

*****October 11, 2010*****

The Signal Mountain Town Council held its regular monthly meeting on Monday, October 11, 2010, at 6:30 p.m. in the Town Hall. Those present were:

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

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

Mayor Lusk led the pledge of allegiance. Stacey Seals, Fire Chaplain, gave the invocation. The roll was called.

Minutes

The minutes for the September 13th regular meeting and October 4th agenda meeting were discussed. With no additions, deletions, or corrections, the minutes were approved.

Honorary Resolution

The following resolution was presented:

1. "A RESOLUTION DECLARING THE MONTH OF NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH IN THE TOWN OF SIGNAL MOUNTAIN." Councilmember Dick moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

Resolutions

The following resolutions were presented:

1. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) 2010 CHEVROLET IMPALA, TENNESSEE STATE BID NUMBER SWC #218, FROM WILSON COUNTY MOTOR CO., IN THE AMOUNT OF TWENTY ONE THOUSAND FOUR HUNDRED TWENTY THREE AND 48/100 (\$21,423.48) DOLLARS TO BE USED BY THE POLICE DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN." Councilmember Hendricks moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.
2. "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE ONE (1) LEAF MACHINE FROM OLD DOMINION BRUSH, IN THE

AMOUNT OF SIXTEEN THOUSAND SEVEN HUNDRED FORTY ONE AND 00/100 (\$16,741.00) DOLLARS TO BE USED BY THE PUBLIC WORKS DEPARTMENT FOR THE TOWN OF SIGNAL MOUNTAIN.” Mayor Lusk moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

Annexation Ordinances

The following ordinances were read regarding the annexation of the Fox Run and Windtree subdivisions:

1. “AN ORDINANCE AMENDING ORDINANCE NO. 2008-13 EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO CHANGE THE EFFECTIVE DATE OF ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE TOWN, BEING CERTAIN PARCELS ON ANDERSON PIKE ADJACENT TO THE FOX RUN SUBDIVISION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.” Mr. Noblett explained that for some time the Town had been involved in litigation with the residents of the subdivisions. He said a trial date was set for November 15, 2010; however, the parties have agreed to a settlement making the the annexation effective on December 31, 2012, at which time services for the new areas will begin. Pproperty taxes will not be collected until the 2013 tax year. Mr. Noblett also explained said that the judge had signed an “Agreed Order of Compromise and Dismissal” to this end, and the Council must confirm this agreement by ordinance.

Gary Starnes, counsel for the subdivision residents, said that a settlement was deemed favorable after consideration of the time and expense involved with litigation.

Sam Elliot, special counsel for the Town, said that this is a great settlement for everyone.

Mayor Lusk thanked the attorneys for their work. He then moved and Councilmember Hendricks seconded that the ordinance be approved. The motion passed unanimously.

2. “AN ORDINANCE AMENDING ORDINANCE NO. 2008-14 EXTENDING THE CORPORATE LIMITS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, TO CHANGE THE EFFECTIVE DATE FOR THE ANNEXATION OF CERTAIN PROPERTIES ADJACENT TO WINDTREE SUBDIVISION ON ANDERSON PIKE AND SHACKLEFORD RIDGE ROAD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.” Vice Mayor Robertson moved and Councilmember Hendricks seconded that the ordinance be approved. The motion passed unanimously.

Mr. Noblett reminded everyone that these ordinances would require a second reading.

State of the Town Report

Mayor Lusk presented the annual "State of the Town" report, summarizing the accomplishments and activities of the Town during the 2009-2010 year, including financial condition, departmental achievements and the Town's future outlook.

Citizen Comments

Mayor Lusk invited comments from the audience.

Jeff Holland, Timberlinks Dr., asked if section 10-208 of the proposed animal control ordinance on the agenda that restricts female dogs in heat from running at large, also applies to cats. He noted that many years ago he suffered a nuisance created by neighbors owning too many unaltered cats. Mayor Lusk said that the ordinance is directed toward vicious animals. Councilmember Hendricks noted that section 10-204, which states that no dog *or* cat is allowed to create a nuisance, would cover any such issues.

Ordinances

The following ordinances were presented:

1. "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 12, SECTIONS 12-101 AND 12-102, SO AS TO ADOPT THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AND CERTAIN APPENDICES OF THOSE CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODES OF THE TOWN OF SIGNAL MOUNTAIN AND TO AMEND SECTION 12-103 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL RESIDENTIAL CODE, AND TO RETAIN SECTION 12-107 CONCERNING THE ADOPTION OF THE ANSI NATIONAL STANDARD AND/OR THE 2002 NORTH CAROLINA ACCESSIBILITY CODE AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODES OF THE TOWN OF SIGNAL MOUNTAIN." Ms. Rogers explained that this and the next few ordinances regarded updating the Town's various structural codes. She said that the Town is currently under 2003 international guidelines, and these ordinances will designate the 2009 version as the new standard. She noted that many of the same exceptions are outlined and that these are basically the same codes used by Chattanooga. She said that one of the more controversial items that required sprinkler systems in all homes has been removed.

Mr. Noblett explained that these are all international codes except for the electrical code. He also said that the state had adopted the international codes and

6. "AN ORDINANCE TO AMEND TITLE 7, CHAPTER 1, SIGNAL MOUNTAIN TOWN CODE, SECTIONS 7-101 AND 7-102, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2009 EDITION, AS THE OFFICIAL FIRE CODE OF THE TOWN OF SIGNAL MOUNTAIN; AND AS APPENDICES TO CODE ADOPTED, AND TO ADD A NEW SECTION 17-103 AS AMENDMENTS TO CODE, AND TO RENUMBER NEW SECTIONS 7-108 AND 7-109, RELATIVE TO ENFORCEMENT AND APPEALS FROM THE APPLICATION OF THE FIRE PREVENTION CODE." Councilmember Hendricks moved and Councilmember Dick seconded that the resolution be approved. The motion passed unanimously.

Ms. Rogers noted that the Town would have copies of all the codes for any interested parties.

7. "AN ORDINANCE TO DELETE TITLE 10, CHAPTER 2 OF THE SIGNAL MOUNTAIN TOWN CODE IN ITS ENTIRETY AND TO SUBSTITUTE IN LIEU THEREOF A NEW CHAPTER 2." Mayor Lusk explained that this updated the animal control ordinance primarily to remove breed specifications in the definition of "vicious dog". He moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.
8. "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 11, TO AMEND TITLE 11 BY DELETING CHAPTER 10 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 10 ENTITLED "AGAINST THE PEACE AND QUIET"." Councilmember Hendricks moved and Mayor Lusk seconded that the resolution be approved. The motion passed unanimously.
9. "AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN TOWN CODE, TITLE 2, TO AMEND TITLE 2 BY DELETING CHAPTER 12, SECTION 2-1202 AND ADDING SECTION 2-1202." Vice Mayor Robertson explained that this ordinance would increase the Parks Board membership from five to seven members. Mayor Lusk moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously. Vice Mayor Robertson noted that there has been some interest in new membership, but the positions have not been advertised yet.
10. "AN ORDINANCE TO DELETE, TITLE 9, CHAPTER 1, SECTION 113 OF THE SIGNAL MOUNTAIN TOWN CODE AND TO SUBSTITUTE IN LIEU THEREOF A NEW SECTION 9-113 ENTITLED "HOURS OF PERMITTED SOLICITATION UNDER THIS CHAPTER." Mayor Lusk explained that the *Chattanooga Times Free Press* wished to solicit during certain hours on Saturday. This ordinance would allow the *Times* as well as other solicitors with appropriate town ID badges to do to solicit on Saturdays for a six-month trial basis.

Councilmember Dick moved and Vice Mayor Robertson seconded that the resolution be approved. The motion passed unanimously.

11. "AN ORDINANCE RESCINDING ORDINANCE NO. 2007-14, AND DELETING TITLE 1, CHAPTER 1, SECTION 1-105 TO THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO HEALTH INSURANCE FOR TOWN COUNCIL MEMBERS WHILE IN OFFICE FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Mayor Lusk explained that previously Council members were allowed to opt in to the Town's health insurance coverage; however, insurance carriers are now resistant to that. This ordinance therefore rescinds that benefit. He moved and Councilmember Hendricks seconded that the resolution be approved. The motion passed unanimously.

Discussions

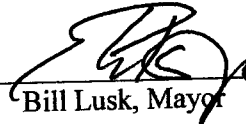
Councilmember Dick, referencing the end of his term, said he has appreciated the Town and has enjoyed working here. He also thanked Vice Mayor Robertson for *Council Notes*.

Councilmember Hendricks, referencing the end of his own term,, said it has been an honor and a privilege to serve. He thanked the citizens. He noted that he would continue to work with the MACC as part of the MACC Foundation.

There being no further business, the meeting was adjourned.



Recorder



Bill Lusk, Mayor