

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
SEPTEMBER 19, 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, September 19, 2006 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 Gary R. Johnson.

Councilmember Jinks made a motion to approve the September 5, 2006 minutes as circulated; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Vice Mayor Senter presented proclamations recognizing three Little League Girls All-Star Softball Teams.

Vice Mayor Senter presented a proclamation recognizing September 18 – 24 as Imagination Library Week to Tish Jones and Murrell Weesner.

Councilmember McGuffin made a motion to award the bid for the Sherwood Park Baseball Field Improvements to McCosh Builders in the amount of \$330,000. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to award the following equipment bids; Councilmember Jinks seconded the motion and upon roll call, all voted "aye":

- (1) $\frac{3}{4}$ Ton Pick-up Truck, Long Wheel Base to Morristown Ford - \$17,368.00;
- (1) Tandem Dump Truck to Landmark International - \$74,777.81;
- (1) 42" Walk-Behind Concrete Saw to A-1 Equipment Rental - \$20,827.10;
- (1) Four Wheel Drive Skid Steer Loader to BobCat of Knoxville - \$38,483.26.

The resolution accepting the TDOT proposal for I-81 Interchange @ SR-32 was deferred until the October 3, 2006 Council meeting.

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3262 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 3, 2006. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3262

Entitled an Ordinance to annex certain territory and to incorporate same within the corporate limits of the City of Morristown, Tennessee. {Annexation and Zoning Classification of the Jeff Manning property located at Old Liberty Hill Road (Parcel 87.01, Map 25).}

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3263 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 3, 2006. Councilmember Jinks seconded the motion and upon roll call, Councilmember McGuffin “abstained” and all others voted “aye”.

Ordinance No. 3263

Entitled an Ordinance to annex certain territory and to incorporate same within the corporate limits of the City of Morristown, Tennessee. {Annexation and Zoning Classification of Hampton West Subdivision, Phase IV, located off West Andrew Johnson Highway (Parcel 47.01, Map 40).}

Councilmember Trent made a motion to adopt the following captioned Ordinance No. 3264 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 3, 2006. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers McGuffin, Rooney and Trent voted “aye; Councilmembers Jinks, Tucker and Vice Mayor Senter voted “no”. **The motion failed.** Councilmember Trent made a motion to rescind the action taken and set the first reading and public hearing for October 3, 2006. The motion died for lack of a second.

Ordinance No. 3264

Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of properties located at 2023, 2003 and 2015 Chestnut Street (Parcels 6.01, 7 and 6, Map 34-C) from Medium Density Residential R-2 to Intermediate Business (IB).}

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3265 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 3, 2006. Councilmember Tucker seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3265

Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of Southwood property located off Valley

Home Road (Parcel 52 Map 41) from High Density Residential (R-3) to Planned Residential District (RP-1).}

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3266 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 3, 2006. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3266
Entitled an Ordinance to amend the Morristown Municipal Code, Title 14, Chapter 2-General Provisions (Zoning Ordinance), Section 14-216 (Off Street Parking Requirements), Subsection e) 26. Swimming Pools.**

The City Administrator gave a report on suggestions for dealing with over-occupancy of rental units -- a) ask the Building Code Officials and the Fire Marshal to determine the occupancy load based on current standards in the housing code and ask the owner to comply; b) have a multidisciplinary team (City staff) visit, educate and try to get voluntary compliance; assist in finding housing, etc.; c) Planning staff will encourage formation of neighborhood resident organizations and provide assistance; d) if all fails, enforce under codes, using tools available legally; e) Fair Housing Act will not allow us to promote homelessness; and f) Planning staff will check on policies in other communities.

Councilmember Tucker made a motion that City Council direct the City Attorney to draft an ordinance that he feels is defensible in court using the recommendations from City Council, City Administrator and staff regarding limiting the occupancy of rental units. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

The Community Development Block Grant (CDBG) Entitlement Cities Grant Program Second Year Program Consolidated Annual Performance and Evaluation Report (CAPER) was presented to City Council.

Action on the Community Buildings at Fire Stations was postponed.

Councilmember Tucker made a motion to adopt the following Resolution No. 24-06; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 24-06
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 parcel 11.00 of Hamblen County Tax Map 18M Group A, parcel 82.00 of Hamblen County Tax Map 19 and the Norfolk Southern Railroad right-of-way heading in a northeasterly direction along the common boundary line shared by parcel 11 of Hamblen County Tax Map 18M Group A and parcel 82.00 of Hamblen County Tax Map 19 to the point of intersection with parcel 12.00 of Hamblen County Tax Map 18M Group A; Thence in a northwesterly direction along the common boundary of parcels 11.00 and 12.00 of Hamblen County Tax Map 18M Group A to the intersection of the southern edge of the East Andrew Johnson Highway right-of-way and parcel 11.00 of Hamblen County Tax Map 18M Group A; Thence, in an easterly direction along the southern edge of the East Andrew Johnson Highway right-of-way with the southwestern corner of parcel 19.00 of Hamblen County Tax Map 19I Group C; Thence, heading in a northwesterly direction along the common boundary shared by the undeveloped right-of-way and the western edge of parcels 1.00 and 19.00 of the Hamblen County Tax Map 19I Group C to the intersection of the eastern edge of the undeveloped right-of-way with the right-of-way of Russellville Highway and parcel 1.00 of Hamblen County Tax Map 19I Group C; Thence, in a westerly direction along the southern edge of the Russellville Highway right-of-way to the intersection of said right-of-way with parcel 1.00 of the Hamblen County Tax Map 18L group C; Thence, in a southeasterly direction along the common boundary shared by the undeveloped right-of-way and parcel 1.00 of Hamblen County Tax Map 18L Group C to the intersection of the undeveloped right-of-way with parcels 1.00 and 2.00 of Hamblen County Tax Map 18L Group C; Thence in a westerly direction along the common boundary line shared by parcels 1.00, 2.00 and 14.00 of Hamblen County Tax Map 18L Group C; Thence in a northerly direction along the eastern edge of the undeveloped right-of-way to the intersection of the undeveloped right-of-way, the Russellville Highway right-of-way and parcel 14.00 of Hamblen County Tax Map 18L Group C; Thence continuing in a westerly direction along the Southern edge of the Russellville Highway right-of-way to the intersection of the two right-of-ways with parcel 13.00 of Hamblen County Tax Map 18L Group C; Thence in a southeasterly direction along the western edge of the undeveloped right-of-way continuing across the right-of-way of East Andrew Johnson Highway to the intersection of the said right-of-ways with parcel 11.00 of Hamblen County Tax Map 18M group A; Thence, continuing along the common boundary shared by the undeveloped right-of-way and parcel 11.00 of the Hamblen County Tax Map 18M group A to the intersection of the undeveloped right-of-way and parcels 10.00 and 11.00 of Hamblen County Tax Map 18M Group A; Thence continuing in a southwesterly direction along the northern boundary line of parcel 11.00 of Hamblen County Tax Map 18M group A to the intersection of said parcel with the Norfolk Southern Railroad right-of-way; Thence heading along the northern edge of the Norfolk Southern Railroad right-of-way to the point of beginning.

Hamblen County Tax Map 18L; Group C; Parcel 2.00 &
Hamblen County Tax Map 18M; Group A, Parcel 11.00

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 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 rates for new lines as extended in accordance with current policies of Holston Electric Cooperative.
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 both parcels is Intermediate Business (IB).

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 19th day of September 2006.

Mayor

ATTEST:

City Administrator

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3260 on second and final reading; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3260
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate limits of the City of Morristown, Tennessee. {Annexation and Zoning Classification of property located at 5817 East Andrew Johnson Highway.}**

Councilmember Jinks made a motion to appoint Douglas Collins as City Judge to fill the remainder of Janice Snider's term which will expire on September 15, 2008. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Action on the Tree Board appointments was deferred due to the absence of Mayor Johnson.

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and hire Robert Smith as an entry-level police officer. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and hire Joshua Eldridge as an entry-level police officer. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Vice Mayor Senter adjourned the September 19, 2006 meeting.

Mayor

ATTEST:

City Administrator