

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
May 1, 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, May 1, 2012 with the Honorable Mayor Danny Thomas presiding and the following Councilmembers present: Bob Garrett, Chris Bivens, Kay Senter, Claude Jinks, Paul LeBel and Gene Brooks.

Dr. Ruth Carpenter, Associate Pastor of Gateway Church and Master Chaplain Morristown Police Department, lead in the invocation and Councilmember Jinks led in the "Pledge of Allegiance".

Councilmember LeBel made a motion to approve the April 17, 2012 minutes as circulated. Councilmember Jinks seconded the motion and upon roll call; all voted "aye".

Mayor Thomas presented a Proclamation to Todd Morgan, of Crossroads Development Partnership, recognizing May 2012 as National Preservation Month.

Mayor Thomas presented a Proclamation to Jody Wigington, General Manager of Morristown Utility System, recognizing the Morristown Utility Commission for earning and receiving the Reliable Public Power Provider recognition from the American Public Power Association.

A Public Hearing was held on the following captioned Ordinance No. 3419.13. The following people spoke in regards to Ordinance No. 3419.13: Rev. Nigel Marlin Reid, Sr.

Councilmember Jinks made a motion to approve Ordinance No. 3419.13 on second and final reading. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

Ordinance No. 3419.13

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 \$17,300 for the Assistance to Firefighters Grant.

A Public Hearing was held on the following captioned Ordinance No. 3440.

Councilmember Senter made a motion to approve Ordinance No. 3440 on second and final reading. Councilmember Brooks seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3440

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. {Rezoning of property located at 2600 Davy Crockett Parkway (Hamblen County Tax Map 17, Parcel 22.05) from Medium Density Residential (R-2) to Intermediate Business (IB).}

Councilmember Jinks made a motion to approve Resolution No. 13-12. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

Resolution No. 13-12

A Resolution of the City Council of Morristown, Tennessee, Respecting a Ratification of Private Chapter No. 44 Which is Senate Bill No. 3788 of the 107th General Assembly.

BE IT RESOLVED by the City Council for the City of Morristown, Tennessee that Private Chapter No. 44 which is Senate Bill No. 3788 of the 107th General Assembly is hereby ratified by a two-thirds majority vote of said City Council.

An Act to amend Chapter 392 of the Acts of 1901; as amended by Chapter 198 of the Private Acts of 1947 and Chapter 7 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the Board of Electric Light and Waterworks of the City of Morristown, Tennessee.

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

SECTION 1. 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 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 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 2. 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 3. 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 2.

SENATE BILL NO. 3788

PASSED: March 19, 2012

Ron Ramsey
Speaker of the House

Beth Harwell, Speaker
House of Representatives

APPROVED this 4th day of April, 2012

Bill Haslem
Governor

FURTHER RESOLVED, that the Mayor give notice to the Secretary of State for the State of Tennessee that this ratification vote was approved by a two-thirds majority vote of the City Council.

Passed in regular meeting of City Council this 1st day of May, 2012.

Those voting for approval
Councilmember Garrett
Councilmember Bivens
Councilmember Senter

Those voting to disapprove
Councilmember Brooks
Mayor Thomas

Councilmember Jinks _____

Councilmember LeBel _____

Mayor

ATTEST:

City Administrator, Anthony Cox

Councilmember LeBel made a motion to approve Resolution No. 14-12. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

**Resolution No. 14-12
A Resolution of the City Council of Morristown Tennessee, Respecting
Ratification of Private Chapter No. 52 Which is Senate Bill No. 3787 of the
107th General Assembly.**

BE IT RESOLVED by the City Council for the City of Morristown, Tennessee that Private Chapter No. 52 which is Senate Bill No. 3787 of the 107th General Assembly is hereby ratified by a two-thirds majority vote of said City Council.

AN ACT to amend Chapter 392 of the Acts of 1901; as amended by Chapter 7 of the Private Acts of 2001; and any other acts amendatory thereto, relative to filling vacancies on the Board of Electric Light and Waterworks of the City of Morristown,

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

SECTION 1. 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 1(b) in their entirety and adding the following language as a new subsection (c):

(c)(1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall within thirty (30) days of submission of such nominees select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of

such nomination to the City Council, the nominee shall be deemed elected.

(2)(A) In the event that the City Council takes action within such thirty (30) day period but a nominee **does** not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the Mayor of three (3) nominees, which may include two (2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.

(B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (A), a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (A), the provisions of subdivision (3) shall take effect.

(3)(A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st. Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

(B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.

(4) *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 in subdivision (1) through (3) for nominations, and the commission shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.*

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or non-approval shall be proclaimed by the presiding officer of the City of Morristown and certified to the

secretary of state.

SECTION 3. 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 as provided in Section 2.

SENATE BILL NO. 3787

PASSED: April 4, 2012

Ron Ramsey
Speaker of the House

Beth Harwell, Speaker
House of Representatives

APPROVED this 18th day of April, 2012

Bill Haslem
Governor

FURTHER RESOLVED, that the Mayor give notice to the Secretary of State for the State of Tennessee that this ratification vote was approved by a two-thirds majority vote of the City Council.

Passed in regular meeting of City Council this 1st day of May, 2012.

Those voting for approval

Those voting to disapprove

Councilmember Garrett

Councilmember Brooks

Councilmember Bivens

Mayor Thomas

Councilmember Senter

Councilmember Jinks

Councilmember LeBel

Mayor

ATTEST:

City Administrator, Anthony Cox

Councilmember Jinks made a motion to approve Resolution No. 15-12. Councilmember LeBel seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Jinks and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

**Resolution No. 15-12
A Resolution of the City Council for the City of Morristown, Tennessee,
Affording Council Members Certain Privileges Regarding Access to Public
Records.**

WHEREAS, neither the City's Open Records Policy nor the state's Open Records Act codified in T.C.A. § 10-7-504, et seq. provide a distinction for access to public records between Council Members and other citizens of our state; and

WHEREAS, the City Council acknowledges that in the course of service to the City, Council Members may occasionally need additional information in the form of city records not routinely provided to members of Council; and

WHEREAS, the Council wishes to provide for reasonable access to public records for Council Members who, on occasion, need additional records in furtherance of performing their duties, while being mindful of the expense involved in reproducing voluminous copies of records.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Each Council Member shall be allowed up to fifty copies of non-routine city information per month without charge;

FURTHER RESOLVED, that each Council Member shall be charged at the same rate charged to other citizens of Tennessee for copies per month in excess of fifty.

FURTHER RESOLVED, that the charges provided for herein shall not apply to copies furnished to all Council Members by staff as a routine part of conducting the City's business.

PASSED IN REGULAR SESSION OF COUNCIL THIS 1ST DAY OF MAY, 2012.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Councilmember Bivens made a motion to approve Ordinance No. 3441 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 15, 2012. 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”.

**Ordinance No. 3441
Being an Ordinance Amending Ordinance No. 2327 Regarding City Council pay.**

Councilmember Jinks made a motion to approve Ordinance No. 3419.14 on first reading and schedule a public hearing relative to final passage of said Ordinance for May 15, 2012. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3419.14
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 \$22,585 for Grant Revenues for Police Salaries and Expenditures.**

Councilmember Jinks made a motion to approve the TDOT contract for the Rehabilitation of Walters Drive from North Economy Road to Cherokee Drive; the contract is for \$500,000 with a local match of \$100,000. Councilmember LeBel seconded the motion and upon roll call; all voted “aye”.

Councilmember Senter made a motion to approve a Change Order to Southern Constructors, Inc. for WITT Pump Stations Rehabilitation in the amount of \$15,904.78 bringing the total contract price to \$1,144,667.40. Councilmember LeBel seconded the motion and upon roll call; all voted “aye”.

Councilmember LeBel made a motion to approve Council Sponsorship of the 18th hole for the new disc golf course at Frank Lorino Park for \$1,000 to be paid from Council contingency. Councilmember Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember LeBel made a motion to reject the Mayors nomination of Randy Harville to the Morristown Utility Commission. 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”.

City Council Convened as Beer Board

Councilmember Senter made a motion to approve an off-premise permit for Jay Varahi Mata, Inc. DBA A.J. Marathon located at 2224 West Andrew Johnson Highway. Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve an on-premise permit for O'Charley's, LLC; DBA O'Charley's located at 3414 West Andrew Johnson Highway with the permit effective date of May 14, 2012. Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

City Administrator Tony Cox advised Council of the following budget appropriate line item transfers:

- Transfer of \$5,000 from Building & Grounds 110-43120-429 (General Operating Supplies) to 110-43120-419 (Small Tools & Equipment).
- Transfer of \$50,000 from Building & Grounds 110-43120-342 (Water & Sewer) to 110-43120-343 (Natural Gas).
- Transfer of \$30,000 from Building & Grounds 110-43120-342 (Water & Sewer) to 110-43120-345 (Telephone).
- Transfer of \$5,000 from Building & Grounds 110-43120-342 (Water & Sewer) to 110-43120-330 (Legal Notices).
- Transfer of \$200 from Community Development 110-41750-411 (Office Supplies) to 110-41750-429 (General Operating Supplies).
- Transfer of \$7,000 from Human Resources 110-41650-378 (Education Seminars & Training) to 110-41650-215 (Employee Education & Training).
- Transfer of \$1,000 from Human Resources 110-41650-378 (Education Seminars & Training) to 110-41650-383 (Travel & Business Expense).
- Transfer of \$2,000 from Human Resources 110-41650-378 (Education Seminars & Training) to 110-41650-399 (Other Contracted Services).
- Transfer of \$1,000 from Human Resources 110-41650-378 (Education Seminars & Training) to 110-41650-413 (Office Equipment).

Mayor Thomas adjourned the May 1, 2012 meeting.

MAYOR

ATTEST:

CITY ADMINISTRATOR