

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 5, 2008**

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, August 5, 2008 with Honorable Vice-Mayor Kay Senter presiding and the following named Councilmembers present: Claude Jinks, Frank McGuffin, William Rooney, Rick Trent and Mel Tucker; absent: Mayor Barile.

Councilmember Jinks made a motion to approve the July 15, 2008 minutes as circulated; Councilmember Trent seconded the motion and all voted "aye".

A public hearing was conducted on the following Resolution No. 20-08. Councilmember Jinks made a motion to adopt said Resolution; Councilmember Trent seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 20-08
PLAN OF SERVICES**

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTIES LOCATED ALONG **1327 Panther Creek 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:

PROPERTIES IDENTIFIED ON THE HAMBLLEN COUNTY TAX

MAP 39 Parcel 68.04 TO BE ZONED MEDIUM DENSITY

RESIDENTIAL (R-2)

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 Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection 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 city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

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 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 Morristown Regional Planning Commission recommended the zoning designation of Medium Density Residential.

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.

Adopted this 5th day of August 2008.

Mayor

ATTEST:

City Administrator

A public hearing was conducted on the following captioned Ordinance No. 3336. Councilmember Jinks made a motion to adopt said Ordinance on second and final reading; Councilmember Tucker seconded the motion. Upon roll call, Councilmembers Jinks, McGuffin, Trent, Tucker and Vice-Mayor Senter voted "aye"; Councilmember Rooney "abstained".

**Ordinance No. 3336
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown, Tennessee. {Annexation and Zoning Classification of property located at 1327 Panther Creek Road.}**

A public hearing was conducted on the following captioned Ordinance No. 3338. Councilmember Tucker made a motion to adopt said Ordinance on second and final reading; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3338
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of the Walgreens East property located at 704 Ridgelawn and 521 North Haun from Medium Density Residential (R-2) to Intermediate Business (IB)}.**

Councilmember Rooney made a motion to award the contract for General Street Paving to Summers-Taylor in the amount of \$781,178.59. Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

Councilmember McGuffin made a motion to adopt the following Resolution No. 21-08; Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

**RESOLUTION NO. 21-08
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORRISTOWN, TENNESSEE, REQUESTING A PERFORMANCE
AUDIT OF THE CITY’S BUDGETARY AND FINANCE
OPERATIONS BY THE UNIVERSITY OF TENNESSEE’S
MUNICIPAL TECHNICAL ADVISORY SERVICE.**

WHEREAS, the operation of the City’s budgetary and finance functions are central to effective governance; and

WHEREAS, The University of Tennessee’s Municipal Technical Advisory Service (MTAS) is available to help cities identify ways to improve their operations, including those related to budgeting and finance; and

WHEREAS, The City of Morristown is constantly working to improve the operations of each City department,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, that MTAS is requested to conduct a “performance audit” of the City’s budgetary and finance operations and that such study shall include:

- A comprehensive examination of the City’s budgetary process.
- An overview of the City’s finance operations.
- Recommendations for improvements in these functions including improved coordination and communication as well as methods of improving the efficiency of operations.
- A review of staffing levels and technologies used in the budgetary and finance functions.
- Identification of “best practices” used in other cities.

It should be noted that this study is an independent look at ways in which the organization can be improved.

Adopted this 5th day of August 2008.

Mayor

ATTEST:

City Administrator

Councilmember Tucker made a motion to adopt the following Resolution No. 22-08; Councilmember Trent seconded the emotion and upon roll call, Councilmembers Jinks, Rooney, Trent, Tucker and Vice-Mayor Senter voted “aye”; Councilmember McGuffin voted “no”.

**RESOLUTION NO. 22-08
INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF
INDEBTEDNESS BY THE CITY OF MORRISTOWN, TENNESSEE,
OF NOT TO EXCEED \$3,000,000, BY THE EXECUTION WITH A
PUBLIC BUILDING AUTHORITY OF ONE OR MORE LOAN
AGREEMENTS TO PROVIDE FUNDING FOR CERTAIN PUBLIC
WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND
NECESSARY EXPENSES RELATED THERETO.**

WHEREAS, it is necessary and in the public interest of the City of Morristown, Tennessee (the "Municipality"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the City of Clarksville, Tennessee or The Public Building Authority of the County of Montgomery, Tennessee, of one or more loan agreements or other instrument or instruments evidencing such Indebtedness (collectively, the "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described, and to pay legal, fiscal, administrative, and engineering costs, and costs incident to the financing thereof.

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

SECTION 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of the installation of energy conservation measures and related upgrades to reduce energy costs in public facilities, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, planning, and engineering costs incident thereto, reimbursement for expenditures related to the foregoing projects, and costs incident to incurring the Indebtedness (collectively, the "Project"), the Municipality is hereby authorized to incur Indebtedness in the amount of not to exceed Three Million Dollars (\$3,000,000) for the financing of the Project through the execution of a Loan Agreement. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. The indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the Municipality legally available therefor, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably pledged.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

SECTION 4. After the adoption of this Resolution, the City Administrator/City Recorder is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the Municipality.

SECTION 5. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Adopted and approved this 5th day of August, 2008.

MAYOR

ATTEST:

CITY ADMINISTRATOR/
CITY RECORDER

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Morristown, Tennessee, shall have been filed with the City Administrator/City Recorder of the City of Morristown, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, the Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE)
COUNTY OF HAMBLEN)

I, James H. Crumley, hereby certify that I am the duly qualified and acting City Administrator/City Recorder of the City of Morristown, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the City Council (the "Council") of said Municipality held on August 5, 2008; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$3,000,000 by said Municipality; (4) that the actions by said Council including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Council was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 5th day of August, 2008.

City Administrator/City Recorder

(SEAL)

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3339 on first reading and set a public hearing relative to final passage of said Ordinance for August 19, 2008. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3339
Entitled an Ordinance to amend the Municipal Code of the
City of Morristown, Tennessee, Title 15, Chapter 3 – Traffic
Control Devices, by adding a new Section 15-310 –
Automated Enforcement of Traffic Control Device
Violations.**

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3340 on first reading and set a public hearing relative to final passage of said Ordinance for August 19, 2008. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3340
An Ordinance to amend Title 3, Chapter 1 of the Municipal Code of the City of Morristown, Tennessee. (Municipal Court – to provide for imposing fines and court costs/fees for Ordinance violations.)**

Councilmember Tucker requested that the collection of approximately \$400,000 in fines, fees and interest owed by Koch Foods for violation of City Ordinances be added to the Unfinished Items List. Council instructed staff to begin the process for a Show Cause Hearing for Koch Foods by August 8, 2008.

The Employee Handbook discussion was moved to the Work Session.

Councilmember Tucker made a motion to open the agenda and add an item relative to approval of a Certificate of Compliance for a liquor store. Councilmember Trent seconded and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to approve a Certificate of Compliance for Connie Helms Shepherd to operate a Retail Liquor Store at 1506 South Cumberland Street (formerly Speck's Package Store); Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Vice-Mayor Senter adjourned the August 5, 2008 City Council meeting.

Mayor

ATTEST:

City Administrator