

**STATE OF TENNESSEE  
COUNTY OF HAMBLEN  
CORPORATION OF MORRISTOWN  
MARCH 24, 2009  
(Rescheduled from March 17, 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, March 24, 2009 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Claude Jinks, Frank McGuffin, William Rooney, Kay Senter and Rick Trent.

Councilmember Jinks made a motion to approve the March 3, 2009 minutes as circulated; Councilmember Senter seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve the March 12, 2009 minutes as circulated; Councilmember Senter seconded the motion and all voted "aye".

Councilmember McGuffin made a motion to adopt the following Resolution No. 08-09 awarding the bid for the Jackson Street Sanitary and Storm Sewer Replacement Project to Trent Excavating in the amount of \$72,995 subject to approval by the funding agency. Councilmember Jinks seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Trent "abstained".

**RESOLUTION NO. 08-09**

**WHEREAS**, the **CITY OF MORRISTOWN** has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the construction of the **Jackson Street Sanitary and Storm Sewer Replacement (Morristown Project No. 2008-26, CWSRF: 2007-203)** 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 March 20, 2009, with Trent Excavating, LLC of Russellville, Tennessee submitting the lowest and best bid, which bid the City's Engineer recommends be accepted.

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

The recommendation of the Engineer is approved and award is hereby made, pending approval from the funding agency, to Trent Excavating, LLC, 2474 Mullins Road, Russellville, Tennessee 37860, for the furnishing of all labor, tools, materials, equipment and supplies for the construction of the Jackson Street Sanitary And Storm Sewer Replacement; said award in strict accordance with the bid as submitted and publicly opened on March 20, 2009, and in the amount of \$72,995.00.

Adopted this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator

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

**RESOLUTION NO. 09-09**

**A RESOLUTION ACCEPTING THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO. NH/HPP-32(60), STATE PROJECT NO. 32002-2231-14, SR 32 (US 25E) DAVY CROCKETT PARKWAY INTERCHANGE AT COLLEGE PARK DRIVE IN MORRISTOWN, HAMBLÉN COUNTY, TENNESSEE.**

WHEREAS, The Tennessee Department of Transportation has presented a Proposal to the City of Morristown, Tennessee, concerning Federal Project No. NH/HPP-32(60), State Project No. 32002-2231-14, SR 32 (US 25E) Davy Crockett Parkway Interchange at College Park Drive in Morristown; and

WHEREAS, the Morristown City Council has determined that the above referenced project will benefit the City of Morristown and the citizens thereof; and

WHEREAS, the Morristown City Council wishes to cooperate with the State of Tennessee, Department of Transportation in making road improvements in the City of Morristown; and

WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said Proposal to the City of Morristown as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Morristown City Council, and the City of Morristown shall fulfill all obligations concomitant thereto;

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

PASSED this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator

Councilmember McGuffin made a motion to approve the following Resolution No. 10-09; Councilmember Rooney seconded the motion; and upon roll call all voted "aye".

**RESOLUTION NO. 10-09  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORRISTOWN, TENNESSEE, AUTHORIZING APPLICION TO  
THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR  
AMERICAN RECOVERY AND INVESTMENT ACT (ARRA)  
FUNDS IN THE AMOUNT OF \$1,300,000 FOR ROAD  
IMPROVEMENT/ CONSTRUCTION TYPE PROJECTS.**

WHEREAS, The City Council of the City of Morristown, Tennessee wishes to apply for American Recovery and Investment Act (ARRA) funds; and

WHEREAS, The Lakeway Metropolitan Transportation Planning Organization (LAMTPO) adopted Resolution #2009-05 amending the FY2008-2011 Transportation Improvement Program (TIP) to include ARRA Funds in the amount of \$1,300,000 for road improvement/construction type projects within the LAMTPO area; and

WHEREAS, the American Recovery and Reinvestment Act (ARRA) of 2009 provides one hundred percent (100%) federal funding for "shovel ready" projects to help stimulate the economy, and

WHEREAS, LAMTPO will be receiving \$1,300,000 of the ARRA funds for projects to occur within the LAMTPO area, and the 2008-2011 TIP will remain financially constrained, and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Morristown, Tennessee hereby authorizes the Mayor of Morristown to submit an application to the Tennessee Department of Transportation for \$1,300,000 of the ARRA funds to be used for "shovel ready" road improvement/construction type projects to help stimulate the economy.

BE IT FURTHER RESOLVED, that a copy of the LAMTPO Resolution #2009-05 be attached hereto.

ADOPTED this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator

Councilmember Rooney made a motion to approve the following Resolution No. 11-09; Councilmember McGuffin seconded the motion. Upon roll call, Councilmembers Jinks, McGuffin, Rooney and Mayor Barile voted "aye"; Councilmembers Senter and Trent voted "no".

**RESOLUTION NO. 11-09  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORRISTOWN, TENNESSEE, AUTHORIZING APPLICION TO  
THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR  
AMERICAN RECOVERY AND INVESTMENT ACT (ARRA)  
FUNDS IN THE AMOUNT OF \$780,000 FOR MASS TRANSIT  
PROJECTS.**

WHEREAS, The City Council of the City of Morristown, Tennessee wishes to apply for American Recovery and Investment Act (ARRA) funds; and

WHEREAS, The Lakeway Metropolitan Transportation Planning Organization (LAMTPO) adopted Resolution #2009-06 amending the FY2008-2011 Transportation Improvement Program (TIP) to include ARRA Funds in the amount of \$780,000 for mass transit projects (\$600,000 for vehicles and \$180,000 for bus shelters) within the LAMTPO area; and

WHEREAS, the American Recovery and Reinvestment Act (ARRA) of 2009 provides one hundred percent (100%) federal funding for “shovel ready” projects to help stimulate the economy, and

WHEREAS, LAMTPO will be receiving \$780,000 of the ARRA funds for projects to occur within the LAMTPO area, and the 2008-2011 TIP will remain financially constrained.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Morristown, Tennessee, hereby authorizes the Mayor of Morristown to submit an application to the Tennessee Department of Transportation for \$780,000 of the ARRA funds to be used for “shovel ready” mass transit projects (\$600,000 for vehicles and \$180,000 for bus shelters) to help stimulate the economy.

BE IT FURTHER RESOLVED, that a copy of the LAMTPO Resolution #2009-06 be attached hereto.

ADOPTED this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator

Councilmember Senter made a motion to approve the following Resolution No. 12-09; Councilmember McGuffin seconded the motion; and upon roll call all voted “aye”.

**RESOLUTION NO. 12-09  
A Resolution of the City of Morristown, Tennessee,  
Adopting an Immediate Moratorium on the Acceptance of  
Applications for Sign Permits and Building Permits for  
Animated Signs and Reader Boards Including On-Premise  
Signs and Off-Premise Signs to be Effective for a Period  
of Sixty (60) Days.**

WHEREAS, the Morristown Board of Zoning Appeals recommends to the City Council a moratorium on the issuance of permits for off-premise signs, animated signs, and reader boards in the City of Morristown until certain provisions pertaining to such within the Zoning Ordinance are amended; and

WHEREAS, the City needs to review its codes and ordinances in a comprehensive fashion and to adopt new regulations with regard to off-premise signs, animated signs, and reader boards; and

WHEREAS, the City should impose a moratorium barring the acceptance of applications relating to off-premise signs, animated signs, and reader boards until the necessary code revisions are complete.

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

**Section 1. Definition.** For the purpose of this Resolution, the following definition shall apply:

- A. OFF-PREMISE SIGN means a sign that directs attention to a business, commodity or service offered at a location other than the premises on which the sign is erected. Any sign that is not an on-premise sign, as defined herein, shall be considered an off-premise sign.
- B. ANIMATED SIGN means any sign, portion of sign or permanent structure which uses movement, appears to flash, undulate, pulse, portray explosions, fireworks, contains blinking or chasing lights, appears to move toward or away from the viewer, appears to expand or contract, appears to bounce, rotate, spin, twist, scroll, travel or otherwise portrays movement or animations. Variable display signs, beacons, and moving message boards are considered to be animated signs under this chapter. Any sign that utilizes full motion video technology, as for a television, shall be considered as an animated sign. Signs or portions of signs displaying a changing message content that is strictly limited to time, date or temperature shall not be construed to be animated.
- C. READER BOARD means any signs with any copy, graphics, or displays that change by electronic or mechanical means, when the copy, graphics or display remains fixed, motionless and non-flashing. Any Reader Board that changes the display more frequently than twice a day shall be considered an animated sign.

**Section 2. Purpose:** The purpose of this moratorium is to allow the City adequate time to comprehensively study the City's existing ordinances and codes and develop new ordinances to include off-premise signs, animated signs, and reader boards.

**Section 3. Moratorium Imposed:** The Mayor and City Council of the City of Morristown hereby imposes a moratorium on the establishment, location, permitting or erecting of off-premise signs, animated signs, and reader boards within the City. During the term of this moratorium (unless earlier terminated by the Mayor and City Council by resolution), the City will not accept any permit applications or consider any off-premise signs, animated signs, and reader boards, nor will the City accept any building permit or use permit applications for the location, establishment or siting of off-premise signs, animated signs, and reader boards.

**Section 4.** The moratorium imposed by this ordinance shall be in effect for a period of sixty (60) days, beginning on the date of the adoption of this resolution.

**Section 5.** If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Passed during called session of City Council this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator

Councilmember Senter made a motion to approve the following Resolution No. 13-09; Councilmember Trent seconded the motion; and upon roll call all voted "aye".

**SEVEN YEAR ENERGY EFFICIENCY (ECD) CAPITAL OUTLAY NOTES  
PRIVATE SALE**

**RESOLUTION NO. 13-09**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MORRISTOWN, TENNESSEE, AUTHORIZING THE ISSUANCE, SALE AND PAYMENT OF INTEREST-BEARING ENERGY EFFICIENCY (ECD) CAPITAL OUTLAY NOTES NOT TO EXCEED ONE HUNDRED EIGHTY THREE THOUSAND SIX HUNDRED AND FOUR DOLLARS (\$183,604).**

**WHEREAS**, the Governing Body of the City of Morristown, Tennessee, (the "**Local Government**") has determined that it is necessary and desirable to make Energy Efficiency Improvements (the "**Project**") for the benefit of the citizens of the Local Government; and

**WHEREAS**, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

**WHEREAS**, under the provisions of Parts I, IV and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "**Act**"), local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest-bearing Capital Outlay Notes upon the approval of the State Director of Local Finance; and

**WHEREAS**, the Governing Body finds that is advantageous to the Local Government to authorize the issuance of Capital Outlay Notes to finance the cost of the Project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of Morristown, Tennessee, as follows:

**Section 1. THAT**, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the City Mayor of the Local Government is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing Capital Outlay Notes in a principal amount not to exceed One Hundred Eighty Three Thousand Six Hundred Four Dollars (\$183,604.00) (the "**Notes**") at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "**Energy Efficiency (ECD) Capital Outlay Notes**", shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination(s) as agreed upon with the purchaser and shall bear interest at a rate or rates not to exceed 0 percent (0%) per annum, and in no event shall the rate exceed the legal limit by law.

**Section 2. THAT**, the Notes shall mature not later than seven (7) years after the date of issuance and that the Notes shall be amortized to the following schedule:

<b>Year</b>	<b>Principal Amount</b>
<b><u>2010</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2011</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2012</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2013</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2014</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2015</u></b>	<b><u>\$26,229.14</u></b>
<b><u>2016</u></b>	<b><u>\$26,229.16</u></b>

The Notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least seven (7) years.

**Section 3. THAT**, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the Principal amount and accrued interest to the date of redemption.

**Section 4. THAT**, the Notes shall be direct general obligations of the Local Government and the Local Government hereby pledges its taxing power as to all taxable property to the Local Government for the purpose of providing funds for the payment of principal and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local Government over and above all other taxes authorized by the Local Government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

**Section 5. THAT**, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the City Mayor with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the City Mayor of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the City Mayor of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

**Section 6. THAT**, the Notes shall be in substantially the form attached hereto.

**Section 7. THAT**, the Notes shall be sold only after the receipt of the written approval of the State Director of Local Finance for the sale of the Notes.

**Section 8. THAT**, after the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Local Government shall submit its annual budget to the State Director of Local Finance for approval immediately upon the Local Government's adoption of the budget.

**Section 9. THAT**, all orders or resolutions in conflict with this Resolution are hereby repealed as such conflict exists. This Resolution shall become effective immediately upon its passage.

Duly passed and approved this 24<sup>th</sup> day of March 2009.

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Mayor

ATTEST:

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City Administrator/Recorder

Councilmember McGuffin made a motion to approve the following Resolution No. 14-09; Councilmember Rooney seconded the motion; and upon roll call all voted "aye".

**RESOLUTION NO. 14-09  
BEING A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MORRISTOWN, TENNESSEE TO CREATE A  
REGIONAL WASTEWATER TREATMENT AUTHORITY  
PURSUANT TO T.C.A. 68-221-1301, ET SEQ.**

WHEREAS, the City Council of the City of Morristown, Tennessee adopted a resolution calling a public hearing on the question of creating an authority; and

WHEREAS, the date, hour, place and purpose of the hearing was published once each week for two (2) consecutive weeks in a newspaper of general circulation, the last publication being at least one (1) week prior to the date set for the hearing; and

WHEREAS, the public hearing was held the 12th day of March, 2009 before the City Council of the City of Morristown, Tennessee, and all interested parties were heard; and

WHEREAS, the City Council of the City of Morristown, Tennessee has determined that public convenience and necessity require the creation of the authority.

NOW, THEREFORE, Be it resolved the regional wastewater treatment authority is declared and created. The name of the authority shall be Lakeway Regional Sewer District, and the principal office and address of the authority shall be 100 West 1<sup>st</sup> North Street, Morristown, Tennessee, 37814.

Passed in regular session of the City Council of the City of Morristown, Tennessee the 24<sup>th</sup> day of March, 2009.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

Councilmember Senter made a motion to approve the following Resolution No. 15-09; Councilmember McGuffin seconded the motion; and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Trent voted "no".

**RESOLUTION NO. 15-09  
BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF MORRISTOWN, TENNESSEE TO APPROVE THE  
APPOINTMENT OF A BOARD OF COMMISSIONERS OF THE  
REGIONAL WASTEWATER TREATMENT AUTHORITY  
CREATED PURSUANT TO T.C.A. 68-221-1301, ET SEQ.**

WHEREAS, T.C.A. 68-221-1305 requires approval of the appointment of the Board of Commissioners of the Lakeway Regional Sewer District by the City Council of the City of Morristown, Tennessee; and

WHEREAS, the Morristown City Council hereby approves the appointment of the Mayor of the City of Morristown as Commissioner to serve a one (1) year term, such appointee being a person of good standing and reputation and there presently being only one participating governmental entity.

NOW, THEREFORE, Be it resolved that the appointment of Barbara C. "Sami" Barile as Commissioner of the Lakeway Regional Sewer District is approved.

Passed in regular session of the City Council of the City of Morristown, Tennessee the 24<sup>th</sup> day of March, 2009.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3359 on first reading and schedule a public hearing relative to final passage of said Ordinance for April 7, 2009. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3359  
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 1551 East Morris Blvd. (HCTM 34J, Group J, Parcel 10), 18 Berkline Drive (HCTM 34J, Group H, Parcel 36) and East Hillcrest Drive (HCTM 34J, Group G, Parcel 35.01) from Light Industrial (LI) to Intermediate Business (IB**

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3360 on first reading and schedule a public hearing relative to final passage of said Ordinance for April 7, 2009. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3360  
Entitled an Ordinance to amend the Morristown Municipal Code, Title 14, Chapter 2 General Zoning Provisions (Zoning Ordinance), Section 14-212 (Location of Detached Accessory Buildings on Residential Lots).**

The proposal from Wilbur Smith & Associates for engineering and design services for access improvements to the Medical District was deferred until the next Council meeting.

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Gary Lowe to Operational Major; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Michelle Jones to Administrative Major; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Dan Cliff to Patrol Captain; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Nathan Antrican to Patrol Lieutenant; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Chris Hall to Patrol Sergeant; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Patrick Vaught to Patrol Corporal; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to approve an Airport Hangar Lease to Terry Wolfe through November 30, 2016 in the amount of \$600 per month through 11/30/11. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to approve an addendum to the 2006 MedTrans Airport Hangar Lease. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye". {The premises leased shall be the northeastern one-half (1/2) of Hangar No. 55 located at 5573 Old US Highway 11-E. Once the current Lessee of the other one-half (1/2) of the premises vacates the premises, the premises shall then be the entirety of Hangar No. 55. The lease fee will remain \$1,200 per month.}

Mayor Barile adjourned the March 24, 2009 City Council meeting.

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Mayor

ATTEST:

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City Administrator