

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
NOVEMBER 15, 2011**

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 15, 2011 with Honorable Mayor Danny Thomas, presiding and the following named Councilmembers present: Gene Brooks, Bob Garrett, Claude Jinks, Chris Bivens, Paul LeBel and Kay Senter.

Councilmember Senter made a motion to approve the November 1, 2011 minutes with a revision changing Ms. Evelyn to read Ms. Evelyn Bryan Johnson. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

Mayor Thomas read and presented a proclamation to educators, both current and retired, in honor of National Education Week.

Councilmember Bivens made a motion to approve Ordinance No. 3429 on second and final reading. Councilmember LeBel seconded the motion and upon roll call, Councilmembers Garrett, Bivens, Senter, Jinks, LeBel and Mayor Thomas voted "aye"; Councilmember Brooks voted "no".

**Ordinance No. 3429
Being an Ordinance Amending Title 13 of the Morristown Municipal Code.**

Councilmember LeBel made a motion to approve Ordinance No. 3430 on second and final reading. Councilmember Bivens seconded the motion and upon roll call, Councilmembers Garrett, Bivens, Senter and LeBel voted "aye"; Councilmembers Jinks, Brooks and Mayor Thomas voted "no".

**Ordinance No. 3430
Being an Ordinance to Amend Section 1-304 of the Morristown Municipal Code Regarding Authority to Summon Aid.**

Councilmember LeBel made a motion to Award the Contract to Mattern & Craig, Inc. for NEPA Environmental, Design and Construction Administration Services related to Walters Drive Signalization and Intersection Improvements Project. (Estimate for preliminary design, final design totals \$127,880, construction administration services to be determined later.) Total Project Funding \$536,000. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to Award the Contract to Kimley-Horn and Associates for NEPA Environmental, Traffic Modeling, Signal Analysis and Design Services: Task Order No. 001 State Route 34 ITS Traffic Signal Coordination Project; Task Order No. 002 West First North Street at High Street Traffic Signal Modification in the total amount of \$485,000. Councilmember LeBel seconded the motion and upon roll call; all voted “aye”.

Upon consensus of Council the Award of Contract to Searcy Soil Mapping was removed from the Agenda.

Councilmember Jinks made a motion to approve the following Resolution No. 28-11. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

RESOLUTION NO. 28-11

BEING A RESOLUTION OF THE CITY OF MORRISTOWN, TENNESSEE, AMENDING SECTION VII OF THE CITY OF MORRISTOWN EMPLOYEE HANDBOOK.

BE IT RESOLVED by the City Council for the City of Morristown, Tennessee that Section VII of the City Employee Handbook be amended by renumbering Section VII with Section VII(a), and adding a new Section VII(b) thereafter, which reads as follows:

VII(b) Work Place Harassment

1. Definition

(a) Work place harassment is defined as conduct that is so pervasive that the working conditions are unduly oppressive, creating a hostile work environment. Work place harassment applies to harassment based on any of the following seven protected classes:

1. race
2. color
3. religion
4. national origin
5. sex
6. age
7. disability.

(b) Harassment can be oral, written, physical, visual, and or exhibited or communicated in any manner (including electronically or by email).

2. Criteria for determining whether conduct is such as to establish a hostile work environment.

Criteria shall include, but not necessarily be limited to, the following:

1. frequency of the conduct
2. severity of the conduct
3. whether the conduct is physically threatening, humiliating or merely offensive.
4. whether the conduct unreasonably interferes with another individuals work performance
5. would a reasonable person be offended by the conduct.

3. Complaint Procedure.

The procedure for making a complaint of work place harassment shall be the same as for sexual harassment described in Section VII(a) of this policy.

4. Reporting and Investigating Work Place Harassment Complaints and Action On Such Complaints.

The procedure for reporting and investigating work place harassment shall procedurally be as set forth in Sections VII(a)(4) and action on complaints of work place harassment shall procedurally be as set forth in Section VII(a)(5).

Passed this 15th day of November, 2011.

Mayor

ATTEST:

City Administrator, Anthony Cox

Councilmember Jinks made a motion to approve the following Resolution No. 29-11. Councilmember Senter seconded the motion and upon roll call, Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

CITY OF MORRISTOWN, TENNESSEE

RESOLUTION NO. 29-11

BEING A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF MORRISTOWN, TENNESSEE REQUESTING THE HONORABLE STEVE SOUTHERLAND, SENATOR, AND DON MILLER, REPRESENTATIVE, TO SEEK AMENDMENT OF CHAPTER 392 OF THE PRIVATE ACTS OF 1901, AS AMENDED, AND AS SET FORTH HEREIN.

Rev
11/11/11

BE IT RESOLVED BY THE CITY COUNCIL, for the City of Morristown, Tennessee that it requests its State Senator, Hon. Steve Southerland and State Representative, Hon. Don Miller, to seek amendment of Chapter 392 of the Private Acts of 1901 as follows:

“AN ACT to amend Chapter 392 of the Acts of 1901; as amended by Chapter 34 of the Private Acts of 1929; as amended by Chapter 198 of the Private Acts of 1947; as amended by Chapter 7 of the Private Acts of 2001 and any other Acts amendatory thereto by amending Section 1(b) to change the method of appointment of commissioners and to fill a commission vacancy; and deleting the words and punctuation ‘except sewer,’ from Section 3 of the Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION I. Section 1 of chapter 392 of the private acts of 1901, as amended by chapter 7 of the private acts of 2001 and any other acts amendatory thereto, is amended by deleting the last two paragraphs in section 1b in their entirety and substituting therefore the following:

‘Prior to the first day of July 1, 2001, and prior to the first day of July in each succeeding year, the commissioners shall submit to the City Council a list of three nominees for the commission seat expiring as of July 31st. The Council shall within 30 days of submission select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee. Nothing in this section shall prohibit the Council from voting on approval of each nominee for election. In the event that no nominee is approved by a majority vote of Council, the nomination procedure shall be repeated, and the commission shall have 30 days from notice of lack of approval to submit the names of three additional nominees which may not include the nominees previously submitted to the City Council for the commission seat expiring as of that July 31st.

In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided herein for nominations, and the commission shall make its nominations to City Council within 30 days of the occurrence of the vacancy to commence the election process.’

Section II. Section 3 of Chapter 392 of the Acts of 1901 as amended by Chapter 7 of the Private Acts of 2001 and any other acts amendatory thereto is amended by deleting therefrom the following sentence:

“Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, except sewer, and shall have full power to make all contracts

necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected.”

and substituting therefore the following sentence:

“Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected.”

Section III. This act shall have no effect unless it is approved by a two-thirds vote of the governing body of the City of Morristown before June 1, 2012. Its approval or non-approval shall be proclaimed by the Mayor of the City of Morristown and certified by him to the Secretary of State.

Section IV. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section III.”

Passed _____

Speaker of the House of Representatives

Speaker of the Senate

Approved: _____ : _____
Governor

Five Councilmember(s) voted in favor of the adoption of the Resolution and the Mayor and one Councilmember voted against the Resolution at the regular

meeting of City Council, November 15, 2011. The Mayor and all Councilmembers were present and voting.

Adopted this 15th day of November 2011.

Mayor

ATTEST:

City Administrator, Anthony Cox

CERTIFICATION

The undersigned, Anthony W. Cox, hereby certifies that he is the City Administrator and Recorder for the City of Morristown, Tennessee and that the foregoing Resolution is an exact copy of that Resolution adopted by the City Council in regular session the 15th day of November 2011.

City Administrator/Recorder

Councilmember Jinks made a motion to approve Ordinance No. 3419.04 on first reading and schedule a public hearing relative to final passage of said Ordinance for December 6, 2011. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3419.04

Being an Ordinance to Amend Ordinance Number 3419. The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2011-2012 and Appropriate the Sum of \$30,600 for Funds for Lot Clearing and to Cash Flow CDBG Expenditure for Bathroom Project.

Councilmember Jinks made a motion to approve a one-time lump sum bonus for City Employees to be distributed in December with full time employees receiving \$500 and part time employees receiving \$200, after taxes. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

Anthony Cox, City Administrator, advised Council of the following budget appropriation line item transfers:

Transfer of \$30,000 from Electric Permits 110-32620 to Building Permits 110-32610.

Transfer of \$30,000 from Electric Permits 110-32620 to Plumbing Permits 110-32630.

Transfer of \$30,000 from Electric Permits 110-32620 to Gas Permits 110-32630.

Transfer of \$500 from Public Works Brush Pick-up and Snow Removal 110-43160-399 (Other Contracted Services) to 110-43160-419 (Small Tools & Equipment).

Transfer of \$245,000 from Public Works Brush Pick-up and Snow Removal 110-43160-399 (Other Contracted Services) to 110-43160-562 Landfill Fee/Disposition Charges.

Transfer of \$2,500 from Public Works Brush Pick-up and Snow Removal 110-43160-399 (Other Contracted Services) to 110-43160-226 (Clothing Uniforms).

Transfer of \$2,000 from Public Works Brush Pick-up and Snow Removal 110-43160-399 (Other Contracted Services) to 110-43160-429 (General Operating Supplies).

Mayor Thomas nominated Jerry Isaacs to the Morristown Utility Commission for a five year term to expire on July 31, 2016. Councilmember LeBel made a motion to disapprove the Mayor's nomination. Councilmember Senter seconded the motion and upon roll call, Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

Councilmember Jinks made a motion to re-appoint Michelle Jones to the Child Care Centers Board (Morristown-Hamblen) for a two year term to expire on November 20, 2013. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

CITY COUNCIL CONVENED AS THE BEER BOARD

Councilmember LeBel made a motion to grant an Off-Premise Beer Permit to Harper Enterprises, LLC (Joe Harper) dba Joe's BP Food Shop, 3505 West Andrew Johnson Highway. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember LeBel made a motion to grant an Off-Premise Beer Permit to Shri Akshar, Inc. (Dipak Patel) dba Stop & Go Smoke Shop, 3486 West Andrew Johnson Highway. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

Councilmember Senter advised Council that the TML District II meeting will be held in Maryville on December 14, 2011.

Mayor Thomas adjourned the November 15, 2011 meeting.

MAYOR

ATTEST

CITY ADMINISTRATOR