

August 16, 2011

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 16, 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, August 16, 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 LeBel made a motion to approve the August 2, 2011 minutes as circulated; Councilmember Bivens seconded the motion and all voted "aye".

A public hearing was held on the following captioned Ordinance No. 3426. Councilmember LeBel 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. 3426

**An Ordinance to amend the Morristown Municipal Code Title 14, Chapter 2
– Zoning Ordinance (Chapter 29, Signs)**

Councilmember Senter made a motion to award the agreement for the Interlocal Cooperation Agreement between Hamblen County, and the City of Morristown for a Health Clinic. Councilmember Jinks seconded the motion and upon roll call Councilmembers Garrett, Jinks, Bivens, LeBel, Senter and Mayor Thomas voted "aye"; Councilmember Brooks "abstained".

Councilmember LeBel made a motion to award the agreement for Architectural Services to Fuller Architects for the following projects: Vehicle Wash Facility at Dice Street Facility; Salt Bin Roof structure at Dice Street Facility; Heating/electrical at Liberty Hill Road Facility; Reroofing of Fire Station One at Jackson Street. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to award a bid for Wastewater System Rehabilitation Program Annual Point Repair to Portland Utilities Construction for \$255,155.00. Councilmember Garrett seconded the motion and upon roll call, all voted "aye."

Councilmember LeBel made a motion to award the bid for Fall Creek and Spring Creek Sewer Basin Gravity Sewer Line to Intuitive Technologies, Inc. for \$228,825.00 and Closed-Circuit Television Inspection and Cleaning to Performance Contracting, Inc. for \$580,662.50. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

Councilmember LeBel made a motion to approve the following Resolution No. 23-11. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

RESOLUTION NO. 23-11

A Resolution of the City of Morristown, Tennessee, Adopting an Immediate Moratorium on the Acceptance of Applications for Use Permits and Building Permits for Pain Management Clinics Including Those that Specifically Prescribe and/or Administer Opioids, Benzodiazepines, Barbiturates, or Carisoprodol, to be Effective for a Period not to extend more than ninety days beyond January 1, 2012.

WHEREAS, the Morristown Zoning Ordinance does not specifically address pain management clinics as a permitted use but does address human care clinics as uses permitted on review in OMP, LB, IB, CB, LI and HI zoning districts; and

WHEREAS, the Tennessee General Assembly Amended Tennessee Code Annotated (TCA) Title 63 in May 2011 by authorizing state licensure and regulation of pain management clinics and authorizes the Commissioner of Health to promulgate rules and regulations to implement such; and

WHEREAS, said TCA Amendments of Title 63 including additional regulations regarding details such as personnel, patient data collection, inspections, and complaints will be promulgated by the Commissioner of Health and will take effect on January 1, 2012; and

WHEREAS, the City needs to review its codes and ordinances in a comprehensive fashion and to adopt new regulations with regard to pain management clinics consistent with TCA Title 63, Chapter 301 et seq. and the rules and regulations promulgated pursuant thereto; and

WHEREAS, the City should impose a moratorium barring the acceptance of applications relating to pain management clinics until the necessary code revisions are complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Morristown, Tennessee as follows:

Section 1. Definition. For the purpose of this Resolution, the following definition shall apply:

"Pain management clinic" or "pain clinic" or "clinic" means a privately owned physician's practice or medical offices or an investor-owned clinic in which a physician provides pain management services for which a majority of patients of the pain

management clinic are issued a prescription for, or are dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not including suboxone, and treats a patient for more than ninety (90) days in a twelve-month period with these medications;

Section 2. Purpose: The purpose of this moratorium is to allow the City adequate time to comprehensively study the City's existing ordinances and codes and develop new ordinances to include pain management clinics and/or facilities not addressed by existing regulations in coordination with the State of Tennessee's proposed regulations which are scheduled to be effective on January 1, 2012.

Section 3. Moratorium Imposed: The Mayor and City Council of the City of Morristown hereby impose a moratorium on the establishment, location, permitting or erecting of pain management clinics or facilities within the City. During the term of this moratorium (unless earlier terminated by the Mayor and City Council by resolution), the City will not accept any permit applications or consider any pain management or treatment clinic or facility, nor will the City accept any building permit or use permit applications for the location, establishment or siting of any pain management or treatment clinic or facility.

Section 4. The moratorium imposed by this resolution shall be in effect for a period not to extend ninety (90) days beyond January 1, 2012, beginning on the date of the adoption of this resolution.

Section 5. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Passed during regular session of City Council this 16th day of August 2011.

Mayor

ATTEST:

City Administrator

Councilmember LeBel made a motion to approve the following Resolution No. 24-11. Councilmember Garrett seconded the motion and upon roll call, Councilmember Jinks, Bivens, LeBel and Senter voted “aye”; Councilmembers Brooks, Garrett and Mayor Thomas voted “no”.

**RESOLUTION NO. 24-11
BEING A RESOLUTION REGARDING DEPARTMENT EVALUATIONS OF
THE CITY OF MORRISTOWN**

WHEREAS, the Mayor has formed a committee or task force to conduct a top down evaluation of the various City Departments; and

WHEREAS, the City Council has more recently authorized an agreement between the City and the Municipal Technical Advisory Service (MTAS), whereby the City will participate in a benchmarking program administered by MTAS; and

WHEREAS, the benchmarking program will permit the City and its Departments to be compared with other cities participating in the program; and

WHEREAS, significant staff time will be required for gathering and inputting data in the MTAS program, and that utilization of staff services for the MTAS program as well as the Mayor’s Committee will be largely duplicative and inefficient.

NOW, THEREFORE, Be it resolved by the City Council for the City of Morristown that City resources, including staff time, shall not be expended in furtherance of the Mayor’s Committee in performing a top down evaluation of the City’s Departments, pending further official action of the City Council; and

FURTHER RESOLVED, that this Resolution shall in no manner impede or affect the Mayor’s right to seek and receive information and advice from City staff and City advisors on all matters related to the discharge of the Mayor’s prescribed duties.

PASSED IN REGULAR SESSION OF COUNCIL THIS 16th DAY OF AUGUST, 2011.

MAYOR

ATTEST:

CITY ADMINISTRATOR

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

Transfer of \$12,000 from General Fund 110-42240-331 (Gas Fuel & Lubricants) to 110-42180-142 (Health and Life Insurance).

Transfer of \$30,000 from General Fund 110-47000-250 (Professional and Consulting) to 110-44440-299 (Contracts with Other Agencies).

Transfer of \$35,000 from General Fund 110-47000-250 (Professional and Consulting) to 110-44900-700 (Grants).

Transfer of \$9,000 from Storm Water Fund 440-61100-541 (Depreciation) to 440-49202-633 (Utility Rate Design Amortization).

Mayor Thomas nominated Glen B. Thompson to the Morristown Utility Commission for a five year term to expire on August 1, 2016. Councilmember Garrett made a motion to disapprove the nomination. Councilmember LeBel seconded the motion and upon roll call, Councilmembers Garrett, Jinks, Bivens, LeBel and Senter voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

Councilmember Jinks made a motion to re-appoint Leah Taylor and Lila Wilson to the Crossroads Partnerships for a three year term to expire on August 19, 2014. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Brooks asked to address the Council. Councilmember Brooks gave City Attorney Dick Jessee an email to read that was sent to Todd Morgan on Friday, May 20th from Neil Hanson, TDOT Coordinator regarding Millennium Square Morristown. The email stated that from TDOT's stand point Wild Construction would not be eligible to bid on the Millennium project.

Councilmember Bivens made a motion to declare twelve (12) Panasonic Copiers as surplus and authorize the disposal thereof. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

Councilmember Senter made a motion to appropriate funds for mowing of Morristown College, mowing and tree removal at 513 Liberty Hill Rd and lot clean up at 520 Commerce St. from Council Contingency in the amount of \$2,585.00. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

Councilmember Jinks made a motion for the City to enter into a lease agreement with Lakeway Publishers, Inc., DBA LogOn Computer Services-Ultranet to place an antennae on the tower located at 1151-B McConnell Street upon approval by City Attorney and final negotiations for the monthly fee. Councilmember Bivens seconded the motion and upon roll call all voted "aye".

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Councilmember Jinks made a motion to allow the Hamblen County-Morristown Health Care and Management Committee to negotiate with the selected proposer for a site lease and Care Here as clinic operator for the Health Clinic. Councilmember LeBel seconded the motion and upon roll call; Councilmembers Garrett, Jinks, Bivens, LeBel, Senter and Mayor Thomas voted "aye"; Councilmember Brooks "abstained".

Mayor Thomas adjourned the August 16, 2011 meeting.

Mayor

ATTEST:

City Administrator