

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 7, 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, August 7, 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 Jinks made a motion to approve the July 17, 2007 minutes as circulated; Councilmember McGuffin seconded the motion and all voted "aye".

Mayor Barile presented a "Key to the City" to Mr. Bill Swann, retiring General Manager of Morristown Utilities System.

Dr. Wade McCamey, President, Walters State Community College, thanked City Council for their partnership in the scholarship program funding and for the \$50,000 donation for the Ag-Expo Center.

A public hearing was held on the following Resolution No. 34-07. Councilmember McGuffin made a motion to adopt said Resolution; Councilmember Rooney seconded the motion and upon roll call all voted "aye".

RESOLUTON NO. 34-07

PLAN OF SERVICES

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTIES LOCATED ALONG **EAST ANDREW JOHNSON HIGHWAY**.

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 the point of intersection of the northern edge of the East Andrew Johnson Highway right-of-way and Parcel 60.00 of Hamblen County Tax Map 26 and heading in a northerly direction along the common boundary shared by Parcels 61.00 and 60.00 of Hamblen County Tax Map 26 continuing along the eastern boundary line of Parcel 60.00 to the point of intersection of Parcels 60.00 and 56.03 of Hamblen County Tax Map 26 and Parcel 20.00 of Hamblen County

Tax Map 26H Group A; Thence, in a westerly direction along the most northern boundary of Parcel 61.00 to the intersection of said boundary line with Parcel 23.00 of Hamblen County Tax Map 26H Group A and the current corporate limits of the City of Morristown; Thence, in a south westerly direction along the current corporate limit line to the eastern edge of the Dublin Lane right-of-way; Thence, in a southerly direction along the eastern edge of the Dublin Lane right-of-way to the point of intersection with Parcels 59.03 and 60.00 of Hamblen County Tax Map 26; Thence, following along the common boundary shared by Parcels 59.03 and 60.00 of Hamblen County Tax Map 26 to the point of intersection with Parcel 59.01 of Hamblen County Tax Map 26; Thence, in a westerly direction along the common boundary shared by Parcel 59.03 and 59.01 of Hamblen County Tax Map 26 to the intersection of Parcel 59.00 of Hamblen County Tax Map 26 with said parcels; Thence, continuing in a southerly direction along the common boundary of Parcel 59.00 and 59.01 of Hamblen County Tax Map 26 to the intersection of said boundary line with the northern edge of the East Andrew Johnson Highway right-of-way; Thence, heading in an easterly direction along the common boundary shared by Parcels 59.01 and 60.00 of Hamblen County Tax Map 26 and the northern edge of the East Andrew Johnson Right-of-way to the point of Beginning.

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 Intermediate Business for Parcel 59.01 and 60.00 only 200 feet from the right-of-way of East Andrew Johnson Highway the remainder of Parcel 60.00 would receive the zoning designation of Medium Density Residential (R-2).

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.

Passed on this 7th day of August 2007.

Mayor

ATTEST:

City Administrator

A public hearing was held on the following captioned Ordinance No. 3296. Councilmember McGuffin made a motion to adopt said Ordinance on second and final reading; Councilmember Senter 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).]

A public hearing was held on the following captioned Ordinance No. 3297. 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. 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).]

A public hearing was held on the following captioned Ordinance No. 3298. 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. 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).]

A public hearing was held on the following captioned Ordinance No. 3299. Councilmember Tucker made a motion to adopt said Ordinance on second and final reading contingent upon the owner deeding a five foot strip along Chestnut Street to the City for a buffer. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers McGuffin, Senter, Trent, Tucker and Mayor Barile voted “aye”; Councilmembers Jinks and Rooney voted “no”. {The owner agreed to landscape and maintain the 5’ buffer area; no entrance to the property from Chestnut Street will be allowed without permission from City Council.}

**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 award the bid for the Turf Grass Weed Control Program to Taylor's Renovations & Landscaping in the amount of \$23,700. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Trent made a motion to adopt the following Resolution No. 35-07; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 35-07
A RESOLUTION SUPPORTING THE CITY OF
MORRISTOWN, TENNESSEE'S APPLICATION FOR THE
TENNESSEE DEPARTMENT OF TRANSPORTATION
FY2007 ROADSCAPES GRANT PROGRAM.**

WHEREAS, the City of Morristown seeks to continually develop comprehensive plan elements which serve as guidelines for the maintenance and improvement of community public facilities and infrastructure; and

WHEREAS, the citizens of Morristown are afforded a continuous process whereby the transportation network within the area is maintained in an efficient and orderly manner while plans for future growth in traffic volumes, recreational and land uses are considered; and

WHEREAS, the City of Morristown desires to improve the aesthetics of its roadscares by planting trees and plants throughout the corporate boundaries, and that the City of Morristown has been designated as a Tree City USA and Tree Growth Award recipient; and

WHEREAS, the City of Morristown desires to apply for the FY2007 Tennessee Roadscares Grant, due by September 4, 2007, where TDOT will pay for 80 percent (reimbursable) of the grant and the City of Morristown will pay for the remaining 20 percent of the grant (minimum grant amount to be awarded is \$10,000 and the maximum grant award shall be no more than 20% of TDOT's yearly roadscares grant funding).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morristown, Tennessee does hereby approve the City of Morristown's application for the TDOT FY 2007 Tennessee Roadscares Grant Program.

Adopted this 7th day of August 2007.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to adopt the following Resolution No. 36-07; Councilmember McGuffin seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter, Trent and Mayor Barile voted “aye”; Councilmember Tucker voted “no”.

**Resolution No. 36-07
A Resolution Opposing the Public Safety
Employer- Employee Cooperation Act of 2007
(Bill H.R. 980).**

Whereas, the City of Morristown, Tennessee has for the past 152 years put the safety of its residents, guests and employees as its highest priority; and

Whereas, the consistent and diligent application of quality management and oversight of locally elected officials have provided the necessary resources for the Morristown Fire Department to be rated in the top 4% of paid professional fire organizations in the United States; and

Whereas, with the same vigor and support, the members of the Morristown Police Department have earned National Accreditation, placing them among the finest police organizations in the nation; and

Whereas, public safety employees and employers are, today, working in cooperation; and

Whereas, the United States House of Representatives, in their adoption of H. B. 980 titled the “Public Safety Employer-Employee Cooperation Act of 2007” have extended collective bargaining rights to public safety personnel and would provide for federal administration of those rights in states, such as Tennessee, that do not comply with the minimum standards in the bill; and

Whereas, specifically, the bill requires that the Federal Labor Relations Authority (FLRA), within 180 days of the Act's passage, determine whether each state's law:

1. grants public safety officers the right to form and join a labor union;
2. requires that public safety employers recognize the employees' labor organization;
3. provides for bargaining over hours, wages and the terms and conditions of employment;
4. provides for an impasse resolution process; and
5. requires that state courts enforce the rights established by H.R. 980.

Whereas, H.R. 980 would preempt state authority to regulate the collective bargaining rights of its state and local public safety employees and require the FLRA to develop and implement regulations that grant public safety employees the right to collectively bargain in states where that authority does not meet a minimum level of coverage; and

Whereas, such a preemption of state authority is a mandate under the Unfunded Mandates Reform Act (UMRA); and

Whereas, Morristown would be required to meet and bargain with the employees' exclusive representative should the employees choose to be represented by a collective bargaining unit; and

Whereas, the costs of complying with the mandate would include administrative activities that support the collective bargaining process and would vary by state and city depending on the level of collective bargaining extended to public safety employees in each locale.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Morristown call on you to do everything in your power to defeat this ill conceived legislation that would expand federal power into the area of local labor relations in an unprecedented and dangerous manner. It is a clear violation of the very concept of separation of powers and the concept of local control to now mandate a standard foreign to the local desires or needs.

We call on you to publicly declare your opposition to this destructive legislation. H.R. 980 amounts to an unfunded mandate by Congress on state and local governments. Inevitably, labor policies dictated by the federal government will increase costs. These costs, not now deemed relevant or appropriate at the local level, will be borne by taxes paid at the local level with no financial support from

Congress. It is patently unjust for Congress to impose this burden on local taxpayers, especially when there is no need to do so.

It is the height of hypocrisy for Congress to dictate local labor policies for public safety employees when it is law that numerous federal public safety employees are expressly prohibited from engaging in collective bargaining. Congress has no moral right to impose higher costs, diminish local control, and inflexible bureaucracy on local governments while it operates in a completely opposite manner.

We ask that you support the right of localities and states to determine their own labor policies free of the dictates of union officials or the federal government.

Adopted this 7th day of August 2007.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to adopt the following Resolution No. 37-07; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 37-07
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 7th day of August 2007.

Mayor

ATTEST:

City Administrator

Councilmember Jinks made a motion to adopt the following Resolution No. 38-07; Councilmember Senter seconded the motion and upon roll call, all voted 'aye'.

**RESOLUTION NO. 38-07
A RESOLUTION TO AUTHORIZE THE SUBMISSION OF A
FAST TRACK INFRASTRUCTURE PROGRAM (FTIDP)
APPLICATION TO FUND FOUNDATION SYSTEM
IMPROVEMENTS THAT WOULD SERVE VIFAN USA,
INC., IN MORRISTOWN, TENNESSEE.**

WHEREAS, the City of Morristown supports the creation of manufacturing jobs within its jurisdiction; and

WHEREAS, VIFAN USA, Inc. has indicated its intent to expand and operate new manufacturing facilities in the Morristown Airport Industrial District; and

WHEREAS, the State of Tennessee offers local governments grant funds to finance site improvements associated with job creation projects through its Fast Track Infrastructure Development Program (FTIDP); and

WHEREAS, the City of Morristown must submit a formal application in order to acquire Fast Track Infrastructure Development Program (FTIDP) funds to support the expansion of VIFAN USA, Inc. in the Morristown Airport Industrial District.

NOW, THEREFORE, BE IT RESOLVED that the Morristown City Council hereby authorizes the Mayor or her representatives to prepare and submit a Fast Track Infrastructure Development Program Grant application for \$750,000 to fund 74% of the cost of foundation system improvements that are proposed to serve VIFAN USA, Inc. in the Morristown Airport Industrial District.

BE IT FURTHER RESOLVED that the VIFAN USA, Inc. will be contribute 26% of the project costs, estimated at \$195,000 to the project in order to satisfy the local share requirements of the FTIDP program.

Adopted this 7th day of August 2007.

Mayor

ATTEST:

City Administrator

Councilmember Tucker made a motion to adopt the following captioned Ordinance No. 3300 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 21, 2007. Councilmember Rooney seconded the motion and upon roll call, Councilmembers McGuffin, Rooney, Tucker and Mayor Barile voted "aye"; Councilmembers Jinks and Senter voted "no"; Councilmember Trent "abstained".

**Ordinance No. 3300
Entitled an Ordinance amending Title 8, Chapter 2 of
the Morristown Municipal Code (Beer Ordinance).**

Councilmember Senter requested that it be recorded in the minutes that ordinances be presented to Council prior to the Council meetings in order to give time for review.

Councilmember Trent made a motion to re-appoint Jack Cartwright to the Housing Board of Adjustments & Appeals for a three-year term to expire August 15, 2010; Councilmember McGuffin seconded and upon roll call, all voted "aye".

Councilmember Tucker made a motion to approve a Letter of Intent between the City, Morristown Utility Commission and Hamblen County Board of Education for a new lighting system for the Burke-Toney Stadium using Roundup Funds. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to approve finalization of the \$10,000 matching Enhancement Grant for the Parks & Recreation Department; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to approve the 2008 Local Parks & Recreation Fund (LPRF) Grant application; Councilmember Trent seconded the motion and upon roll call, Councilmembers McGuffin, Rooney, Trent, Tucker and Mayor Barile voted "aye"; Councilmembers Jinks and Senter voted "no".

Councilmember Rooney made a motion to approve Change Order #2 (final) to Trent Excavating for Wayne Hansard Soccer Field additions in the amount of \$21,174.97. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter, Tucker and Mayor Barile voted "aye"; Councilmember Trent "abstained".

Mayor Barile adjourned the August 7, 2007 City Council meeting.

Mayor

ATTEST:

City Administrator