

BOARD OF MAYOR AND ALDERMEN (BMA)
MINUTES FOR
June 12, 2023

The Board of Mayor and Aldermen of the City of Tullahoma, Coffee and Franklin Counties, Tennessee assembled at the Municipal Building, in Tullahoma, for a meeting on Monday, June 12, 2023, at 5:30 p.m. with Mayor Ray Knowis presiding and the following named members of the Board of Mayor and Aldermen: Jenna Amacher, Daniel Berry, Kurt Glick, Jerry Mathis, Derick Mann and Bobbie Wilson.

Mr. Kenney Pearson, Interim City Administrator; Mr. Stephen M. Worsham, City Attorney, Mrs. Sue Wilson, Finance Director, and Mrs. Lori Ashley, City Recorder were present at the meeting.

Mayor Ray Knowis called the meeting to order.

The Invocation was said by Rev. Marvin Nutter, and he led the Pledge of Allegiance.

City Recorder Lori Ashley called the roll.

COMMENDATIONS AND CERTIFICATES: N/A

PROCLAMATIONS, AWARDS AND SPECIAL PRESENTATION: N/A

COMMENTS FROM CITIZENS:

Johnathan Carroll, 117 Hamilton Lane, looking at hosting tournaments at Johnson Lane, the state will not allow the tournament in Tullahoma until there are bathrooms built. Tullahoma Soccer Association pays \$320 per month for four porta potties at Johnson Lane. He does not feel it is fair for the 501(C)(3) has to continue to pay this when the bathrooms were approved in May 2022.

Emily Raths, 102 Windbriar Driver, donated her three minutes to Lane Curlee.

Lane Curlee, 707 Twelve Oaks, stated he has sat as a Mayor and Alderman for a total of 25 years and has some words of advice. The board are not managers of the City, let the City Administrator do his job. Feels there are many things the board could use their leadership skills to do good for the City of Tullahoma. Leaders make things happen. Agenda items should not be added to the agenda with no contents. He challenges each board member to get good things done for the good people of Tullahoma.

Scott VanVelsor, Fairways Blvd, spoke regarding Item No. 23-114, gave his experience regarding the Historic Overlay Districts and Historic Zoning Commission. He is not in favor of this Item.

Hunter Norris, 433 Albemarle Drive, would like to see the Soap Box Derby Race continue in Tullahoma. He is the President of the Highland Rim Bicycle Club and would like to tie into the crossing walk project for the safety of the cyclist.

Elizabeth Bowling, 999 Forrest, thanked the board for Item No. 23-114, stated that this would not be a new Ordinance, this already exists and is not being followed. This came to the attention of the CPDC, in Section 408.B it states, "The Historic Overlay District(s) shall be shown as an Overlay on the Official Zoning Map" and in Section 408.C it states, "A regional historic zoning commission is hereby created for the City of Tullahoma, Tennessee and shall consists of five (5) members".

THE AGENDA WAS PRESENTED FOR APPROVAL

A motion was made by Alderman Glick and seconded by Alderman Mathis to approve the agenda.

A motion was made by Alderman Amacher and seconded by Alderman Mann to add an item to tonight's agenda. Add an Item to instruct the Interim City Administrator to reschedule the executive study session cancelled by Bob Burns & Associates, within the next forty-eight (48) hours, and to inform Mr. Burns & Associates if they fail to do so the city will file a formal complaint with the BPR based on the highlighted subsections of the Rules of Professional Conduct.

A discussion ensued.

City Attorney, Mr. Worsham spoke regarding the addition of the item. He stated that the item is out of order and an idle threat by Ms. Amacher to the attorneys that have been representing the city. Forty-eight hours is an unrealistic request and believes this motion is inappropriate and should not move forward.

On roll call all members present voted to add the new item which will be Item No. 23-115 to the agenda as follows;

Aye(s): Amacher, Glick, Mann, Wilson
Nay(s): Berry, Knowis, Mathis

The vote being four (4) aye(s) and three (3) nay(s); the motion passed and is added to the agenda.

A motion was made by Alderman Berry to discuss directing the Interim City Administrator to reinstate HR Director Casta Brice. Motion failed for lack of a second.

A motion was made by Mayor Knowis and seconded by Alderman Amacher to move the Beer Board meeting to the beginning of the agenda.

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

On roll call all members present voted to approve the agenda as amended and it was so ordered.

REPORTS FROM THE MEMBERS OF THE BOARD OF MAYOR AND ALDERMEN

ALDERMAN AMACHER – She is going to look into where the City is on the Johnson Lane bathroom project and would like the Interim City Administrator to look at some trailer bathrooms to accommodate for the current season. Invited Mr. Curlee to be a part of the expungement fair she is working on.

ALDERMAN BERRY – No Report.

ALDERMAN GLICK – Began a project to improve the cell phone service in the City of Tullahoma. Verizon would like to hear from the citizens, Mr. Glick urged the citizens to call 800-922-0204 or *611 from a Verizon device, to express your dissatisfaction with the cell service in Tullahoma.

MAYOR PRO TEM MATHIS – Thanked Mr. Curlee for his comments and his professionalism.

ALDERMAN WILSON – Attended the Memorial Day Celebration, it was well attended and had great speakers. The Tree Board is having an arboretum walk on June 28, 2023, at 5:00.

ALDERMAN MANN – Attended the Memorial Day Celebration, Mr. Howard Thompson, Vietnam Veteran and Governors Gold Star Volunteer Award Recipient, was the guest speaker. The Veterans Memorial Scholarship was awarded to Zayland Spinner of Tullahoma High School and Macey Fletcher of Moore County High School. Justin Sells played taps to conclude the ceremony. Justin was a past scholarship award winner. Update everyone that the Charter revisions are underway. Suggestions should be emailed to Mr. Mann or Interim City Administrator Kenny Pearson. The backpacks are in for the school supply drive. Supplies can be brought to City Hall or any United Way bin around town, as we have partnered with them. Working on a project to update and restore neglected areas in Tullahoma.

MAYOR RAY KNOWIS - Mr. Knowis presented a proclamation to Ms. Opal Casey that celebrated her 102nd birthday. He had the opportunity to recognize Ms. Rita Bogle, who has been a Medical Laboratory Technician at the hospital for fifty (50) years. Interesting meeting with the Tech Hub of Tullahoma to talk about ways to encourage entrepreneurship in Tullahoma. A check was received from TDOT for \$103,150 for the right-of-way to the cemetery on Wilson Lane. Work will begin once the fence is removed.

CITY ATTORNEY – Mr. Worsham added to Mayor Knowis' announcement about the TDOT check, \$10,000 of the money was ear marked for any memorial trees that may be damaged. Today deeds were exchanged with the lawyer for Harton Family Partners to straighten William Northern Blvd. and to accommodate the hotel to be built. Introducing at the next board meeting, an amendment to allow the city to access liens against property owners who have fines assessed to them in City Court or by the AHO. This allows us to attach

those fines to the property taxes. Discuss and perhaps put on the agenda that there are three different sets of rules that have been enacted and amended, we need one set of rules to follow. You should have a copy of recent legislation laws that were passed about adding agenda items to the agenda at the meeting that will be voted on that night. Would like to add to the next agenda drafting a letter to the renters of the Rock Tenn Building that they will have until August 1, 2023, to vacate the property.

INTERIM CITY ADMINISTRATOR – Mr. Pearson stated he attended the Chamber Coffee at First Vision Bank. On May 25, 2023, active shooter drills were held at the Tennessee Corrections Academy, many departments were involved in this. Attended the Memorial Day Celebration, thanked Parks & Recreation for all their work in setting everything up and to the Fire Department for bringing out the honor guard. A new Verizon tower may be going near Ellis Acres. The last three weeks we have been working on the budget.

CONSENT AGENDA:

Item No. 23-102 – Minutes of the May 22, 2023, Regular Meeting and Public Hearing.

Item No. 23-103 – Announce a vacancy on the Tullahoma Housing Authority Board and to consider applications from interested citizens to serve the remainder of the unexpired term ending October 31, 2025.

Item No. 23-104 – Announce a vacancy on Duck River Utility Commission and to consider applications from interested citizens to serve a full 3-year term ending June 30, 2026.

Item No. 23-105– Approve the Mutual Aid in Fire Protection and Emergency Services Agreement between Arnold Air Force Base and the City of Tullahoma.

Item No. 23-106– Schedule a Study Session for the Board of Mayor and Aldermen on Monday June 19 at 6:00 PM in the Tullahoma Municipal Building to discuss Capital Projects.

A motion was made by Alderman Berry and seconded by Alderman Wilson to approve the item(s) on the Consent Agenda.

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

UNFINISHED BUSINESS:

Ordinance No. 1594 – An Ordinance of the City of Tullahoma, Tennessee adopting the Annual Budget and Tax Rate for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for passage on the second of three readings.

A motion was made by Alderman Berry and seconded by Alderman Wilson to approve Ordinance No. 1594 as amended to include department detail as presented for all funds.

A discussion ensued.

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

Ordinance No. 1595 – An Ordinance to amend the Code of Ordinances of the City of Tullahoma, Tennessee by Amending Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance), Section 202, (Board of Zoning Appeals) by deleting it in its entirety and substituting a New Section 202, Board of Appeals, for passage on the second and final reading.

A motion was made by Alderman Mathis and seconded by Alderman Amacher to approve Ordinance No. 1595.

City Attorney, Mr. Worsham stated that the board received a legal opinion from MTAS, Ms. Elisha Hodge which is included in the agenda packet. After legal research on this matter, it is his legal opinion that a different method should have been followed to accomplish what we are wanting. This board does not have the legal authority under state law to appoint itself as the Board of Zoning Appeals. There are two choices, the Planning Commission can also act as the Board of Zoning Appeals or we can appoint a separate body of people to act as the Board of Zoning Appeals. His suggestion is to postpone or vote this down and instead study and present an Ordinance to the board going through the proper method outlined by Ms. Samaniego that we must go through the zoning ordinance provisions in order to create a new Board of Zoning Appeals in lieu of the one we have now. He believes if this ordinance is passed it would not be valid or legal. It is beyond the authority of the board to take action that the legislature has not authorized us to take.

A discussion ensued.

On roll call all members present voted to approve Ordinance No. 1595 as follows;

Aye(s): Amacher, Glick, Mann, Wilson
Nay(s): Berry, Knowis, Mathis

The vote being four (4) aye(s) and three (3) nay(s); the motion passed and is so ordered.

Resolution No. 1941 – A Resolution renaming South Wall Street Alley to Eugene London Street.

A motion was made by Alderman Berry and seconded by Alderman Mathis to approve Resolution No. 1941.

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

NEW BUSINESS:

Ordinance No. 1596 – An Ordinance to amend the Zoning Ordinance of the City of Tullahoma, Tennessee, which is Ordinance No. 1392, by amending Article IV Specific District Regulations – Section 405 Micro-Brewery Use in the restricted manufacturing and warehousing (I-1) zoning district, for passage on the first of two readings.

A motion was made by Alderman Berry and seconded by Alderman Amacher to approve Ordinance No. 1596.

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

Resolution No. 1942 – A Resolution approving a New Classification and Compensation Plan for City of Tullahoma Employees.

A motion was made by Alderman Berry and seconded by Alderman Mann to approve Resolution No. 1942.

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

Item No. 23-107 – Request to Renew the annual Local Government Corporation Hardware Maintenance Agreement & city-wide Financial Software in the amount of \$59,616 for fiscal year 2024.

A motion was made by Alderman Berry and seconded by Alderman Glick to approve Item No. 23-107.

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

Item No. 23-108 – Approve the one-year renewal of an Agreement with Householder Artman, PLLC to perform audit services for the City of Tullahoma, Tullahoma City Schools, Tullahoma Industrial Development Board, Tullahoma Airport Authority, and Tullahoma Area Economic Development Corporation, in the total amount of \$49,800, for FY 2023.

A motion was made by Alderman Glick and seconded by Alderman Berry to approve Item No. 23-108.

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

Item No. 23-109 – Consider approval of a TDEC ARP Stormwater Non-Collaborative Grant in the amount of \$2,370,558 and authorize the mayor to sign the contract.

A motion was made by Alderman Berry and seconded by Alderman Mathis to approve Item No. 23-109.

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

Item No. 23-110 – Confirm the reappointment of John West as recommended by the Interim City Administrator to the Inter Local Solid Waste Authority (ISWA) Board for a six-year term expiring in July 2029.

A motion was made by Alderman Mann and seconded by Alderman Berry to approve Item No. 23-110.

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

Item No. 23-111 – Consider approval of using TDOT Maintenance Contract paving funds to fix a deteriorating lane on North Jackson Street and allocate the remaining \$65,762.11 to the project. All funds will be reimbursed to the city once the work is complete.

A motion was made by Alderman Berry and seconded by Alderman Mann to approve Item No. 23-111.

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

Item No. 23-112 – Consider a request to authorize the Parks & Recreation Department to apply for a \$10,000 TAEP Grant with a 50% local match required.

A motion was made by Alderman Berry and seconded by Alderman Wilson to approve Item No. 23-112.

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

Item No 23-113 – Consider approval of the purchased equipment from GameTime, Inc. in the amount of \$13,905.39 to complete the Dog Park Dash Grant.

A motion was made by Alderman Berry and seconded by Alderman Mathis to approve Item No. 23-113.

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

Item No. 23-114 – Consider a request to add the Historic Overlay District that were previously created to the Official Zoning Maps and to fill vacancies on the Historic Zoning Commission.

A motion was made by Alderman Mann and seconded by Alderman Berry to approve Item No. 23-114.

A discussion ensued.

A motion was made by Alderman Amacher and seconded by Alderman Mathis to postpone Item No. 23-114 while we schedule a public forum to repeal or amend.

A discussion ensued.

Alderman Amacher withdrew her motion.

On roll call all members present voted nay on the original Item No. 23-114 and the motion failed.

Item No. 23-115 – Consider instructing the Interim City Administrator to reschedule the executive study session cancelled by Bob Burns & Associates, within the next forty-eight (48) hours, and to inform Mr. Burns & Associates if they fail to do so the city will file a formal complaint with the BPR based on the highlighted subsections of the Rules of Professional Conduct.

A motion was made by Alderman Amacher and seconded by Alderman Wilson to approve Item No. 23-115.

A discussion ensued.

The question was called by Alderman Berry.

On roll call all members present voted to stop discussion as follows;

Aye(s): Amacher, Berry, Mann, Wilson
Nay(s): Knowis, Mathis
Abstain: Glick

The vote being four (4) aye(s), two (2) nay(s), and one (1) abstain, the motion passed and it is so ordered.

On roll call all members voted on Item No. 23-115 as follows;

Aye(s): Amacher, Mathis, Wilson
Nay(s): Berry, Knowis, Mann
Abstain: Glick

The vote being three (3) aye(s), three (3) nay(s), and one (1) abstain, the motion failed.

There being no further business to come before the Board of Mayor and Alderman at this time, the Board Meeting adjourned at 8:13 p.m.