

## **BOARD MEETING**

**JANUARY 22, 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 22, 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 Lane Curlee. Absent was Phil Trimble.

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

The meeting was opened with an invocation delivered by Rev. Elbert Smith and the pledge of allegiance to the flag.

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

Mayor Bisby welcomed and introduced Miss Kala Northcutt, Tullahoma High School student and member of the Mayor's Youth Council, who would be the Honorary Alderman for this evening.

### **COMMENTS FROM CITIZENS**

Mr. Fred Lutz, Charter Communications Vice-President & General Manager introduced himself along with Mr. Nick Pavlis, Charter Government Relations Director for the State of Tennessee and Sean Hendrix, Local Operations Manger for this area. Mr. Lutz said they are excited about what they are doing in the industry and have had a couple of meetings with Aldermen earlier that day. He mentioned that Mr. Trimble said they could possible address the Board at a future work session. Mayor Bisby said he thought that would be a good idea.

Ms. Rhessa Orr, 511 General Street, representative of Tullahomaan's Involved in Policy, expressed their opposition to the wording in Coffee County Resolution No. 2007-06 regarding local option sales tax.

Mayor Bisby recognized Coffee County Mayor David Pennington, Manchester Mayor Johnnie Brown, several members of the Tullahoma Board of Education, and also several members of the Coffee County Commission.

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

**ALDERMAN BOWLING** – Mrs. Bowling reported that tomorrow night Tub will have their monthly Board meeting. Mrs. Bowling asked about the status of the Lion's club and if they have been in touch with the Marine Corps. Mr. Baltz indicated there were representatives from the Lion's club here this evening and could address that at their time on the study session agenda. Mrs. Bowling discussed the referendum that the County passed and that early voting could start as early as February 7<sup>th</sup>. Mrs. Bowling announced that the Coffee County Children's Advocacy Center would be having a benefit auction, dinner, and show on Friday, Jan. 26<sup>th</sup> beginning with the auction at 6:00 p.m. and show to begin at 8:00 p.m. (contact 723-8888).

**ALDERMAN CURLEE** – Mr. Curlee reported that the Housing Authority has been routine business. Mr. Meisel has announced his retirement so they are going through the process of replacing him.

**ALDERMAN LINDEMAN** – Mrs. Lindeman reported that she attended the Board of Education meeting last Monday night and it was just everyday things.

**ALDERMAN JAMES** – Mr. James reported that the Airport Authority met on January 9<sup>th</sup> and they would be discussing some of those things from the cost savings measures that they have come out with from them later in the agenda. Mr. James reported that the Planning Commission met and said that he is glad that they have started actually going into the Planning part of things and going over documents and seeing where the baseline is as far as documentation is concerned. Mr. James discussed the issue of a potential of a funeral home on Sharondale and Wilson Avenue. Mr. James said that he attended the local meeting that the developer had and for input and the sense that he got from the meeting, as well as calls he received at home, was that there is not a strong support for a funeral home. Many people are passive, but not a strong advocacy in favor of it and quite a few that are against it. Mrs. Bowling asked if the Planning Commission denied a request to rezone that property. Mr. James said that they never had a request to rezone rather they had a request for use permitted on review and that was denied. However, it has been in the newspaper that it may come before the Planning Commission under another forum. Mr. James said that he is looking forward to reviewing the information on solid waste and would request that rather than having the information handed to them right before the meeting, he would prefer advance copies so they could do as much diligence as possible on that. Mr. Wayne said they could provide that. Mr. James reported that they are doing the ethics policy tonight and believes they will be completing that on second and final reading tonight. He said that he is looking forward to the Policy Committee meeting and taking the ethics policy and doing a review of our personnel policies to make sure everything matches. Mr. James said that he is looking forward to Friday night in attending the Child Advocacy Center

fundraiser.

**MAYOR PRO-TEM SHASTEEN** – Mr. Shasteen reported that the Planning Commission met on January 16<sup>th</sup> and that he echoed Alderman James comments as far as the Planning Commission beginning the process of the planning in Tullahoma. Mr. Shasteen commented on the number of different plans that have been created in the past 15 years from transportation to land use, etc., and that they are used and applied. Mr. Shasteen said the Planning Commission will again meet on Monday, January 29, 2007 at 4:00 p.m. Mr. Shasteen said that Tullahoma, along with some other sites, has been chosen to bid for the opportunity for the interim CBAT program. Mr. Shasteen asked that before the next board meeting for Staff to gather some information for him regarding the Internal Affairs Committee. He asked that Staff gather whatever information they have about that committee as far as its procedures, scope, powers that it might hold, etc.

**MAYOR BISBY** – Mayor Bisby reported that the Mayor's Youth Council would be having their bowling night at the end of February and encouraged the High School students to take advantage and enjoy the fun night. He reported that the Mayor's Youth Council will be going on a field trip to the Coffee County Jail this Saturday and stopping at Jiffy Burger on the way back. Mayor Bisby reported that he had been meeting with Mayor Brown and Mayor Pennington regarding the resolution and said that they have been working very hard to try to accommodate us to make sure it's clear that the money for the first half and second half will be distributed as by state law. Mayor Bisby said that this local option sales tax looks like it will benefit quite a few organizations, i.e. the city, the schools in both Tullahoma and Manchester and the County.

**REPORT FROM THE CITY ATTORNEY** – Mr. Morrison reported that it has been a busy month and he would have his litigation report in written form to the Board this week.

**REPORT FROM THE CITY ADMINISTRATOR** – Mr. Baltz introduced Mr. Dwayne Hicks, the new Planning Director for the City of Tullahoma.

Mayor Bisby welcomed Mr. Hicks.

As a Point of Order, a motion was made by Mrs. Bowling and seconded by Mr. James to adopt the Agenda. On roll call all members present voted aye and it was so ordered.

## **CONSENT AGENDA**

**Agenda Item 07-07 - Minutes of the January 8, 2007 Board Meeting**  
**Agenda Item 07-08 – December 2006 Finance Report**

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

## **OLD BUSINESS**

### **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 second and final reading. Mrs. Bowling gave the background information and reported that there was a public hearing for public comment; however, no one attended the public hearing. Mrs. Bowling explained that since the first reading of the ordinance, Mr. James has “tweaked” the wording as they discussed and she introduced Mr. James to explain further. Mr. James suggested they have a motion on the floor for adoption of the ordinance before submitting any amendments. A motion was made by Mrs. Bowling and seconded by Mr. James to adopt Ordinance No. 1349 on second reading. Mr. James said that since the first reading they have held a public hearing and made a motion to strike the first whereas paragraph of Ordinance No. 1349 and substituting with the following Proposed Amendment 1:

“WHEREAS, a public hearing was held on the 12<sup>th</sup> day of January 2007 commencing at 11:30 a.m. and notice thereof was published in the Tullahoma News on the 7<sup>th</sup> day of January 2007 at which hearing members of the public were allowed to be present and to speak on the proposed ordinance, and;

WHEREAS, there was no opposition to the proposed ordinance enacting a code of ethics for the City of Tullahoma, and;”. The motion was seconded by Mr. Shasteen.

Mrs. Bowling discussed that the amendment should include the statement of when the ordinance was passed on first reading. Further discussion followed and it was agreed that that it was not necessary to be included in the amendment above. Mr. Morrison agreed that it was not necessary. Mayor Bisby asked Mr. Morrison if the Proposed Amendment 1 was acceptable. Mr. Morrison said it was fine. Proposed Amendment 1: Replace first paragraph of Ordinance No. 1349 with the following: “WHEREAS, a public hearing was held on the 12<sup>th</sup> day of January 2007 commencing at 11:30 a.m. and notice thereof was published in the Tullahoma News on the 7<sup>th</sup> day of January 2007 at which hearing members of the public were allowed to be present and to speak on the proposed ordinance, and; WHEREAS, there was no opposition to the proposed ordinance enacting a code of ethics for the City of Tullahoma, and;”. Mayor Bisby called for a vote on the

Proposed Amendment 1 on the table. On roll call all members present voted aye and it was so ordered.

A motion was made by Mr. James and seconded by Mr. Shasteen for the Proposed Amendment 2: Number the paragraph beginning with “An official with...” to (1); add a subparagraph (2) to Section 3 stating:

“(2) Notwithstanding paragraph (1) above in cases where the measure in question exclusively deals with a personal interest, the official shall recuse himself from voting on the measure. For example: an official with a personal interest in an automobile distributorship may vote to replace a city vehicle, but if the vote contained an element of exclusivity by designating purchase from the specific distributorship in which the official had a personal interest, then the official would be required to recuse himself. Another example is a general across-the-board pay raise. An across-the-board pay raise is not exclusive, but a pay raise for a certain individual or department introduces an element of exclusivity and requires an official with a personal interest to recuse himself from the vote.” After much discussion and explanation of examples, Mayor Bisby called for a vote on the Proposed Amendment 2. On roll call the vote was as follows:

AYE: Bowling, James, Shasteen

NAY: Bisby, Curlee, Lindeman

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

A motion was made by Mr. James and seconded by Mr. Shasteen for Proposed Amendment 3 (on attached sheet) Section 5, add to subparagraph (2) “Nothing in this section is meant to prohibit customary hospitality practices.” After discussion, Mayor Bisby called for a vote. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Lindeman, Shasteen

NAY: Curlee

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

Mayor Bisby called for a vote on Ordinance No. 1349 as amended for the second reading. On roll call all members present voted aye and it was so ordered.

#### **AGENDA ITEM 07-04 – STAGGERING TERMS ON THE AIRPORT AUTHORITY**

Mr. James presented the background information. A motion was made

by Mr. James and seconded by Mr. Curlee to take no action at this time. On roll call the vote was as follows:

AYE: Bisby, Bowling, Curlee, James, Shasteen,

NAY: Lindeman

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

## **NEW BUSINESS**

### **RESOLUTION NO. 1330 - A RESOLUTION PROVIDING FOR THE REDEMPTION AND PAYMENT OF THE PUBLIC IMPROVEMENT REVENUE AND TAX BONDS (TAXABLE), SERIES 1997, DATED MARCH 1, 1997, OF THE CITY OF TULLAHOMA, TENNESSEE AND THE DETAILS RELATING THERETO**

Mayor Bisby read the caption of Resolution No. 1330. Mr. James presented the background information. A motion was made by Mr. James and seconded by Mrs. Bowling to approve Alternative No. 1 to approve the resolution and advance funds necessary for bond redemption in February, as recommended. On roll call all members present voted aye and it was so ordered.

### **SEE ATTACHED COPY OF RESOLUTION NO. 1330**

### **AGENDA ITEM 07-09 - AUTHORIZE MAYOR TO EXECUTE CATV EXTENSION AGREEMENT**

Mayor Bisby presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to approve the extension agreement and authorize the Mayor to execute the agreement. On roll call all members present voted aye and it was so ordered.

### **AGENDA ITEM 07-10 - APPROVAL OF SURPLUS & TRANSFER OF VEHICLE TO HICKERSON STATION VOLUNTEER FIRE DEPARTMENT**

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept Alternative No. 1 to surplus the vehicle. 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, the Board Meeting adjourned.

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**CITY RECORDER**

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**MAYOR**