

*****June 9, 2008*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, June 9, 2008, at 7:00 p.m. in the Town Hall. Those present were:

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

Also present were: Town Manager Honna Rogers
 Town Attorney Phillip Noblett
 Town Recorder Mark Johnson
 See attached list for others present

Mayor Hendricks called the meeting to order and initiated the pledge of allegiance. Rabbi Joshua Lief of Mizpah Congregation gave the invocation. Roll call found all Council members present with the exception of Councilmember Annette Allen.

Prior Meetings' Minutes Review

Minutes of the May 12th regular meeting and May 30th agenda meeting were discussed. Councilmember Robertson requested the following changes to the May 12th minutes: 1) that in item "2" under the ordinances section, the phrase "...citizens who want to memorialize loved ones" be changed to "citizens who want to memorialize or honor groups or individuals" 2) under the Building Inspection portion of the Department Reports section, the word "the" before the words "school construction" be eliminated 3) under the Building Inspection portion of the Department Reports section, the phrase "...new homes are being developed" be changed to "...new building permits are being issued" 4) under the Building Inspection portion of the Department Reports section, the sentence "The Stormwater function is working well" be changed to "Stormwater issues are under control". She also requested that, in the May 30th minutes, on page four in the first paragraph, the statement "Mr. Thompson indicated he was agreeable to stopping work being performed on the field and leaving what work had been done in place" be changed to "Mr. Thompson indicated agreement with leaving the backstop in place now that safety issues have been addressed." Mayor Hendricks requested that, in the May 12th minutes, under item "3" of the ordinances section, the motion language be changed from "having further discussions on the ordinance later" to appropriately indicate the ordinance itself be passed on first reading.

Presentations to Council

Pris Shartle and Ellis Smith were invited to speak on the Veterans' Memorial Highway Project. They summarized the project, saying it was an effort to rename a portion of Highway 127 the "Veterans' Memorial Highway", to honor veterans. Surrounding counties were already in support of this. They also noted signs indicating the name

would be placed along either side of the highway. Noah Long noted TDOT agreed to pay for the signs.

Beer Board Discussion

The Council discussed a beer permit application by "Nino's Italian Restaurant." Mr. Noblett said the Council has authority over this process. Mayor Hendricks invited comments from the audience on the issue. There were none. Councilmember Robertson moved, and Vice-Mayor Dick seconded a motion to approve the permit. The motion passed unanimously. Antonio Piccolo of Nino's was present and asked how quickly a permit could be obtained. Mr. Noblett replied it could be done the next day.

Public Hearing

The Council held a public hearing on the fiscal year 2008-2009 budget. Mayor Hendricks invited comments from the audience. There were none. The hearing was then closed. The following ordinance was presented: "AN ORDINANCE TO ADOPT THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE 'FY 2008-2009 BUDGET ORDINANCE' TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009 AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2008-2009 AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTIES ON ALL DELINQUENT TAXES AND PRIVILEGES OWED TO THE TOWN OF SIGNAL MOUNTAIN AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR." Mayor Hendricks noted the issue of Stormwater fees would still have to be discussed, but this will be done in the July meeting. Councilmember Robertson moved, and Vice-Mayor Dick seconded, the budget be approved. The motion passed unanimously.

Citizen Comments

Mayor Hendricks invited citizens to present any comments or concerns. Neeld Messler, Rolling Way, indicated his concern that the recently developed tree ordinance would infringe upon property owners' rights. He also described a concern over taxes. Specifically, he inquired about the Town's tax revenue position and the lack of taxation of the land on which the country club resides after he heard of a rumor that the property was only a subject to a \$1/year lease. Mayor Hendricks addressed the tax issue first, noting any tax increase in future years was uncertain. Regarding the country club, he said they make lease payments based on a calculation of what the property's tax assessment would ordinarily be. He addressed the tree ordinance concern next, saying

the ordinance has not been approved since other citizens had voiced concerns over it during public meetings. Councilmember Robertson said it was because of perceived flaws in the ordinance that a Tree Board was being formed; i.e. – for education on the issue. She also invited Mr. Messler to be a part of this process.

Rachel Miller, James Boulevard, was present to discuss her concern over trees on the country club property; she requested that any trees that were dead not be replaced, as she felt the line of trees was not attractive aesthetically. She also inquired as to why this was allowable, when fences of a certain height were not. Mr. Noblett responded that the trees were on private land, and that he thought the trees were originally placed there to prevent golf balls from the nearby course from landing on residential property. Chuck Gearhiser, Building Inspector, said the fence restrictions were designed to prevent line-of-sight problems for people pulling out of driveways. He also noted that the trees were a civil issue not subject to building inspection. Councilmember Lusk asked if some of the trees were in the right-of-way. Mr. Noblett said Public Works would need to look into that issue. Ms. Miller then asked if the sidewalk issue in that area was still active. Mayor Hendricks said it is still an outstanding issue, but no funds have been received for it. He then said that now that the Tree Board has been established, the Mountain Vision Committee may evolve into a transportation committee

Councilmember Lusk addressed the issue of the country club rent, noted above, saying they are currently paying about \$5,000/month, with the only prospective change to this being in 2009 when the property value will be reassessed.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH UNITED HEALTHCARE COMPANY FOR MEDICAL INSURANCE FOR ALL TOWN EMPLOYEES FOR A PERIOD OF ONE YEAR BEGINNING JULY 1, 2008 AND WITH PREMIUMS OF \$303.42 PER MONTH FOR SINGLE COVERAGE AND \$785.87 PER MONTH FOR FAMILY COVERAGE." Ms. Rogers summarized the Town's process for selecting United Healthcare Company as the health insurance provider, noting United's plan is similar to the plan the Town has now, and there will be an overall 9.8% increase when considering all relevant factors. Mayor Hendricks invited Russ Blakely, the Town's insurance consultant, to speak on the matter. Mr. Blakely noted Blue Cross Blue Shield was very popular in this area, but was not the most cost-effective choice. He also noted that the provider options would be better under United's plan. Ms. Rogers said paperwork for employees would be easier as well. Vice-Mayor Dick moved, and Councilmember Robertson seconded, the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION APPOINTING JAMES SMITH AND JEFF WARDBERG AS MEMBERS OF THE TOWN OF SIGNAL MOUNTAIN'S HEALTH,

EDUCATIONAL, AND HOUSING FACILITIES BOARD COMMITTEE." Mayor Hendricks summarized the issue. Councilmember Robertson moved, and Councilmember Lusk seconded the resolution be approved. Councilmember Lusk noted the name "Wardberg" was misspelled, and should be spelled "Wardeberg". He also noted Mr. Wardeberg had moved to Ohio Avenue, and the language in the resolution should be changed to reflect this. The motion passed unanimously. Mr. Smith was invited to speak, and he noted this principally served the committee. Rachel Miller suggested the Council contact her father, Joe Decosimo, to serve. Mr. Noblett explained the Committee served to aid in financing issues.

3. "A RESOLUTION APPOINTING TOWN MANAGER, HONNA ROGERS, AS A PROXY FOR THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE, BILL LUSK, ON THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY BOARD." Mayor Hendricks said Ms. Rogers would be an ideal choice for this position. Councilmember Lusk moved, and Vice-Mayor Dick seconded, the resolution be approved. The motion passed unanimously.
4. "A RESOLUTION APPOINTING TOWN MANAGER, HONNA ROGERS, AS A PROXY FOR THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE, BILL LUSK, ON THE CHATTANOOGA-HAMILTON COUNTY/NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION." Mayor Hendricks reiterated that Ms. Rogers would be an ideal choice. Councilmember Robertson moved, and Councilmember Lusk seconded, the resolution be approved. The motion passed unanimously.
5. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE AND DELIVERY OF GARBAGE CARTS FOR USE WITH THE AUTOMATED GARBAGE SERVICE IN THE TOWN TO OTTO ENVIRONMENTAL SYSTEMS IN THE AMOUNT OF ONE HUNDRED TWENTY NINE THOUSAND SEVENTY NINE AND 70/100 DOLLARS (\$129,079.70) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD." Ms. Rogers said there were five bids, with Otto Environmental Systems being the lowest. Councilmember Robertson moved, and Councilmember Lusk seconded, the resolution be approved. The motion passed unanimously.
6. "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HIGHWAYS, INC. FOR THE PAVING OF MIDDLE CREEK ROAD, CHEROKEE LANE, RACCOON TRAIL, PIPER'S PATH, ROBINHOOD TRAIL, AND WHIPPOORWILL DRIVE IN AN AMOUNT NOT TO EXCEED SIXTY-FOUR THOUSAND NINE HUNDRED NINETY-SIX AND 00/100 DOLLARS (\$64,996.00), AND TO AMEND THE CONTRACT FOR ADDITIONAL PAVING AT THE PER TON BID PRICE OF HIGHWAYS, INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND

(\$100,000.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.”

Ms. Rogers explained this resolution was presented before, but “Signal Road” had to be removed from the caption because paving cannot be performed on it until the WWTA is finished making lateral cuts. Mayor Hendricks asked if Middle Creek Road was included because of water damage. Loretta Hopper, Public Works Director, said it was. Vice-Mayor Dick moved, and Councilmember Robertson seconded, the resolution be approved. Councilmember Lusk asked if James Boulevard was being considered. Ms. Rogers and Ms. Hopper indicated information was being gathered on how to deal with that road as trolley tracks there was an issue. The motion passed unanimously.

7. “A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO VOLUNTEER HIGHWAY SUPPLY FOR THE STRIPING OF APPROXIMATELY 60 LINEAR MILES OF STREETS IN THE TOWN IN THE AMOUNT OF TWENTY-THREE THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$23,100.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.” Councilmember Robertson asked about how this would affect reflectors along the road. Ms. Hopper said they would run on either side. Councilmember Robertson moved, and Vice-Mayor Dick seconded, the resolution be approved. The motion passed unanimously.
8. “A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF A TRAILER HYDRO JETTER TO BE USED IN THE STORMWATER CULVERT CLEANOUTS TO CMI EQUIPMENT IN THE AMOUNT OF FORTY-TWO THOUSAND SEVEN HUNDRED AND FIVE AND 00/100 DOLLARS (\$42,705.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.” Ms. Rogers said there were two bids and CMI Equipment, while not being the low-bidder, met the specifications, had a better warranty, and specific shipping terms. Chuck Gearhiser, Building Inspector, said the other bidder didn’t specify shipping terms. Councilmember Robertson moved, and Councilmember Lusk seconded, the resolution be approved. The motion passed unanimously.
9. “A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH ROCK-TENN CONVERTING COMPANY TO SELL SCRAP AND RECYCLED MATERIALS GATHERED AT THE TOWN’S RECYCLE CENTER TO ROCK-TENN CONVERTING COMPANY WITH THE PRICING OF SAID MATERIALS BEING BASED ON MARKET CONDITIONS. A COPY OF SAID AGREEMENT IS ATTACHED HERETO.” Councilmember Lusk moved, and Vice-Mayor Dick seconded, the resolution be approved. Vice-Mayor Dick asked if scrap metal would be hauled. Ms. Hopper said some of the specifics are unavailable, but Rock-Tenn would provide a container for the metal. Ms. Rogers noted a monthly pricing report would be

provided by Rock-Tenn and asked that the Council pass the resolution with the knowledge she and Mr. Noblett would work out any unresolved details. Councilmember Lusk asked if there could be language added to the agreement for other materials to be handled by Rock-Tenn, since the attached agreement was very specific as to acceptable materials. Mr. Noblett said language should be added if this is a concern. He also noted a favorable cancellation policy existed providing for a thirty-day notice to cancel in the event of dissatisfaction. Mayor Hendricks asked if language in the agreement relating to hauling of "requested" materials other than those listed implied hauling only for materials the Town specifically requested; i.e. – not taken by Rock-Tenn prior to approval. Mr. Noblett said Rock-Tenn would only take other materials *after* the Town's request, and therefore care should be taken with the disposition of other materials. Vice-Mayor Dick asked if Orange Grove personnel would process paint in the manner Town personnel had before. Ms. Hopper said she would investigate that. Mr. Noblett mentioned Orange Grove might also process electronic materials, but an arrangement would have to be drawn up if this were utilized. Councilmember Lusk asked if there should be an addendum to the agreement covering additional possible charges by Rock-Tenn. He also noted the agreement indicated Rock-Tenn would not haul steel cans; although he thought the Town was already receiving revenue for such items. Ms. Hopper said the Town was receiving small amounts for steel, but the new arrangement implied that, since the cost of hauling was being taken by Rock-Tenn, no additional revenues would be received, creating a "break-even" situation. Mr. Noblett agreed there should be an addendum for the additional charges, and Ms. Hopper said we weren't receiving revenue for steel often, but she would check on this as it related to the cost of hauling. The motion, subject to amendments to the agreement, passed unanimously.

10. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN EQUIPMENT AGREEMENT WITH ROCK-TENN CONVERTING COMPANY FOR A COMPACTOR AND ROLL-OFF A-FRAME TO BE UTILIZED BY THE TOWN AT THE TOWN'S RECYCLE CENTER AT NO COST TO THE TOWN FOR SIXTY (60) MONTHS. A COPY OF SAID AGREEMENT IS ATTACHED HERETO." Vice-Mayor Dick moved, and Councilmember Robertson seconded, the resolution be approved. The motion passed unanimously.
11. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH SUN LIFE FINANCIAL (FORMERLY GENWORTH) INSURANCE COMPANY FOR DENTAL INSURANCE COVERAGE FOR TOWN OF SIGNAL MOUNTAIN EMPLOYEES AT THE RATE OF \$19.21 PER MONTH FOR INDIVIDUAL EMPLOYEES AND \$59.77 PER MONTH FOR EMPLOYEES AND THEIR FAMILIES EFFECTIVE JULY 1, 2008 THROUGH JUNE 30, 2009." Ms. Rogers indicated Mr. Blakely felt this was the best option. Councilmember

Robertson moved, and Councilmember Lusk seconded, the resolution be approved. The motion passed unanimously.

12. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT TO AUDIT TOWN ACCOUNTS FROM JULY 1, 2008 THROUGH JUNE 30, 2009 WITH JOHNSON, MURPHY & WRIGHT, P.C. AND TO PROVIDE PAYMENT FOR MUNICIPAL AUDITING SERVICES PERFORMED ON TOWN ACCOUNTS FOR THAT TIME PERIOD IN THE AMOUNT OF \$16,455.00." Mayor Hendricks noted this was all part of good governance. Councilmember Robertson moved, and Vice-Mayor Dick seconded, the resolution be approved. Councilmember Lusk asked how the quoted fee compared to the same for the prior year, to which Recorder Mark Johnson replied it was an approximate \$2,000.00 increase. The motion passed unanimously.

13. "A RESOLUTION TO ESTABLISH A MANDATORY RETIREMENT AGE REQUIREMENT OF AGE SIXTY (60) PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-205, TO AUTHORIZE THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-211, AND TO AUTHORIZE GROUP 1 MEMBERS WHO HAVE CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE FIFTY-FIVE (55) WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-201(A)(2)." Councilmember Lusk moved, and Mayor Hendricks seconded, the resolution be approved. Ms. Rogers reminded the Council this issue was discussed in January, but it was deferred until June for budget purposes. Vice-Mayor Dick inquired about the possibility of allowing those employees who would retire to be a part of the Town's health insurance coverage. Mr. Noblett said this could be done, but costs would need to be examined. Mayor Hendricks felt it was worth investigating. The motion passed unanimously.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 2, TO ADD NEW SECTIONS 2-701 THROUGH 2-706 TO CREATE AND ESTABLISH A TREE BOARD FOR THE TOWN." Mayor Hendricks mentioned the Board would have no regulatory powers. It was more for education. Councilmember Robertson moved, and Vice-Mayor Dick seconded, the ordinance be approved. Mayor Hendricks asked if it might be better to have five members, rather than seven; although, he rethought this, noting that having seven would give the Town more flexibility. He also asked if the members should have staggered terms and if that should be indicated in the ordinance. Mr. Noblett said

the prevailing thought was that all members should initially have three-year terms, and their terms could be staggered later. He also said one concern with this ordinance was how to allocate positions between citizens/residents and those individuals with specialized tree knowledge. Mayor Hendricks said it would be a work in progress. Councilmember Robertson noted a similar Board in Chattanooga incorporated members from all over Hamilton County. The motion passed unanimously.

2. "AN ORDINANCE TO AMEND ORDINANCE NO. 2007-10, ENTITLED THE 'FY 2007-2008 BUDGET ORDINANCE' SO AS TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THIS BUDGET YEAR IN THE AMOUNT OF FIVE HUNDRED AND SEVENTY FIVE THOUSAND EIGHT HUNDRED AND FIFTY SEVEN AND 00/100 (\$575,857.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE GENERAL FUND BUDGET WHICH SHALL INCLUDE ADJUSTED SALARIES IN THE FINANCE ADMINISTRATION DEPARTMENT IN THE AMOUNT OF TWENTY ONE THOUSAND TWO HUNDRED AND FIFTY AND 00/100 DOLLARS (\$21,250.00); FOR ADJUSTED SALARIES IN THE JUDICIAL DEPARTMENT IN THE AMOUNT OF FIVE HUNDRED AND 00/100 DOLLARS (\$500.00); FOR ADDITIONAL BENEFITS AND PROFESSIONAL AND SPECIAL SERVICES IN THE JUDICIAL DEPARTMENT OF ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00); FOR ADJUSTED SALARIES IN THE BUILDING INSPECTION DEPARTMENT IN THE AMOUNT OF TWO THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS (\$2,700.00); FOR ADJUSTED SALARIES IN THE POLICE DEPARTMENT IN THE AMOUNT OF NINE THOUSAND AND 00/100 DOLLARS (\$9,000.00); TO PROVIDE ADDITIONAL BENEFITS, NEW VEHICLES, AND EQUIPMENT IN THE POLICE DEPARTMENT IN THE AMOUNT OF NINETY FIVE THOUSAND AND 00/100 DOLLARS (\$95,000.00); FOR ADJUSTED SALARIES IN THE PUBLIC WORKS SHOP IN THE AMOUNT OF FOUR THOUSAND AND 00/100 DOLLARS (\$4,000.00); FOR ADJUSTED SALARIES IN THE RECREATION DEPARTMENT IN THE AMOUNT OF FIFTEEN THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS (\$15,700.00); TO PROVIDE FOR ADDITIONAL REPAIRS AND MAINTENANCE IN THE RECREATION DEPARTMENT IN THE AMOUNT OF FIVE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$5,500.00); TO PROVIDE FOR ADJUSTED SALARIES FOR THE MOUNTAIN ARTS COMMUNITY CENTER IN THE AMOUNT OF FIVE HUNDRED AND 00/100 DOLLARS (\$500.00); AND TO PROVIDE FOR ADDITIONAL PAYMENTS TO HAMILTON COUNTY FOR THE SMMHS CONSTRUCTION PROJECT IN THE AMOUNT OF FOUR HUNDRED AND TWENTY THOUSAND SEVEN HUNDRED AND SEVEN AND 00/100 DOLLARS (\$420,707), AS SET FORTH IN THE ATTACHED AMENDED BUDGET DURING THE FISCAL YEAR. ALSO TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THE FY 2007-2008 BUDGET YEAR IN THE AMOUNT OF NINE THOUSAND AND 00/100

(\$9,000.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE SOLID WASTE FUND BUDGET FOR ADJUSTED SALARIES IN THE RECYCLE DEPARTMENT IN THE AMOUNT OF NINE THOUSAND AND 00/100 (\$9,000.00). ALSO, TO PROVIDE FOR CERTAIN ADDITIONAL REVENUES RECEIVED IN THE FY 2007-2008 BUDGET YEAR IN THE AMOUNT OF ELEVEN THOUSAND AND 00/100 (\$11,000.00) WHICH SHALL BE USED FOR ADDITIONAL EXPENDITURES IN THE WATER FUND BUDGET FOR ADJUSTED SALARIES IN THE WATER DEPARTMENT IN THE AMOUNT OF ELEVEN THOUSAND AND 00/100 (\$11,000.00). Mr. Noblett explained the process and reasoning behind budget amendments. Mayor Hendricks moved, and Councilmember Lusk seconded, the ordinance be approved. Mayor Hendricks inquired as to why we could expect \$275,000.00 more intergovernmental revenue than expected. Ms. Rogers explained that one of the primary drivers was the Hall Income Tax, which the Town did particularly well with in the current fiscal year. Ms. Rogers also explained that the largest factor driving costs up was the salary adjustment during the year. Also, police expenditures were higher due to a special purchase of police cars. Councilmember Lusk asked if the approximate \$420,000 adjustment to the "construction payments" line item was simply due to more payments this year as opposed to the previous one. Ms. Rogers verified that it was. Melissa Cantrell, South Drive, commented on the water fund budget, saying the expected June 30, 2008 fund balance estimate was overstated by \$50.00, according to her calculation of the updated figures. The Council acknowledged this, and unanimously passed the motion subject to this amendment.

3. "AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, OF THE SIGNAL MOUNTAIN TOWN CODE, TO INCLUDE NEW SECTIONS 2-512 THROUGH 2-519, REGARDING THE "SIGNAL MOUNTAIN ACKNOWLEDGEMENT AND MEMORIAL DONATION POLICY." Councilmember Lusk moved, and Vice-Mayor Dick seconded, the ordinance be approved. The motion passed unanimously.
4. "AN ORDINANCE TO AMEND TITLE 2, CHAPTER 5, SECTION 2-508 OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO THE SIGNAL MOUNTAIN DESIGN REVIEW COMMISSION DESIGN PRINCIPLES AND STANDARDS." Councilmember Robertson moved, and Vice-Mayor Dick seconded, the ordinance be approved. The motion passed unanimously.

Other Discussions

Councilmember Lusk mentioned a request made to him for the Planning Commission to review the SROZ, and asked if the Council could pass a resolution to this effect. The process of making the request and acceptance of recommendations by the Commission was discussed. Councilmember Robertson and Vice-Mayor Dick said it wouldn't hurt to ask the Commission for this, but Mayor Hendricks disagreed, saying the issue was

addressed by the Commission before and it is a time-consuming process. He indicated that given the other projects the Commission is dealing with, this would be impractical. Councilmember Lusk moved, and Vice-Mayor Dick seconded, that the Planning Commission review the SROZ. The motion passed by majority, with Mayor Hendricks opposing.

Planning Commission Report

Lou Oliphant, Planning Commission Secretary, gave a report on the Commission's activities, noting a work session was held on May 15th. The regular meeting was held on June 5th, during which two gentlemen indicated they were interested in the property at Taft Highway and Ridgeway Avenue; although no formal plan was presented. Also during the regular meeting, the issue regarding Susan Humphries' property was discussed. This issue would be problematic. Finally, the subdivision regulations discussion was deferred. Another work session was scheduled for June 25th, as well as a meeting at the RPA for credit hours earlier that day, and the July meeting was moved from July 3rd to July 10th.

Department Reports

Police Department:

Police Chief Boyd Veal presented his report. An open position has been filled; however, another officer is resigning. Officer Hill visited day camps for safety classes and internet safety classes are planned for later in the summer, provided manpower isn't an issue. Recently Officer Hill and Captain Hall attended a function at the neo-natal intensive care unit at Erlanger. On Sunday, Chief Veal and Captain Hall attended the funeral of deputy Shane Tate of Grundy County and asked that everyone keep his family in their prayers.

Fire Department:

Fire Chief John Vlassis presented his report. Fire hydrant inspections were completed. Everything is in order regarding the fireworks permit. Three personnel members have resigned, but their positions were being filled.

Public Works:

Loretta Hopper presented her report. She received an e-mail from Melissa Taylor from the RPO about the "Safe Routes to School" project. The Town won't receive notice to proceed until probably October. With the new changes at the recycling center, she spoke with the current Town staff there and would appreciate everyone visiting and thanking them for their efforts. A favorable report on the transfer station was delivered from the State. A problem is being investigated with Palisades Road. There has been some deterioration as the road was paved on tiered, stacked stone. Specialists have inspected the area, and currently Public Works is looking for a repair recommendation. Mr. Noblett asked as to why to road was built in this manner, to which Ms. Hopper replied she wasn't sure. Mr. Gearhiser said people with homes in that area were notified of the issue during the last freeze/thaw cycle, and he and Cliff Fite had been monitoring the

road's condition. Mr. Gearhiser also said it may have been built during the depression, when labor was very cheap. Ms. Hopper reiterated that Palisades Road is not dangerous to drive on and that they are monitoring the situation.

Recreation

Jarred Thompson, Recreation Director, presented his report. Everything is going well. The Health Department recently gave a score of 96. The grant for pool repairs is being worked on. The Town should be able to obtain funding if this process is completed in the upcoming fiscal year, but funds would probably not be available for some time after that. Mayor Hendricks asked about the issue concerning the concession stand at the pool and its owner. Mr. Thompson said her issues have been resolved.

Building Inspection:

Chuck Gearhiser presented his report. Officials of the new High School want to get a certificate of occupancy.

Library:

Karin Glendenning, Town Librarian, presented her report. The book launch for the book on Signal Mountain History will be on June 12th. The summer reading program has signed up 172 children. Recently, there was a meeting held that was billed as "Lovers of Books", made up of individuals who wish to identify and value older books. They will have another meeting on July 3rd.

Water:

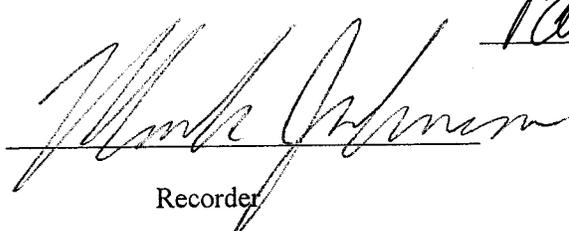
William Sanders, Director of Utilities, gave his report, noting the "number four" pump is back online. Also, two staff members have been certified in water distribution, wire cuts and related work have been performed on Signal Road, and the recreation department had been assisting with some projects. Finally, Southern Tank will arrive to perform maintenance work on one of the water tanks.

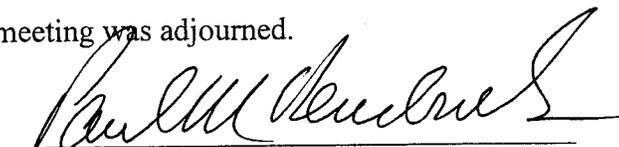
Other Business

Mayor Hendricks opened a discussion on some e-mails he had received from the County regarding a modular home residing outside Town limits. The correspondence invited legal input from the Town. Mr. Noblett presented maps showing the area designated as the "Urban Growth Boundary" that allowed for Town expansion, and this home resided in the boundary area. He noted the Planning Commission cannot look into this as they only have authority to do so for property within actual Town limits. The Regional Planning Association (RPA) recently discussed this, making the recommendation that one modular home be allowed on the property. Councilmember Lusk asked if a resolution could be produced asking the RPA to treat this property consistent with surrounding areas. Mr. Noblett said it could, but noted that within the RPA's

recommendation, they indicated it was consistent within the general area, but not with property within Town limits. He also said there could be the option of annexation; although this would be a heavily involved process. Councilmember Robertson asked if annexation of one piece of property might be considered "taking", and that this issue really wasn't any of our business. Mr. Noblett said it was not. Mayor Hendricks said he was not in favor of annexation. Mr. Noblett said there was also an issue of whether it was worthwhile to annex property that was not easily accessible for services and roadways to it would eventually need to be developed, and legally conforming uses of the property would have to be monitored. Mayor Hendricks asked if we have the right to be informed on these kinds of issues with Urban Growth Boundaries by the RPA. Ms. Rogers said she would research this.

There being no further business, the meeting was adjourned.

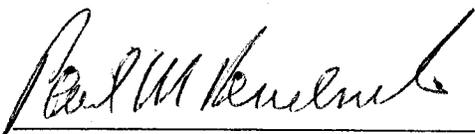

Recorder


Dr. Paul Hendricks, Mayor

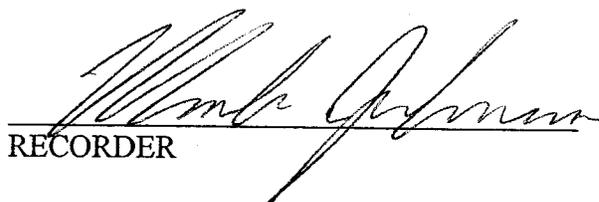
RESOLUTION NO. 2008-44

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH UNITED HEALTHCARE COMPANY FOR MEDICAL INSURANCE FOR ALL TOWN EMPLOYEES FOR A PERIOD OF ONE YEAR BEGINNING JULY 1, 2008 AND WITH PREMIUMS OF \$303.42 PER MONTH FOR SINGLE COVERAGE AND \$785.87 PER MONTH FOR FAMILY COVERAGE.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into an agreement with United HealthCare Company for medical insurance for all Town employees for a period of one (1) year beginning July 1, 2008. A copy of the insurance proposal of United Healthcare Company is attached hereto which provides for premiums of \$303.42 per month for single coverage and \$785.87 per month for family coverage.



MAYOR



RECORDER

DATE June 9, 2008

DATE June 9, 2008

A RESOLUTION APPOINTING JAMES SMITH AND JEFF WARDEBERG AS MEMBERS OF THE TOWN OF SIGNAL MOUNTAIN'S HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD COMMITTEE.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee, James Smith, 127 Golf Drive, Signal Mountain, TN 37377; and Jeff Wardeberg, 591 Ohio Avenue, Signal Mountain, TN 37377; are appointed as members of the Signal Mountain Health, Educational, and Housing Facility Board Committee for six (6) year terms which will expire on June 30, 2014.


MAYOR


RECORDER

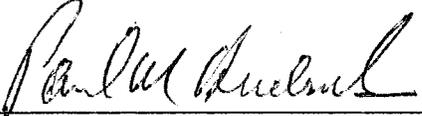
DATE June 9, 2008

DATE June 9, 2008

RESOLUTION NO. 2008-46

A RESOLUTION APPOINTING TOWN MANAGER, HONNA ROGERS, AS A PROXY FOR THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE, BILL LUSK, ON THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY BOARD.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that Town Manager, Honna Rogers, is hereby appointed as a proxy for the Town of Signal Mountain's representative, Bill Lusk, on the Hamilton County Water and Wastewater Treatment Authority Board and may vote on behalf of the Town of Signal Mountain in his absence.



MAYOR



RECORDER

DATE June 9, 2008

DATE June 9, 2008

A RESOLUTION APPOINTING TOWN MANAGER, HONNA ROGERS, AS A PROXY FOR THE TOWN OF SIGNAL MOUNTAIN'S REPRESENTATIVE, BILL LUSK, ON THE CHATTANOOGA-HAMILTON COUNTY/NORTH GEORGIA TRANSPORTATION PLANNING ORGANIZATION.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that Town Manager, Honna Rogers, is hereby appointed as a proxy for the Town of Signal Mountain's representative, Bill Lusk, on the Chattanooga-Hamilton County/North Georgia Transportation Planning Organization Executive Board and may vote on behalf of the Town of Signal Mountain in his absence.



MAYOR



RECORDER

June 9, 2008
DATE

June 9, 2008
DATE

RESOLUTION NO. 2008-48

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE AND DELIVERY OF GARBAGE CARTS FOR USE WITH THE AUTOMATED GARBAGE SERVICE IN THE TOWN TO OTTO ENVIRONMENTAL SYSTEMS IN THE AMOUNT OF ONE HUNDRED TWENTY NINE THOUSAND SEVENTY NINE AND 70/100 DOLLARS (\$129,079.70) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, Bid tabulation sheets have been received for the purchase and delivery of 2600 95 gallon carts and 110 68 gallon carts for use with the automated garbage service within the Town of Signal Mountain; and

WHEREAS, the Town Manager and Town Public Works personnel have reviewed all bids submitted and have recommended that the bid of Otto Environmental Systems be accepted as the lowest and best bid for this project;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That there be and is hereby authorized the award of the contract for the purchase and delivery of 2600 95 gallon carts and 110 68 gallon carts for use with the automated garbage service within the Town of Signal Mountain to Otto Environmental Systems in the amount of \$129,079.70 as the lowest and best bid for this project and authorizing the Town Manager to execute any necessary documents in connection with this award.



MAYOR

DATE June 9, 2008



RECORDER

DATE June 9, 2008

RESOLUTION NO. 2008-49

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HIGHWAYS, INC. FOR THE PAVING OF MIDDLE CREEK ROAD, CHEROKEE LANE, RACCOON TRAIL, PIPER'S PATH, ROBINHOOD TRAIL, AND WHIPPOORWILL DRIVE IN AN AMOUNT NOT TO EXCEED SIXTY-FOUR THOUSAND NINE HUNDRED NINETY-SIX AND 00/100 DOLLARS (\$64,996.00), AND TO AMEND THE CONTRACT FOR ADDITIONAL PAVING AT THE PER TON BID PRICE OF HIGHWAYS, INC., IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND (\$100,000.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, Bid tabulation sheets have been received for the paving of Middle Creek Road, Cherokee Lane, Raccoon Trail, Piper's Path, Robinhood Trail, and Whippoorwill Drive within the Town of Signal Mountain; and

WHEREAS, the Town Manager and Town Public Works personnel have reviewed all bids submitted and have recommended that the bid of Highways, Inc. be accepted as the lowest and best bid for this project;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That there be and is hereby authorized the award of the contract to Highways, Inc. for the paving of Middle Creek Road, Cherokee Lane, Raccoon Trail, Piper's Path, Robinhood Trail, and Whippoorwill Drive within the Town of Signal Mountain in an amount not to exceed \$64,996.00, and to amend the Contract for additional paving at the per ton bid price of Highways, Inc., in an amount not to exceed \$100,000.00 and authorizing the Town Manager to execute any necessary documents in connection with this award.

David H. Knecht
MAYOR

DATE

June 9, 2008

Mark Johnson
RECORDER

DATE

June 9, 2008

RESOLUTION NO. 2008-50

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO VOLUNTEER HIGHWAY SUPPLY FOR THE STRIPING OF APPROXIMATELY 60 LINEAR MILES OF STREETS IN THE TOWN IN THE AMOUNT OF TWENTY-THREE THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$23,100.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, Bid tabulation sheets have been received for the striping of approximately 60 linear miles within the Town of Signal Mountain; and

WHEREAS, the Town Manager and Town Public Works personnel have reviewed all bids submitted and have recommended that the bid of Volunteer Highway Supply be accepted as the lowest and best bid for this project;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That there be and is hereby authorized the award of the contract to Volunteer Highway Supply for the striping of approximately 60 linear miles within the Town of Signal Mountain in the amount of \$23,100.00 and authorizing the Town Manager to execute any necessary documents in connection with this award.



MAYOR

DATE

June 9, 2008



RECORDER

DATE

June 9, 2008

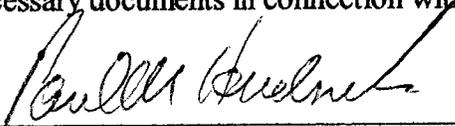
RESOLUTION NO. 2008-51

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF A TRAILER HYDRO JETTER TO BE USED IN STORMWATER CULVERT CLEANOUTS TO CMI EQUIPMENT IN THE AMOUNT OF FORTY-TWO THOUSAND SEVEN HUNDRED AND FIVE AND 00/100 DOLLARS (\$42,705.00) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION WITH THIS AWARD.

WHEREAS, Bid tabulation sheets have been received from two bidders for a trailer hydro jetter which has been recommended to be purchased by the Administrator of Public Works for maintenance of the stormwater drainage system in the Town and which will be used by Town employees for cleanout of stormwater culverts; and

WHEREAS, the Town Manager and Town Stormwater personnel have reviewed all bids submitted and have recommended that the bid of CMI Equipment be accepted as the lowest and best bid for this project based upon the specifications and needs of the Town;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That there be and is hereby authorized the award of the contract for the purchase of a trailer hydro jetter to be used in stormwater culvert cleanouts to CMI Equipment in the amount of \$42,705.00 as the lowest and best bid for this project based upon the specifications and needs of the Town and authorizing the Town Manager to execute any necessary documents in connection with this award.



MAYOR

DATE

June 9, 2008



RECORDER

DATE

June 9, 2008

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH ROCK-TENN CONVERTING COMPANY TO SELL SCRAP AND RECYCLED MATERIALS GATHERED AT THE TOWN'S RECYCLE CENTER TO ROCK-TENN CONVERTING COMPANY WITH THE PRICING OF SAID MATERIALS BEING BASED ON MARKET CONDITIONS. A COPY OF SAID AGREEMENT IS ATTACHED HERETO.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into an Agreement with Rock-Tenn Converting Company to sell scrap and recycled materials gathered at the Town's Recycle Center to Rock-Tenn Converting Company with the pricing of said materials being based on market conditions. A copy of said Agreement is attached.



MAYOR



RECORDER

DATE June 9, 2008

DATE June 9, 2008

PAN/kac

STANDARD TERMS AND CONDITIONS

012542

1. **SCRAP PAPER QUALITY AND PROHIBITED MATERIALS.** All Scrap Paper shall conform to Rock-Tenn standards, free of wax coatings, plastic, plastic foam products, glass, metal, wood, excessive moisture, food scraps, soil or yard materials, biomedical waste, carpet and yarn waste, oil, gasoline, toxic or other hazardous wastes or materials, including asbestos, PCBs and CFCs, garbage or other debris, or any other contaminants. Seller agrees that Rock-Tenn, at its discretion, may downgrade, reject, or return any Scrap Paper containing any of these Prohibited Materials. In addition, whether or not Rock-Tenn rejects or returns any particular shipment, the parties acknowledge that Rock-Tenn does not take title to any Prohibited Materials, although it may take reasonable and appropriate action to properly dispose of the Prohibited Materials, which shall be at Seller's expense. Seller also agrees to indemnify and hold Rock-Tenn harmless from and against any and all loss, cost, response cost, damage, claim, liability, and expense, including reasonable attorney fees, associated with Seller's Prohibited Materials or contamination associated with the Prohibited Materials.

2. **REPRESENTATIONS OF RIGHT OF WAY.** Seller represents and warrants that any right of way provided by Seller to and from Seller's premises to the convenient public way is sufficient to bear the weight of all Rock-Tenn's equipment and vehicles reasonably required to perform its obligations under this Agreement.

TERMINATION. Each of Rock-Tenn and Seller shall have the right to and may terminate this Agreement upon failure or default of the other party to observe the terms hereof, unless such failure or default is remedied within thirty (30) days after written notice of such failure or default is given by the non-defaulting party.

3. **FEES AND EXPENSES.** In the event of a breach of this Agreement by Seller, Seller shall pay all reasonable fees and expenses, including attorney's fees, costs and/or damages that Rock-Tenn may incur as a result thereof. This Section 4 shall survive the termination of this Agreement.

4. **NOTICES.** All notices and other communications required to be given by this Agreement shall be in writing and shall be deemed to have been duly given if delivered by hand or mailed by registered or certified mail (return receipt requested), postage prepaid, at the address set forth under their respective signatures or at such other address as may be substituted by notice given as herein provided.

5. **ADDITIONAL CHARGES.** In the event that Rock-Tenn provides any additional services not explicitly contemplated hereby, Seller agrees to pay Rock-Tenn the fee(s) listed on the most current Rock-Tenn price list, including any Schedule of Charges, for such additional services.

WAIVER. No delay or failure on the part of Rock-Tenn or Seller in the exercise of any right, power or privilege granted under this Agreement, or available at law or in equity, shall impair any such right, power or privilege or be construed as a waiver of any default or breach of this Agreement or in acquiescence therein.

7. **SUCCESSORS AND ASSIGNS.** This Agreement shall bind and inure to the benefit of Rock-Tenn and Seller and their respective successors and assigns; provided, however, Seller may not assign its rights or obligations under this Agreement (whether by operation of law or otherwise) without the prior written consent of Rock-Tenn.

8. **INTEGRATION AND AMENDMENTS.** This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof, and integrates all prior statements and agreements (verbal or otherwise) respecting the same. This Agreement may be amended only by a document executed by both Rock-Tenn and Seller purporting to effect such an amendment.

9. **CHOICE OF LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State in which Seller's premises is located, unless this Agreement provides otherwise.

10. **FORCE MAJEURE.** Rock-Tenn shall be excused from purchasing, and Seller shall be excused from selling Scrap Paper whenever either party's ability to produce, deliver, receive or consume the same is wholly or partially prevented due to: fire, war, riot, insurrection, shortage of necessary supplies, fuel or transportation, reduced demand for Rock-Tenn's products or goods, lightning, wind, earthquake, volcanic eruption, unusually severe weather, frozen goods, acts of God, epidemic, acts or omissions of third parties, strike, lockout, other labor disturbance, explosion, damage to, destruction, or mechanical breakdown of production, loading or unloading equipment, government action, and any other events not within reasonable control of the party affected.

Seller's Acknowledgement: Town of Signal Mountain d/b/a Signal Recycle
By: _____
Title: _____

Scrap Material Agreement

Terms of Agreement

012543

1. Parties:

Seller:
Town of Signal Mountain
d/b/a Signal Mountain
1100 Ridgeway Avenue
Signal Mtn., TN. 37377

Buyer:
Rock-Tenn Converting Company
Chattanooga Recycled Fiber
2900 Home Drive
Chattanooga, TN 37410

2. Description of Goods & Quantity:

Seller agrees to sell to Buyer all recycled materials gathered at the recycle center of the Town of Signal Mountain. Current materials are #1 & #2 Plastics, Old Corrugated Containers ("OCC"), Mix paper, Newspaper, Aluminum cans, Steel cans, and Glass (collectively referred to as the "Materials").

3. Price Schedule:

Pricing for the Materials will be based on market conditions. Current pricing on Materials are: Plastics: No pay; OCC: \$25/ton; Mix Paper: \$5/ton; Newspaper: \$30/ton; Aluminum cans: \$800/ton; Steel cans: No pay; and Glass: No pay. Buyer will provide Seller with a monthly copy of Official Board Market reports.

4. Equipment:

Buyer will provide a compactor for the collection of corrugated as well as an A-Frame for the collection of #2 Plastic.

5. Freight Terms:

Buyer will provide pick-up of full containers at frequency needed by Seller at no charge.

6. Term of Agreement:

This agreement will be in effect from the Date of the Agreement (below) for a period of five (5) years and is subject to the Standard Terms and Conditions attached hereto and incorporated herein by this reference.

Town of Signal Mountain d/b/a
Recycle Signal

Rock-Tenn Converting Company

By: _____

By: _____

Signed: _____

Signed: _____

Title: _____

Title: _____

Date of Agreement: _____

Date of Agreement: _____

RESOLUTION NO. 2008-53

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN EQUIPMENT AGREEMENT WITH ROCK-TENN CONVERTING COMPANY FOR A COMPACTOR AND ROLL-OFF A-FRAME TO BE UTILIZED BY THE TOWN AT THE TOWN'S RECYCLE CENTER AT NO COST TO THE TOWN FOR SIXTY (60) MONTHS. A COPY OF SAID AGREEMENT IS ATTACHED HERETO.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into an Agreement with Rock-Tenn Converting Company for a Compactor and Roll-Off A-Frame to be utilized by the Town at the Town's Recycle Center at no cost to the Town for sixty (60) months. A copy of said Agreement is attached.



MAYOR



RECORDER

DATE June 9, 2008

DATE June 9, 2008

PAN/kac

RESOLUTION NO. 2008-54

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH SUN LIFE FINANCIAL (FORMERLY GENWORTH) INSURANCE COMPANY FOR DENTAL INSURANCE COVERAGE FOR TOWN OF SIGNAL MOUNTAIN EMPLOYEES AT THE RATE OF \$19.21 PER MONTH FOR INDIVIDUAL EMPLOYEES AND \$59.77 PER MONTH FOR EMPLOYEES AND THEIR FAMILIES EFFECTIVE JULY 1, 2008 THROUGH JUNE 30, 2009.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the Town Manager be and is hereby authorized to enter into a renewal contract for dental insurance coverage for the Town of Signal Mountain employees for the term of July 1, 2008 through June 30, 2009 to Sun Life Financial (formerly Genworth) Insurance Company based upon its annual contract in the approximate amount of \$2095 per month for said dental insurance coverage based on the current level of employees employed by the Town. The cost of this dental insurance coverage shall be at the rate of \$19.21 for individual employees and \$59.77 per month for employees and families.



MAYOR



RECORDER

DATE June 9, 2008

DATE June 9, 2008

RESOLUTION NO. 2008-55

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT TO AUDIT TOWN ACCOUNTS FROM JULY 1, 2008 THROUGH JUNE 30, 2009 WITH JOHNSON, MURPHEY & WRIGHT, P.C. AND TO PROVIDE PAYMENT FOR MUNICIPAL AUDITING SERVICES PERFORMED ON TOWN ACCOUNTS FOR THAT TIME PERIOD IN THE AMOUNT OF \$16,455.00.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to enter into a contract to audit Town Accounts from July 1, 2008 through June 30, 2009 with Johnson, Murphey & Wright, P.C. and to provide payment for municipal auditing services performed on Town Accounts for that time period in the amount of \$16,455.00. A copy of the Contract to Audit Accounts is attached.


MAYOR

DATE June 9, 2008


RECORDER

DATE June 9, 2008

PAN/kac

CONTRACT TO AUDIT ACCOUNTS

OF

CITY OF SIGNAL MOUNTAIN, TENNESSEE

(GOVERNMENTAL UNITS AND/OR RECIPIENTS OF
GRANT FUNDS)

FOR THE PERIOD

FROM JULY 1, 2007 TO JUNE 30, 2008

Please include current email information below. If your email information changes after this contract is approved, updated information should be submitted via the form located at <http://www.comptroller.state.tn.us/na/ominst.htm>.

GPA's E-Mail Address:
 dlw@mw-gpa.com

Government's/Nonprofit's E-Mail Address:

(See Instruction #10)

For Department of Audit use only

Copies of the audit report resulting from this contract are to be filed with the office noted below.

Municipal Audit

County Audit

(See Instruction #10)

March 2007

INSTRUCTIONS
Contract to Audit Accounts

012548

1. All contracts for auditing financial statements between an auditor and any governmental entity or private or nonprofit organization receiving funds from the State of Tennessee require the prior approval of the Comptroller of the Treasury, State of Tennessee. (Such approval is not required for system improvement and similar services of a non-audit nature.)
2. The contract should be executed in triplicate and submitted to the Comptroller of the Treasury, State of Tennessee -- for municipalities, school activity and non-centralized cafeteria funds, charter schools, utility districts, housing authorities, or for private or nonprofit organizations to the Division of Municipal Audit, Suite 1600, James K. Polk Building, Nashville, Tennessee, 37243-0271; and for counties and county related entities to the Division of County Audit, Suite 1500, James K. Polk Building, Nashville, Tennessee, 37243-0269.
3. Upon approval by the Comptroller of the Treasury, State of Tennessee, one contract will be returned to the organization, one forwarded to the auditor, and one retained by the Comptroller of the Treasury. The audit should not be started before the contract is approved.
4. The auditor's opinion shall be expressed on each of the opinion units which collectively comprise the basic financial statements. The organization may require the auditor to express an opinion on the basic financial statements and on combining and individual fund financial statements presented as supplementary information. Reference: AICPA Audit and Accounting Guide - *Audits of State and Local Governments*. The auditor and the organization should contemplate an unqualified opinion on the basic financial statements, and any limitations or restrictions which would lead to a qualification should be fully explained. If an auditor anticipates issuing a disclaimer or an adverse opinion on a governmental entity's financial statements due to an incomplete presentation under GASB Statement 34 or for any other reason, the auditor should contact the appropriate division, ie, the Division of County Audit or the Division of Municipal Audit for guidance concerning financial statement presentation.
5. The responsibility of the auditor for funds not covered under the contract should be set forth in Paragraph 1, and the assistance and information that is to be furnished by the organization should be set forth in Paragraph 11 of the contract. An addendum may be used where additional space is required.
6. If, after being approved, the contract is modified by either of the parties, the modification must be reduced to writing and submitted to the Comptroller of the Treasury, State of Tennessee, for approval. No change shall be effective unless approved by the Comptroller. Original signatures are required on all copies of the contract. Retyped copies of this contract will not be approved. However, photo copies are permissible.
7. The scope of the audit should be clearly stated and the fee stated so the amount can be easily determined. A separate contract is not necessary for each division within an organization. The fee should be so stated that the amount to be paid by each unit is easily determined.
8. The number of copies (specified in paragraph 8 of the contract) of the report of audit and any other written report by the auditor shall be filed with the Comptroller of the Treasury, State of Tennessee, when (or prior to) submitting a final invoice to the entity for services rendered. These reports, as filed with the Comptroller of the Treasury, State of Tennessee, become a matter of public record and are available for inspection.
9. Any firm submitting contracts to audit for approval should file a single copy of the firm's most recent external quality control review report and related letter of comment, as applicable, with the Comptroller of the Treasury. A copy of the most recent external quality control review report should be on file with the Comptroller of the Treasury before contracts to audit can be approved.
10. The shaded box on the front of this contract identifies the division of the Department of Audit with which the audit report must be filed. The *Audit Manual for Local Governmental Units and Recipients of Grant Funds* published by the Comptroller of the Treasury provides for specific reporting requirements for each division. The auditor should refer to the manual for guidance on these requirements prior to submission of the report.
11. Both the auditor and the entity are responsible for filing updated contact information with the Comptroller's Office, including email addresses, phone numbers, postal address, etc. To submit any changes, please access our web site at <http://www.comptroller.state.tn.us/ma/maforms.htm>. If the organization does not have internet access, please contact the appropriate division to obtain a form and mail the completed form to the address in instruction 2.
12. Any amendment is subject to the same approval process as the original contract. No work should begin until the amendment is signed by all parties. For an example amendment, please access our web site at <http://www.comptroller.state.tn.us/ma/maforms.htm>.

9. The auditor agrees to retain working papers for no less than five (5) years from the date the report is received by the Department of Audit. In addition, the auditor agrees that all audit working papers shall, upon request, be made available in the manner requested by the Comptroller for review by the Comptroller of the Treasury or the Comptroller's representatives, agents, and legal counsel, while the audit is in progress and/or subsequent to the completion of the report. Furthermore, at the Comptroller's discretion, it is agreed that the working papers will be reviewed at the office of the auditor, the entity, or the Comptroller and that copies of the working papers can be made by the Comptroller's representatives or may be requested to be made by the firm and may be retained by the Comptroller's representatives.

10. Any reasonable suspicion of fraud, such as defalcation, misappropriation, misfeasance, malfeasance, embezzlement or other illegal acts shall be reported by the auditor, in writing immediately upon discovery, to the Comptroller of the Treasury, State of Tennessee, who shall under all circumstances have the authority, at the discretion of the Comptroller, to directly investigate such matters. If the circumstances disclosed by the audit call for a more detailed investigation by the auditor than necessary under ordinary circumstances, the auditor shall inform the organization's governing body in writing of the need for such additional investigation and the additional compensation required therefor. Upon approval by the Comptroller of the Treasury, an amendment to this contract may be made by the organization's governing body and the auditor for such additional investigation. (See Instruction 12)

11. (Special Provisions) INCLUDES NEW SAS 104-111 RISK ASSESSMENT STANDARDS.
ASSUMES SAME SCHEDULES AND WORKPAPERS AVAILABLE AS PREVIOUS YEAR.

12. In consideration of the satisfactory performance of the provisions of this contract, the organization shall pay to the auditor a fee of \$16,455 (Fees may be per diem or fixed amounts. If per diem, an estimated gross fee should be furnished to the governing unit for budgetary purposes. A schedule of such per diem fees should be set forth below. Interim billings may be arranged with consent of both parties to this contract.) Provision for the payment of fees under this agreement has been or will be made by appropriation of the governing body.

(Estimated gross fee: _____)	\$14,805 AUDIT
	1,650 RISK ASSESSMENT
SCHEDULE OF PER DIEM FEES:	<u>\$16,455</u>

13. It is agreed that this audit will conform to standards, procedures, and reporting requirements established by the Comptroller of the Treasury. It is further agreed that any deviation from these standards and procedures will be approved in writing by the Comptroller of the Treasury prior to the execution of the contract. The interpretation of this contract shall be governed by the above-mentioned publications and the laws of the State of Tennessee.

14. As the auditor and authorized representative of the firm, I do hereby affirm that our office is currently registered with the State Board of Accountancy and our organization has participated in an external quality control review at least once every three (3) years, conducted by an organization not affiliated with our firm, that a copy of our most recent external quality control review report has been provided to the organization, and that all members of the staff assigned to this audit have obtained the necessary hours of continuing professional education required by *Government Auditing Standards*. (Refer to Instruction 9). In addition, as the auditor I also affirm that all auditors participating in the engagement are independent under the requirements of the AICPA and *Government Auditing Standards*.

15. This writing, including any amendments, contains all terms of this contract. There are no other agreements between the parties hereto and no other agreements relative hereto shall be enforceable, unless entered into in accordance with the procedures set out herein and approved by the Comptroller of the Treasury, State of Tennessee.

JOHNSON, MURPHEY & WRIGHT, P.C.

Audit Firm

BRIAN T. WRIGHT

Print or Type Signature Name

By _____

Signature

Title/Position: _____

PARTNER/CPA

Date: _____

MARCH 21, 2008

TOWN OF SIGNAL MOUNTAIN, TENNESSEE

Governmental Unit or Grant Recipient

MARK A. JOHNSON

Print or Type Signature Name

By _____

Signature

Title/Position: _____

RECORDER/FINANCE DIRECTOR

Date: _____

Approved by the Comptroller of the Treasury, State of Tennessee

By _____

For the Comptroller

Date: _____

RESOLUTION NO. 2008-56

A RESOLUTION TO ESTABLISH A MANDATORY RETIREMENT AGE REQUIREMENT OF AGE SIXTY (60) PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-205, TO AUTHORIZE THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-211, AND TO AUTHORIZE GROUP 1 MEMBERS WHO HAVE CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE FIFTY-FIVE (55) WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-201 (A) (2).

WHEREAS, Tennessee Code Annotated, Section 8-36-205 provides that any political subdivision participating in the Tennessee Consolidated Retirement System may establish a mandatory retirement age requirement for all its firefighters and police officers, and for all its employees who have been transferred from such a position to a supervisory or administrative position within the political subdivision's police or fire department; provided that:

- (A) the mandatory retirement of any such employee does not violate the Age Discrimination in Employment Act. In case of doubt, the respective political subdivision with the Tennessee Consolidated Retirement System shall determine whether the employee is employed in a position requiring the mandatory retirement of such employee under the provisions of Tennessee Code Annotated, Section 8-36-205 (a)(2);
- (B) the terms and conditions of the requirement shall be the same for all such employees within its employ;
- (C) the mandatory age requirement *shall be* sixty (60) years of age;
- (D) after the initial transition period as set in this Resolution, each such employee shall be retired on the first day of the month following the month in which the employee attains age sixty (60), or age sixty-two (62) if at least fifty percent (50%) of the position is administrative. The chief of a police department or of a fire department may continue in service beyond the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act;
- (E) Each such employee shall be entitled to the supplemental bridge benefit established pursuant to Tennessee Code Annotated, Section 8-36-211; and

benefit pursuant to Tennessee Code Annotated, Section 8-36-211, and of service retirement benefits pursuant to Tennessee Code Annotated, Section 8-36-201(a)(2) shall increase its accrued liability rate by 3.5% of the covered payroll of the affected employees; and

WHEREAS, the Governing Body of the above named Political Subdivision further acknowledges that *if* an employee reaches the mandatory retirement age of sixty (60), the political subdivision shall determine whether the employee subject to such retirement age requirement serves in a supervisory or administrative position which requires less than fifty percent (50%) of the employee's duties to be involved in day-to-day law enforcement or fire fighting activities. If the Political Subdivision makes any such determination, then the employee may continue in service until the first day of the month following the month in which the employee attains sixty-two (62) years of age; provided such employee completes any form as may be required pursuant to Tennessee Code Annotated, Section 8-36-211 and files the same at the time and in the manner prescribed in Section 8-36-211.

NOW, THEREFORE, BE IT RESOLVED THAT THE Governing Body of the above-named Political Subdivision hereby establishes a mandatory retirement age requirement of sixty (60) pursuant to the provisions of the Tennessee Code Annotated, Section 8-36-205.

BE IT FURTHER RESOLVED, THAT THE Governing Body of the above-named Political Subdivision authorizes that the supplemental bridge benefit established pursuant to Tennessee Code Annotated, Section 8-36-211 be paid to each Group 1 member who retires on a service retirement allowance on or after the attainment of age fifty-five (55)

COUNTY OF HAMILTON

I, Mark Johnson, Recorder of the Town Council of the Town of Signal Mountain, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 9th day of ^{June,} 2008, the original of which is on file in this office. I further certify that 4 members voted in favor of the resolution and that 4 members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand, and the seal of the Town of Signal Mountain, Tennessee.


Paul M. Hendricks, Mayor


Mark Johnson, Recorder

AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, OF THE SIGNAL MOUNTAIN TOWN CODE, TO INCLUDE NEW SECTIONS 2-512 THROUGH 2-519, REGARDING THE "SIGNAL MOUNTAIN ACKNOWLEDGEMENT AND MEMORIAL DONATION POLICY.

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

SECTION 1. Title 2, Chapter 5, of the Signal Mountain Town Code is amended to add new Sections 2-512 through 2-519 which will include the following language:

2-512. Town of Signal Mountain Acknowledgment and Memorial Donation Policy.

A. **Purpose and Objective:**

1. To provide a means for citizens of Signal Mountain to acknowledge or memorialize an individual or individuals, whether living or deceased, by donating either tangibly or intangibly to the Town of Signal Mountain.
2. To permit donations to acknowledge and memorialize any and all individuals without regard to merit or contribution to the Signal Mountain Community.
3. To ensure donations meet certain qualitative criteria that will preserve the character, resources, and natural beauty of the mountain and will be of benefit to its residents.

2-513. Standard Donations – "Needs List".

- A. The Design and Review Commission (DRC) will request and maintain a "Needs List" from each Participating Organization (PO), such as the Town parks, playgrounds and facilities, sports and recreation leagues, schools, guilds, the Signal Mountain Playhouse, the Christmas Train, and other organizations or clubs within the Town.

- B. Such needs may include tangible items such as park benches, planters, native trees or shrubs, flag poles, bleachers, sports equipment, foot bridges, trails, recreation equipment, computers, audio or video equipment, art supplies, furniture, furnishings, library books or collections, etc.
- C. Non-tangible monetary donations may include educational, recreational, sports or camp scholarships, funding for projects or other monetary contributions designated for specific groups such as the Town Employee's or Fire and Policeman's Christmas Fund, Garden Clubs, etc.
- D. The DRC will keep a current "Needs List," approved by the Town Council, in a binder at the Town Hall for potential donors, as well as standardized application forms for requests.

2-514. Non-Standard Donations.

Although donors are encouraged to select items from the "Needs List," there may be exceptions in special circumstances. For example, a donor may wish to donate substantially by gifting land, a public building or expansion, a playing field, a fire truck or funding for a significant community project, etc., to acknowledge or memorialize an individual or individuals. Any such gift of a non-standard donation shall be presented for consideration by the Town Council prior to any acceptance by the Town pursuant to Section 2-518(B).

2-515. General Policy Guidelines and Acknowledgments.

A. Restrictions and Guidelines:

1. The Parks Board shall review standard donations dedicated to parks. The Recreation Board shall review donations dedicated to Recreation. Standard Donations to the Town shall be reviewed by the Town Manager or his/her designee.
2. No donation, memorial or otherwise, may be placed on public or road rights-of-way or in any location that is inappropriate or obstructive or hazardous to vehicles and/or pedestrians.
3. The successful growth of donated plant materials cannot be guaranteed. The Town reserves the right not to replace donated trees, shrubs, or other plant material that are removed, damaged or deceased.
4. The Town reserves the right to remove, alter or discontinue the use of any tangible donation, acquired partially or entirely with donated funds, should it be necessary or in the best interest of the Town.

2-516. Plaque Policy.

- A. Certain donations may qualify for plaques (see "Needs List"). The Town will furnish, engrave and install these plaques at the donor's expense.
- B. Plaque size and wording shall be approved by the DRC prior to ordering and installation.
- C. The Town will not be responsible for vandalism, repair or replacement of plaques.
- D. If a plaque is damaged to the extent that it presents an eyesore or public liability, the Town, at its discretion, may remove it. The donor will be contacted and informed of the action, if taken.

2-517. Type of Plaques.**A. Tree or Plant Furnishing Plaque Guidelines:**

- 1. Plaques must be made of corrosive resistant metal (bronze, brass, or aluminum alloy).
- 2. The exposed surface of plaques must not exceed 50 square inches.
- 3. Plaques will be flush mounted in a concrete or native stone base with an exposed length X width not exceeding 100 square inches.
- 4. Installation will be flush with ground surface in a location approved by the Parks and Recreation Board.
- 5. Installation may not impair mowing, maintenance, tree growth or use of the area by the public.

B. Exterior Site Furnishing Plaques Guidelines:

- 1. Plaques must be made of corrosive resistant metal (bronze, brass or an aluminum alloy).
- 2. The exposed surface of plaques must not exceed 50 square inches.
- 3. Plaques may be either attached securely to the donated item or mounted in a concrete or stone base with an exposed length X width not exceeding 100 square inches.

C. **Interior Site Furnishing Plaque Guidelines:**

1. Plaques will be made of a corrosive resistant metal, polycarbonate or similar durable material and of a color that will harmonize with the site furnishing.
2. Plaques will not exceed 15 square inches (2.5 inches X 6 inches).
3. Plaques will be firmly installed so as to not impair the use of maintenance of the furnishing.

2-518. Donation Process and Procedure.

A. **Standard Donations:**

1. A donor may select a donation from the "Needs List" at the Town Hall and complete and submit an application form.
2. The proposed donation will be reviewed by the Town Manager or his/her designee, with the Participating Organization (PO), if necessary, and if appropriate in form, substance and location, will be approved.

B. **Non-standard Donations or Exceptions:**

1. A donor must contact the appropriate PO to determine if such gift is acceptable and desirable and prepare a detailed description of the proposed donation.
2. A donor in concert with the PO must submit an application to the DRC detailing the proposal in accordance with Article V – Submittal Requirements of the "DRC Design Standards and Principals, Sections 100-104.
3. The DRC will review the request and forward it to the Town Council for approval by a majority vote.

2-519. Appeal Process.

Any donor who desires to appeal a decision by the DRC on any memorial or donation should contact the Town Manager to request a hearing before the Town Council. The request must be received by the Town Manager at least ten (10) days before a regularly scheduled Council meeting and shall be timely filed in compliance with Section 2-510 of the Town Code. The Town Council shall be the final authority on any memorial or donation decision within the Town.

SECTION 2. Date of Effect. This amendment shall be operative from and after final passage, the public welfare requiring it.

Passed 1st reading May 12, 2008.

Passed 2nd reading June 9, 2008.



MAYOR



RECORDER

PAN/kac

ORDINANCE NO. 2008-6

AN ORDINANCE TO ADOPT THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN HEREINAFTER KNOWN AS THE "FY 2008-2009 BUDGET ORDINANCE" TO PROVIDE REVENUE FOR THE TOWN OF SIGNAL MOUNTAIN DURING THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009 AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE TOWN OF SIGNAL MOUNTAIN FOR FISCAL YEAR 2008-2009 AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTIES ON ALL DELINQUENT TAXES AND PRIVILEGES OWED TO THE TOWN OF SIGNAL MOUNTAIN AND APPROPRIATING SAME TO THE PAYMENT OF THE EXPENSES OF THE MUNICIPAL GOVERNMENT DURING SAID FISCAL YEAR.

WHEREAS, pursuant to and in compliance with the provisions of the Charter of the Town of Signal Mountain, Tennessee, revenue has been estimated for operating the municipal government for fiscal year 2008-2009 from all Town revenue sources; and

WHEREAS, the Signal Mountain Town Council is authorized to adopt an ordinance establishing and amending a property tax levy pursuant to the Charter of the Town of Signal Mountain.

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

SECTION 1. That the budgets of the various departments, agencies, boards, commissions, offices, divisions or branches of Town government for the fiscal year beginning July 1, 2008 are hereinafter set out on the attached FY 2008-2009 Budget and the amount so fixed for each department, agency, board, commission, office, division or branch of Town

Government is hereby appropriated out of the estimated revenue for said year for the use of that department, agency, board, commission, office, division or branch of government in accordance with the attached FY 2008-2009 Budget.

SECTION 2. For the purpose of raising revenue to operate the various departments, agencies, boards, commissions, offices, divisions or branches of the municipal government, and to pay the interest on and retire bonds of said Town as they mature, there be and is hereby levied on all taxable property within the Town of Signal Mountain, Tennessee, a revised tax for the year 2008 at a rate of \$1.775 upon every \$100.00 in assessed value of such taxable property and to the extent applicable, there is also levied a tax at the same rate upon every \$100.00 of merchant and other ad valorem taxable items within the corporate limits of the Town of Signal Mountain, Tennessee.

SECTION 3. The assessment made by the Assessor of Property of Hamilton County, Tennessee, and by the Tennessee Regulatory Agency for 2008 on all property located within the corporate limits of the Town of Signal Mountain, Tennessee, be and is hereby adopted as the assessment of the Town of Signal Mountain.

SECTION 4. That the taxes herein levied on all taxable property within the corporate limits of the Town of Signal Mountain shall come due and payable at the Office of the Town Manager on October 1, 2008, and shall become delinquent on March 1, 2009, after which the unpaid taxes shall bear interest at Twelve Percent (12%) per annum and subject to a penalty of Six Percent (6%) per annum, plus other penalties as provided by law, which shall be paid by the taxpayer; provided, except for taxpayers receiving tax relief under T.C.A. § 67-5-702 through § 67-5-705.

SECTION 5. That this Ordinance shall become effective immediately upon its passage as provided by law.

Passed First Reading May 12, 2008.

Passed Second Reading June 9, 2008.



MAYOR



RECORDER

TOWN OF SIGNAL MOUNTAIN
 PROPOSED FISCAL YEAR 7/1/2008 - 6/30/2009 BUDGET

012561

		<u>Actual</u> <u>2007</u>		<u>Budgeted</u> <u>2008</u>		<u>Budget</u> <u>2009</u>
I.	GENERAL FUND					
	A. Revenues					
	1. Taxes	\$ 3,727,190	\$	3,771,400	\$	3,721,300
	2. License & permits	48,210		36,190		31,320
	3. Intergovernmental - State	1,690,833		1,002,328		1,172,440
	4. Intergovernmental - Federal	110,225		68,012		15,000
	5. Intergovernmental - Other	0		5,000		5,000
	6. Charges for services - MACC	50,214		49,000		47,400
	7. Charges for services - Recreation	69,247		59,380		80,500
	8. Charges for services - Library	15,629		15,843		14,600
	9. Charges for services - Misc	1,810		1,300		1,500
	10. Fines, forfeitures, penalties	42,457		32,500		44,000
	11. Other revenue	915,281		300,446		317,052
	12. Transfer from Debt Service Fund			0		
	13. Loan proceeds			5,015,829		
	14. Revenue from fund balance-firehall			405,000		
	15. Revenue from (- to) fund balance - High School			349,524		0
	Total revenues	<u>\$ 6,671,096</u>	<u>\$</u>	<u>11,111,752</u>	<u>\$</u>	<u>5,450,112</u>
	B. Expenditures					
	1. Financial Admin	391,405	\$	557,755	\$	477,692
	2. Judicial	32,983		41,743		49,100
	3. Building Inspector	50,297		39,711		42,168
	4. Police	1,086,746		1,187,627		1,182,633
	5. Fire	868,231		1,466,573		1,156,113
	6. Public Works	334,815		561,482		530,457
	7. Recreation	276,203		249,190		307,958
	8. Library	162,663		167,482		147,636
	9. Mountain Arts Center	119,029		126,514		115,431
	10. Transfer to Debt Ser					
	Debt Service	215,191		811,577		645,980
	11. Transfer to Solid Waste Fund	588,283		906,040		519,715
	12. School construction payments	2,558,464		4,720,829		0
	13. Transfer to Capital Projects	0		275,229		275,229
	14. Street Aid Transfer					
	Total expenditures	<u>\$ 6,684,310</u>	<u>\$</u>	<u>11,111,752</u>	<u>\$</u>	<u>5,450,112</u>

C. Major changes in FY 2009 from FY 2008 = Debt Service on High School Bonds, no more construction payments; new fire station funds are earmarked for future, but not budgeted for 2008-2009 year.

D. Net Asset Balance anticipated on June 30, 2008 = \$5,450,000

Net Asset Balance anticipated on June 30, 2009 = \$5,450,000

E. Full-Time equivalent positions in this Fund = 68.308

II. STATE STREET AID

A. Revenues

1. Intergovernmental - State	\$ 218,451	\$ 222,000	\$ 219,699
2. Intergovernmental - Federal		183,400	
3. Other revenues	9,695	3,700	6,000
4. Revenue from fund balance		230,900	161,301
Total revenues	<u>\$ 228,146</u>	<u>\$ 640,000</u>	<u>\$ 387,000</u>

B. Expenditures

1. All expenditures	\$ 208,869	\$ 640,000	\$ 387,000
Total expenditures	<u>\$ 208,869</u>	<u>\$ 640,000</u>	<u>\$ 387,000</u>

C. Major changes in FY 2009 from FY 2008 = None

D. Net Asset Balance anticipated on June 30, 2008 = \$580,000

Net Asset Balance anticipated on June 30, 2009 = \$418,699

E. Full-Time equivalent positions in this Fund = 0

III. SOLID WASTE FUND

A. Revenues

1. Local taxes/revenues	\$ 34,902	\$ 30,150	\$ 23,080
2. Other revenues	69,533	52,100	37,321
3. Operating transfers in	588,283	906,040	505,804
4. Revenue from fund balance		0	0
Total revenues	<u>\$ 692,718</u>	<u>\$ 988,290</u>	<u>\$ 566,205</u>

B. Expenditures

1. Garbage & brush	\$ 638,414	\$ 900,221	\$ 561,327
3. Recycle		88,069	4,878
Total expenditures	<u>\$ 638,414</u>	<u>\$ 988,290</u>	<u>\$ 566,205</u>

C. Major changes in FY 2009 from FY 2008 = None

D. Net Asset Balance anticipated on June 30, 2008 = \$47,100

Net Asset Balance anticipated on June 30, 2009 = \$47,100

E. Full-Time equivalent positions in this Fund = 4.970

IV. POLICE DRUG FUND

A. Revenue

1. Fines, forfeitures, penalties	\$ 4,464	\$ 3,400	\$ 2,500
2. Other revenue	6,805	1,000	775
3. Revenue from fund balance		2,100	7,225
Total revenues	<u>\$ 11,269</u>	<u>\$ 6,500</u>	<u>\$ 10,500</u>

B. Expenditures

1. All expenditures	\$ 10,939	\$ 6,500	\$ 10,500
Expenditures	<u>\$ 10,939</u>	<u>\$ 6,500</u>	<u>\$ 10,500</u>

C. Major changes in FY 2009 from FY 2008 = None

D. Net Asset Balance anticipated on June 30, 2008 = \$20,900

Net Asset Balance anticipated on June 30, 2009 = \$13,675

E. Full-Time equivalent positions in this Fund = 0

V. WATER FUND

A. Revenue

1. Other revenue/user fees	\$ 1,398,594	\$ 1,329,985	\$ 1,663,000
2. Revenue from fund balance		91,389	281,499
Total revenues	<u>\$ 1,398,594</u>	<u>\$ 1,421,374</u>	<u>\$ 1,944,499</u>

B. Expenditures

1. All expenditures	\$ 1,028,685	\$ 1,421,374	\$ 1,944,499
Total Expenditures	<u>\$ 1,028,685</u>	<u>\$ 1,421,374</u>	<u>\$ 1,944,499</u>

- C. Major changes in FY 2009 from FY 2008 = None
- D. Net Asset Balance anticipated on June 30, 2008 = \$2,340,000
Net Asset Balance anticipated on June 30, 2009 = \$2,058,501
- E. Full-Time equivalent positions in this Fund = 8.0

VI. STORMWATER FUND

A. Revenue			
1. Local taxes	\$ 152,608	\$ 152,800	\$ 153,000
2. Other revenue/user fees	6,475	7,700	360
3. Revenue from fund balance		115,179	103,847
Total revenues	<u>\$ 159,083</u>	<u>\$ 275,679</u>	<u>\$ 257,207</u>

B. Expenditures			
1. All expenditures	\$ 113,705	\$ 275,679	\$ 257,207
Expenditures	<u>\$ 113,705</u>	<u>\$ 275,679</u>	<u>\$ 257,207</u>

- C. Major changes in FY 2009 from FY 2008 = None
- D. Net Asset Balance anticipated on June 30, 2008 = \$181,957
Net Asset Balance anticipated on June 30, 2009 = \$78,110
- E. Full-Time equivalent positions in this Fund = 1.60

VII. LIBRARY BOARD FUND

A. Revenue			
1. Other revenue	\$ 4,138	\$ 0	\$ 50
2. Revenue from fund balance		0	
Total revenues	<u>\$ 4,138</u>	<u>\$ 0</u>	<u>\$ 50</u>

B. Expenditures			
1. All expenditures	\$ 28,709	\$ 0	\$ 0
Expenditures	<u>\$ 28,709</u>	<u>\$ 0</u>	<u>\$ 0</u>

- C. Major changes in FY 2009 from FY 2008 = None
- D. Net Asset Balance anticipated on June 30, 2008 = \$61,561
Net Asset Balance anticipated on June 30, 2009 = \$61,611
- E. Full-Time equivalent positions in this Fund = 1.60

VIII. CAPITAL PROJECTS FUND

A. Revenue			
1. Other revenue	\$	\$ 339,068	\$ 351,468
2. Revenue from fund balance			
Total revenues	<u>\$ 0</u>	<u>\$ 339,068</u>	<u>\$ 351,468</u>

B. Expenditures			
1. All expenditures	\$	\$ 339,068	\$ 0
Expenditures	<u>\$ 0</u>	<u>\$ 339,068</u>	<u>\$ 0</u>

- C. Major changes in FY 2009 from FY 2008 = None
- D. Net Asset Balance anticipated on June 30, 2008 = \$744,068
Net Asset Balance anticipated on June 30, 2009 = \$1,095,500
- E. Full-Time equivalent positions in this Fund = 0

ORDINANCE NO. 2008-7

AN ORDINANCE TO AMEND TITLE 2, CHAPTER 5, SECTION 2-508, OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO THE SIGNAL MOUNTAIN DESIGN REVIEW COMMISSION DESIGN PRINCIPLES AND STANDARDS.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT Title 2, Chapter 5, Section 2-508, of the Signal Mountain Town Code is deleted in its entirety and the following is substituted in lieu thereof:

Sec. 2-508. Design Principles and Standards. The Signal Mountain Design Review Commission shall apply the following Design Principles and Standards during its review of any applicants' development plans. The scope of review of the Design Review Commission to develop aesthetic and architectural controls for this Town shall be included in seven (7) articles under this section as follows:

Article I - Introduction

100 Intent and Purpose

101 Intent. To create and maintain a comprehensive program of community beautification and improvement through its commercial buildings and properties by the establishment of guidelines for the development, construction, remodeling, or alteration of all non-single family residential property within the Town of Signal Mountain.

102 Purpose.

102.1 To maintain and enhance the property values and taxable value of property in the Town.

102.2 To maintain the Town as a predominantly single-family residential community by protecting the character and integrity of present and future residential areas from encroachment by non-compatible land uses.

102.3 To maintain a balance among land uses within the Town by insuring that commercial, industrial and multi-family development do not impair the property values of single-family detached residential development within the Town.

200 General Information.

- 201 Conflicting Information. In the case of any ambiguity or apparent conflict between the requirements of the Signal Mountain Design Principles and Standards, the Sign Ordinance, the Zoning Ordinance or other codes, ordinances or regulations, the more restrictive requirement shall govern.

Article II – Developments Subject to Review

- 100 The following types of improvements are subject review for all categories of construction except single-family residential detached structures regardless of the dollar value of the project:

New construction including site improvements and signage
 Moving a structure
 Demolition or change in use for either land, buildings, or buildings and land
 Planned unit developments

- 200 The following types of improvements or repairs are subject review for the specific referenced sections of the Design Manual for all categories of construction except single-family residential detached structures where the gross area of the improvements or repairs exceeds twenty-five percent (25%) of the area of those same original improvements:

Alteration of Exterior Appearance Article IV Appearance Criteria, Section 200 Building and Structures Design (This does not include painting or re-roofing unless colors change.)
 Landscaping Article IV Appearance Criteria, Section 102 Landscaping and Site Treatment
 Paving. Article N Appearance Criteria, Section 100 Site Design and Layout

Example 1: If the area of paving repair in a parking lot exceeds 25% of the original area of site improvements (i.e. paving, sidewalks, landscaping, curb work, etc.) then the project would be subject to the Commission's review based on compliance with all appropriate paragraphs of Article IV, Section 100 Site Design and Layout.

Example 2: If the area of exterior building repair or replacement exceeds 25% of the total surface area of the building (excluding flat roofs) then the project would be subject to the Commission's review based on compliance with all appropriate paragraphs of Article IV, Section 200 Building and Structures Design.

Article III - Definitions

Appearance - The outward aspect visible to the public.

Applicant - The party whose has been assigned the rights by the Owner to seek approval from the Commission.

Appropriate - Sympathetic-Fitting the context of the site and the whole community.

Attractive - Having qualities which arouse interest and pleasure in the observer.

Berm - A raised form of earth to provide screening or to improve the aesthetic character.

Compatibility - Harmony in the appearance of two or more external design features in the same vicinity.

Commission - The Signal Mountain Design Review Commission.

Council - The Signal Mountain Town Council.

Design Manual - This document officially called the Signal Mountain Design Review Commission, Design Principles and Standards.

Harmony - A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Landscaping - Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Owner - The term Owner shall refer to the party which by rights and responsibilities conveyed through title, lease or rental agreement is charged with the responsibility of providing the improvements described in the Design Manual. In the absence of any agreement the Owner shall be defined as the person or entity who holds title to the land.

Proportion - The balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Public Amenity - An element, either natural or built, which is attractive and accessible to the public.

Scale - Proportional relationship of the size of parts to one another and to the human figure.

Siting -the process of placing a building and its related elements on a piece of property.

Signage - The term includes all graphic elements such as letters, symbols, illustrations, figures, insignias, logos, or other devices employed to express a message or part thereof.

Shall - The term "shall" as used in the Design Manual indicates a requirement for adherence to the noted guidelines.

Should - The term "should" as used in the Design Manual indicates a strong desire by the Commission to have the Owner incorporate the noted ideas into the project. While not a mandatory requirement the user is strongly encouraged to follow the guidelines and the Commission will look at the overall cooperation of the Owner in final approval of plans where latitude is granted.

Streetscape - The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

Town - The Town of Signal Mountain.

Article IV – Appearance Criteria

100 Site Design and Layout.

101 Relationship of Building to Site and Adjoining Areas

101.1 Site planning with setbacks and yards in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings. Setbacks established as part of a planned unit development (PUD) are also encouraged.

101.2 Parking areas shall be treated with decorative elements, such as building wall extensions, planting, berms, or other innovative means to enhance the appearance of parking areas.

101.3 Buildings and improvements on the site should be organized to minimize changes to existing topography and the loss of existing mature vegetation.

101.4 Smooth topographic transitions should be provided at the edges of properties. Slope of 1:3 (rise to run) or shallower are encouraged but in no case shall slopes be steeper than allowed by ordinance or regulation.

101.5 Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks or similar materials.

101.6 Attractive landscape transition to, or buffers from, adjoining properties shall be provided.

102 Landscaping and Site Treatment

102.1 Design Intent

.1.1 The overall landscape design should complement and contribute to beauty and utility of the development.

102.1.2 Plant material shall be selected for its structure, texture, color, and its ultimate growth. Plants shall be hardy and harmonious to the design.

102.1.3 Where healthy plant material exists on a site prior to its development, the Commission may allow credit for such plant material if such an adjustment is in keeping with the intent of this Ordinance, and provided that the existing plant material remains protected and ecologically healthy after the construction process.

102.2 Required Landscape Areas and Planting

102.2.1 In areas where general planting will not prosper other materials such as fences, walls, and pavings of wood, brick, stone, river gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials

where possible. The Owner also has the option to use any of the above materials in combination with planting to achieve a good visual image where planting alone is noted in this section.

102.2.2 The perimeter of parking areas, or other vehicular use areas, bordering public streets or adjacent property should consist of a planting area at least ten feet (10') in depth. Exceptions may be made if such areas are screened visually from an abutting right-of-way or adjacent property. Landscaping in these areas is to include one tree with a minimum caliper of 2-1/2" every twenty-five (25) linear feet or fraction thereof in combination with shrubbery.

102.2.3 Off-street parking areas shall have at least five (5) square feet of interior landscaping for each parking space excluding those spaces abutting a landscaped perimeter or spaces which are directly served by an aisle abutting and running parallel to such a perimeter.

102.2.4 As a general standard, there should be at least one tree, of at least 2-1/2" caliper, planted for each 300 sq. ft. of parking area islands. The total number of trees shall not be less than one tree every 50 linear feet or fraction thereof of required interior landscaped area.

102.2.5 Shrubby should be used as a design element to transition from the vertical nature of trees or building elements to the horizontal portions of the site such as grass, paving and ground cover. Except for plants listed as "prostrate" type, the minimum spread of any shrubbery shall be 18".

102.2.6 Grass areas may be seeded, sprigged, plugged or sodded in all areas except solid sod shall be used in swales, slopes greater than 1 :3 or other areas subject to erosion.

102.2.7 Shrubby and ground covers shall be sized and spaced in a manner which will present a finished appearance with reasonably complete coverage, under normal growing conditions within one (1) year after planting.

102.2.8 Where bark chips, mulch, pine needles or other non-living materials are used as a ground cover they shall be contained by use of perimeter curbing and properly sloped to prevent erosion.

102.3 Planting Installation, Maintenance and Irrigation

102.3.1 Continued maintenance of landscaped areas is the responsibility of the property owner. Planting plans must be maintained as originally designed and approved. Any diseased, dying or dead plants should be treated or replaced by the property owner.

- 102.3.2 Irrigation is strongly encouraged to ensure adequate moisture in planting areas. Irrigation systems must be installed below-ground, with spray heads flush with the ground surface where they might pose a safety hazard. Exposed heads may be used in planting areas or other areas remote from normal pedestrian access. Irrigation is not required where the Owner can demonstrate the proper use of vegetation found naturally in the native woods of Signal Mountain.
- 102.3.3 When plant materials are installed, they shall be healthy plants installed according to accepted commercial planting procedures and maintained in a healthy condition.
- 102.3.4 In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, guards, barriers, or other devices.
- 102.3.5 Where planting cannot reasonably be accomplished before building occupancy the Owner shall furnish a bond or other acceptable guaranty equal to the cost of all site landscaping to the Town of Signal Mountain guaranteeing the installation at the first season when installation can reasonably be expected to produce healthy plants.

103 Screening

- 103.1 The design intent is to require screening of all items similar to those mentioned in this section.
- 103.1.1 Service yards, garbage collection areas, utility meters, heating and air-conditioning equipment, outside equipment storage, vending machines and other places that tend to be unsightly shall be screened by use of walls, fencing, planting, or combinations of these.
- 103.1.2 Screening shall be equally effective in winter and summer.
- 103.1.3 Garbage collection areas must be enclosed by opaque screening at least 6 feet in height. In the event that the collection areas enclose dumpsters or other equipment, the screening should be at least 2 feet taller than the equipment, and not less than 6 feet in height.

103.2 Fences as Screening

- 103.2.1 The maximum heights of fences should generally be 6 feet, except for tennis court fences, which may be 10 feet and fencing at garbage collection areas. The use of chain link, plastic or wire fencing is not permitted for fences in yards abutting streets.

103.2.2 Fences designed to create privacy or separations should be made of materials compatible with the designs of the building.

103.2.3 Solid fences should not create a stockade appearance. The use of offsets and adjacent planting is encouraged. Fences facing streets shall have no more than forty (40) feet in a straight line unless appropriate landscaping treatment and/or design elements create unusual breaks to eliminate the straight line appearance.

103.3 Planting as Screening

103.3.1 Screening by plantings requires the use of evergreen plants to provide effective year round screening. Evergreen screening may be enriched with plants having seasonal color variation.

103.3.2 When a berm is used to form a visual screen in lieu of, or in conjunction with other screening elements; such berm shall be completely covered with shrubs, grass or other living ground cover.

103.3.3 Changes in elevation or earth berms may be used along the perimeter of parking areas to reinforce planting screens. The slope of earth should not exceed 1:3 rise to run, and should be densely planted with ground cover or shrubs to prevent erosion.

104 Miscellaneous Landscaping Requirements

104.1 All required landscaping, except planting covered by a bond or other acceptable guaranty, must be in place prior to final inspection and approval by the Building Inspector. On site areas adjacent to streets and the front lawn areas must be established or be sodded prior to occupancy of the project.

104.2 No landscaping element or similar item shall be installed or maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of-way that, in the opinion of the Commission or Building Inspector is an obstruction to visibility or is a traffic hazard.

104.3 Where site run-off requires detention areas, the areas should be attractively designed.

105 Site Lighting

105.1 Lighting Design Intent. Exterior lighting and building fixtures shall be of a design and size comparable with the building and adjacent areas.

105.2 Lighting shall be restrained to avoid excessive brightness. Site lighting in excess of 20 foot candles shall not be allowed except under canopies where motor fuels are dispensed, under covered walkways, for automated bank

tellers or other similar uses which require a higher light level by a regulatory agency.

- 105.3 Pole-mounted fixtures shall be provided with reflectors which prevent light from spilling onto adjacent property. Poles no taller than thirty feet (30') are recommended for parking areas and poles no taller than twelve feet (12') are recommended for walkways.

106 Parking and Paved Areas

- 106.1 Design Intent. The intent of the Guidelines is to subdue the visual impact of parking areas.

106.2 Orientation

- 106.2.1 Parking areas should be organized as a series of small parking bays with planted islands separating them. As a general guideline, no more than ten contiguous parking spaces are recommended.

- 106.2.2 If, in the opinion of the Commission, bicycle traffic is anticipated parking facilities should be provided within commercial or retail areas. These facilities should not interfere with pedestrian movement.

- 106.2.3 The bumper overhang of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half (3-1/2) feet in depth per abutting parking space and protected by wheel stops or curbing. Two (2) feet of said landscaping area may be part of the required depth of each abutting parking space.

- 106.3 Tree Preservation. Preservation of existing healthy trees in parking areas is encouraged.

- 106.4 Paving Materials. Parking areas shall be paved with asphalt, concrete, or masonry materials. Asphalt shall not be used for paving sidewalks.

200 Building and Structures Design

201 Style

- 201.1 Design Intent. While a diversity of architectural styles is encouraged, structures generally should be domestic in scale and be compatible with the character of the single-family community.

- 201.2 Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be fifty (50)

feet in residential districts, and seventy-five (75) feet in commercial and office districts. Facade offsets should be sufficient to create a strong shadow line.

- 201.3 Roofs should project beyond the facade. Flat roofs are discouraged, but if flat roofs are used a quality cornice line shall be used.

202 Scale and Proportion of Building Elements

- 202.1 Design Intent. Buildings and structures shall be designed based on accepted architectural principles for scale, mass, rhythm and proportion.

202.2 The height, width and proportions of a building should create a pleasing visual experience with the other buildings and open spaces in the immediate vicinity.

202.3 The height and width of building elements such as doors, windows and other openings shall have scale and proportions which are in harmony with the building yet create a strong human scale.

203 Exterior Forms and Materials

- 203.1 Design Intent. It is the intent of the Commission to require building materials which are lasting in quality, residential in scale, have good architectural character and appearance.

203.2 Types of Materials. Durable grades of materials such as stone, brick, wood and stucco are preferred. Synthetic and imitation materials are generally considered inappropriate but may be approved on a case by case basis. EIFS Systems (proprietary names of "Sto" or "Drivit") are acceptable equals to stucco.

203.2.1 The use of windows and doors similar in appearance to those used in residential structures is encouraged. Large expanses of glass is discouraged unless it is broken up into smaller components by the use of window mullions.

203.2.2 Painted or factory finished metal should be Used with great care and is normally only Acceptable for windows, doors, roofs and trim preferably in non-metallic colors. Metal siding is generally considered unacceptable.

203.2.3 Plywood and hardboard siding should be avoided unless it is broken up into smaller components by the use of reveals, battens or other design features.

203.2.4 Large expanses of concrete shall be avoided unless the scale of the material is reduced through the use of offsets and texture.

203.2.5 The use of standard three-tab shingles are normally not acceptable but will be considered on a case by case basis. Dimensional asphalt/fiberglass shingles, cedar shakes, slate, or metal shingle or seam roofs are acceptable.

204 Building or Roof-Mounted Equipment

204.1 Design Intent. All roof and building-mounted equipment such as air-conditioning units, exhaust fans, vents, satellite dishes, and other similar devices be fully screened from public view. Screening materials shall be of the same general character and compatible with the materials used for walls and roofs.

205 Building Lighting Requirements noted under Site Lighting shall also apply to building lighting.

206 Miscellaneous Structures and Hardware

206.1 Design Intent. The use of custom hardware which is in character with the building development is encouraged over the use of standard, prefab hardware. The use of custom enclosures is also encouraged.

206.2 Types Customized. Miscellaneous structures and hardware such as mailboxes, trash receptacles, benches, grocery cart racks, bicycle racks, planting pots, etc. shall be designed to be part of the design concept for the building development.

206.3 Standard Hardware. It is recognized that some hardware such as newspaper vending machines, ice machines and soft drink vending machines cannot be easily customized. However, unless properly screened or enclosed these types of devices shall be factory or field-painted with muted colors and have all backlighting covered or removed.

207 Exceptions. Utility buildings used for the storage of equipment or supplies where the equipment or supply storage is not the primary function of the business may use metal building components and discard other paragraphs of Section 200 (Building and Structures Design) providing that the building is completely screened with berms or permanent evergreen vegetation and is not visible from any public access or private residence.

300 Signage

301 Design Intent. To enhance the Sign Ordinance of the Town of Signal Mountain by defining appearance and design criteria. Applicants are urged to study the Sign Ordinance carefully for specific requirements on sizes and dimensions, types, siting restrictions and other requirements. Signs in Signal

Mountains are controlled in order to preserve and not detract from the natural surroundings of the community.

302 Sign Types

- 302.1 Ground-mounted signs are to be integrated into the landscaping plan.
- 302.2 Building directory signs should not be apparent from the street, but should be designed to direct people to individual tenants once they have reached the building.
- 302.3 Signs mounted on buildings should be integrated with the architecture of the building, and generally should not project above or beyond the drip line of sloped roof buildings. They should be placed on the building background or other neutral surface and be located either above windows, adjacent to entry doors, or on surfaces such as fascias specifically designed for signage.
- 302.4 Traffic directional signs should incorporate conventional instructions and symbols but should be integrated in form and character with other signage or landscape elements on the site. Standard painted steel "hat channel" posts are not acceptable.
- 302.5 Signs identifying miscellaneous structures and hardware as defined in Section 206 shall be displayed on the surface of the device in such a manner that they do not "shout" for attention. Where several similar devices are used such as newspaper vending machines the signage shall be consistent and uniform.

303 Design Criteria

- 303.1 Signage should be consistent in size, material and location within each development. Signs should be designed as an architectural element of the building and should reflect or compliment the architectural style of the building.
- 303.2 Signs should normally consist of individual three dimensional letters and numbers only, but the use of logos or some graphic elements may be permitted. Generally such graphic elements are restricted to no more than ten (10) percent of the sign area. Monolithic, backlit, molded or vacuum formed acrylic signs are discouraged even where the molding process gives some three dimensional character. Small signs (less than 12 square feet) may be monolithic particularly where the size and style of the framing adds richness to the final appearance.
- 303.3 Illumination of signs, where permitted, should be shaded, shielded, subdued or directed so that the light intensity will not create glare or be objectionable to surrounding areas. Exposed bulbs and exposed neon are not allowed.

- 303.4 Signs should not attract attention excessively. Specifically precluded are signs which: are an imitation of traffic signals or may be confused with them; have moving parts; are changing, blinking, flashing or fluttering; have reflective materials, pulsating light or strobe lights or are beacons.
- 303.5 Signs shall be self-supporting without the use of guy wires or unsightly bracing.

Article V – Submittal Requirements

100 General

- 101 Applicants are encouraged to submit preliminary information at the schematic design phase (pre-manufacturing commitment phase for signs) of a project to allow preliminary review before a large investment has been made in construction documents. Failure of the applicant to submit preliminary plans will not relieve him/her of compliance with requirements of the Design Standards. While the Commission will endeavor to make appropriate comments and recommendations at the preliminary phase this early review will not eliminate the requirement for a final review and approval by the Commission prior to any construction.

102 Minimum Final Submission Documentation

All illustrations shall be drawn to scale.

- 102.1 New Construction, Remodeling and Renovation. Two sets of the following information shall be submitted to the Commission's staff for approval at least eight days prior to a regularly scheduled meeting of the Commission. The information shall be complete enough to illustrate all design information, dimensional data, quality of materials, colors, and textures. Where remodeling or renovation is planned the unaffected items may be deleted from the submission if color photographs are provided indicating all present conditions.

1. Site Plan including topographic elevations and property improvements.
2. Site Landscaping Plan indicating all planting, screening, and fencing, etc.
3. Site Utility Plan indicating drainage, exterior lighting, and all utility services.
4. Exterior elevation drawings of all sides of the building.
5. Sample boards indicating materials, colors and textures of the exterior.
6. Garbage collection point and proposed screening.
7. Parking layout.

8. Master Signage Plan. If the structure is a multi-tenant facility a master signage plan shall be submitted indicating all proposed signs with locations, sizes, styles, and types of messages. The approved master sign plan will be the basis for approval of all subsequent tenant signs. Single-tenant buildings shall meet the signage submittal requirements of paragraph 102.2.
9. Floor plans (or similar drawings of exterior walls) in sufficient detail to indicate all perimeter offsets.
10. Construction manuals or specifications where detailed information is not indicated in the other documents.
11. Vicinity plan indicating buildings in adjacent lots with photographs of those structures.
- 102.2 Signs. Two sets (nine sets of any drawing larger than 11" x 17") of the following information shall be submitted to the Commission's staff for approval at least eight days prior to a regularly scheduled meeting of the Commission. The information shall be complete enough to illustrate the design intent.
- 1a. Sign-Mounted to Building. Provide drawings indicating all major building and sign components and illustrating the proposed "as-built" conditions.
- 1b. Freestanding: Sign. Provide illustration of actual sign and a site diagram indicating the location of nearby improvements (i.e. parking, landscaping, streets, utility poles, etc.). Color photographs or renderings of the building as seen from the street.
2. Drawings and descriptions of sign indicating type of materials, construction, sizes, dimensional data, proportions, colors, letter styles, lighting, etc. Suggested drawings are included in Appendix A.
3. Copy of the Approved master signage plan for multi-tenant buildings.
- 103 It is the intent of the Commission to review the applicant's information promptly. However, the Commission review and approval is only one step in the construction process. In no case may construction start without all required regulatory agency permits and approvals including a building permit from the Town of Signal Mountain.
- 104 Remodeling/Renovation. The submittal requirements for remodeling and renovation will be modified to describe the extent and scope of actual improvements planned. For example: Paving and landscaping would only require drawings related to the site work. Exterior renovation would only require drawings of the building envelope.

Article VI – Appeals Process

Applicants whose plans are conditionally approved or are disapproved by the Commission may appeal the Commission's action to the Town Council. Appeals to the Council shall be filed with the Town Manager ten (10) days prior to the next regular meeting of the Council not more than sixty (60) days after the date of the Commission's action. The members of the Commission will be notified of the appeals request and will be given the opportunity to address the Council. The Council, after hearing all parties who desire to be heard, shall approve, approve with conditions, or not approve the application by a written statement setting forth the reasons for its action. If the Council approves or conditionally approves the application, the Building Official may issue the building permit forthwith provided that the applicant has complied with the terms of approval or conditional approval; with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits.

Article VII – Project Development Contract

A project development contract incorporating, among other elements, any conditions or requirements imposed on the applicant pursuant to this chapter, must be executed by and between the Commission and the applicant or, when appealed and approved, between the Council and the applicant before a building permit can be issued for any development outlining the requirements in writing, in addition to any drawings or sketches.

Copies of the Project Development Contract to be executed after Commission or Council approval of the project are available from the Town office.

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

Passed First Reading May 12, 2008.

Passed Second Reading June 9, 2008.



 PAUL M. HENDRICKS, Mayor



 MARK A. JOHNSON, Town Recorder

PAN/kac