

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
February 7, 2012**

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, February 7, 2012 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 Jinks made a motion to approve the January 17, 2012 minutes as circulated. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

A public hearing was conducted on the following captioned Ordinance No. 3419.08. Councilmember Jinks made a motion to approve Ordinance No. 3419.08 on second and final reading. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3419.08**

**Entitled 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 \$62,000 for Temporary Employees that are Normally Used During the Year and Reimbursement from Tiger Grant Preparation.**

A public hearing was conducted on the following captioned Ordinance No. 3431. Councilmember Senter made a motion to approve Ordinance No. 3431 on second and final reading. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3431**

**Entitled an Ordinance of the City of Morristown Amending §§ 14-203 and 14-1003 of the Municipal Code (Zoning Ordinance) Relative to Pain Management Clinics.**

A public hearing was conducted on the following captioned Resolution No. 01-12. Councilmember Jinks made a motion to approve Resolution No. 01-12. Councilmember Senter seconded the motion and upon roll call, all voted "aye".

**Resolution No. 01-12**

**A Resolution adopting a Plan of Services for the Annexation of Property located at The Downs at Wallace Farms. {HCTM 57 Parcel 118.00, HCTM 62 Parcels 10.05 & portions of 10.00 with the Zoning Designation of Tourist Accommodation (TA).}**

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

**PROPERTIES IDENTIFIED ON THE HAMBLLEN COUNTY TAX MAP 57 PARCEL 118.00, HAMBLLEN COUNTY TAX MAP 62 PARCEL 10.05, AND PORTIONS OF HAMBLLEN COUNTY TAX MAP 62 PARCEL 10.00**

Beginning at the intersection of Parcel 118.00 and 119.01 of Hamblen County Tax Map 57 and Parcel 10.00 of Hamblen County Tax Map 62 heading in a westerly direction along the common boundary of Parcels 118.00 and 119.01 of Hamblen County Tax Map 57 to the intersection with the eastern boundary of the Highway 25E Davy Crockett Parkway right-of-way; thence in a northerly direction along the common boundary line shared by the eastern boundary of Highway 25E Davy Crockett Parkway and Parcel 118.00 of Hamblen County Tax Map 57 to the point of intersection with the southern boundary of the Rouse Road right-of-way and the western boundary of the Old White Pine Road right-of-way; thence heading in a southerly direction along the western boundary of the Old White Pine Road right-of-way to the point of intersection with the northern boundary of the Interstate 1-81 right-of-way; thence in a westerly direction along the southern boundary of Parcel 10.05 of Hamblen County Tax Map 62 to the intersection with Parcel 10.04 of Hamblen County Tax Map 62; thence in a northerly direction along the western boundary of Parcel 10.05 to the intersection with Parcel 10.00 of Hamblen County Tax Map 62; thence continuing in a northerly direction along the common boundary line shared by Parcels 10.00 of Hamblen County Tax Map 62 and Parcel 119.01 of Hamblen County Tax Map 57 to the point of beginning.

**TO BE ZONED TOURIST ACCOMMODATION (TA)**

Section 1. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.
2. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation.

c. Water

1. Water for portable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area. This area

is serviced by the Will Utility District.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning Commission recommended the zoning designation of Tourist Accommodation (TA).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Stormwater

The City of Morristown Stormwater Utility System shall maintain the necessary infrastructure for stormwater in the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said stormwater control or quality measures beyond that of the city's policies shall be at the expense of the properly owner or property developer.

m. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

Section II. This Resolution shall become effective from and after its adoption.

PASSED ON THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2012

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

A public hearing was held on the following captioned Resolution No. 02-12. Councilmember Jinks made a motion to approve Resolution No. 02-12. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

**Resolution No. 02-12**

**A Resolution adopting a Plan of Services for the Annexation of Property located at 5255 East Andrew Johnson Highway (National Guard Armory) {HCTM 26, Parcel 70 with the Zoning Designation of Intermediate Business (IB)}.**

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

**PROPERTITES IDENTIFIED ON THE HAMBLLEN COUNTY TAX MAP 26, PARCEL 70.00**

Beginning at the intersection of Parcels 66.00 and 70.00 of Hamblen County Tax Map 26 with the northern boundary of the East Andrew Johnson Highway right-of-way and heading in a northwesterly direction along the western boundary line of Parcel 70.00 of Hamblen County Tax Map 26 to the intersection with the southern boundary of the Bethesda Road right-of-way; thence in an easterly direction along the common boundary shared by the southern boundary of the Bethesda Road right-of-way and Parcel 70.00 of Hamblen County Tax Map 26 to the intersection with Parcel 71.00 of Hamblen County Tax Map 26; thence in a southerly direction along the common boundary line shared by Parcels 70.00 and 71.00 of Hamblen County Tax Map 26 to the intersection with the northern boundary of the East Andrew Johnson Highway right-of-way and Parcel 70.00 of Hamblen County Tax Map 26 to the point of beginning.

**TO BE ZONED INTERMEDIATE BUSINESS (IB)**

**Section 1.** Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.

2. Traffic signals, traffic signs, street marking and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon

the effective date of annexation.

c. Water

1. Water for portable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area. This area is serviced by the Witt Utility District.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the

annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning Commission recommended the zoning designation of Intermediate Business (IB).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Stormwater

The City of Morristown Stormwater Utility System shall maintain the necessary infrastructure for stormwater in the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said stormwater control or quality measures beyond that of the city's policies shall be at the expense of the property owner or property developer.

m. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

Section II. This Resolution shall become effective from and after its adoption.

PASSED ON THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2012.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

A public hearing was held on the following captioned Resolution No. 03-12. Councilmember Bivens made a motion to approve Resolution No. 03-12. Councilmember Jinks seconded the motion and upon roll call, all voted "aye".

**Resolution No. 03-12**

**A Resolution adopting a Plan of Services for the Annexation of Property located at Arrow Hills/West Andrew Johnson Highway. {HCTM 47N Group D Parcels 20.00, 21.00 & 22.00 with the Zoning Designation of Intermediate Business (IB).}**

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

**PROPERTITES IDENTIFIED ON THE HAMBLLEN COUNTY TAX MAP 47N GROUP D PARCEL 20.00, 21.00, & 22.00**

Beginning at the point of intersection of Parcels 1.01, 19.00, 20.00, and 24.00 of the Hamblen County Tax Map 47N Group D and heading in a northerly direction along the common boundary line shared by Parcels 19.00 and 20.00 of the Hamblen County Tax Map 47N Group D to the intersection with the southern boundary of the Archer Circle right-of-way; thence in an easterly direction along the southern boundary of the Archer Circle right-of-way to the point of intersection with Parcel 23.00 of Hamblen County Tax Map 47N Group D; thence in a southwesterly direction along the common boundary line shared by Parcels 22.00 and 23.00 of Hamblen County Tax map 47N Group D to the point of intersection with Parcel 24.00 of Hamblen County Tax Map 47N Group D; thence in a north westerly direction along the common boundary of Parcels 22.00 and 24.00 of Hamblen County Tax Map 47N Group D to the point of intersection with Parcel 21.00 of Hamblen County Tax Map 47N Group D; thence in a westerly direction along the northern boundary of Parcel 24.00 of Hamblen County Tax Map 57N Group D to the point of beginning.

**TO BE ZONED INTERMEDIATE BUSINESS (IB)**

**Section 1.** Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present



personnel and equipment, will be provided upon the effective date of annexation.

2. Traffic signals, traffic signs, street marking and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation.

c. Water

1. Water for portable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area. This area is serviced by the Will Utility District.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning Commission recommended the zoning designation of Intermediate Business (IB).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Stormwater

The City of Morristown Stormwater Utility System shall maintain the necessary infrastructure for stormwater in the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said stormwater control or quality measures beyond that of the city's policies shall be at the expense of the property owner or property developer.

m. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

**Section II.** This Resolution shall become effective from and after its adoption.

PASSED ON THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2012.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

A public hearing was held on the following captioned Ordinance No. 3432. Councilmember Jinks made a motion to approve Ordinance No. 3432 on second and final reading. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3432**

**Being an Ordinance to Annex Certain Territory and to Incorporate Same Within the Corporate Boundaries of the City of Morristown, Tennessee. {Annexation of property located at South Davy Crockett Parkway & Old White Pine Road (HCTM 57, Parcel 118 & HCTM 62, Parcels 10.05 & a portion of 10), with the Zoning Designation of Tourist Accommodation (TA).} (The Downs at Wallace Farms.)**

A public hearing was held on the following captioned Ordinance No. 3433. Councilmember Jinks made a motion to approve Ordinance No. 3433 on second and final reading. Councilmember Brooks seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3433**

**Being an Ordinance to Annex Certain Territory and to Incorporate Same Within the Corporate Boundaries of the City of Morristown, Tennessee. {Annexation of property located at 5255 East Andrew Johnson Highway (HCTM 26, Parcel 70), with the Zoning Designation of Intermediate Business (IB)}. (The National Guard Armory.)**

A public hearing was held on the following captioned Ordinance No. 3434. Councilmember Bivens made a motion to approve Ordinance No. 3434 on second and final reading. Councilmember Senter seconded the motion and upon roll call, Councilmembers

Garrett, Bivens, Senter, Jinks, Brooks and Mayor Thomas voted “aye”; Councilmember LeBel “abstained”.

**Ordinance No. 3434**

**Being an Ordinance to Annex Certain Territory and to Incorporate Same Within the Corporate Boundaries of the City of Morristown, Tennessee. {Annexation of property located at 6565, 6577 & 6606 Archer Circle (HCTM 47N, Parcels Group D, Parcels 20, 21 & 22), with the Zoning Designation of Intermediate Business (IB). (Arrow Hills.)}**

A Public Hearing was held on the following captioned Ordinance No 3435.

The following people spoke against adoption of Ordinance No. 3435: Rayma & Frank White, Crown Circle; Lydia & Mark Thornton, Crown Circle; Roger Harris, Manager of Harris Properties; Alisha Sorino, Crown Circle; William Taylor, Crown Circle; Lonas & Kara Seiver, Crown Circle; Brandi & Michael Gardner, Brights Pike and Pauline, Brights Pike.

The following spoke for adoption of Ordinance No. 3435: Clint Harrison, Engineer, Bethesda Road; Bobby Sam’s, property owner, Clyde Thomas Road.

Councilmember Jinks made a motion to deny Ordinance No. 3435 on second and final reading. Councilmember Brooks seconded the motion and upon roll call, Councilmembers Senter, Jinks, Brooks and Mayor Thomas voted “aye”; Councilmembers Garrett and LeBel voted “no”; Councilmember Bivens “abstained”.

**Ordinance No. 3435**

**Being an Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 2160, 2166 and 2170 Brights Pike (Hamblen County Tax Map 25J, Group B, Parcels 1 1.01 & 19) from Medium Density Residential (R-2) to Mobile Home Park (MHP).} (Sams Mobile Home Park.)**

**ORDINANCE NO. 3435 FAILED TO PASS ON 2<sup>ND</sup> AND FINAL READING.**

Councilmember Bivens made a motion to Award a Bid to Cleary Construction, Inc. in the amount of \$77,470.00 for Highway 160 Force Main Sewer Project. Councilmember LeBel seconded the motion and upon roll call, all voted “aye”.

Councilmember LeBel made a motion to Award a Bid to Brockwell Construction Co., Inc. in the amount of \$1,641.755.00 for Wastewater System Improvements – Sewer Replacement. Councilmember Bivens seconded the motion and upon roll call, all voted “aye”.

Councilmember LeBel made a motion to award a change in contract price to Southern Constructors, Inc. for Wastewater System Improvements at WITT Pump Station Rehabilitation in the amount of \$14,867.83 bringing the total contract price to \$1,128,762.62. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

Councilmember Jinks made a motion to approve Resolution No. 04-12. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

**Resolution No. 04-12  
Being a Resolution by the City Council for the City of Morristown, Tennessee,  
Authorizing an Interfund Loan from the General Fund to the Sewer Fund in the  
Principal Amount of \$573,632.84.**

WHEREAS, in the Federal District Court case of Stevens et el vs. City of Morristown, Tennessee et el bearing Case No. 2:08-CV-00096, a judgment was entered against the City of Morristown. The judgment is on appeal to the Sixth Circuit Court; and

WHEREAS, Plaintiffs lawyers have requested a writ of execution for the amount of the judgment, plus interest, and the City, through its trial counsel, has filed a response to the Motion for a Writ seeking a stay thereof; and

WHEREAS, in the event that the Court refuses to stay the execution proceedings it is advisable for the City to insure that there are sufficient funds in its sewer fund account to satisfy the judgment.

NOW, THEREFORE, be it resolved by the City Council of the City of Morristown, Tennessee that subject to prior approval from the State Comptroller's Office, that the City Administrator is authorized to lend from the general fund to the sewer fund the amount of \$573,632.84 to be repaid, as follows:

Year 1. The principal amount of \$191,210.94 on the first anniversary of the loan to the sewer fund plus accrued interest at the rate of 2% per annum.

Year 2. The principal sum of \$191,210.95 on the second anniversary of the loan to the sewer fund plus accrued interest at the rate of 2% per annum.

Year 3. The principal sum of \$191,210.95 on the third anniversary of the loan to the sewer fund plus accrued interest at the rate of 2% per annum.

PASSED THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2012.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR, ANTHONY COX

Councilmember LeBel made a motion to approve Ordinance No. 3436 on first reading and schedule a public hearing relative to final passage of said Ordinance for February 21, 2012. Councilmember Jinks seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3436**

**Being an Ordinance of the City of Morristown, Tennessee Amending the City’s Ethics Ordinance No. 3248 by Adopting the MTAS Model.**

Councilmember Senter made a motion to approve Ordinance No. 3437 on first reading and schedule a public hearing relative to final passage of said Ordinance for February 21, 2012. Councilmember Bivens seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3437**

**Being an Ordinance of the City of Morristown, Tennessee, to Establish Travel Reimbursement Regulations for City Officials and City Employees Conducting Official Business.**

During discussion of Ordinance No. 3438 Councilmember Brooks stated that changing the agenda would take away from citizen’s he also stated that Council should have conducted a work session on the proposed agenda change. Mayor Thomas presented a PowerPoint regarding the changes to the agenda format. Those changes are: (1) Invocation, & (2) Pledge of Allegiance, which we have been doing both of these; (3) Proclamations and Presentations; (4) City Administrators Report. There following items be modified, changed or deleted: Mayors Communication combined with reports from Committees and City Councilmembers; moves public comments to the end of the agenda after business has been voted on with the exception of public hearings. The following the recommended agenda format from MTAS: (1) Call to Order; (2) Roll Call; (3) Prayer; (4) Pledge of Allegiance, and can insert Proclamations and Presentations; (5) Mayors Report; (6) Councils Remark, and can insert City Administrator Report after Mayor and Council; (7) Old Business, citizen comments may be allowed on specific items being reviewed; (8) New Business, citizen comments may be allowed on specific items being reviewed; (9) Open citizen comments; (10) Adjournment. Ron Darden of MTAS stated that this format allows for significant citizen participation but preserves the agenda as a business meeting. I recommend this format. I believe while we are addressing this that we should also address our work sessions, MTAS also recommends limited participation from citizens at work sessions. I would hope that council would vote no on a public hearing for Ordinance 3438 and bring this matter to a work session in order to study and discuss the proposed changes.

Councilmember LeBel made a motion to approve Ordinance No. 3438 on first reading and schedule a public hearing relative to final passage of said Ordinance for February 21, 2012. Councilmember Garrett seconded the motion and upon roll call, Councilmember Garrett, Bivens, Senter and LeBel voted “aye”; Councilmember Jinks, Brooks and Thomas voted “no”.

**Ordinance No. 3438**  
**Being an Ordinance of the City of Morristown, Tennessee Amending Section 1-206 of the Morristown Municipal Code.**

During the City Administrator’s report Tony Cox advised Council of reorganization in two areas: Codes Enforcement and Finance. The Codes Enforcement Officer will be revised to require the employee to be a certified Police Officer. The Finance Director position will be eliminated and replaced by two Accountant positions.

Mr. Cox distributed to Council the General Guidelines for Behavior at Council meetings and the Guidelines for speaking during the Communications/Petitions section of the agenda.

Mr. Cox advised Council of the following budget appropriate line item transfers:

- Transfer of \$29,000 from Stormwater 440-43292-433 (Vehicle parts/oil/fluids/tires) to 440-43292-362 (Repair/Maint Operations Equip).
- Transfer of \$2,000 from Public Works 110-43190-365 (Repair/Maint Traffic Signal) to 110-43190-112 (Overtime).
- Transfer of \$125 from Public Works 110-43190-365 (Repair/Main Traffic Signal) to 110-43190-210 (FICA).
- Transfer of \$50 from Public Works 110-43190-365 (Repair/Maint Traffic Signal) to 110-43190-212 (Medicare).
- Transfer of \$175 from Public Works 110-43190-365 (Repair/Main Traffic Signal) to 110-43190-213 (TCRS).
- Transfer of \$50 from Public Works 110-43190-365 (Repair/Maint Traffic Signal) to 110-43190-214 (Health Insurance).
- Transfer of \$100 from Public Works 110-43190-365 (Repair/Maint Traffic Signal) to 110-43190-399 (Other Contracted Services).
- Transfer of \$500 from Public Works 110-43190-365 (Repair/Maint Traffic Signal) to 110-43190-378 (Education Seminar).

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

Mayor Thomas appointed Harold Knight to the Morristown Housing Authority for a five year term to expire on February 15, 2017.

Councilmember Jinks made a motion to approve the Morristown Utility Commission's Debt Policy. Councilmember Bivens seconded the motion and upon roll call, Councilmember Garrett, Bivens, Senter, Jinks, LeBel and Mayor Thomas voted "aye"; Councilmember Brooks "abstained".

Councilmember LeBel made a motion to approve the purchase of additional tires for 4 LAMPTPO vehicles in the amount of \$10,724.00 from Truck Tire Center of Knoxville. This will be 100% reimbursed by using the remaining ARRA funds. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

Councilmember LeBel made a motion to open the agenda to add an item. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks "abstained"; and Mayor Thomas voted "no".

Councilmember LeBel made a motion that the City of Morristown request that the Morristown Utility Commission file a complaint with the Board of Professional Responsibility against attorney, Linda Noe, based on the affidavit of Christy Batts, Broadband Division Manager for Clarksville, TN and that the City of Morristown join this complaint. Councilmember Garrett seconded the motion and upon roll call: Councilmembers Garrett, Jinks, Bivens, LeBel and Senter voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

Councilmember Senter submitted the following statement dated February 7, 2012 addressed to the Mayor, City Councilmembers, and Citizens of Morristown:

Following the newscast last week on Channel 8, I feel it necessary to explain what the 2001 Referendum actually did. Morristown does not need additional propaganda and misrepresentation, and I feel it is the responsibility of the City Council to present the facts.

**2001 - Referendum: Legislative Action on Private Act - May 4, 2001  
House Bill No. 1338 - Senate Bill No. 1613**

1. Change the name of the Board of Electric Light and Waterworks Commissioners  
\*Action: The Board was designated the Morristown Utilities Commission
2. A. Expand the commission  
\*Action: The Commission shall consist of 5 persons
2. B. Expand the authority of the commission  
\*Action: Said Utilities Commission shall have authority to manage and control the electric power and water utilities and subject to city council approval, all other municipal utilities (telecommunications, natural gas, ISP and CATV services, and any other utility service) of the City of Morristown, Tennessee, except sewer, which are both within and without the corporate limits of the City ....



3. Change the terms of office

\*Action: Persons serving on the Commission will serve 5 year terms

4. Provide a method of appointment and a method to fill vacancies

\*Action: Prior to the first day of July 2001 and prior to the first day of July in each succeeding year, the commissioners shall submit to the mayor a list of three (3) nominees *for* the commission seat expiring as of July 31. The mayor shall within thirty (30) days of submission select one (1) name for nomination from the three (3) submitted.

And I quote:

"A majority vote of the city council shall be necessary for the election of such nominee."

**Note: Source of information: House Bill No. 1338 - Senate Bill No. 1613**

\*The main focus of the 2001 Referendum was to allow MUS to go into the telecom business.

\*The 2001 Referendum increased the size of the MUC Board from 3 to 5 members and terms to 5 years.

\*The 2001 Referendum states: "A majority vote of the city council shall be necessary for the election of such nominee" to the MUC Board.

\*\*Process:

\*\*MUC submits a list of 3 nominees for MUC Board seat expiring July 31<sup>st</sup> of each year.

\*\*Mayor selects one name from the three (3) nominees submitted to present to City Council.

\*\*The City Council then votes to approve or to disapprove the nominee presented by the Mayor.

\*\*Again - and I quote: "A majority vote of City Council shall be necessary for the election of such nominee".

Remarks:

According to the 2001 Amendment to the City Charter, the Mayor is charged to select one nominee from the list of three to put to a vote of City Council. The Mayor does not act on his own. He should act in concordance with the members of City Council.

The Council is not trying to change the Referendum. The Council is trying to enforce the appointment process enacted by the Referendum. The Mayor is forcing the City Council to send legislation to Nashville. Five members of this Council would like to see the appointment issue resolved so that we can move forward. It is unfortunate that the appointment of a member to the MUC Board has been prolonged by the Mayor because he does not acknowledge that a majority vote of City Council stands.

The Mayor initiated the idea of the Morristown Utility Commission operating the sewer. In

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fact, when talking with several of the nominees, the Mayor asked if nominated and elected to serve on the MUC Board would they support the MUC operating the sewer system. The language in the legislation before Nashville changing the ability of the MUC to operate sewer is based upon the Mayor's statements to Councilmembers about the MUC operating the sewer. In addition, the Mayor has asked MUC Board nominees if they would support the operation of sewer by MUC If they were appointed to the MUC Board.

The language in the legislation pertaining to sewer in no way says that MUC will operate the sewer. The language will allow the MUC to operate the sewer system only with prior approval of City Council.

It is the responsibility of the Mayor and City Council to determine how to work together in the best interest of the public. All members of City Council, including the Mayor, were elected to make the difficult decisions to determine the best course of action on issues before the Council.

As I have said before, in 2001, I debated Mayor John Johnson and Bill Swann, Morristown Utility CEO, about the requirement of City Council voting to approve or disapprove the Mayor's nominee to the MUC. I said then that the process was setting the Council and Mayor up for conflict.

The individuals serving as Mayor since 2001 are Mayor John Johnson, Mayor J.B. Shockley, Mayor Gary Johnson, Mayor Sami Barile, and now Mayor Danny Thomas. In sixteen (16) years only one time did the Council vote to disapprove the Mayor's nominee. Mayor John Johnson had one nominee disapproved. Acknowledging that a majority vote of Council was required to approve the Mayor's nominee, at the next Council meeting Mayor John Johnson presented a nominee that Council voted to approve. Only one time in sixteen (16) years [and four (4) Mayors] has the process had to be repeated. And now at 16 1/2 years we are at this point in the process.

Mayor, it is time to sit down and talk.

Respectfully Submitted,

Kay Senter  
Mayor Pro Tem  
City of Morristown  
Morristown, Tennessee

Mayor Thomas adjourned the February 7, 2012 meeting.

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MAYOR

February 7, 2012

ATTEST

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CITY ADMINISTRATOR