

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
JUNE 16, 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, June 16, 2009 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 McGuffin made a motion to approve the June 2, 2009 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

Mayor Barile read and presented Retirement Proclamations to: Brenda Walker, Sharon Munroe, Roger Stallard, Johnny Carpenter, Randy Lowe, Dale Goodman and Wendell Seal. Department Heads presented retirement watches/clocks to their retiring employees.

Councilmember Jinks made a motion to declare one service weapon (Glock Model 31, caliber.357 sig, Serial # LFL924) as surplus and the presentation thereof to Retired Police Captain Wendell Seal. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Mayor Barile read a proclamation designating June 23<sup>rd</sup> as "Olympic Day" in Morristown.

Mayor Barile read a proclamation designating June as "Dairy Month" in Morristown.

A public hearing was held on the following captioned Ordinance No. 3365. Councilmember Rooney made a motion to adopt said Ordinance on first reading; Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3365**

**Entitled an Ordinance to appropriate various Tax Revenues and General City Revenues for and by the City of Morristown to the City Budget Divisions for the Fiscal Year 2009-2010 (FY 2010) and the levy of a tax on all taxable property within the corporate limits of the City of Morristown, Tennessee, for Municipal purposes authorized by law to be taxed, same being levied as of the first (1<sup>st</sup>) day of January 2009, for the Fiscal Year 2010, at the Certified Tax Rate of \$1.22 on each \$100 worth of taxable property.**

Councilmember Jinks made a motion to award the architectural services contract for the Public Works Facility to J. Edward Fuller Architects in the amount of 8% of the contract price (±\$120,000). Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember McGuffin made a motion to approve the contract with Buxton for a Retail Sales Study with a 50/50 cost partnership between the City and four development groups (Adren & Shannon Green, Ed Hurley, Jeff Kinley & Wallace Family Partnership) at a total cost of \$55,000. The City’s \$27,500 portion is to be taken from the sales tax increase funds. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

The contracts for Veterans Parkway, Phase II design/engineering and the paving of East 2<sup>nd</sup> North and West 1<sup>st</sup> North Streets were postponed.

Councilmember Jinks made a motion to **table** Resolution No. 18-09 – relative to prohibiting handguns in public parks until Council has more time to discuss it. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3366 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 7, 2009. Councilmember Brooks seconded the motion and upon roll call, Councilmembers Brooks, Garrett, Jinks, McGuffin, Rooney and Mayor Barile voted “aye”; Councilmember Senter “abstained”.

**Ordinance No. 3366  
Entitled and Ordinance to amend the Municipal Code of the  
City of Morristown, Tennessee, Appendix B. {Rezoning of  
property along Cherokee Park Road/ N. Davy Crockett  
Parkway, 2750 N. Davy Crockett Parkway (HCTM 17, Parcel  
17.01) and a portion of Cherokee Park from Medium Density  
Residential (R-2) to Intermediate Business (IB).}**

Councilmember Rooney made a motion to adopt the following captioned Ordinance No. 3367 on first reading and set a public hearing relative to final passage of said Ordinance for June 23, 2009; no one seconded the motion; Councilmember Rooney rescinded his motion. Councilmember Senter made a motion to **postpone** action on said Ordinance until the June 23, 2009 called Council meeting. Councilmember Garrett seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3367  
Entitled an Ordinance to amend Title 18, Chapter 4 (Water  
Pollution Control Ordinance No. 3140) of the City of Morristown,  
Tennessee. {Fees & Charges}**

Councilmember Rooney made a motion to adopt the following captioned

Ordinance No. 3364 on second and final reading. Councilmember Senter seconded the motion and upon roll call, Councilmembers McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmembers Brooks, Garrett and Jinks "abstained".

**Ordinance No. 3364  
Entitled an Ordinance to amend the Fiscal Year 2008 Budget by  
providing for appropriations from revenue and expenditure accounts  
on an individual fund and line item basis.**

Councilmember McGuffin asked that Attorney Jessee give his opinion on an ordinance to grandfather existing commercial solid waste accounts that currently have city service, but denying new commercial services from this point forward.

Attorney Jessee stated that he had been asked if it would be a valid enactment of an ordinance to treat differently, with respect to solid waste pick up, citizens who previously have received that service and eliminate it for certain citizens who have not previously received it, in other words, grandfathering. Attorney Jessee believes that would be a suspect provision of an ordinance. The city has discretion in going about providing services and it can make classifications based upon any number of things that would be valid and enforceable as long as there is reasonable basis to make that classification. Attorney Jessee doubts the classification built around a grandfathering policy would be an enforceable provision in an ordinance.

Mayor Barile adjourned the June 16, 2009 City Council meeting.

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Mayor

ATTEST:

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City Administrator