

BOARD MEETING

MAY 8, 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, May 8, 2006 with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Rich Darden, Scott Shasteen, and Jim Waters. Absent were Lane Curlee 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 Aldermen Janice Bowling and the pledge of allegiance to the flag.

PROCLAMATIONS; AWARDS; AND SPECIAL PRESENTATIONS

Mayor Bisby presented a proclamation to Ms. Melissa Henson, proclaiming May as Tullahoma Teachers' Month in Tullahoma.

COMMENTS FROM CITIZENS

Ms. Pat Clemons, of the Friends of Short Springs, handed out a map outlining the Short Springs Natural Area and proposed a compromise of the area to sell and to keep for Natural Area.

Mr. Don Myers, 115 Sears Roebuck Road, presented receipts of purchases made in the City of Tullahoma and stated that he was not a threat to anyone.

Mr. Trimble commented regarding the assumption of most persons that the improvements would be funded by a tax increase only and that there may be other options.

Ms. Marjorie Collier, of the Friends of Short Springs, commented regarding the Short Springs Natural Area and expressed that she hoped the board would vote not to sell the property and to keep it for Natural Area.

Mr. Ross Roepke, of the Friends of Short Springs, commented regarding the Short Springs Natural Area and indicated he was in favor of keeping the property for future expansion if needed for ball fields, schools, etc.

Mr. Dennis Horn, of the Friends of Short Springs, with the Friends of Short

Springs as a Tullahoma citizen commented that he believes the Short Springs Natural Area property is important to Tullahoma and expressed that he would like the Board to let the previous vote of 6/1 stand and not to sell the property.

Mr. Neil Loeffler expressed that he would like the Board to vote to keep the Short Springs Property.

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN SHASTEEN – Mr. Shasteen reported that he attended the Planning Commission meeting and the Commission approved and forwarded an annexation request. Mr. Shasteen reported that the Planning Commission also discussed the process of developing Cedar Lane area guidelines to get a consistent look and feel to the commercial areas. He suggested if anyone wanted to get a look at the idea from the ground up that they could take the new Manson Pike exit in Murfreesboro, the new medical center parkway and that is kind of where the Planning Commission is beginning their look at this type of guidelines – based on Murfreesboro and the guidelines they are using for that parkway. Mr. Shasteen reported that Motlow College graduated 416 students this past Saturday. Also, Motlow College has named a new president, Dr. Marylou Apple from Morristown, TN, to take over in July 1, 2006. Mr. Shasteen reported that the Tullahoma Lady Cats Softball team will be playing tomorrow night in Manchester in the semi finals of the District 8 Triple A tournament. Also, this Friday night the Tullahoma High School Football team will have the annual Red/White game at Wilkins Stadium and encouraged all citizens/voters to come to the game and take a look at the condition of the stadium while in attendance since it is one of the items being discussed on the school bond issue.

Mr. Shasteen reported that the School Board met in regular session on April 17. Mr. Shasteen reported that the School Board had a work session on May 3 of which the bond issue was the topic of conversation. Mr. Shasteen said that it is pretty obvious to say that the School Board was disappointed with the way the issues turned out and they realize that they can not do anything about that right now and know it will be coming up for a vote. Mr. Shasteen said that he thinks that we can expect them to use all the resources available to them to try to influence the vote to be yes. Mr. Shasteen said that the one thing that he thinks they would like to see from the City is some potential funding options. He said it was mentioned that some members of the BMA felt that not enough time had been taken had been taken on this issue to explore other options, and he thinks the School Board would like to see now that we have some time that this Board consider some other possibilities. Mr. Shasteen said that for the record he wanted to say that he had strongly encouraged this Board to do just that, to take time and develop some options from the start of the issue, but it didn't happen. Mr. Shasteen further stated that as has been the case, multiple times over the past nine months, in his opinion, the majority chose not to take time on an issue, not

to explore it completely, not to consider the ramifications of the issue and that this was but another series of votes that had been forced upon this Board and he believes in a hasty and somewhat irresponsible manner. Mr. Shasteen further stated however, that unlike other issues, this particular one allowed the voters a chance to decide the outcome. Mr. Shasteen said that he believes they should embrace that and that it takes the burden away from them as a Board, not that they considered it a burden, but that it takes the decision away from the Board for now and it will be decided by the voters on August 3rd, whether the bond issue will go through or not. Mr. Shasteen said that he realizes that this Board will have to make further decision after that vote, but that it does put a lot more power into the hands of the voters. Mr. Shasteen said that, to him, it shows the inability of a portion of this Board to grasp the mentality of our citizens on particular issues at this certain time. Mr. Shasteen encouraged everybody to get the facts, visit the facilities, to study the money (the School Board money and the City money), and proceed with a civil tone and talk about and then let the process take care of itself in the vote.

ALDERMAN BOWLING – Mrs. Bowling reported that she attended the Commanders Reception hosted by Commander Dave Stringer and his wife Diane, at AEDC. Mrs. Bowling said that they invited people from all over the entire region and that as the Board knows that AEDC does provide jobs and employment and economic impact for about 10 counties and that she talked personally with people from several counties and cities stating that it was a good opportunity. Mrs. Bowling said that Mr. David Pennington was in attendance at the reception and that he was in the audience tonight. She commended all who were willing and all that had had gone through the process of putting their name on the ballot and getting out there and presenting what they would do to serve the people. Mrs. Bowling congratulated Mr. Pennington and thanked him for attending the meeting the Tullahoma Board of Mayor and Aldermen tonight. Mrs. Bowling reported that she attended the National Day of Prayer at Grace Baptist. Mrs. Bowling announced that the Tullahoma Municipal Airport Authority would meet tomorrow night at 6:00 p.m., and the public is invited. Mrs. Bowling said that at the last TUB meeting they covered several issues and in covering the different things that were straight forward on policy and housekeeping, that they passed a policy for TUB on the employee's right to political activity. Mrs. Bowling said that she believes that as Mr. Shasteen had mentioned that in the next few months of our community is going to be a political time and that we need to remember the rights of employees. Mrs. Bowling said that it was taken straight from TN Code Annotated that was adopted as policy for TUB. Mrs. Bowling read the provisions of TCA 51-7-1501 – Every employee shall enjoy the same rights as other citizens of Tullahoma (and Mrs. Bowling said that this was of any board or agency in this community) to participate in political activities which right shall include the right to support or oppose political parties, the right to support or oppose political candidates, the right to support or oppose petitions to governmental entities, and the right to run as a candidate for any local or state office except Mayor and

Aldermen. Unless there is an ordinance to the contrary in Tullahoma, which she said right now we do have an ordinance that does make some exceptions to that TN Code Annotated rule. Mrs. Bowling continued to read from the code: Limitation of Employees Time Off (Pursuant to the TCA 51-7-1503) Any time off from work used by an employee for participation in political activity shall be limited to earned days off, vacation, or vacation days. Prohibited Activities – Mrs. Bowling said that essentially what it states is that you can do anything on your own time as an individual but you can never do anything with the title that you carry, whether it's a TUB Board, School Board, or an employee of one of those boards or agencies. Mrs. Bowling commented regarding anyone violating the rights of an employee would be inappropriate, unethical and that it would be a under law.

ALDERMAN DARDEN – No report.

ALDERMAN WATERS – Dr. Waters reported that he attended a dance recital in Manchester and that at the recital they announced that it could not be held at the Tullahoma High School Auditorium because it wasn't fit to have it there. He said they had to have it at Central High school because the Tullahoma High School Auditorium curtains did not work and that there were electrical and mold problems. Dr. Waters said that was an embarrassing situation and stated that the building program is an important program and encouraged all to think about this when going to the voting polls this summer. Dr. Waters said they have had many visitors at East Lincoln and encouraged anyone who was interested to please visit all of the schools that need improvements.

MAYOR BISBY – Mayor Bisby thanked those from the Planning Commission and Mr. Lance Baxter for taking the initiative on the design guidelines for Cedar Lane.

Mayor Bisby reported that the Department of Justice has approved the Coffee County Landfill settlement and the Tullahoma portion (\$90,000) will be wired in the next few days. When Coffee County and Manchester fulfill their obligation by wiring their portion the settlement will be final.

Mayor Bisby said that based on a recent conversation that he would ask Mr. Morrison to go forward with negotiation on the annexation lawsuit.

Mayor Bisby reported that Ms. Dot Watson with Partner's for Healing will be on the Regis and Kelli show this Friday for being awarded a Mother's Day Dream Come True. The show has given the Partner's for Healing Center some new computer equipment, an ultra sound, and a fetal monitor. Dot and her daughter are being flown to New York on the show Friday, May 12, 2006.

REPORT FROM THE CITY ATTORNEY – No report.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that the City Engineer has completed the revised plans for Turkey Creek Road improvements. They would like to have an opportunity to display the plans for the public and receive feedback from the public regarding the revised plans. They are contemplating holding a Public Forum either Thursday, May 11, 2006 or Tuesday, May 16, 2006. A motion was made Mrs. Bowling and seconded by Mr. Shasteen to hold a Public Forum Tuesday, May 16, 2006 at 5:30 p.m., in the City Hall board room. On roll call all members present voted aye and it was so ordered.

Mr. Baltz stated that in light of some of the recent storms we've had in the area, Alderman Shasteen had requested Mr. John Riley, Emergency Management Director to give an update for the benefit of the public to give a brief presentation tornado safety items.

Mr. Riley presented and handed out information to the Board members regarding preparation for a tornado and the descriptions of the various watches and warnings. Mr. Riley gave some statistics regarding the increase in tornados this past year. Mr. Riley said that they do get calls from citizens and they can pick up or they send to them and that they have been sending out quite a few lately.

Discussion followed regarding shelters and that the state suggests sheltering in place and not trying to travel to shelters during a storm. Mr. Riley did announce that there are no City tornado shelters available to citizens.

Mr. Shasteen asked about a notice in the paper regarding from the Coffee County Senior Citizen's Center regarding a fundraising campaign in order to build a new center and to be used as a tornado shelter. Mr. Riley said that he did not read the article, but that what has been discussed here in Tullahoma is an emergency shelter which would be used after a tornado for those who need shelter, not to be used as a tornado shelter. Mrs. Bowling stated that she is on the Board of Directors of the Coffee County Senior Citizen's and that Mr. Riley is correct in indicating that this is a shelter to be used after any emergency whether it would be a tornado, fire, or any other situation where people would need temporary housing.

More discussion followed regarding liability and Mr. Baltz explained that the Red Cross would be in charge of the shelter and it would fall under their umbrella insurance. This would not be a function of the Emergency Management Agency of Tullahoma. Discussion followed regarding what citizens should do in the event of a tornado and that FEMA and TEMA recommend in home sheltering. Discussion followed regarding trailers and new information regarding possible grants for trailer park shelters.

CONSENT AGENDA

Agenda Item 06-61 - Minutes of April 24, 2006 Board Meeting Agenda Item 06-62 - Journal Entries - May 8, 2006

A motion was made by Mrs. Bowling and seconded by Dr. Darden to accept the minutes of April 24, 2006 (with the corrections noted by Mrs. Bowling) and Journal Entries of May 8, 2006 as presented. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

ORDINANCE NO. 1328 - AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT ORDINANCE OF THE CITY OF TULLAHOMA, TENNESSEE WHICH IS CODIFIED AS ORDINANCE NO. 1283

Mayor Bisby read the caption of Ordinance No. 1328 for the third and final reading. A motion was made by Dr. Darden and seconded by Mr. Shasteen to approve Ordinance No. 1328. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE #1328

ORDINANCE NO. 1329 - AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF TULLAHOMA, TENNESSEE WHICH IS APPENDIX "A" TO THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TENNESSEE BY CHANGING THE ZONING MAP WHICH IS A PART THEREOF TO RE-ZONE CERTAIN PROPERTIES AT 202 GOLF CLUB LANE FROM R-1, LOW DENSITY RESIDENTIAL TO C-2, GENERAL COMMERCIAL DISTRICT (COFFEE COUNTY TAX MAP 124H, GROUP B, PARCEL 3)

Mayor Bisby read the caption of Ordinance No. 1329 for the second and final reading. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen approve Ordinance No. 1329. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE #1329

ORDINANCE NO. 1330 - AN ORDINANCE TO AMEND TITLE 1, CHAPTER 2, SECTION 1-207 OF THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA

Mayor Bisby read Ordinance No. 1330 for the second of two readings. A motion was made by Dr. Darden and seconded by Mrs. Bowling to approve Ordinance No. 1330. Discussion followed regarding majority and unanimous

voting on this ordinance. Mr. Baltz indicated they would follow the same rules of any ordinance. Discussion followed regarding Rule 3. On roll call all members present voted aye and the motion was so ordered.

SEE ATTACHED COPY OF ORDINANCE #1330

NEW BUSINESS

RESOLUTION NO. 1292 – AN ELECTION RESOLUTION TO CALL AN ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS

Mayor Bisby read the caption of Resolution No. 1292 and explained the requirements by the State that the Board is obligated to put on the ballot. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to adopt Resolution No. 1292. Dr. Darden suggested an amendment to the motion because there are other financing methods available besides property taxes. Mr. Baltz explained that legally the bond issue required backing by “ad valorem taxes”. Dr. Darden withdrew his amendment. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF RESOLUTION #1292

RESOLUTION NO. 1293 – A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE TO APPROVE A UDAG LOAN APPLICATION

Mayor Bisby read the caption of Resolution No. 1293. Mr. Baltz presented the background information and said that Staff would recommend a loan of \$200,000. Discussion followed regarding the amount of funds needed by Rounds Aviation appearing to be more than \$200,000. A motion was made by Dr. Waters to adopt Resolution No. 1293 to fund the UDAG loan of \$200,000 for Rounds Aviation. Mr. Baltz said that the Board does have the option to increase the “not to exceed” number, but that would decrease the amount available for other UDAG loans. Dr. Waters withdrew his motion. Mr. Chris Rounds presented information to the Board regarding construction and layout indicating that \$350,000 would complete the first phase. A motion was made by Mrs. Bowling and seconded by Dr. Waters to approve to amend Resolution No. 1293 to reserve, not to exceed \$350,000, for the this project for Rounds Aviation. It was stated that the same guidelines for collateral would apply for security. Discussion followed regarding criteria having to be met before approval of loan. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF RESOLUTION #1293

AGENDA ITEM 06-63 – SURPLUS LAND SALE REQUEST BY TULLAHOMA

UTILITIES BOARD

Mrs. Bowling presented the information for TUB and their proposed resolution. A motion was made by Dr. Waters and seconded by Mrs. Bowling to approve Alternative No. 2 to reconfirm the 2002 decision by the City Board to not have the property surplused. Dr. Darden said why not approve the proposed resolution from TUB to let the Planning Commission review. Discussion followed regarding the land being critical to protect our water supply. Mayor Bisby called for a vote. On roll call the vote was as follows:

AYE: Bisby, Bowling, Waters

NAY: Darden, Shasteen

The vote being three (3) ayes and two (2) nays, the motion was so ordered.

AGENDA ITEM 06-64 – APPROVAL OF AGREEMENT FOR ENGINEERING SERVICES FOR JOHNSON LANE RECREATIONAL AREA

Mr. Glick presented the background information. Staff recommends Alternative No. 1 to authorize the Mayor to execute a contract with Lose and Associates for Engineering Services for the Johnson Lane Recreation Area project. A motion was made by Mrs. Bowling and seconded by Dr. Waters to accept Staff recommendation of Alternative No. 1, with the agreement that the City Attorney Randall Morison will make the necessary changes of sections dealing with arbitration and litigation and the modification so that the venue will be Coffee County. On roll call all members present voted aye and the motion was so ordered.

AGENDA ITEM 06-65 – SET PUBLIC HEARING FOR ANNEXATION REQUEST (132 PARKWAY ROAD, MR. CHARLES CHANNEL, APPLICANT)

A motion was made by Mr. Shasteen and seconded by Dr. Darden to set the public hearing for June 12, 2006 for the request for annexation, plan of service and R-1 zoning. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-66 – APPROVAL OF ADDITIONAL EQUIPMENT ITEMS FOR AUCTION

A motion was made by Dr. Waters and seconded by Mrs. Bowling to approve the additional items as surplus. On roll call all members present voted aye and it was so ordered.

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