

**STATE OF TENNESSEE
COUNTY OF HAMBLEN
CORPORATION OF MORRISTOWN
FEBRUARY 2, 2010**

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, February 2, 2010 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Gene Brooks, Bob Garrett, Claude Jinks, Frank McGuffin, William Rooney and Kay Senter.

Councilmember Jinks made a motion to approve the January 19, 2010 minutes as circulated; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

A public hearing was held on the following Resolution No. 01-10. Councilmember Rooney made a motion to adopt said Resolution; Councilmember McGuffin seconded and upon roll call all voted "aye".

**RESOLUTION NO. 01-10
PLAN OF SERVICES**

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTIES LOCATED ALONG Howard Allen Road, Progress Parkway, and Witt Road (Koch Foods/ETPC).

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 HAMBLEN COUNTY TAX
MAP 62 PARCELS 3.00 AND 4.00.

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 as in this area which is served by the Whitt Utility District.

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.

Passed on this 2nd day of February 2010.

Mayor

ATTEST:

City Administrator

A public hearing was held on the following captioned Ordinance No. 3374. Councilmember Jinks 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. 3374
Entitled an Ordinance to amend the Municipal Code of the
City of Morristown, Tennessee, Appendix B. {Rezoning of
property located at 1234 West Third North (Hamblen County
Tax Map 33N, Group H, Parcel 19) from Medium Density
Residential (R-2) to Office, Medical & Professional (OMP).}**

A public hearing was held on the following captioned Ordinance No. 3375. Councilmember Jinks 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. 3375

Entitled an Ordinance to annex certain territory and to incorporate same within the Corporate Boundaries of the City of Morristown, Tennessee. {Annexation of property located in the East Tennessee Progress Center owned by Koch Foods and the City of Morristown (Hamblen County Tax Map 62, Parcels 3 & 4), with a Zoning Designation of Heavy Industrial (HI).}

Councilmember Rooney made a motion to adopt the following Resolution No. 02-10; Councilmember Senter seconded the motion and upon roll call; all voted "aye".

RESOLUTION NO. 02-10

WHEREAS, the **CITY OF MORRISTOWN** has issued invitations to bid for the furnishing of PVC pipe, HDPE pipe, and Sewer Fittings necessary for the construction of the **SOUTH CUMBERLAND – PHASE 2 SANITARY SEWER SYSTEM IMPROVEMENTS (Morristown Project No. 2005-02B)** project in the **CITY OF MORRISTOWN SANITARY SEWER COLLECTION SYSTEM**; and

WHEREAS, said improvements will be financed with funds from the State Revolving Loan Program (SRF) and shall be subjected to final approval by the Tennessee Department of Environment and Conservation which administers the SRF program; and

WHEREAS, bids were received and publicly opened on January 28, 2010, with Consolidated Pipe & Supply, of Knoxville, Tennessee submitting the lowest and best bid, which bid the City's Wastewater Operations Director recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL MEMBERS OF THE CITY OF MORRISTOWN, TENNESSEE:

The recommendation of the Director is approved and award is hereby made, pending approval from the funding agency, to Consolidated Pipe & Supply, 7224 Ball Camp Pike, Knoxville, Tennessee 37931, for the furnishing of PVC pipe, HDPE pipe, and Sewer fittings for the construction of the South Cumberland – Phase 2 Sanitary Sewer System Improvements; said award in strict accordance with the bid as submitted and publicly opened on January 28, 2010, and in the amount of \$178,920.65.

Adopted this the 2nd day of February, 2010.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to adopt the following Resolution No. 03-10; Councilmember Senter seconded the motion and upon roll call; all voted "aye".

RESOLUTION NO. 03-10

WHEREAS, the **CITY OF MORRISTOWN** has issued invitations to bid for the furnishing of precast concrete manholes and related accessories necessary for the construction of the **SOUTH CUMBERLAND – PHASE 2 SANITARY SEWER SYSTEM IMPROVEMENTS (Morristown Project No. 2005-02B)** project in the **CITY OF MORRISTOWN SANITARY SEWER COLLECTION SYSTEM**; and

WHEREAS, said improvements will be financed with funds from the State Revolving Loan Program (SRF) and shall be subjected to final approval by the Tennessee Department of Environment and Conservation which administers the SRF program; and

WHEREAS, bids were received and publicly opened on January 28, 2010, with Sherman-Dixie Concrete Industries, Inc., of Knoxville, Tennessee submitting the lowest and best bid, which bid the City's Wastewater Operations Director recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL MEMBERS OF THE CITY OF MORRISTOWN, TENNESSEE:

The recommendation of the Director is approved and award is hereby made, pending approval from the funding agency, to Sherman-Dixie Concrete Industries, Inc., 6209 Old Rutledge Pike, Knoxville, Tennessee 37824, for the furnishing of precast concrete manholes and related accessories for the construction of the South Cumberland – Phase 2 Sanitary Sewer System Improvements; said award in strict accordance with the bid as submitted and publicly opened on January 28, 2010, and in the amount of \$60,295.00.

Adopted this the 2nd day of February, 2010.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to adopt the following captioned Ordinance No. 3376 on first reading; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3376
An Ordinance to amend Title 12, Chapter 3 of the
Morristown Municipal Code. {Adoption of the 2008
Edition of the National Electrical Code and certain
amendments thereto.}**

City Administrator Report:

Administrator Cox reported that when the final Audit Report is delivered, it will be distributed to Council and posted on the City Website.

The tentative date of February 23rd for hearing the appeal from Koch Foods will be rescheduled to a later date.

Administrator Cox informed Council that some things need to be done in order to retain the TDOT Transportation Enhancement Grant Funds for the Turkey Creek Greenway Project (\$1.2 million) and the Morristown College funds (\$1.14 million). The City may be able to adjust the scope of some of the Morristown College funds to the Millennium Square Downtown Revitalization Project to provide a parking deck with 22 public parking spaces.

Todd Morgan, MCDC Program Director, stated that with the change of scope, the funds may be used for the parking deck if it is considered a greenway trailhead. Funds can also be used for greenway related items (benches, bike racks, etc.). In order to retain the funds, a plan of action/scope of the project must be submitted to TDOT by February 15th and the notice to proceed with the contract must be ready by October 19th. The project qualifies for 80% Federal

funds; 10% State and 10% local. The private financing by the developer would qualify as the local match. The City would lease the parking area for 20 years or more.

Councilmember Senter made a motion to authorize Mayor Barile to write a letter on behalf of City Council to TDOT endorsing the Millennium Square Downtown Revitalization Project. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

Administrator Cox & Craig Price, Parks & Recreation Director, updated Council on the possibility of selling Long Reel Track to the Hamblen County School System. The facility was developed with grant funds which requires the City to retain it for use as a public park or replace it with other park land. The conversion process normally takes 15 – 17 months. A plan for replacement would have to be in place before beginning the conversion process. The approval process the City would have to go through for the conversion does not mesh with the time line the School Systems has for expending the funds they have for the project. The City needs to know if the School System is still interested and can find other resources for the purchase before moving forward with the conversion process.

Councilmember Jinks made a motion to re-appoint Keith Jackson to another term on the Joint – Hamblen/Morristown Solid Waste Disposal System Authority for a three year term to expire 2/1/13. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to grant an Off-Premise Beer Permit for 11-E Stop & Shop at 5614 E. Andrew Johnson Highway. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the February 2, 2010 City Council meeting.

Mayor

ATTEST:

City Administrator