

**STATE OF TENNESSEE
COUNTY OF HAMBLEN
CORPORATION OF MORRISTOWN
AUGUST 19, 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 19, 2008 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 August 5, 2008 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

Councilmember Jinks made a motion to accept Chief Overholt's recommendation and promote Pete Shockley to Patrol Corporal. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

A public hearing was held on the following captioned Ordinance No. 3339. Councilmember Tucker made a motion to adopt said Ordinance on second and final reading. Councilmember Trent 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.**

A public hearing was held on the following captioned Ordinance No. 3340. Councilmember Tucker 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. 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 Rooney made a motion to award the contract for

professional engineering services for the Turkey Creek Greenway Phase III to McGill Associates in an amount not to exceed \$237,600 plus \$4,860 per parcel. Councilmember Senter seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Rooney, Senter, Tucker and Mayor Barile voted "aye"; Councilmember Trent voted "no".

Councilmember Tucker made a motion to award the contract for professional engineering services for the Walters Drive Improvements Project to Hodge Associates in the amount of \$107,160 (\$44,160 plus \$63,000 for inspections & testing). Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to adopt the following Resolution No. 23-08; Councilmember Tucker seconded the motion and upon roll call, all voted "aye".

RESOLUTION NO. 23-08

RESOLUTION TO APPROVE THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING CERTAIN PUBLIC WORKS PROJECTS FOR THE CITY OF MORRISTOWN, TENNESSEE. {\$3,000,000 General Obligation & Sewer Revenue Bonds for energy audit.}

WHEREAS, the City Council (the "Council") of the City of Morristown, Tennessee (the "Municipality"), has determined that it is necessary to finance the costs of certain "public works projects", as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, such public works projects being set forth and described in that certain Initial Resolution adopted by the Council on the date hereof (collectively, the "Project"), and as set forth in an Indenture of Trust (the "Indenture"), between The Public Building Authority of the City of Clarksville, Tennessee or The Public Building Authority of the County of Montgomery, Tennessee (the "Issuer") and The Bank of New York Mellon Trust Company, N.A., Atlanta, Georgia, as trustee (the "Trustee"), as permitted under Title 12, Chapter 10, Tennessee Code Annotated, as from time to time amended and supplemented, and as described in the form of one or more Loan Agreements (collectively, the "Loan Agreement"), between the Municipality, as borrower, and the Issuer, the costs of such Project not to exceed \$3,000,000; and,

WHEREAS, the Council has taken the necessary steps to arrange for the acquisition, construction, renovation, improvement, equipping, and/or installation of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF

THE CITY OF MORRISTOWN, TENNESSEE:

Section 1. Approval of the Loan Agreement. The terms of the Loan Agreement, presented at this meeting are in the best interest of the Municipality and are hereby approved and the Council hereby authorizes the Mayor and the City Administrator/City Recorder of the Municipality to execute and deliver one or more Loan Agreements, each to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the Mayor and City Administrator/City Recorder to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 2. Fulfillment of Obligations. The Council of the Municipality is authorized and directed to fulfill all obligations under the terms of the Loan Agreement.

Section 3. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the Municipality on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount, to the extent necessary in the event funds of the Municipality legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the Municipality under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are irrevocably pledged.

Section 4. Consent to Assignment. The Municipality hereby acknowledges that the provisions of the Indenture assign to the Trustee, among other things, all of the interest of the Issuer in and to the Loan Agreement (other than the rights of the Issuer under Section 7.03 and Section 7.04 of the Loan Agreement, which are reserved to the Issuer) and the Municipality agrees to pay directly to the Trustee any amounts required to be paid by the Municipality to the Issuer pursuant to the Loan Agreement.

Section 5. Reimbursement Provisions. The Municipality may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Issuer under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The Municipality reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Issuer made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 6. Miscellaneous Acts. The Mayor, the City Administrator/City Recorder, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 7. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 8. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 9. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the Municipality requiring it.

Adopted this 5th day of August, 2008.

MAYOR

(SEAL)

ATTEST:

CITY ADMINISTRATOR/CITY RECORDER

Councilmember Tucker made a motion to adopt the following Resolution No. 24-08; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 24-08
A RESOLUTION RATIFYING AND MODIFYING
RESOLUTION 17-08 OF THE CITY COUNCIL OF
THE CITY OF MORRISTOWN RELATING TO
THE EXECUTION AND DELIVERY OF LOAN
AGREEMENTS WITH A PUBLIC BUILDING
AUTHORITY. {\$20,500,000 MUS Fibernet and
\$5,000,000 City General Obligation Bonds.}**

WHEREAS, the City of Morristown, Tennessee (the "Municipality"), has previously authorized the execution and delivery of certain loan agreements in an amount not to exceed \$25,500,000 pursuant to Resolution 17-08 of the City Council adopted on July 1, 2008 (the "Resolution");

WHEREAS, since the adoption of the Resolution, the Municipality has received a report of the State Director of Local Finance regarding the execution and delivery of the loan agreements and the refinancing of certain outstanding loan agreements of the Municipality described in the Resolution; and

WHEREAS, after consideration of the report of the State Director of Local Finance, the Municipality wishes to proceed with the execution and delivery of the loan agreements to borrow funds in a principal amount not to exceed \$25,500,000 for the purposes described in the Resolution and to ratify and modify the Resolution as provided herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, as follows:

Section 1. Ratification of Resolution. After considering the report of the State Director of Local Finance, the Municipality hereby confirms and ratifies the Resolution in all respects except as provided in Section 2.

Section 2. Amount of Bonds. The maximum principal amount of indebtedness to be borrowed under the loan agreements as referenced in the Section 1 of the Resolution is hereby amended to be \$25,500,000 instead of \$24,500,000, and the reference to year "2030" in Section of the Resolution is hereby amended to be "2035."

Adopted and approved this 19th day of August, 2008.

Mayor

ATTEST:

City Administrator/Recorder

Councilmember Tucker made a motion to **TABLE** the following captioned Ordinance No. 3341 until the September 2, 2008 Council meeting; Councilmember Trent seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3341
Entitled an Ordinance to amend the Morristown Municipal Code, Title 14, Chapter 2-General Provisions (Zoning Ordinance), Section 14-228 - Home Occupation Permit.

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3342 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 2, 2008. Councilmember McGuffin seconded the motion and upon roll call, Councilmembers Jinks, McGuffin, Senter, Trent and Mayor Barile voted “aye”; Councilmembers Rooney and Tucker voted “no”.

Ordinance No. 3342
Entitled an Ordinance to amend the Morristown Municipal Code, Title 16 – Streets and Sidewalks, by adding Chapter 5 - Street Names, Renaming City Streets, Designation of Honorary Drives, Posting of Honorary Signs in the Public Right-of-way, Posting Place Designation and Wayfinding Program in the Public Right-of-Way.

Review of Unfinished Items Checklist:

1. Koch Foods fines & fees – City Council asked that the letter for the Show Cause Hearing be sent to Koch Foods on August 20, 2008.
2. Add research for implementing residential solid waste collection fees to the list.

Councilmember Jinks made a motion to reappoint Bryan Dickerson to the Housing Board of Adjustments & Appeals for a three-year term to expire 8/15/2011. Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

Councilmember Tucker made a motion establish a Crossroads Development Partnership Board of Directors with the appointment of the following members to the Board. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

Leah Taylor and Maria Fisher for three-year terms to expire 8/19/11;

*Ken Smith, Gene Honeycutt and Dr. Foster Chason for two-year terms to expire on 8/19/10;
Crampton Helms for a one-year term to expire 8/19/09;*

By virtue of office – Darrell Williams, DMA Chair; Victor Thompson, Rose Center Board Chair; and Alex Rom-Roginski, Chamber of Commerce Chair;

Ex-Officio Members – Barbara C. “Sami” Barile, Mayor of Morristown; David Purkey, Hamblen County Mayor; and John Cahill, Morristown Regional Planning Commission Chair.

Councilmember Senter made a motion to approve the City Employee Handbook subject to final approval by the City Attorney. Councilmember Tucker seconded the motion and upon roll call, all voted “aye”.

Councilmember Tucker made a motion to approve the following vehicles as surplus property and authorize the disposal thereof; Councilmember Trent seconded the motion and upon roll call, all voted “aye”.

<u>Vehicle #</u>	<u>Make/Model</u>	<u>VIN #</u>
803	1982 Ford Flat Bed Truck	1FDXC70H5CVA08781
371	2002 Ford Crown Victoria	2FAFP71W42X110030
386	2001 Ford Crown Victoria	2FAFP71W21X137337
392	2000 Ford Crown Victoria	2FAFP71W1YX174021
407	1991 Chevrolet Caprice	1G1BL5373MR137272
445	1998 Ford Crown Victoria	2FAFP71WXW164535
448 (417)	1992 Chevrolet Caprice	1G1BL5376NR139034

The item relative to discussion on economic development direction and initiatives was withdrawn by Councilmember Tucker.

Mayor Barile adjourned the August 19, 2008 City Council meeting.

Mayor

ATTEST:

City Administrator