

BOARD MEETING

JANUARY 8, 2007

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 8, 2007 with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Jonathan James, Sandy Lindeman, Scott Shasteen, and Phil Trimble. Absent was Lane Curlee.

Louis J. Baltz III, City Administrator; Randall Morrison, City Attorney; and Rosemary Womack, 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; SPECIAL PRESENTATIONS; COMMENDATIONS; AND CERTIFICATES

Mayor Bisby recognized employees Timothy Pitts for 15 years of service and Robin Morrison for 5 years of service to the City of Tullahoma.

COMMENTS FROM CITIZENS

Mr. Don Myers, 115 Sears & Roebuck Road, commented that he had some information regarding a grant that is available for homes for Veteran's (20 homes across the US) that is being partially funded by the Federal government (65% funded by the VA and 35% would be funded by the State so they would need the Governor's approval). Mr. Myers asked for the City to look into this grant. Mayor Bisby asked Mr. Myers if he had information regarding this grant and that he could to pass along to City staff and he said that he would.

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

Mayor Bisby introduced Honorary Alderman, Rebecca Anderson, who is a sophomore at Tullahoma High School and a member of the THS Guard, Drama Club, and the Mayor's Youth Council.

ALDERMAN BOWLING – Mrs. Bowling wished all a Happy New Year. Mrs. Bowling asked if there was any information regarding the Lion's Club building and if it was going to be possible to lease the building to the Marine Corps League Detachment 1128 in Tullahoma. Mayor Bisby said that he had been in contact with the Mr. Bill Comer with the Lion's Club he's trying to get Mr. Comer and Mr.

Dave Uselton together to see if they can work it out between them directly.

Mrs. Bowling reported that she attended the Board of Zoning and Appeals meeting last Thursday. She said that they granted waivers on some set back requirements for Harton Hospital and on several lots in a new subdivision located going in near the new West Middle School. Mrs. Bowling announced that they elected Lynn Cooper as the Vice-Chair of the Board of Zoning and Appeals and that Jeff Bowen is the Chair.

Mrs. Bowling introduced Mr. Brian Skelton, TUB General Manager to present some information regarding Municipal Broadband and Fiber Optic Networks. Mr. Skelton presented information with a PowerPoint presentation and passed out the printed presentation as well as some information about municipal broadband.

ALDERMAN LINDEMAN – Mrs. Lindeman reported that she attended the Teens Encouraging Right Choices (TERC) meeting and reported on an event they will be putting on February 9th at 8:30 a.m. – 2:30 p.m., at Tullahoma High School for both middle school 8th graders and the juniors and seniors at THS called “Save a Life Program”. It will be a simulator that gets “drunk” and some of the students will have an opportunity to see how impaired one can be when driving while drunk. Mrs. Lindeman said next Monday night she will be attending the Board of Education meeting. She also announced that the Drug Task Force meeting will be this Wednesday, January 10, at 11:45, and anyone that would like to attend or get involved to contact Mrs. Robin Morrison at City Hall.

ALDERMAN TRIMBLE – Mr. Trimble commented on the presentation made by Mr. Brian Skelton. He said that he met with Mr. Brian Skelton and Mr. Clem Reese a few weeks ago and feels that this would be beneficial for Tullahoma. Mr. Trimble said that the hospital industry would be greatly benefited by fiber optics and that any new industry would be interested in this. He said the applications to the home are fantastic and that his opinion is that nationwide if rural communities don’t protect themselves and invest in themselves they will be left behind by companies such as Bell South and other large cable companies. Mr. Trimble said the he applauds the work that TUB is doing and will be a proponent for us trying to do this within reason and feels that it can be done within reason and looks forward to the presentation in March or April.

ALDERMAN JAMES – Mr. James wished all a Happy New Year and thanked the community for a good holiday season. Mr. James thanked Mr. Skelton, TUB for the presentation and stated that Alderman Trimble’s thoughts concerning fiber to the premise encapsulate his also. He said that he will study it closely and feels it is a good thing and something that they should pursue if possible and will look at it with a critical eye and said that it has nothing but benefits for us and encouraged TUB to pursue and to keep going on that issue. Mr. James reported

that the Policy Committee met and they would be discussing some of the things tonight. Also, he said that you could tell by the agenda that things have been happening at the Airport and rather than go over them in his report he would prefer to go over them through the agenda.

MAYOR PRO-TEM SHASTEEN – Mr. Shasteen reported that the Planning Commission met before Christmas and routine items on that agenda. He said they would meet again on Tuesday, January 16, due to the holiday on the 15th. Mr. Shasteen thanked those who came out to volunteer on Christmas to prepare and deliver the meals. He thanked those who continually volunteer to prepare and deliver the meals for Thanksgiving and Christmas. Mr. Shasteen said that he attended the legislative briefing at Motlow College and that they have a great impact on this area. He commented on the enrollment and the private money received per student. Mr. Shasteen echoed the comments about the TUB presentation.

MAYOR BISBY – Mayor Bisby reported that he met with Lincoln Davis last month as a friendly get to know each other kind of meeting. He said that didn't discuss a lot of business but he did talk about the congressional earmark of Cedar Lane and that it looks like there is not a high probability of that happening essentially he said that a lot of earmarks have been cut from the budget and Mr. Davis feels that it's probably not likely for another couple of years, but the he would continue working the issue. Mayor Bisby said the he did express that Tullahoma was very much in favor of CBAT happening and if there was anything to do to help out to let us know.

Mayor Bisby said that he has appointed a new Planning Commission member and that is Charles Parish.

Mayor Bisby said that he talked with members of the Coffee County purchasing committee regarding the sale of the old Coffee County Health Dept. building. He said that he had asked them if they decided to sell the building to let him know and apparently they are going to surplus the building and will give the City an opportunity to see if they are interested. He said that he would distribute copies of the material to the Board later for their review. He discussed possibilities of uses for the building and that perhaps at the next board meeting it could be on the Study Session.

Mayor Bisby reported that Mr. John Morgan, State Comptroller, has agreed to talk to the Board at the next meeting specifically about the local option sales tax. He said there has been some confusion on how the money gets divided and where it goes and that Mr. Morgan as agreed to come down and give the Board a presentation and tell them as an authority how that money be distributed between the county and cities according to state law.

Mayor Bisby said that he would like to echo Mr. Shasteen thoughts

regarding the volunteerism for the Christmas meals.

Mayor Bisby reported that he also attended the legislative briefing at Motlow College and he agrees with Mr. Shasteen's comments.

REPORT FROM THE CITY ATTORNEY – No report.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that the Tennessee Municipal League will be holding its annual legislative conference on March 5th and 6th and staff will put flyers in the boxes for the Board members. Mr. Baltz reported on a reminder for the Board members that effective October 1; they are required by the State to complete a statement of disclosure by the end of the month.

CONSENT AGENDA

Agenda Item 07-01 - Minutes of the December 11, 2006 Board Meeting

A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept the Consent Agenda. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS - None

NEW BUSINESS

RESOLUTION NO. 1328 – A RESOLUTION AUTHORIZING A LOAN FROM GENERAL ELECTRIC CAPITAL CORPORATION, OR ANY AFFILIATE THEREOF, TO THE HEALTH AND EDUCATIONAL FACILITIES BOARD OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE IN THE AMOUNT OF NOT TO EXCEED \$1,135,200 FOR THE PURPOSE OF FINANCING CERTAIN COMMUNICATIONS EQUIPMENT FOR CENTERSTONE COMMUNITY HEALTH CENTERS, INC.

Mayor Bisby read the caption of Resolution No. 1328. A motion was made by Mrs. Lindeman and seconded by Mr. Trimble and Mr. James to adopt Resolution No. 1328 and to authorize the Mayor to sign documents pending review by the City Attorney. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF RESOLUTION NO. 1328

RESOLUTION NO. 1329 – A RESOLUTION OF THE CITY OF TULLAHOMA, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2007, IN AN

AMOUNT NOT TO EXCEED \$845,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES

Mayor Bisby read the caption of Resolution No. 1329. Mrs. Rosemary Womack presented the background information. A motion was made by Mr. Trimble and seconded by Mr. James to adopt Resolution No. 1329. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Lindeman, Trimble

NAY: Shasteen

The vote being five (5) ayes and one (1) nay the motion was so ordered.

SEE ATTACHED COPY OF RESOLUTION NO. 1329

AGENDA ITEM 07-02 – ACCEPTANCE OF LAND FOR AIRPORT AUTHORITY AND AVIATION SAFETY PURPOSES

Mr. James presented the background information. A motion was made by Mr. James and seconded by Mr. Trimble to accept Alternative No. 1 to accept the offer of the two tracts of land, and authorize the Mayor to execute the required documents. In addition, the TAA is requesting \$7,000 (from industrial funds) in financial assistance of the City and in-kind services of the Public Works Department for placing stone for a temporary construction access. Mr. James asked Mr. Glass if there were any contingencies on the land and if it was a straight gift. Mr. Glass agreed that it was a gift with no contingencies. Mr. James discussed protection zone at the end of the runway. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-03 – APPOINTMENTS TO THE TULLAHOMA AIRPORT AUTHORITY

Mr. James presented the background information regarding the terms to be filled. They will first fill the unexpired term of Dr. Ralph Kimberlin and then fill the term of Mr. Roy Smith that expires next month. Mrs. Bowling discussed the next agenda item of staggering terms. She suggested that they increase the TAA to nine members since there are so many applicants to willing to serve. Mayor Bisby said that he would think before appointing more members they would have to change the Charter first. Mr. Morrison discussed staggering terms with 5-11 members and presented some information regarding an amendment in 1996 that dealt with initial appointments and terms for only five members no provisions for over five members. Mr. Morrison presented some alternatives to staggering terms with more than five members. He said that he would favor Alternative No. 1 on his handout. Mr. Morrison said that it would be premature to make additional

appointments (other than the two on the agenda) at this time.

A motion was made by Mr. James and seconded by Mrs. Lindeman to make two appointments by filling the unexpired term of Dr. Ralph Kimberlin first and then fill the term for five years of Mr. Roy Smith that will expire on February 27, 2007. Discussion followed regarding additional members and staggering terms. Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

The floor was opened to nominations to fill the unexpired term of Dr. Ralph Kimberlin that will expire on February 27, 2008. Mr. James nominated Dr. Stephen Corda and Mrs. Bowling nominated Mr. Steve Worsham.

On paper ballot the vote was as follows:

Bisby –	Corda
Bowling –	Worsham
James –	Corda
Lindeman –	Corda
Shasteen -	Corda
Trimble –	Corda

The vote being five (5) votes for Dr. Stephen Corda and one (1) vote for Mr. Stephen Worsham, Dr. Stephen Corda was appointed.

The floor was opened to nominations to fill the 5-year term of Mr. Roy Smith that will expire on February 27, 2007. Mrs. Bowling nominated Ms. Sharon Tinkler and Mr. Shasteen nominated Mr. Steve Worsham.

On paper ballot the vote was as follows:

Bisby –	Worsham
Bowling –	Tinkler
James –	Worsham
Lindeman –	Worsham
Shasteen -	Worsham
Trimble –	Tinkler

The vote being four (4) votes for Mr. Stephen Worsham and two (2) votes for Ms. Sharon Tinkler, Mr. Stephen Worsham was appointed.

AGENDA ITEM 07-04 – STAGGERING TERMS ON AIRPORT AUTHORITY

Mr. James presented information regarding the Airport Authority expansion

and three appointments were made and will expire at the same time. He discussed that they may want to change that to have only two members coming off at the same time. He said that his view on expanding the Airport Authority to an even greater number now is that they should let things settle and stay at seven members right now and see how that works out. He said that he believes that is working well right now, however that we do have very good qualified people that want to assist and have a part of this. He commented that you don't necessarily have to be a voting part of that board to help and assist. He said that he feels it is in the best interest of the Airport and Tullahoma to let things "gel" for awhile and then reconsider in two or three years if its still the right move then they could look at that. Mrs. Bowling commented that the Airport Authority is working well with five members right now. Mr. Trimble asked what the motion was in reference to the terms. Mr. James said that looking at Alternative No. 1, that they may not have considered the aspect of a 10-year limit for serving on the Airport Authority. He said that having just received the alternatives today – right now, that they need to consider the affect this staggering chart could have in that if someone fills an unexpired term of one year and then is reappointed to a five-year term you could be inadvertently shortening their term limit to six years. A motion was made by Mr. Trimble and seconded by Mr. James to defer to the next meeting to allow time for review and discussion. Mr. Trimble discussed that a certain amount of managed turnover is good. On roll call all members present voted aye and it was so ordered. Mrs. Bowling discussed that an increased number of members to nine would be no more disruption than seven members and that would allow more people that have applied to serve.

ORDINANCE NO. 1349 – AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR THE CITY OF TULLAHOMA, TENNESSEE AND TO REPEAL RESOLUTION NO. 1287 PREVIOUSLY ADOPTING A CODE OF ETHICS FOR THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Ordinance No. 1349 for the first of two readings. Mrs. Bowling reported on the information from the Policy Committee. Mrs. Bowling announced that there will be a Public Hearing on Friday, January 12, 2007 at 11:30, for public comment regarding Ordinance 1349. A motion was made by Mrs. Bowling and seconded by Mr. Trimble to adopt Ordinance No. 1349 on the first of two readings. Mr. Shasteen discussed that in the wording on page 106 under Section 3. Disclosure of personal interest by official with vote, being changed from the state version where the word "may" has been changed to "shall" in the City version. He commented that changing "may" to "shall", could result in them to not be able to vote on almost anything in relationship to Section 2, (c) regarding family members. Discussion followed from other Board members that they could take some time to review the wording since the deadline in July 1, 2007. Mr. James discussed further the applications of the Ordinance and wording to employees, committees, boards, etc. After discussion, a motion was made by Mrs. Lindeman and seconded by Mr. Trimble to take out the word "shall"

and replace with “may” in Section 3. Disclosure of personal interest by official with vote. Mr. Shasteen said that he is not in favor of the amendment, that was not his goal and that his problem with the word “shall” is when “shall” should be applied. More discussion followed regarding the disclosure and the wording. Mayor Bisby called for a vote on the amendment. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Lindeman, Trimble

NAY: Shasteen

The vote being five (5) ayes and one (1) nay, the motion was so ordered.

A motion was made by Mr. James and seconded by Mr. Shasteen to defer. Mr. Shasteen said that he would defer to allow for inclusion for “shall” on some items and “may” in some areas. Mrs. Bowling discussed how the Policy Committee arrived at using the word “shall”. Mayor Bisby called for a point of order that the motion to defer is privileged motion that they need to vote on. On roll call the vote was as follows:

AYE: James, Shasteen

NAY: Bisby, Bowling, Lindeman, Trimble

The vote being two (2) ayes and four (4) nays, the motion failed.

A motion was made by Mrs. Bowling and seconded by Mr. Trimble to approve Ordinance No. 1349 on the first of two readings as amended. Discussion followed regarding on passage of first reading changes can be made before second reading. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-05 – RECOMMENDATION FOR APPOINTMENT OF DIRECTOR OF PLANNING & CODES ENFORCEMENT

Mr. Baltz presented the background information. Mr. Baltz recommended Mr. Dwayne Hicks to be appointed as the Director of Planning & Codes. A motion was made by Mr. Trimble and seconded by Mr. James to confirm the recommendation to appoint Mr. Hicks as Director of Planning & Codes. After discussion Mayor Bisby called for a vote. On roll all members present voted aye and it was so ordered.

AGENDA ITEM 07-06 – ACCEPTANCE OF BID FOR FORKLIFT FOR SANITATION (RECYCLING)

Mr. Wayne Limbaugh presented the background information. A motion was made by Mr. Shasteen and seconded by Mrs. Lindeman to accept staff

recommendation to purchase the 5,000 lb. capacity LP gas cushion tire lift truck for \$17,654.00 from the Briley Company, in Tullahoma. This price with a trade in on our existing 1977 Clark fork lift. This equipment requires constant maintenance and staff is of the opinion that this price of equipment would not bring more the \$500.00 at the City auction. On roll call all members present voted aye and it was so ordered.

Mr. James mentioned that if it was okay with the Board members he would request that Staff prepare some good information on our solid waste process and operations here. Mr. James said that last year a budget time there was much discussion on potential actions that we could take with solid waste and personally he would like to give it extensive scrutiny on how we do business before we make any decision that would affect everybody in our City. Mayor Bisby said that he had asked Staff to take a look at this information since Alderman James had asked about this previously. They are working on the information currently.

There being no further business to come before the Board of Mayor and Aldermen at this time, the Board Meeting adjourned.

CITY RECORDER

MAYOR