

BOARD MEETING

NOVEMBER 12, 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, November 12, 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 Rev. Lewis Groce and the pledge of allegiance to the flag.

PROCLAMATIONS, AWARDS, AND SPECIAL PRESENTATIONS - None

COMMENDATIONS AND CERTIFICATES - None

COMMENTS FROM CITIZENS - None

REPORTS FROM MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN JAMES – Mr. James reported that he attended a Special Call TUB meeting that resulted in the approval of contracts relating to Fiber to the Premise. Mr. James said that things are moving quickly and it will be likely for the citizens to see crews out on the road in December for the onset of Fiber to the Premise. Mr. James reported that he attended the Veteran's Day program at City Hall and thanked those involved with the program. Mr. James reported that he also attended a Veteran's Day program at East Middle School and commended the program and thanked those involved with putting it together.

ALDERMAN NORRIS – No report.

ALDERMAN SHASTEEN – Mr. Shasteen reported that he attended a Planning Commission meeting on November 5 and the two public hearings regarding the subdivision regulations and a major thoroughfare plan. Mr. Shasteen said there were about 15 citizens in attendance and a couple of those in attendance spoke publicly. Mr. Shasteen reported that a couple of items were introduced and would be considered at the next meeting (Tullahoma Market Place at the old Worth property on Jackson Street, and some area around the Lion's

Club property for rezoning. Mr. Shasteen said the 200 & 202 Eddie Street property rezoning would also be addressed at the next Planning Commission meeting.

ALDERMAN EADS – Mr. Eads reported that he attended the Coffee County Realty grand opening ribbon cutting and thanked them for their remodeling and improvements to the property which helps to continue the improvements to our City. Mr. Eads reported that he appeared on the Channel 6 “Grass Roots” program. Mr. Eads thanked all Veteran’s for their risking their lives in service to our Country.

ALDERMAN LINDEMAN – Mrs. Lindeman thanked Police Chief Paul Blackwell and School Resource Officer Joe Brown for their quick response to a reported violence threat at THS. Mrs. Lindeman commented on the need for the Police Department to have an area for arrested suspects, instead of in a chair in the hallway. Mrs. Lindeman reported that she attended the Tullahoma Youth Development Committee meeting, the Tree Board, and the Veteran’s Day program at City Hall. Mrs. Lindeman announced that “Karing for Kids” is still looking for volunteers and donations.

Mrs. Lindeman said that the second Monday in December, which would be a Board meeting night, falls on Christmas Eve and that she would not be able to attend.

A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to dispense with the December 24, 2007 Board meeting. On roll all members present voted aye and it was so ordered.

MAYOR PRO TEM BOWLING – Mrs. Bowling requested confirmation on information she had given to a constituent regarding the completion of D.W. Wilson renovations being complete by late spring or early summer of 2008. Mr. Baltz confirmed that was accurate. Mrs. Bowling reported that she was not able to attend the Consolidated Communications Commission meeting but that Chief Shasteen and Chief Blackwell were present. Mrs. Bowling reported that she attended a TN Fiber Optics Communities meeting on October 29-31, a Policy Committee meeting, a Duck River Association meeting, the Harton Hospital groundbreaking for the new patient tower, the Planning & Coordinating Committee meeting, a South Central Human Resources Agency meeting. Mrs. Bowling (and reported regarding the Head Start building being slow due to their some architectural issues from their architect), and the Veteran’s Day program at City Hall.

Mrs. Bowling asked how the City Attorney evaluation was going to be handled this year. Mr. Baltz indicated that the evaluation is done in December and that he would forward to the Board a copy of the evaluation form for their review before the evaluation.

MAYOR BISBY – Mayor Bisby reported on the bio-degradable garbage bags available for citizens and asked Mr. Baltz if Mr. Wayne Limbaugh could clarify for the citizens some of the information regarding leaf pick up and the new bio-degradable bags.

Mr. Limbaugh explained the use of the bio-degradable bags and the process for pick up the bags and loose leaves for citizens.

Mayor Bisby announced that there is a potential for a new National Guard Armory building for a site next to the Coca Cola property on Highway 55 in Tullahoma. The building plans indicate a new Armory of about 50,000 square feet.

Mayor Bisby announced to the Board that at the next Board meeting he would be requesting the City to fund the planning and design for the THS Auditorium and East Lincoln Elementary school.

REPORT FROM CITY ATTORNEY – No report.

REPORT FROM THE CITY ADMINISTRATOR – No report.

CONSENT AGENDA

Agenda Item 07-154 - Minutes of the October 22, 2007 Board Meeting

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

OLD BUSINESS - None

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 second and final reading.

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

AGENDA ITEM 07-155 – APPROVAL OF SURPLUS PROPERTY REQUEST AT 411 W. CARROLL STREET (MR. RANDY TOMBERLIN, APPLICANT)

A motion was made by Mrs. Lindeman and seconded by Mr. James to approve the request for surplus of property subject to the retention of easements noted in the surplus property forms. Mr. James emphasized the retention of easements noted in the surplus of property forms. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-156 – SET PUBLIC HEARING FOR ADOPTION OF 2006 EDITION OF THE INTERNATIONAL BUILDING CODE

A motion was made by Mr. Shasteen and seconded by Mr. James to set a public hearing on December 10, 2007 for adoption of the Building Code. Mr. James stated that he was not comfortable with this motion. A motion was made by Mr. James and seconded by Mrs. Bowling to defer this agenda item to the next Board meeting. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-157 – AGREEMENT WITH COFFEE COUNTY 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT FOR ADDRESSING SERVICES

A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman to approve the agreement for signature with the changes suggested by replacing Department with City and by replacing (Dwayne Hicks, Director) with (Troy Bisby, Mayor). On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-158 – REPORT FROM POLICY COMMITTEE ON NON-RESIDENT VOTING OPTIONS

A motion was made by Mrs. Bowling and seconded by Mr. Norris to accept one of the alternatives for discussion.

Discussion ensued regarding the determination of who votes.

A motion was made by Mrs. Lindeman and seconded by Mr. James to amend the motion to approve Alternative B for two voters with restrictions.

Discussion ensued regarding the assessed property value amount.

A motion was made by Mrs. Bowling to amend the motion to change the assessed value to \$40,000. The motion died due to lack of a second.

A motion was made by Mr. James and seconded by Mr. Norris to amend the motion to change the assessed property value amount to \$5,000. On roll call the vote was as follows:

AYE: Bisby, Eads, James, Lindeman, Norris, Shasteen

NO: Bowling

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

Mayor Bisby called for a vote on the amendment to approve Alternative B with two votes. On roll call all members present voted aye and it was so ordered.

ORDINANCE NO. 1358 – AN ORDINANCE TO AMEND TITLE 5 (MUNICIPAL FINANCE AND TAXATION), CHAPTER 1 (IN GENERAL) OF THE TULLAHOMA MUNICIPAL CODE, BY ADDING A NEW SECTION, REGARDING THE FINANCIAL MANAGEMENT OF GENERAL OBLIGATION BONDS AND NOTES

A motion was made by Mrs. Bowling and seconded by Mr. James to accept Ordinance No. 1358 on the first of three readings.

Mr. James discussed sub-paragraph 3 under 5-117 being redundant.

A motion was made by Mr. James and seconded by Mr. Shasteen to delete sub-paragraph (3) under 5-117.

Discussion ensued. Mrs. Bowling called to question. On roll call all members voted aye and it was so ordered.

A motion was made by Mr. James and seconded by Mrs. Bowling to change 5-117 under sub-paragraph (1) the third sentence to become a) under (1), and to make sub-paragraph (2) become b) under sub-paragraph (1).

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

Mayor Bisby called for a vote to approve Ordinance No. 1358 as amended. On roll call the vote was as follows:

AYE: Bowling, Eads, James, Lindeman, Norris, Shasteen

NO: Bisby

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

ORDINANCE NO. 1359 – AN ORDINANCE TO AMEND TITLE 1 (GENERAL

ADMINISTRATION), CHAPTER 2 (BOARD OF MAYOR AND ALDERMEN) OF THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA TO DEFINE ADEQUATE NOTICE

A motion was made by Mrs. Bowling and seconded by Mr. Shasteen to adopt Ordinance No. 1359 on the first of two readings.

Mr. James asked for a point of inquiry to the City Attorney. He asked if there is any way this can be read not to apply to any organization that is subject to the Sunshine Law within the City of Tullahoma. Mr. Morrison responded and said, no, and he further discussed TN Code 8-44-101 and 8-44-103).

Mrs. Bowling discussed the point of 7-day notice actually putting the meeting 9 days out due to the publishing schedule of the Tullahoma News.

Mayor Bisby expressed his concern with this Ordinance stating that he believes the current code does not put a time restraint is because of particular situations. Mr. Morrison discussed exigent circumstances and Mr. Baltz explained that this would not impact the Mayor calling a special call meeting.

On roll call the vote was as follows:

AYE: Bowling, Eads, James, Lindeman, Norris, Shasteen

NO: Bisby

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

ORDINANCE NO. 1360 – AN ORDINANCE TO AMEND TITLE 1 (GENERAL ADMINISTRATION), CHAPTER 6 (RECORDS MANAGEMENT) OF THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA TO PROVIDE FOR ARCHIVING OF VIDEO RECORDINGS

A motion was made by Mrs. Bowling and seconded by Mrs. Lindeman to adopt Ordinance No. 1360 on first of two readings.

Discussion ensued regarding whether or not this is appropriate as ordinance or policy.

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

ORDINANCE NO. 1361 – AN ORDINANCE TO AMEND TITLE 20 (MISCELLANEOUS), CHAPTER 4 (PUBLIC PROPERTY, REAL OR PERSONAL) SECTION 20-401 OF THE TULLAHOMA MUNICIPAL CODE FOR THE CITY OF TULLAHOMA REGARDING THE SALE OR SURPLUS OF REAL PROPERTY OF

THE CITY

A motion was made by Mr. Shasteen and seconded by Mrs. Bowling to adopt Ordinance No. 1361 on first of two readings.

On roll call the vote was as follows:

AYE: Bowling, Eads, James, Lindeman, Norris, Shasteen

NO: Bisby

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

RESOLUTION NO. 1367 – A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE TO AMEND THE PURCHASING POLICIES AND PROCEDURES MANUAL FOR THE CITY OF TULLAHOMA, TENNESSEE

A motion was made by Mr. James and seconded by Mrs. Bowling to adopt Resolution No. 1367.

A motion was made by Mr. James and seconded by Mr. Shasteen to defer Resolution No. 1367 until the second reading of Ordinance No. 1361. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-159 – APPROVAL OF BID FOR FIRE STATION NO. 2 ADDITION

A motion was made by Mrs. Lindeman and seconded by Mrs. Bowling to accept the bid from Heartwood Construction for \$195,500.00 and authorize the Mayor to execute the contract. On roll call all members present voted aye and the motion was so ordered.

AGENDA ITEM 07-160 – APPROVAL OF BID FOR FIRE STATION NO. 2 EMERGENCY GENERATOR

A motion was made by Mrs. Bowling and seconded by Mr. Norris to purchase the generator from LBI in Shelbyville, TN for \$24,200.00. On roll call all members present voted aye and it was so ordered.

RESOLUTION NO. 1368 – A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE TO APPROVE A MUTUAL AID AGREEMENT WITH THE NORTH FRANKLIN VOLUNTEER FIRE DEPARTMENT

A motion was made by Mrs. Bowling and seconded by Mr. James to adopt Resolution No. 1368. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-162 – APPROVAL OF FOREIGN POLICE STUDENT INTERNSHIP WITH THE THURINGER (GERMANY) POLIZEI

A motion was made by Mrs. Lindeman and seconded by Mr. James to approve the internship of Carolin Wagner pending TML approval. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-163 – APPROVAL OF INTERLOCAL AGREEMENT WITH COFFEE COUNTY AND THE CITY OF MANCHESTER

A motion was made by Mr. Shasteen and seconded by Mr. James to approve the agreement to fund the Tullahoma portion of the service agreement using funds from Drug Fund of \$1,157. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-164 – APPROVAL OF BID FOR IMPOUND LOT FENCING

A motion was made Mrs. Lindeman and seconded by Mrs. Bowling to approve the bid received by ACE Fence Company and permit staff to award the contract for \$3,944 with funds from the Police Drug Fund. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-165 – APPROVAL OF PARKS & RECREATION EQUIPMENT PURCHASE FROM STATE CONTRACT

A motion was made by Mr. James and seconded by Mr. Norris to approve the purchase of the mowers from State Contract. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-166 – APPROVAL OF PAVING BID

A motion was made by Mrs. Lindeman and seconded by Mr. Shasteen to award the bid to Roger's Group not to exceed \$200,000. On roll call all members present voted aye and it was so ordered.

AGENDA ITEM 07-167 – APPROVAL OF PAVING LIST

A motion was made by Mr. James and seconded by Mr. Shasteen to approve the paving list.

Discussion ensued regarding the streets pulled from the paving list due to scheduled utility work.

A motion was made by Mr. James and seconded by Mr. Shasteen to amend the motion to put those streets pulled due to utility work back on the paving list to be paved at the discretion of the Public Works department after the utility work has been completed, keeping within the budget.

Mayor Bisby called for a vote on the amendment to put the pulled streets back on the paving list. 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 07-168 – SET ATTORNEY/CLIENT MEETING

A motion was made by Mr. Eads and seconded by Mrs. Lindeman to direct our City Attorney to schedule a joint attorney-client meeting between the BMA and TCS Board.

Discussion ensued regarding the subject of the meeting.

A motion was made by Mrs. Lindeman and seconded by Mr. James to defer until after the Board of Mayor and Aldermen meet with the City Attorney. 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 7:31 p.m.

CITY RECORDER

MAYOR