

**WORK SESSION AGENDA
DECEMBER 4, 2018
4:00 p.m.**

1. Agenda Review

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
DECEMBER 4, 2018 – 5:00 P.M.**

1. **CALL TO ORDER**

Mayor Gary Chesney

2. **INVOCATION**

Don Lamb, Chaplain Morristown Fire Department

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

5. **APPROVAL OF MINUTES**

1. November 20, 2018

6. **PROCLAMATIONS/PRESENTATIONS**

7. **CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY**
(Other than items scheduled for public hearing.)

8. **OLD BUSINESS**

- 8-a. **Public Hearings & Adoption of Ordinances/Resolutions**

1. Ordinance No. 3623

An Ordinance of the City Council of Morristown, Tennessee, Amending Title 1 (General Administration), Chapter 2, (City Council), Section 201 (Regular Meetings of Council) of the Morristown Municipal Code.

2. Ordinance No. 3624

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. *{Rezoning of Hamblen County Tennessee Tax Parcel ID #032041BA01602, currently addressed as 2606 West Andrew Johnson Highway from Single Family Residential (R1) to Intermediate Business (IB), the general location being shown on the attached Exhibit A.}*

3. Ordinance No. 3611.02

An Ordinance to Amend Ordinance Number 3611, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2018-2019 and to re-allocate Funds Totaling \$27,047; Necessary to cover the costs of Purchasing Machinery to assist with Curbside Maintenance. Equipment will be purchased from Tennessee State Wide Contract No. 45198.

9. **NEW BUSINESS**

9-a. **Resolutions**

1. Resolution No. _____

A Resolution calling for a Municipal Election on May 7, 2019, for the election of a City Mayor; one Councilmember to represent Ward 2; one Councilmember to represent Ward 4; and one at-large Councilmember.

9-b. **Introduction and First Reading of Ordinances**

9-c. **Awarding of Bids/Contracts**

1. Approval of Change Order for Freddie Kyle Greenway Phase IV with Summers-Taylor, Inc. in the amount of \$6,390.50, for extension of 24' drain pipe.

9-d. **Board/Commission Appointments**

1. City Council selection of a Stormwater Violations Appeals Board to represent each of the following:
 - 1) A representative of a professional consulting field such as engineer, architect, landscape architect, scientist or educator with technical knowledge of practices regulated by this chapter;
 - 2) A representative of an industrial or commercial establishment that is regulated by this chapter;
 - 3) A representative of the building or contracting industry that is regulated by this chapter.

9-e. New Issues

1. Approval of sale of property to Daniel Paul Chairs in the East Tennessee Valley Industrial District, consisting of approximately 7 acres, at the purchase price of \$8,000 per acre.

10. CITY ADMINISTRATOR'S REPORT

11. COMMUNICATIONS/PETITIONS

This is the portion of the meeting where members of the audience may speak subject to the guidelines provided.

12. COMMENTS FROM MAYOR/COUNCILMEMBERS/COMMITTEES

13. ADJOURN

City Council Meeting/Holiday Schedule:

Regular City Council Meeting with Work Session

Dec. 18, 2018	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Dec. 18, 2018	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Dec. 24, 2018	Monday	City Employee's Holiday Christmas Eve
Dec. 25, 2018	Tuesday	City Employee's Holiday Christmas Day
Jan. 1, 2019	Tuesday	City Employee's Holiday New Year's Day
Jan. 2, 2019	(Wed) 4:00 p.m.	Work Session – Council Agenda Review
Jan. 2, 2019	(Wed) 5:00 p.m.	Regular City Council Meeting with Work Session
Jan. 16, 2019	(Wed) 3:45 p.m.	Finance Committee Meeting
Jan. 16, 2019	(Wed) 4:15 p.m.	Work Session – Council Agenda Review
Jan. 16, 2019	(Wed) 5:00 p.m.	Regular City Council Meeting with Work Session
Jan. 21, 2019	Monday	City Employee's Holiday Martin Luther King Day
Feb. 5, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Feb. 5, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Feb. 19, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Feb. 19, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Mar. 5, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Mar. 5, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Mar. 19, 2019	(Tues) 3:45 p.m.	Finance Committee Meeting
Mar. 19, 2019	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
Mar. 19, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session

**WORK SESSION AGENDA
DECEMBER 4, 2018**

1. Deed Transfer to TCAT
2. Audit Report

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
NOVEMBER 20, 2018**

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 5:00 p.m., Tuesday, November 20, 2018, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Kay Senter, Dennis Alvis, and Tommy Pedigo, absent; Chris Bivens and Ken Smith.

Charles Mills, Chaplain, Morristown Police Department led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Alvis made a motion to approve the November 6, 2018, minutes as circulated. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held relating to Ordinance No. 3622 and the following people spoke; Sami Barille and Barbara Garrow.

Councilmember Senter made a motion to approve Ordinance No. 3622 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3622

**An Ordinance of the City Council of Morristown, Tennessee,
Amending Title 14 (Zoning and Land Use Control), Chapter 11,
(Central Business District [CB] of the Morristown Municipal Code.**

Mayor Chesney recessed the meeting for an Executive Session.

Mayor Chesney called the meeting back to order.

Councilmember Alvis made a motion to approve Resolution No. 22-18. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Resolution No. 22-18

**A Resolution to Authorize the Submission of a Fast Track
Infrastructure Development Program (FIDP) Application on Behalf
of Van Hool.**

WHEREAS, The City of Morristown recognizes and supports the need for business expansion within the city; and

WHEREAS, Van Hool will be constructing its business facility located at 1725 Howard Allen Rd. in the City of Morristown; and

WHEREAS, Van Hool has indicated that site development to extend the gas line is needed to serve the facility; and

WHEREAS, the State of Tennessee offers grants to local communities to finance eligible improvements that support business expansion through its Fast Track Infrastructure Development Program (FIDP); and

WHEREAS, The City of Morristown must submit a formal application in order to be eligible for funding through the FIDP program, said application to request funding for all eligible expenses related to improvements that will serve the construction of Van Hool in Morristown.

NOW, THEREFORE BE IT RESOLVED that the City of Morristown hereby authorizes the Mayor or his representative to prepare and submit a FIDP grant application for up to \$250,000 to finance the cost of all eligible expenses related to improvements that will serve the construction of Van Hool in Morristown.

BE IT FURTHER RESOLVED that Van Hool will contribute at least 25% of the total project costs in order to satisfy the local share requirements of the FIDP program.

This Resolution adopted this the 20th day of November 2018.

Mayor, Gary Chesney

ATTEST:

City Administrator, Anthony W. Cox

Councilmember Pedigo made a motion to approve Ordinance No. 3623 on first reading and schedule a public hearing relative to final passage of said ordinance for December 4, 2018. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3623

An Ordinance of the City Council of Morristown, Tennessee, Amending Title 1 (General Administration), Chapter 2, (City Council), Section 201 (Regular Meetings of Council) of the Morristown Municipal Code.

Councilmember Alvis made a motion to approve Ordinance No. 3624 on first reading and schedule a public hearing relative to final passage of said ordinance for December 4, 2018. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3624

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. *(Rezoning of Hamblen County Tennessee Tax Parcel ID #032041BA01602, currently addressed as 2606 West Andrew Johnson Highway from Single Family Residential (R1) to Intermediate Business (IB), the general location being shown on the attached Exhibit A.)*

Councilmember Senter made a motion to approve Ordinance No. 3611.02 on first reading and schedule a public hearing relative to final passage of said ordinance for December 4, 2018. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3611.02

An Ordinance to Amend Ordinance Number 3611, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2018-2019 and to re-allocate Funds Totaling \$27,047; Necessary to cover the costs of Purchasing Machinery to assist with Curbside Maintenance. Equipment will be purchased from Tennessee State Wide Contract No. 45198.

Councilmember Alvis made a motion to approve the Tennessee Department of Transportation Consolidated Planning Grant for Transportation Planning & Coordination activities as assigned in the Unified Planning Work Program in the amount of \$239,176. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve the purchase of Ventrac 4500Z Tractor for Curb Line Maintenance from Bob Ladd & Associates, State Wide Contract, in the amount of \$27,046.93. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve a Change Order for Additional Environmental Services, Old Morristown – Hamblen County Landfill from S&ME in the amount of \$9,900. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve a change in the Employee Handbook to add Reimbursement Policy. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney adjourned the November 20, 2018, City Council meeting at 5:57 p.m.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Ordinance No. 3623

**An Ordinance of the City Council of Morristown, Tennessee,
Amending Title 1 (General Administration), Chapter 2 (City Council),
Section 201 (Regular Meetings of Council) of the Morristown
Municipal Code.**

Be it ordained by the City Council for the City of Morristown that the text of Title 1, Chapter 2, Section 201 of the Morristown Municipal Code is hereby amended by deleting the language in the current section and replacing it with the following language:

CHAPTER 2

CITY COUNCIL

Sec. 1-201. Regular meetings of council. The regular meetings of the city council shall be held on the first and third Tuesdays of each month, at 5:00 p.m., in the council chamber in the municipal building. If the regularly scheduled meetings fall on a state or federal holiday, council shall have the option of adjusting that month's scheduled meetings to another day of the week, provided that the two meetings are still two weeks apart. The option to reschedule the meetings shall be exercised at a public meeting and based upon a majority vote."

This ordinance shall take effect upon second and final reading, the public welfare requiring same.

PASSED ON FIRST READING THIS THE 20TH DAY OF NOVEMBER 2018.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 4TH DAY OF
DECEMBER 2018.

MAYOR

ATTEST:

CITY ADMINISTRATOR

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown City Council
FROM: Josh Cole, Planner
DATE: November 20th, 2018
SUBJECT: 2606 W Andrew Johnson Rezoning from R1 to IB

BACKGROUND:

This is a request from the property owners of 2606 W Andrew Johnson HWY to rezone their property from Single Family Residential District (R1) to Intermediate Business District (IB).

This property is currently vacant and approximately 4 acres. The property to the east that contains the St. Patrick Catholic Church was just recently rezoned to IB and the properties to the west that contains Lowes and two vacant commercial buildings are also zoned IB. The properties to the south across W Andrew Johnson HWY are zoned Office, Medical, and Professional District (OMP) and primarily utilized as professional offices.



RECOMMENDATION:

This rezoning request from R1 to IB is consistent with the city's future land use plan along W. Andrew Johnson HWY. Additionally, this rezoning is compatible with the surrounding zoning and land uses. Thus, staff recommends approval of this request.

At their November meeting, Planning Commission voted 6-0 in support of this request.

[Return to Agenda](#)

Ordinance No. 3624

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of Hamblen County Tennessee Tax Parcel ID # 032041B A 01602, currently addressed as 2606 W Andrew Johnson HWY, from R1 (Single Family Residential District) to IB (Intermediate Business District), the general location being shown on the attached exhibit A.}

SECTION I. WHEREAS, the Morristown Planning Commission has recommended to the City Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT RESOLVED by the City Council of the City of Morristown that Ordinance No. 2092 be and the same hereby is amended so as to provide that the following described real estate be rezoned from R1 (Single Family Residential District) to IB (Intermediate Business District);

SITUATE IN THE First Civil District of Hamblen County, Tennessee, to –wit:

BEGINNING at an iron pin in the edge of the northern right-of-way of West Andrew Johnson Hwy., corner to property of Roman Catholic Diocese; thence with the edge of said right-of-way S 62° 23' 50" W 203.26 feet to an iron pin, corner to property of Longmire; thence with a line of Longmire N 28° 28' 59" W 736.00 feet to an iron pin; thence N 70° 09' 17" E 281.00 feet to a post, corner to property of Roman Catholic Diocese; thence with a line of Roman Catholic Diocese S 22° 21' 06" E 699.40 feet to the point of the BEGINNING, containing 3.96 acres, more or less, as shown by survey dated March 2, 2016 of William H. Shockley, RLS (TN No. 973).

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be changed so as to effect the amendment as herein provided, to the extent that the area herein above described shall be permitted to be used for Intermediate Business (IB) uses exclusively.

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date of its final passage, the public welfare requiring it.
Passed on first reading this the 20th day of November 2018.

ATTEST:

Mayor

City Administrator

Passed on second and final reading this the 4th day of December 2018.

ATTEST:

Mayor

City Administrator

Exhibit A:



APPROPRIATION ORDINANCE

Ordinance Number: **3611.02**

TO AMEND ORDINANCE NUMBER 3611, THE CITY OF MORRISTOWN, TENNESSEE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019 AND TO RE-ALLOCATE FUNDS TOTALING \$27,047; NECESSARY TO COVER THE COSTS OF PURCHASING MACHINERY TO ASSIST WITH CURBSIDE MAINTENANCE, EQUIPMENT WILL BE PURCHASED FROM TENNESSEE STATE WIDE CONTRACT NO. 45198.

Be it ordained by the Council of the City of Morristown Tennessee that Ordinance Number 3611 identifying the revenue and expenditure accounts of the City of Morristown contained in the annual budget for the fiscal year 2018-2019 is hereby amended and funds are herewith appropriated or adjusted as presented.

FUND	DEPARTMENT	CODE	ACCOUNT DESCRIPTION	RESERVES		EXPENDITURES	
				Increase	Decrease	Increase	Decrease
General (#110)	Street Repairs & Maintenance	110.43140.960	Machinery & Equipment			\$ 27,047	
General (#110)	Human Resources	110.41650.399	Other Contracted Services				\$ 20,000
General (#110)	Mayor & City Council	110.41100.804	Council Contingiecy				\$ 7,047
			Totals	\$ -	\$ -	\$ 27,047	\$ 27,047

PASSED ON FIRST READING THIS 20th Day of November 2018

ATTEST: _____

Mayor
City Administrator

PASSED ON SECOND READING THIS 4th Day of December 2018

ATTEST: _____

Mayor
City Administrator

Resolution No. _____

A Resolution calling for a Municipal Election on May 7, 2019, for the election of a City Mayor; one Councilmember to represent Ward 2; one Councilmember to represent Ward 4; and one at-large Councilmember.

WHEREAS, the City of Morristown conducts Biennial Elections; and

WHEREAS, the 2019 Election will be held on May 7, 2019; and

WHEREAS, the 2019 Election will be for the election of a City Mayor; one Councilmember to represent Ward 2; one Councilmember to represent Ward 4; and one at-large Councilmember.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Morristown hereby calls for a Municipal Election on May 7, 2019 for the election of a City Mayor; one Councilmember to represent Ward 2; one Councilmember to represent Ward 4; and one at-large Councilmember.

Adopted this the 4th day of December 2018.

Mayor

ATTEST:

City Administrator

E.C. Reed, Jr., Chairman
Kelley Hinsley, Secretary
Betty Shuck, Member



Lyle Doty, Member
Gayle Bruce, Member
Jeffrey Gardner, Administrator

August 21, 2018

Mayor Gary Chesney
Morristown City Hall
P.O. Box 1499
Morristown, TN 37816

Dear Mayor Chesney,

Per the City Charter the 2019 City Election will be held on May 7, 2019. Qualifying petitions will be available for candidates to obtain on Monday, December 24, 2018. The qualifying deadline for candidates will be Thursday, February 21, 2019 at 12:00 Noon. I have enclosed the Resolution from the 2017 City Election.

The Election Commission needs the following information from you in writing:

1. A letter of a copy of your City's Resolution to hold the City Election.
2. The Offices to be elected and the qualifications for each office.
3. If any unexpired terms will be elected on this election cycle.

Once we have this information, we will publish the legal notice or notices for your election in the Citizen Tribune. If you have any questions, please let us know.

Thank you for your assistance with this request.

Sincerely,

Jeffrey Gardner
Administrator of Elections



Morristown City Council Agenda Item Summary

Date: December 4, 2018

Agenda Item:

Prepared by: Larry Clark

Subject: Change order for Freddie Kyle Greenway Phase IV

Background / History: The end for this phase is at the Freddie Kyle Park.

Findings / Current Activity: During construction, a 24" drain pipe was located and needs to be extended outside the new slope that is being constructed. The bid document did not include a unit price for this item.

Financial Impact: Local funding will be at 20% of the \$6,390.50.

Action options / Recommendations: Approval of the Change Order

Attachments: Change Order

Supplemental Agreement and/or Request for Construction Change Change Order Request #1

Project Title/Termini:	<u>Freddie Kyle Greenway</u>		
Owner:	<u>City of Morristown</u>	PIN:	<u>118523.01</u>
Address:	<u>100 W. 1st North Street</u>	State Project No.:	<u>32LPLM-F3-048</u>
	<u>Morristown, TN 37814</u>	Federal Project No.:	<u>TAP-9113(21)</u>
		Contract No.:	<u>140126</u>
County:	<u>Hamblen</u>		

Whereas, we City of Morristown with Fidelity and Deposit Company of Maryland, as a Surety, entered into a contract with Summers-Taylor, Inc., on October 12, 2018, for the construction by said Contractor of the above designated contract; and Whereas, certain items of construction encountered, are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the Owner at the price(s) scheduled therefore below:

The purpose of this Change Order is to:

Extend existing 24" storm drainage pipe outside of proposed slope grading at northern terminus of project.

As a result of this Change Order, contract time shall:

☒ Not Change, ☐ Increase by _____ days, ☐ Decrease by _____ days

Original Construction Completion Time: 90 days (Date: 1-13-19)

Original Contract Amount: \$656,057.75

Approved Change Orders: \$

Current Change Order: \$6,390.50

Pending Change Orders: \$

Total Change Orders: \$6,390.50

Contract Completion Time with Change Orders: 90 days (Date: 1-13-19)

**Supplemental Agreement and/or Request for Construction Change
Change Order Request # 1**

Unit prices listed below include labor, materials, profit, overhead, and incidentals necessary to complete this work. A separate attached spreadsheet with the same information may be used in lieu of the table below.

[illegible]

Now, Therefore, We, Summers-Taylor, Inc., Contractors, and Fidelity and Deposit Company of Maryland, Surety, hereby agree to the Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except insofar as specifically modified by this Supplemental Agreement.

**Recommended for
Approval**

Engineer/CEI (Signature)

Date _____

Approved

By:

Contractor (Signature)

Date _____

By: _____
Surety (Signature) _____ Date _____

By: _____
Owner (Signature) _____ Date _____

Approved for
Eligibility

By: _____
Local Programs (Signature) _____ Date _____

APPROVED
By Lisa Dunn at 1:47 pm, Nov 16, 2018

Jake Greear

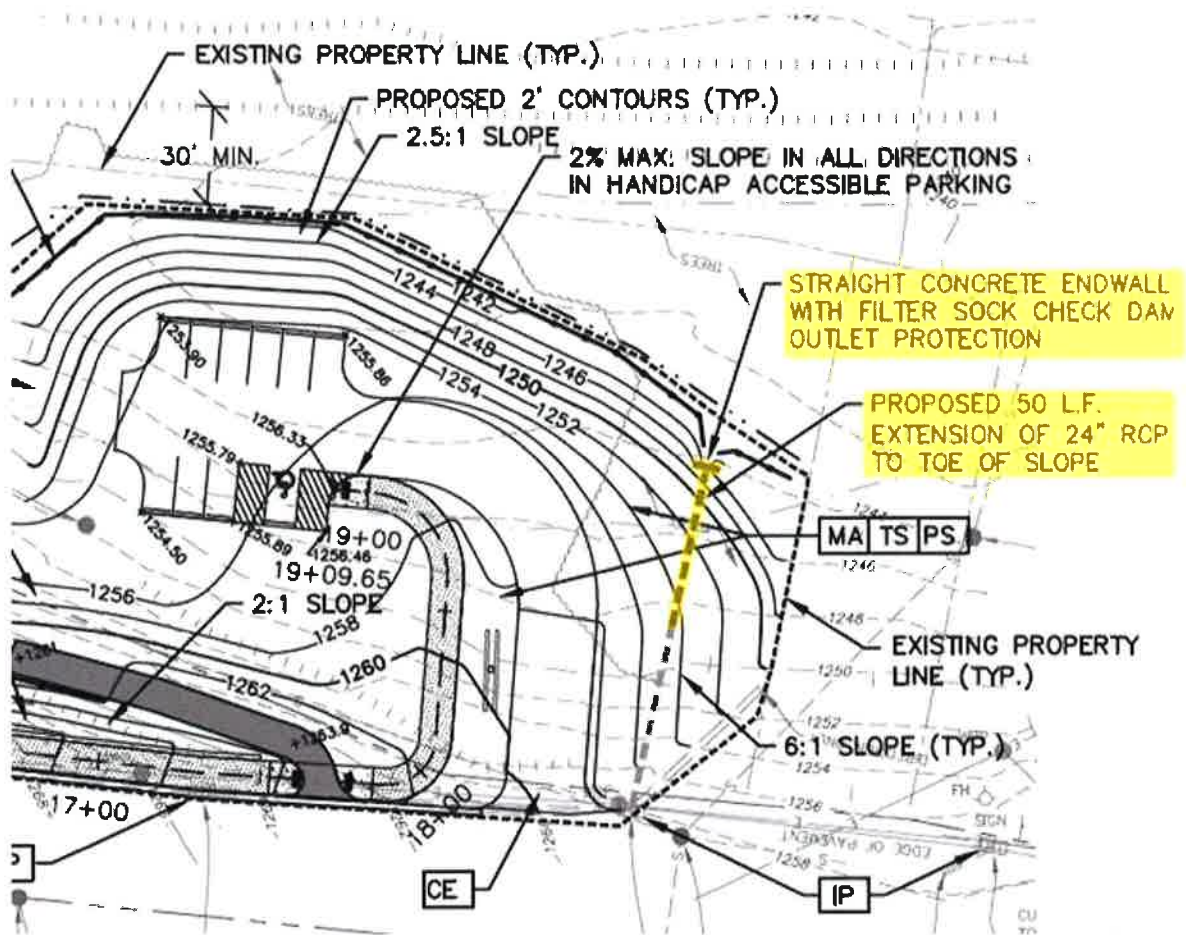
From: Jake Greear
Sent: Tuesday, November 6, 2018 4:41 PM
To: 'John Bowman'; Bob Molzon
Cc: Julie Niedling; Billy Byington
Subject: RE: Freddie Kyle Greenway

John,

We'll have to call these out per TDOT standard items. As such, the change order would include:

- #607-05.02 – 24" Concrete Pipe Culvert (Class III) → 50'
- #611-07.01 – Class "A" Concrete (Pipe Headwalls) → 1.5 CY
- #611-07.02 – Steel Bar Reinforcing (Pipe Endwalls) → 70 lbs
- #209-08.09 – Filter Sock Check Dam → 1

The dwg exhibit showing the additions (highlighted) is below. Let us know what your cost proposal would be based on these callouts. Thanks...



Thanks,
John "Jake" Greear, PE

Project Manager



2240 Sutherland Avenue, Suite 2 | Knoxville, TN 37919

Phone: 865.540.0801 | Direct: 865.444.7011 | Cell: 865.603.2188 | Fax: 865.595.4999

jake.greear@mcgillengineers.com | www.mcgillengineers.com

From: John Bowman <johnb@summerstaylor.com>

Sent: Monday, November 5, 2018 2:01 PM

To: Bob Molzon <bob.molzon@mcgillengineers.com>; Jake Greear <Jake.Greear@Mcgillengineers.Com>

Cc: Julie Niedling <julie.niedling@mcgillengineers.com>; Billy Byington <billyb@summerstaylor.com>

Subject: Freddie Kyle Greenway

Attached is RFP # 1 for 24" RCP Pipe & 24" Headwall on the above referenced project.

Thank you!

John

John T. Bowman
Estimator



Summers-Taylor, Inc.

1190 Lonesome Pine Trail

Greeneville, TN 37745

Mobile (423) 791-5166

Phone (423) 639-7240

Fax (423) 639-7268

Email: johnb@summerstaylor.com



Summers-Taylor, Inc.

Box 1628, 300 West Elk Avenue
Elizabethton, TN 37644-10628
Phone (423) 543-3181 Fax (423) 543-6189
www.summerstaylor.com

November 9, 2018

McGill Associates
2240 Sutherland Avenue, Suite 2
Knoxville, TN 37919

Attn: Mr. Jake Greear

Re: Freddie Kyle Greenway
RFP # 1A
Pricing For 24" RCP Pipe & 24" Headwall

Mr. Greear;

As requested, listed below is the updated pricing for 24" RCP Pipe & 24" Headwalls which may be added to the Freddie Kyle Greenway project in Morristown, Tennessee.

607-05.02 - 24" RCP Pipe (Class III) - \$79.00 Per Linear Foot
611-07.01 - Class "A" Concrete (Pipe Headwalls) - \$ 1,350.00 Per Cubic Yard
611-07.02 - Steel Bar Reinforcing (Pipe Endwalls) - \$2.15 Per Pound
209-08.09 - Filter Sock Check Dam - \$265.00 Each

We appreciate the opportunity of working with you on this project. If you have any questions or need any additional information do not hesitate to contact us.

Best Regards,

John T. Bowman

Estimator

SUMMERS-TAYLOR, INC.



From the Desk of

Debbie Stamey

Deputy Clerk/Executive Assistant

(423) 585-4603

e-mail dstamey@mymorristown.com

TO: Mayor and City Council

RE: CITY COUNCIL APPOINTMENT OF BOARD/COMMISSION
MEMBER(S)

DATE: November 30, 2018

With the recent update to the Stormwater Ordinance a Stormwater Violations Appeals Board was created. During the Work Session on November 20th three names were submitted, by Mayor and Council, as candidates for the board. All three have been contacted and expressed a willingness to serve. The Ordinance states that the "three members of the board shall initially be appointed by the city council for staggered terms of one to three years, subject to the approval of the city council with terms after the initial appointments being for three years. The city council shall appoint one member to represent each of the following:

1. A representative of a professional consulting field such as an engineer, architect, landscape architect, scientist or educator with technical knowledge of practices regulated by this chapter;
2. A representative of an industrial or commercial establishment that is regulated by this chapter;
3. A representative of the building or contracting industry that is regulated by this chapter.

The following individuals have been nominated:

1. Jeremiah Davis – Engineer
2. Joe Molitor – CEO Iatric
3. Ronald Ailey – Contractor

Council will need to make formal appointment and assign an initial term for each member. A copy of the Chapter of the Stormwater Ordinance relating to the formation and duties of the board is attached.

Sec. 18-511. - Stormwater violations appeals board.

- (1) *Established.* There is hereby established a board of three members to be known as the "stormwater violations appeals board."
- (2) *Composition; terms; filling vacancies.*
 - (a) The three members of the board shall initially be appointed by the city council for staggered terms of one to three years, subject to the approval of the city council with terms after the initial appointments being for three years. Members shall not serve more than two consecutive three year terms. Members of the stormwater violations appeals board shall hold no other public office in the city or be employed by the city. The city council shall appoint one member to represent each of the following:
 1. A representative of a professional consulting field such as an engineer, architect, landscape architect, scientist or educator with technical knowledge of practices regulated by this chapter;
 2. A representative of an industrial or commercial establishment that is regulated by this chapter;
 3. A representative of the building or contracting industry that is regulated by this chapter;
 - (b) *Officers.* Officers of the stormwater violations appeals board shall consist of a chairman, vice-chairman, and a secretary. The board shall elect a chairman, vice-chairman and secretary from its own membership who shall serve annual terms. The position of the chairman and vice-chairman of the board shall rotate among the members. After the selection of a new chairman, the former chairman shall serve as vice-chairman for the next succeeding year. Should a member of the board decline to seek nomination as chairman, the rotation would proceed to the next board member.
 - (c) *Nomination of officers* shall be made from the floor. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership of the board shall be declared elected. The officer shall take office immediately and serve for one year until his successor takes office.
 - (d) If any member of the board misses two meetings in succession without an adequate justification, they shall be notified by the chairman they are being placed on probation. They must attend the next two meetings to be released from probation. If they shall fail to satisfactorily complete a probation or if they are placed on probation for a second time during a term of office, the chairman of the stormwater violations appeals board shall request the city council to dismiss the board member and to appoint a new member approved by the city council. If the chairman of the stormwater violations appeals board shall be absent from two meetings in succession without an adequate

justification, the vice-chairman shall request the city council to dismiss the chairman of the stormwater violations appeals board and select a new chairman to perform the duties.

- (3) *General duties of the board.* Appeals rejected by the city administrator or designee may be brought before the stormwater violation appeals board if filed in writing with the stormwater program within 30 calendar days of the city administrator's or designee's prior decision (TCA § 68-221-1106). Within 30 calendar days of receipt of a notification of an appeal, the board shall determine if the appeal is to be heard by the board. Once the appropriate forum for the appeal is decided, a reasonable date and time for hearing of the appeal shall be set. The board will give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. Such date and time shall be within 15 calendar days following the date of the stormwater violation appeals board initial considerations regarding the appeal.

In addition to any other duty or responsibility otherwise conferred upon the board by this chapter, the board shall have the duty and power as follows:

- (a) To hold hearings upon appeals from enforcement orders or enforcement actions of the city administrator or designee as may be provided under any provision of this chapter;
 - (b) To hold hearings relating to the suspension, revocation, or modification of a land disturbance permit or stormwater discharge permit and issue appropriate orders relating thereto;
 - (c) To hold hearings relating to an appeal from a user concerning the accuracy of any penalties imposed upon the user by this chapter due to violation or other enforcement action;
 - (d) To hold such other hearings as may be required in the administration of this chapter; and
 - (e) To make such determinations and issue such orders as may be necessary to effectuate the purposes of this chapter.
- (4) *Meetings; quorum.*
- (a) The board shall hold meetings as it finds necessary to effectuate the purposes of this section.
 - (b) The order of business at all meetings of the stormwater violations appeals board shall follow Robert's Rules of Order, more specifically, the provisions that pertain to conducting informal meetings for small boards.
 - (c) Two members of the board shall constitute a quorum, but a lesser number may adjourn a meeting from day to day. Any substantive action of the board shall require two votes, but a majority of the quorum may decide any procedural matter.

- (d) All meetings of the stormwater violations appeals board shall be open to the public.
 - (e) The stormwater violations appeals board may adjourn a hearing or meeting if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for a continuation of such meeting.
 - (f) Any member of the board shall be disqualified to act upon a matter before the stormwater violation appeals board with respect to property in which the member has an interest.
 - (g) The board shall keep public records of its proceedings.
 - (h) The chairman and secretary shall sign all approved minutes and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.
- (5) *Order of business.* The order of business for a meeting of the stormwater violation appeals board shall be:
- (a) Call to order.
 - (b) Determination of quorum.
 - (c) Approval of minutes at previous meeting.
 - (d) Hearing of cases on the agenda in order of agenda.
 - 1. Consideration of cases.
 - 2. Motions shall be stated by the chairman or his designee before a vote is taken. The names of persons making and seconding motions shall be recorded.
 - 3. Continued until all cases are heard or until a determination made that all cases cannot be disposed of on the set date.
 - (e) Other business.
 - (f) Adjournment.
- (6) *Hearing procedure; judicial review.*
- (a) *When to be held.* The stormwater violation appeals board shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this chapter at the call of the chairman. Such date and time shall be within 15 calendar days following the date of the stormwater violation appeals board initial considerations regarding the appeal.
 - (b) All meetings of the stormwater violations appeals board shall be open to the public.
 - (c) *Record of hearing.* At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The board shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the board shall have the right to have such hearing recorded stenographically, but in such event the record need not be transcribed unless any party seeks judicial review of the order or

action of the board by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the board with the original of the transcript so that it may be certified to the court.

- (d) *Subpoenas.* The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of the city, if the witness resides within the city. If the witness does not reside in the city, the chairman shall issue a written request that the witness attend the hearing.
- (e) *Depositions.* Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.
- (f) *Hearing procedure.* The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the board may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as may be necessary or advisable to facilitate an orderly hearing subject to approval of the board. The board, the city administrator or designee, or his representative, and all parties shall have the right to examine any witness. The board shall not be bound by or limited to rules of evidence applicable to legal proceedings.
- (g) *Appeal to board of city administrator's or designee's order.* Any person aggrieved by any order or determination of the city administrator or designee may appeal said order or determination to the board and have such order or determination reviewed by the board under the provisions of this section. A written notice of appeal shall be filed with the city administrator or designee and with the chairman, and such notice shall set forth with particularity the action or inaction the city administrator or designee complained of and the relief sought by the person filing said appeal. A special meeting of the board may be called by the chairman upon the filing of such appeal, and the board may in its discretion suspend the operation of the order or determination of the city administrator or designee appeals from until such time as the board has acted upon the appeal.
- (h) *Absence of chairman.* The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his

stead.

- (7) *Review of board's decision.* Any person aggrieved by any final order of determination of the board hereunder shall have judicial review by common law writ of certiorari.

(Ord. No. 3581, 7-18-2017)

Industrial Development Board of The City of

Morristown

P.O. Box 9 • 825 West First North St. • Morristown, TN 37815 • Ph. 423-586-6382

November 27, 2018

Mr. Tony Cox
City of Morristown
P. O. Box 1499
Morristown, TN 37816

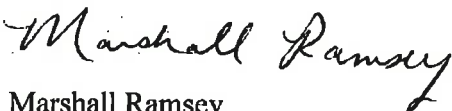
Dear Tony:

At a called meeting of the Industrial Development Board of the City of Morristown on November 26, 2018, the Board reviewed a request from Daniel Paul Chairs to purchase the former softball field located on Industrial Ave. in the *East Tennessee Valley Industrial District*, consisting of approximately 7 acres.

The Industrial Development Board recommends the sale of this land at an agreed upon purchase price of \$8,000 per acre. Additionally, Daniel Paul Chairs has agreed to pay for the survey of the property and the closing costs of the sale.

If you have any questions, please don't hesitate to call.

Sincerely,



Marshall Ramsey
Secretary

MR/jb