

**BOARD MEETING
JULY 10, 2006**

The Board of Mayor and Aldermen of the City of Tullahoma, Coffee and Franklin Counties, Tennessee met in a public session at the Municipal Building, in Tullahoma, on Monday, July 10, 2006 with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Scott Shasteen, and Phil Trimble. Absent were Lane Curlee, Rich Darden, and Jim Waters.

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

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

PROCLAMATIONS; AWARDS; AND SPECIAL PRESENTATIONS

COMMENTS FROM CITIZENS

Mr. Chad Beyer, 107 N. Garland Crest Court, commented regarding the proposed changes to the noise ordinance and asked for a copy of the current noise ordinance. He questioned the statement that pacemakers could fail based on stereos and said that cell phones had been known to cause failure. Mr. Beyer said he did not want the board to base their decision on incorrect information.

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN BOWLING – Mrs. Bowling reported that TUB had a regular meeting and a special meeting and that they discussed the feasibility of providing sewer on 41A for future development. Mrs. Bowling stated that the Airport Authority would meet tomorrow night and that they have been working for several months to get the easement from Sverdrup to address drainage issues. Mr. Limbaugh reported that they had just received the easement and were working on drainage. Mrs. Bowling thanked the Kiwanis Club for the July 4th fireworks display.

Mrs. Bowling gave an update regarding the issue that Mr. Jim Hesson addressed at the last board meeting. Mrs. Bowling reported that Mr. Morrison had researched the issue and that a public hearing will be held.

Mrs. Bowling requested that a Policy Committee meet to discuss policy on Police take home vehicles.

ALDERMAN TRIMBLE – Mr. Trimble reported that he attended the Planning Commission meeting and reported on a new subdivision that is coming in at Riley Creek and Parkway and that he thinks it will be brought into the City. Mr. Trimble reported there were some concerns from citizens who live off of Autumn Lane who attended the Planning Commission and expressed their concern with respect to water run-off, but the City Engineer has been instructed to look at that closely. Mr. Trimble said that he thinks it would be a nice development for the area and for the City and that it suggests continued growth with well planned developments.

ALDERMAN SHASTEEN – Mr. Shasteen reported that he attended the Planning Commission meeting on June 21, 2006 and another item he felt was significant was that they held a public hearing and approved the annexation of 6 acres off of Marbury Road behind Collinwood subdivision and this Board will have the opportunity to set a public hearing on that issue later on tonight. Mr. Shasteen said that the Planning Commission has had a vacant seat for the last few weeks and that it appears they are looking at an appointment to that position later on in the agenda tonight. He said that he knows the rest of the Planning Commission welcomes the opportunity to have a full commission again. Mr. Shasteen said that they also discussed the proposed subdivision that Alderman Bowling mentioned between Ovoca Road and Rock Creek Road, that being known as Ovoca Heights. He said that Mr. Morrison has determined that the public hearing process was flawed and that the developer and the public must now go through a preliminary plat public hearing process once again. Mr. Shasteen said that an article in the paper quoted Mr. Dugdale as saying that it looked like politics had gotten in the way of the legal way to do things, and Mr. Shasteen said that to him that implies that something illegal was done and that is just absolutely not the case here. Mr. Shasteen said that because of the proposed development and because of the fact that almost 300 signatures were on a petition that questioned that development the Planning Commission at the time of the first public hearing promised the folks that were here that they would hold another public hearing before any dirt was turned. Mr. Shasteen said that because of the size and the impact that it will have on a large number of citizens as well as schools, roads, utilities, fire protection, and police protection that as far as politics getting in the way, then as far as this particular subdivision is concerned, then he's all for that and it was the right thing to do.

Mr. Shasteen reported that the school has not met in a regular session since the last Board of Mayor and Aldermen (BMA) meeting, however they have met in a couple of special sessions and will meet again this week to accept a bid for the new stadium lights at Wilkins Stadium. Mr. Shasteen said the School Board is going to pay for the lights from their reserve fund and it's anticipated that will be complete before August 25, which is the date of the first home football game. Mr. Shasteen stated that Tullahoma has a number of rivalry games at home this season, and it's crucial for the entire athletic department for those games to be

played at Tullahoma High School. Mr. Shasteen said that the Football program supports almost all of the rest of the athletic programs completely and this will probably be the biggest home gate season that Tullahoma High School has ever had in football. Mr. Shasteen reported that the school board met with four members of this Board on June 22 to provide information regarding this school's budget request for this year. Mr. Shasteen reported that it was strictly an information meeting and it was attended by a number of citizens and a number of candidates, and all of the School Board members were there and he thanked all those who attended. Mr. Shasteen said that he thinks it is important that citizens stay involved in the meetings and decision process.

MAYOR BISBY – Mayor Bisby thanked Public Works and the Tullahoma Utility Board for their help in the improvements in the downtown area. Mayor Bisby said that Parks and Recreation are doing some similar improvements for the D.W. Wilson area and are making some real good headway for very little dollars.

REPORT FROM THE CITY ATTORNEY – No report.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that Mr. Morrison had a report regarding the negotiations for the former City Attorney and has a recommendation.

Mr. Randall Morrison, City Attorney, reported that he will need to draw up an agreement for the Mayor to sign to authorizing the City to finalize the negotiations that they agreed to with Mr. Worsham.

A motion was made by Mrs. Bowling and seconded by Mr. Trimble to authorize the Mayor to execute the settlement agreement for Mr. Worsham. Mr. Shasteen asked about the amount of the agreement and if the citizens can be made aware of the agreement amount. Mr. Baltz explained how the agreement amount was calculated and that it was approximately \$50,000. Mr. Morrison said that in addition to that amount, that Mr. Worsham would also continue to receive fees for processing delinquent taxes as they are received. Mayor Bisby said that is per the agreement the City has always had with Mr. Worsham. Mr. Baltz said this is payment for work that he has already performed. Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

CONSENT AGENDA

Agenda Item 06-86 - Minutes of June 19, 2006 Board Meeting

A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept the minutes of the June 19, 2006 board meeting as presented. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

Mr. Trimble said that the BMA had discussed a request from businesses on E. Lincoln Street regarding the paving of the alley that runs along Emil's restaurant that had been discussed at a previous meeting. Mr. Limbaugh reported that the cost estimate was approximately \$9,000. A motion was made by Mr. Trimble and seconded by Mrs. Bowling to authorize Public Works to pave the alley with the use of funds designated for paving. On roll call all members present voted aye and it was so ordered.

NEW BUSINESS

AGENDA ITEM 06-86 – APPOINTMENT TO PLANNING COMMISSION

Mayor Bisby stated that this is a Mayoral appointment and announced that he had appointed Mr. Neil Loeffler to fill the unexpired term of Mr. Tim Hall who resigned earlier this year. Mr. Loeffler's term would expire October 26, 2009.

Mr. Loeffler accepted and thanked the Mayor and Aldermen.

ORDINANCE NO. 1336 – AN ORDINANCE TO AMEND CERTAIN PROVISIONS IN CHAPTER 3, OFFENSES AGAINST THE PEACE AND QUIET, SECTION 11-303, NOISE CONTROL

Mayor Bisby read the caption of Ordinance No. 1336 for the first of two readings. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to approve Ordinance No. 1336. Mr. Trimble expressed his concern with enforcement of the ordinance and asked that Mr. Baltz work with the Police department to determine how they it will be handled. Mr. Baltz stated that they are currently enforcing, but the difference is that they did not have a graduated scale for fines. Discussion followed regarding the wording of the fine amount and whether it would weaken the ordinance. Also discussed was the confiscation of the equipment and the understanding that it was not allowed under state law. Mr. Shasteen and Mrs. Bowling agreed that they hoped raising the fine would be a deterrent. Mayor Bisby called for a vote. On roll call all members present voted aye and the motion was so ordered.

SEE ATTACHED COPY OF ORDINANCE #1336

AGENDA ITEM 06-87 – SPAR-GAS FACILITY ON RAILROAD ROW

Staff recommends that if the Board approves this request, that they forward to the Tullahoma Development Committee for technical review and approval. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to authorize the

Mayor to sign the approval for request to allow Spar-Gas Inc., to locate an office, with two bulk storage tanks within the Caney Fork Railroad right-of-way, directly in front of the water tank on the east side of Cobb Rd., approximately seventy (70) feet from Hwy. 55 toward Manchester, subject to the approval of the Development Committee for technical review and approval. On roll call all members present voted aye and it the motion was so ordered.

AGENDA ITEM 06-88 – SET PUBLIC HEARING FOR ANNEXATION AND PLAN OF SERVICE (COFFEE COUNTY TAX MAP NO. 109, PARCEL 57.05), MR STEVE ANDERSON, KEYSTONE DEVELOPMENT, APPLICANT

Mr. Steve Woodard presented the background information. A motion was made by Mr. Trimble and seconded by Mrs. Bowling to set a public hearing for August 14, 2006 for request for annexation and plan of service. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-89 – SET PUBLIC HEARING FOR SURPLUS OF ROW (ABANDONED SECTION OF LEDFORD MILL ROAD), MR. ANTONIO ROSSINI, APPLICANT

Mr. Steve Woodard presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Trimble to set a public hearing for August 14, 2006 for request for surplus of right-of-way. 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, upon motion made and duly seconded, the Board Meeting adjourned. On roll call all members present voted aye and it was so ordered.

FINANCE DIRECTOR

MAYOR