

## **BOARD MEETING**

**APRIL 23, 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, April 23, 2007, at 5:30 p.m., with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Jonathan James, Lane Curlee, Sandy Lindeman, Scott Shasteen, and Phil Trimble.

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.

### **COMMENTS FROM CITIZENS**

Mr. Joe Hills, 1112 Country Club Drive, expressed that he is not in favor of the additional sales tax going into the sales tax sinking fund.

Mrs. Bowling called for a point of order wanting to know if those that were present for speaking regarding the Fiber to the Premise presentation would be allowed to speak during and after that presentation, or should they speak now. It was determined they would be allowed to speak during the Fiber to the Premise presentation portion of the Board meeting.

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

**ALDERMAN BOWLING** – Mrs. Bowling reported that she attended the Senator Corker briefing breakfast at the Manchester/Coffee County Conference Center regarding CBAT.

Mrs. Bowling said that she had met the Mayor of Chattanooga and they discussed Fiber to the Premise, which Chattanooga has now and that the feedback was positive.

Mrs. Bowling requested that a Policy Committee meeting be scheduled to discuss the Workman's Compensation issue.

**ALDERMAN CURLEE** – Mr. Curlee reported that Tullahoma Housing Authority business was routine.

**ALDERMAN LINDEMAN** – Mrs. Lindeman introduced our Honorary Alderman for the evening, Kevin Goldstayn, with Boy Scout Troop 158, working on a badge for Eagle Scout.

Mrs. Lindeman reported she attended two budget work sessions and also the Senator Corker briefing.

Mrs. Lindeman reminded all that they are still selling chairs for the auditorium fundraiser. For a donation of \$250, the chair will have an engraved plaque attached in honor of the person making the donation or whoever's name they wish to appear on the plaque. The check should be made out to Tullahoma Education for Excellence and sent to P. O. Box 183, Tullahoma.

**ALDERMAN TRIMBLE** – Mr. Trimble expressed condolences to anyone affiliated with anyone from Virginia Tech and expressed his regrets for the tragedy that struck the university. Mr. Trimble said that he stopped by to see Dr. Lawson to discuss our school security. Mr. Trimble said that he felt that school security should be an issue for joint consideration by both the Board of Education and the Board of Mayor and Aldermen. He stressed the importance as a town to do the best we can for student safety.

Mayor Bisby asked Staff to look at what options we may have and for Mr. Jody Baltz to discuss with the Board of Education and provide input at a future study session.

**ALDERMAN JAMES** – Mr. James reported that it has been a very busy two weeks as he attended the Special Olympics along with Mrs. Bowling. Mr. James also attended the Tullahoma Airport Authority meeting where they discussed aid for expansion and a property donation. Mr. James reported that he also attended the two budget work sessions, the Planning Commission work session, the Volunteer Appreciation Dinner, and Coffee County Leadership (they visited the Coffee County courthouse, jail and then the Correction Academy).

**MAYOR PRO-TEM SHASTEEN** – Mr. Shasteen reported that he attended the Planning Commission meeting on April 16, where most of the business was routine. He said they approved the High Point Crossing subdivision with a split vote. Mr. Shasteen presented some background information regarding the sale of the property and what information allegedly was not presented or provided to the new owner.

Mr. Shasteen reported that he attended the Volunteer Appreciation Dinner and thanked the Mayor.

Mr. Shasteen announced again that this April is National Autism Awareness Month and that there is a website: [autismspeaks.org](http://autismspeaks.org). He said that if you go to the website and watch a video called "World" that automatically \$.49 will go to

autism awareness.

**MAYOR BISBY** – Mayor Bisby said that he attended the funeral for Sgt. Stephens and expressed his sympathy to the family.

Mayor Bisby said that he attended the Volunteer Appreciation Dinner and thanked Ms. Debi Graham for her great work on the dinner with the planning and decorations, etc. Mayor Bisby reported that he also attended the briefing by Senator Corker and that it was very well attended. He said that there were several Congressional Representatives and that they had a chance to discuss CBAT. Mayor Bisby commended Representative Judd Matheny for arranging the meeting and said that it sounds very positive for CBAT to locate here. Mayor Bisby said that Cedar Lane improvements were discussed and that Commissioner Nicely discussed the possibility of a public hearing being held to change the funds from Hwy 55 to improvements for Cedar Lane. Mayor Bisby discussed the Board being interested in STP funds and percent for Cedar Lane matching funds.

Mayor Bisby expressed his appreciation for the professionalism displayed by the Police Department and the Fire Department in handling the funeral services for Sgt. Stephens and thanked Acting Police Chief Scott Jackson for coordinating efforts with all the agencies involved.

**REPORT FROM THE CITY ATTORNEY** – Mr. Morrison reported back to the Board regarding the purchase of surplus property from Coffee County. He said yes, that, under law when purchasing from other municipalities there are exemptions. He also reported that it is certainly proper for the Mayor or designated group to meet with the County purchasing under the TN open meetings act.

Mayor Bisby reported that the Coffee County Purchasing Committee will meet on May 1, 2007.

**REPORT FROM THE CITY ADMINISTRATOR** – Mr. Baltz reminded the Board that the Board of Education budget work session is tomorrow night at 5:30 p.m.

Mr. Baltz commented in response to a letter to the Editor in the Sunday Tullahoma News regarding the City involvement with the funeral for Sgt. Stephens. He wanted to let the general public know that the City involvement was in accordance with the wishes of the family and also related to traffic and security issues.

## **CONSENT AGENDA**

**Agenda Item 07-37 - Minutes of the April 9, 2007 Board Meeting**

## **Agenda Item 07-38 – March 2007 Finance Report**

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

A motion was made by Mr. James and seconded by Mrs. Bowling to accept the agenda as amended (removing Resolution No. 1337, Item No. 4 under New Business from the agenda). On roll call all members present voted aye and it was so ordered.

A motion was made by Mr. Shasteen and seconded by Mr. James to remove Resolution No. 1338 (Item No. 9 under New Business) from the agenda. Discussion followed regarding the issue of leaving the Resolution on the agenda or removing it from the agenda.

Mrs. Bowling called for a point of order regarding the issue of removal of Resolution No. 1337 being an appropriate act to be removed because it was removed by the person bringing it forward.

More discussion followed regarding Mr. Shasteen's point being taken, but not to remove the Resolution. Mayor Bisby discussed if removed it can come back.

Mr. James requested a point of order regarding the argument must remain as to why or why not to remove it.

More discussion followed from Board members regarding the issue. Mayor Bisby called for a vote. On roll call the vote was as follows:

AYE: Bisby, James, Shasteen

NAY: Bowling, Curlee, Lindeman, Trimble

The vote being three (3) ayes, and four (4) nays, the motion failed. Resolution No. 1338 will remain on the agenda.

Mayor Bisby called for a vote on the original motion to accept the agenda as amended. On roll call all members present voted aye and it was so ordered.

**OLD BUSINESS – NONE**

**NEW BUSINESS**

**AGENDA ITEM 07-39 – PROVISION OF ADDITIONAL SERVICES BY THE**

## **TULLAHOMA UTILITIES BOARD**

Mayor Bisby read background information from page 80-81 of the agenda. Mayor Bisby introduced Mr. Brian Skelton, Tullahoma Utilities Board General Manager. It was noted that the TUB full board and Management Staff were in attendance at the meeting. Mr. Brian Skelton introduced Mr. Neil Shaw and Mr. Dave Stockton with Uptown Services, LLC to present information regarding the feasibility study. Mr. Stockton and Mr. Shaw presented the feasibility study through a PowerPoint presentation discussing and answering questions as they proceeded through the presentation. (The PowerPoint presentation was also included in the agenda on pages 117-152.) Discussion followed from Board members and Mr. Brian Skelton regarding cities that have tried this form of communication and been successful and those that may not have been and why. Also discussed were help desk issues, organizational chart, capital expenditures inputs, and the bond structure.

Mr. Eugene London, on behalf of business computer services, Mr. Steven Sallier, Harton Hospital, Mr. Bill Comer, President of the Coffee County Industrial Development Board, and Dr. Michael Browder, and Mr. Greg Sedrick, UTSI Chief Information Officer, expressed their support of fiber optics and presented how it would benefit them and enhance their respective businesses. Mr. Clem Reese, Chairman of the Tullahoma Utilities Board expressed his support for fiber optics and presented some background information regarding the research on this issue actually began in 1994.

A motion was made by Mrs. Bowling that the Board of Mayor and Aldermen approve the Municipal Electric System providing the additional services authorized under Part Six of the Municipal Electric Plant Law of 1935, which include video and data broadband services along with audio broadband services and that the City of Tullahoma, Tennessee issue general obligation bonds in the maximum amount of Seventeen Million One Hundred Ten Thousand (\$17,110,000.00) Dollars to finance the initial capital outlay expenditures for the acquisition, purchase and construction of all facilities necessary to provide such services in accordance with the Initial Bond Resolution that I am providing to the recorder and ask that she incorporate into this motion as if recited verbatim which I move that we adopt. The motion was seconded by Mr. Trimble. Mrs. Bowling passed out a copy of her motion and the Initial Bond Resolution to the Board members and the City Recorder.

Extensive discussion and comments followed regarding industrial growth possibilities, current franchise laws, and the possible affects on the bond rating. Much discussion followed allowing each Alderman to express their support or non-support of the broadband services offered in the motion and Initial Bond Resolution. Also discussed were the subjects such as the affects to tax payers, if

any, should this venture be unsuccessful; the positive technological growth possibilities with this type of communication; revenue bond risks and interest rates; and revenues versus expenses issue and the “break even” point.

Discussion followed regarding the timeline issues, legislation stipulations, and the possibility of a vote for a referendum vote (with the time line being that it takes 60 days to get an issue on a ballot). More discussion followed regarding the issue of a referendum vote.

Mayor Bisby called for a vote on the motion. On roll call all the vote was as follows:

AYE: Bowling, James, Lindeman, Shasteen, Trimble

NAY: Bisby, Curlee

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

**SEE ATTACHED COPY OF TYPED MOTION AND INTIAL BOND RESOLUTION**

Mayor Bisby moved the Study Session Item 1 – GIS Demonstration from the Study Session to be presented now.

Mr. Wayne Limbaugh introduced Mr. Tien Lieu, who gave a GIS presentation that included 3-D viewing and a tracking system for city vehicles.

At this time Mr. Shasteen agreed and suggested that due to the length of the present meeting that we could wait on the Study Session Item 2 that he requested for a discussion of website streaming video options and put it on the next study session.

**ORDINANCE NO. 1350 – AN ORDINANCE TO REPEAL SECTION 12-104 OF THE MUNICIPAL CODE OF THE CITY OF TULLAHOMA, TENNESSEE AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 12-104 DEVELOPMENT COMMITTEE**

Mayor Bisby read the caption of Ordinance No. 1350 for the first of two readings. Mr. Baltz presented the background information. A motion was made by Mr. Trimble and seconded by Mr. James to adopt Ordinance No. 1350. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF ORDINANCE NO. 1350**

**AGENDA ITEM 07-40 - ACCEPTANCE OF BID FOR JOHNSON LANE RECREATION AREA IMPROVEMENTS**

Mr. Kurt Glick presented the background information. A motion was made by Mrs. Lindeman and seconded by Mr. Trimble to accept staff recommendation of Alternative No. 1 to accept the low bid and contract services with Swift Construction and exercise delete options 1, 2, 4, and 5 to bring the project within budget. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-41 - ACCEPTANCE OF BID FOR INSULATION REMOVAL**

Mr. Glick presented the background information. A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman to accept Alternative No. 1 to accept the low bid and enter into a contract with Property Maintenance Service. On roll call all members present voted aye and it was so ordered.

**RESOLUTION NO. 1338 - A RESOLUTION SUPPORTING THE USE OF NEW REVENUES FOR SCHOOL BUILDING PROJECTS**

Mr. Trimble read Resolution No. 1338 as his motion. (See attached copy of Resolution No. 1338, included in the agenda on page 161). The motion was seconded by Mrs. Lindeman. After discussion a motion was made by Mr. James to defer action on this until the date of the third budget reading. (Mr. Shasteen said if a second is needed he would second the motion). Attorney Randall Morrison said a second was not necessary. Mayor Bisby called for a vote on the motion. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Shasteen,

NAY: Curlee, Lindeman, Trimble

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

**SEE ATTACHED COPY OF RESOLUTION NO. 1338**

**AGENDA ITEM 07-42 - APPROVAL OF FIRE GRANT**

A motion was made by Mr. Shasteen and seconded by Mrs. Lindeman to approve the filing of the grant application. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-43 – STATE CONTRACT REPLACEMENT OF POLICE PATROL VEHICLE**

A motion was made by Mr. Shasteen and seconded by Mr. James to accept Staff recommendation of Alternative No. 1 to purchase vehicle from state contract. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-44 – ACCEPTANCE OF PROPERTY DONATION ON BEHALF OF THE AIRPORT AUTHORITY**

A motion was made by Mr. James and seconded by Mrs. Bowling to accept the offer as a gift with no strings attached and authorize the Mayor to accept the deed and execute any required documents. After discussion regarding an environmental report, the motion was amended to accept the offer as a gift with no strings attached contingent upon a Phase 1 environmental report and if the report is clear/okay to authorize the Mayor to accept the deed and execute any required documents. Mayor Bisby called for a vote on the amendment. On roll call all members present voted aye and it was so ordered. Mayor Bisby called for a vote on the motion with the amendment. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-45 – SET PUBLIC HEARING FOR REZONING REQUEST FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) EAST LAUDERDALE STREET, MR. VERNON MILLER, APPLICANT**

Mr. Baltz presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to set a public hearing before the Board of Mayor and Aldermen for May 14, 2007. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-46 – SET PUBLIC HEARING FOR SURPLUS OF PROPERTY AT 520 E. MOORE STREET, MR. & MRS. MICHAEL CLARK, APPLICANTS**

Mr. Baltz presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to set a public hearing before the Board of Mayor and Aldermen for May 14, 2007. Mrs. Bowling discussed how the property is sold. Mr. Baltz explained the process. Mr. Shasteen said that he had brought up a question at the Planning Commission and had not received an answer at the Planning Commission, but that on July 25, 2005, the Board of Mayor and Alderman voted to surplus this same property and he does not know why it is up for surplus again. Mr. Baltz said that this was the first he had heard of it but if the Board would set the public hearing that they would have the data at the public hearing. Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-47 – VACANCY ON BOARD OF ZONING APPEALS**

Mr. Baltz presented the background information. Mr. Baltz informed anyone interested in serving on the Board of Zoning Appeals to submit a Citizen Participation Form.

**AGENDA ITEM 07-48 – RESCHEDULING OF MAY 28, 2007 (MEMORIAL DAY) BOARD MEETING**

Mrs. Rosemary Womack presented the information. A motion was made by Mr. Trimble and seconded by Mr. James to cancel the meeting set for May 28, 2007. On roll call all members present voted aye and it was so ordered.

**OTHER NEW BUSINESS**

Mr. James said that he is very cognizant that Staff is very busy right now, but that he would like to see two items put on the Study Session maybe in July or August: 1) Zoning Issues – in regard to the Planning Commission and their “hands tied” in certain situations and the need for review of ordinances governing these issues, etc. 2) The role of City Political Officials versus the Chamber and how the interaction occurs and what the lines of demarcation are. He said that sometimes they get blurred and he just wants to understand their roles clearly.

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**