

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
DECEMBER 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, December 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 November 16, 2010 minutes as circulated; Councilmember Senter seconded the motion and all voted "aye".

A public hearing was conducted on the following captioned Ordinance No. 3393.10. Councilmember Senter made a motion to adopt said Ordinance on second and final reading; Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3393.10
An Ordinance to amend Ordinance No. 3393 – FY 2011
Budget by appropriating the sum of \$116,388 for payment
to Hamblen County for appraisal services.**

A public hearing was conducted on the following Resolution No. 29-10. Councilmember Rooney made a motion to adopt the Resolution; Councilmember Garrett seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye". Councilmember Brooks voted "no".

RESOLUTION NO. 29-10

**PLAN OF SERVICES
RESOLUTION ADOPTING A PLAN OF SERVICES FOR
THE ANNEXATION OF PROPERTY LOCATED WITHIN the
East Tennessee Progress Center.**

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:

Description 1:

Beginning at the point of intersection of Hamblen County Tax Map 61 Parcel 1.00, Hamblen County Tax Map 56 Parcel 118.04, and Hamblen County Tax Map 57 Parcel 60.00 and heading in a southwesterly direction along the southern edge of Parcel 1.00 of Hamblen County Tax Map 61 to the northwest corner of Parcel 118.02 of Hamblen County Tax Map 56; thence in a southerly direction along the eastern border of Parcel 1.00 of Hamblen County Tax Map continuing across the Howard Allen Road right-of-way to the southern edge of the Howard Allen Road right-of-way; thence in an easterly direction along the southern edge of the Howard Allen Road right-of-way to the intersection with Parcel 4.00 of Hamblen County Tax Map 61; thence in a northerly direction along the common boundary shared by Parcels 3.00 and 4.00 of Hamblen County Tax Map 61 to the point of intersection with Parcel 6.00 of Hamblen County Tax Map 57; thence in an easterly direction along the common boundary shared by Parcel 4.00 of Hamblen County Tax Map 61 and Parcel 6.00 of Hamblen County Tax Map 57 and thence continuing in a southerly direction along the common boundary line to the point of intersection with Parcel 2.00 of Hamblen County Tax Map 62; thence in an easterly direction along the common boundary shared by Parcel 6.00 of Hamblen County Tax Map 57 and Parcel 2.00 of Hamblen County Tax Map 61 to the point of intersection with Parcel 63.00 of Hamblen County Tax Map 57; thence in a northerly direction along the common boundary line shared by the parcels to the northwest corner of Parcel 63.00 of Hamblen County Tax Map 57; thence continuing along the bound of the existing City of Morristown corporate limits to the intersection with Parcel 117.00 of Hamblen County Tax Map 56; thence in a westerly direction along the common line shared by Parcel 6.00 of Hamblen County Tax Map 57 and Parcel 117 of Hamblen County Tax Map 56 to the point of intersection with Parcel 118.04 of Hamblen County Tax Map 56; thence following the common boundary shared by Parcels 117.00 and 118.04 of Hamblen County Tax Map 56 to the point of intersection with Parcel 60.00 of Hamblen County Tax Map 57; thence in a northerly direction along the common boundary shared by Parcel 60.00 of Hamblen County Tax Map 57 and Parcel 118.04 of Hamblen County Tax Map 56 to the point of beginning.

Description 2:

Beginning at an iron pin set in the eastern right-of-way of McClanahan Road, said pin being located North 21 deg. 35 min. East for a distance of 964.4 feet from the pavement centerline intersection of McClanahan Road and Hardy Road; thence with the eastern right-of-way of McClanahan Road North 02 deg. 21 min 15 sec. West for a distance of 16.00 feet to an iron pin set being the common corner of John R. and Mary Helen Morris Life Estate; thence with the common line of John R. and Mary Helen Morris Life Estate the following two calls: North 72 deg. 38 min. 45 sec. East for a distance of 391.38 feet to an iron pin set; thence North 03 deg. 07 min. 13 sec. West for a distance of 150.25 feet to an existing iron pin being the common corner of Parcel 102.01 of Hamblen County Tax Map 56; thence with the common line of Parcel 102.02 of Hamblen County Tax Map 56 North 01 deg. 42 min. 34 sec. West for a distance of 618.23 feet to an existing stone in the line of Parcel 102.02 of Hamblen County Tax Map 56; then with Parcel 102.02 of Hamblen County Tax Map 56 73 deg. 33 min. 55 sec East for a distance of 584.94 feet to an existing stone; thence severing Parcel 154.00 of Hamblen County Tax Map 43 with a new boundary line South 28 deg. 43 min. 55 sec. East for a distance of 794.03 feet to an iron pin set in the common line of John R. and Mary Helen Morris Life Estate; thence with the common line of John R. and Mary Helen Morris Life Estate the following two calls: South 55 deg. 43 min. 55 sec. West passing a witness iron pin set at 324.04 feet for a total distance of 326.04 feet to an existing wood fence post; thence North 22 deg. 58 min 35 sec. West passing a witness iron pin set

at 125.70' for a total distance of 127.70 feet to an existing wood fence post; thence South 72 deg. 37 min. 58 sec. West for a distance of 1,013.23 feet to the point of beginning, containing 13.908 acres, more or less.

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

Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.

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

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.

Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission 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.
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

Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

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 sixty days following the effective date of annexation.

g. Streets

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 population are received (usually July 1 following the effective date of annexation).

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. Inspections Services

Any inspections 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 Morristown Regional Planning Commission recommended the zoning designation of Heavy Industrial (HI).

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.

I. Miscellaneous

Street name signs where needed will be installed as new street construction requires. Fibernet will be installed per the current Morristown Utility System policy.

Section II. This Resolution shall become effective from and after its adoption.

Passed on the 7th day of December 2010.

Mayor

ATTEST:

City Administrator

A public hearing was conducted on the following captioned Ordinance No. 3405. Councilmember Rooney made a motion to adopt said Ordinance on second and final reading; Councilmember Garrett seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney, Senter and Mayor Barile voted "aye"; Councilmember Brooks voted "no".

**Ordinance No. 3405
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown, Tennessee. {Annexation of City owned property located in the East Tennessee Progress Center, Hamblen County Tax Map 56, Parcels 118.01,118.02, 118.03, 118.04; Hamblen County Tax Map 61, Parcels 2.00 & 3.00; and portions of Hamblen County Tax Map 56, Parcel 104.00 & Hamblen County Tax Map 57, Parcel 60.00 with the Zoning Classification of Heavy industrial (HI).}**

A public hearing was conducted on the following captioned Ordinance No. 3406. Councilmember Rooney 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. 3406

Entitled an Ordinance to amend the Morristown Municipal Code, Title 14, Chapter 2 - Zoning Ordinance, (Chapter 19, Administration and Enforcement, Section 14-1903 – Approval of Plans and Issuance of Building Permit.)

A public hearing was held on the following captioned Ordinance No. 3407. Councilmember Senter made a motion to adopt said Ordinance on first reading; Councilmember McGuffin seconded the motion and upon roll, Councilmembers Brooks, Garrett, McGuffin, Rooney, Senter and Mayor Barile voted “aye”; Councilmember Jinks voted “no”. (A second public hearing will be held at the December 21, 2010 Council meeting.)

**Ordinance No. 3407
Entitled an Ordinance to amend the Morristown Municipal Code Title 14, Chapter 2 - Zoning Ordinance (Chapter 29, Signs) by deleting said chapter in its entirety and substituting therefore a new Chapter 29, Signs.**

Councilmember Senter made a motion to award the proposal for the transportation access improvements for the Morristown Medical District NEPA Environmental Planning Phase to Wilbur Smith & Associates in the amount of \$34,000. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Rooney made a motion to adopt the following Resolution No. 30-10. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

**RESOLUTION NO. 30-10
A RESOLUTION TO ADOPT A CORRECTIVE ACTION PLAN FOR AN INTERFUND LOAN AND TO SEEK APPROVAL FOR THE PLAN FROM THE STATE COMPTROLLER.**

Whereas, the City of Morristown made an interfund loan between the Wastewater Fund and the Stormwater Fund which had not been approved by the Tennessee Comptroller of the Treasury as required by State law, and

Whereas, the City wishes to correct this situation and seek approval for an interfund loan which will be repaid over a period of five years, and

Whereas, the City, in consultation with the City auditors, the Municipal Technical Advisory Service and the State Comptroller’s office have sought to develop a plan of corrective action that addresses the current improper loan and assures that policies are in place to assure that similar problems do not reoccur in the

future,

Therefore, the City resolves to adopt the following corrective action plan and seek approval for this plan from the State Comptroller.

In order to come into compliance with acceptable accounting practices and State law, the City will:

1. Seek approval from the Tennessee Comptroller's Office of State and Local Finance for repayment of the interfund loan which had not been properly authorized.
2. Repay the loan in annual payments over a period of 5 years beginning with Fiscal Year 2011. Approval of this repayment shall be in the form of a resolution formally adopted by the Mayor and City Council in regular session.
3. To pay the Sewer Fund interest on this loan equal to the amount which the City earns from the Local Government Investment Pool, with interest beginning to accrue in April 2010. If the LGIP is not the highest yielding investment vehicle in the Sewer Fund's investment portfolio, interest shall be paid at the rate of the highest yielding investment of the Sewer Fund.
4. Immediately adopt and enforce policies to assure that such inappropriate interfund transactions do not occur in the future.
5. The City Council will adopt written enforceable accounting, budgeting, cash management, debt management, and purchasing policies and procedures, including
 - a. a risk assessment to be performed prior to development of the policies and procedures to highlight areas of deficiency,
 - b. controls to ensure compliance with state laws,
 - c. policies addressing transfers and interfund loans,
 - d. a policy to maintain a balanced cash basis budget,
 - e. procedures requiring monthly monitoring,
 - f. cash management polices to assure separation of utilities and the primary government,
 - g. reporting of the City's financial operations to the City Council monthly including
 - i. a budget to actual report showing monthly, year to date information,
 - ii. a cash flow statement showing monthly status, year to date information, and a projection for the current month,
 - h. Reporting to the Office of the Comptroller the City's:
 - i. progress in repaying the interfund loan,
 - ii. reports reflecting a balanced cash budget,

- iii. evidence of the City Council's receipt of monthly reports,
- iv. submission of the annual operating and capital budget ordinance and tax levy with supporting documents within 15 days of adoption.

Adopted this 7th day of December 2010.

Mayor

ATTEST:

City Administrator

Councilmember Senter made a motion to adopt the following captioned Ordinance 3408 on first reading and schedule a public hearing relative to final passage of said Ordinance for December 21, 2010. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

**ORDINANCE NO. 3408
AN ORDINANCE TO ADOPT A CORRECTIVE
ACTION PLAN FOR AN INTERFUND LOAN AND
TO SEEK APPROVAL FOR THE PLAN FROM THE
STATE COMPTROLLER.**

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

Mayor

ATTEST:

City Administrator