

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
SEPTEMBER 7, 2010**

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 7, 2010 with Honorable Mayor Barbara C. "Sami" Barile, presiding and the following named Councilmembers present: Gene Brooks, Bob Garrett, Claude Jinks, Frank McGuffin, William Rooney and Kay Senter.

Councilmember Jinks made a motion to approve the August 17, 2010 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

David Beams, President of TLEAP and Oak Ridge Police Chief, presented Chief Overholt and Mayor Barile with the Morristown Police Department's Accreditation Certificate from the Tennessee Law Enforcement Accreditation Program (TLEAP).

A public hearing was held on the following captioned Ordinance No. 3401. 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. 3401

Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 1303 South Easley Court (Hamblen County Tax Map 25P, Group B, Parcel 23.00) from Medium Density Residential (R-2) to Intermediate Business (IB)}.

A public hearing was held on the following captioned Ordinance No. 3402. Councilmember Senter 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. 3402

Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 1821 Eastern Avenue (Hamblen County Tax Map 34F, Group C, Parcel 7.00) from Single Family Residential (R-1) to Office, Medical, Professional (OMP)}.

A public hearing was held on the following captioned Ordinance No. 3403. Councilmember McGuffin made a motion to adopt said Ordinance on second and final reading. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3403

Entitled an Ordinance to Close and Vacate certain Rights-of-Way within the City of Morristown. {Right-of-Way Closure – off Jackson between Louise and Rosedale (Gateway Church)}.

Councilmember Rooney made a motion to adopt the following Resolution No. 21-10; Councilmember Jinks seconded the motion and upon roll call, Councilmembers Brooks, Garrett, Jinks, Rooney, Senter and Mayor Barile voted "aye"; Councilmember McGuffin "abstained".

**RESOLUTION NO. 21-10
BEING A RESOLUTION OF THE CITY COUNCIL FOR THE
CITY OF MORRISTOWN, TENNESSEE ELECTING TO
OPT IN TO THE PROVISIONS OF T.C.A. § 68-211-701
THROUGH § 68-21-705 AND § 68-211-707. {The Jackson
Law/landfills.}**

BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, that it hereby elects to opt in to the provisions of T.C.A. § 68-211-701 through § 68-21-705 and § 68-211-707 (the Jackson Law), such that the City may have a voice in the approval or rejection of new or expanded landfills being located within its jurisdiction.

Passed by a two-thirds majority vote of the governing body in regular session this 7th day of September 2010.

Those voting for the resolution: Councilmembers Brooks, Garrett, Jinks, Rooney, Senter and Mayor Barile.

Councilmember McGuffin “abstained”.

Those voting against the resolution: None.

Mayor

ATTEST:

City Administrator

The undersigned City Administrator, Anthony Cox, hereby certifies that the foregoing resolution was passed by a two-thirds majority vote of the members of the governing body for the City of Morristown on the date set forth above, and that there are a total of seven voting members of the City Council, including the Mayor.

City Administrator, Anthony Cox

Councilmember Rooney made a motion to adopt the following Resolution No. 22-10; Councilmember McGuffin seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted “aye”; Councilmember Brooks voted “no”.

**Resolution No. 22-10
Entitled a Resolution authorizing the Mayor to execute the option to purchase and all documents reasonably necessary to complete the transaction of the City of Morristown’s purchase of property at the East Tennessee Progress Center owned by Mr. Von E. Hurst, located at 1792 Howard Allen Road (Tax Map 061, Parcel 002.00), for the purchase price of \$100,000 (8 acres @ \$12,500 per acre and encumbrances).**

WHEREAS, it is deemed that the acquisition of the property located at 1792 Howard Allen Road would be very beneficial to the East Tennessee Progress Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Morristown, Tennessee while in regular session on September 7, 2010 as follows:

SECTION 1. That the purchase of the Von E. Hurst property located at 1792 Howard Allen Road is hereby authorized in amount of \$100,000 (8 acres @ \$12,500 per acre).

SECTION 2. That the Mayor is hereby authorized to execute this option to purchase and all documents reasonably necessary to complete this transaction.

Passed in regular session of City Council this 7th day of September 2010.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to adopt the following Resolution No. 23-10; Councilmember Senter seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks voted "no".

**Resolution No. 23-10
Entitled a Resolution authorizing the Mayor to execute the option to purchase and all documents reasonably necessary to complete the transaction of the City of Morristown's purchase of property at the East Tennessee Progress Center owned by Ms. Mildred Volena Spurgeon, located on Howard Allen Road (Tax Map 056, Parcel 118.01), for the purchase price of \$99,956.25 (7.99 acres @ \$12,500 per acre).**

WHEREAS, it is deemed that the acquisition of the Spurgeon property located on Howard Allen Road would be very beneficial to the East Tennessee Progress Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Morristown, Tennessee while in regular session on September 7, 2010 as follows:

SECTION 1. That the purchase of the Mildred Volena Spurgeon property located on Howard Allen Road is hereby authorized in amount of \$99,956.25 (7.99 acres @ \$12,500 per acre).

SECTION 2. That the Mayor is hereby authorized to execute this option to purchase and all documents reasonably necessary to complete this transaction.

Passed in regular session of City Council this 7th day of September 2010.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to adopt the following Resolution No. 24-10; Councilmember McGuffin seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks voted "no".

Resolution No. 24-10

Entitled a Resolution authorizing the Mayor to execute the option to purchase and all documents reasonably necessary to complete the transaction of the City of Morristown's purchase of property at the East Tennessee Progress Center owned by the J. H. Hurst Heirs, located at 1752 Howard Allen Road (Tax Map 056, Parcel 118.04), for the purchase price of \$99,956.25 (7.99 acres @ \$12,500 per acre).

WHEREAS, it is deemed that the acquisition of the Hurst property located on Howard Allen Road would be very beneficial to the East Tennessee Progress Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Morristown, Tennessee while in regular session on September 7, 2010 as follows:

SECTION 1. That the purchase of the J. H. Hurst Heirs property located at 1752 Howard Allen Road is hereby authorized in amount of \$99,956.25 (7.99 acres @ \$12,500 per acre).

SECTION 2. That the Mayor is hereby authorized to execute this option to purchase and all documents reasonably necessary to complete this transaction.

Passed in regular session of City Council this 7th day of September 2010.

Mayor

ATTEST:

City Administrator

Councilmember Rooney made a motion to adopt the following Resolution No. 25-10; Councilmember Senter seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks voted "no".

Resolution No. 25-10

Entitled a Resolution authorizing the Mayor to execute the option to swap/purchase and all documents reasonably necessary to complete the transaction of the City of Morristown's swap/purchase of property at the East Tennessee Progress Center owned by John Morris, located at 2465 McClanahan Road (Tax Map 056, Parcel 104.00), swap of eleven acres of land plus \$30,000, plus fence construction, plus any fees (approximately \$8,000 est.).

WHEREAS, it is deemed that the acquisition of the Morris property located at 2465 McClanahan Road would be very beneficial to the East Tennessee Progress Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Morristown, Tennessee while in regular session on September 7, 2010 as follows:

SECTION 1. That the swap/purchase of the John Morris property located at 2465 McClanahan Road is hereby authorized for the swap/purchase of eleven acres, plus \$30,000, plus fence construction, plus any fees (approximately \$8,000 est.).

SECTION 2. That the Mayor is hereby authorized to execute this option to purchase and all documents reasonably necessary to complete this transaction.

Passed in regular session of City Council this 7th day of September 2010.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to adopt the following Resolution No. 26-10; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 26-10
A CORPORATE RESOLUTION AUTHORIZING AN
APPLICATION FOR A FIRST TENNESSEE CREDIT
CARD ACCOUNT WITH FIRST TENNESSEE BANK
NATIONAL ASSOCIATION.**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE, ORGANIZED UNDER LAWS OF THE STATE OF TENNESSEE, that Designees Barbara C. Barile, Mayor and Anthony W. Cox, City Administrator, are hereby authorized to execute and deliver for and in the name of this Corporation (City of Morristown), an Application for a First Tennessee Credit Card Account with First Tennessee Bank National Association (Bank), which Agreement will have a binding effect upon the Corporation, that all debts created by the use of cards issued or accounts opened pursuant to Designee's instruction shall be the obligations of the Corporation, and that Bank shall have no obligation to observe or inquire as to application of any loan proceeds including without limitation any proceeds deposited to the individual credit of or used for the individual purposes of the Corporation; and

BE IT FURTHER RESOLVED, that Bank is and shall be fully authorized to rely and act upon said Agreement, as amended from time to time, and upon the instructions given the Designees as to all matters relating to the credit cards and accounts issued by Bank in connection herewith, including without limitation instructions as to the persons to be designated from time to time to receive cards or for whom cards are to be discontinued, the creation of any lien in favor of Bank on property of the Corporation, and other acts taken or documents provided by Designees in connection with the cards and accounts, any lien created, or

collateral security granted, in favor of Bank by Designees on property of the Corporation; and

BE IT FURTHER RESOLVED, that the Corporation shall indemnify and hold Bank harmless against all losses, costs, damages, causes of action, and expenses (including without limitation reasonable attorney's fees and litigation costs) arising out of or in connection with Bank's reliance on any of these Resolutions.

I hereby further certify that the signatures of the Designees set forth above their names below are genuine and that such person(s) are the duly elected incumbents of the respective offices shown below their name:

ADOPTED this 7th day of September 2010.

Barbara C. "Sami" Barile
Mayor

Anthony W. Cox
City Administrator

CERTIFICATE OF AUTHENTICITY

City of Morristown
County of Hamblen
State of Tennessee

I, Anthony W. Cox, hereby certify that I am the City Administrator of the City of Morristown, Tennessee, and that as such, I am the official custodian of the City Council Minute Books, Ordinance Books, and of the books, papers, records, and documents of the City and, that the foregoing is a true, perfect, and correct copy of Resolution No. 26-10 relative to application for a First Tennessee Credit Card Account which was adopted at the September 7, 2010 City Council meeting.

In Witness whereof I have hereunto subscribed my name and the City Seal this 7th day of September 2010.

Anthony W. Cox
City Administrator

SEAL

Councilmember Jinks made a motion to approve the following captioned Ordinance No. 3404 on first reading and schedule a public hearing relative to final adoption of said Ordinance for September 21, 2010. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3404
Entitled an Ordinance to amend Title 9 of the Municipal Code
of the City of Morristown, Tennessee, by adding the following
Chapter 17 – Temporary Uses and Seasonal Sales.**

Councilmember Jinks made a motion to approve the following captioned Ordinance No. 3393.05 on first reading and schedule a public hearing relative to final adoption of said Ordinance for September 21, 2010. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3393.05
An Ordinance to amend Ordinance No. 3393 – FY 2011
Budget by appropriating the sum of \$36,863 from the
Justice Assistance Grant (JAG) funds for Police
equipment.**

Councilmember Senter made a motion to approve the following captioned Ordinance No. 3393.06 on first reading and schedule a public hearing relative to final adoption of said Ordinance for September 21, 2010. Councilmember Rooney seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks "passed".

**Ordinance No. 3393.06
An Ordinance to amend Ordinance No. 3393 – FY 2011
Budget by appropriating the sum of \$337,912.50 for the
purchase of four properties at the East Tennessee
Progress Center.**

Mayor Barile appointed Ken Smith to the Morristown Regional Planning Commission to fill the remainder of Homer Harrell's term. {Term to expire 3/1/13.}

Action on the Koch Foods Settlement Authorization was deferred until the next Council meeting.

CITY COUNCIL CONVENED AS THE BEER BOARD.

Councilmember Rooney made a motion to grant an Off-Premise Beer Permit to K-VA-T Food Stores, Inc., Food City #646, located at 4100 Cool Springs Road (off Jaybird Road). Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the September 7, 2010 City Council meeting.

Mayor

ATTEST:

City Administrator