

BOARD MEETING

JUNE 25, 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, June 25, 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, Lane Curlee, Jonathan James, Sandy Lindeman, and Scott Shasteen. Absent was 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. Len Hendrix and the pledge of allegiance to the flag.

COMMENDATIONS AND CERTIFICATES

CERTIFICATE OF APPRECIATION: Ms. Emily Ingram, Youth Council Mayor

Mayor Bisby and Alderman Lindeman presented Ms. Emily Ingram with a certificate of appreciation for her outstanding leadership as the Mayor of the Mayor's Youth Council this school year. (This presentation was made prior to the Public Hearing.)

COMMENTS FROM CITIZENS

Mr. Joe Hills, 1112 Country Club Drive, said that he knew just about everyone on the Board of Mayor and Aldermen and said that there was not a liar among them. He expressed his opinion regarding capital improvements stating that they should go through the Planning Commission. Mr. Hills said that it had been stated earlier that people felt they had been misled regarding how the money was going to be spent from sales tax. He said that if he had only read the paper then he would agree, however, he said that he also read comments on Aldermen's Shasteen's website that said the whole story hasn't been told and that people need to look at the resolution. Mr. Hills said that on the Save out City Schools website that Alderman Phil Trimble said he was for the sales tax increase but he disagreed with Troy on how the money was going to be spent, so that if he disagreed with Troy then obviously it was known ahead of time on how he was going to spend the money.

Mr. Jim Woodard, 705 Twelve Oaks Road, said that he agrees with his neighbor, Mr. Hills, on many things and agrees it is very important to have a

Planning Commission in the community. Mr. Woodard said that he does not believe the Planning Commission should dictate to the school system what their priorities should be. He said that they have a Superintendent of Schools and an elected School Board and this is what they are challenged to do. He said that maybe they need to come to the Planning Commission meetings to let the Planning Commission ask their opinion. He said that he wished Mr. Trimble was present to respond to his comments.

REPORTS FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN BOWLING – Mrs. Bowling thanked all for their prayers and well wishes. Mrs. Bowling reported that she attended the TDOT meeting with regard to the widening of Cedar Lane. Mrs. Bowling reported that she attended two meetings of the Grundy Street Land Sale Review Committee and is certain their chairman will report on those. Mrs. Bowling said that she also attended a Policy Committee meeting and the reviewed a recommended revision to their purchasing agreement from a Coffee County attorney and the purchasing agreement will be later on the agenda. She said they had a sample sale of a surplus real property form that Mr. Baltz searched the internet and found communities that have documentation that goes to when we have property to surplus. Mrs. Bowling said they also reviewed the Responsible Vendor Act of 2006 and will bring it forward to the Board in July (new state guidelines). Mrs. Bowling reported that they also discussed proposed changes to personnel regulations, department uniforms for casual Friday. Mrs. Bowling attended the TUB meeting that was routine business. She said they preparing RFP's going out with regarding to Fiber to the Premise. She noted the Special Call meeting last week for the Fiber to the Premise and approval of the final bond resolution and that it will probably toward the end of July that the bonds will actually be out on the street. Mrs. Bowling said that the DRUC appointment is on the agenda tonight and also it has come to the attention that one of our other appointees from Tullahoma has been unable to attend a series of meetings and that if the two members from Tullahoma are not present then there is not a quorum. Mrs. Bowling asked Mr. Baltz to send a letter to our other member asking if there has been some unusual circumstance and if he will be able to attend, so then we might have a possibility of asking DRUC to request from us a new appointment. Mayor Bisby said if there is no objection then they would allow Mr. Baltz to do such. Mrs. Bowling reported that she attended the BZA meeting and they approved a setback variance. Mrs. Bowling said that she was sorry to report but that Mr. Lyn Cooper is moving to Florida and they will need to replace his position along with the other vacant position. She reported that their next scheduled meeting will be the first Thursday night in August unless there is a need for another meeting. If something should become and they need to meet in July they believe Mr. Cooper will still be here, but by August they will have to have the two appointments.

ALDERMAN CURLEE – Mr. Curlee reported that the Housing Authority met last Thursday night and he understood the business was routine.

ALDERMAN LINDEMAN – Mrs. Lindeman reported that she attended the Board of Education meeting and the main topic was budget. She reported that she attended the Grundy Street Sale Review Committee meeting and the Special Call Board meeting for the Fiber to the Premise resolution.

ALDERMAN JAMES – Mr. James reported that he attended the Grundy Street Land Sale Review Committee and the Policy Committee meetings and he reported that he had been working very hard on the budget.

MAYOR PRO-TEM SHASTEEN – Mr. Shasteen reported that he attended the TDOT meeting for a short time and his impression that he got overall was that at a minimum it would be five years before the State of Tennessee would turn the first shovels on Cedar Lane which tells him that if they want the project done anytime remotely soon they better start saving some money for it. Mr. Shasteen reported that the Planning Commission met on June 5th and on June 18th and just for the record in reference to Mr. Jim Woodard's comments he read TN Code Annotated Chapter 5 Part II 6-56-204, Section C, regarding requests for capital improvements being transmitted to the Planning Commission in the municipalities where there is a Planning Commission for review and incorporation into the capital improvement program. Mr. Shasteen reported on the actions of the Planning Commission and that the next meeting is July 2nd. Mr. Shasteen reported that the Grundy Street Land Sale Review Committee did meet on June 21st and that they are considering a number of recommendations to the Board. He said they believe they have determined a number of things that will make the process better regarding land sales and purchases. Mr. Shasteen said that upon conclusion of the review they will put the recommendations into one document and present to the board at the appropriate time. He said they are getting closer to conclusion and the next meeting is Monday, July 2, 2007 at 11:30 a.m., in the lobby conference room and the public is invited.

MAYOR BISBY – Mayor Bisby said that everything that he would like to be covered has been covered by one board member or another. However, he said that he would like to read a press release that has just gone out. He read a press release regarding an open burn ban. He said that because of the drought they are under an open burn ban and that someone had asked about fireworks during an open burn ban. Mayor Bisby said that according to our Code of Ordinances, when there is an open burn ban (either declared by the State or the City or by the Tullahoma Fire Department) that fireworks can not be used, except for public displays such as the Kiwanis display. So right now as long as there is an open burn ban there is also a ban on the personal use of fireworks, however, the bottom line decision is the Fire Chief's and if he determines that there has been enough rain, he can lift the open burn ban and that would permit the personal use of

fireworks. Mr. Shasteen pointed out that if the open burn ban is lifted that the legal shooting off of fireworks is from July 1st through July 4th. Mayor Bisby affirmed that burn ban or not that there are only specific times when fireworks are permitted. Mr. Curlee asked that since the sale of fireworks is a privilege in this town and based on what the Mayor read then should they not take action to disallow the sale of fireworks? Mr. Baltz said that they have reviewed the ordinance and that the City has no authority granted to the City Board to ban the sale. He said the ordinance is in place as far as the guidelines as far as governing of the sale of fireworks and the restriction of fireworks use during periods of drought, etc., but short of the Board amending the ordinance there was no provision to ban the sale of fireworks.

REPORT FROM THE CITY ATTORNEY – No Report.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that the work continues on schedule on the Johnson Lane recreation area.

Mayor Bisby welcomed back Alderman Bowling.

CONSENT AGENDA

Agenda Item 07-65 - Minutes of the June 4, 2007 Board Meeting

Agenda Item 07-66 – Minutes of the June 20, 2007 Special Call Board Meeting

A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept the Consent Agenda including the Minutes of the June 4, 2007 Board Meeting and the minutes of the June 20, 2007 Special Call meeting as presented. 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 approve the agenda as written.

A motion was made by Mr. Shasteen and seconded by Mr. James to amend the agenda by moving two items under New Business (Item No. 8 and Item No. 15) that are significant capital investments until after the budget is approved. He suggested they could be considered tomorrow night at the Special Call meeting after the approval of the final budget. Mr. Shasteen stated that the motion is to defer Items No. 8 and No. 15 under new business until June 26, 2007. Mayor Bisby called for the vote on the motion to defer Resolution No. 1343 and Agenda Item 07-73 – Aerial Platform Bids to the June 26, 2007 Special Call Board Meeting. On roll call all members present voted aye and it was so ordered.

Mayor Bisby called for a vote to approve the agenda with the amendment. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

ORDINANCE NO. 1352 – AN ORDINANCE IN IMPLEMENTATION OF TITLE 5, FINANCE AND TAXATION, CHAPTER 1, IN GENERAL, OF THE CODE OF ORDINANCE OF THE CITY OF TULLAHOMA, TENNESSEE, AND AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE ADMINISTRATION, OPERATION AND MAINTENANCE OF EACH DEPARTMENT AND AGENCY OF THE CITY OF TULLAHOMA, TENNESSEE, FOR THE PERIOD ENDING JUNE 30, 2008, AND AN ORDINANCE TO SET THE TAX RATE FOR THE REAL ESTATE AND PERSONAL PROPERTY FOR THE TERM 2007, AND AN ORDINANCE TO FACILITATE OTHER FISCAL OPERATIONS OF THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Ordinance No. 1352 for the second of three readings. A motion was made by Mr. Shasteen and seconded by Mr. James to accept Ordinance No. 1352 on the second of three readings. Mr. Shasteen commended the Mayor on his budget presentation and said that he wanted to remind everyone watching and all in attendance that this board did approve a Resolution 1331 a month in advance of the vote and any misconception of what the vote was about and what this Board's intentions were, were certainly not created by this Board and any implication that this Board deceived anyone that he would respectfully disagree with that. Mr. Shasteen stated that he was proud of the work that this Board did at the last meeting and that it showed the importance that as a Board they are serious about being accountable for every penny of taxpayer dollars. Mr. Shasteen said that he would like to offer an amendment to Ordinance No. 1352. A motion was made by Mr. Shasteen and seconded by Mr. James amend Ordinance No. 1352 and add a "Whereas" on the first page of the ordinance in Section One after the first Whereas paragraph to become the second "Whereas", as follows: "WHEREAS, the Board of Mayor and Aldermen has determined that zero funds shall be used from city reserve accounts to balance operating budgets for the city and/or the school system; and". Discussion followed regarding shortfalls of revenue vs. increase of spending and the options for the school in those instances. More discussion followed regarding emergency situations, budget amendments and the intent of this amendment being to keep from using reserve funds. Mayor Bisby called for a vote on the amendment. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Shasteen

NAY: Curlee, Lindeman

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

Mr. James commended the Mayor for his budget presentation and

comments and felt that the Mayor was “spot on”. He felt that the goals and objectives that the Mayor presented earlier this year were also “spot on” and he noticed that the first one was a balanced budget and that he supports the above “Whereas” amendment that references that balanced budget. Mr. James discussed that there is another aspect of the Mayor’s budget that was in his presentation as well as his goals tonight and that was to establish a total local funding amount for the school system and then guarantee that amount. Mr. James discussed earlier comments regarding having to underestimate revenues and overestimate expenses so that budgets do not fall short but he feels that the Board can help that situation by promising and guaranteeing a local effort to the school system. A motion was made by Mr. James and seconded by Mr. Shasteen (for discussion) to amend Ordinance No. 1352 by adding a Section 3 (and then renumbering the current Section 3 to Section 4, and Section 4 to Section 5). Mr. James read the Section 3 amendment as follows: “The City will supplement its school budget with a direct appropriation to ensure the local maintenance of effort, consisting of all county revenue, solid waste collection, and all local option sales tax revenue, equals exactly \$11,677,876.” Discussion followed by the Mayor regarding the School Board’s estimates in their budget for revenue being low therefore if they receive more than estimated then with this amendment they would not receive the additional revenue the City would keep that additional revenue. Board members further discussed that if they did not receive their estimated revenue that they City would be guaranteeing the above amount to them. More discussion followed regarding the various forms of revenue received by the schools and that the amount to be appropriated to the school in the amendment is the amount that they requested. Mr. Curlee requested that someone representing the schools be allowed to comment. Mrs. Bowling discussed the cigarette tax money and it being allotted to “at risk” students. Mayor Bisby asked Dr. Lawson to explain this. Dr. Lawson explained the numbers regarding the cigarette tax and percentage relating to BEP. Dr. Lawson further explained that the budget document they submitted was based on what they thought the worst case scenario would be. He stated that he certainly hoped that they did underestimate their revenues, but that it was not based on any attempt to subvert but that the County Mayor sitting in the audience could tell them that the County budget meeting takes place tomorrow and that on July 24th the County will enact a budget and that is when they will know what the numbers are. Dr. Lawson further discussed the budget from the County for this past year and how that is still to be reconciled, competitive programs, how the County and City currently help make up their budget, sales tax estimate numbers in the past, and other issues related to their budget. Dr. Lawson stated that they did not design their budget with this philosophy in mind. Dr. Lawson asked if he answered Mrs. Bowling’s question regarding cigarette tax. Mrs. Bowling said yes and related some of the numbers and percentages regarding the cigarette tax. Mayor Bisby asked Dr. Lawson how he would feel about a motion including that if it drops below that number then the City would guarantee it by providing

additional funds and if it goes above then the money would be used to go towards capital improvements specifically for the school and the school only. Dr. Lawson said that philosophically had they build their budget on those assumptions they would have no problem with that but that this budget was not constructed on those assumptions. Mr. James said that a decision must be made whether any additional funds that come in will go for operating school budgets that will never again be available and must be maintained but never will be available for capital improvements and that he feels they will not be able to address East Lincoln or East Middle school repair issues and will be in the same situation in another five years. Mrs. Bowling asked then if he would recommended as the Mayor said that the excess would go into the sales tax sinking fund for the City Schools. Mr. James said that is his preference but that he didn't bring that here because that is not the decision yet. Mr. James said that if it would be more palatable for some to put an amendment to this amendment then he would add that any revenues derived would directly go into the sales tax sinking fund. Mrs. Bowling said that she would second that amendment. Mr. James restated the amendment: "Any additional money (the direct appropriation to the school system as it is written right now would be \$3,634,221) if that number is reduced due to an increase of either the county revenue or the local option sales tax revenue allocated for school purposes, then dollar for dollar we will take local option sales tax money that is not allocated to the School and put it in the sales tax sinking fund for the schools." Mrs. Bowling said that was what the Mayor had said. Mayor Bisby said that he asked Dr. Lawson what his thoughts were on that, not that he would support it. Mrs. Bowling and Mr. Shasteen were expressed their support for this amendment to the amendment. Mayor Bisby said that in fairness to the School system that what Dr. Lawson was saying that they put together a budget based on the old rules and a revenue estimate that put a pad in the budget. Mayor Bisby said that he would feel more comfortable if they were allowed time to go back and review their budget based on a concept of this amendment and vote on this at the next meeting. Mr. James discussed the school estimates and the amendment numbers being what they requested. Mr. Shasteen discussed the school estimates and last year's budget work sessions with the school. He said that they Mayor had requested the School that in the future that they would use as close as possible our estimate numbers so that we could all operate from the same page. Mr. Curlee said that if this is a good idea and that it might be, but that it would still be a good idea tomorrow night for the third reading and that they could defer action until tomorrow night. Mr. Curlee said that he would like time to think on this matter since it is a big fundamental change. Discussion of where the money would come from to support the school if the money did not come from sales tax. Further discussion followed from Mr. Curlee and Mr. James in regard to support of the schools. Some additional discussion followed regarding the benefits of this amendment for the school and the City. Mayor Bisby asked Mr. Randall Morrison if this is voted up or down, what is the impact on tomorrows vote? It was agreed that tomorrows vote would be the final ruling. Mayor Bisby called for a vote on

the amendment to the amendment. Mr. Shasteen asked for a reading on the amendment to the amendment. Mr. James read as follows: "Any additional money (the direct appropriation to the school system as it is written right now would be \$3,634,221) if that number is reduced due to an increase of either the county revenue or the local option sales tax revenue allocated for school purposes, then dollar for dollar we will take local option sales tax money that is not allocated to the School and put it in the sales tax sinking fund for the schools." On roll call the vote was as follows:

AYE: Bowling, Curlee, James, Lindeman, Shasteen

NAY: Bisby

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

Mayor Bisby called for a vote on the amendment by Mr. James to add a Section 3. Mr. James read the Section 3 amendment as follows: "The City will supplement its school budget with a direct appropriation to ensure the local maintenance of effort, consisting of all county revenue, solid waste collection, and all local option sales tax revenue, equals exactly \$11,677,876". More discussion followed regarding guaranteed funding for the school system. Mr. James read Mayor Bisby's budget notes. Mayor Bisby discussed the school budget and that he doesn't feel this amendment is guaranteed funding. More discussion followed from Board members regarding the funding. On roll call the vote was as follows:

AYE: Bowling, Curlee, James, Lindeman, Shasteen

NAY: Bisby

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

Mayor Bisby asked if there were any other motions. Mr. James asked if they were back to the basic budget. Mayor Bisby affirmed.

A motion was made by Mr. Shasteen and seconded by Mr. James to change 41700 Planning (08) Line Item 326 Uniforms from \$300 to \$1,000. 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 to change 42100 Patrol/Traffic (12) Line Item 112 Salaries-Overtime from \$18,000 to \$34,875; Line Item 129 Court Pay from \$15,000 to \$18,414; Line Item 220 Printing & Publication from \$2,500 to \$3,000; to change 42100 PSO Program (13) Line Item 112 Salaries-Overtime from \$2,550 to \$3,300; to change 42100 School Resource Officer (16) Line Item 245 Telephone from \$480 to \$595; and to change

42100 Training (19) Line Item 320 Operating Supplies from \$1,000 to \$1,700. Mrs. Bowling discussed support from the County for the SRO expenses. Mr. Baltz indicated that our new Police Chief Blackwell could address that issue. On roll call all members present voted aye and it was so ordered.

A motion was made by Mrs. Lindeman to change 44400 Parks & Grounds Labor (33) Line Item 112 Salaries-Overtime from \$6,000 to \$13,000; Line Item 114 Salaries-Part-time and Temporary from \$18,000 to \$39,000; Line Item 141 OASI from \$8,749 to \$10,900. Mr. Kurt Glick was asked which option he would prefer. Mr. Glick said their preference would be one single full time person. Mr. Shasteen said the impact is the same. Mrs. Lindeman withdrew her motion. A motion was made by Mr. James and seconded by Mrs. Lindeman to change Line Item 111 Salaries-Fulltime from \$89,692 to \$115,893. Mr. James said the OASI would adjust accordingly automatically. On roll call all members present voted aye and it was so ordered.

Mr. James said that he would like to discuss another topic which was the car allowance. Mr. James said this was discussed at the Policy Committee meeting and they asked Mr. Baltz to let them know if there were vehicles available for the Director of Parks and Recreation to use so that he could be assigned a vehicle that belonged to the City instead of using his personal vehicle. Mr. Baltz said that the Board has been provided a handout this evening with the vehicle replacement fund and designates the replacements. Mr. Baltz indicated that the Police Department would be replacing three Crown Victoria's so that as those are rotated out there would be the opportunity to transfer a vehicle over to Parks & Recreation if the Board chooses to go that route. Mr. James said that for discussion that he would move that they go that route and that he would also move out of a sense of fairness and justice that they would increase the Parks & Recreation Director's salary by \$1,000 annually and the car allowance would cease to exist and we would provide a vehicle. Mrs. Bowling seconded the motion. Mr. James explained that they would not have to purchase a vehicle that they would use a vehicle that is being rotated out of the Police Department. Mayor Bisby asked how long this car allowance policy has been in place. Mr. Baltz said that that it predates him and the current Parks & Recreation Director (Mrs. Bowling said about 20 years) and that they couldn't find the origination without going back budget by budget for each year. Mayor Bisby discussed that this was part of a promise or expectation/commitment on behalf of the City for this employee. They discussed that it is part of his paycheck. Mrs. Bowling discussed policy change regarding this issue. Discussion followed regarding other possible options and the financial impact to the employee. A motion was made by Mr. Shasteen to amend the motion to increase the salary of the Parks & Recreation Director from \$1,000 to \$1,500. Mr. James agreed to second the motion. On roll call the vote was as follows:

AYE: Bowling, Curlee, James, Lindeman, Shasteen

NAY: Bisby

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

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

AYE: Bowling, Curlee, James, Lindeman, Shasteen

NAY: Bisby

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

(This would increase 44400 Recreation Amin. (10) Line Item 111 Salaries-Fulltime from \$83,392 to \$84, 892 (increase of \$1,500) and Line Item 262 Car Allowance from \$2,500 to \$0.

A motion was made by Mr. James and seconded by Mr. Shasteen to change 42200 Fire Administration (10) Line Item 235 Membership & Dues from \$100 to \$400; to change 42200 Suppression (017) Line Item 251 Medical Expense from \$1,200 to \$4,500; Line Item 320 Operating Supplies \$8,000 to \$9,000; and Line Item 940 Purchase of Equipment from \$500 to \$5,000; to change 42200 Building Maintenance (21) Line Item 266 Repair of Buildings from \$10,000 to \$14,000; to change 42200 Fire Inspection (22) Line Item 220 Printing and Publications from \$600 to \$1,000. On roll call all members present voted aye and it was so ordered.

Mr. James said that he would like to make a motion and asked for a second for discussion. A motion was made by Mr. James and seconded by Mr. Shasteen to add one Patrol Officer to the Police Department at the cost of approximately \$49,150. Mr. James presented background information regarding the number of Patrol Officers. He indicated they have a request for two officers but maybe they could approve one. Mr. James said they have 36 officers currently and hopes that they could approve the 37th tonight. Discussion followed regarding the activities and hours of the SRO. Mr. Curlee asked where the source of funding would come from. Mr. James said it would have to reduce the amount of funding for capital improvements. Mayor Bisby said the he would be willing to eliminate the "tag team" position under Community Development to help pay for the Patrol Officer. A motion was made by Mrs. Bowling and seconded by Mr. James to eliminate the "tag team" and change 41500 Community Development (090) Line Item 114 Salaries-Part time from \$15,360 to \$0. Mr. Curlee asked if that would include a vehicle for the officer. It was noted that the request did not specify. On roll call all members present voted aye and it was so ordered. Mayor Bisby called for a

vote on the amendment to add a patrol officer. On roll call all members present voted aye and the motion was so ordered.

Mr. Shasteen said that he was going to offer an amendment that could perhaps potentially go towards helping to pay for this Police Officer. Mr. Shasteen said that he would be referencing the Drug Fund Items on page 74. Mr. Shasteen said that this is a fund that has not been discussed at their previous meetings so that he will go into this admitting that he knows very little about this fund. Mr. Shasteen referenced that under Revenues - Appropriated Fund Balance being \$29,468 and that this could go a quite a way in paying towards a police officer. Captain Scott Jackson explained that he did not believe that funding a police officer would be an allowed expense from the Drug Fund. Mr. Shasteen said that he was not saying that they could spend the money directly from the Drug Fund but that the City could potentially not appropriate that money to the Drug Fund. Mrs. Wilson explained that the City does not appropriate that money to the Drug Fund that it funds itself. Discussion followed of where the Drug Fund money comes from, the balance and how it is appropriated. It was determined that the potential savings from this fund could not go towards funding a police officer. Mr. Shasteen said that it could lessen the appropriation from the Drug General Fund.

Mr. James explained that there is basically a bank account and the money is appropriated from that account what they need to make this balance. Mr. Shasteen said then that the less they appropriate from this bank account the more that will stay in the bank account. Mr. Shasteen said that what he is trying to get to is the expenditures on this fund. He asked who makes the decisions on the expenditures on this fund. It was indicated that the Police Chief and the City Recorder have to sign off on the expenditures. A motion was made by Mr. Shasteen to change Drug Fund Items Expenditures Line Item 112 Salaries-Overtime from \$12,000 to \$3,000; Line Item 321 Community Service (DARE) from \$7,000 to \$2,000; Line Item 326 Uniforms from \$1,000 to \$0; Line Item 799 General Expense from \$20,000 to \$3,500. Mr. Shasteen said that he went into this admitting that he did not know a lot about this fund but that the expenses appear pretty big based on recent history and if something changes in the next 24 hours he is prepared to readdress this if need be. He said that he would request that Captain Jackson confer with Mr. Blackwell and confer with the City Recorder a give him something tomorrow if there needs to be a change. Mr. Shasteen said his amendment creates a total reduction of \$31,500. Mrs. Bowling said that she would second the motion but what will they do with it? Mr. Shasteen said it could stay in the bank account. Mr. Curlee said that the purpose of this is to do good things in the community so why decimate it like that? Mr. Shasteen said that it has a \$200,000 bank account that it can obviously pull from whenever it wants. Mr. Curlee said that is what the expenditures are and Mrs. Bowling agreed. Mrs. Lindeman asked if this is a person they are discussing. Captain Jackson said that it can be a drug buy, some type of operation, they can bring in an agent from outside, but it has to be specifically drug related. Mr. Baltz said that since this is

a restricted fund anyway it's not like the amendment will limit access or use of those funds in the future so this would give an opportunity for the new Chief Blackwell to examine the program in its totality and make a recommendation to the Board and if the Board wants to amend it and put something back in that he believes has merit they could do at that time. Discussion followed regarding the constant auditing of the Drug Fund. Mr. James agreed with Mr. Baltz to let the new chief examine this and bring a recommendation. Mr. James said then there is always the notion of why don't we just let him look at what it says now and then bring a recommendation to us. Mr. Shasteen said that it will be the new Chief's responsibility to review and make recommendations. Mayor Bisby then said given that statement why would they want to change it? Mr. Shasteen explained to the Mayor that he had spoken to the new Chief Blackwell and that he felt like these numbers were pretty much in line with where he sees this going. Mrs. Lindeman asked if that would take money out of the Drug Task Youth Development fund. Mr. James said he did not see that listed there. Mayor Bisby called for a vote on the motion as presented. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Shasteen

NAY: Curlee, Lindeman

The vote being four (4) ayes and two (2) nays the motion was so ordered.

Mrs. Bowling asked if under the Miscellaneous Appropriations – Youth Activities/Drug Task Force is that an allowable expense for the Drug Fund? Captain Jackson was not certain of the restrictions.

Mr. James asked Mr. Baltz to clarify under Fire Administration Line Item 111 Salaries-Fulltime \$81,737 what that includes. Mr. Baltz said that if he remembers correctly that they had an administrative person for the fire department from a clerical status. Mr. Shasteen said that the budget notebook that they originally received on April 16 that they went over says that the change of \$31,200 included an administrative assistant to handle paperwork and reports and that \$1,880 of that was included in the Chief's retirement. Mr. James said that the reason he brings this up is because they are in the process of hiring a new Fire Chief and the new Chief may or may not want to arrange the staff in this manner where they have this clerical person. He said they may want to have a Deputy Fire Chief or something, he said he didn't know, but he thought it would be good for them to not insist that this person be hired right away so that the new Chief can decide how they want to arrange their staff. Mr. James said that it's just a sense; to allow them to make their decision and bring a proposal to them. He said there may be a way to rearrange their staff a little bit at about the same amount of money, maybe do something else. He said that he just has that sense and he thinks it would be a good idea to wait until the new Fire Chief is hired so

that they can make that decision. Mrs. Bowling asked is there not a person there right now? Mr. James said no it would be a new position. A motion was made by Mr. James and seconded by Mrs. Bowling that our Staff not hire and fill that position until such a time as the new Fire Chief can determine whether or not that is the organization that they actually want to have and they can bring up a proposal if it is something else. On roll call members present voted aye and it was so ordered.

Mr. Shasteen said that this comes at the request of the Parks & Recreation Director. He explained they had been outsourcing the custodial services and that Mr. Glick was very explicit that this is not working. A motion was made by Mr. Shasteen and seconded by Mr. James to change 41800 Custodial Services (66) Line Item 190 Professional Services from \$57,840 to \$0; and Line Item 111 Salaries-Fulltime from \$0 to \$68,632. Mr. Shasteen explained this would create two fulltime positions. Mr. Baltz explained that there may be some transition time giving proper notice for termination of services and overlap of funds. On roll call all members present voted aye and it was so ordered.

Mr. James said that he had a note regarding page 73 under Education, he said we have that number for the direct appropriation in the City Budget but that it should be noted and reflected. A motion was made by Mr. James and seconded by Mrs. Bowling to add a note to 44900 Education Line Item a. Appropriation *see Section 3 and the tentative number for planning purposes would be changed to \$3,634,221. On roll call all members present voted aye and it was so ordered.

A motion was made by Mrs. Bowling and seconded by Mr. James to change 51000 Miscellaneous Appropriations – Historic Preservation Society from \$800 to \$1,000. On roll call all members present voted aye and it was so ordered.

Mr. James asked that they go to their Reserve Utilization Required number on page 73 and see what it says right now and maybe make an adjustment towards capital improvement numbers so that they would have the negative \$168,000. Mrs. Womack said it would be an approximate number because of the OASI not automatically calculating tonight. The Reserve Utilization number reads \$99,394. A motion was made by Mr. James to add \$67,606 to that \$99,394 to make it a total of \$168,000 and then subtract \$67,606 from the Capital Improvement number listed on page 72 49000 Debt Service Line Item Capital Reserve Fund/contingency. Mr. James said that he understands there may be a little adjustment on that because of OASI, but this will give us a pretty good idea of what we have for capital improvements for the City and School outside of the Sales Tax Sinking Fund. He said he's thinking it will be approximately \$232,619 right now. A motion was made by Mr. James to change the Capital Reserve Contingency fund from \$300,225 to \$232,619 and change the Reserve Utilized/Required line to -\$168,000. Mrs. Bowling seconded the motion. On roll

call all members present voted aye and it was so ordered.

Mayor Bisby called for a vote on the motion to approve Ordinance No. 1352 the budget as amended. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE NO. 1352

Meeting was recessed.

Meeting called back to order.

AGENDA ITEM 07-47 – APPOINTMENT TO THE BOARD OF ZONING AND APPEALS

Mayor Bisby presented the background information and announced they are looking for someone to serve on the Board. Mayor Bisby will appoint at the next meeting.

AGENDA ITEM 07-57 – ARCHITECTURAL/ENGINEERING SERVICES FOR MUNICIPAL BUILDING RENOVATIONS

Mr. Baltz presented the background information. Mr. James explained that he now understands that this was a request for qualifications not proposals. A motion was made by Mr. James and seconded by Mr. Shasteen to take no action. On roll call all members present voted aye and it was so ordered.

RESOLUTION NO. 1341 – A RESOLUTION TO DESIGNATE THE CODE OF ETHICS FOR THE OFFICIALS AND EMPLOYEES OF THE INTERLOCAL SOLID WASTE AUTHORITY

Mayor Bisby read the caption of Resolution No. 1341. A motion was made by Mr. James and seconded by Mr. Shasteen to accept Resolution No. 1341 as presented. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF RESOLUTION NO. 1341

NEW BUSINESS

AGENDA ITEM 07-67 – APPROVAL OF FY2008 MAINTENANCE OF STATE HIGHWAYS THROUGH MUNICIPALITIES AGREEMENT BY AND BETWEEN THE CITY OF TULLAHOMA AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION

Mr. Wayne Limbaugh presented the background information. A motion was

made by Mr. Curlee and seconded by Mrs. Bowling to approve Alternative No. 1 to approve the Agreement and authorize the Mayor to sign same. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-68 – APPROVAL OF RIGHT-OF-WAY EXCHANGE FOR TURKEY CREEK ROADWAY IMPROVEMENT PROJECT

Mr. Limbaugh presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Staff Recommendation that the Board of Mayor and Aldermen approve the land swap contingent upon the Banks agreement to swap, and to authorize the City Attorney to draw up the appropriate paper work for the Mayor to complete the transaction. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-69 – APPROVAL OF GRANT AGREEMENT WITH STATE OF TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS/EDWARD BYRNE JUSTICE ASSISTANCE

Captain Scott Jackson presented the background information. A motion was made by Mr. James and seconded by Mrs. Lindeman to authorize the Mayor to sign the grant contract. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-70 – APPOINTMENT TO DUCK RIVER UTILITIES COMMISSION

Mr. Baltz presented the background information. Mr. James asked how long this was posted and made public. Mr. Baltz responded that it has been posted for about 30 days. Mayor Bisby said that Mr. Clark Walker would be a fine candidate. A motion was made by Mr. James and seconded by Mrs. Bowling to appoint Mr. Clark Walker to the Duck River Utility Commission. The appointment is for a term of three years to end June 30, 2010. Discussion followed regarding an additional appointment. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-71 – APPROVAL OF FRANCHISE AGREEMENT BY AND BETWEEN THE CITY OF TULLAHOMA, TENNESSEE AND CHARTER COMMUNICATIONS LLP

Mr. Baltz presented the background information. Mr. Baltz read the changes as requested by the Board. Mr. James pointed out a typo error on page 2 or 198 of the agenda second paragraph where it says City Council of Baldwin, Tennessee asking should that be Tullahoma. Mr. Baltz agreed that should be Tullahoma. Mr. James asked Mr. Baltz to summarize the changes that were suggested but were not incorporated. Mr. Baltz presented that information. Mrs.

Bowling asked about 6.6 regarding the responsibility of the developer regarding the (10) days notice and that they had asked for 30 days but they have made it more restrictive. Mrs. Bowling asked if our Planning & Codes Director would like to comment. Mr. Dwayne Hicks indicated that he does not have the staff to make the notifications as required by this agreement. Mr. Baltz said that he feels this may be a coordination issue. Mr. James asked about a discussion they had amongst the Board about a situation where someone was prohibited by law from doing something and wanted to know the resolution of that. Mr. Baltz said it was in 6.1 Service Area and explained the information. A motion was made by Mr. James and seconded by Mrs. Bowling to accept Alternative No. 1 to approve the agreement and authorize the Mayor to execute same. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-72 - APPROVAL OF AGREEMENT FOR LOCAL ORIGINATION PROGRAMMING AND OTHER SERVICES BY AND BETWEEN THE CITY OF TULLAHOMA, TENNESSEE AND PEAHEAD PRODUCTIONS

Mr. Baltz presented the background information. Mr. Baltz said that he would recommend that they accept Alternative No. 1 to approve the Agreement with the new language, but reduce the extension period (if exercised) from three years to one year in order to review the account information. Authorize the Mayor to execute the agreement. Mr. Baltz explained the changes on page 226. A motion was made by Mr. James and seconded by Mrs. Bowling to accept Alternative No. 1 to approve the Agreement with the new language, but reduce the extension period (if exercised) from three years to one year in order to review the account information. Authorize the Mayor to execute the agreement. Mr. James commented on page 224 under Local Origination, requirements (1) and (2) and asked to amend to eliminate (1) and not require them to do the local news programs – that they can do at their discretion and to change (2) to incorporate the Tullahoma Airport Authority to be recorded and aired at least twice within 48 hours of the meeting. Mr. Curlee asked that Mr. Morrison direct him regarding voting this evening. Mr. Curlee stated that he does not receive any compensation from Peahead but he has a family member that does and should he not vote tonight because of that. Mr. Morrison said that he has an ethical obligation to disclose that information and he has done that so it would be his decision. Mrs. Lindeman said disclosed that she does receive compensation that she obtains advertisement for them. Mr. Morrison referred the code of ethics referring to the same household. Mr. Curlee requested that Mr. Fuller and Mr. with Peahead Productions are in the audience and would they like to comment on the motion proposed by Mr. James. Mr. Fuller explained that they would not have a problem with that except that the Airport Authority could not be played live, they do not have a live feed there. Mr. James said he understands that and that is why he suggested it being aired twice within 48 hours of the meeting. Mr. Shasteen discussed the information under Equipment on page 225 and on page 227 regarding the sound system. Mr. Shasteen discussed the use of the sound system

for the Planning Commission meetings and Mr. Fuller in agreement stating that the City does have a key. 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 to approve the agreement with the amendments.

AGENDA ITEM 07-74 - LIGHTING FOR DOWNTOWN BEAUTIFICATION PROGRAM

Mayor Bisby presented the background information. A motion was made by Mr. James and seconded by Mrs. Lindeman to approve the lights with a Fiscal Impact of \$6,000 in the City street lighting account for FY2008. Discussion followed of the park like atmosphere and idea. Mrs. Bowling discussed the lease agreement with the CSX and requirements. Discussion followed regarding permission for moving the Caboose and that CSX helped with the move of the Caboose. More discussion followed regarding the design of the area, contact with CSX, and donations that have helped with the move. Mayor Bisby called for a vote on the motion. On roll call the vote was as follows:

AYE: Bisby, Curlee, James, Lindeman, Shasteen

NAY: Bowling

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

AGENDA ITEM 07-75 - APPROVAL OF INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING

Mrs. Bowling presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. James to approve the agreement and authorize the Mayor to execute the agreement. Discussion followed regarding vehicle purchases being a part of this and the Finance and Purchasing departments overseeing. 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.

CITY RECORDER

MAYOR