \$167,310 from the state for a sidewalk grant, which was based on 1999 estimates, has been received. The pilot project involving garbage pickup for residents living on private roads in the Jamestown and Westfield areas was underway; although there had been a problem in Westfield because it is difficult for large trucks to maneuver on some roads. Councilmember Lusk mentioned a notice of some sort should be sent to the residents' association asking their cooperation in working out a system that works fairly and equitably for both the residents and the Town.
- Mayor Hendricks asked about the status of the crosswalks for the schools. Ms. Hopper noted grant funding had not been received yet. Councilmember Lusk, referring back to waste-hauling services, inquired as to whether a fuel surcharge mechanism was in place when the fee proposal was made. Ms. Hopper said it was allowed for. Mr. Wampler noted Town personnel have discussed the possible use of a central location for garbage disposal for residents in areas such as Westfield. Ms. Hopper noted cost estimation regarding all the garbage pickup issues was the next step. Dick Dillender, a member of the audience, raised the question of whether there was to be any specific policy regarding garbage pickup for those individuals over the age of 70. Mayor Hendricks proposed that all questions and issues should be discussed with Westfield representatives at a future date.
- Recreation: Jarred Thompson reported that baseball/softball seasons are to begin, and a significant amount of maintenance on the ball fields has been performed. A Coca-Cola sign has been donated and was hung on the Gymnasium wall. The pool filtration system repairs were almost complete.
- Building/Stormwater: Chuck Gearhiser reported that building permits and stormwater work had both increased.
- Library: Karin Glendenning reported that at the completion of the recent inventory, 337 books were discovered that were in need of repair, and 397 items were missing. A number of children and parents have been attending Tuesday story times. Many books have been checked out during recent homeschool and

story time children visits. The library has been successful in collecting non-resident fees. Many new books have been purchased through budgeted funds, as well as donations.

- **Public Utilities:** William Sanders reported over 25,000,000 gallons of water had been pumped for the Town's use. Mr. Wampler was thanked for his involvement in obtaining a new control panel for the pumping station. There had been five major water leaks. Many water valves would have to be replaced. There had been several work orders and water service connections made. Mr. Sanders also reported on various concrete, gravel work, light pole repair and other miscellaneous work performed.

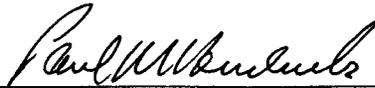
Vice-Mayor Dick commented on how wonderful it is that the department heads are working together so well. Council member Lusk mentioned how glad he was that the Town invested in employee training and resources.

Mr. Wampler then reported on a water tower maintenance proposal. Bids had been issued, but there had been only one response. He recommended the following resolution as a result: A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD MAINTENANCE CONTRACTS TO UTILITY SERVICES HOLDING COMPANY, INC. FOR THE MAINTENANCE OF FIVE (5) WATER TOWERS OWNED BY THE TOWN, TO THE STANDARDS REQUIRED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, FOR THE AMOUNT OF SEVENTY-THOUSAND EIGHT THIRTY-ONE AND 00/100 (\$70,831.00) DOLLARS IN THE FIRST YEAR OF THIS SERVICES CONTRACT AND INCREASING TO ONE HUNDRED SEVEN THOUSAND TWO HUNDRED THIRTY-SIX AND 00/100 (\$107,236.00) DOLLARS IN THE SECOND YEAR; ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTY-ONE AND 00/100 (\$165,661.00) DOLLARS IN THE FOURTH YEAR; AND ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTY ONE AND 00/100 (\$165,661.00) DOLLARS IN THE FIFTH YEAR, WHICH IS RECOMMENDED AS THE LOWEST AND BEST BID FOR THESE MAINTENANCE CONTRACTS BY THE TOWN MANAGER, SUBJECT TO CERTAIN CONDITIONS. " A motion was made by Vice-Mayor Dick and seconded by Councilmember Robertson to approve the resolution. The motion passed unanimously.

Mr. Noblett then swore in Mark A. Johnson to the position of Director of Finance/Recorder, who recited and agreed to the Oath of Office.

There being no further business, the meeting was adjourned.


Recorder



Dr. Paul Hendricks, Mayor

012419

DATE: February 11, 2008, 7:00 P.M.

NAME	ADDRESS
1. <u>Bone Elephant</u>	<u>796 Cherokee Ln</u>
2. <u>Don McGeorge</u>	<u>997 Cherokee Ln</u>
3. <u>Don Wood</u>	<u>937 Dussan Rd</u>
4. <u>Don Chase</u>	<u>8 Short Creek Falls</u>
5. <u>Mike O'Neil</u>	<u>Tombstone Inn</u>
6. <u>Paul S. J.</u>	<u>171 Woodcliff Circle</u>
7. <u>Taylor M. Simo</u>	<u>224 Stratford Way</u>
8. <u>Valery Levitt</u>	<u>307 Signal Mtn. Blvd.</u>
9. <u>Karen Shakespeare</u>	<u></u>
10. <u>Evelyn Davis</u>	<u>112 N. Palmsides Drive</u>
11. <u>Sharon Bell</u>	<u>143 Hunting Ridge Circle</u>
12. <u>Ron Eytelson</u>	<u>11 Praxico Lane</u>
13. <u>Honna Rogers</u>	<u>1210 Lawson St. Athens</u>
14. <u>Art Dickerson</u>	<u>176 Woodcliff Circle</u>
15. <u>Rhet Zales</u>	<u>4431 Stepper Rd</u>
16. <u>Justin Hor</u>	<u>1000 Crow Pt Rd W</u>
17. <u>Kate Bumpire</u>	<u>4094 University Dr. Ooltewah TN</u>
18. <u>Missy Maracle</u>	<u>4594 Timberland Terr. Collegedale TN</u>
19. <u>Debra Trumpeter</u>	<u>110 Woodcliff</u>
20. <u>Jeff Holland</u>	<u>213 Timberlinks Dr.</u>
21. <u></u>	<u></u>

RESOLUTION NO. 2008-1³~~2~~

A RESOLUTION RECOGNIZING AND CELEBRATING THE FIRST FRIDAY IN MARCH, 2008, AS ARBOR DAY WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE.

WHEREAS, the State of Tennessee has adopted the first Friday in March as Arbor Day;
and

WHEREAS, March 7, 2008, is the first Friday in March of 2008 and that day has been designated and will be celebrated as Arbor Day within the State of Tennessee.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council Members of the Town of Signal Mountain, Tennessee, hereby designate Friday, March 7, 2008, as the official day for observance and celebration of Arbor Day and authorizes Town employees to participate in Arbor Day Festivities within the Town.

Paul M. Kendrick
MAYOR

Frank Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

PAN/kac

RESOLUTION NO. ⁴ 2008-13

A RESOLUTION COMMENDING HALE HAMILTON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION.

WHEREAS, Hale Hamilton has served the Town of Signal Mountain for over 29 years as a valuable member to the Signal Mountain Planning Commission since 1979 and as Vice Chairman since 1994; and,

WHEREAS, Hale Hamilton has provided years of service which have involved the regulatory issues related to the development of many neighborhood areas of Signal Mountain including Hidden Brook, Carriage Hill, Jamestown, Westfield, and Stonewood; and,

WHEREAS, Hale Hamilton has served the Town by updating Zoning Ordinances originally adopted in 1979; reviewing and considering changes to the Zoning Ordinances for proposed development along Shackelford Ridge Road within the Town; conducting site visits to newer developments within adjoining communities and within the Town as part of the planning process; meeting with Conservation Land Use planners to consider Growth Studies and future development of the Town in connection with sewer expansion by the WWTA; and most recently in connection with the passage of the 2008 Land Use Plan for the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Hale Hamilton is commended and recognized for his many years of public service to our community as Vice-Chairman and member of the Town Planning Commission.

Paul M. Hendricks
MAYOR

Frank Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

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RESOLUTION NO. 2008-14

A RESOLUTION COMMENDING DAN SAIEED, JR. FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION.

WHEREAS, Dan Saieed, Jr. has served the Town of Signal Mountain for over 14 years as Chairman and 16 years as a valuable member to the Signal Mountain Planning Commission since 1992; and,

WHEREAS, Dan Saieed, Jr. has provided years of service which have involved the regulatory issues related to the development of many neighborhood areas of Signal Mountain, including include Hidden Brook, Carriage Hill, Jamestown, Westfield, and Stonewood; and,

WHEREAS, Dan Saieed, Jr. has served the Town by updating Zoning Ordinances originally adopted in 1979; reviewing and considering changes to the Zoning Ordinances for proposed development along Shackelford Ridge Road within the Town; conducting site visits to newer developments within adjoining communities and within the Town as part of the planning process; meeting with Conservation Land Use planners to consider Growth Studies and future development of the Town in connection with sewer expansion by the WWTA; and most recently in connection with the passage of the 2008 Land Use Plan for the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Dan Saieed, Jr. is commended and recognized for his many years of public service to our community as Chairman and member of the Town Planning Commission.

Paul M. Kuebel
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

RESOLUTION NO. 2008-1~~7~~⁶

A RESOLUTION COMMENDING DICK DILLENDER FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PLANNING COMMISSION.

WHEREAS, Dick Dillender has served the Town of Signal Mountain for over 15 years as a valuable member to the Signal Mountain Planning Commission since 1993; and,

WHEREAS, Dick Dillender has provided years of service which have involved the regulatory issues related to the development of many neighborhood areas of Signal Mountain, including include Hidden Brook, Carriage Hill, Jamestown, Westfield, and Stonewood; and,

WHEREAS, Dick Dillender has served the Town by updating Zoning Ordinances originally adopted in 1979; reviewing and considering changes to the Zoning Ordinances for proposed development along Shackleford Ridge Road within the Town; conducting site visits to newer developments within adjoining communities and within the Town as part of the planning process; meeting with Conservation Land Use planners to consider Growth Studies and future development of the Town in connection with sewer expansion by the WWTA; and most recently in connection with the passage of the 2008 Land Use Plan for the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Dick Dillender is commended and recognized for his many years of public service to our community as a member of the Town Planning Commission.

Paul M. Kendrick
MAYOR

Theresa Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

RESOLUTION NO. 2008-16⁷

A RESOLUTION COMMENDING RON EYCHISON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN PERSONNEL COMMITTEE.

WHEREAS, Ron Eytchison has served the Town of Signal Mountain since 1995 for over 13 years as a valuable member to the Signal Mountain Personnel Committee; and,

WHEREAS, Ron Eytchison has provided excellent service to the Town and its citizens as a member of the Personnel Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Ron Eytchison is commended and recognized for his many years of excellent public service to our community.

Paul M. Heuerich
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

PAN/kac

RESOLUTION NO. ⁸2008-17

A RESOLUTION COMMENDING ROBIN GAYLOR FOR HER YEARS OF SERVICE ON THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD.

WHEREAS, Robin Gaylor has served the Town of Signal Mountain since 2004 for over 4 years as a valuable member to the Signal Mountain Library Board; and,

WHEREAS, Robin Gaylor has provided excellent service to the Town and its citizens as a member of the Library Board.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Robin Gaylor is commended and recognized for her years of excellent public service to our community.

Paul W. General
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

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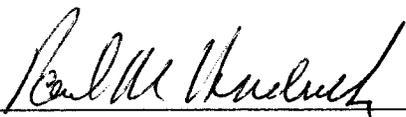
RESOLUTION NO. ⁹2008-18

A RESOLUTION COMMENDING ART DICKERSON FOR HIS MANY YEARS OF SERVICE TO THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD.

WHEREAS, Art Dickerson has served the Town of Signal Mountain since 2001 for over 7 years as Chair and a valuable member to the Signal Mountain Library Board and has recently accepted a position as a member of the Town Personnel Committee; and,

WHEREAS, Art Dickerson has provided and will continue to provide excellent volunteer service to the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That Art Dickerson is commended and recognized for his many years of excellent public service to our community.



MAYOR



RECORDER

2/11/08

DATE

2/11/08

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PAN/kac

RESOLUTION NO. ²⁰~~2008-19~~

A RESOLUTION COMMENDING GEORGE REA FOR HIS YEARS OF SERVICE ON THE TOWN OF SIGNAL MOUNTAIN LIBRARY BOARD.

WHEREAS, George Rea has served the Town of Signal Mountain since 2004 for over 4 years as Vice-Chair and a valuable member to the Signal Mountain Library Board; and,

WHEREAS, George Rea has provided excellent service to the Town and its citizens as Vice-Chair and as a member of the Library Board.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE, That George Rea is commended and recognized for his years of excellent public service to our community.

Paul McEwen
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

PAN/kac

RESOLUTION NO. 2008-21

A RESOLUTION APPOINTING JOHN TRIMPEY, VAN BUNCH,
AND WAYNE WILLIAMS AS MEMBERS OF THE SIGNAL
MOUNTAIN TOWN PLANNING COMMISSION.

WHEREAS, pursuant to Signal Mountain Town Code § 14-101, the Signal Mountain Planning Commission shall consist of not less than nine (9) members nor more than ten (10) members; two (2) of these members shall be the Mayor and another member of the Town Council, selected by the Town Council; and the other eight (8) members shall be appointed by the Mayor; and

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

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

Section 1. Pursuant to the authority granted to the Mayor under Signal Mountain Town Code § 14-101, the Mayor is hereby authorized to appoint John Trimpey, 2221 Edwards Point Road, Signal Mountain, TN 37377, for a three (3) year term expiring on January 31, 2011; Van Bunch, 57 Carriage Hills, Signal Mountain, TN 37377, for a three (3) year term expiring on January 31, 2011; and Wayne Williams, 710 Kentucky Avenue, Signal Mountain, TN 37377, for a three (3) year term expiring on January 31, 2011, to serve on the Town Planning Commission.

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

Paul W. Kurbail
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

RESOLUTION No. 2008-2²

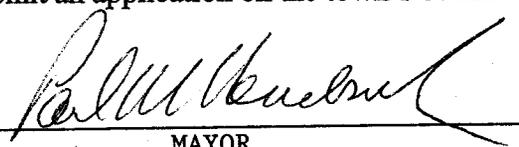
AUTHORIZING AND SUPPORTING THE SUBMISSION OF AN APPLICATION FOR LOCAL PARKS AND RECREATION FUNDS (LPRF) FOR SWIMMING POOL IMPROVEMENTS

WHEREAS, the Mayor and Town Council of Signal Mountain desires to improve local recreational facilities and expand recreational opportunities and access for all citizens of the town; and

WHEREAS, improvements to the Town of Signal Mountain's Swimming Pool facilities has been identified as a priority of the Parks and Recreation Board; and

WHEREAS, the town is currently eligible for a Local Parks and Recreation Fund grant through the Tennessee Department of Environment to assist with improvements to the;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Signal Mountain, Tennessee hereby authorizes and supports the submission of the Signal Mountain Swimming Pool Improvements Project application for funding under the terms and conditions of the Local Parks and Recreation Fund to include the appropriation of the required local share of 50% of the total project cost of \$200,000. Therefore, if the grant is approved, the Town of Signal Mountain will be responsible to appropriate \$100,000, which represents the 50% required match for the \$200,000 overall project costs. Furthermore, the Mayor of the Town of Signal Mountain is hereby authorized to sign and submit an application on the town's behalf.


MAYOR


RECORDER

2/11/08
DATE

2/11/08
DATE

ORDINANCE NO. 2008-1

AN ORDINANCE TO AMEND ORDINANCE NO. 2007-10, ENTITLED THE "FY 2007-2008 BUDGET ORDINANCE" SO AS TO PROVIDE FOR THE CREATION OF A CAPITAL PROJECT FUND AND TO AMEND THE GENERAL FUND IN THE AMOUNT OF \$275,229.00 FOR PROJECTED CAPITAL FUNDS NEEDED, TO AMEND THE PUBLIC UTILITIES FUND IN THE AMOUNT OF \$61,339.00 FOR PROJECTED CAPITAL FUNDS NEEDED, AND TO AMEND THE STORMWATER FUND IN THE AMOUNT OF \$2,500.00 FOR PROJECTED CAPITAL FUNDS NEEDED, FOR A TOTAL AMENDMENT FOR CAPITAL PROJECT FUNDS IN THE FISCAL YEAR 2007-2008 OF \$339,068.00.

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

SECTION 1. That Ordinance No. 2007-10 entitled the "FY 2007-2008 Budget Ordinance" is hereby amended to provide for certain changed expenditures during fiscal year 2007-2008.

SECTION 2. That Ordinance No. 2007-10, as set forth above, be and the same is hereby amended to provide for the creation of a Capital Project Fund and to amend the General Fund in the amount of \$275,229.00 for projected capital funds needed, to amend the Public Utilities Fund in the amount of \$61,339.00 for projected capital funds needed, and to amend the Stormwater Fund in the amount of \$2,500.00 for projected capital funds needed, for a total amendment for Capital Project Funds in the Fiscal Year 2007-20008 of \$339,068.00.

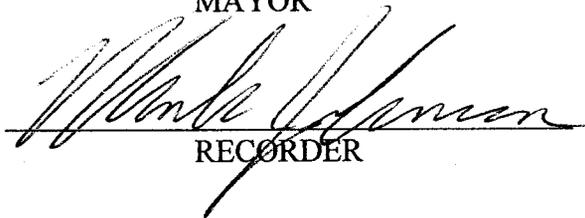
SECTION 3. That this Ordinance shall become effective immediately from and after its passage as provided by law

Passed First Reading 1/29/08, 2008.

Passed Second Reading 2/11/08, 2008.



MAYOR



RECORDER

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ORDINANCE TO ESTABLISH AN OCCUPATIONAL SAFETY AND HEALTH PROGRAM, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Town of Signal Mountain hereby establishes the Occupational Safety and Health Program for the employees of the Town of Signal Mountain.

NOW THEREFORE

SECTION 1: BE IT ORDAINED BY THE Town Council that there be and is hereby created an occupational safety and health program for the employees of the Town of Signal Mountain as follows:

TITLE:

This section shall provide authority for establishing and administering the Occupational Safety and Health Program Plan for the employees of the Town of Signal Mountain.

PURPOSE:

The Town of Signal Mountain, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top Management Commitment and Employee Involvement;
 - b) Continually analyze the worksite to identify all hazards and potential hazards;
 - c) Develop and maintain methods for preventing or controlling existing or potential hazards; and
 - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program.

COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of the Town of Signal Mountain shall apply to all employees of each administrative department, commission, board, division, or other agency of the Town of Signal Mountain whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE
EMPLOYEES OF THE TOWN OF SIGNAL MOUNTAIN

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the Town of Signal Mountain.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Town of Signal Mountain in electing to update and maintain an effective occupational safety and health program for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational safety and health program.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- a. **COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT** means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. **EMPLOYER** means the Town of Signal Mountain and includes each administrative department, board, commission, division, or other agency of the Town of Signal Mountain.
- c. **DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH** or **DIRECTOR** means the person designated by the establishing Ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the employees of the Town of Signal Mountain.
- d. **INSPECTOR(S)** means the individual(s) appointed or designated by the Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Director of Occupational Safety and Health.
- e. **APPOINTING AUTHORITY** means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. **EMPLOYEE** means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants,

- and employees.
- g. PERSON means one or more individual, partnership, association, corporation, business trust, or legal representative of any organized group of persons.
 - h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
 - i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
 - j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
 - k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. ACT or TOSHAct shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from any unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this program are complied with and carried out.

- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this program.

IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 - 1. The Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.

2. The Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Director.
 3. The Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 4. The Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.
 5. The Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Director on all issues involving occupational safety and health of employees as set forth in this plan.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Director within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Director along with his findings and/or recommendations in accordance with APPENDIX V of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.

2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has an effective program for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

- a. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORDKEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 2003) or as may be prescribed by the Tennessee Department of Labor and Workforce Development.
- b. The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix V to this plan.
- c. Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix V to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

- a. Director and/or Compliance Inspector(s):
 1. Arrangements will be made for the Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

- b. All Employees (including Managers and Supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury (such as falls, electrocution, crushing injuries (e.g., trench cave-ins), and being struck by

material or equipment).

2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances (including carbon monoxide and chlorine) in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures, personal hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4') in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this program, the Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the

- employees shall be given an opportunity to consult with and/or to accompany the Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
 - e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
 - f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
 - g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create a misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
 - h. The Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Director.
 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Director.
 - i. The Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 2. If the alleged imminent danger situation is determined to have merit by the Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitute an imminent danger, the Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Director describing in detail the imminent danger

and its abatement. This report will be maintained by the Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Director and/or Chief Executive Officer immediately.
2. The Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to be violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this program.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand
 2. Written reprimand
 3. Suspension for three (3) or more working days
 4. Termination of employment

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Director pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which

contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, Ordinance, or executive order, as applicable, which regulates safety and health in employment and places of employment shall not excuse the employer, the employee, or any other person from compliance with the provisions of this program.
- b. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the employer, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

Town Manager

Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN - APPENDIX I

ORGANIZATIONAL CHART

{For this section make a list of each work location wherein city employees work, such as City Hall, Water Plant, Police Department, City Garage, etc.), the address for the workplace, phone number at that workplace, and number of employees who work there.}

Town Hall Building- 12 Employees

1111 Ridgeway Avenue
Signal Mountain, TN 37377
423-886-2177

Police/ Fire Department -35 employees

1111 Ridgeway Complex
Signal Mountain, TN 37377
423-886-2124 / Fire 886-7075

Water Maintenance Shop- 5 Employees

1111 Ridgeway Complex
Signal Mountain, TN 37377
423-886-3243

Swimming Pool- 50 Employees

1111 Ridgeway Complex
Signal Mountain, TN 37377
423-886-2177

Recycling Center- 2 Employees

1151 Ridgeway Avenue
Signal Mountain, TN 37377
423-886-4341

Library- 5 Employees

1114 James Blvd.
Signal Mountain, TN 37377
423-886-7323

Public Works- 22 Employees

714 Mississippi Avenue
Signal Mountain, TN 37377
423-886-6367

MACC- 3 Employees

809 Kentucky Avenue
Signal Mountain, TN 37377
423-886-1959

TOTAL NUMBER OF EMPLOYEES: 134

{Once each work location has been listed, record the total number of employees that the city employs.}

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN APPENDIX III

NOTICE TO ALL EMPLOYEES OF THE TOWN OF SIGNAL MOUNTAIN, TN

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage, of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Town Manager or Recorder/Finance Director.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before the Town Council for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the Town of Signal Mountain is available for inspection by any employee at the Town Hall, 1111 Ridgeway Avenue during regular office hours.

Signature: Town Manager

Date

OCCUPATIONAL SAFETY AND HEALTH PLAN

012448

APPENDIX IV

PROGRAM BUDGET

1. Prorated portion of wages, salaries, etc., for program administration and support
2. Office space and office supplies
3. Safety and health educational materials and support for education and training
4. Safety devices for personnel safety and health
5. Equipment modifications
6. Equipment additions (facilities)
7. Protective clothing and equipment (personnel)
8. Safety and health instruments
9. Funding for projects to correct hazardous conditions
10. Reserve fund for the program
11. Contingencies and miscellaneous

TOTAL ESTIMATED PROGRAM FUNDING:

ESTIMATE OF TOTAL BUDGET FOR:

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

ACCIDENT REPORTING PROCEDURES

Note: All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported by phone to the Commissioner of Labor and Workforce Development within eight (8) hours.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid).
2. Record each injury/illness on the OSHA Form No. 300 according to the instructions provided.
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases either on OSHA Form No. 301 or on worker's compensation reports giving the same information.
4. Every year, prepare the annual summary (OSHA Form No. 300A); post it no later than February 1, and keep it posted until April 30.
5. Retain these records for at least 5 years.
6. Complete the Survey of Occupational Injuries/Illness and mail it to Labor Research and Statistics, when requested.

The four (4) procedures listed below are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Director as soon as possible, but not later than twenty-four (24) hours, of their occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after their occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Director and/or recordkeeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours, after their occurrence. The supervisor will provide the Director and/or recordkeeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Director and/or recordkeeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.

(51-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as

possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head is to be notified of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Since a Workers Compensation Form C20 or OSHA NO. 301 Form must be completed, all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employers mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 6 listed under **PROGRAM PLAN** in Chapter IV, Part IV of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation.

RESOLUTION NO. ³2008-22

A RESOLUTION AUTHORIZING THE TOWN MANAGER FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO AWARD MAINTENANCE CONTRACTS TO UTILITY SERVICES HOLDING COMPANY, INC. FOR THE MAINTENANCE OF FIVE (5) WATER TOWERS OWNED BY THE TOWN, TO THE STANDARDS REQUIRED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, FOR THE AMOUNT OF SEVENTY-THOUSAND EIGHT THIRTY-ONE AND 00/100 (\$70,831.00) DOLLARS DURING THE FIRST YEAR OF THIS SERVICES CONTRACT AND INCREASING TO ONE HUNDRED SEVEN THOUSAND TWO HUNDRED THIRTY-SIX AND 00/100 (\$107,236.00) DOLLARS IN THE SECOND YEAR; ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTY-ONE AND 00/100 (\$165,661.00) DOLLARS IN THE THIRD YEAR; ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTY-ONE AND 00/100 (\$165,661.00) DOLLARS IN THE FOURTH YEAR; AND ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTY-ONE AND 00/100 (\$165,661.00) DOLLARS IN THE FIFTH YEAR, WHICH IS RECOMMENDED AS THE LOWEST AND BEST BID FOR THESE MAINTENANCE CONTRACTS BY THE TOWN MANAGER, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to award maintenance contracts to Utility Services Holding Company, Inc. for the maintenance of five (5) water towers owned by the Town, to the standards required by the Tennessee Department of Environment and Conservation, for the amount of \$70,831.00 during the first year of this services contract and increasing to \$107,236.00 in the second year; \$165,661.00 in the third year; \$165,661.00 on the fourth year; and \$165,661.00 in the fifth year, which is recommended as the lowest and best bid for these maintenance contracts by the Town Manager, subject to certain conditions. The maintenance contracts with Utility Services Holding Company, Inc. may extend to a total of eleven (11) years provided that any or all maintenance contracts may be cancelled by either party within ninety (90) days of any

anniversary date without payment being due for subsequent years. Any approval of this resolution is contingent upon the review and approval of all contracts by the Town Attorney.

Paul M. Develro
MAYOR

Mark Johnson
RECORDER

2/11/08
DATE

2/11/08
DATE

PAN/kac