

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
NOVEMBER 6, 2007**

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, November 6, 2007 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Claude Jinks, Frank McGuffin, William Rooney, Kay Senter, Rick Trent and Mel Tucker.

Councilmember Jinks made a motion to approve the October 16, 2007 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

A Public Hearing was held on the following Resolution No. 45-07. Councilmember Rooney made a motion to adopt said Resolution; Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 45-07
RESOLUTION ADOPTING A PLAN OF SERVICES FOR
THE ANNEXATION OF THE MPLG PROPERTY
LOCATED ALONG ENKA HIGHWAY.**

PLAN OF SERVICES

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

PROPERTIES IDENTIFIED ON THE HAMBLLEN COUNTY TAX MAP 58, Parcel 71.09.

TO BE ZONED HEAVY INDUSTRIAL (HI).

Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.

2. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation.

c. Water

1. Water for potable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional

Planning Commission recommended the zoning designation of Heavy Industrial (HI).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

Section II. This Resolution shall become effective from and after its adoption. Adopted this 6th day of November 2007.

Mayor

ATTEST:

City Administrator

A public hearing was held on the following captioned Ordinance No. 3304. Councilmember Rooney made a motion to adopt said Ordinance on second and final reading. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3304
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown, Tennessee. (Annexation and Zoning Classification of the MPLG property located along Enka Highway at Lowland.)**

A public hearing was conducted on the following captioned Ordinance No. 3306. Councilmember Senter made a motion to adopt said Ordinance on second and final reading; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3306
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. (Rezoning of a portion of Olde Towne East – East 2nd, 3rd & 4th North and James, Daisy, Franklin & Anderson Streets.)**

A public hearing was conducted on the following captioned Ordinance No. 3307. Councilmember Jinks made a motion to abandon the public right-of-way; Councilmember Trent seconded the motion. Councilmember Rooney made a motion to retain a transportation easement to the cemetery. The motions were withdrawn and action on the item was **deferred** until the November 20, 2007 Council meeting.

**Ordinance No. 3307
Entitled an Ordinance to close and vacate certain rights-of-way within the City of Morristown. (Right-of-Way Closure: West 13th North Street.)**

Councilmember Tucker made a motion to award the Red Light Enforcement System Bid to RedFlex on a contractual basis; cost to be determined by the number of citations issued. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to award the Janitorial Services bid to White Gloves Cleaning & Janitorial in the amount of \$80,100 for a one year contract. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to award the following bids; Councilmember Jinks seconded the motion and upon roll call, all voted "aye":

Four Wheel Drive Backhoe Loader to Nortrax / John Deere - \$75,292

Vibratory Asphalt Roller to Nortrax / Lee Boy - \$29,952

3/4 Ton 4x4 Pick-up Truck to Morristown Ford - \$20,214

1 Ton 4x2 Truck to Morristown Ford - \$28,357

Councilmember Tucker made a motion to postpone action on the Professional Services Agreement with AMEC for assistance in the development and implementation of a Storm Water Utility and User Fee until the November 20, 2007 Council meeting. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to adopt the following Resolution No. 46-07; Councilmember Jinks seconded the motion and upon roll call, all voted "aye". (Mayor Barile and Councilmember McGuffin stated they had vested interests in the project and would benefit by use, but not monetarily.)

**Resolution No. 46-07
A Resolution requesting assistance from the Tennessee Department of Transportation (Industrial Highway Act of 1959) for access improvements in the South Economy Industrial Park.**

WHEREAS, the City of Morristown, Tennessee, is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance this area's capabilities for growth and development, and

WHEREAS, the provision of jobs to area citizens by local industry is both necessary and vital to the economic well-being of the City of Morristown, and

WHEREAS, the Industrial Highway Act of 1959 authorizes the Tennessee Department of Transportation to contract with cities and counties for the construction and maintenance of "Industrial Highways" to provide access to industrial areas and to facilitate the development and expansion of industry within the State of Tennessee, and

WHEREAS, the following companies plan to construct substantial improvements in the South Economy Industrial Park within the next 2 years:

East Tennessee Steel Supply,	Manufacturing
Hale Construction,	Construction
American Plastics Profiles,	Manufacturing
Daniel Paul Chairs,	Manufacturing

Foust Metals, Manufacturing
Tidi Waste Systems, Processing
McGuffin Truss, Manufacturing
B&B Warehousing and Logistics, Distribution; and

WHEREAS, the construction of an industrial access road to serve said proposed plants is necessary and vital to the successful completion of this project and the future economic well-being of this area.

NOW, THEREFORE, BE IT RESOLVED by the City of Morristown, that a contract be entered into with the Tennessee Department of Transportation for assistance in construction and completion of the herein proposed industrial access highway under the provisions of the Industrial Highway Act of 1959.

Adopted this 6th day of November 2007.

Barbara C. "Sami" Barile, Mayor

ATTEST:

Recorder (City Administrator)

Councilmember Tucker made a motion to **DENY** the following captioned Ordinance No. 3305; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3305
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown, Tennessee. (Annexation and Zoning Classification of the Liberty Fibers Corporation property located along Enka Highway at Lowland.)**

Action on Ordinance No. 3295 (closing a portion of Daisy Street) was deferred until the November 20, 2007 Council meeting.

Mayor Barile appointed William W. Thompson to the Urban Growth Coordinating Committee (replacing former Councilmember Bill Thompson) and reappointed Gene Jolley and Jim Crumley to the UGB Committee.

Councilmember Tucker made a motion to continue funding scholarships for high school students attending Tennessee Technology Center; Councilmember McGuffin seconded the motion. Councilmembers Tucker and McGuffin amended their motion/second to reflect continuing the scholarships of only those students to which the City had made a prior commitment. Upon roll call, all voted "aye". (A list of eligible students will be compiled and given to City Council.)

Councilmember Tucker made a motion to approve the following changes to the Entry-Level Police Officer Qualifications & Standards. Councilmember Trent seconded the motion and upon roll call, all voted "aye":

- 1. Allow experienced, trained and professional law enforcement personnel from other jurisdictions the opportunity to compete for positions with the Morristown Police Department, regardless of their age;*
- 2. Clarify the military experience guidelines;*
- 3. Adopt a slight variation of the entry-level physical testing process used by the East Tennessee Regional Law Enforcement*

Academy at Walters State due to the fact that the current PT has been shown to have an adverse impact on female applicants whereas the Academy's PT has been validated and accepted;

4. Recognize and give additional credit for prior law enforcement experience and training;

5. Simplify the written and physical testing process for recent graduates of law enforcement academies and P.O.S.T. certified applicants.

Councilmember Tucker made a motion to approve Change Order #1 (final) for G. W. Wyatt Contracting in the amount of \$100,934.23 for the East First North Street Reconstruction Project. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker requested the following relative to the Illegal Immigration Issue:

1. That the City Attorney draft resolutions for the November 20th Council meeting to be sent to Senator Bob Corker, Senator Lamar Alexander, Congressman David Davis, Senator Steve Southerland and Representative John Litz.
2. Authorize the City Attorney to research and advise Council on what legal means we may have to identify and take action against illegal immigrants.
3. Fund Sheriff Jarnagin's expenses for ten deputies to attend ICE certification training under the 287 G Program; five of which would be MPD officers deputized by Sheriff Jarnagin.

City Council Convened as the Beer Board.

The Beer Permit Application from Mayur J. Shah, West Side Market, 303 Jarnigan Avenue, was withdrawn.

Councilmember McGuffin made a motion to grant an Off-Premise Beer Permit to Weigel Stores Inc., for 2106 West Andrew Johnson Highway, **subject to site plan approval**; Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the November 6, 2007 City Council meeting.

Mayor

ATTEST:

City Administrator