

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
SEPTEMBER 5, 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 5, 2006 with Honorable Mayor Gary R. Johnson presiding and the following named Councilmembers present: Frank McGuffin, William Rooney, Kay Senter, Rick Trent and Mel Tucker; absent: Claude Jinks.

Councilmember Senter made a motion to approve the August 15, 2006 minutes as circulated; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

A Public Hearing was held on the following Resolution No. 24-06 adopting a Plan of Services for the annexation of 5817 East Andrew Johnson Highway. Councilmember McGuffin mad a motion to adopt Resolution No. 24-06; Councilmember Trent seconded the motion. Councilmember Senter made a motion to **table the item** until the September 19, 2006 Council meeting.

RESOLUTION NO. 24-06

PLAN OF SERVICES

A 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 _____ day of _____ 2006.

Mayor

ATTEST:

City Administrator

A Public Hearing was held on the following captioned Ordinance No. 3260. Councilmember Senter made a motion to **defer action** until the September 19, 2006 Council meeting in order to give the applicant time to check into getting a refund on the county permits. Councilmember Trent seconded the motion and 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.}

A Public Hearing was held on the following captioned Ordinance No. 3261. Councilmember Rooney made a motion to adopt said Ordinance on second and final reading. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3261
Entitled an Ordinance to close and vacate certain rights-of-way within the City of Morristown.
{Closure of a portion of West Sixth North Street.}

Councilmember Rooney made a motion to award the Engineering Services Contract for the South Cumberland Street Sanitary Sewer Rehabilitation Phase I & II to McGill Associates in the amount of \$128,000. Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to approve Change Order #1 to J.A. Bewley Contractors in the amount of \$39,201 for the Old Liberty Hill Road Sanitary Sewer Extension – Phase 2. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Tucker made a motion to award the bid for the pavilions for Martin Luther King, Jr. Park to Howlett Equipment Co. in the amount of \$59,160 (the lowest bid for all four items). Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to reappoint Dr. Fred Yarid as the City Physician for a two year term to expire September 1, 2008. Councilmember Trent seconded and all voted "aye".

Mayor Johnson nominated Gene Jolley and William Thompson for reappointment to the Hamblen County Coordinating Committee (Urban Growth Boundary). Councilmember Rooney made a motion to approve the Mayors nominations; Councilmember Senter seconded the motion and all voted "aye".

Councilmember Senter made a motion to appoint Jim Crumley, City Administrator, as the Mayor's Representative to the Hamblen County Coordinating Committee (Urban Growth Boundary); Councilmember Senter seconded the motion and all voted "aye".

Councilmember Tucker made a motion to table action on the appointment of the City Judge until the September 19, 2006 Council meeting; Councilmember Rooney seconded the motion and all voted "aye".

Councilmember Rooney made a motion to approve City Administrator Jim Crumley's Employment Contract; Councilmember McGuffin seconded the motion. Upon roll call, Councilmembers McGuffin, Rooney, Senter, Tucker and Mayor Johnson voted "aye"; Councilmember Trent voted "no".

A discussion was held relative to building codes – number of occupants per dwelling. City staff and the City Attorney will meet and summarize the present codes, what other cities are doing, what City Council is interested in, etc., and forward recommendations to City Council prior to the next Council meeting.

Without objection from City Council, an item relative to a Disc Golf Course at Wayne Hansard Park was added to the agenda.

The Morristown Kiwanis Club made an offer to contribute \$12,000 toward a Disc Golf Course at Wayne Hansard Park if the City would match the \$12,000 in funding. Councilmember Senter made a motion to defer action until the next Council meeting; the motion died for lack of a second. Councilmember Tucker made a motion to accept the donation and match it with \$12,000 from the fund balance. Councilmember Trent seconded the motion and upon roll call, all voted "aye".

Mayor Johnson adjourned the September 5, 2006 meeting.

Mayor

ATTEST:

City Administrator