

## **BOARD MEETING**

**JULY 23, 2007**

The Board of Mayor and Aldermen of the City of Tullahoma, Coffee and Franklin Counties, Tennessee met in a public session at the Municipal Building, in Tullahoma, on Monday, July 23, 2007, at 5:30 p.m., with Mayor Troy Bisby presiding and the following named members of the Board of Mayor and Aldermen: Janice Bowling, Lane Curlee, Jonathan James, Sandy Lindeman, and Scott Shasteen, and Phil Trimble.

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

The meeting was opened with an invocation delivered by Alderman Phil Trimble and the pledge of allegiance to the flag.

### **COMMENDATIONS AND CERTIFICATES**

Mayor Bisby presented of plaques from to Alderman Phil Trimble and Alderman Lane Curlee in appreciation of the service as aldermen to the City of Tullahoma.

### **COMMENTS FROM CITIZENS**

Mr. Duane Thorpe, 135 Woodmont Drive, candidate for Alderman, reminded all that early voting is going on right now in the City and to date there has been less than 6% that have voted. Mr. Thorpe said there is only one issue on the ballot which is our new aldermen. Mr. Thorpe encouraged all to vote because it is there vote that tells the future of the City. Mr. Thorpe also reminded all of the public meeting being held by TDOT for the Cedar Lane issue tomorrow night at the High School.

Mr. Everett Smith, 204 Province Drive, also a member of Tullahoma's "Go Green Team" that promotes Tullahoman's becoming a green leader in Tennessee. Mr. Smith said that he and Go Green would like to compliment state leadership in the new park area being developed where the caboose has been moved. He said they are also very appreciative that the lighting being installed is rated energy efficient and that the lights will present an old-fashioned appearance. Mr. Smith requested if the Board is considering installing more of this type of lighting that they seriously consider Dark Sky Old Fashioned style of lighting. Mr. Smith explained how the Dark Sky style of lighting permits being able to see the stars and reported that there are many cities using this type of lighting (i.e. Santa Fe, New Mexico, Franklin, TN, and now New York City, NY). Mr. Smith encouraged

the Board to be a Green Team leader and said that they stand ready to support the Board and thanked them for all they do.

## **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. Mrs. Bowling said that she met last week as a member of an ad hoc committee of TUB, Friends of Short Springs. She said that the Friends of Short Springs are looking into securing a grant from the Tennessee Heritage Conservation Committee, who is providing grants to acquire land that can be added to natural areas or just enhance in some way. Mrs. Bowling discussed the ownership, surveys, etc. between Boards – TUB, City Board, and Friends of Short Springs and the benefits for all parties in acquiring this grant for the land. Mrs. Bowling said that she was made aware that South Jackson Civic Center will receive a \$25,000 grant from the State of Tennessee to be used for capital improvements there for maintenance and restoration of the facility.

**ALDERMAN CURLEE** – Mr. Curlee reported that he attended the Housing Authority meeting and stated that the Tullahoma Housing Authority provides housing for hundreds of homes and that they do an outstanding job in providing education projects and recreation projects for their tenants and provided a flyer to the Board for their review.

**ALDERMAN LINDEMAN** – Mrs. Lindeman said thank you to everybody for their thoughts and prayers for her husband Bob had open heart surgery. She said everything is going great.

**ALDERMAN TRIMBLE** – Mr. Trimble thanked the City Staff, Jody Baltz and his Staff for the years that he'd been on the Board and the support that they have given him. He thanked the two former Chiefs, Chief Ferrell and Chief Watkins that both retired while he was gone, for their years of service and said that they were always wonderful to work with. Mr. Trimble said that he appreciated the work that Mr. Randall Morrison has done since his coming on board. Mr. Trimble also thanked former Attorney Steve Worsham for his work and the years of service. Mr. Trimble said that he had enjoyed his six years working with Mr. Baltz and thanked him for his professionalism. Mr. Trimble encouraged Chief Blackwell and Chief Shasteen in their new jobs.

**ALDERMAN JAMES** – Mr. James reported that the Tullahoma Airport Authority met and wanted to express their appreciation for the funding that this Board provided to them and the support that we gave them. He said they are putting together their strategy to go up to Nashville and to compete with other very worthy cities and other airports that would like funding also. Mr. James reported that he attended the Grundy Street Land Sale Review Committee and would defer

to the Chairman. Mr. James said that he would also defer to the Mayor Pro Tem for the report on the Planning Commission. Mr. James stated that on the completion of his one year he wanted to say that Alderman Trimble is a very good speaker and presents his views very well and you always know where he stands and why. Mr. James thanked Mr. Trimble for his support on the Fiber to the Premise and feels that is the most long lasting and far reaching decision this Board has made all year.

**MAYOR PRO-TEM SHASTEEN** – Mr. Shasteen wished his Grandmother Happy Birthday and said that she would be 100 on Friday. Mr. Shasteen reported that the Planning Commission met on Monday, July 16, 2007, and the application for the final plat for the subdivisions Pinnacle Place, The Woodlands, and Emerald Meadows, were deferred at the request of the developer. Mr. Shasteen reported that among the items approved was an application for final plat for Woodridge Estates which is a 37-lot subdivision off of Marbury Road, and also a final plat application for Creekstone Estates, a 45-lot subdivision off Hwy 130 near West Middle School. Mr. Shasteen also wanted to inform the citizens that the Planning Commission is extremely pleased that circuit court Judge Craig Johnson has dismissed the petition by Mr. James Hesson and Mr. Mark Kelly against the City, against the Planning Commission, and against GHM Partnership. Mr. Shasteen highlighted a couple of things that Judge Johnson said in his findings: 1) The Planning Commission did not ignore its subdivision regulations as suggested by the petitioners regarding driveways on arterial or collector roads. 2) The Planning Commission did not mislead the public nor act in an improper manner regarding public hearings on this issue and due process rights of the public were not violated. 3) Revised plans for the three subdivisions in question were submitted in compliance with Planning Commission procedures. In summary, Judge Johnson declined the petition and found that “the Planning Commission has not exceeded its jurisdiction nor has it acted in an illegal, arbitrary, or fraudulent manner and there is ample material evidence to support its decisions”. Mr. Shasteen said that even though there could possibly be an appeal to this, he believes that Judge Johnson’s opinion is positive for Tullahoma and confirms that the Planning Commission is capable and is currently fulfilling its responsibilities.

Mr. Shasteen reported that the Grundy Street Land Sale Review Committee met on Tuesday July 17 and that they are close to conclusion and will meet again on July 30. He said the goal (even if they go 8 or 9 hours) is to conclude the review and begin the process of constructing a report. Mr. Shasteen reported that he attended the retirement ceremony for Chief Watkins and commended those that put it together for a doing a great job. He also attended the swearing in ceremony of Chief Richard Shasteen which was also very well put together and very well attended. Mr. Shasteen reported that he attended the CBAT public hearing in Manchester and that there were a lot of people there and appreciated those showing their support. Mr. Shasteen echoed what Mr. Duane Thorpe said about the TDOT public meeting and that the number of people showing up is

important. Mr. Shasteen concurred with all the commendations regarding Mr. Trimble and Mr. Curlee and their commitment and service to the community.

Mr. Shasteen said that earlier Mr. Smith discussed the caboose and some of what is going on out there, but that he was unsure personally of what is going on. Mr. Shasteen discussed so far that the caboose was moved and that the Board had approved lighting and now he sees trees planted there, dug up downtown parking spaces and that he noticed in the Newspaper that he (Mayor Bisby) was soliciting donations and that there was talk about putting an air plane on the property. Mr. Shasteen expressed concern that it evolved without the involvement of the Planning Commission. Mr. Shasteen said that as Chairman of the Grundy Street Land Sale Review Committee and a 2-year member of the Planning Commission that he understands how that can be not always the wisest road to travel down, that he would like to be enlightened and told how they can continue to evolve that piece of property without any public hearings or without any BMA involvement except for the light.

Mayor Bisby explained that it is a lease property and that he did talk to Mr. Dwyane Hicks about whether or not they should move it and if they should present it to the Planning Commission and that he said that particular item since it is leased property and they are not putting a building on the property but putting a train on the property that it did not require any kind of Planning Commission approval. Mayor Bisby said that he did, however, actually try to take it to Planning Commission the day they were voting on the project priority. He said that he was there with pictures and so forth, but that they were so intent on the project priority that he didn't have much luck getting attention and it wasn't necessary but that he did show it to at least one individual after the meeting was over. Mayor Bisby said that he looks at this project similar to the old Dodge fire truck. When it came on the scene, our Fire Captain at the time, now Fire Chief was presenting the idea of renovating the fire truck. He said that he found that of great interest and went around then knocking on doors seeking donations for that as well. Mayor Bisby said that it had been advertised in the newspaper and that he wants it to be a community project and would love for the Board at any point to get involved and offer up suggestions. He explained that they would have the caboose, a nice grassy area, but there would still be parking, and some amenities, but it is not selling or buying City property its intent is to beautify the parking area and improve the downtown appearance. Mr. Shasteen said that he is not an expert on this but that he gathered by the Mayor's comments that the Mayor's opinion that this did not require any Board action or Planning Commission action. Mayor Bisby said that he did bring the lighting to the Board and if there is further Board action that he did not know what it would be. Mrs. Bowling discussed that she voted against the lights because she was concerned about the approval from CSX. She also asked about City dollars being spent on the improvements. Mayor Bisby said that they do have beautification money. Mr. Trimble said that for moving the caboose from one place to another and making improvements for

downtown beautification not being in excess dollars is good for the community and downtown area. He said that he remembered the vote to approve the moving of the caboose. Mayor Bisby explained that he has been working on downtown improvement for quite some time now and that TUB has been a big help in getting some of the excess wires, meters, etc. cleaned up and has contributed to helping with some great improvements. Mayor Bisby discussed the Historic Society and their involvement and also citizen involvement in helping to get things cleaned up downtown and in the caboose area. Mr. James asked what the exact cost estimates are. Mayor Bisby explained that it's hard to give an exact dollar amount, but that for example Rogers Group put down concrete for sidewalks some in-kind work, etc. (but somewhere in the range of \$2,000-\$6,000). Mr. Shasteen said that his purpose for bringing this up was not to necessarily try to stop the work, but that there had never really been an explanation of what they were doing and he had been asked what was going on, and just wanted to get an idea of what the plan was what it was going to look like when it was done and did we get clearance from CSX. Mayor Bisby said it will be pretty but it won't be anything extravagant. Mayor Bisby said that he is quite happy with it and he believes the Historic Society is very happy with it and very supportive of it.

**MAYOR BISBY** – Mayor Bisby reported that this past weekend that two Tullahoma High Senior's competed in Tennessee's Junior Miss Scholarship pageant in Chattanooga Tennessee. He said that Miss Sydney Burfitt represented us as Tullahoma's Junior Miss and she received a \$1,000 award for self expression. Miss Chandler Lawson represented us so well that she was awarded the title of Junior Miss and that is quite an achievement and by winning this honor she will be representing Tullahoma statewide and surrounding states and June 2008 will apply for America's Junior Miss. Mayor Bisby congratulated her for the outstanding achievement. He noted that it involves qualities such as good grades, poise, qualities of citizenship, intelligence and that she obviously has done very well.

Mayor Bisby announced that he had been given notification by the Governor's Finance Officers Association (GFOA) that the City of Tullahoma, Tennessee has received the Distinguished Budget Presentation Award for the current fiscal year from the GFOA and that this award is the form of recognition in governmental budgeting and represents a significant achievement for Tullahoma. The award has been presented to Rosemary Womack, Director of Finance, Susan Wilson, Assistant Director of Finance, and Donna Graham, Accounting Clerk.

Mayor Bisby presented a copy of a magazine about Tullahoma (Tennessee's Rising Star) that was put out by the Tullahoma Area Chamber of Commerce recently. He said that this is a high quality magazine and an excellent example of quality workmanship. Mayor Bisby reported that Ms. Debi Graham, the City Community Coordinator, Ms. Diane Bryant, Chamber Director, and Mr. Daryl

Welch, Chamber President, along with several others were involved with the creation of this magazine. He commended the efforts and the final product being such a wonderful representation of Tullahoma. Mayor Bisby encouraged all to obtain a copy from the Chamber and thanked the Chamber for the efforts.

Mayor Bisby expressed his agreement with Mr. Shasteen's comments regarding Judge Johnson's decision regarding the petition from Mr. Hesson and Mr. Kelly against the City and the Planning Commission, that it shows that the Planning Commission is doing their job, they were thoughtful, they considered all the issues and were not arbitrary capricious. Mayor Bisby said that it also shows that we have some good legal representation and thanked Mr. Morrison for an outstanding job on this case.

Mayor Bisby informed the public again of the Tennessee Department of Transportation (TDOT) will be conducting a public meeting on Tuesday, July 24, 2007, to discuss proposed improvements to West Side Drive/Cedar Lane from SR130. He encouraged citizens to be there and show their support for the Cedar Lane widening project.

Mayor Bisby asked for the Board to indulge him on this matter. He said that at the last Board meeting they did not have a unanimous vote for the Fire Chief, and though he doesn't want to ask to revote that he would like to ask for someone to make a motion to show a vote of confidence in him and for all Board members present to show that confidence in him. A motion was made by Mrs. Bowling and seconded by Mr. James to reaffirm the selection of Chief Richard Shasteen. Mr. James said since they have a second he asked the Mayor if the he wanted resolved were resolved. Mayor Bisby said that he believed they would be soon, by that he said they were minor issues to make sure their policy is in line. But at this time he would like to allow the Board to vote in support of Mr. Shasteen. Mr. James asked the Mayor to be clear that any issues he had are with our policy and not our Chief. Mayor Bisby said that they never have been with the Chief. Mr. James thanked the Mayor. Mayor Pro Tem Shasteen abstained from voting due to conflict of interest in the Chief being an immediate family member. Mayor Bisby called for the vote. On roll call all members present (excluding Mr. Shasteen) voted aye and the motion was so ordered (unanimous vote).

Mrs. Bowling said that there was something that she forgot to mention in her report. She said that there have been signs that have "gone missing". She noted that the signs are freedom of political speech and encouraged everyone to please respect the signs. She also asked Police Chief Blackwell to have our Police Officers when they are out doing their business of the City as they are to try to keep a lookout. Chief Blackwell said that they already are.

Mr. James said that he wanted to let the Board know that he had asked Mr.

Baltz to readdress our ethics policy after our training session with the new Board members.

**REPORT FROM CITY ATTORNEY** – Mr. Randall Morrison referred to the Ordinance No. 1353 on page 54 of the agenda. He said that this Ordinance brings Tullahoma into compliance with State Law.

**REPORT FROM THE CITY ADMINISTRATOR** – Mr. Baltz announced that the TDOT public hearing will be held at the High School and he believes it will be in the cafeteria but there will be signage.

Mayor Bisby indicated the time for the public meeting is from 6-8 p.m.

## **CONSENT AGENDA**

### **Agenda Item 07-85 - Minutes of the July 9, 2007 Board Meeting**

A motion was made by Mr. Shasteen and seconded by Mrs. Lindeman to accept the minutes of the July 9, 2007 Board Meeting and the minutes of the June 26, 2007 Special Call meeting as presented. Mr. James said that he had a couple of corrections to the minutes. A motion was made by Mr. James and seconded by Mr. Shasteen to strike the sentence on page 39 of the agenda where it says: “Mr. James said that he wanted clarification on whether the vote needs 2/3 majority or majority” and replace with: “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.” On roll call all members present voted aye and it was so ordered. Mr. James proposed a second correction to the minutes on the same page but the sentence is: “The Board invited Mr. Richard Shasteen to speak if he so wished”. Mr. James said that he did not know if that was accurate. He said that what actually happened was that Alderman Lindeman asked if Mr. Richard Shasteen could speak, but the Mayor did not extend the invitation. Mr. James said that subsequent to that that Mayor Pro Tem Shasteen suggested that Mr. Richard Shasteen could speak but there was no invitation to speak offered. A motion was made by Mr. James and seconded by Mr. Shasteen to strike that sentence quoted above and interject the previous comments of Mr. James, “Alderman Lindeman asked if Mr. Richard Shasteen could speak, but Mayor Bisby did not extend the invitation. Mayor Pro Tem Shasteen suggested that Mr. Richard Shasteen could speak but there was no invitation to speak offered. On roll call all members present voted aye and it was so ordered. Mayor Bisby called for the vote to accept the minutes as amended. 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 amend the agenda with the addition of two items under New Business, 07-89 Police Department Vehicles, and 07-90 Bond Agreement between TUB and Board of

Mayor and Aldermen and accept the agenda as amended. On roll call all members present voted aye and it was so ordered.

## **OLD BUSINESS**

### **07-72 – PROPOSED CHANGE TO LOCAL ORIGINATION AGREEMENT WITH PEAHEAD**

Mayor Bisby presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. James to amend the agreement as follows: to a 15-month agreement ending September 25, 2008 (which will be 120 days plus 1 year), also an additional amendment on page 44 under 3. Local Origination (a) Services (1) add the Tullahoma Planning Commission to the list. Mr. Trimble asked if this had been discussed with Peahead. Mr. Jimmy Fuller was in the audience and agreed that they could provide that additional service. On roll call all members present voted aye and it was so ordered.

## **NEW BUSINESS**

### **RESOLUTION NO. 1346 – A RESOLUTION DESIGNATING TO AMEND THE TABLE OF ORGANIZATION OF THE CITY OF TULLAHOMA, TENNESSEE**

Mayor Bisby read the caption of Resolution No. 1346. A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Resolution No. 1346 as presented. On roll call all members present voted aye and it was so ordered.

### **SEE ATTACHED COPY OF RESOLUTION NO. 1346**

### **AGENDA ITEM 07-86 – APPROVAL OF REVISIONS TO POLICE STANDARD OPERATING PROCEDURES MANUAL**

Chief Blackwell presented the background information. A motion was made by Mr. James and seconded by Mrs. Lindeman to accept the proposed changes to the Police Department Table of Organization. On roll call all members present voted aye and it was so ordered.

### **AGENDA ITEM 07-87 – AUDIT SERVICES**

Mrs. Bowling presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Curlee to renew the agreement with Housholder, Artman & Associates for this cycle and issue the RFP for 2008. Mr. James said offered that they put in their motion to put the RFP out in the fall of 2007. Mrs. Bowling accepted the addition to the motion. Mrs. Lindeman said that if they do go out for RFP that they try to keep it in Tullahoma or Coffee County if possible. Discussion followed regarding making changes in audit firms

and reasons for those changes and the normal process for changing firms and the opinion that price is not the best way to decide on the firm. Mr. James asked Staff what the normal length of time is before switching audit firms and how long have we been with Housholder & Artman. Mrs. Susan Wilson said that the normal time to switch firms about every 5-7 years and that we have been with Housholder & Artman about 7 years. Mrs. Wilson noted that they had put the RFP out last year and Housholder & Artman was the only responder, besides a firm in Brentwood that said they would have to hire additional staff to accommodate us and they were not able to do that. More discussion followed regarding the limited number of firms equipped or capable of handling our auditing. Mayor Bisby called for the vote. On roll call all members present voted aye and it was so ordered.

**ORDINANCE NO. 1353 – AN ORDINANCE TO AMEND TITLE 8-ALCOHOLIC BEVERAGES, CHAPTER 3-BEER, SECTIONS 8-311, 8-312, AND 8-325 AND TO ADD A NEW SECTION 8-326 TO THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA**

Mayor Bisby read the caption of Ordinance No. 1353 for the first of three readings. A motion was made by Mr. Shasteen and seconded by Mrs. Lindeman to approve Ordinance No. 1353 on first reading. Discussion followed regarding the state and notification to vendors. On roll call all members present voted aye and it was so ordered.

**SEE ATTACHED COPY OF ORDINANCE NO. 1353**

**AGENDA ITEM 07-88 – INTERNET SERVICE AGREEMENT**

Mr. Wayne Limbaugh presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Curlee to accept Staff recommendation and authorize the Mayor to sign the contract. Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-89 – POLICE DEPARTMENT VEHICLES**

Police Chief Blackwell presented the background information. A motion was made by Mr. Shasteen and seconded by Mr. James to approve the purchase of three (3) patrol cars (estimated cost of \$62,000). Mayor Bisby asked if this was included in the budget. Mr. Baltz explained that it was included in the overall replacement program, however, the funding mechanism will have to be through the amended budget to replace the drug fund expenditures and would bring an amended drug fund budget at a later date. Mr. Baltz explained that the funds are available. On roll call all members present voted aye and it was so ordered.

**AGENDA ITEM 07-90 – BOND AGREEMENT BETWEEN TUB AND BOARD OF**

**MAYOR AND ALDERMEN**

Mrs. Bowling presented the background information. A motion was made by Mrs. Bowling and seconded by Mr. Trimble to authorize the Mayor to sign the bond agreement. 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.

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**CITY RECORDER**

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**MAYOR**