

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
JULY 17, 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, July 17, 2007 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Claude Jinks, Frank McGuffin, William Rooney, Kay Senter, Rick Trent and Mel Tucker.

Councilmember Senter made a motion to approve the June 19, 2007 minutes as circulated; Councilmember McGuffin seconded the motion and all voted "aye".

Councilmember Rooney made a motion to approve the June 26, 2007 minutes as circulated; Councilmember Senter seconded the motion and all voted "aye".

Mayor Barile presented Proclamations recognizing Arnold Bunch and Clifton Jackson for their service on the Parks & Recreation Advisory Board.

The KAB Litter Index Report was postponed until the August 7, 2007 Council meeting.

A public hearing was held on the following captioned Ordinance No. 3295. Councilmember Senter made a motion to defer action on the final adoption of said Ordinance until the financial transaction negotiations with Norfolk Southern Railway are completed. Councilmember McGuffin seconded the motion to defer and upon roll call, all voted "aye".

**Ordinance No. 3295
Entitled an Ordinance to close and vacate certain rights-of-way within the City of Morristown. {Closing a portion of South Daisy Street from Norfolk Southern Railway to East Morris Blvd.}**

A public hearing was held on the following Resolution No. 33-07 adopting a plan of services for the annexation of the Trent property located along Carroll Road. Councilmember Tucker made a motion to defer action on this item until the August 7, 2007 Council meeting. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Resolution No. 33-07

PLAN OF SERVICES

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTIES LOCATED ALONG **CARROLL ROAD**.

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:

BEGINNING at a point on the northernmost point of Parcel 22.01, Hamblen County Tax Map (HTM) 34, said point also being located on the existing Corporate Limits of the City of Morristown and on the intersection of the southeastern terminus of Rock Church Road right-of-way and the southern boundary of Carroll Road right-of-way; thence proceeding in a northeasterly

direction for a distance of approximately 50 feet across the Carroll Road right-of-way to the southern property boundary of Parcel 1.02, HTM 34D, Group E; thence proceeding in a southeasterly direction for a distance of approximately 7,670 feet along the northern boundary line of the Carroll Road right-of-way to a point approximately 46 feet northwest of the southeastern corner of Parcel 16.04, HTM 35; thence proceeding approximately 30 feet in a southwesterly direction across the Carroll Road right-of-way to the northeastern corner of Parcel 14.01, HTM 35; thence proceeding approximately 245 feet in a southwesterly direction along the western property boundary of said Parcel 14.01; thence proceeding approximately 176 feet in a southeasterly direction along the northern boundary of Parcel 14.01; thence proceeding in a southwesterly direction for a distance of approximately 1,480 feet to the southeastern corner of said Parcel 14.01, HTM 35; thence proceeding approximately 1,312 feet in a westerly direction along the southern boundary of said Parcel 14.01. HTM 35; thence proceeding in a northwesterly direction for a distance of approximately 490 feet along the eastern boundary of said Parcel 14.01; thence proceeding in a northerly direction for a distance of approximately 932 feet to the northwestern corner of said Parcel 14.01; thence proceeding in an easterly direction for a distance of approximately 706 feet along the northern boundary of said Parcel 14.01 to the southwestern corner of Parcel 13, HTM 35; thence proceeding in a northwesterly direction for a distance of approximately 247 feet along the eastern boundary of said Parcel 13, HTM 35 to the southeastern boundary of the Musser Road right-of-way; thence proceeding in a northeasterly direction for a distance of approximately 240 feet along the southern boundary of said Musser Road right-of-way to the southwestern corner of Parcel 6, HTM 35; thence proceeding in an easterly direction for a distance of approximately 255 feet along the southern boundary of said Parcel 6, HTM 35; thence proceeding in a northerly direction for a distance of approximately 102 feet along the western boundary of Parcel 14.02, HTM 35 to the southern boundary of the Carroll Road right-of-way; thence proceeding in a northwesterly direction approximately 7,150 feet along the southern boundary of the Carroll Road right-of-way to the point of BEGINNING, said point also being situated at the northernmost point of Parcel 22.01, HTM 34. Thus, being all of that property within the boundary herein described as Parcels 14.00, 14.01, and 14.02, consisting of approximately 65.56 acres, as shown on Hamblen County, Tennessee Tax Map 35 and a portion of the right-of-way of Carroll Road in the 4th Civil District of Hamblen County.

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.
2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Russellville-

Whitesburg Utility District unless authorized by franchise agreement with another utility district which has made service available with capability to meet Morristown Utility Commission 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 rates for new lines as extended in accordance with current policies of Holston Electric Cooperative Inc.
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 area 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 recommended zoning classification for these parcels is RP-1 (Planned Residential Development District).

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.

Councilmember Tucker made a motion to accept the proposal from Energy Systems Group for a free energy audit of the City facilities. Councilmember Trent seconded the motion and upon roll call, all voted 'aye'. {There is no charge unless the City doesn't follow the recommendations from the audit; then the City would owe for the engineer's time for conducting the audit.}

Councilmember Rooney made a motion to adopt the following captioned Ordinance No. 3296 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 7, 2007. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3296
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown, Tennessee. [Annexation of properties located at 4645 and 4519 East Andrew Johnson Highway Road with the Zoning Classification of R-2 (Medium Density Residential) and IB (Intermediate Business).]**

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3297 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 7, 2007. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3297
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. [Rezoning of Lochmere Phase VII, from R-2 (Medium Density Residential) to R-3 (High Density Residential).]**

Councilmember Tucker made a motion to adopt the following captioned Ordinance No. 3298 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 7, 2007. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3298
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. [Rezoning of property located at 1600 West Morris Blvd. (old Lea Industries site) from HI (Heavy Industrial) to IB (Intermediate Business).]**

Councilmember Jinks made a motion to **deny** the following captioned Ordinance No. 3299 on first reading; Councilmember Senter seconded the motion and upon roll call, Councilmembers McGuffin, Trent, Tucker and Mayor Barile voted "no"; Councilmembers Jinks, Rooney and Senter voted "aye". Councilmember Tucker made a motion to **adopt** the following captioned

Ordinance No. 3299 on first reading and schedule a public hearing for the final adoption of said Ordinance for August 7, 2007. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers McGuffin, Trent, Tucker and Mayor Barile voted “aye”; Councilmembers Jinks, Rooney and Senter voted “no”.

**Ordinance No. 3299
Entitled an Ordinance to amend the Municipal Code of
the City of Morristown, Tennessee, Appendix B.
[Rezoning of property located at 2003 Chestnut Street
from R-2 (Medium Density Residential) to IB
(Intermediate Business).]**

Councilmember Senter made a motion to accept the Library Board’s recommendation of Sandy Smith and that Ms. Smith be appointed by acclamation to the Library Board for a three-year term to expire July 1, 2010. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers McGuffin, Rooney, Senter, Tucker and Mayor Barile voted “aye”; Councilmembers Jinks and Trent “passed”.

Mayor Barile re-appointed Lynn Elkins to the Morristown Utility Commission for a five-year term to expire July 31, 2012. Councilmember Rooney made a motion to confirm the appointment; Councilmember Tucker seconded the motion and upon roll call, voted “aye”.

Mayor Barile announced that she would like to confirm the appointments made at the March 6, 2007 Council meeting of John Cahill and Jim Beelaert to the Morristown Regional Planning Commission for four-year terms to expire March 1, 2011. Councilmember Rooney made a motion to confirm the appointments; Councilmember Tucker seconded and all voted “aye”.

Councilmember Senter made a motion to approve an amendment to the Amended and Restated Solid Waste Disposal System Agreement – adding Section XI. Code of Ethics. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Jinks made a motion to accept Chief Honeycutt’s recommendation and hire Rodney Norton as an entry-level firefighter; Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Jinks made a motion to accept Chief Honeycutt’s recommendation and hire John Heatherly as an entry-level firefighter; Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Tucker made a motion to accept Chief Honeycutt’s recommendation and hire Elisabeth Allison as an entry-level firefighter; Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

Councilmember Jinks made a motion to accept Chief Honeycutt’s recommendation and promote Lee Parker to Battalion Chief. Councilmember Rooney seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter, Tucker and Mayor Barile voted “aye”; Councilmember Trent voted “no”.

Councilmember Jinks made a motion to accept Chief Honeycutt’s recommendation and promote B.K. Gregory to Captain; Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Jinks made a motion to accept Chief Honeycutt’s recommendation and promote Scott Kimbrough to Lieutenant. Councilmember Rooney seconded the motion and upon roll call Councilmembers Jinks,

McGuffin, Rooney, Senter, Tucker and Mayor Barile voted "aye"; Councilmember Trent voted "no".

Councilmember Jinks made a motion to accept Chief Honeycutt's recommendation and promote Michael Caldwell to Driver/Engineer; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Administrator Crumley announced that the City Parks & Recreation Department has been awarded a \$10,000 Enhancement Grant.

Councilmember Tucker made a motion to confirm the Police Chief's disciplinary action of three days suspension of an officer for disobeying a direct order by his supervisor. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

CITY COUNCIL CONVENED AS THE BEER BOARD.

Councilmember Rooney made a motion to grant an Off-Premise Beer Permit to CVS Pharmacy #3727, 2008 West Andrew Johnson Highway. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to grant an On-Premise Beer Permit to El Portal Taqueria & Cantina, 1148 South Cumberland. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the July 17, 2007 City Council meeting.

Mayor

ATTEST:

City Administrator