

## **BOARD MEETING**

**JANUARY 9, 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, January 9, 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, 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 Rev. Lewis Groce and the pledge of allegiance to the flag.

### **PROCLAMATIONS; AWARDS; AND SPECIAL PRESENTATIONS**

Lt. Col. John Humphries, Civil Air Patrol Commander gave a PowerPoint presentation regarding the Civil Air Patrol - Tullahoma Composite Squadron (TN-036).

### **COMMENTS FROM CITIZENS**

Mr. Ralph Kimberlin, 103 Autumn Lane, commented regarding the issues pertaining to the Tullahoma Airport Authority.

Mrs. Jonathan James, 109 Hunters Court, read and presented comments regarding Citizen Participation in City Government.

Mr. Don Myers, 115 Sears Roebuck Road, requested campaign information.

Mr. David Bagby, 522 Parkway Road, stated that he had written letters to the editor and further commented regarding items on the agenda for the evening which included a code of ethics and recall procedure. Mr. Bagby further commented regarding term limits for Mayor and Aldermen.

Mr. Mike Leigh, 310 Marks Avenue, commented regarding being opposed to the increase in the Tullahoma Airport Authority members.

Ms. Barbara Anderson, 1527 Normandy Road, reported that she had attended the Policy Committee meeting. She commented on the code of ethics policy and also conflict of interest voting issues. Ms. Anderson expressed that she would be in favor of changing the charter for petitions for recall.

Mr. Bobby Wines, 209 Highland Drive, commented regarding being in favor of the school improvement issues.

Mayor Bisby questioned Mr. Wines regarding his campaign for Alderman and his prior stand on City tax increases.

Mr. Wines responded to Mayor Bisby.

Mr. Lee Clark, Tullahoma, commented regarding being in favor of the school improvement issues.

Mrs. Bowling commented regarding school improvement issues.

Ms. Heather Davis, 223 Wesley Street, commented regarding being in favor of the school improvement issues.

Mr. Mike Root, 205 Fairways Blvd. North, expressed his opinion regarding genetics and the affect they have on school academic performance.

Mr. Keith Hamilton, 111 Provins Drive, commented regarding clarification on the Tennessee open meetings act. He also discussed that he had suggested options, other than tax increase, to make the improvements being discussed for the school.

Mr. Lacy Lawson, 117 Westside Drive, discussed voting and the sunshine law.

Mr. Dale Womack, commented in regard to not wanting a tax increase. He said that he would be in favor of the school improvements being made, only if it would not cause a tax increase.

Mr. Dick Fewell, 210 Short Springs Road, commented in reference to being in favor of the school improvements.

Mr. Joe Henley, 511 E. Grizzard Street, commented in regard to being in favor of the school improvements.

## **REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN**

**ALDERMAN BOWLING** – Mrs. Bowling reported that she attended a work session for the Tullahoma Airport Authority that afternoon. She said that they were working very closely with the Joint Industrial Board and Joint Industrial Park Committee in order to see what is available to grow out at the Airport and to work on the development of the properties there. Mrs. Bowling referred to a Mr. Chris Rounds that was in attendance and that he is hoping to put an industry out there and that TUB had sent representatives to meet with them today and that they were working very cooperatively with the Airport Authority.

Mrs. Bowling reported that Mr. Wayne Limbaugh, Public Works Director, is working on a sign to acknowledge the Civil Air Patrol Tullahoma Composite Squadron (TN-036) being responsible for the maintenance of the Veteran's Memorial Viaduct.

Mrs. Bowling stated that she had asked Dr. Phillip Patterson, Tullahoma Airport Authority Treasurer, to report to the Board some statistics on the amount of money the airport brings in. Mr. Patterson reported on the revenue and revenue producing items that come about through the non-commercial side of the airport (i.e. hobbyists).

Mrs. Bowling reported that she attended the TUB meeting and it was routine. Mrs. Bowling reported to Mr. Baltz that in reference to the board meeting of November 14, 2005, that on the summary of agenda items and voting log in the agenda, that there had been an omission regarding the vote on Mr. Steve Worsham's dismissal as City Attorney. Mrs. Bowling requested another Policy Committee meeting to discuss the Meth-Free Tennessee Act (review the City policies vs. the new State laws in effect). Mrs. Bowling reported that the Policy Committee did meet and that they will address two issues later in the meeting regarding ethics and regarding the referendum and recall initiative.

**ALDERMAN CURLEE** – Mr. Curlee reported that the Housing Authority would meet next week so that he would have a report at the next meeting.

**ALDERMAN DARDEN** – Dr. Darden responded to a citizen comment regarding campaign information and referred them to Ms. Connie Casteel with the Election Commission in Coffee County. Dr. Darden responded to a citizen comment regarding the wording in the ethics policy discussed at the Policy Committee meeting. Dr. Darden said that he did not like the wording where “appearance” of a conflict of interest. He feels either people have conflicts of interest or they don't.

**ALDERMAN TRIMBLE** – Mr. Trimble said that over the holidays he met and talked to a lot of people and he reported that one of the things that he was asked to do tonight was to publicly apologize to Dr. Waters from numerous people that had approached him – he summarized the comments, in regard to the unfortunate newspaper article, saying that the citizens were disappointed and felt that whoever was involved in the release of personal information was underhanded and that it was a classless act. Mr. Trimble stated that he was in agreement with that statement. Mr. Trimble also wanted to bring to the attention of the citizens and the Board that Ald. Waters' 87-year old mother was in surgery currently at Vanderbilt hospital that began at 5:00, and commended Dr. Waters for his courage in attending the meeting. Mr. Trimble expressed his concern and wished Dr. Waters that all would go well with his mother's surgery.

**ALDERMAN SHASTEEN** – Mr. Shasteen seconded Mr. Trimble's sentiments for Dr. Water's mother. Mr. Shasteen thanked all citizens that came out to attend and participate in the Board meeting. Mr. Shasteen reported that he attended the Planning Commission meeting on Dec. 19<sup>th</sup> and they decided to appoint a sub-committee to begin looking at the City transportation plan and how it might need to be updated and revised. Mr. Shasteen pointed out again that there are multiple items in the old plan that have not been completed or in some cases have not even been started. He said that plan is over 10 years old and the problems that it addresses have not gone away and many of the solutions that it recommends have not been implemented. Mr. Shasteen said that the Planning Commission recommended the public hearing that was held earlier tonight in regard to a rezoning issue and they also recommends another public hearing on another issue later on in the agenda.

Mr. Shasteen said the School Board has not met in a regular session since this Board's last meeting. Mr. Shasteen reported that they did have a special session on December 16, and they would

see the agreement that came from that meeting, later on in the agenda. Mr. Shasteen reported that the agenda tonight includes some proposals regarding the \$17.5 million capital improvement request and he said that he sincerely hoped that the proposals as well as the other potential options will be carefully and deliberately considered by this Board. Mr. Shasteen reported that as the appointed liaison between the only two elected bodies in the City, he felt that it was his responsibility to try to put together a meeting over the holidays. He said that he sent out an email inviting members of both boards as well as Dr. Lawson and Mr. Baltz, requesting that they offer him the dates that they might be able to meet, he said he was then going to pick the most popular date and ask for a meeting. Mr. Shasteen stated that he received a good response from the School Board and commended them for their willingness to meet. He said the School Board is filled with dedicated and committed people who are committed to their responsibility. Mr. Shasteen said the response from our Board was not quite as good, he said that in fact the majority of this Board did not respond to his email at all, and that was disappointing to him. Mr. Shasteen thanked Mrs. Wilson and Mr. Baltz for time that they put in over the holidays to get these proposals to the Board. Mr. Shasteen wished the City of Tullahoma a Happy New Year and that he hopes the new year will bring unity, harmony, and progress for our City.

**ALDERMAN WATERS** – Dr. Waters reported that he would also like to see unity in the Board. Dr. Waters responded to the comment that he had a conflict of interest in voting because of being an educator. He said that educators have the right to participate in public office as well as other folks. Dr. Waters said that he has always tried to be fair in conscientious to all folks in Tullahoma but he has always supported our school system and he always will. Dr. Waters responded to the citizen comment regarding genes being a factor in academic performance and said that it hurt his feelings for someone to make those comments because of how hard they work and how well their students are doing.

Dr. Waters said that he would like to address senior citizens and taxes at the Policy Committee meeting. He suggested they discuss a reduction in City property taxes for those retirees on a fixed income.

Dr. Waters addressed the composition of the code of ethics policy proposed. He said that he was not trying to hide anything, but that he and some of the teachers felt it wasn't written properly.

Dr. Waters reported that DRUC did not meet, but will meet next week and he would have a report at the next Board meeting.

**MAYOR BISBY** – Mayor Bisby reminded the Board members that this report session is to discuss what City business activities relative to the Board that we need to know about. Mayor Bisby stated that they need to avoid going into areas of speech making or defending views on issues and that this portion is strictly for reporting the activities that are pertinent to the Board.

**REPORT FROM THE CITY ADMINISTRATOR** – Mr. Baltz reported that they had received two telephoned citizen comments and reported the following:

Mr. Alan Hale, 150 Carter Road, who commented that the Short Springs hiking trails need signs posted about vandalism and needs to be patrolled more, if possible. Mr. Baltz responded that

they would check on that and said that they did receive a grant working with the Friends of Short Springs for a foot bridge in that area, so they would be working with them on that.

Mr. Mark Houston, 116 Lindsay Circle, asked, “how come the bond issue for the schools cannot be brought to a referendum and voted on? Since it is the taxpayer’s money, they have a right to vote on the matter. If any alderman doesn’t feel this way then they need to remember who put them in office.”

Mr. Baltz commended the work of the Fire Department over the holidays to provide toys for the disadvantaged children in our area. Mr. Baltz said that Chief Watkins reported they served a total of 909 children who were in 327 families in the Tullahoma area.

Dr. Waters said that we had spent a considerable amount of money on the Angelou report and have done nothing with it. Dr. Waters asked that, as a Board, start looking at that because there is a lot of information that could be used to make our City better. Dr. Waters challenged the Mayor and the Board, along with himself to start working in that direction. Dr. Waters said that the Mayor could assign it to him or they could do it as a Board, but he feels they had a lot of ideas that they need to follow up on. Mayor Bisby said that was certainly something they could add to the agenda for a future board meeting. Mrs. Bowling stated that was part of what they were doing earlier that day at the Airport Authority work session, she said they did reference that report.

## **CONSENT AGENDA**

**Agenda Item 06-01 - Minutes of December 12, 2005 Board Meeting**

**Agenda Item 06-02 – Finance Report – November 2005**

A motion was made by Mr. Curlee and seconded by Mrs. Bowling to adopt the consent agenda as presented. On roll call all members present voted aye and it was so ordered.

## **OLD BUSINESS**

### **AGENDA ITEM 05-177 – APPROVAL OF AGREEMENT FOR CITY ATTORNEY**

Mr. Baltz presented the legal services agreement information. A motion was made by Mr. Trimble and seconded by Mr. Curlee to adopt the legal services agreement, complete with Mr. Baltz’s recommendations with the following clarifications: 1) that we enter into a three-year contract with the attorney subject to annual renewal by Mr. Baltz and this Board and that we add a liquidation damages clause to read as that if the attorney relationship is severed with this Board, the attorney would be paid at the retainer rate for the balance of his then existing contract (i.e. if relationship was terminated in the 20<sup>th</sup> month, there would be 16 months liquidated damages). 2) to exclude the arbitration paragraph 7. Discussion followed regarding the comparison of the previous attorney hourly and retainer rate to the proposed rate for the new attorney. The rates were stated as \$1500 monthly retainer and \$90 hourly rate. More discussion continued regarding the liquidation time period. Mrs. Bowling stated for a point of order that the motion at the previous meeting stated that it would be for 80-90% of the work. Mr. Baltz reported that they had received communication from the other

candidate that he was not willing to operate in that manner. 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.

**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**

Mrs. Bowling stated that as a point of order, she would like to make a motion that the second vote on Ordinance No. 1325 be deferred until there can be a response from the Attorney General as to whether or not we are acting on legal grounds to increase the membership of an independent board. Discussion followed regarding whether or not a request had been made. Mr. Shasteen seconded the motion. It was discussed that a request had been made to the Attorney General Mayor Bisby, however the state cannot respond to him. Mrs. Bowling said that the Airport Authority would be submitting a request through Rep. Judd Matheny. Further discussion followed regarding the full board being informed of requests made to the Attorney General in the future. More discussion followed regarding the codes and legalities of whether or not the City can increase the membership after the independent board was formed. Mayor Bisby called for a vote on the motion to defer until a legal opinion is received from the Attorney General. On roll call the vote was as follows:

AYE: Bisby, Bowling, Shasteen

NAY: Curlee, Darden, Trimble, Waters

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

A motion was made by Dr. Darden and seconded by Mr. Trimble to approve Ordinance No. 1325 as written. Mrs. Bowling stated that the Ordinance says Tullahoma Municipal Airport Authority and that there is no such organization in our Charter. Mrs. Bowling stated that she thought Chapter 11 of Tullahoma Code Annotated says Tullahoma Airport Authority, as a point of order. Mr. Baltz reported that this was the draft that was presented previously so that they would have to amend it if they want to take Municipal out. He discussed that the Board of Mayor and Aldermen had an ordinance before them previously that would have reflected the incorporated name with the correction within the municipal codes book and that motion failed for a lack of a second. Mr. Baltz said that if they want to make it consistent with the City Code they can take the word out. Mrs. Bowling offered to take "municipal" out as an amendment and Dr. Darden and Mr. Trimble accepted the amendment. 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.

**SEE ATTACHED COPY OF ORDINANCE #1325**

**AGENDA ITEM 05-179 – PETITIONS FOR RECALL, REFERENDUM AND ITITATIVES**

Mrs. Bowling gave the background information regarding the Policy Committee meeting suggestion. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to accept Alternative No. 1 to authorize the City Attorney to draft a resolution for the consideration of the Board of Mayor and Aldermen. Dr. Darden explained a system of representative government that would not require a referendum or charter change. Further discussion followed regarding the affect a petition for recall or referendum process would have on City government. Mayor Bisby called for a vote on the motion. On roll call the vote was as follows:

AYE: Bisby, Bowling, Shasteen

NAY: Curlee, Darden, Trimble, Waters

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

Mrs. Bowling stated that she wanted to go on record as stating that at a future meeting she will make a recommendation to rescind the vote. Mrs. Bowling said that according to Roberts Rules of Order, if she gives advance notice that she will make a motion to rescind the vote, it only requires a majority vote that it would be a legitimate motion for her to make at a later meeting. Discussion followed on rescinding previous actions and Roberts Rules of Order.

**AGENDA ITEM 05-180 – SCHOOL BUILDING PROGRAM FINANCING**

A motion was made by Mr. Curlee and seconded by Mr. Trimble to accept Alternative No. 1 to authorize issuance of debt for school building program in amount not to exceed \$18 million, and authorize the Mayor to negotiate retention of Stephens, Inc. as financial advisor with terms as stated above. Mrs. Susan Wilson paraphrased the explanation of the information provided. Discussion followed regarding the possible tax impact and repayment options. Dr. Dan Lawson discussed the resolution passed by the School Board referencing of the intent to use County funds available within the legal scope of issuance to repay certain capital expenditures made by the City of Tullahoma on behalf of the Tullahoma City Schools. More discussion followed that indicated the general consensus of the Board members is that they are aware that the school improvements are necessary, but the disagreement is in approving the obtaining of bonds without confirmation of repayment of the debt. Discussion followed regarding the option to defer voting if all were not comfortable or in agreement at this time. Further discussion followed regarding School debts and revenues, the sales tax sinking fund, and property taxes. Mayor Bisby called for a vote. Dr. Waters read a statement of conflict of

interest for voting purposes. On roll call the vote was as follows:

AYE: Curlee, Darden, Shasteen, Trimble, Waters

NAY: Bisby, Bowling

The vote being five (5) ayes and two (2) nays the motion was so ordered.

## **NEW BUSINESS**

### **RESOLUTION NO. 1285 - A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE AUTHORIZING THE ISSUANCE OF BONDS BY THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE COUNTY OF KNOX TO FINANCE THE ACQUISITION AND REHABILITATION OF CERTAIN MULTIFAMILY HOUSING FACILITIES IN THE CITY OF TULLAHOMA**

Mr. Morrison read Resolution No. 1285. A motion was made by Mrs. Bowling and seconded by Dr. Darden to adopt Resolution No. 1285 to authorize the Knox County Board to finance the Project because the Project is located in Tullahoma and that the City of Tullahoma shall have no obligation whatsoever for the payment of the Bonds or any obligations relating thereto. Mr. Baltz reported that Mr. Rogers from Knoxville with the company Lawerwood Housing to answer any questions regarding the project. Mr. Rogers explained the project process to the Board. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF RESOLUTION #1285**

### **ORDINANCE NO. 1326 - 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 715 S. WASHINGTON STREET AND 205 E. MONROE STREET FROM R-4, HIGH DENSITY RESIDENTIAL MOBILE HOME PARK DISTRICT TO C-2, GENERAL COMMERCIAL (COFFEE COUNTY TAX MAP 127C, PARCELS 16 & 17)**

Mr. Morrison read Ordinance No. 1326 for the first of two readings. A motion was made by Mr. Trimble and seconded by Mrs. Bowling to adopt Ordinance No. 1326. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF ORDINANCE #1326**

### **RESOLUTION NO. 1286 - A RESOLUTION TO ADD A STUDY SESSION TO FOLLOW REGULAR MEETINGS OF THE BOARD OF MAYOR AND ALDERMEN**

Mayor Bisby summarized Resolution No. 1286. A motion was made by Mrs. Bowling and

seconded by Dr. Waters to adopt Resolution No. 1286. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF RESOLUTION NO. 1286**

**RESOLUTION NO. 1287 – A RESOLUTION TO ADOPT A CODE OF ETHICS FOR THE CITY OF TULLAHOMA**

Mrs. Bowling presented the background information from the Policy Committee. Mrs. Bowling reported that the Policy Committee reviewed the changes proposed by Dr. Waters as well as the original recommendation of the Policy Committee. The attached Resolution includes the January 4, 2006 recommendation of the Policy Committee. The Policy Committee also recommended that the Citizen Participation form be revised to provide for adequate disclosure of conflicts of interest. Further, the Policy Committee recommended that appointees be sworn in (and provided a copy of the Ethics Policy) at the meetings of the Board of Mayor and Aldermen. A motion was made by Mrs. Bowling and seconded by Dr. Waters to adopt Resolution No. 1287 and the above outlined recommendation of the Policy Committee. Dr. Darden questioned the information on page 139, par. 5 regarding the phrasing of a “real conflict of interest” and the “appearance of conflict of interest”. Dr. Darden offered an amendment to read “conflict of interest”. Mr. Trimble seconded the amendment to the motion for discussion. Discussion followed regarding the phrasing of conflict of interest. Mr. Morrison explained that this was only a guideline with no remedy included. Discussion followed regarding the revision of the Citizen Participation form to be done at the next Policy Committee meeting and also to present the Code of Ethics to each appointee, and discussion of the appointed board and committees adopting our Code of Ethics. Mayor Bisby called for a vote to adopt Resolution No. 1287. On roll call all members present voted aye and it was so ordered. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen that the Code of Ethics that was just adopted to be presented to each new member as they are appointed to serve on the various board and committees and to ask them to adopt and include in their by-laws. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 06-03 – SET PUBLIC HEARING FOR ADOPTION OF 2003 INTERNATIONAL BUILDING CODES AND ASSOCIATED CODES**

Note: Dr. Waters and Mr. Curlee left the meeting at this time (9:29 p.m.)

Mr. Steve Woodard presented the background information. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling set a public hearing for February 13, 2006 for public input on the proposed Adoption of 2003 International Codes. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 06-04 – REPORT ON TULLAHOMA EMERGENCY MANAGEMENT AGENCY**

Mr. Baltz reported that the information requested on the background and activities was provided in the agenda. A motion was made by Mr. Shasteen (due to the late hour and the time

necessary for discussion) and seconded by Dr. Darden to defer this item to add it to the first available study session.

Mr. Curlee returned at this time. Mayor Bisby called for a vote. 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.

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**FINANCE DIRECTOR**

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**MAYOR**