

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
JANUARY 15, 2008**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 4:00 p.m., Tuesday, January 15, 2008 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Frank McGuffin, William Rooney, Kay Senter and Rick Trent; and the following named Councilmembers absent: Claude Jinks and Mel Tucker.

Councilmember Rooney made a motion to approve the December 18, 2007 minutes as circulated; Councilmember McGuffin seconded the motion and all voted "aye".

Councilmember Senter made a motion to open the agenda and add an item under New Business regarding the sales tax referendum; Councilmember McGuffin seconded and all voted "aye".

Councilmember Senter made a motion to declare Service Weapon – Glock 32.357 sig, serial 3 LNF145 as surplus property to be donated to Detective Captain Gary Kilgore upon his retirement. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

The promotion of Police Department Personnel was postponed until the next Council meeting.

Promotion of Fire Department Personnel

Councilmember Senter made a motion to accept Chief Honeycutt's recommendation and promote James King to Fire Captain; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to accept Chief Honeycutt's recommendation and promote Kevin Jarnigan to Fire Lieutenant; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to accept Chief Honeycutt's recommendation and promote Harold Shults to Driver/Engineer; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to accept Chief Honeycutt's recommendation and hire Joe McNeil as a Firefighter; Councilmember McGuffin seconded the motion and upon roll all, all voted "aye".

A public hearing was conducted on the following captioned Ordinance No. 3316. Councilmember Rooney made a motion to adopt said Ordinance on second and final reading; Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3316
Entitled an Ordinance to amend the Municipal Code of the
City of Morristown, Tennessee, Appendix B. {Rezoning of
property located along East Andrew Johnson Highway
(4645 E.A.J.) from Intermediate Business (IB) to Medium
Density Residential (R-2).}**

Councilmember Rooney made a motion to award the bid for four full-size Sport Utility Vehicles to Royston – Dodge Durango in the amount of \$24,700 each. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to award the bid for the Global Navigation Surveying System to Earl Dudley, Inc. in the amount of \$35,595. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to award the bid for a photographer for Parks & Recreation Team Pictures to Chuck Hale Fotographic for ±\$8,850 yearly revenue. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to award the Engineering Services Contract for the Willow Springs Pump Station System Evaluation to Barge, Waggoner, Sumner & Cannon in the amount of \$15,200. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to adopt the following Resolution No. 01-08; Councilmember Trent seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 01-08
A RESOLUTION AUTHORIZING PARTICIPATION IN THE MAIN
STREET PROGRAM AND DESIGNATING A CITY OFFICIAL TO
REPRESENT THE CITY ON THE LOCAL NONPROFIT MAIN STREET
GOVERNING BOARD OF DIRECTORS.**

WHEREAS, Tennessee Main Street Program has been created to assist communities to develop a public-private effort to revitalize their downtown "Main Street" areas; and

WHEREAS, the Tennessee Department of Economic and Community Development will be selecting Tennessee cities to participate in the Tennessee Main Street program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MORRISTOWN, TENNESEE that the city:

Section 1. Endorses the submission of this application and agrees to participate in the development and financial support of the local Main Street program.

Section 2. Endorses the goal of economic revitalization of the Downtown within the context of the preservation and rehabilitation of its historic buildings.

Section 3. Will appoint a city official to represent the city on the local Main Street governing board of directors.

ADOPTED this 15th day of January 2008.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Councilmember Senter made a motion to adopt the following Resolution No. 02-08; Councilmember Trent seconded the motion and upon roll call, all voted "aye".

**Resolution No. 02-08
A Resolution Directing Payment of Tax
Equivalent for In-Lieu Taxes by the Morristown
Utility Commission.**

WHEREAS, Chapter 84, Public Acts of 1987, Tennessee Code Annotated, empowers the City Council to be paid revenues in lieu of taxes by The Morristown Utility Commission; and

WHEREAS, necessary data have been supplied by The Morristown Utility Commission and calculations of tax equivalents payable have been made in accordance with the provisions of Chapter 84, Public Acts of 1987, and other relevant contracts between the taxing jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Morristown, Tennessee, that The Morristown Utility Commission is hereby directed to pay the following amounts of tax equivalents to the respective taxing jurisdictions for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

<u>Jurisdiction</u>	<u>Amount</u>
City of Morristown	\$698,994.33 (77.5%)
Hamblen County	<u>\$202,933.84</u> (22.5%)
Total In-Lieu Tax Payable	<u>\$901,928.17</u>

ADOPTED this 15th of January 2008.

Mayor

ATTEST:

City Administrator

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3317 on first reading and schedule a public hearing relative to final passage of said Ordinance for February 5, 2008. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3317
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at the corner of Cherokee Drive/Morgan Lane/Walters Drive (Parcels 27.01 & 27.05, Tax Map 33) from Medium Density Residential (R-2) and Planned Single Family Residential (RP-1) to Mixed Use District (MUD).}

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3315 on second and final reading. Councilmember Trent seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3315
Entitled an Ordinance to amend the Morristown
Municipal Code, Title 14, Chapter 2 (Zoning Ordinance),
by adding a new Chapter 32 – Exterior Lighting**

Councilmember Senter made a motion to defer action on resubmitting the resolution regarding changes to the Civil Service Act until a full Council is present. Councilmember McGuffin seconded the motion and all voted “aye”.

Mayor Barile appointed the full Council to the 2008 Finance Committee, with Councilmember Senter as Chairperson.

Councilmember McGuffin made a motion to appoint Arnold Bunch to the Solid Waste Board for a three-year term to expire January 1, 2011. Councilmember Senter seconded and upon roll call, all voted “aye”.

Councilmember Trent made a motion to place signage at the Courthouse and City Hall – “Vote for the Sales Tax Referendum”. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

City Council convened as the Beer Board.

Councilmember Rooney made a motion to grant an On-Premise Beer Permit to Ruben Ortiz Miranda for Taqueria Los Jarocos, 1534 Buffalo Trail. Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

Councilmember Rooney made a motion to recess and go into the Work Session; Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

Mayor Barile reconvened the Council meeting.

Action on the Ordinance to amend the FY 2007 Budget was deferred to the January 29, 2008 called Council meeting.

Councilmember Trent made a motion to approve the following Resolution No. 03-08; Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

**RESOLUTION NO. 03-08
INITIAL RESOLUTION AUTHORIZING THE CITY OF
MORRISTOWN, TENNESSEE, TO BORROW FUNDS IN AN
AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED
EIGHT MILLION DOLLARS (\$8,000,000) THROUGH OBTAINING
A LOAN FROM A PUBLIC BUILDING AUTHORITY IN
TENNESSEE, UNDER ONE OR MORE LOAN AGREEMENTS
BETWEEN THE MUNICIPALITY AND THE AUTHORITY.**

WHEREAS, the City Council of the City of Morristown, Tennessee (the "Municipality") has determined that it is necessary and advisable to borrow funds and incur indebtedness for certain public improvements as more fully set forth herein; and

WHEREAS, pursuant to Section 9-21-205 and Section 12-10-115(a)(2), Tennessee Code Annotated, as amended, prior to obtaining loans for said purposes, it is necessary to adopt an initial resolution authorizing said loan agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, as follows:

1. For the purpose of providing funds for the (i) acquisition of land for and the construction, improvement, renovation, equipping and/or repair of roads, bridges, streets, highways, sidewalks and related lighting, road department facilities, parks and recreation department facilities, public works department facilities and other public buildings, and the acquisition of related vehicles and equipment including, but not limited to, lighting, computers and other technological equipment (the "Public Improvement Projects"); (ii) construction and equipping of extensions and improvements (the "Water and Sewer Project") to the water and sewer system (the "Water and Sewer System") of the Municipality; (iii) acquisition of all property, real and personal, appurtenant to the Public Improvement Projects and the Water and Sewer Project (collectively, the "Projects"), (iv) payment of legal, fiscal, administrative, architectural and engineering costs incident to the Projects and incident to the indebtedness described herein and (v) payment of capitalized interest during construction of the Projects and for up to six months thereafter, and payment of costs of issuance of the loan agreements and the bonds issued to fund such loan agreements, the Municipality is hereby authorized to borrow money and incur indebtedness in an aggregate principal amount of not to exceed \$8,000,000 by obtaining one or more loans from and entering into one or more loan agreements with a public building authority in Tennessee. The indebtedness incurred pursuant to the issuance of each loan agreement shall bear interest at a rate or rates not to exceed the maximum rate permitted by law and shall be payable from *ad valorem* taxes to be levied on all taxable property within the corporate limits of the Municipality. Repayment of

amounts due under each loan agreement allocated to the Water and Sewer Project shall be additionally payable from the revenues of the Water and Sewer System, subject only to the payment of reasonable and necessary costs of operating, maintaining, repairing and insuring the Water and Sewer System and to any prior pledge of such revenues in favor of other obligations of the Municipality payable from revenues of the Water and Sewer System..

2. The City Administrator/City Recorder of the Municipality is hereby authorized and directed to cause the foregoing resolution to be published in full in a newspaper having a general circulation in the Municipality for one issue of said paper followed by the following notice:

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Administrator/City Recorder of the Municipality protesting the entering into loans under the loan agreements, such loan agreements will be executed and delivered as proposed.

James H. Crumley, City Administrator/City Recorder

3. This Resolution shall be in immediate effect from and after its adoption, the public welfare requiring it.

Adopted and approved this 15th day of January, 2008.

Mayor

ATTEST:

City Administrator/City Recorder

CERTIFICATE OF CITY ADMINISTRATOR/CITY RECORDER

I, James H. Crumley, certify that I am the duly qualified and acting City Administrator/City Recorder of City of Morristown, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of the governing body of the City held on January 15, 2008; that these minutes were promptly and fully recorded and are open to public

inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to not to exceed \$8,000,000 general obligation indebtedness of the City.

WITNESS my official signature and seal of said City on this the 15th day of January 2008.

City Administrator/City Recorder

(SEAL)

Mayor Barile adjourned the January 15, 2008 City Council meeting.

ATTEST:

Mayor

City Administrator