

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
DECEMBER 15, 2009**

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, December 15, 2009 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Council-members present: Gene Brooks, Bob Garrett, Claude Jinks, Frank McGuffin, William Rooney and Kay Senter.

Councilmember McGuffin made a motion to approve the December 1, 2009 minutes as circulated; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to approve a proposal for engineering services from Barge, Waggoner, Sumner & Canon for SR 32 Sewer Relocation at the 25-E Interchange in an amount not to exceed \$46,300. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to authorize Lamar Dunn & Associates to perform investigative work on the City's Sewer System with an upper limit of \$2,015,816.50 in accordance with terms of August 2, 2006 Agreement. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to approve the following Resolution No. 32-09; Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

**Resolution No. 32-09
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, 2009 and ending June 30, 2010.

<u>Jurisdiction</u>	<u>Amount</u>
City of Morristown	\$702,906.25 (77.5%)
Hamblen County	<u>\$204,069.55</u> (22.5%)
Total In-Lieu Tax Payable	<u>\$906,975.80</u>

ADOPTED this 15th day December 2009.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to approve the following Resolution No. 33-09; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Resolution No. 33-09
A Resolution Establishing a Policy of the City
of Morristown for Mid-Year Employee Raises.**

WHEREAS, the City of Morristown Employee Handbook Section III (5) provides for employee raises:

- A. Promotion
- B. Anniversary of Employment (step raises)
- C. Cost of Living (COLA)
- D. As provided for in annual budget approved by Council; and

WHEREAS, employees of the City of Morristown are eligible for step increases on their anniversary date provided they are approved in the annual budget by the Council; and

WHEREAS, promotions from one pay grade to another pay grade, provided there is a vacancy in the higher pay grade, are authorized by the City Administrator. {Section VI (9) of the Employee Handbook}; and

WHEREAS, any mid year raises other than those in the Employee Handbook must be approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Morristown City Council that this Resolution is duly passed and approved and shall take affect from and after its passage.

Adopted this 15th day of December 2009.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to approve the following Resolution No. 34-09; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

RESOLUTION NO. 34-09
A RESOLUTION FROM THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE REQUESTING AN ACT TO AMEND CHAPTER 354 OF THE PRIVATE ACTS OF THE TENNESSEE LEGISLATURE OF 1982. (Increasing the Hotel/Motel Tax from 5% to 7%.)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE THAT THE TENNESSEE LEGISLATURE IS REQUESTED TO AMEND CHAPTER 354 OF THE PRIVATE ACTS OF THE TENNESSEE LEGISLATURE OF 1982, IN SUBSTANCE AS FOLLOWS:

An Act to amend Section 2 of Chapter 354 of the Private Acts of the Tennessee Legislature of 1982.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 2 of Chapter 354 of the Private Acts of the Tennessee Legislature of 1982, is amended by substituting the words and numbers “**seven percent (7%)**” for the words and numbers “five percent (5%)” appearing therein.

SECTION 2. All provisions of law in conflict herewith are repealed.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in SECTION 3.

PASSED: _____

SPEAKER OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Approved:

GOVERNOR _____

The Mayor and six Councilmembers voted in favor of the Resolution and no Councilmember voted against the Resolution at the regular meeting of City Council on December 15, 2009. The Mayor and all Councilmembers were present and voting.

Adopted this 15th day of December 2009.

MAYOR

ATTEST:

CITY ADMINISTRATOR

CERTIFICATION

The undersigned, Lynn Wampler, on behalf of the Mayor of the City, hereby certifies that he is the City Administrator and Recorder for the City of Morristown, Tennessee and that the foregoing Resolution is an exact copy of that Resolution adopted by the City Council in regular session the 15th day of December 2009.

City Administrator

Councilmember Senter made a motion to approve the following Resolution No. 35-09; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

**Resolution No. 35-09
A Resolution Supporting the City of
Morristown's Application for the Tennessee
Energy Efficiency Conservation Block
Grant for FY 2010.**

WHEREAS, the City of Morristown seeks to continually develop comprehensive plan elements which serve as guidelines for the maintenance and improvement of community public facilities and infrastructure; and

WHEREAS, the citizens within the City of Morristown study area are afforded a continuous process whereby the transportation network within the area is maintained in an efficient and orderly manner while plans for future growth in traffic volumes, recreational and land uses are considered; and

WHEREAS, the governing entities of the City of Morristown desire for more energy efficient infrastructure, and that the City of Morristown has been designated as a Tree City USA and Tree Growth Award recipient; and

WHEREAS, the governing body of the City of Morristown desires to apply for the FY2010 Tennessee Energy Efficiency Conservation Block Grant, due by December 30, 2009, where the funding is 100% federal funds, and the maximum amount of a qualified grant is \$100,000.

NOW, THEREFORE, BE IT RESOLVED that the Morristown City Council does hereby support that the City of Morristown shall apply for the Tennessee Energy Efficiency Conservation Block Grant for FY 2010 at their regularly scheduled meeting on Tuesday, December 15, 2009.

Adopted on the 15th day of December 2009.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to adopt the following captioned Ordinance Nos. 3373-A and 3373-B on first reading and schedule a public hearing relative to final passage of said Ordinances for January 5, 2010. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

ORDINANCE NO. 3373 A
ENTITLED AN ORDINANCE TO AMEND THE FISCAL YEAR 2009 BUDGET BY PROVIDING FOR APPROPRIATIONS FROM REVENUE AND EXPENDITURE ACCOUNTS ON AN INDIVIDUAL FUND AND LINE ITEM BASIS IN THE FOLLOWING ACCOUNTS.

ORDINANCE NO. 3373 B
ENTITLED AN ORDINANCE TO AMEND THE FISCAL YEAR 2009 BUDGET BY PROVIDING FOR APPROPRIATIONS FROM REVENUE AND EXPENDITURE ACCOUNTS ON AN INDIVIDUAL FUND AND LINE ITEM BASIS IN THE FOLLOWING ACCOUNTS.

Unfinished Business – Right-of-Way Closure/Mildred Donaldson property/East High School. City Council was asked to again consider the Ordinance to close the alley. Councilmember McGuffin made a motion to approve the ordinance for discussion purposes; Councilmember Brooks seconded the motion. After discussion Councilmember McGuffin made a motion to table the request until the School Board obtained a survey and the School Board's request for alley closures in the area was considered by Planning Commission; Councilmember Senter seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks voted "no". (The Ordinance will be considered on first reading at the January 19, 2010 Council meeting and second reading at the February 2, 2010 Council meeting.)

Councilmember McGuffin gave an update on the Morristown Market Center (old Walker's Supply). Reappraisals are being done – should have them within 14 days.

Councilmember Senter made a motion to approve an easement across City property in ETPC for a water line for Morristown Utility Systems. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to approve the plan for purchasing the remaining properties in ETPC; Councilmember McGuffin seconded the motion. (Mr. Fishman presented the plan at the November 17, 2009 Work Session asking Council to approve the plan to purchase the remaining properties over a three year period. Phase 1 includes 5 properties to be purchased in 2010 and Phases 2 & 3 in 2011 & 2012 – to buy the entire property over a three year period.) After discussion, the motion was clarified to state – giving the Industrial Board approval to go ahead and move forward and get appraisals and begin discussions with the property owners on the purchase of those properties and then come back to Council with the appraisal values. Upon roll call, Councilmembers Garrett, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmembers Brooks and Jinks voted "no".

Councilmember Jinks made a motion to appoint Major Michelle Jones to the Morristown-Hamblen Child Care Centers Board for a two year term to expire November 20, 2011. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to approve Off-Premise Beer Permits for the following three Walgreen Stores; Councilmember McGuffin seconded the motion. Upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks "passed".

- (a) Walgreens #12858, located at 2107 E. Andrew Johnson Highway;
- (b) Walgreens #11813, located at 251 South Cumberland; and
- (c) Walgreens #6788, located at 1959 W. Andrew Johnson Highway.

Mayor Barile adjourned the December 15, 2009 City Council meeting.

Mayor

ATTEST:

City Administrator