

BOARD MEETING

OCTOBER 22, 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, October 22, 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, James Eads, Jonathan James, Sandy Lindeman, Mike Norris, and Scott Shasteen.

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 Mr. Shane Hines and the pledge of allegiance to the flag.

PROCLAMATIONS, AWARDS, AND SPECIAL PRESENTATIONS

Presentation by the Tullahoma Airport Authority – Mrs. Anna Johnson

Mrs. Anna Johnson presented information on the future plans for the Tullahoma Airport.

COMMENDATIONS AND CERTIFICATES

Mayor Bisby commended Sergeant Phil Henderson for 20 years of service with the Police Department.

COMMENTS FROM CITIZENS

Ms. Fran Couch Gray, 121 Autumn Lane, commented on a recent luncheon she attended for cancer survivors at the C. D. Stamps Community Center and commended Ms. Anne Caldwell, Recreation Activities Director, for being a gracious host.

REPORTS FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN SHASTEEN – No report.

ALDERMAN EADS – Mr. Eads reported that he attended the Planning Commission meeting and that they will be conducting a public hearing at the C. D. Stamps Community Center in reference to the proposed subdivision regulations

and also a public hearing for public input on a major thoroughfare plan the Planning Commission has been working on. Mr. Eads thanked Mr. Dwayne Hicks, the Planning Director for getting the signs out and posted for public information.

ALDERMAN LINDEMAN – Mrs. Lindeman reported that she attended the joint meeting with the Board of Mayor and Aldermen and the Tullahoma City Schools.

ALDERMAN JAMES – Mr. James reported that he attended a TUB training class dealing with FEMA procedures for a disaster. Mr. James reported that he also attended the joint meeting with the School Board.

Mr. James asked the City Attorney if he had an answer to his question about 10 days ago regarding the Planning Commission providing cost estimates for CIP projects.

Mr. Randall Morrison, City Attorney, responded to Mr. James stating that he is still looking into that but that so far he can not find any law that requires that.

ALDERMAN NORRIS – Mr. Norris reported that he attended two Policy Committee meetings, Coffee County Leadership – Quality of Life day, and that he had also attended the joint meeting between the Board of Mayor and Aldermen and City Schools. Mr. Norris said that during the Quality of Life day, they visited the Senior Citizens Center, who he commended them for one of their programs which is providing meals to citizens shut in, except for the holidays; they also visited the Hands on Science Center and Mr. Norris congratulated them on their 10-year anniversary since opening.

MAYOR PRO TEM BOWLING – Mrs. Bowling reported that she attended two Policy Committee meetings and announced that there will be another Policy Committee meeting on Thursday, Nov. 1, 2007 at 8:30 a.m. at City Hall. Mrs. Bowling related some of the topics that had been discussed and some that will be discussed. Mrs. Bowling further reported that she attended the Industrial Board of Coffee County meeting, the attorney client meeting, the joint meeting with the Board of Mayor and Aldermen and the City Schools and that she would be bringing a motion forward regarding that this evening, a meeting to discuss the 14th Annual Old Towne Christmas Stroll, and that she attended a meeting in Nashville representing fiber optics. Mrs. Bowling reported that she would be attending a training meeting for the Board of Zoning & Appeals on Thursday evening.

MAYOR BISBY – Mayor Bisby reported that the City had received a grant for 2007 Safe Routes to School. Mayor Bisby explained this grant will help fund the sidewalks on Turkey Creek Road. Mayor Bisby thanked Ms. Debi Graham for her work on this grant.

REPORT FROM CITY ATTORNEY – Mr. Morrison reported that he had attended the Planning Commission meeting of which the major topic was the subdivision regulations. Mr. Morrison commended Mr. Dwayne Hicks for his time on this. Mr. Morrison said that subsequent to a favorable joint meeting between the School Board and the Board of Mayor and Aldermen, that he had received information from the Attorney for the Tullahoma City Schools that he would be preparing a proposed agreement along with resolutions to submit to the City Attorney for review and consideration by the Board of Mayor and Aldermen.

REPORT FROM THE CITY ADMINISTRATOR – Mr. Baltz reported that the Turkey Creek Roadway project is ahead of schedule.

A motion was made by Mr. Bowling and seconded by Mr. James to accept Agenda Item 07-152 Proceeds Resulting from Current Litigation with Coffee County Regarding School Funding and 07-153 Addendum to the Grundy Street Land Sale Review Committee Report to be added and considered under New Business, 07-153 to be considered before Agenda Item 07-151.

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

CONSENT AGENDA

Agenda Item 07-147 - Minutes of the October 8, 2007 Board Meeting

Agenda Item 07-148 – September 2007 Finance Report Meeting

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

OLD BUSINESS - None

NEW BUSINESS

ORDINANCE NO. 1356 – AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF TULLAHOMA, TENNESSEE AND TO ZONE SAME

Mayor Bisby read the caption of Ordinance No. 1356 for the first of two readings.

A motion was made by Mr. James and seconded by Mrs. Bowling to accept Ordinance No. 1356 for the first of two readings. On roll call all members present voted aye and it was so ordered.

ORDINANCE NO. 1357 – AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF TULLAHOMA, TENNESSEE WHICH IS APPENDIX “A” TO THE CODE OF ORDINANCES OF THE CITY OF TULLAHOMA, TENNESSEE BY CHANGING THE ZONING MAP WHICH IS A PART THEREOF TO RE-ZONE CERTAIN PROPERTIES AT 200 AND 202 EDDIE STREET FROM R-3 TO C-2, GENERAL COMMERCIAL DISTRICT (COFFEE COUNTY TAX MAP 1240, GROUP B, PARCEL 4.00)

A motion was made by Mrs. Bowling and seconded by Mr. James to refer back to the Planning Commission to review and consider it for Office Space.

Mr. Norris asked if zoning as office space would be acceptable to those who expressed opposition, Mr. Don Burt, and Mr. Burt said that office zoning would not be acceptable and that they would like it to stay residential.

A motion was made by Mrs. Lindeman and seconded by Mr. James to amend the motion to refer back to the Planning Commission for review.

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

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

AGENDA ITEM 07-149 – APPROVAL OF PARTICIPATION WITH THE COFFEE COUNTY ANTI-DRUG COALITION

Mrs. Lindeman presented the information.

A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to authorize the Mayor to sign the Membership Agreement with Coffee County Anti-Drug Coalition (CCADC).

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

AGENDA ITEM 07-150 – APPROVAL OF EMERGENCY CONTINGENCY PLAN WITH STATE OF TENNESSEE CORRECTION ACADEMY

A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Alternative No. 1 to approve the request and authorize the Mayor to execute the agreement. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-153 – ADDENDUM TO THE GRUNDY STREET LAND SALE REVIEW COMMITTEE REPORT SECTION 3

A motion was made by Mrs. Bowling and seconded by Mr. Shasteen for an addendum to page 16 of the Grundy Street Land Sale Review Committee Report under Section Three as follows: “Actions or statements of process, direction, or procedure which deviated from normal process, direction, or procedure are follow-on sentences in the chronological action item in which action or statement occurred. The notation is in bold type.” Discussion ensued.

Mrs. Lindeman called to question. On roll call all members present voted aye and the motion was so ordered.

AGENDA ITEM 07-151 – REPORT FROM POLICY COMMITTEE

A motion was made by Mrs. Bowling and seconded by Mr. Eads (it was stated that a second was not necessary) to accept the Report of the Policy Committee.

Discussion ensued from the Board of Mayor and Aldermen. Mrs. Bowling suggested they go through the recommendations one by one.

A motion was made by Mr. James and seconded by Mrs. Bowling for division of the question to vote section by section. On roll call all members present voted aye and the motion was so ordered.

The Board members agreed that throughout the Recommendations document that city administrator should be capitalized. Discussion ensued regarding the word “generally” used in the first paragraph and much discussion ensued regarding portion (c) in reference to disciplinary action.

A motion was made by Mr. Eads and seconded by Mr. James to amend Item Number 3 under Section 1 by adding a sentence under Number “3. Staff Requests by BMA Members:” but before the paragraph beginning with the word Questions as follows: “*Powers specifically granted to the Mayor under our City Charter not to the contrary*”: On roll call all members present voted aye and it was so ordered.

Discussion ensued regarding the sentence below Item Number 5. Meetings with Departments Heads and Staff, under Section 1 and the definition of “at length”.

A motion was made by Mr. Shasteen and seconded by Mr. Norris to amend the sentence under Number 5. Meetings with Department Heads and Staff: as follows: “*BMA members will not meet at length with department heads or other staff without the knowledge of the City Administrator. It is the responsibility of the*

department head or other staff member to inform the City Administrator.”

Discussion ensued regarding the phrase of “during work hours” being added to the above sentence.

A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman for a secondary amendment to the sentence under Number 5. Meetings with Department Heads and Staff: as follows: “BMA members will not meet at length with department heads or other staff *regarding City business* without the knowledge of the City Administrator. It is the responsibility of the department head or other staff member to inform the City Administrator.”

Mayor Bisby called for a vote on the secondary amendment by Mrs. Bowling; “regarding City business”. On roll call all members present voted aye and it was so ordered.

Mayor Bisby called for a vote on the first amendment by Mr. Shasteen; “It is the responsibility of the department head or other staff member to inform the City Administrator”. On roll call all members present voted aye and it was so ordered.

Discussion followed regarding the recommendations being ordinance or policy. Discussion closed indicating that the original report from the committee stated that the recommendations be codified in the most logical method and that the intent of the Policy Committee was to put recommendations into policy unless it required an ordinance. The City Attorney to make the determination of policy or ordinance.

Discussion ensued regarding Item Number 8, Correspondence on Staff Work and Projects.

A motion was made by Mrs. Bowling and seconded by Mr. Norris to accept Section 1 as amended. On roll call all members present voted aye and it was so ordered.

Mr. Eads read Section 2. Discussion ensued.

A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept Section 2. On roll call all members present voted aye and it was so ordered.

Mr. Norris read Section 3. Discussion ensued.

A motion was made by Mrs. Lindeman and seconded by Mr. James to accept

Section 3 as written. 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 accept Recommendation Two with the amendment to add the word “be” in the last sentence of the second paragraph under Recommendation Two, to read as follows: “In addition, the Committee recommends that authorization shall *be* obtained and such negotiations between city officials and private land owners be conducted in a public forum.” On roll call all members present voted aye and it was so ordered.

A motion was made by Mr. Shasteen and seconded by Mr. Norris to accept Recommendation Three 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. Norris to accept Recommendation Four 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 Mrs. Lindeman to accept Recommendation Five. Discussion ensued regarding this being retroactive in converting past VHS recordings into DVD/digital.

A motion was made by Mr. Shasteen and seconded by Mr. Norris to amend the sentence as follows: “The city should begin the process of recording and archiving city meetings in digital technology.”

Mayor Bisby called for a vote on the motion as amended. On roll call all members present voted aye and it was so ordered.

Discussion ensued regarding Recommendation Six.

Mayor Bisby called for a vote on Recommendation Six. Mr. Shasteen asked for clarification on this sentence of what they are voting yes on. Mayor Bisby said that his understanding was that they are voting yes to Recommendation Six with a request that the City Attorney start drafting this with a request for a cost estimate for converting paper documents to digital technology. On roll call all members present voted aye and the motion was so ordered.

A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman to accept Section Seven. On roll call all members present voted aye and the motion was so ordered.

A motion was made by Mrs. Lindeman and seconded by Mr. James to accept Section Eight.

Discussion ensued regarding committees being subject to the sunshine law and other emergency situations in relation to the sunshine law such as special call meetings if giving a week notice would actually be nine days out before the meeting could take place. Mr. Randall Morrison suggested adding a phrase after unless otherwise provided by law, of “or as exogenous circumstances occur”.

Discussion ensued that Mr. Morrison is aware of the wording that they are looking for this recommendation and will draft accordingly.

A motion was made by Mr. Shasteen and seconded by Mrs. Lindeman to approve Recommendation Eight. On roll call all members present voted aye and the motion was so ordered.

AGENDA ITEM 07-152 – DESIGNATE AND DIRECT PROCEEDS RESULTING FROM LITIGATION WITH COFFEE COUNTY REGARDING SCHOOL FUNDING

A typed motion was read and made by Mrs. Bowling as follows: A motion to designate and direct that any proceeds resulting from the current litigation with Coffee County regarding school funding be placed in the Sales Tax Sinking Fund and further that the city attorney would be withdrawn from the process. The motion was seconded by Mrs. Lindeman.

Discussion followed regarding the funds included in the settlement and the wording of the motion.

A motion was made by Mr. James and seconded by Mrs. Bowling to amend the motion to read as follows: A motion to designate and direct *all settlement* proceeds from the current litigation with Coffee County regarding school funding be placed into the Sales Tax Sinking Fund and further that the city attorney be withdrawn from the process. *Because these funds represent previous lost opportunities to place Local Option Sales Tax proceeds into the Sales Tax Sinking Fund, placement of these funds is consistent with Section 31 of our City Charter.*

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

Discussion ensued regarding the City Attorney being withdrawn from the process. Discussion ensued regarding meeting with the Tullahoma City Schools.

A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman for the City Attorney to stay a part of the process as representation for the City. Final full motion to read: A motion to designate and direct all settlement proceeds from the current litigation with Coffee County, regarding school funding, be placed into

the Sales Tax Sinking Fund. Because these funds represent previous lost opportunities to place Local Option Sales Tax proceeds into the Sales Tax Sinking Fund, placement of these funds is consistent with Section 31 of our City Charter.

Mayor Bisby called for a vote on the motion. On roll call all members present voted aye and it was so ordered.

Mayor Bisby called for a vote on the motion as amended. 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 at 9:27 p.m.

CITY RECORDER

MAYOR