

BOARD MEETING

FEBRUARY 13, 2006

The Board of Mayor and Aldermen of the City of Tullahoma, Coffee and Franklin Counties, Tennessee met in a public session at the Municipal Building, in Tullahoma, on Monday, February 13, 2006 with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Lane Curlee, Rich Darden, Scott Shasteen, Jim Waters and Phil Trimble.

Louis J. Baltz III, City Administrator; Randall Morrison, City Attorney; and Susan Wilson, City Recorder, were also present at the meeting.

The meeting was opened with an invocation delivered by Rev. Tom Murdock and the pledge of allegiance to the flag.

PROCLAMATIONS; AWARDS; AND SPECIAL PRESENTATIONS

Mayor Bisby recognized City Employee Service Award recipients: 20 years: Eddie Ellis. Ms. Bowling presented the Civil Air Patrol with a sign to hang at the viaduct for their work in cleaning up the area at the via-duct.

COMMENTS FROM CITIZENS

None.

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN BOWLING – Ms. Bowling reported that she had been in contact with TDOT concerning the traffic signal at Hoover Lane and stated that whenever the City was ready for the project then TDOT was ready to determine if the light could be put back up. Ms. Bowling reported that she had attended a meeting in Franklin on public domain, TUB meetings and continuing law education. The drainage easement was just sent to Jacob Sverdrup concerning the drainage problem at the airport. Ms. Bowling met with the Emergency Management with 25 volunteers attending and commended them for their work with the Agency. Ms. Bowling went to Huntsville with members of TUB to get information from a company would like to bring wireless to the community. The policy committee needs to meet again to make sure that they are in compliance with the new state ethics policy.

ALDERMAN CURLEE – Mr. Curlee reported that the Housing Authority would be meeting later this week and he would be able to give a report at the next meeting.

ALDERMAN DARDEN – No report.

ALDERMAN WATERS – No report.

ALDERMAN TRIMBLE – No report.

ALDERMAN SHASTEEN – Mr. Shasteen reported that the Planning Commission met and there was nothing to report at this time, the transportation and sub-committee also met and had received a traffic study from the State of Tennessee concerning the signaling on Jackson Street. Mr. Shasteen reported that the school board has not met since the last board meeting and hopes to have a report at the next meeting. Mr. Shasteen was concerned that the media was only focusing on the negative aspects of the Board meetings and not informing the citizens of the positive outcomes of the meetings. He asks the Board to come up with alternative methods of providing the citizens with city board actions after each meeting.

Alderman Waters arrived at this time.

MAYOR BISBY – Mayor Bisby reported that the Mayors Youth Council is holding a youth night on March 10, 2006 at the bowling alley. It is to encourage teens to be involved in safe and drug free activities. Dr. Waters suggested that the Board attend and with the youth to let them know that they are concerned about their safety and well being.

REPORT FROM THE CITY ATTORNEY – Mr. Morrison reported on the previous Resolution 1285 which is the authorization of the uses of bonds for the rehabilitation of East Gate Apartments, research showed that the Board would need to give a formal hearing to give the public an opportunity to be heard. Mr. Morrison also reported on the ongoing case of the City vs. Garrard was coming to an end. Mr. Morrison stated that at this time he had retrieved most of the active files from the former previous City Attorney and wanted to thank Mr. Baltz, Mr. Limbaugh and Mr. Woodard for being a tremendous help during the transition period.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that he wanted to remind the board of the upcoming Tennessee Municipal League conference on March 6, 2006, and if you will be able to go, let his office know in the next few days.

CONSENT AGENDA

Agenda Item 06-19 - Minutes of January 23, 2006 Board Meeting

Ms. Bowling stated that she had a correction on page 15, agenda item 6-18, Discussion of Proposed Resolution on Initiatives, there were two votes, Mr. Waters

stated that he had mis-voted and the first vote was left out of the minutes which was as follows:

AYE: Bisby, Bowling, Shasteen, Waters
NAY: Darden, Curlee

A motion was made by Mrs. Bowling and seconded by Dr. Waters to adopt the consent agenda with the noted corrections. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

No old business.

NEW BUSINESS

AGENDA ITEM 06-20 – APPOINTMENT/RE-APPOINTMENT TO TULLAHOMA AIRPORT AUTHORITY

Mr. Baltz reported that the term of Mr. Claud Chellstorp will expire on February 27, 2006 and has expressed an interest in serving another term. Mr. Baltz told the Board that on pages 19 – 43 were all the active applications of Citizen Participation forms on file, which are kept on file for one year. Mr. Curlee requested to re-nominate Mr. Claud Chellstorp. Ms. Bowling requested to nominate Mr. Bob Hickey. Dr. Waters requested to nominate Mr. Sam Crimm. After a ballot vote, the vote was as follows:

Bisby – Chellstorp
Bowling – Hickey
Curlee – Chellstorp
Darden – Chellstorp]
Shasteen – Hickey
Trimble – Chellstorp
Waters - Crimm

Mr. Claud Chellstorp – 4
Mr. Bob Hickey – 2
Mr. Sam Crimm – 1

The vote being four (4) votes for Mr. Claud Chellstorp, two (2) for Mr. Bob Hickey, and one (1) for Mr. Sam Crimm, Mr. Claud Chellstorp was re-appointed to the Tullahoma Airport Authority.

AGENDA ITEM 06-21 – APPOINTMENT OF TWO MEMBERS TO THE TULLAHOMA AIRPORT AUTHORITY

Mayor Bisby reported that the City had just received from the State Attorney General's office an opinion that the Board of Mayor and Aldermen has the authority to increase the Tullahoma Airport Authority from 5 members to 7 members, and that any citizen that wishes to apply needs to do so, and that the Board will take nominations at the next Board meeting. Mr. Trimble asked that in addition to advertising for other applicants that the City confirm that those applicants on file were still interested. Ms. Bowling at this time asked about the staggering of terms. Mr. Trimble agreed that it might be a good idea to stagger the terms if the Board had the authority to do so. Mr. Baltz said that he would do the research on this and report back before the next meeting.

AGENDA ITEM 06-22 – APPOINTMENT TO HISTORIC ZONING COMMISSION

Mr. Baltz reported that Ms. Marjorie Collier's term on the Historic Zoning Commission had expired and she has expressed the willingness to continue to serve. Mr. Baltz stated that this is a mayoral appointment subject to the confirmation by the Board of Mayor and Aldermen. Mayor Bisby re-appointed Ms. Collier to serve another term on the Historic Zoning Commission. Mr. Trimble made a motion to endorse the mayor's selection and was seconded by Mr. Waters. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-23 – FINANCIAL ADVISOR AGREEMENT WITH STEPHENS, INC.

Mayor Bisby asked Mr. Baltz to explain. Mr. Baltz reported that as requested by the Board at the last meeting that Stephens, Inc. provide the Board with a draft financial advisor agreement which is included in the agenda. Mr. Trimble made a motion to have the Permission to Bid paragraph deleted from the draft and to have Stephens, Inc. present revised draft at the next meeting and seconded by Mr. Shasteen. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-24 – APPROVAL OF REVISED CITIZEN PARTICIPATION FORMS

Ms. Bowling reported that the Policy Committee had met and that the draft was enclosed. Ms. Bowling made motion to approve the revised form and oath and was seconded by Mr. Darden. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-25 – RECOMMENDATION TO REPEAL CITY’S ANTI-METH ORDINANCE

Ms. Bowling reported that she had met with the Policy Committee regarding the ratification of the ordinance on meth and that since the City had adopted our policy the state has also adopted a meth law and it supersedes the City’s. In order to remove any double burden on local merchants, Ms. Bowling made a motion for the Board to approve the recommendations and authorize the City Attorney to draft ordinance approving the old provisions. Dr. Darden seconded the motion. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM – RES. NO. 1288 – A RESOLUTION TO SEEK A PRIVATE ACT TO AMEND THE CHARTER OF THE CITY OF TULLAHOMA, TENNESSEE

Ms. Bowling stated that this resolution is to amend the Charter of the City of Tullahoma to allow for referendum, initiative and recall petitions brought forth by the citizens of Tullahoma. Ms. Bowling made a motion to accept this resolution and to forward it to our State Representatives. Mr. Shasteen seconded the motion. Mrs. Bowling commented that this would bring the City into the position to offer the same kinds of things offered by other cities. Mr. Trimble called for a point of order wanting to know how this resolution motion could be made since it has already been dealt with. Mayor Bisby replied that it had been dealt with previously but that Roberts Rules of Order did allow for a motion to be re-introduced. Mr. Trimble appealed to the Chair that the ruling is incorrect. Mayor Bisby said that was Roberts Rules of Order. Mr. Trimble said that he was appealing that decision and the Board should vote on it. Mrs. Bowling further explained about concerns and process on the resolution to amend the Charter of the City and that Roberts Rules of Order allows for rescinding, reconsideration (has to take place at the same meeting) and re-introducing (which can be done forever). Mrs. Bowling discussed examples of the three different motions above. Mr. Trimble appealed to the Chair. Mr. Curlee suggested that the Mayor, Mr. Baltz, and the City Attorney get together and review Roberts Rules of Order to see why we are making a change in the way we have always operated and then put it back on the agenda at the next meeting. Mayor Bisby suggested they call for a vote and if the motion fails that they agree to table this resolution until after the election. More discussion followed regarding the call for question and Mrs. Bowling read the first two paragraphs of Resolution 1288. A motion was made by Mrs. Bowling to accept Resolution 1288 with any revisions suggested by the City Attorney and send to the State Representatives for appropriate action. Mr. Morrison said that he had read the resolution and that it deals with three areas; referendum, recall, and initiatives. Mr. Morrison said that the language was typical of what other cities have adopted. Dr. Darden questioned and discussed

the number of cities in Tennessee that have adopted this type of resolution and also asked how many people have been recalled as a result of such a resolution having been passed in a City government. Mr. Morrison did not know the figures but commented regarding the confusion this may cause to citizens because of the three different areas. He explained them briefly. More discussion followed regarding the recall and the effectiveness in the cities that have passed a resolution of this type. Mrs. Bowling further discussed supporting having this resolution and empowering the citizens. More discussion followed from Aldermen regarding citizens approaching them to have this resolution passed and also discussion from those that were opposed to the resolution.

Mr. Baltz recommended that modifications not be made after the resolution was passed as presented in Mrs. Bowling's motion to allow the City Attorney to make revisions as appropriate, but that the modifications be made as amendments prior to approval since once it is approved by the Board it stands as is or could be challenged since it is a charter change. Mr. Baltz suggested two changes: 1) to add Franklin County in the second paragraph and under Sections 1 in the last sentence where it says 32-42 should be 32-37 (instead of 42). The revisions suggested by Mr. Baltz were accepted by Mrs. Bowling and Mr. Shasteen.

Mayor Bisby restated the "gentlemen's agreement" that if this Resolution does not pass they would not bring it before the board again at least until the next election. Mrs. Bowling stated that she was not comfortable with that but that was what she was being offered. Mayor Bisby called for a vote. On roll call the vote was as follows:

AYE: Bisby, Bowling, Shasteen, Waters

NAY: Curlee, Darden, Trimble

The vote being four (4) ayes and three (3) nays, the motion was so ordered.

Alderman Curlee expressed it would take five votes to pass when it goes to the General Assembly and that it would have to pass when it comes back to the Board by a 2/3 majority vote also. Mrs. Bowling disagreed with the first part of Mr. Curlee's opinion that it would take five votes to get to the General Assembly.

There being no further business to come before the Board of Mayor and Aldermen at this time, upon motion made and duly seconded, the Board Meeting adjourned. On roll call all members present voted aye and it was so ordered.

FINANCE DIRECTOR

MAYOR