

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
JANUARY 4, 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 4:00 p.m., Tuesday, January 4, 2011 with Honorable Mayor Barbara C. "Sami" Barile, presiding and the following named Councilmembers present: Gene Brooks, Bob Garrett, Frank McGuffin, William Rooney and Kay Senter; absent: Councilmember Claude Jinks.

Councilmember Senter made a motion to approve the December 21, 2010 minutes as circulated; Councilmember Rooney seconded the motion and all voted "aye".

A public hearing was conducted on the following captioned Ordinance No. 3393.11. 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. 3393.11
An Ordinance to amend Ordinance No. 3393 – FY 2011
Budget by appropriating the sum of \$97,434 for the
2010 COPS Hiring Program Grant.**

Councilmember Senter made a motion to approve the contract with Lamar Dunn (as outlined in Mr. Cox's letter) for the Phase I Corrective Action Plan/Engineering Report (CAP/ER) and the first Annual Report to TDEC. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to approve the emergency purchase of a chemical feeder for the sewer collection system from IPW in the amount of \$19,407.28. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember McGuffin made a motion to approve the emergency purchase of a hydraulic hammer for the South Cumberland Sewer Project from CMI in the amount of \$34,000. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to approve the following Resolution No. 01-11. Councilmember McGuffin seconded the motion and upon roll call, all voted "aye".

Resolution No. 01-11

A Resolution calling for a Municipal Election on May 3, 2011 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 2011 Election will be held on May 3, 2011; and

WHEREAS, the 2011 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 3, 2011 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 4th day of January 2011.

Mayor

ATTEST:

City Administrator

Councilmember McGuffin made a motion to approve the following Resolution No. 02-11. Councilmember Rooney seconded the motion and upon roll call, all voted "aye".

Resolution Number 02-11

A Resolution to accept an agreement in the settlement of Elevation Outdoor Advertising vs. City of Morristown.

WHEREAS, the Morristown City Council has adopted a Zoning Ordinance to establish districts within the City to regulate land use, establish minimum lot sizes, building height, size and location including the regulation of signs and outdoor advertising; and

WHEREAS, the purpose and intent of the establishment of the sign regulations adopted by Ordinance Number 3095 on April 2, 2002 was to protect property values, maintain the visual character of Morristown development and the health, safety, and welfare of the citizens, including the safety of motorists, pedestrians and others using the roadways; and

WHEREAS, the provisions of Ordinance 3095, Section 14-2907 Outdoor Advertising Signs provided that the City Planning Commission may approve a trade-off, to eliminate an off-premise sign to allow a new off-premise sign to be located adjacent to an arterial street when certain conditions apply; and

WHEREAS, in April 2008 Elevation Outdoor Advertising originally applied for a trade-off under the provisions of Ordinance 3095, Section 14—2907; and

WHEREAS, after several months of delay and discussion between members of the City of Morristown and Elevation Outdoor Advertising, and an additional application being submitted by Elevation Outdoor Advertising to include a trade-off for two signs, the Planning Commission voted to deny the application on December 9, 2008 stating negative impacts on traffic safety and visual impacts; and

WHEREAS, Elevation Outdoor Advertising filed a complaint on February 6, 2009 in the United States District Court for the Eastern District of Tennessee Northeastern Division at Greeneville against the City of Morristown and the Morristown Regional Planning Commission alleging that the Morristown Regional Planning Commission wrongfully denied both applications; and

WHEREAS, the City of Morristown has worked diligently to find a settlement with Elevation Outdoor Advertising that continues to protect the health, safety and welfare as well as the aesthetic quality of life within the City of Morristown; and

WHEREAS, the City of Morristown negotiated an offer of settlement of the lawsuit on December 21, 2010, which was accepted by Elevation Outdoor Advertising, and

WHEREAS, the offer of settlement accepted by the Morristown City Council on December 21, 2010 has been revised by the Plaintiff to a more definitive instrument for the placement of outdoor advertising structures which is outlined in the settlement agreement, shown as Exhibit A, attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that The City of Morristown hereby approves the settlement of the Elevation Outdoor Advertising vs. The City of Morristown and The Morristown Regional Planning Commission Case under the conditions set forth in Exhibit A. attached hereto:

BE IT FURTHER RESOLVED that this Resolution shall become effective upon its passage and approval.

Adopted during regular session of City Council this 4th day of January 2011.

Mayor

ATTEST:

City Administrator

Mayor Barile re-appointed the following to the FY 2011 Finance Committee: Councilmember McGuffin, Chair; Councilmember Jinks and Councilmember Rooney.

CITY COUNCIL CONVENED AS THE BEER BOARD.

Councilmember Rooney made a motion to grant an off-premise beer permit to Melady Maa, Inc., (Deepak K. "Danny" Patel), for Plaza Shell, located at 1909 North Economy Road. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

Mayor Barile adjourned the January 4, 2011 City Council meeting.

Mayor

ATTEST:

City Administrator