

*****OCTOBER 15, 2007*****

The Town Council of the Town of Signal Mountain held its regular monthly meeting on Monday, October 15, 2007 at 7:00 p.m. in the Town Hall. Those present were:

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

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

Mayor Hendricks called the meeting to order and led the Pledge of Allegiance. Rev. Dr. Marshall C. St John, Wayside Presbyterian Church offered the invocation. Roll call found all Council members present.

The Mayor asked for approval of the minutes of September 10, 2007 regular monthly meeting and the September 29, 2007 special agenda meeting. Councilmember Allen moved that the minutes be approved as amended. The motion was seconded by Councilmember Robertson and passed unanimously.

Next Mary Beth Sutton addressed the Council to urge all citizens to recycle. She announced a new group dedicated to environment issues and asked for suggested names for the group. She stated they plan to have a "Clean up recycle Signal" at the recycling center on Sunday November 11, 2007.

There was a brief presentation of the new firefighter's uniforms by Chief John Vlasik and Firefighter David Bishop.

Next Joe Muscatello from the Tennessee Municipal Bond Fund talked about the interest cap that the Town was purchasing for the loan to finance the Town's commitment on the high school. He explained that the Town would not have to pay any more than the \$83,000 proposed six months prior for an interest cap on the high school loan of \$7.2 million. Information had been presented to the Council for them to look at purchasing the cap for \$6.6 million representing the original amount of the loan less the amount of property tax collected for 2006. Councilmember Lusk made a motion to purchase the cap for the original \$7.2 million. Councilmember Robertson seconded the motion and it passed unanimously.

Next the Council considered the resolutions. The first resolution was "A RESOLUTION COMMENDING THE YEARS OF VALUABLE SERVICE AND DEDICATION AS A PUBLIC SERVANT BY JANE WILSON FOR THE TOWN OF SIGNAL

MOUNTAIN." Councilmember Allen made a motion to approve the resolution. Councilmember Robertson seconded the motion and it passed unanimously.

Next the Mayor introduced members of the Lions club. The Council then heard the resolution, "A RESOLUTION RECOGNIZING THE THANKING THE SIGNAL MOUNTAIN LION'S CLUB FOR ITS ASSISTANCE IN PROVIDING HEATING AND AIR CONDITIONING UNITS FOR THE CAFETERIA OF THE MOUNTAIN ARTS COMMUNITY CENTER (MACC)." Councilmember Allen made a motion to approve the resolution. Vice-Mayor Dick seconded the motion and it passed unanimously.

After that the resolution brought before the Council was "A RESOLUTION DESIGNATING THE UNOPENED AND UNIMPROVED PORTION OF SHADOW RIDGE DRIVE ADJACENT TO BARRINGTON CIRCLE AS A PUBLIC PARK WITHIN THE TOWN OF SIGNAL MOUNTAIN." Councilmember Lusk moved that the resolution be passed. Vice-Mayor Dick seconded the motion and it was passed unanimously.

The final resolution before the Council was, "A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CONTINUE IN AN AGREEMENT WITH THE HUMANE EDUCATIONAL SOCIETY FOR THE CONTROL OF ANIMALS, RABIES CONTROL, EDUCATION CONCERNING ANIMALS TO THE PUBLIC AND PET THERAPY TO AREA NURSING HOMES FOR ANOTHER TWELVE (12) MONTH PERIOD ENDING JUNE 30, 2008 IN A TOTAL AMOUNT NOT TO EXCEED \$36,550.62." There was a brief discussion. Chief Boyd Veal informed the Council of the changes in the agreement and on his research into alternate sources of animal control. Councilmember Robertson moved the resolution be passed. The motion was seconded by Councilmember Allen and passed unanimously.

John Stuermer, Executive Director of the 911 Board read a prepared statement on the unification of the 911 Board and the proposed funding required from each governmental entity. Mr. Stuermer answered several question from the Council on the unification and the funding. He explained that the increase for the Town would be phased in over a three year period. Councilmember Lusk asked if the call volume in the Town went down would the cost for the 911 service go down. Mr. Stuermer said yes the call volume was a variable; the Town would get credit for a smaller volume. Mr. Stuermer noted that each entity participating in the 911 center would have to agree on the plan before they could begin hiring and training new personnel. He said their target date to begin was October 2008.

Next the Council considered the first ordinance, "AN ORDINANCE TO AMEND TITLE 1. CHAPTER 1, TO ADD A NEW SECTION 1-105 TO THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO HEALTH INSURANCE FOR TOWN COUNCIL MEMBERS WHILE IN OFFICE." Councilmember Robertson made a motion to approve the ordinance. Councilmember Allen seconded it and it passed unanimously. The next ordinance the Council considered was, "AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 14, TO CREATE A NEW CHAPTER 4 ENTITLED 'HISTORIC PRESERVATION AND CONSERVATION' AND

ADOPTING HISTORICAL ZONING REQUIREMENTS FOR CERTAIN BUILDINGS, LANDMARKS, AND ENABLING THE CREATION OF HISTORIC PRESERVATION DISTRICTS WITHIN THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE." Jerry Robertson spoke to the Council and explained some of the specifics of the proposed plan. There was a discussion with the Council asking several questions. The Mayor made a motion to table the ordinance. Councilmember Robertson seconded the motion and it passed unanimously.

The last ordinance before the Council was, "AN ORDINANCE TO AMEND TITLE 3, CHAPTER 1, SECTION 3-110 OF THE SIGNAL MOUNTAIN TOWN CODE RELATIVE TO MUNICIPAL COURT COSTS." Chief Boyd Veal addressed the Council and talked about his research to determine what other cities were charging for court costs. He stated that the MTAS (Municipal Technical Advisory Service) police consultant recommended using the costs that Hamilton County charges. Councilmember Lusk asked for a report on the court cases the previous year. After a brief discussion, Councilmember Lusk made a motion to table the ordinance. Mayor Hendricks seconded the motion and it passed unanimously.

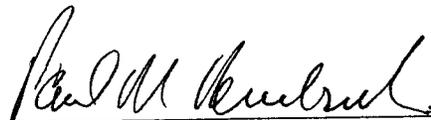
Lou Oliphant reported on the Planning Commission. She said the November meeting was moved to November 8, 2007 and the Commission would be discussing the Land Use Plan.

Mayor Hendricks informed the citizens about the meeting held with the residents of the Fox Run and Windtree subdivisions. He said that the decision of annexation had not been determined yet. He said the Council wanted to review the information further.

The Mayor announced that there would be a meeting on October 25, 2007 to allow Eddie Gravitte, principal of the new high school/middle school to make a presentation on the status and needs of the new school. He said Chip Baker and Richard Casavant would also be there to discuss the school.

The Mayor complimented the Girl Scouts on the scarecrow decoration for the Townhall. Councilmember Lusk asked if the staff would look at the layout of the recycle center. He suggested moving the fence on the north end to allow more storage space. Several citizens addressed the Council on various issues and asked questions.

With no further business the meeting was adjourned.



Dr. Paul M. Hendricks, Mayor



Recorder

012303

DATE: OCTOBER 15 2007, 7:00 P.M.

NAME	ADDRESS
1. Jay Casavant	320 Signal Mtn. Blvd
2. Jean Dolan	Ladder Trail
3. Row Oliphant	Cherokee Lane
4. Linda Mooningham	Tennessee Municipal Bond Fund
5. Joe Muscillo	TMBF-Knoxville
6. Chris Cole	320 Green Gorge Rd
7. John Vlasis	SMFD
8. Davis Bishop	SMFD
9. Marshall St. John	2506 Fairmount Pike
10. Mary Beth Sutton	4609 Chestnut St
11. Richard Nuba	1818 YAFF Hwy
12. Melissa Carbell	105 South Dr.
13. John M. Kingston, MD	302 Monte Pavaero Ln
14. Jerry Robertson	115 River Pt Rd
15. Claire / Bob Griesing	40 Canine Hill
16. Julie Ratcliff	400 Brady Point Rd.
17. Don Clauson	505 Berrington Rd
18. Heidi Sney	171 Woodcliff Ln
19. DAVE ANDREU	105 South Dr
20. Rachel Miller	
21. Inesa Hon	
Joe Dumas	1111 James Blvd.

DATE:

NAME	ADDRESS
1. <u>W R Egan</u>	<u>1179 James Blvd</u>
2. <u>Sis Morgan</u>	<u>106 Florida Ave.</u>
3. <u>Jeff Holland</u>	<u>213 Timber Links Dr.</u>
4. <u>Imogene Nentweg</u>	<u>311 Sep Mtn. Blvd.</u>
5. <u>Ann Evans</u>	<u>1179 James Blvd</u>
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RESOLUTION NO. R2007-74

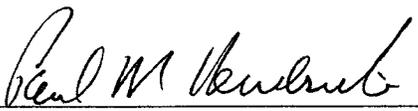
A RESOLUTION COMMENDING THE YEARS OF VALUABLE SERVICE AND DEDICATION AS A PUBLIC SERVANT BY JANE WILSON FOR THE TOWN OF SIGNAL MOUNTAIN.

WHEREAS, JANE WILSON began service on July 12, 1985 for the Town of Signal Mountain and has served dutifully and reliably as a Town employee in the offices at the Town Hall; and

WHEREAS, JANE WILSON has provided the TOWN with more than twenty-two (22) years of valuable service as an employee of the Town before she begins other endeavors in September of 2007; and

WHEREAS, JANE WILSON should be commended and recognized for her many years of valuable service to the Town and in the assistance of citizens of this community who have called the Town Hall with questions on Town services or programs.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that JANE WILSON is commended and recognized for her Twenty two (22) years of valuable service and dedication as to the Town. Jane Wilson has loyally served the citizens and the families of this community who have been fortunate to have her dedication as a public servant for the Town. ALL CITIZENS of the TOWN are encouraged to wish Jane Wilson and her family a pleasant retirement and good health after she completes her service to this Town.



MAYOR

10-15-07
DATE

PAN/kac



RECORDER

10-15-07
DATE

RESOLUTION NO. R2007-75

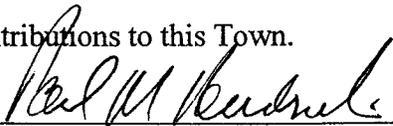
A RESOLUTION RECOGNIZING AND THANKING THE SIGNAL MOUNTAIN LION'S CLUB FOR ITS ASSISTANCE IN PROVIDING HEATING AND AIR CONDITIONING UNITS FOR THE CAFETERIA OF THE MOUNTAIN ARTS COMMUNITY CENTER (MACC).

WHEREAS, the Mountain Arts Community Center is located in the former Signal Mountain Elementary School Building which was built in 1927 and is currently used by the Lion's Club for its monthly meetings; and

WHEREAS, the Signal Mountain Lion's Club has contributed many hours by its members for Town functions and Town improvements during its years of service in this community; and

WHEREAS, the Signal Mountain Town Council desires to recognize the service and contribution of the Signal Mountain Lion's Club which has resulted in new heating and air conditioning units for the cafeteria of the Mountain Arts Community Center which was greatly needed by this community;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Signal Mountain Lion's Club is recognized and honored for its assistance in providing heating and air conditioning units for the cafeteria of the Mountain Arts Community Center and which will benefit community meetings in that facility for years to come. All citizens of the Town are encouraged to commend the Signal Mountain Lion's Club for its many contributions to this Town.



 MAYOR

DATE

PAN/kac



 RECORDER

DATE

10-15-07

11-15-07

RESOLUTION NO. R2007-76

A RESOLUTION DESIGNATING THE UNOPENED AND UNIMPROVED PORTION OF SHADOW RIDGE DRIVE ADJACENT TO BARRINGTON CIRCLE AS A PUBLIC PARK WITHIN THE TOWN OF SIGNAL MOUNTAIN.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That the unopened and unimproved portion of Shadow Ridge Drive adjacent to Barrington Circle is hereby designated as a public park within the Town of Signal Mountain and subject to the rules and regulations of the Park Board. A map showing the area of the unopened and unimproved right-of-way to be designated as a park is attached as an exhibit to this Resolution and was recommended for designation as a park by the Signal Mountain Planning Commission on September 6, 2007. This park shall be known as Shadow Ridge Park.



MAYOR



RECORDER

10-15-07

DATE

10-15-07

DATE

PAN/kac

RESOLUTION NO. R2007-77

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CONTINUE IN AN AGREEMENT WITH THE HUMANE EDUCATIONAL SOCIETY FOR THE CONTROL OF ANIMALS, RABIES CONTROL, EDUCATION CONCERNING ANIMALS TO THE PUBLIC AND PET THERAPY TO AREA NURSING HOMES FOR ANOTHER TWELVE (12) MONTH PERIOD ENDING JUNE 30, 2008 IN A TOTAL AMOUNT NOT TO EXCEED \$36,550.62.

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to continue in an Agreement with the Humane Educational Society for the control of animals, rabies control, education concerning animals and pet therapy to area nursing homes for another twelve (12) month period ending June 30, 2008, in the total amount of \$36,550.62 annually to be paid in monthly installments in the amount of \$3,045.89. A copy of the contract is attached.



MAYOR



RECORDER

10-15-07

DATE

10-15-07

DATE

PAN/kac

AGREEMENT BETWEEN THE HUMANE EDUCATIONAL SOCIETY AND TOWN OF
SIGNAL MOUNTAIN

This Agreement is made and entered into on this 15th day of October, 2007, between Town of Signal Mountain, a political subdivision of the State of Tennessee, and the Humane Educational Society (HES).

Whereas, it has been determined that the humane education and animal control services provide a benefit to all citizens of the Town of Signal Mountain; and

Whereas, HES is the only agency in the community that offers control of animals, rabies control, education concerning animals to the public, and pet therapy to area nursing homes.

Therefore, the City of Signal Mountain and HES do hereby enter into this Agreement for the following animal control services to be provided to the Town of Signal Mountain for the fiscal period beginning July 1, 2007 through June 30, 2008:

1. Education for the citizens of Signal Mountain to be responsible animal owners.
2. Encourage the use of pet identification devices for their animals.
3. Provide field return of lost animals to their owners.
4. Respond to patrol requests.
5. Identify and / or apprehend trespassing dogs and cats.
6. Fulfill requests for humane live capture traps to capture nuisance animals.
7. Investigate animal cruelty and animal nuisance complaints.
8. Provide enforcement of the Rabies Control program.
9. Resolve vicious animal complaints.
10. Respond to barking dog complaints and / or inhumane treatment of animals.
11. Respond to injured and / or animals in distress calls.
12. Assist the Police department in calls for assistance.
13. Police loose livestock on the highway.
14. Provide administration of a low cost sterilization and pet adoption program.
15. Solicit of charitable donations to support the operation of the Humane Education division.
16. Provide and administer the necessary personnel, equipment and facilities required to effectively discharge the outlined duties including the oversight for sheltering stray, unwanted and apprehended animals.
17. Sign in at Signal Mountain Police Department and patrol at least twice a week in addition to regular services outlined above.
18. Submit Radio Log Sheets weekly with the following information: Truck #, In Service, Out of Service, Location, Description, Complaint # HES, Complaint # SM.
19. Submit monthly reports with total animals delivered to shelter by HES Officers and total animals delivered to shelter by residents of Signal Mountain. Such reports will contain addresses to allow verification of residency and location of pickups.

20. After hours emergency services from 5pm-8am the HES will respond to and pickup:
- a. Severely sick and injured animals that do not have an owner
 - b. Animals that have bitten
 - c. Animals from an individual that has been arrested

These services will be provided 7 days a week at a rate of \$4.92 per capita. Based on last known census of the Town of Signal Mountain the cost to provide these services will be \$36,550.62 to be made in monthly installments of \$3,045.89 for the twelve month period beginning July 1, 2007.

In consideration of these premises, it is mutually agreed between the Parties hereto as follows:

1. Town of Signal Mountain shall have reasonable access to accounts, files and records maintained by HES for services rendered in connection with this Agreement to the City.
2. This Agreement shall automatically renew for successive periods of one (1) year, unless ninety (90) days prior cancellation notice is given by either party to the other of said party's desire not to extend this Agreement.
3. Either party may cancel this Agreement, without cause, by giving ninety (90) days written notice to the other party.
4. Upon cancellation or expiration of this Agreement, the liabilities of the parties shall be limited to the payment of fees and/or credits incurred or accrued through and including the last effective day of this Agreement.
5. This Agreement shall be governed by, construed and enforced in accordance with, the laws of the State of Tennessee.
6. The performance of the Town of Signal Mountain of any of its obligations under this Agreement shall be subject to and contingent upon the appropriation of funds otherwise lawfully expendable for the purposes of this Agreement for the current and future periods.
7. HES shall maintain during the term of this Agreement the following minimum coverage's and limits which shall be primary regarding any claims that may arise out of HES operations against HES and/or the Town of Signal Mountain:
 - A. Commercial General Liability Insurance - \$1,000,000 limit per occurrence for property damage and bodily injury and shall include the following coverage:
 - 1) Premises/Operations
 - 2) Products/Completed Operations
 - 3) Contractual
 - 4) Independent contractors
 - 5) Broad Form Property Damage
 - 6) Personal Injury
 - B. Business Automobile Liability Insurance - \$1,000,000 limit per occurrence for property damage and bodily injury and shall include:

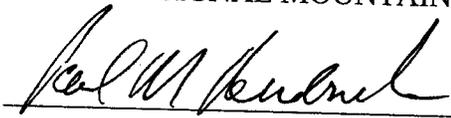
- 1) Owned/Leased Autos
 - 2) Non-owned Autos
 - 3) Hired Autos
- C. Workers' Compensation and Employer's Liability Insurance-Workers' compensation limits as required by Tennessee law including Employer's Liability coverage of \$500,000 per occurrence.

All of the above coverages shall be evidenced with a certificate of insurance and shall include a thirty-(30) day cancellation notice. The liability coverages shall list Town of Signal Mountain Government as an additional insured for the services provided herein. All coverages shall be placed with insurance carriers rated B+10 of better by A.M. Best's Rating Guide or as approved by Town of Signal Mountain Risk Manager.

8. Indemnification and Hold Harmless Agreement for services paid for under this Agreement by Town of Signal Mountain Government, HES hereby agrees to indemnify, defend and hold harmless Town of Signal Mountain Government, members of its Commission, boards, committees, officers, agents, employees and volunteers (collectively referred to as City of Signal Mountain Government) from any and all loss, damage, cost, expense, liability, claims, demands, suits, attorney's fees and judgments arising directly or indirectly from or in any manner related to the work, services, equipment, vehicles or facilities used in connection with HES' performance or failure to perform under the terms of this Agreement, regardless of the active or passive nature of any negligence by the Town, except as otherwise stated herein. HES shall not be responsible for such liability arising from the sole negligence of the Town of Signal Mountain. HES shall be responsible to the City of Signal Mountain for any costs associated in enforcing this provision.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATE FIRST WRITTEN ABOVE.

TOWN OF SIGNAL MOUNTAIN, TENNESSEE



HUMANE EDUCATIONAL SOCIETY

Guy Bilyeu

Executive Director