

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
APRIL 20, 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, April 20, 2010 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Gene Brooks, Bob Garrett, Claude Jinks, Frank McGuffin and William Rooney; absent: Councilmember Kay Senter.

Councilmember Jinks made a motion to approve the April 6, 2010 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

Mayor Barile read and presented a proclamation designating April 24, 2010 as a "Day of Service" in Morristown.

A public hearing was conducted on the Community Development Block Grant 2010 Action Plan. There were no public comments on the Action Plan. Councilmember Rooney made a motion to approve the Action Plan; Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

A public hearing was held on the following captioned Ordinance No. 3384. Councilmember Rooney made a motion to approve said Ordinance on second and final reading; Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

**ORDINANCE NO. 3384
ENTITLED AN ORDINANCE TO CLOSE AND VACATE
CERTAIN RIGHTS-OF-WAY WITHIN THE CITY OF
MORRISTOWN. {Right of Way Closure: Morristown Firing
Range located at 5571 Jeffrey Lane.}**

A public hearing was held on the following captioned Ordinance No. 3385. Dick Jessee, City Attorney, recommended some minor housekeeping changes to the wording of the Ordinance. Councilmember McGuffin made a motion to approve said Ordinance as amended on second and final reading; Councilmember Garrett seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney and Mayor Barile voted "aye"; Councilmember Brooks "passed".

**Ordinance No. 3385
An ordinance to repeal Title 9, Chapter 2, Farmers Market of
the City of Morristown Municipal Code in its entirety and**

replace with a new Title 9, Chapter, 2, Downtown Market.

Councilmember Rooney made a motion to award the bid for TurfGrass/Weed Control to TLC Lawn Care Services in the amount of \$19,508.03. Councilmember Garrett seconded the motion and upon roll call, Councilmembers Garrett, McGuffin, Rooney and Mayor Barile voted "aye"; Councilmember Jinks voted "no" and Councilmember Brooks "passed".

Councilmember Jinks made a motion to award the Audit Services Contract to Craine, Thompson & Jones in the amount of \$45,000. Councilmember Brooks seconded the motion and upon roll call, Councilmembers Brooks, Garrett, Jinks and McGuffin voted "aye"; Councilmember Rooney and Mayor Barile voted "no".

Councilmember McGuffin made a motion to adopt the following Resolution No. 08-10; Councilmember Rooney seconded the motion and upon roll call, Councilmembers Garrett, Jinks, McGuffin, Rooney and Mayor Barile voted “aye”; Councilmember Brooks “passed”.

Resolution No. 08-10

A Resolution to establish the bounds of the Downtown Market, adopt a seasonal plan for the Downtown Market, establish the rates for leasing space on the Downtown Market, set the hours of operation and season dates for the Downtown Market as follows:

WHEREAS, the Morristown City Council has adopted an Ordinance to enable a Downtown Market to operate within the historic, central business district of the City of Morristown; and

WHEREAS, the purpose and intent of the establishment of the market is to provide an open-air setting in the historical, central business district of the city; and

WHEREAS, the Downtown Market provides farmers, crafters, artisans and vendors the opportunity to sell fresh garden produce, agricultural products, plants, perennials and annuals, herbs, food and hand-made crafts to the public; and

WHEREAS, the Downtown Market, in addition to offering a place for the sale of fresh produce and handmade goods, also provides a gathering place for pedestrians to intermingle and enjoy live entertainment; and

WHEREAS, the Ordinance adopting the establishment of the Morristown Downtown Market, states that the City Council shall, by a separate Resolution, establish the bounds of the Downtown Market, adopt a seasonal plan for the Downtown Market, establish the rates for leasing space on the Downtown Market, set the hours of operation and season dates for the Downtown Market; and

WHEREAS, such Resolution may be amended from time to time by a separate resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Morristown City Council adopt and approve this Resolution establishing the bounds of the Downtown Market, adopt a seasonal plan for the Downtown Market, establish the rates for leasing space on the Downtown Market, set the hours of operation and season dates for the Downtown Market as follows:

1. The boundary of the Downtown Market shall be located within the territory herein described in general terms:

BEGINNING at a point on the northwest corner of Parcel 032033M L 00600, as shown on Hamblen County, TN Tax Map 33-M, in the Hamblen County Register's Office, said point being located approximately fifty (50) feet south of the centerline of Norfolk and Southern Railroad right-of-way property; thence in a southeasterly direction along the boundary line of said parcel 032033M L 00600, said line being shared with the eastern right-of-way boundary of South Henry Street for a distance of approximately three hundred thirty (330) feet to a point; thence in a easterly direction along the northern right-of-way boundary of West Morris Blvd. for a distance of approximately two hundred seventy (270) feet to a point; thence in a northwesterly direction for a distance of approximately three hundred forty (340) feet to a point, said point being located on the southern boundary of Norfolk and Southern Railroad right-of-way property; thence in a westerly direction along the southern boundary of Norfolk and Southern Railroad right-of-way property for a distance of approximately three hundred twenty (320) feet to the point of BEGINNING, thus being all of that property consisting of approximately 2.318 acres, shown as Lot 1 on an exhibit plat by the City of Morristown as an Exhibit of the FARMERS MARKET, dated April 13, 2010.
2. The 2010 Seasonal Plan establishing the location of the vendor area, pedestrian area, customer parking areas, driveway access and egress areas, overflow vendor area, and delivery truck area is shown on a separate attachment to this Resolution as EXHIBIT A.
3. There shall be three (3) types of permits available for sale to farmers and vendors upon the Morristown Downtown Market:
 - a. Long-term, Covered Space - Farmers and Vendors shall be charged a rate of \$50.00 per covered space per month.
 - b. Short-term, Uncovered Space - Short-term, temporary permits for farmers shall be charged a rate of \$25.00 per uncovered space per week, and no farmer may exceed five (5) such temporary permits per season.
 - c. Single-day permits may be issued to farmers or vendors at a rate of \$10.00 per space per day in either a covered space or uncovered space as provided by availability.
4. The monthly lease for each space shall become due and payable to the City of Morristown cashiers office on the first working day of each month that the market is open or may be pro-rated for the month at the time upon which the farmer or vendor occupies space on the market.

5. Open hours of business operation for the market shall be daily from 8:00 a.m. until 8:00 p.m.
6. The 2010 Season for the Downtown Market shall be from May 1 until December 31st.

ADOPTED this 20th day of April, 2010.

Mayor

ATTEST:

City Administrator

Councilmember McGuffin made a motion to adopt the following Resolution No. 09-10; Councilmember Rooney seconded the motion and upon roll call, Councilmembers Brooks, Garrett and Jinks voted “no”; Councilmembers McGuffin, Rooney and Mayor Barile voted “aye”; tie vote - motion **failed**.

**Resolution No. 09-10
A Resolution to apply for an EDA Strategic Plan Grant under
the Community Trade Adjustment Assistance Program.**

Councilmember Rooney made a motion to adopt the following captioned Ordinance No. 3386 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 4, 2010. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3386
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 1830 North Davy Crockett Parkway (Colboch Harley Davidson) from Medium Density Residential (R-2) to Intermediate Business (IB).}

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3387 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 4, 2010. Councilmember McGuffin seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3387
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 1210 West Third North Street from Medium Density Residential (R-2) to Office, Medical, Professional (OMP).}

Councilmember Jinks made a motion to adopt the following captioned Ordinance No. 3388 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 4, 2010. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3388
Entitled an Ordinance to amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 3855 East Andrew Johnson Hwy. @ Jaybird Road from Intermediate Business (IB) and Medium Density Residential (R-2) to Planned Commercial District (PCD).}

Councilmember McGuffin made a motion to adopt the following captioned Ordinance No. 3389 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 4, 2010. Councilmember Garrett seconded the motion and upon roll call, all voted “aye”.

Ordinance No. 3389
Entitled an Ordinance to amend Title 14 of the Municipal Code of the City of Morristown, Tennessee, Chapter 4 – Municipal Floodplain Zoning Ordinance, (Zoning

Ordinance Chapter 22) by deleting said Chapter in its entirety and substituting a new Chapter 4 – Morristown Floodplain Zoning Ordinance (Zoning Ordinance – Chapter 22) to minimize danger to life and property due to flooding and to maintain eligibility for participation in the National Flood Insurance Program.

Councilmember Rooney made a motion to adopt the following captioned Ordinance No. 3390 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 4, 2010. Councilmember Garrett seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3390
Entitled an Ordinance to amend the Fiscal Year 2010 Budget by providing for appropriations from revenue and expenditure accounts on an individual fund and line item basis.**

City Administrator Report:

- The Charter amendment on the lodging tax passed and has been signed by the Governor.
- The Business License compliance checks will begin May 1st.
- The Financial Policies discussed at the April 6, 2010 Work Session will be included in the budget document.
- The Transportation Projects discussed at the last work shop will be forwarded to LAMTPO for TIP grants.
- The School Resource Officer has been released from doctor’s restrictions and returned to duty April 16th.
- The Downtown Market tents should be available by the May 1st opening.

Councilmember McGuffin nominated Jackie Jinks to serve on the Crossroads Development Partnership to fill the remainder of Gene Honeycutt’s term which will expire August 19, 2010. Upon roll call, Councilmembers Brooks, Garrett, McGuffin, Rooney and Mayor Barile voted “aye”; Councilmember Jinks “abstained”.

Councilmember Jinks nominated Robert Russell for reappointment to the Construction Board of Adjustments, Appeals & Examiners for a three year term to expire May 1, 2013; upon roll call, all voted “aye”.

Councilmember Jinks nominated Jim Clark for reappointment to the Construction Board of Adjustments, Appeals & Examiners for a three year term to expire May 1, 2013; upon roll call, all voted "aye".

Councilmember Jinks nominated Bill Swann for reappointment to the Construction Board of Adjustments, Appeals & Examiners for a three year term to expire May 1, 2013; upon roll call, Councilmembers Garrett, McGuffin, Rooney and Mayor Barile voted "no"; Councilmember Jinks voted "aye" and Councilmember Brooks "passed". Motion failed.

Councilmember Garrett nominated Jody Wigington for appointment to the Construction Board of Adjustments, Appeals & Examiners for a three year term to expire May 1, 2013; upon roll call, Councilmembers Brooks, Garrett, McGuffin, Rooney and Mayor Barile voted "aye"; Councilmember Jinks "passed".

Councilmember Jinks made a motion to uphold the personnel action taken by Chief Honeycutt (firing of a firefighter for violation of substance abuse policy); Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion to approve Off-Premise Beer Permits for the following:

- a) Adeel Asghar for Shiyar Marathon, 2224 W. Andrew Johnson Highway.
- b) Mahmood Hussein Makhani for Gunical BP Land, 3505.5 W. Andrew Johnson Hwy.
- c) Mahmood Hussein Makhani for Gunical Plaza Shell, 1909 N. Economy Road.

Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the April 20, 2010 City Council meeting.

Mayor

ATTEST:

City Administrator