

BOARD MEETING

NOVEMBER 13, 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, November 13, 2006 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, 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 Dr. Jim Growden and the pledge of allegiance to the flag.

PROCLAMATIONS; AWARDS; SPECIAL PRESENTATIONS; COMMENDATIONS; AND CERTIFICATES

Mayor Bisby read and presented a proclamation to Ms. Kitty Shukla, Trinity Care Center, designating November as National Family Caregivers Month in Tullahoma.

Mayor Bisby recognized employee Edd Lendley for 30 years of service to the City of Tullahoma.

COMMENTS FROM CITIZENS - None

REPORT FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN BOWLING – Mrs. Bowling reported that she had the opportunity to go to Colorado Springs, CO, and represent the Air Force as part of a community leadership program. She said that they toured the Air Force academy and were allowed to have dinner with the cadets. Mrs. Bowling said that they met with the space command and were briefed on a lot of things taking place in our military, both in the air force and space commands, and the fact that budgetary constraints and reorganizations are all going to have to be dealt with and coped with. She said they toured where the atomic clock is kept and were able to talk to the crew that maintains and controls the 30 GPS satellites that circulating around our globe at all times. Mrs. Bowling reported that the GPS satellites were developed, launched and maintained by the United States Air Force at no cost. She said it was incredible to see those individuals that are controlling our GPS systems and the affect that GPS now has on our daily lives from credit cards to

cell phones to actual navigation systems.

Mrs. Bowling reported that she attended training for the Board of Zoning and Appeals. She then attended the Board of Zoning and Appeals where they elected Mr. Jeff Bowen as the Chairman. Mrs. Bowling reported that they reviewed three items; one for a landscape variance, one for a set back variance, and one for a sign variance and were able to award those according to the discretion of the law.

Mrs. Bowling reported that she attended off-sites with the TUB with the Chattanooga Power & Electric representatives and they discussed some things that they have done and are doing in regard to getting fiber optics to the home. They met with TVA and were given a tour of the floor where they operate the daily power grid for TVA. She also went with TUB to Nashville to meet with TN Municipal Electrical Power Association and was briefed on different legislation that could come up next year that could impact cities.

ALDERMAN CURLEE – No Report.

ALDERMAN LINDEMAN – Mrs. Lindeman reported that she attended the joint meeting with the Board of Education and the Board of Mayor and Aldermen two weeks ago and she also attended their work session last Monday night where some things came up that will be discussed later on in the agenda.

Mrs. Lindeman announced that anyone interested in being a part of the Drug Task Force contact City Hall.

ALDERMAN TRIMBLE – Mr. Trimble reported that he had a meeting last week with a UDAG applicant last week but it is later on the agenda.

ALDERMAN JAMES – Mr. James reported that he attended the TN Aeronautics Seminar (so to speak) held at the Staggerwing Museum. He said it was good for him to attend to show that Tullahoma was interested in capital projects but also to understand the process that our Municipal Airport Authority goes through to get funding for capital projects to get matching funds.

Mr. James reported that the Planning Commission met on October 26 and November 3 and over the course of those two meetings they did approve the preliminary plat for the developments going on in the triangle right by Ovoca and Riley Creek. Mr. James said it was a 3/2 vote. Mr. James explained that he voted in favor because of the transition that is taking place right now with regard to regulations and that this developer was caught in the transition. Mr. James said that he believes that the developer has made a good faith effort to comply with their new requests.

Mr. James reported that he attended the Health Fair on November 3 and

said that it was a good and educational experience. Mr. James thanked those who helped to put on the Health Fair.

Mr. James reported that he went to the Johnson Lane Community Forum at C. D. Stamps. He said it was very good and put on by the Director of Parks and Recreation and it let the community know what the City's plans are for the phases of the development at the Johnson Lane facility.

Mr. James said that on November 10th that there was a very well thought out and professional Veteran's Day commemoration and thanked those who put that on that event.

MAYOR PRO-TEM SHASTEEN – Mr. Shasteen reported that he also attended the Planning Commission meetings with Alderman James. He said that the three subdivisions that the preliminary plats were approved for were Pinnacle Place, Emerald Meadows, and the Woodlands. He said that as many know this has been a controversial issue but felt like they finally managed to cross the first bridge with the issue. Mr. Shasteen pointed out some things that came from this debate on the subdivision. Mr. Shasteen said that the Planning Commission effectively fought for the interest and the concerns of the surrounding neighbors and for the city as a whole and ended up securing a number of concessions from the developer that were not a part of the package in the beginning. Mr. Shasteen said that the city will own the inside of the fork of Ovoca Road and Riley Creek Road (approximately 1 acre). He said the city will own that for three years and have the opportunity to redesign that intersection. He said that he would strongly recommend and encourage Staff to begin the process. Mr. Shasteen said that as per subdivision regulations that there will be sidewalks all the way down both sides of that subdivision, and they will look at options to slow down traffic in that area. Mr. Shasteen said that through the process of this subdivision that it came to light that many of the methods that the Planning Commission had been using in the past and in the Planning Department were incorrect and were not in accordance with what our laws say they should have been. So, one of the positives in this process was a much better understanding of the procedure that the Planning Commission and the Planning Department should follow in these types of situations. Mr. Shasteen said that the Planning Commission decided to go back to two meetings per month (one to decide issues and one will be to talk about these regulations, the different plans in the city, etc.). Mr. Shasteen said that the Planning Commission will meet again on the 21st and he will report back from the BMA that the Planning Commission can once again begin considering annexation to try to clear up the checker board on the outskirts on the city limits.

Mr. Shasteen congratulated Tullahoma High School senior Cass Barnes for one of the best seasons in the history of THS football offensively. Cass Barnes was the second ranked passer in the State of Tennessee and has been nominated for the Class 4A American General Mr. Football Award. Mr. Shasteen said that he is

only one of three students in Class 4A throughout the State nominated for that award. Mr. Shasteen congratulated Cass Barnes, Coach Olive and his staff and the entire Tullahoma High School Football Team because obviously he could not have done this without the team.

MAYOR BISBY – Mayor Bisby reported that he also attended the Board of Education meeting with Mrs. Lindeman. He said they were looking at the block schedule to determine if it is effective. Mayor Bisby said they voted to split the cost of the roofing (50/50) for East Middle School with the City which is later in the agenda.

Mayor Bisby said he still needs to make another appointment to the Planning Commission and that he plans to do that at the next Board meeting. Mayor Bisby commended the Planning Commission for their actions in the development issue and recognized that it was a very tough decision. Mayor Bisby also commended Mr. Baltz and the Planning Department staff for their fantastic job in assuming extra duties while being down two employees.

Mayor Bisby reported that he attended the presentation for the Johnson Lane facility and thought that it was overall well received and believes it will be a great addition to our community and parks and recreation.

REPORT FROM THE CITY ATTORNEY – No report.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reminded everyone to mark their calendars for Tuesday, December 12 will be the annual Old Time Christmas Stroll to begin at 5:30 p.m. There will be a press release regarding the event when all details are confirmed.

Mrs. Bowling commented on the history of the Christmas Stroll and that it has become more of a musical and that she appreciates Ms. Debi Graham and Mr. Baltz for their planning of the event.

CONSENT AGENDA

Agenda Item 06-142 - Minutes of October 23, 2006 Board Meeting

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

At this time Mr. Shasteen requested a change in the agenda to move New Business items 8-13 to be considered now before Old Business so that anyone in attendance for those items they would not have to sit through Old Business. The Mayor and Aldermen were in agreement.

Mr. James requested a change also to Old Business number 4 and 5. He requested that number 4 be put in front of number 5 because the outcome of number 5 may have an impact on number 5. The Board was in agreement.

Mr. James also requested that the item under New Business number 14 (Ordinance No. 1347) be moved to before Old Business item No. 2 (Ordinance No. 1342) because he believes they need to have some discussion about new ways they should be doing their budget and need to understand that before making budget related decisions on other items. There were no objections.

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

NEW BUSINESS

ORDINANCE NO. 1344 – AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDAREIS OF THE CITY OF TULLAHOMA, TENNESSEE AND TO ZONE SAME (3574 MANCHESTER HWY)

Mayor Bisby read the caption of Ordinance No. 1344 for passage on the first of two readings. A motion was made by Mrs. Lindeman and seconded by Mr. Shasteen to approve Ordinance No. 1344 for annexation of 3574 Manchester Hwy. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE NO. 1344

RESOLUTION NO. 1318 – ADOPTING A PLAN OF SERVICES FOR 3574 MANCHESTER HWY

Mayor Bisby read the caption of Resolution No. 1318. A motion was made by Mr. Trimble and seconded by Mrs. Bowling to adopt Resolution No. 1318. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED RESOLUTION NO. 1318

ORDINANCE NO. 1345 – AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDAREIS OF THE CITY OF TULLAHOMA, TENNESSEE AND TO ZONE SAME (101 WENDELL

COURT)

Mayor Bisby read the caption of Ordinance No. 1345 for passage on the first of two readings. A motion was made by Mr. James and seconded by Mr. Trimble to approve Ordinance No. 1345 for annexation of 101 Wendell Court. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE NO. 1345

RESOLUTION NO. 1319 – ADOPTING A PLAN OF SERVICES FOR 101 WENDELL COURT

Mayor Bisby read the caption of Resolution No. 1319. A motion was made by Mrs. Bowling and seconded by Mr. Trimble to adopt Resolution No. 1319. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED RESOLUTION NO. 1319

ORDINANCE NO. 1346 – AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDAREIS OF THE CITY OF TULLAHOMA, TENNESSEE AND TO ZONE SAME (204 VIRGINIA DRIVE)

Mayor Bisby read the caption of Ordinance No. 1346 for passage on the first of two readings. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to approve Ordinance No. 1345 for annexation of 204 Virginia Drive. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE NO. 1346

RESOLUTION NO. 1320 – ADOPTING A PLAN OF SERVICES FOR 204 VIRGINIA DRIVE

Mayor Bisby read the caption of Resolution No. 1320. A motion was made by Mrs. Bowling and seconded by Mr. James to adopt Resolution No. 1320. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED RESOLUTION NO. 1320

OLD BUSINESS

ORDINANCE NO. 1342 – AN ORDINANCE TO AMEND SECTION 5-501 OF THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TENNESSEE, TO CHANGE THE PERCENTAGES OF “HOTEL” PRIVILEGE TAXES COLLECTED AS ALLOCATED THEREIN

Mayor Bisby read the caption of Ordinance No. 1342 for the third and final reading. A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to accept Ordinance No. 1342 on third and final reading. On roll call all members present voted aye and it was so ordered.

SEE ATTACHED COPY OF ORDINANCE NO. 1342

NEW BUSINESS

ORDINANCE NO. 1347 – AN AMENDED 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 20, 2007, AND AN ORDINANCE TO SET THE TAX RATE FOR THE REAL ESTATE AND PERSONAL PROPERTY FOR THE TERM 2006, AND AN ORDINANCE TO FACILITATE OTHER FISCAL OPERATIONS OF THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Ordinance No. 1347 for the first of three readings. Mrs. Wilson presented the background information. Mr. James asked for clarification regarding the school budget being incorporated in our ordinance, if they have an amendment and change their budget, do they have to come back to make the change. Mrs. Wilson explained the different items that would come back to the BMA. Mayor Bisby said they needed a motion on the floor to discuss. A motion was made by Mr. James and seconded by Mrs. Bowling to adopt Ordinance No. 1347 on the first of three readings. Mrs. Bowling referred to the introduction portion of the memo from the State of Tennessee Comptroller and asked about the portion referring to three readings before December 1st. Discussion followed regarding the budget having already been submitted and probably not requiring three readings for amendments prior to December 1st. Staff will obtain more clarification from the State Dept. of Local Finance. If it is necessary to have three readings of Ordinance No. 1347 by December 1st, then the Mayor could call for a Special Call Meeting. More discussion followed regarding the definition of significant increase or decrease in budgets in the portion of the memo under General Information, number 4. Mayor Bisby called for a vote. Mr. James said that he wanted to speak further. Mr. James said that he had contacted Mr. David Bowling of the State Finance Office. He was told that if the school makes amendments to their budget then it would have to come before the BMA for approval. Mr. James stated that we want to make sure that things are being done according to the law. Mr. Trimble asked if they were going to vote on the motion. Mr. James called for point of order, as he did not want to be interrupted. Mr. James further discussed that we may be doing something wrong and need to clear the air and put more confidence in the way are doing business.

He said that a way to put confidence in the way we are doing business would be to have somebody come in and inspect us to make sure our processes are complete and within the law. Mr. James discussed that we have had audits but they have not caught these problems, so that he would recommend that we have another audit come in to check our processes to make sure that everything is done right. He said that we need to make sure that the numbers that we use in our budget for the school match the numbers that the school sends to the state of Board of Education. Mr. James further discussed that he feels that there should be more information regarding detailed numbers from the school but that he knows for compliance sake that we need to approve this ordinance and send it up. Mr. James then moved to amend the motion to also request an outside agency to come and audit the City to make sure our processes are correct. Mr. Trimble began to comment and Mr. Shasteen raised a point of order and said that Board rules specify that everyone should have an opportunity to speak on an issue before one member is allowed to comment again. Mr. Trimble said that he was requesting to make a comment on a subject that he had not yet spoken on. Mrs. Bowling said that she would second the amendment if that is proper order. Mr. Trimble pointed out that the State of Tennessee has recognized our City and Finance Directors year in and year out for the preparation and the manner and the professionalism in our budget. Mr. Trimble said that our outside audit does reconcile revenues and expenditures and we pay a substantial amount of money for this, and it is done by a certified public accounting firm and he feels that we do not need additional audits. He said that if we do not trust the firm, then we can change firms, but we pay a lot of money for the annual audit. Mr. Trimble stated that he disagreed with Mr. James' comments and further added that he would like to have Mr. David Bowling, State Finance Office address the Board, and would like to hear his words as they are said not as they are repeated. Mr. James further discussed his reasons for making the motion. Mr. Trimble noted that the State has sent a form letter to all TN cities and this ordinance is a housekeeping item. Mayor Bisby ruled that this amendment to the motion is not germane to the motion of passing the ordinance. He said it could be presented at another time but that it was not germane to this motion. More discussion followed regarding the understandings of the memo from the state comptroller's office and what procedures have been followed in the past and what should be followed now. Mr. James commended Mrs. Wilson for an outstanding job. More discussion followed regarding current operating procedures. Mr. James quoted TN Code Annotated 49-2-301 (B) (1) (W) (ii). Discussion continued regarding changes to the school budget and whether or not all changes need to be approved by the BMA. Mayor Bisby asked Mrs. Wilson for her understanding of this issue. Mrs. Wilson responded that once the BMA approves the school's budgets in total, that the Board of Education has authority to make line item changes within the budgets. Changes in revenue usage, bottom line amounts, and capital and debt decisions should come back to the BMA. Attorney Randall Morrison said he was in agreement with Mrs. Wilson. Mayor Bisby again stated that the amendment to the

motion is not germane to the motion therefore it is not a proper motion to the budget. He said that he was not ruling that it couldn't be brought up at this same meeting at a different time, but that it was too far removed from this to be a proper amendment to a motion. Mayor Bisby said that what he would like to offer is that we approve the ordinance and then discuss TN Code requirements saying that we needed to have the school board come back to this board if there is a significant change in the budget. Discussion followed regarding the delay of the budget process and that timing had made it difficult to meet requirements. Mr. Trimble encouraged that they should act on the original motion. Mr. James agreed that they do need to get past this tonight. However, he stated that he wanted to point out for everyone that at the September 11th meeting on the second reading of the original budget the Board discussed for about 45 minutes the law and how the school budget was not in compliance. He further said that there was a valid request from one of the aldermen to have a study session, and they did have the study session but only one member of the school board attended, and that not all of the aldermen were at the study session either. Mr. James said that now they have a letter from the State Finance Office confirming this information. He said that he agrees that there needs to come a point where we take action and do things differently. He said that doing things the way we've always done things will give us the same results and we need to ensure compliance with state law. Discussion followed regarding the letter being a form letter that was sent to all cities not just ours. Mayor Bisby said that at this point his ruling is that the amendment is not germane to the original motion. Mayor Bisby said that if at a later time Mr. James would like to bring it up as a separate motion that would be acceptable. Mr. James then offered a different amendment to the motion. Mr. James made an amendment to make a condition that they are provided a copy of the budget that they are approving. Mrs. Wilson said that she does have a copy of and didn't know that the Board would want a copy for this evening, but that Staff will provide a copy to the Board. Mr. James said that was fine. Mayor Bisby called for a vote on the motion to approve Ordinance No. 1347 with no amendments for the first of three readings. Discussion followed regarding the Board having more discussion regarding correct procedures being followed. Mrs. Bowling requested a copy of TN Code Annotated 49-2-301 (B) (1) (W) (ii). Mr. James said that he has a copy and would provide a copy to Mrs. Bowling. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

ORDINANCE NO. 1343 – AN ORDINANCE TO RAISE THE SALES AND USE TAX IN THE CITY OF TULLAHOMA TO 2.75% AND TO REQUEST A REFERENDUM OF THE PEOPLE TO APPROVE THE ORDINANCE

Mayor Bisby read the caption of Ordinance No. 1343 for the first of three readings. Mayor Bisby said at the last meeting they did defer this item and that there may some other alternatives proposed, but he would like to offer an option

to the Board. Mayor Bisby passed out a draft resolution to reduce the tax burden on property owners in the city of Tullahoma. Mr. James called for point of order that they need a motion on the floor. A motion was made by Mrs. Lindeman and seconded by Mr. James to adopt Ordinance No. 1343. A discussion followed regarding the resolution the Mayor handed out.

Mr. James handed out a written amendment to the motion for Ordinance No. 1343 to replace Section 4 and Section 5 with his proposed replacement for those sections and to renumber the old Section 5 to Section 6. A motion was made by Mr. James and seconded by Mr. Shasteen to amend the Ordinance and replace Section 4 and Section 5 and renumber Section 5 to Section 6 with the typed amendment by Mr. James. Much discussion followed. Mr. Shasteen suggested they have a study session before the next meeting to review. Mr. James said he would not withdraw his amendment. More discussion followed. Mr. James raised a point of order that the Mayor's resolution is not appropriate and should be thrown out and the only one on the table is the original motion to approve Ordinance No. 1343 and the amendment by Mr. James. Mr. James addressed his amendment proposed indicating that this will not bind future Boards and puts the decision with the people. Mr. Trimble discussed the 2/3 majority vote in Mr. James' amendment and that this Board not having the votes to support that. Mrs. Bowling indicated that she felt Mr. Trimble is confusing issues. Mr. Trimble stated for the record that he thinks this is subversive and this is a process that they have already gone through. Mr. James said that his amendment has nothing to do with recent Charter changes. More discussion followed regarding electorate and citizens can override anyway. More discussion on voting and that some of the Board did not like this resolution being presented tonight instead of having time to review prior to the meeting and also giving the City attorney time to review. Mr. James said that at the last board meeting there was a request to have the Mayor form a committee to go over this ordinance to present to the board members before this Board meeting. A motion was made by Mr. James to defer until the next board meeting. There was no second on the motion. Mr. Trimble and Mrs. Lindeman said that they could pass as written tonight and review at a special call meeting or study session, since it will require two more readings for passage. A motion was made by Mr. James and seconded by Mrs. Bowling to commit to the policy committee. Mr. Shasteen discussed that he asked at the last meeting if all three readings on the ordinance had to be the same and was told that they had to be the same. It was clarified that the final reading of the ordinance is the binding reading. Mayor Bisby called for a vote.

The 1st Vote: A motion by Mr. James and seconded by Mr. Shasteen to amend Ordinance No. 1343 and replace Section 4 and Section 5 with the typed changes by Mr. James and to renumber Section 5 to Section 6. On roll call the vote was as follows:

AYE: Bowling, James, Shasteen

NAY: Bisby, Curlee, Lindeman, Trimble

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

The 2nd Vote: A motion made by Mr. James and seconded by Mrs. Bowling to commit to the Policy Committee. On roll call the vote was as follows:

AYE: Bowling, James, Shasteen

NAY: Bisby, Curlee, Lindeman, Trimble

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

The 3rd Vote: A motion made by Mr. James and seconded by Mr. Shasteen to defer to the next meeting. On roll call the vote was as follows:

AYE: Bowling, James, Shasteen

NAY: Bisby, Curlee, Lindeman, Trimble

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

The 4th Vote: A motion was made by Mr. James and seconded by Mrs. Bowling to defer indefinitely. On roll call the vote was as follows:

AYE: Bowling, James

NAY: Bisby, Curlee, Lindeman, Shasteen, Trimble

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

The 5th Vote: The original motion made by Mrs. Lindeman and seconded by Mr. James to approve Ordinance 1343 as presented for the first of three readings. On roll call the vote was as follows:

AYE: Bisby, Curlee, Lindeman, Shasteen, Trimble

NAY: Bowling, James

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

SEE ATTACHED COPY OF ORDINANCE NO. 1343

OLD BUSINESS

AGENDA ITEM 06-140 – ROUNDS AVIATION UDAG LOAN

Mr. Trimble explained the background information and discussed to defer. Mayor Bisby suggested that the vote to deny and free UDAG money up since this issue could go on for a long period of time. Discussion followed to table the item. A motion was made by Mr. Trimble and seconded by Mr. Shasteen to table this item. On roll call all members present voted aye and it was so ordered.

RESOLUTION NO. 1301 – A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE TO APPROVE A UDAG LOAN APPLICATION

A motion was made by Mrs. Lindeman and seconded by Mr. James to accept Resolution No. 1301. Mr. Jon Glass reported that this was a 75/25 matching funds for \$63,750 total (25% of total project). On roll call all members present voted aye and it was so ordered

Mr. Shasteen asked for the item numbered 18 on the agenda under New Business (Ordinance No. 1349) be moved to now since the persons involved have been waiting in the audience.

NEW BUSINESS

ORDINANCE NO. 1349 – AN ORDINANCE TO PROHIBIT SMOKING OR OTHER USE OF TOBACCO RELATED PRODUCTS IN FACILITIES OR VEHICLES OWNED, LEASED OR OPERATED BY THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Ordinance No. 1349 for the first of two readings. Mr. James presented some background information. He said that he feels that it may need a little adjusting. He suggested that Section One under a, b, and c may be too broad. Mr. James discussed to amend C and Mr. Shasteen said that is already state law. Discussion followed that the amendment could delete c. More discussion followed from Attorney Morrison. A motion was made by Mr. James to amend c by leaving in any outdoor stadium, park, or playground, but strike out yard or other area. More discussion followed. A motion was made by Mr. James and seconded by Mr. Shasteen to amend the Ordinance No. 1349 Section One under c) to “strike yard or other area”. Mayor Bisby called for a vote on the amendment to the motion. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Lindeman, Shasteen, Trimble

NAY: Curlee

The vote being six (6) ayes and one (1) nay, the motion was so ordered.

Mayor Bisby called for a vote on the motion to approve Ordinance No. 1349 with the amendment. On roll call all members present voted aye and it was so ordered.

OLD BUSINESS

AGENDA ITEM 06-141 – REHABILITATION OF THE TULLAHOMA HIGH SCHOOL AUDITORIUM

Mayor Bisby reported that this item was deferred by the Board of Mayor and Aldermen at the October 23, 2006 meeting. Mayor Bisby said that since that time the Board of Education has made an offer to go 50/50 on the cost of repair to the East Middle School roof. Mrs. Bowling raised a point of order and said that there was a motion on the floor was that the City would provide a \$400,000 zero-interest loan to the School Board to be used on the priority of their choice. Mr. James said that he believes that was the stage they were at when they voted to defer and that Mrs. Bowling's point of order is where they need to pick up. Mayor Bisby said that he was giving a little background information that the school would like to share 50/50 and he opened the floor to wherever they were at that time of deferring. Mrs. Bowling repeated the above motion that was on the floor that had been made by Mrs. Bowling and seconded by Mr. Trimble. Mr. James asked if they would be willing to withdraw that motion in light of the new situation and "start from scratch". Mrs. Bowling and Mr. Trimble agreed to withdraw the motion. A motion was made by Mrs. Lindeman and seconded by Mr. James to share 50/50 with the Board of Education the cost of the roof for East Middle School. Mrs. Lindeman discussed the emails and bid specifications and how they arrive at a point to get a cost figure. Mrs. Bowling discussed her recommendation and the school bid process. Mr. James expressed his view regarding the bidding and his personal research regarding the cost of asphalt and the bid specifications and other information. Discussion followed regarding the school bid process and that the school is waiting to hear from the BMA for the BMA decision of funding. Mr. James made a motion to amend the motion to fund the entire roof and check for re-bid (check for the change of material) and not taking the funds out of reserves, but to take a note for the funds. Mrs. Lindeman asked if then the school has to pay it back. Mr. James said the City will pay for the roof and the school does not have to take it out of their reserves. Mr. Trimble seconded the motion for discussion. More discussion regarding bid cap, state mandates, bonds,

warranties, etc. After much discussion, Mr. Trimble said that if the motion is asking to reevaluate same bidder but different materials, then he would withdraw his motion. After discussion between Mr. James and Mr. Trimble regarding reevaluation Mr. Trimble withdrew his second on the amendment to the motion. More discussion followed regarding the school bid process and value engineering. Mrs. Bowling said that she would second the amendment to the motion by Mr. James. Mayor Bisby restated the motion made by Mr. James and seconded by Mrs. Bowling for the City to pay for the roof at East Middle School by taking a note and that the School use value engineering for what is approved in their contract and ask for a 20-year bonded warrantee. On roll call the vote was as follows:

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

NAY: Trimble

The vote being six (6) ayes and one (1) nay, the motion was so ordered.

Mayor Bisby called for a vote on the motion by Mrs. Lindeman and seconded by Mr. James as amended above. Mr. Shasteen asked how they will determine that whatever it is that you want them to do that they do it. A discussion began regarding Mr. Shasteen's question, but to no resolve, then Mayor Bisby called for a vote. On roll call all members present voted aye and it was so ordered. Another discussion began but no resolve.

NEW BUSINESS

RESOLUTION NO. 1322 – A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF EIGHT MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$8,950,000) OF THE CITY OF TULLAHOMA, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF PREMIUM, IF ANY, AND INTEREST ON THE BONDS

Mrs. Wilson presented the background information. A motion was made by Mr. Shasteen and seconded by Mr. Trimble to approve Resolution No. 1322. On roll call all members present voted aye and it was so ordered.

ORDINANCE NO. 1348 – AN ORDINANCE TO AMEND TITLE 10, CHAPTER 1 AND TITLE 20, CHAPTERS 1 & 2 OF THE MUNICIPAL CODE FOR THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Ordinance No. 1348. A motion was made by Mr. Trimble and seconded by Mr. James to adopt Ordinance No. 1348 on the first of three readings. On roll call all members present voted aye and it was so ordered.

RESOLUTION NO. 1323 – A RESOLUTION TO AMEND THE TABLE OF ORGANIZATION OF THE CITY OF TULLAHOMA, TENNESSEE

Mayor Bisby read the caption of Resolution No. 1323. A motion was made by Mr. James and seconded by Mrs. Bowling to adopt Resolution No. 1323. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-143 – APPROVAL OF SURPLUS OF A PORTION OF AN ALLEYWAY LOCATED BETWEEN N. JACKSON STREET AND S. ATLANTIC STREET

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. James to accept Alternative No. 1 to approve the surplus, reserve existing utility easements, advertise for bids for the property, and authorize the City Attorney and Mayor to prepare and execute any required documents. Mrs. Bowling asked about the status of another surplus on Jackson Street near Raceway gas station and was given an update by Mr. Baltz. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-144 – APPROVAL OF ENGINEERING SERVICES FOR DW WILSON COMMUNITY CENTER RENOVATION

Mr. Baltz presented the background information. A motion was made by Mr. Trimble and seconded by Mrs. Bowling to approve Alternative No. 1 to authorize the Mayor to execute a contract with Hart Freeland Roberts for Engineering Services for the D. W. Wilson Community Center renovation project. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-145 – RENEWAL OF PAVING CONTRACT

Mr. Limbaugh presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Staff recommendation to approve the renewal of the bid from Smithway for paving for the remainder of 2006-2007.

Mr. Shasteen left the meeting at this time.

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

Mr. Shasteen returned to the meeting.

AGENDA ITEM 06-146 – APPROVAL OF PAVING ALLEYWAY

Mr. Limbaugh presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Staff recommendation to approve the paving on A Street and the paving on Chestnut Alley with funds approved in the 2006-2007 budget, if the paving bid renewal is approved for Smithway Asphalt. Mr. Trimble said that he would abstain from voting since he was co-owner on one of the properties. On roll call all members present (with the exception of Mr. Trimble) voted aye and it was so ordered.

AGENDA ITEM 06-147 – RENEWAL OF PUBLIC WORKS UNIFORM CONTRACT

Mr. Limbaugh presented the background information. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Staff recommendation to renew the contract for an additional 36 months. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-148 – FIRE DEPARTMENT VEHICLE BIDS

Chief C. B. Watkins presented the background information. A motion was made by Mr. James and seconded by Mrs. Lindeman to accept Staff recommendation the Board of Mayor and Aldermen purchase the sports utility vehicle locally from Stan McNabb Dodge in Tullahoma, TN for \$21,994.00. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 06-149 – APPROVAL OF FY2007 PUBLIC LIBRARY MAINTENANCE OF EFFORT AGREEMENT

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

AGENDA ITEM 06-150 – APPROVAL OF NOVEMBER/DECEMBER 2006 MEETING SCHEDULE

Mr. Baltz presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Trimble to have the meeting of November 27, 2006 (with agenda items due to Mr. Baltz by Tuesday, November 21, 2006) and cancel the meeting of December 25, 2006. On roll call all members present voted aye and it was so ordered.

OTHER NEW BUSINESS

Mr. James discussed that the potential of Harton Hosptial going up to five stories shortly and we do not have fire equipment to take care of this. It was stated that we do have a ladder truck that extends to the height. Mr. Baltz discussed the age of the equipment.

Mr. Shasteen requested that this be discussed that the equipment is 26 years old (1980) and would have to climb the ladder five stories. Mr. Shasteen requested to discuss the progress (grant application) this at the next meeting as an agenda item.

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

CITY RECORDER

MAYOR