

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
JULY 18, 2006**

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 18, 2006 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 Tucker made a motion to approve the June 20, 2006 and June 29, 2006 minutes as circulated; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

State Representative John Litz and Rev. Roger Mills asked for an update on the Martin Luther King, Jr. Park and Sherwood Park Projects.

- *\$200,000 grant funds for each park (grants awarded 9/04 with three year expenditure date of 10/07)*
- *MLK – \$200,000 matching funds from City*
- *Sherwood – matching funds from community - \$45,000 from School Board, \$133,000 from MUS (round-up lighting program) and donated engineering services of \$70-80,000*
- *Administrator Crumley – Sherwood Park – critical elevation, a lot of engineering required for retaining wall. MLK – final grading bids came in way over budget (\$621,000), Public Works Department will do part of the work. MLK expected to be open by January 15<sup>th</sup> for Martin Luther King, Jr. Day.*
- *Rev. Roger Mills – requested on-site community meetings with models and completion dates – MLK – August 10<sup>th</sup> at 6 p.m. and Sherwood – August 17<sup>th</sup> at 6 p.m. (Mayor Johnson stated that staff would contact Rev. Mills about a meeting if it was determined that something can be done to help with the community's questions.)*

Mayor Johnson read and presented a Retirement Proclamation to Captain Wayne Livesay. Chief Overholt presented Captain Livesay with a watch and his service revolver.

Councilmember Senter made a motion to declare Captain Livesay's service weapon (Glock Model 22 .40 caliber – Serial #DHH281US) as surplus property to be presented to Captain Livesay upon his retirement. Councilmember Jinks seconded the motion and all voted "aye".

A public hearing was held on the following captioned Ordinance No. 3257. 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. 3257  
Entitled an Ordinance to amend the Municipal Code  
of the City of Morristown, Appendix B. {Rezoning  
of property located at the corner of West Morris  
Boulevard and Bowman Drive from Heavy Industrial (HI)  
to Intermediate Business (IB).}**

Councilmember Rooney made a motion to award the contract for design and engineering services for relocation of the sewer pump station as part of the utility relocation plan for the I-81 Interchange to Vaughn & Melton in the amount of \$93,658. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to award bid for roll-out sanitation carts to CMI, Americarts in the amount of \$29,750 for 500 carts. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to award the bid for irrigation and bermuda for Wayne Hansard Park soccer fields to East Tennessee Turf & Landscaping in the amount of \$82,500. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to award the bid for the Barker Street Phase I Improvements to Brockwell Construction in the amount of \$128,065.89. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to award the bid for the right-of-way clearing for Colgate-Palmolive to B&A Construction in the amount of \$66,000. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

The bid for the Martin Luther King, Jr. Park, Phase II was removed from the agenda.

Councilmember Jinks made a motion to adopt the following Resolution No. 15-06; Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 15-06  
A RESOLUTION TO ALLOW GEOMETRIC COST-OF-LIVING  
BENEFITS FOR EMPLOYEES OF EMPLOYERS  
PARTICIPATING IN THE TENNESSEE CONSOLIDATED  
RETIREMENT SYSTEM PURSUANT TO TITLE 8, CHAPTER  
35, PART 2 OF THE TENNESSEE CODE ANNOTATED.**

WHEREAS, Tennessee Code Annotated, Section 8-35-207 authorizes the chief governing body of any employer participating in the Tennessee Consolidated Retirement System pursuant to Title 8, Chapter 35, Part 2 of the Tennessee Code Annotated to elect to provide geometric cost-of-living benefits in accordance with the Tennessee Code Annotated, Section 8-36-701 by adopting a resolution for an actuarial study and thereafter by adopting a resolution approved by a two-thirds (2/3) majority of the governing body to accept the associated liability and costs to provide such benefits; and

WHEREAS, the City of Morristown, adopted a resolution for such an actuarial study, and the results of said study show that the increased liability for providing the geometric cost-of-living benefits for its employees is \$234,944.

NOW, THEREFORE, BE IT RESOLVED that having reviewed the associated liability and cost to provide geometric cost-of-living benefits for its employees, the City of Morristown, hereby elects to provide such benefits to its employees in accordance with the Tennessee Code Annotated, Section 8-36-701 and agrees to accept the associated liability and costs thereof.

BE IT FURTHER RESOLVED that this increase in benefits shall become effective the following July 1 after the adoption of this resolution and that no retroactive benefits shall be paid under the provisions of this resolution.

ADOPTED during regular session of City Council this 18<sup>th</sup> day of July 2006.

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Mayor

ATTEST:

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City Administrator

Councilmember Jinks made a motion to adopt the following Resolution No. 16-06; Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 16-06  
A RESOLUTION AUTHORIZING THE CONTINUATION OF  
TENNESSEE CONSOLIDATED RETIREMENT SYSTEM BENEFITS  
PURSUANT TO TCA § 8-36-819 AND ACCEPTING THE LIABILITY  
THEREFOR.**

WHEREAS, The Tennessee Code Annotated Section 8-36-819 permits the chief legislative body of a political subdivision to pass a resolution authorizing any retired special Group II member whose Group II service was rendered to the political subdivision, who retired prior to December 31, 2005, to accept employment with the State of Tennessee without loss or suspension of retirement benefits under the following conditions:

- (1) The commission or head of the employing state department or agency certifies to the Division of Retirement that the retired member has the requisite experience training and expertise for the position he is to fill;
- (2) The retirement benefits received by such retired member does not include compensation for disability; and
- (3) Such retired member shall not be eligible to accrue additional retirement benefits as a result of such employment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Morristown, Tennessee does hereby authorize the continuation of Tennessee Consolidated Retirement System benefits for Esco Jarnagin (Hamblen County Sheriff) and Wayne Mize (Chief Deputy, Hamblen County) through employment with the State of Tennessee without loss or suspension of retirement benefits pursuant to this section and accepting the liability thereof.

Passed this 18<sup>th</sup> day of July 2006.

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Mayor

ATTEST:

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City Administrator

Councilmember McGuffin made a motion to adopt the following Resolution No. 17-06; Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 17-06  
A RESOLUTION TRANSFERRING OWNERSHIP OF LOT  
# 44 IN M.A.I.D. (± 40 ACRES) TO THE INDUSTRIAL  
DEVELOPMENT BOARD FOR LEASE TO THE  
COLGATE-PALMOLIVE COMPANY UNDER THE  
P.I.L.O.T. PROGRAM.**

WHEREAS, on January 19, 2006, the Morristown City Council approved a Memorandum of Understanding and a P.I.L.O.T. Program (payment in lieu of taxes) for the Colgate Palmolive Project (Project H).

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

SECTION 1. That the Mayor, on behalf of the City, is hereby authorized to execute all documents necessary to effect the conveyance of Lot #44, Morristown Airport Industrial District (M.A.I.D.), consisting of approximately 40 acres, to The Morristown Industrial Development Board.

SECTION 2. That The Morristown Industrial Development Board will lease said property to The Colgate-Palmolive Company under the P.I.L.O.T. Agreement as approved by City Council on January 19, 2006.

Adopted during regular session of City Council this 18<sup>th</sup> day of July 2006.

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Mayor

ATTEST:

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City Administrator

Councilmember Jinks made a motion to adopt the following Resolution No. 18-06; Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 18-06  
A RESOLUTION AUTHORIZING THE CITY OF  
MORRISTOWN TO PARTICIPATE IN THE TML RISK  
MANAGEMENT POOL “SAFETY PARTNERS” LOSS  
CONTROL MATCHING GRANT PROGRAM.**

WHEREAS, as the safety and well being of the employees of the City of Morristown is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Morristown employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a “Safety Partners” Loss Control Matching Grant Program; and

WHEREAS, the City of Morristown now seeks to participate in this important program.

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

SECTION 1. That the City of Morristown is hereby authorized to submit application for a “Safety Partners” Loss Control Matching Grant through the TML Risk Management Pool.

SECTION 2. That the City of Morristown is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 18<sup>th</sup> day of July 2006.

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Mayor

ATTEST:

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City Administrator

Councilmember Jinks made a motion to adopt the following Resolution No. 19-06; Councilmember Trent seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 19-06  
A RESOLUTION AUTHORIZING AND APPROVING THE  
RENEGOTIATION OF THE TELECOM INTEREST RATE  
SWAP AGREEMENT ON BEHALF OF THE MORRISTOWN  
UTILITIES COMMISSION.**

**WHEREAS**, the 2005 Telecom Bond issue was approved with a provision to enter an interest rate swap agreement approved by the Mayor and City Recorder to provide stable interest cost; and

**WHEREAS**, the existing agreement is based on 59% of LIBOR monthly average plus 35 basis points; and

**WHEREAS**, Morristown Utilities Commission's financial consultant has identified an opportunity to reorganize the swap agreement bond on 58.5% of the five year LIBOR rate thereby resulting in a potential savings of approximately \$500,000 over ten years.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Morristown, Tennessee hereby authorizes and approves the renegotiation of the telecom interest rate swap agreement on behalf of the Morristown Utilities Commission.

PASSED during regular session of City Council this 18<sup>th</sup> day of July 2006.

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Mayor

ATTEST:

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City Administrator/Recorder

Councilmember Tucker made a motion to adopt the following captioned Ordinance No. 3258 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 1, 2006. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3258  
Entitled an Ordinance to amend the Municipal Code of  
the City of Morristown, Tennessee, Appendix B.  
{Rezoning of properties adjacent to 2755 West Andrew  
Johnson Highway from Light Industrial (IB/LI) to  
Intermediate Business (IB).}**

Action on the amendment to the Water Pollution Control Ordinance (special fees for low pressure systems) was deferred to the next City Council meeting.

Councilmember McGuffin made a motion to appoint Joe Swann to the Industrial Development Board for a six year term to expire on June 30, 2012. Councilmember Rooney seconded the motion and all voted "aye".

Mayor Johnson reappointed George McGuffin to the Morristown Utilities Commission for a five-year term to expire August 1, 2011. Councilmember Rooney made a motion to approve Mayor Johnson's appointment of Mr. McGuffin; Councilmember Jinks seconded the motion and all voted "aye".

Councilmember Senter made a motion to approve the changes to the Fire Department Organizational Chart (reclassification of the Fire Marshal and Training/Safety Officer Positions; creating Assistant Fire Marshal and Operations Chief positions). Councilmember Jinks seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve Chief Honeycutt's recommendation and promote Clark Taylor to Operations Chief; Councilmember McGuffin seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve Chief Honeycutt's recommendation and promote Billy Helton to Battalion Chief; Councilmember McGuffin seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve Chief Honeycutt's recommendation and promote Tim Greene to Captain; Councilmember Rooney seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve Chief Honeycutt's recommendation and promote Paul Shepard to Lieutenant; Councilmember Senter seconded the motion and all voted "aye".

Councilmember Jinks made a motion to approve Chief Honeycutt's recommendation and promote Billy Hale to Engineer/Driver; Councilmember Trent seconded the motion and all voted "aye".

Mayor Johnson adjourned the July 18, 2006 meeting.

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Mayor

ATTEST:

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City Administrator