

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
APRIL 3, 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, April 3, 2007 with Honorable Mayor Gary R. Johnson 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 March 20, 2007 minutes as circulated; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Administrator Crumley read a proclamation declaring April as Fair Housing Month.

A public hearing was held on the following captioned Ordinance No. 3283. 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".

Councilmember Senter made a motion to award the contract for the FY 2007 Financial Audit to Craine, Thompson & Jones, P.C., in the amount of \$34,125. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to adopt the following Resolution No. 16-07; Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Resolution No. 16-07
A Resolution regarding SB1933 / HB1421 "The
Competitive Cable and Video Services Act".**

WHEREAS, the U.S. Congress established procedures and standards in order to foster competition and encourage the growth and development of cable systems, assure that cable systems are responsive to the needs and interests of the local community, assure that cable companies provide and are encouraged to provide the widest possible diversity of services to all, and provide for the orderly renewal of cable television franchises; and

WHEREAS, the U.S. Congress, having determined that local governments are best suited to decide what is in the best interest of the citizens of their respective city, town or county, granted cable franchising authority to local governments; and

WHEREAS, municipalities across America have the legal right to enter into non-exclusive cable and video franchise agreements with cable and telephone companies; and

WHEREAS, municipalities welcome competition in the cable industry and stand ready to negotiate franchise agreements with cable and video operators in a timely fashion; and

WHEREAS, the "Competitive Cable and Video Service Act" is premised on the erroneous and unsubstantiated assertion that local governments and the local cable franchising process impedes competition among cable and video providers; and

WHEREAS, the existence of more than 600 cable franchise agreements that cable and telephone companies have entered into with local governments in Tennessee provides clear and convincing evidence that such assertions are baseless; and

WHEREAS, this legislation, under the guise of increased consumer access and choice, is simply an attempt by a corporate giant to bypass the local cable franchise process and unjustly gain advantages in its competitive fight with other cable and telephone companies that have duly and lawfully adhered to the congressionally authorized local cable and video franchising process and entered into more than 600 local cable franchise agreements with local governments in the state; and

WHEREAS, the local franchising process in Tennessee has benefited consumers and municipalities by ensuring that cable and video operators respond to local needs and interests; and

WHEREAS, these benefits include, but are not limited to, locally imposed and enforceable customer service standards; build out requirements that ensure cable operators serve the entire community; provision of public, educational and governmental (“PEG”) access channels; complimentary cable and Internet service to public buildings and community facilities; municipal management of the public rights-of-way; and franchise fee revenues for use of the public rights-of-way; and

WHEREAS, the Tennessee General Assembly is considering legislation that would effectively eliminate the process by which local governments establish and enforce requirements that protect its citizens and ensure that all residents are assured access to cable or video service; prohibit the state and local governments from enacting any consumer quality and service protection standards; greatly minimize local governments’ enforcement of customer service standards; significantly reduce PEG channel obligations, including local control and PEG support; abolish the granting of complimentary services; and limit local authority over the public rights-of-way; and reduce franchise fees paid to local governments for use of the public rights-of-way; and

WHEREAS, such legislation would radically alter the regulatory framework for cable operators that has been in place for decades, allow cable and video providers to “cherry pick” the most profitable neighborhoods and customers, and impede local governments’ ability to protect their citizens and provide for the needs and interests of their communities; and

WHEREAS, the affect of such legislation would undermine congressional intent regarding the provision of cable and video service; and

WHEREAS, the U.S. Congress considered and rejected similar legislation last year;

NOW THEREFORE BE IT RESOLVED, that the City of Morristown hereby opposes the “Competitive Cable and Video Services Act” currently being considered by the Tennessee State Legislature and the United States Congress; and

BE IT FURTHER RESOLVED that the City of Morristown will send this resolution to all the members of the 105th Tennessee General Assembly, the Tennessee Congressional delegation, and the two U.S. Senators from Tennessee.

Adopted during regular session of City Council this 3rd day of April 2007.

Gary R. Johnson, Mayor

ATTEST:

James H. Crumley, City Administrator

Councilmember Jinks made a motion to adopt the following Resolution No. 17-07; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Resolution No. 17-07
A resolution requesting AT&T (formerly BellSouth)
to enter into cable franchise negotiations in the City
of Morristown.**

WHEREAS, AT&T (formerly BellSouth) submitted legislation for filing with the 104th Tennessee General Assembly on February 16, 2006, which was designated as Senate Bill 3210, and submitted substantially similar legislation in the 105th Tennessee General Assembly on February 14, 2007, which has been designated as Senate Bill 1933 and House Bill 1421; and

WHEREAS, this legislation would allow cable and telephone companies to bypass local governments and the local cable and video franchising process; and

WHEREAS, media reports have quoted AT&T officials as saying that the local franchise process is an impediment to competition; and

WHEREAS, the last application(s) for a cable franchise with this City took less than one month from application to approval; and

WHEREAS, the current cable franchising system has served the City of Morristown well by ensuring the City of Morristown can protect its citizens, preserve its authority and that cable companies cannot "cherry pick" their customers; and

WHEREAS, additional Public, Education, and Government access venues would be of great value to the City of Morristown; and

WHEREAS, based on the City of Morristown's track record, AT& T could have already had their application for a franchise approved had they applied when they filed their legislation.

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

1. That the City of Morristown hereby goes on record as requesting AT&T to enter into negotiations for a local cable franchise in the City of Morristown.
2. The City Administrator is directed to send a copy of this Resolution to Mr. Marty Dickens, president of AT&T in Tennessee, and to each State Senate and House member representing the citizens of Morristown in the Tennessee General Assembly.
3. That this Resolution shall take effect from and after its adoption, the welfare of the City of Morristown requiring it.

Adopted during regular session of City Council this 3rd day of April 2007.

Gary R. Johnson, Mayor

ATTEST:

James H. Crumley, City Administrator

Action on a resolution clarifying the City's annexation commitment along Cherokee Park Road and Brights Pike was deferred until the next Council meeting.

Councilmember Tucker made a motion to adopt the following captioned Ordinance No. 3284 on first reading. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3284
Being an Ordinance amending § 12-502 (Housing Code) of the Morristown Municipal Code relating to minimum dwelling space requirements.**

Councilmember Tucker made a motion to adopt the following captioned Ordinance No. 3285 on first reading. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3285
Being an Ordinance amending the Morristown Municipal Code, Title 20 – Miscellaneous, Chapter 1 – Fair Housing, by deleting Chapter 1 in its entirety and substituting a new Chapter 1 therefore.**

City Council had no objection to the City offering a retirement incentive for City employees wishing to retire prior to June 30, 2007. {Employees will be offered one-half the difference in their current salary and step one of their pay grade.}

The Ribbon Cutting Ceremony for Martin Luther King, Jr., Park was scheduled for Monday, April 9th at 5:00 p.m.

The Koch Foods' appeal of administrative findings will be heard at the May 15, 2007 Council meeting.

The report from Attorney Jessee on the Fire Arm Carry Permits for retired police officers was deferred until the April 17, 2007 Council meeting.

Unfinished Items Checklist:

- 1) Civil Service changes – Resolution will be on the April 17th Council agenda.
- 2) Charitable Solicitations – City Administrator will distribute ordinance and related materials for Council to review and decide what they want to do at the next Council meeting.
- 3) Animal Control – Stacy Hayes, Codes Enforcement Officer, will look at what others are doing and report back at the next Work Session.

Councilmember Tucker made a motion to approve Change Order #3 for Burke-Ailey Construction Co. in the amount of \$14,686 for construction of Fire Station #6. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Mayor Johnson adjourned the April 3, 2007 City Council Meeting.

City Council convened as the Beer Board.

Councilmember Rooney made a motion to grant an On-Premise Beer Permit for Eurospitality Corporation, dba, Café Mozart located at 174 West Main Street. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Mayor Johnson adjourned the Beer Board Meeting.

Mayor

ATTEST:

City Administrator