

BOARD MEETING

DECEMBER 12, 2005

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, December 13, 2005 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, Phil Trimble, and Jim Waters.

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

The meeting was opened with an invocation delivered by Dr. Jim Growden and the pledge of allegiance to the flag.

PROCLAMATIONS; AWARDS; CERTIFICATES; COMMENDATIONS - None

COMMENTS FROM CITIZENS

Mrs. Dawn James, 109 Hunters Court, addressed the Board regarding three matters; regarding posting the city budget, agenda, and minutes on the City website; establishing an ethics policy for Board; consideration of the consolidation of school system administrative positions.

Mr. Mike Root, 205 Fairways Blvd. North, who expressed disappointment in the dismissal of Mr. Steve Worsham as City Attorney. He also requested the resignation of four Board members.

Comments followed from Dr. Darden and Mr. Trimble in rebuttal to the request for resignation.

Mr. Sam Crimm II, 206 S. Anderson Street, commented in regard to the proposed increase in the Tullahoma Airport Authority Board.

Mr. Bobby Wines, 209 Highland Drive, spoke in reference to his not being in favor of the request for resignation of four Board members. He also expressed the need for registered voters to vote. Mr. Wines expressed that he was not in favor of school consolidation but was in favor of school building projects.

Mr. Don Myers, 115 Sears Roebuck Road, discussed several topics.

Dr. Phillip Patterson, 127 Woodmont Drive, thanked Mrs. Wilson for her help on bond recovery. Dr. Patterson commented on projects accomplished by the Tullahoma Airport Authority and he also expressed his thoughts on not being in favor of increasing the Board membership of the Airport Authority.

Mr. John Stubbs, 100 Crosswind Court, commented regarding the Airport Authority and his being in favor of not increasing the number of Board members.

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN TRIMBLE – Mr. Trimble reported that he attended the Public Forum. Mr. Trimble stated that it was well attended and there were good comments. Mr. Trimble thanked the citizens who attended.

ALDERMAN SHASTEEN – Mr. Shasteen reported that he attended the Planning Commission Workshop held at Motlow College. Mr. Shasteen said that it was very constructive and informative. He thanked all those who attended and those who made outstanding presentations (Mr. Joe Loggins, Dr. Dan Lawson, Mr. Jody Baltz, Mr. Jon Glass, and Mr. Steve Woodard). Mr. Shasteen stated that the Planning Commission agreed to begin considering revising the transportation plan. Mr. Shasteen reported that the current plan is over ten years old and a lot has changed since it was created. Mr. Shasteen stated that we need to have planned and controlled growth in Tullahoma and that there is multiple transportation issues that this City needs to address. Mr. Shasteen said that they heard a lot about state projections for traffic on some of our busier roads that's going to increase dramatically in the next few years and that if they are near there projections, then it is imperative that we tackle these transportation issues very soon. They will be getting started on that at the next Planning Commission meeting.

Mr. Shasteen asked if it could be added to the next Board meeting to take a look at the Emergency Management department regarding the budget, duties, and functions, what is expected out of the department. Mr. Shasteen said it is an area that he is not very clear on as far as what the exact purpose of that is, how it came about, and where it is headed. He asked that it be an agenda item at the next meeting and that Mr. Riley and Mr. Baltz work together to get the information.

Mayor Bisby asked that Mr. Shasteen follow up with Mr. Baltz to have it an item on the agenda.

ALDERMAN BOWLING – Mrs. Bowling reported that she attended the TUB meeting and that Mr. Joe Loggins, General Manager, announced his retirement at the end of May. Mrs. Bowling reported that she attended the Arnold Community Council meeting and that the "Wings of Freedom" air show would be Memorial Day weekend in May 2006. Mrs. Bowling commented on an issue with the Airport and Sverdrup regarding a drainage easement that needs to be addressed when a City attorney is appointed.

Mrs. Bowling would like to request that the Policy Committee meet again to address a code of ethics policy for the boards and agencies regarding family or business relationships being disclosed on the citizen participation forms.

Mayor Bisby reported that the Policy Committee chairman is a Mayoral appointment. Mayor Bisby appointed Mrs. Bowling as chairman if she would accept. Mrs. Bowling accepted the position.

Mrs. Bowling thanked Mr. Tommy Allen for starting the Old Town Christmas Stroll tradition about 11 years ago and invited all to attend this year on December 13th.

ALDERMAN CURLEE – Mr. Curlee reported that the Housing Authority would meet this Thursday so he would report at the next Board meeting. Mr. Curlee thanked all those who participated and attended the Public Forum. He said that it was very well done and the comments made were very passionate and eloquent. Mr. Curlee said that for those Board members that were not able to attend, that Channel 6 had made copies of the video, should they like to look at it.

ALDERMAN DARDEN - Dr. Darden stated that he would like to echo Alderman Shasteen's comments regarding the Emergency Management Department. He said that he'd had a lot of phone calls recently about that department and said that he was aware that their budget comes out of the Fire Department budget and wondered about if we consider it important enough that it should be it's own department.

Dr. Darden commented in response to what had been said in regard to the Airport Authority. Dr. Darden said that some of the issues that he brought up before the Board of Mayor and Aldermen shook things up enough so that the constituents, citizens of Tullahoma understand some of the things that have happened in the past at the Airport and the reasoning for why they are still trying to resolve those issues. He said that he believes that some are being resolved, but only as a result of being brought up in this form.

ALDERMAN WATERS – Dr. Waters reported that he attended the Public Forum and that he thought it was well attended and that there were a lot of good ideas. Dr. Waters reported that they met with Joe Loggins today, and that TUB is looking into a new cable system for the City of Tullahoma and telephone Internet service. They would be doing some research and performing a survey. Dr. Waters reported that they interviewed the candidates for City Attorney this week.

MAYOR BISBY – Mr. Bisby reported that he attended the Public Forum and he agreed those that spoke were quite eloquent and that it was a good meeting. Mayor Bisby said that he didn't get to stay for the whole meeting, but what he did observe was that there was not only a desire for the school system, but a desire for ball fields, recreational facilities, and other issues that people are concerned and that we need to consider in it's totality and not focus on just any one item.

Mayor Bisby said that he attended the interviews for City Attorney and there would be a statement on that later. Mayor Bisby stated that both were very good candidates.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that the Greenway Bridge has been repaired.

CONSENT AGENDA

Agenda Item 05-175 - Minutes of November 28, 2005 Board Meeting

Agenda Item 05-176 – October 2005 Finance Report

A motion was made by Mrs. Bowling and seconded by Dr. Darden to approve the consent

agenda as corrected (Mrs. Bowling said there was a typographical error on page 50, second par., from the bottom the think in “a very good think” should be “a very good thing”). On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

ORDINANCE NO. 1324 – AN ORDINANCE TO ESTABLISH COURT COSTS FOR THE CITY (MUNICIPAL) GENERAL SESSIONS COURT OF THE CITY OF TULLAHOMA, TENNESSEE, AND TO AMEND SECTION 3-102 OF THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TITLE 3, MUNICIPAL COURT, CHAPTER 1, CITY COURT

Mrs. Wilson read the caption of Ordinance No. 1324 for the third and final readings. A motion was made by Mrs. Bowling and seconded by Dr. Darden to adopt Ordinance No. 1324 on the third and final reading. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE #1324

OTHER OLD BUSINESS

Mrs. Bowling asked about the status of the roof replacement at Fire Hall 2. Mr. Baltz reported that they are presently looking at equipment, and possible roof changes may be necessary, but they are hoping to make a recommendation during the budget process.

NEW BUSINESS

AGENDA ITEM 05-177 – APPOINTMENT OF CITY ATTORNEY

Dr. Waters read a typed statement regarding the City Attorney. The statement was as follows: The city is fortunate to have two outstanding candidates from which to choose for the City Attorney’s position. Both men have strong character, experience and qualifications. At this time I would like for the Board to consider what is perhaps a unique arrangement that I believe will help the city by taking advantage of both gentlemen’s skills. Dr. Waters stated that this was a motion. A motion was made by Dr. Waters that Randall Morrison be hired as City Attorney and be prepared to handle 80 to 90 percent of all legal matters related to city government and that his work be evaluated by the board at the end of a three year period. As part of this motion, I also move that, subject to his availability, Craig Northcott be offered certain types of responsibilities as well relating to the office of City Attorney. This arrangement will allow the lead attorney some flexibility in work schedules and allow the proposed second attorney to gain city government experience. If this proposal is acceptable to the Board I suggest the City Administrator Baltz meet with the two attorneys to hammer out any details. In the meantime, Randall Morrison should be prepared to take on City attorney responsibilities as soon as possible. Dr. Darden seconded the motion.

Discussion followed regarding the procedures the committee followed to interview and evaluate the candidates for City Attorney. Further discussion followed regarding the decision and recommendation of the committee. Mayor Bisby stated that they did act per the motion and the

committee did come up with a recommendation that was brought before the Board. Discussion followed regarding the committee having a split decision between the candidates.

Mr. Baltz commented on the process of the committee and explained that the candidates were made aware that the committee was acting in a recommendation capacity, but the Board of Mayor and Aldermen would have the final approval vote. He further explained the scale used and the set number of questions asked to both candidates. Mr. Baltz explained that according to the scale used in the committee process that Mr. Northcott ranked out slightly higher. Mr. Baltz stated that both candidates are qualified. Mr. Baltz said there had been no other meeting as follow-up. Further discussion followed regarding the determination of percentage divided between the two attorneys. Mr. Baltz said that his recommendation is to have one City Attorney. Dr. Waters recommended bringing Mr. Northcott along because of his expertise and Mr. Morrison is by himself and by this contract someone has to fill in for Mr. Morrison when he is gone, and Mr. Northcott would be his pick.

Mayor Bisby began to restate the motion but was interrupted by discussion regarding whether or not the attorneys would be agreeable to such an arrangement. If so, they would need an agreement by the two attorneys and then it be presented to the Board for approval. Mr. Baltz stated that there would need to be one attorney designated as providing legal council and who is ultimately responsible. Further discussion followed regarding the possibility of the committee reconvening and resolving their differences and then coming back before the Board for a vote. More discussion followed regarding the sharing and percentage of work between the attorneys, the length of contract being three years and being reviewed at the end of three years. Mr. Baltz suggested that the contract be reviewed annually on the anniversary date or the Board meeting closest to the anniversary date. More discussion followed regarding the committee recommendation not being voted upon and the committee possibly reconvening and reviewing again, and also the process followed in the committee evaluation. Some discussion followed regarding the process that was followed to inform the local attorneys of the opening.

Mayor Bisby called for a vote. Mayor Bisby stated the motion as being to appoint Mr. Randall Morrison to do 80-90% of the work and Mr. Northcott to do 10-20% of the work, the key point being that Mr. Morrison would be the lead attorney. On roll call the vote was as follows:

AYE: Curlee, Darden, Trimble, Waters

NAY: Bisby, Bowling, Shasteen

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

Mr. Randall Morrison addressed the Board at this time.

RESOLUTION NO. 1269 – 1284 RESOLUTIONS AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID

A motion was made by Mr. Curlee and seconded by Mr. Trimble to suspend the rules and

vote on Resolutions 1269 through 1284 all together. On roll call all members present voted aye and it was so ordered.

At this time, Mr. Shasteen left the meeting.

RESOLUTION NO. 1269-1284 - RESOLUTION AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID

Mrs. Wilson read the Resolution numbers and names of organizations that will receive the appropriations. A motion was made by Dr. Waters and seconded by Mr. Curlee to adopt Resolution No. 1269-1284. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF RESOLUTIONS #1269-1270

At this time, Mr. Shasteen returned to the meeting.

AGENDA ITEM 05-178 - APPOINTMENT/REAPPOINTMENT TO TRI-COUNTY RAILROAD AUTHORITY

A motion was made by Mrs. Bowling and seconded by Mr. Trimble to reappoint Mr. Lee Yoder to the Tri-County Railroad Authority. On roll call all members present voted aye and it was so ordered.

ORDINANCE NO. 1325 - AN ORDINANCE TO AMEND SECTION 20-1102 OF THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TENNESSEE, TO PROVIDE FOR THE MEMBERSHIP OF THE TULLAHOMA AIRPORT AUTHORITY TO BE INCREASED FROM FIVE (5) TO SEVEN (7) MEMBERS

Mr. Baltz read Ordinance No. 1325 for the first of two readings. A motion was made by Dr. Darden and seconded by Mr. Trimble to approve Ordinance No. 1325 to increase the Airport Authority Board membership from five to seven members. After much discussion and debate by the Board the Mayor called for a vote. On roll call the vote was as follows:

AYE: Curlee, Darden, Trimble, Waters

NAY: Bisby, Bowling, Shasteen

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

SEE ATTACHED COPY OF ORDINANCE NO. 1325

AGENDA ITEM 05-179 - PETITIONS FOR RECALL, REFERENDUM AND INITIATIVES

Mrs. Bowling presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept Alternative No. 1 to begin the process to draft the appropriate

resolution for the consideration of the Board of Mayor and Aldermen. After much discussion by the Board Mrs. Bowling agreed to change her motion to refer this item to the Policy Committee for review and recommendation to be presented at the next Board meeting (1/9/06). Mr. Shasteen agreed to the change of the motion. It was agreed by the Policy Committee members that the meeting to be set the week of January 3, 2006. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 05-180 – SCHOOL BUILDING PROGRAM FINANCING

Dr. Waters read a statement indicating that because he was an employee of the Tullahoma City Schools, that he had a conflict of interest, however he declared that his argument and his vote are only to his conscience and to his constituents. A motion was made by Mr. Curlee and seconded by Mr. Trimble to accept Staff recommendation of Alternative No. 1 and have Mr. Baltz present at the January 9, 2006 Board meeting. After much discussion and debate, Mayor Bisby called for a vote on the motion. On roll call the vote was as follows:

AYE: Curlee, Darden, Trimble, Waters

NAY: Bisby, Bowling, Shasteen

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

AGENDA ITEM 05-181 – PURCHASE OF REPLACEMENT PATROL VEHICLE

A motion was made by Dr. Waters and seconded by Mrs. Bowling to accept Staff recommendation and purchase the replacement unit from Stan McNabb. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 05-182 – 184 APPOINTMENT/REAPPOINTMENT TO THE BOARD OF ZONING APPEALS

Mayor Bisby stated this was a Mayoral appointment and confirmed to reappoint Mr. Lynn Cooper, Ms. Barbara Snyder, and Mr. Jeff Bowen to the Board of Zoning Appeals.

AGENDA ITEM 05-185 – AMENDMENTS TO HEALTH PLAN

A motion was made by Mrs. Bowling and seconded by Mr. Curlee to accept Staff recommendation of Alternative No. 1 to approve Employee Benefit Plan amendments. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 05-186 – REESTABLISH BOARD STUDY SESSIONS

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Curlee to authorize Staff to begin the process to draft the appropriate resolution for the consideration of the Board of Mayor and Aldermen; also to begin posting the entire agenda and minutes be posted on the website (after approved), and to retain the Beer Board at the end of the

meeting. 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