

**SPECIAL CALL  
BOARD MEETING  
JUNE 19, 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, June 19, 2006 with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, and Scott Shasteen. Absent were Lane Curlee, Rich Darden, Phil Trimble, and Jim Waters.

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

**COMMENTS FROM CITIZENS** – Mayor Bisby announced that Alderman Darden was expected and invited any citizen who wished to speak an opportunity to do so at this time.

Jim Hesson, 115 Somerset Lane, commented regarding the subdivision development issue near Riley Creek and Ovoca Road and referred to a previous petition presented previously regarding citizen concerns. Discussion followed regarding construction plat approval, final plat approval and public input. Discussion followed regarding the process of preliminary plat approval and final plat approval. Mrs. Bowling said that one of the things she wanted to request to become part of our policy is that whenever there is going to be a significant change or development of property that there is a posting on the property to make the citizens aware. Mr. Baltz said that it would not be unreasonable to have the City Attorney look to see what options the Board has because this matter did come before the City board to see what if any legal action or other options the City Board may have in regard to this matter to make sure that all the correct postings and notices were given and also whether there was an actual understanding by the Planning Commission of what they need to do. Mayor Bisby agreed that was an excellent suggestion. Mayor Bisby said from what he has seen of the plans it appears to be a well thought out set of plans and personally he feels that can be a nice addition to that area but at the same time that is one persons' opinion. However, he feels that we should be sure we had the proper public input on the matter. Mrs. Bowling commented on some of the concerns of the citizens surrounding the area. Mr. Shasteen says the obvious way to do that would be a public hearing dedicated to that to give the people that live around the area the opportunity to speak. Mrs. Bowling said that had been requested and that was what was expected. Mr. Baltz said that the key issues the City Attorney will be looking at are that there are certain items that are complete within the purview of the Planning Commission and they are an independent body but obviously due to the compelling community interest, he feels that this body would need to know

what options are available. Mayor Bisby agreed.

Mr. Hesson said that the reason they came forward with the petition was to allow the citizens to come before the Planning Commission to allow the public to raise their concerns and to have those addressed. Mr. Hesson referred to there being a precedent set for a number of actions after doing research into what the requirements are. He said they view it as a public right and that the Planning Commission has the power to modify developments to make them compatible to the area (i.e. transportation, schools, drainage, etc.) to their satisfaction and that was all they were asking for was to have that addressed. He said they thought they were going to be given that chance. Mayor Bisby said that was his understanding also that they would be afforded that opportunity and that now we need to look at the process and what options they have.

**\*\*Alderman Rich Darden arrived at 5:47 p.m. to complete a quorum for the meeting. Mrs. Wilson took roll call. The following named members of the Board of Mayor and Aldermen were present. Mayor Bisby, Janice Bowling, Rich Darden, and Scott Shasteen. Absent were Lane Curlee, Phil Trimble, and Jim Waters.**

Mrs. Wilson read the Special Call notice.

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

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

Mayor Bisby read a proclamation designating the week of July 9, 2006 as Salvation Army Week.

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

**ALDERMAN BOWLING** – Mrs. Bowling asked that on property that is going to be developed, that the City develop some sort of posting that is visual flagging or signage so that people surrounding the area whether its business or residential are made more aware without having to go through the newspaper to be aware. Mrs. Bowling said that also she had received some phone calls regarding leash laws and she knows that no one is intending to create private property damage, but that often times at night when pets are let loose to do their business late at night, that she has been made aware that several property owners are experiencing damage to their landscape, gutters, drainage, because the pets start chasing other animals and have actually pulled gutters off the ground and off the property and caused quite a bit of damage. She asked that our citizens be more aware and courteous and make sure they walk their dogs on a leash and to not let them loose at night. Mrs. Bowling said that she has also received questions

regarding the deer population inside the city limits and what can be done. Mr. Wayne Limbaugh said that the Tennessee Wildlife Reserve Agency usually handles this.

Mrs. Bowling reported that she and the Mayor met with Brian Skelton, TUB General Manager, along with Brian Coate and Dwight Miller with TUB to receive the Payment In Lieu of Taxes (PILOT). Mrs. Bowling reported that she attended the Tullahoma Airport Authority meeting and she commented and complimented on the improvements being made there. She said that they are still looking for the easement from Sverdrup. Mrs. Bowling reported that UTSI is a very important part of this community and the Dr. Don Daniels has been named the new Vice-President of there and that he and his wife Donna are moving back to Tullahoma and welcomed them back.

Mrs. Bowling requested a letter to be drawn up from our Board to go to the Governor (no urgency since they've already completed their business for this year) regarding the amount of money we have lost in the state shared taxes. She said this would document what we have lost while the state is running in surplus. She said the letter would be in anticipation of the budget and money for next year and request that they revisit the issue. Mr. Baltz discussed that it was just passed by the state that they restored the amount for the cities but that never makes up for the time period lost.

Mrs. Bowling discussed the going to court if necessary over county sales tax owed. She said that the County budget committee told her there had been a "gentlemen's agreement" many years ago (that allegedly began with Mr. Jimmy Murray and Mr. Pete Hightower, who are no longer here with us), and that they felt it was better for the city to do that than to raise taxes because we tend to subsidize the county. But she feels that its money owed to us according to state law. Mr. Baltz explained that the key issue regarding the "gentlemen's agreement" was that it was apparently made between the County commission or County budget committee and the Tullahoma caucus, but that it was never brought before the Tullahoma Board of Mayor and Aldermen. Mayor Bisby said the people that made that agreement did not have the authority to make that agreement and it was never recorded into the minutes that a vote was taken on a motion on this matter. City Attorney Randall Morrison also noted that this was a material finding in the County audit and is a considerable amount of money that should have been given to our schools.

**ALDERMAN DARDEN** – No report.

**ALDERMAN SHASTEEN** – Mr. Shasteen commented on the recent article in the Tullahoma News that said if the County did give us back this money then they would have to raise taxes to cover it, and he said that doesn't sound right.

Mr. Shasteen asked about the posting on property that Mrs. Bowling

discussed - he asked what we are posting. She explained that it needs to be either a sign that says development proposed and call Planning Commission or check newspaper – no need to go to the expense of particular signing each time, but something general to make citizens aware if there is a subdivision that going to be proposed or zoning change, etc., something that will get the attention of people driving by. Mr. Shasteen said that would it not be advantageous to take it one step further that if there is going to be a public hearing on that proposed subdivision, then post the date and time for that public hearing then people don't have to call the Planning Commission. Also discussed was posting on the internet.

Mr. Shasteen reported that the School Board was meeting tonight as they were meeting so he would not be able to be in attendance. Mr. Shasteen said the Planning Commission would be meeting on Wednesday the 21<sup>st</sup> at 4:00 p.m.

Mr. Shasteen said that at the last Board of Mayor and Aldermen (BMA) meeting they discussed that it would be a good idea to have the School Board and the BMA to get together strictly to hear the school's rationale for their \$1.3 million budget request. Mr. Shasteen reported that he had communicated through email with all but one member of the School Board as well as Dr. Lawson and all have agreed on a date to propose to the BMA of Thursday, June 22 at 5:00 p.m., at City Hall. Mayor Bisby, Mrs. Bowling, and Mr. Shasteen did not believe they had a conflict. Mr. Shasteen said he would email the School Board and BMA members tomorrow for response on the proposed date and time.

Mr. Shasteen reported that it is fireworks time in Tullahoma. Mr. Shasteen said that the comments he receives regarding fireworks are never good. He encouraged citizens to abide by the ordinance as to when to discharge fireworks and asked that there be enforcement on violators.

**MAYOR BISBY** – Mayor Bisby reported that he had received a letter from Mr. Tim Wilder, who is with the Tennessee Department of Environment and Conservation regarding our Storm Water compliance audit that was very complimentary. Mayor Bisby read the conclusion stating that the City should be proud of their accomplishment establishing this mandate with such success. Mayor Bisby thanked and complimented Mr. Wayne Limbaugh for his part in this accomplishment.

**REPORT FROM THE CITY ATTORNEY** – No report.

**REPORT FROM THE CITY ADMINISTRATOR** – Mr. Baltz reported that Mr. Scott St. John would have the Turkey Creek roadway plans for the study session for the next board meeting.

## **CONSENT AGENDA**

### **Agenda Item 06-78 - Minutes of June 12, 2006 Board Meeting Agenda Item 06-79 - May 2006 Finance Report**

A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to accept the minutes of the June 12, 2006 and the May 2006 Finance Report as presented. On roll call all members present voted aye and it was so ordered.

## **OLD BUSINESS**

**ORDINANCE NO. 1331 - 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 PART THEREOF TO RE-ZONE CERTAIN PROPERTIES AT 208 ½ MITCHELL BLVD., FROM I-2, HEAVY INDUSTRIAL TO C-2 GENERAL COMMERCIAL DISTRICT (COFFEE COUNTY TAX MAP 124M, GROUP B, PARCEL 11.09)**

Mayor Bisby read the caption of Ordinance No. 1331 for the second and final reading. Discussion followed regarding Ordinance No. 1331 and 1332 and that they had been deferred to this meeting to allow the developers of the property to speak to the issue. Mr. Larry Prince discussed the property being vacant for over a year and that surrounding properties are commercial. He said that the building is not suitable for industrial use and that all of the inquiries have been for commercial use. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to approve Ordinance No. 1331. On roll call all members present voted aye and the motion was so ordered.

**SEE ATTACHED COPY OF ORDINANCE #1331**

**ORDINANCE NO. 1332 - 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 PART THEREOF TO RE-ZONE CERTAIN PROPERTIES AT 208 MITCHELL BLVD., FROM I-2, HEAVY INDUSTRIAL TO C-2 GENERAL COMMERCIAL DISTRICT (COFFEE COUNTY TAX MAP 124M, GROUP B, PARCEL 11.02)**

Mayor Bisby read the caption of Ordinance No. 1332 for the second and final reading. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to approve Ordinance No. 1332. On roll call all members present voted aye and it the motion was so ordered.

**SEE ATTACHED COPY OF ORDINANCE #1332**

**ORDINANCE NO. 1334 – AN ORDINANCE TO AMEND TITLE 15, CHAPTER 3 (STOPPING, STANDING, PARKING) SECTION 15-303 OF THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA**

Mayor Bisby read the caption of Ordinance No. 1334 for the second and final reading. Mayor Bisby read a letter from Diane Bryant the Executive Director of the Tullahoma Area Chamber of Commerce requesting the final reading of this ordinance be postponed for two weeks to allow her to address the BMA on the parking issue. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to adopt Ordinance No. 1334. Mr. Shasteen explained that although the Chamber wanted those two parking spaces, they were needed by the general downtown area. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF ORDINANCE #1334**

**ORDINANCE NO. 1335 – AN ORDINANCE TO ANNEX CERTAIN TERRITORY (132 PARKWAY RAOD) AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF TULLAHOMA, TENNESSEE AND TO ZONE SAME**

Mayor Bisby read the caption of Ordinance No. 1335 for the second and final reading. A motion was made by Mrs. Bowling and seconded by Dr. Darden to adopt Ordinance No. 1335. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF ORDINANCE #1335**

**NEW BUSINESS**

**RESOLUTION NO. 1296 – A CONTINUING BUDGET RESOLUTION**

Mayor Bisby read the caption of Resolution No. 1296. A motion was made by Mrs. Bowling and seconded by Dr. Darden to adopt Resolution No. 1296. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF RESOLUTION #1296**

**AGENDA ITEM 06-80 – APPROVAL OF AGREEMENT WITH CHARTER COMMUNICATIONS**

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Dr. Darden to accept Staff recommendation of Alternative No. 1 to authorize the Mayor to execute the agreement. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 06-81 – APPROVAL OF AUDIT SERVICE AGREEMENT WITH**

## **TELECOMMUNICATIONS CONSULTING ASSOCIATES**

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept Staff recommendation of Alternative No. 1 to authorize the Mayor to execute the Agreement. On roll call all members present voted aye and the motion was so ordered.

## **AGENDA ITEM 06-82 – APPOINTMENT TO DUCK RIVER UTILITIES COMMISSION**

Mrs. Baltz presented the background information and indicated that TUB recommended Mr. Bob Van Patten be reappointed for the term of three years. A motion was made by Mrs. Bowling and seconded by Dr. Darden to reappoint Mr. Robert Van Patten to the Duck River Utilities Commission. On roll call all members present voted aye and it was so ordered.

## **AGENDA ITEM 06-83 – APPROVAL OF ANNUAL TDOT MAINTENANCE AGREEMENT**

A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to accept Staff recommendation to authorize the Mayor to execute the contract. On roll call all members present voted aye and it was so ordered.

## **AGENDA ITEM 06-84 – STREET REJUVENATOR PROGRAM**

Mr. Limbaugh presented the background information. A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to accept Staff recommendation to commit \$50,000 from the 2006 bond for street resurfacing for the rejuvenating of streets at the 2006 price of .60 per square yard. A list of streets to receive rejuvenator will be prepared and presented to the Board prior to proceeding. On roll call all members present voted aye and it was so ordered.

**OTHER NEW BUSINESS – None.**

## **OLD BUSINESS**

Mayor Bisby said this is Old Business but that Mr. Tim Hall had submitted his resignation on the Planning Commission. Mayor Bisby said he will be accepting citizen participation forms to fill his expired term.

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**