

**STATE OF TENNESSEE
COUNTY OF HAMBLEN
CORPORATION OF MORRISTOWN
MAY 4, 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, May 4, 2010 with Honorable Mayor Barbara C. "Sami" Barile presiding and the following named Councilmembers present: Bob Garrett, Claude Jinks, Frank McGuffin, William Rooney and Kay Senter; absent: Councilmember Gene Brooks.

Councilmember Jinks made a motion to approve the April 20, 2010 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

Mayor Barile read and presented proclamations recognizing Boy Scout Explorer Post #784 and designating May as National Preservation Month.

A public hearing was held on the following captioned Ordinance No. 3386. Councilmember Jinks made a motion to adopt said Ordinance on second and final reading. Councilmember Garrett 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).}

A public hearing was held on the following captioned Ordinance No. 3387. Councilmember Jinks 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. 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).}

A public hearing was held on the following captioned Ordinance No. 3388. Councilmember Jinks made a motion to adopt said Ordinance on second and

final reading. Councilmember Senter 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).}

A public hearing was held on the following captioned Ordinance No. 3389. Councilmember Rooney made a motion to adopt said Ordinance on second and final reading. 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.

A public hearing was held on the following captioned Ordinance No. 3390. 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. 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.

A public hearing was held on the Progress Reports and Plans of Services for the following Ordinances. {There were no public comments except on Ordinance No. 3241.}

Ordinance 3125 - Wallace property on the east and west sides of S Davy Crockett Pkwy near Exit 8;

Ordinance 3126 - Parkway Inn property located at 5326 South Davy Crockett Parkway near Exit 8;

Ordinance 3207 - Property on Old Liberty Hill Rd, between N Davy Crockett Pkwy and Reed's Chapel Rd {02/08/2005};

Ordinance 3218 - Properties along Thompson Creek Rd. {5/10/2005};

Ordinance 3229 - Prima Estates Subdivision off Collinson Ford Rd and an adjacent parcel between Prima Estates and Old Poplar Ridge Rd. {8/9/2005};

Ordinance 3230 - Property located off Collinson Ford Rd and Meadowood Subdivision off of W Andrew Johnson Hwy. {8/9/2005};

Ordinance 3240 - A 55-acre lakeside portion adjacent to the Windswept Development. {2/14/2006};

Ordinance 3241 - Drinnon Property at 855 Thompson Creek Rd. {2/14/2006};
Angie Drinnon spoke on behalf of her mother Wonette Drinnon, 855 Thompson Creek Road, requested de-annexation of their property.

Ordinance 3246 - Property located along Valley Home Rd described as Parcel 52, HCTM 41. {4/17/2006};

Ordinance 3260 - Property located at 5817 E Andrew Johnson Hwy. {8/2/2006};

Ordinance 3271 - Properties located on Jay Street, Ray Street and Suburban Dr, {1/16/2007};

Ordinance 3272 - Properties located along Howell Rd and Veterans Pkwy {1/16/2007};

Ordinance 3273 - Properties located along Howell Rd., Dearing Rd & Alpha Valley Home Road {1/16/2007};

Ordinance 3287 - Properties along Oakwood Cir & N Bellwood Rd (HCTM 40K, Group D, Parcels 1,2,3,4,5,6,8,9,10,11,12 & 14 & HCTM 40, Parcel 31) {April 10, 2007};

Ordinance 3289 - Properties located along South Economy Rd., Thomas R. James Dr., Gretchen Dr., Neikirk & Royal Drive {5/8/2007};

Ordinance 3290 - Properties located along Valley Home Rd {5/8/2007};

Ordinance 3301 - Properties located along Enka Hwy, the Lowland property {10/18/2007};

Ordinance 3304 - Properties located along Enka Hwy, the MPLG property HCTM Map 58, Parcel 71.09 {12/6/2007};

Ordinance 3308 - Property located along Turley Mill Rd. & Cherokee Dr (Hamblen County Tax Map 24, Parcel 85 {1/3/2008};

Ordinance 3309 - Property located along Cherokee Dr (HCTM 24, Parcels 97 & 98) {1/3/2008};

Ordinance 3310 - Property located along Cherokee Dr (HCTM 24, Parcels 94, 94.01 & 95) {1/3/2008}

Councilmember McGuffin made a motion to suspend awarding the Contract to Audit Accounts with Craine, Thompson & Jones until the Finance Committee can meet to discuss the contract. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

Councilmember Garrett made a motion to award the construction contract for the Witt flow meter installations to Jack Southard Company in the amount of \$153,570. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion to adopt the following Resolution No. 10-10; Councilmember Garrett seconded the motion and upon roll call, all voted "aye". {The entire 2% increase will go directly into the City's General Fund; none to tourism.}

**RESOLUTION NO. 10-10
A RESOLUTION RATIFYING THE ACT AMENDING CHAPTER 354
OF THE PRIVATE ACTS OF THE TENNESSEE LEGISLATURE OF
1982; AS AMENDED BY CHAPTER 150 OF THE PRIVATE ACTS OF
2002, AND ANY OTHER ACTS AMENDATORY THERETO,
RELATIVE TO THE PRIVILEGE TAX LEVIED BY THE CITY OF
MORRISTOWN ON THE OCCUPANCY IN ANY HOTEL BY
TRANSIENTS.**

WHEREAS, on December 15, 2009, the Morristown City Council adopted Resolution No. 34-09 requesting an Act to amend Chapter 354 of the Private Acts of the Tennessee Legislature of 1982; and

WHEREAS, Resolution No. 34-09 requested that Section 2 of Chapter 354 be amended by substituting the words and numbers "seven percent (7%)" for the words and numbers "five (5%)" appearing therein; and

WHEREAS, Private Chapter No. 45, which is House Bill No. 3965, of the 106th General Assembly, was passed on March 31, 2010.

NOW, THEREFORE, BE IT RESOLVED THAT the Morristown City Council hereby ratifies the Act adopted by The 106th General Assembly of the State of Tennessee; and

BE IT FURTHER RESOLVED that this Act become effective upon ratification by a two-thirds (2/3) majority vote of the Morristown City Council;

The Mayor and five Councilmembers voted in favor of the Resolution and none voted against the Resolution at the regular meeting of City Council on May 4, 2010. The Mayor and five Councilmembers were present and voting.

BE IT FURTHER RESOLVED that ratification of this Act be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by her to the Secretary of State.

Adopted this 4th day of May 2010.

Mayor

ATTEST:

City Administrator

Councilmember Jinks made a motion to open the agenda and add an emergency purchase of radio equipment; Councilmember Senter seconded the motion and upon roll call, all voted "aye"

Councilmember Jinks made a motion to approve the emergency purchase of wireless data network radio equipment from DATARADIO in the amount of \$13,900; Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

City Administrator's Report

- ✓ The compliance check on business licenses has begun – looking for positive results.
- ✓ The improvement plan for the Downtown Market has started – the canopies are installed.
- ✓ Response to questions asked at last Council meeting – 1) Pay cuts – every full-time employee's pay was cut; Council's salary was also reduced (still doing research on the status & ability to do so); 2) Promotions in Police & Fire Departments have been made when there is a vacancy due to retirement, etc.; 3) the police department budget was reduced; 4) Police Department made cuts in other areas in the same amount in order to keep their cell phones, since they felt it critical to have cell phone communication.
- ✓ The money from the traffic camera tickets goes into the General Fund, the same as other fines and revenues.

The report regarding Rose Center will be on the May 18, 2010 Council Agenda.

Councilmember Rooney made a motion to extend Douglas Cherokee Economic Authority's lease of the old Robert's School building for five years (2010 – 2015). Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Anthony Cox, City Administrator, publically read the following comments regarding the 2010 Tax and Revenue Anticipation Notes:

Approval and Conditions

These budget and reporting issues need to be resolved to bring the City into compliance with State law. Issues involving Tennessee Code Annotated Title 9, Chapter 21 need to be resolved immediately. Approval to issue the proposed 2010 TRAN is granted under the following conditions which must be committed to in writing by the City and submitted to this office:

- *The City shall come into full compliance with the requirements of Tennessee Code Annotated Title 9, Chapter 21 not later than September 31, 2010, and shall provide this office verifiable documentation of full payment not later than July 6, 2010.*
- *The City shall repay the 2010 TRAN no later than June 30, 2010, and shall provide this office verifiable documentation of full payment not later than July 6, 2010.*
- *The City shall submit a proper budget for fiscal year 2011 to this office not later than July 31, 2010.*
- *The City shall address any issues in their financial statements for fiscal year 2009 and 2010 identified by the Division of Municipal Audit.*
- *This paragraph approving the 2010 TRAN and the conditions for approval shall be read aloud at the meeting of the Legislative Body prior to the issuance of the 2010 TRAN.*

If the City does not submit its written commitments prior to the issuance of the 2010 TRAN, the authority to issue the 2010 TRAN is withdrawn. After the issuance of the 2010 TRAN, no tax and revenue anticipation notes, capital outlay notes, or other debt shall be approved and no report on debt or other financial transactions shall be provided until the City meets all the listed conditions. Future tax and revenue anticipation notes shall not be granted approval unless the City maintains compliance with the requirements of Tennessee Code Annotated Title 9, Chapter 21.

Councilmember Senter made a motion to acknowledge that the above text regarding the 2010 Tax and Revenue Anticipation Notes was read aloud and to endorse the response letter from Mr. Cox to Mr. Ron Queen, Office of State & Local Finance. Councilmember Rooney seconded the motion and upon roll call, all voted “aye”.

Councilmember Rooney made a motion to approve the submittal of an application for a \$500,000 ARC grant for Lowland Wastewater Treatment Plant Improvements (50% local match); Councilmember McGuffin seconded the motion. Upon roll call, Councilmembers McGuffin, Rooney, Senter and Mayor Barile voted “aye”; Councilmembers Jinks and Garrett voted “no”.

CITY COUNCIL CONVENED AS THE BEER BOARD.

Beer Board sanctions were considered against the following six establishments for on-premise compliance violations:

(1) Sagebrush, 2323 East Morris Blvd. – Sale of beer to a person under twenty-one years of age (8-213-4).

Councilmember Rooney made a motion for **a thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000)**. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

(2) Thai Garden, 3301 West Andrew Johnson Hwy. – Sale of beer to a person under twenty-one years of age (8-213-4).

Councilmember Rooney made a motion for a thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000). Councilmember Jinks seconded the motion. Councilmembers Rooney and Jinks withdrew their motion and second. Councilmember Senter made a motion for a thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of five hundred dollars (\$500); the motion died for lack of a second.

Councilmember Garrett made a motion to **take no action on the violation**; Councilmember seconded the motion. Upon roll call, Councilmembers Garrett, Jinks, McGuffin and Senter voted “aye”; Councilmember Rooney and Mayor Barile voted “no”.

(3) Caballo De Oro, 1414 West Andrew Johnson Highway – Sale of beer to a person under twenty-one years of age (8-213-4).

Councilmember McGuffin made a motion for a **thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000)**. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

(4) Top’s China Buffet, 1336 West Andrew Johnson Hwy. – Sale of beer to a person under twenty-one years of age (8-213-4) and outside of permit restrictions (8-209).

Councilmember Rooney made a motion for a **thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000)** for the sale to a minor. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

Councilmember Rooney made a motion for a **thirty (30) day consecutive suspension of the beer license or in-lieu thereof a civil penalty in the amount of five hundred (\$500)** for the outside of permit restrictions violation. Councilmember Jinks seconded the motion and upon roll call all voted “aye”.

(5) Los Jarochos, 1524 Buffalo Trail – Sale of beer to a person under twenty-one years of age (8-213-4) and serving without server permit (8-209-2c).

Councilmember Rooney made a motion for a **thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000)** for the sale to a minor. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

Councilmember Rooney made a motion for a **thirty (30) day consecutive suspension of the beer license or in-lieu thereof a civil penalty in the amount of five hundred (\$500)** for the serving without a server permit violation. Councilmember Jinks seconded the motion and upon roll call all voted “aye”.

(6) Don Pancho, 1134 South Cumberland – Sale of beer to a person under twenty-one years of age (8-213-4) and serving without server permit (8-209-2c).

Councilmember Rooney made a motion for a **thirty (30) day suspension of the beer license or in-lieu thereof a civil penalty in the amount of one thousand dollars (\$1,000)** for the sale to a minor. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

Councilmember Rooney made a motion for a **thirty (30) day consecutive suspension of the beer license or in-lieu thereof a civil penalty in the amount of five hundred (\$500)** for the serving without a server permit violation. Councilmember Jinks seconded the motion and upon roll call all voted "aye".

Mayor Barile adjourned the May 4, 2010 City Council meeting.

Mayor

ATTEST:

City Administrator