

## **BOARD MEETING**

**JULY 9, 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, July 9, 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. Elbert Smith Hendrix and the pledge of allegiance to the flag.

### **COMMENDATIONS AND CERTIFICATES**

### **COMMENTS FROM CITIZENS**

Mr. James Eads, 209 Fairways Blvd., North, encouraged all to watch the Alderman Candidate Forum on Channel 6 tomorrow night. He thanked the Board of Mayor and Aldermen for their work on the budget and the recent 5-cent property tax cut. He handed out some information he had researched on the internet regarding allowable drug fund purchases.

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

**ALDERMAN BOWLING** – Mrs. Bowling reported that she attended the Grundy Street Land Sale Review Committee meeting and that Mayor Pro Tem Shasteen will be presenting a recommendation from the committee later in the meeting. Mrs. Bowling reported that she attended the swearing in of Police Chief Paul Blackwell. Mrs. Bowling informed the Board that the City has an A1 rating and that the TUB bond issuance is taking place. Mrs. Bowling encouraged all to attend the CBAT public meeting tomorrow night at 6:00 p.m., at the Coffee County Administrative Plaza.

**ALDERMAN LINDEMAN** – Mrs. Lindeman reported that she attended the Grundy Street Sale Review Committee meeting and that there is a good proposal from the committee. Mrs. Lindeman thanked the Kiwanis Club for the fireworks show and announced that the South Jackson Civic Center is having the annual Ice Cream Social and dance contest this Thursday evening.

**Alderman Curlee arrived at the meeting at this time.**

**ALDERMAN JAMES** – Mr. James reported that the Tullahoma Airport Authority will meet tomorrow night, Tuesday, July 10, 2007, and will be going over the projects list to give to the Aeronautics Division and thanked the Board for their support to the Airport. Mr. James reported that also attended the Grundy Street Land Sale Review Committee meeting and the Planning Commission which referred two items to the BMA on the agenda tonight.

**ALDERMAN CURLEE** – No Report.

**MAYOR PRO-TEM SHASTEEN** – Mr. Shasteen reported that he attended the Planning Commission meeting July 2, 2007 and there are two items on the agenda this evening. He reported that Planning will meet again on Monday, July 16th at 4:00 p.m. Mr. Shasteen reported that the Grundy Street Land Sale Review Committee met on July 2<sup>nd</sup> and will meet again on July 17, 2004 beginning 4:30 p.m., and plan to try to get through the rest of the information to have a recommendation to the BMA. Mr. Shasteen said that he had attended several of the little league games that are being hosted in Tullahoma and that this is a good opportunity for our community to welcome visitors. Mr. Shasteen said that he also attended the Kiwanis fireworks show and stated that there were thousands of people in attendance and that was a great show. He said this also attracts many visitors to our city. Mr. Shasteen encouraged those who can to watch the candidate forum and also that any who can attend to please make their way to CBAT public hearing being held at the Coffee County Administrative Plaza tomorrow night at 6:00 p.m.

**MAYOR BISBY** – Mayor Bisby encouraged all to attend the CBAT public hearing to show support. Mayor Bisby also read the notice of the public hearing being held on Tuesday, July 24, 2007 at the Tullahoma High School in regard to the Cedar Lane widening project and encouraged all to attend.

**REPORT FROM CITY ATTORNEY** – No Report.

**REPORT FROM THE CITY ADMINISTRATOR** – No Report.

## **CONSENT AGENDA**

**Agenda Item 07-76 - Minutes of the June 25, 2007 Board Meeting**  
**Agenda Item 07-77 – Minutes of the June 26, 2007 Special Call Board Meeting**

A motion was made by Mrs. Bowling and seconded by Mr. James to accept the Consent Agenda including the Minutes of the June 25, 2007 Board Meeting and the minutes of the June 26, 2007 Special Call meeting as presented. 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 approve the agenda with the addition of Resolution No. 1345 to be added as the first item under New Business. On roll call all members present voted aye and it was so ordered.

**OLD BUSINESS** - None

**NEW BUSINESS**

**RESOLUTION NO. 1345 – A RESOLUTION DESIGNATING A CERTAIN ROADWAY IN TULLAHOMA AS C. B. WATKINS STREET**

Mayor Bisby read the caption of Resolution No. 1345. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Resolution No. 1345 as presented. On roll call all members present voted aye and it was so ordered. The presentation was made to retiring Fire Chief C. B. Watkins of the street sign with the name C. B. Watkins Street followed by comments and a standing ovation for Chief Watkins.

**SEE ATTACHED COPY OF RESOLUTION NO. 1345**

**AGENDA ITEM 07-78 – APPROVAL OF PERFORMANCE BOND FOR WOODRIDGE SUBDIVISION**

Mr. Dwayne Hicks presented the background information. Mr. Lance Baxter further explained the regulations. The Planning Commission recommended the approval. A motion was made by Mrs. Lindeman and seconded by Mr. James to accept Staff recommendation to approve the bond amount for a total of \$85,000. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-79 – APPROVAL OF PERFORMANCE BOND FOR CREEKSTONE SUBDIVISION**

Mr. Hicks presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. James to accept Staff Recommendation to approve the bond amount for a total of \$85,000. On roll call all members present voted aye and it was so ordered.

**RESOLUTION NO. 1344 – A RESOLUTION AUTHORIZING THE CITY OF TULLAHOMA TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL “SAFETY PARTNERS” LOSS CONTROL MATCHING GRANT PROGRAM**

Mrs. Casta Brice, Human Resources Director presented the background

information. A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman to approve Resolution No. 1344. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF RESOLUTION NO. 1344**

**AGENDA ITEM 07-80 – RECOMMENDATION OF NEW POLICY BY GRUNDY STREET LAND SALE REVIEW COMMITTEE**

Mr. Shasteen presented the background information. Mrs. Bowling requested that the Orientation/Information should state that it will include a 3-ring binder instead of a spiral notebook. A motion was made by Mr. Shasteen and seconded by Mr. James to accept the recommendation from the Grundy Street Land Sale Review Committee to approve the Board of Mayor and Aldermen Orientation/Information Session. Mayor Bisby explained that he wanted to clarify a statement that was printed in the Tullahoma News saying that he did not understand that he could go to MTAS on his own without Board approval. He explained that he did call MTAS first when and asked MTAS to look into the Grundy Street property sale issue and that Mr. Darden said that because of current relationships with Board members that he would prefer having someone else assigned and that Mr. Darden asked is supervisor to look into the matter. Mayor Bisby explained that Mr. Darden's supervisor said he did not want to get in the middle of a Board squabble, but that if Alderman Bisby could get the Board to vote to have it looked into or if he could get the Mayor to call him then they would look into the matter. So, Mayor Bisby explained that was why he brought it to the Board. Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-81 – ACCEPTANCE OF AUDIT BY HOUSHOLDER, ARTMAN & ASSOCIATES**

Mrs. Womack presented the background information. Mrs. Bowling asked if about the audits being extensive audits or reconciliations. Ms. Linda Bean, with Housholder, Artman & Associates reported that they do each entity as a separate audit. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept the FY 2006 audit as presented. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-82 – APPROVAL OF AUDIT SERVICES AGREEMENT**

Mrs. Womack presented the background information. A motion was made by Mr. James and seconded by Mr. Shasteen recommending they do an alternative proposal and put the contract out for Request for Proposal (RFP). Mr. James explained that it is a lot of money and would be good to have others look at them. Mr. Curlee reminded the Board that this is the firm that has led them to the GFOA

award for many years. Discussion followed regarding the proposal being very public and the issue of fairness to Housholder, Artman & Associates along with the rebuttal that it is not fair not to put it out for RFP. Mr. Curlee suggested that they do this in eleven months from now. Mrs. Bowling discussed that she seems to remember that our Charter indicates this be done fairly frequently and couldn't remember when this had been done recently and she further stated that this certainly would have been in better order to have issued an RFP rather than to go directly to that one company and ask them to make a proposal. Mr. Shasteen stated that they should have every opportunity to go back and submit a new proposal. Mayor Bisby called for a vote on the motion. On roll call the vote was as follows:

AYE: Bisby, Bowling, James, Shasteen

NAY: Curlee, Lindeman

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

#### **AGENDA ITEM 07-83 – APPROVAL OF CHANGE ORDER NO. 1 – JOHNSON LANE RECREATION AREA**

Mr. Kurt Glick, Recreation Director, presented the background information. A motion was made by Mr. Shasteen and seconded by Mr. James to approve the change order number 1. On roll call all members present voted aye and it was so ordered.

#### **AGENDA ITEM 07-84 – RECOMMENDATION FOR FIRE CHIEF**

Mr. Baltz presented the background information. Mayor Bisby stated that before a motion is made that he would like to ask the Board to defer the item to the next meeting. Mayor Bisby said that first and foremost he wanted to stress that Mr. Richard Shasteen is an excellent candidate and he has heard nothing but good things about him and he thinks that he has the skills, qualifications and the character to do a good job, but that he also has a business right now, Squad 1, that he fears may present a conflict of interest and that he has asked MTAS to look into this further. Discussion followed from Board regarding the type of equipment installed by Squad 1 and the inspections of the equipment, fire investigations, etc. A motion was made by Mrs. Bowling and seconded by Mr. James to confirm the appointment of Fire Chief. Mayor Bisby said that with the information he had received from MTAS that he would rule the motion to confirm the appointment out of order. Mrs. Bowling expressed that this information was late in coming. Mayor Bisby explained that he found out about the recommendation on Friday. Mayor Bisby read information from the letter he received from MTAS earlier that day. Mr. James expressed that he felt the City ethics policy addressed the issues in question and that in regard to the issue of

appeals to the Fire Chief could be referred to the City Administrator. Mrs. Lindeman asked if the City Attorney had an opinion on this issue. Mr. Randall Morrison said that he would concur with MTAS that in that there is a potential common law conflict of interest. Mr. Morrison explained what common law is in response to Mrs. Bowling asking for an explanation or definition. Mrs. Bowling asked to hear from Mr. Baltz. Mr. Baltz said that he discussed at length with Mr. Richard Shasteen compliance with the ethics policy regarding his company. Mrs. Bowling made a motion to appeal to the Chair (overrule the Mayor's ruling on the motion) and Mr. James seconded the motion. Mr. James requested clarification before voting since the Mayor said it would require a 2/3 vote and Mr. James said that he believes it requires a simple majority. Mr. James said it is in Chapter 2 and Title 2 of their rules. Mayor Bisby explained that for those that want to overrule his ruling of an out of order motion they should vote green and those that do not want to overrule his ruling of an out of order motion should vote red. Discussion followed regarding Mayor Bisby and the telephone conversations with lawyers at MTAS. Mayor Bisby said that he was asking for the Board to defer until they have further information on this matter. Mayor Bisby called for a vote on the motion to appeal to the Chair. Mayor Pro Tem stated that he would abstain from voting since he is related to Mr. Richard Shasteen. Alderman Lindeman asked if Mr. Richard Shasteen could speak, but the Mayor did not extend the invitation. Mayor Pro Tem suggested that Mr. Richard Shasteen could speak but there was no invitation to speak offered. Mr. Randall Morrison discussed statutory law and common law and that his opinion was that this was not in violation of statutory law. It was determined that the vote required a majority vote. Mayor Bisby again clarified the voting as if you disagree with Mayor Bisby's ruling to vote green, if you agree with his ruling, vote red. Mayor Pro Tem Shasteen stated that since this is an immediate family member and there is a conflict of interest that he feels the ethical thing to do is to recuse from voting on any motions regarding this matter. On roll call the vote was as follows:

AYE: Bowling, James, Lindeman

NAY: Bisby, Curlee

The vote being three (3) ayes and two (2) ayes the motion was so ordered.

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

AYE: Bowling, James, Lindeman

NAY: Bisby, Curlee

The vote being three (3) ayes and two (2) ayes the motion was so ordered.

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

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**CITY RECORDER**

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**MAYOR**