

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 21, 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, August 21, 2012 with the Honorable Mayor Danny Thomas presiding and the following Councilmembers present: Gene Brooks, Bob Garrett, Chris Bivens, Paul LeBel and Kay Senter.

Kenny Conner, Morristown Police Department Chaplain and Pastor of Centenary United Methodist Church lead in the invocation and Councilmember Brooks led the "Pledge of Allegiance".

Councilmember LeBel made a motion to approve the August 7, 2012 minutes as circulated. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Brooks made a motion to open the agenda. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to amend Resolution No.19-12 by adding CASA (Court Appointed Special Advocate) and allocating \$2,000 from the \$4,750 originally allocated to the Daily Bread. Councilmember Brooks seconded the motion and upon roll call; all voted "aye".

RESOLUTION NO. 19-12

A RESOLUTION AUTHORIZING THE DISBURSEMENT TO THE ALPS, BOYS & GIRLS CLUB INC, CEASE, CHILD ADVOCACY, ~~DAILY BREAD~~, GIRLS INC., HELPING HANDS, KAB, MATS, M-H CHILD CARE CENTERS, NEW HOPE RECOVERY, ROSE CENTER, SENIOR CITIZENS CENTER, SENIOR CITIZENS HOME ASSISTANCE, STEPPING OUT, YOUTH EMERGENCY SHELTER, BOYS & GIRLS CLUB SWIM TEAM, TENNESSEE ACHIEVES, CROCKETT TAVERN, DIVERSITY TASK FORCE AND CASA OF THOSE FUNDS ALLOCATED TO THESE NON-PROFIT CHARITABLE AND CIVIC ORGANIZATIONS IN THE CITY OF MORRISTOWN'S 2012/2013 FISCAL YEAR BUDGET.

WHEREAS, as a part of its annual budget process the City of Morristown allocates to be disbursed to deserving non-profit charitable and civic organizations; and,

WHEREAS, as a part of the city of Morristown's budget adopted for the 2012/2013 fiscal year Two Hundred Fifty Six Thousand Seven Hundred Dollars (\$256,700) were allocated to be disbursed to the ALPS, Boys & Girls Club Inc., CEASE, Child Advocacy, ~~Daily Bread~~, Girls Inc., Helping Hands, KAB, MATS, H-H Child Care Centers, New Hope Recovery, Rose Center, Senior Citizens Center, Senior Citizens

Home Assistance, Stepping Out, Youth Emergency Shelter, Boys & Girls Club Swim Team, Tennessee Achieves, Crockett Tavern, Diversity Task Force and CASA; and,

WHEREAS, the City of Morristown in accordance with Tennessee Code Annotated 6-54-111 does hereby pass this Resolution authorizing the disbursement to these non-profit charitable and civic organizations of the funds appropriated and budgeted for their use and benefit in the City of Morristown's 2012/2013 fiscal year budget; and,

WHEREAS, it is in the best interest and welfare of the citizens and residents of the City of Morristown that this Resolution shall be passed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, meeting in regular session on this the 19th day of June, 2012, with a lawful quorum of said Council being present and with a majority of said Council voting in the affirmative as follows:

1. That the Two Hundred Fifty Six Thousand Seven Hundred Dollars (\$256,700) appropriated and budgeted by the City of Morristown Council in its 2012/2013 fiscal year budget for the use and benefit of deserving non-profit charitable and civic organizations shall be disbursed and is authorized to be disbursed as follows:

ALPS	\$9,500.00
Boys & Girls Club	\$15,675.00
CEASE	\$16,625.00
Child Advocacy	\$950.00
Daily Bread	\$4,750.00
Girls Inc.	\$11,400.00
Helping Hands	\$7,125.00
KAB	\$19,950.00
MATS	\$16,625.00
M-H Child Care Centers	\$22,800.00
New Hope Recovery	\$4,750.00
Rose Center	\$11,875.00
Senior Citizens Center	\$47,500.00
Senior Citizens Home Assistance	\$4,750.00
Stepping Out	\$1,425.00
Youth Emergency Shelter	\$30,875.00
Boys & Girls Club Swim Team	\$10,000.00
Tennessee Achieves	\$5,000.00
Crockett Tavern	\$8,125.00
Diversity Task Force	\$7,000.00
CASA	\$2,000.00

2. This Resolution shall be effective from and after its adoption.

PASSED on the 19th day of June, 2012.

MAYOR

ATTEST:

CITY ADMINISTRATOR

AMENDED on the 21st day of August, 2012.

MAYOR

ATTEST:

CITY ADMINISTRATOR

The following options were voted on by roll call regarding Resolution No. 21-12 Creating a Municipal Airport Commission and Prescribing its powers and duties.

2. Members

b. Method of selection of members.

Option 1: Terms are determined by Council by highest votes.

Councilmembers Garrett and Mayor Thomas voted "aye"; Councilmembers Brooks, Bivens, LeBel and Senter voted "no".

Option 2: Terms are determined by Commission.

Councilmembers Garrett, Bivens, LeBel and Senter voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

5. Funds for the Commission's Use

Option 1: Separate bank account.

Mayor Thomas voted "aye"; Councilmembers Brooks, Garrett, Bivens, LeBel and Senter voted "no".

Option 2: Commission will keep record of all revenues and expenditures.

Councilmembers Garrett, Bivens, LeBel and Senter voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

Councilmember LeBel made a motion to approve Resolution No. 21-12. Councilmember Garrett seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter and LeBel voted "aye"; Councilmember Brooks and Mayor Thomas voted "no".

RESOLUTION NO: 22-12

BEING A RESOLUTION CREATING A MUNICIPAL AIRPORT COMMISSION AND PRESCRIBING ITS POWERS AND DUTIES.

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MORRISTOWN, TENNESSEE, AS FOLLOWS:

1. Created.

There is hereby created, pursuant to T.C.A. § 42-5-112 a Commission to be known as the Morristown Municipal Airport Commission.

2. Members.

a. Terms and qualifications

The municipal airport Commission shall be composed of five (5) citizens who are qualified electors of the city **or** Hamblen County. At least one (1) of the members shall be experienced in aviation, holding some type of pilot aeronautical rating, or having aeronautical experience, or presently being an owner of an aircraft. At least fifty percent

of the regular members of the Commission shall be City residents. Regular members of the Commission shall be appointed by the city council for five year terms, except that the initial terms shall be staggered. The initial members of the Commission shall serve terms of one, two, three, four and five years respectively. Thereafter, all terms shall be for five years. Terms shall begin on September 1, 2012. Commission members may be removed from office by a two-thirds majority vote of city council. Additionally, the City Administrator shall be an ex-officio member of Commission.

b. Method of selection of members.

Each council member may make a single nomination for a member of the Commission. From this list of seven, the council shall vote by paper ballot (identified by name of each council member) for up to five members. In the event that less than five members are appointed in the first round of voting, subsequent rounds of voting shall take place until five Commissioners are duly appointed.

Members of the original Commission shall have terms ranging from one year to five years, such that terms will be staggered. The Commission shall select its members to fill the respective terms.

Thereafter, all terms shall be for five years, and the expired terms as well as vacancies on the Commission shall be filled by majority vote of city council.

3. Meetings.

The municipal airport Commission shall meet at least quarterly, but other meetings may be held at any time by the Commission or upon the call of the Chairman of the Commission or by a majority of the Commission members. Meetings may be held at the Morristown Regional Airport.

4. Powers and duties.

Subject only to any limitations set forth herein, the municipal airport Commission shall have all the powers and duties of a municipality provided by Chapter 5, Title 42 of T.C.A., including, but not by way of limitation, the following:

To plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the territorial limits of such municipality and within or without the territorial boundaries of this state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods and commodities as an incident to the operation of its airport properties. For such purposes, the municipality may use any available property that it may now or hereafter own or control and may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including navigation easements and easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient

operation of the airport or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards.

5. Funds for the Commission's use.

The municipal airport commission shall keep a record of all revenues and expenditures of the airport, its related properties and facilities, and shall submit monthly reports to the mayor and city council. It shall be the duty of the municipal airport commission to cause an annual audit of the financial affairs of the airport to be conducted by certified public accountants. The accountants will prepare an annual audit report showing receipts and disbursements in all the airport funds, the status of the airport's bonded debt, if any, and any other detail necessary to present the complete financial condition of the airport. The audit report shall be filed by the airport commission with the city administrator not later than sixty (60) days following close of the previous calendar year. The commission shall furnish such other reports, data, and information as may be requested by the city administrator, mayor, or the council.

6. Fiscal procedures.

The municipal airport commission is subject to all fiscal procedures of the city.

7. Budget.

The municipal airport commission shall submit to the city annually, not later than February 1 of each year, its budget for the following year. The budget will show estimated revenue, expenditures, and fund balances for the following year. The city council may approve, disapprove or modify the budget as it deems appropriate.

8. Specific powers.

There is hereby delegated to the Commission the authority to enforce all state and federal regulations as relates to airports. Said Commission shall have the authority to enter into agreements with the Tennessee Aeronautics Commission, Federal Aviation Agency, and the United States Government or the State of Tennessee, or any administrative body under either of the aforesaid entities, for the purpose of planning, acquiring, establishing, developing, construction, enlarging, improving, operating, regulating, protecting, and policing the airport appurtenances and facilities related thereto owned by the City of Morristown, Tennessee, and in addition thereto it shall have the following power and authority:

(1) Expenditures. The total expenditures to be made by Commission for any purpose in any fiscal year shall be determined by its budget approved by City Council on or before February 1, of each year.

(2) Acquisitions beyond sums allotted. No airport, air navigation facility, airport hazard, navigation easement, or real or personal property, the cost of which is in the excess of sums allotted in the annual budget, may be acquired by the Commission without the prior approval of the City Council.

(3) Eminent domain. Eminent domain proceedings under Tennessee Code Annotated, §§ 42-5-201 and 42-5-205 may be instituted only by authority of the City Council, which authority may be by resolution or ordinance, provided that the

Commission may, without such consent, enter into the contract, lease or other arrangements contemplated by Tennessee Code Annotated, § 42-5-110.

(4) Disposal of real property. The Commission shall not dispose of any airport navigation facility, navigation easement, or real property under its jurisdiction except with the consent of City Council, provided that the Commission may, without such consent, enter into the contract, lease, or other arrangements contemplated by Tennessee Code Annotated, § 42-5-110.

(5). Police regulations. Any resolutions, rules, regulations, or orders of Commission, dealing with subjects authorized by Tennessee Code Annotated, § 42-5-113 shall become effective only upon approval of the City Council,

(a) Granting the privilege of using or improving such airport or air navigation facilities, including buildings or structures, or any portion of facility thereof, relating thereto, or real property acquired or set aside for such purposes, or space therein for commercial purposes, establishing the charges, rentals or fees at a fixed or variable rate binding upon the parties thereto for the full term of such contracts, leases, agreements, grants or other arrangements.

(b) Conferring the privileges of supplying goods, commodities, things, services or facilities at such airport or air navigation facilities.

(c) Determining the charges, rentals or fees for the use of any properties under its control and the charges for any services or any property may be used, except that such charges, rentals and fees as may be fixed or determined by any contract, lease agreement, grant or other arrangement or privileges, uses, services, accommodations or concessions to which the cities are a party, or are the grantors, shall, if expressly provided therein, be binding upon all parties thereto for the full term prescribed therein, unless the same is sooner nullified or terminated by mutual consent of the parties thereto.

(d) To enforce the payment of any charges for repairs or improvements to, or storage or care of, any personal property made or furnished in connection with the operation of the airport or air navigation facilities owned by the City. The Commission shall not dispose of any airport property or facilities except with the consent of the City Council.

(e) The enumeration of powers herein shall not be construed as a limitation upon the power of said Commission, but the Commission shall have full and complete authority to carry out the purposes of this chapter and as vested in it by the laws of the State of Tennessee and this Resolution.

9. Municipal Operations.

In operating an airport or air navigation facility owned, leased or controlled by a municipality, the Commission may, except as may be limited by the terms and conditions of any grant, loan or agreement pursuant to § 42-5-119, enter into contracts, leases, agreements, grants or other arrangements for a term not exceeding ten years, with any person or persons, either exclusively or in common with others; provided, that the public is not deprived of its rightful use of the airport or facility. The Commission may

enter into contracts with a term of more than ten years with the prior approval of the City Council;

(a) Granting the privilege of using or improving the airport or air navigation facility, including buildings or structures or any portion or facility thereof, relating thereto, or real property acquired or set aside for such purposes, or space therein for commercial purposes, establishing the charges, rentals or fees at a fixed or variable rate binding upon the parties thereto for the full term of the contracts, leases, agreements, grants or other arrangements;

(b) Making available services to be furnished by the municipality or its agents at the airport or air navigation facility; and

(c) Determining the charges, rentals or fees for the use of any properties under its control, and the charges for any services or accommodations, and the terms and conditions under which the properties may be used, except that any such charges, rentals and fees as may be fixed or determined by any contract, lease, agreement, grant or other arrangement or privileges, uses, services, accommodations or concessions to which the municipality is a party or is the grantor, shall, if expressly provided therein, be binding upon all parties thereto for the full term prescribed therein unless the term is sooner modified or terminated by mutual consent of the parties to such agreement.

(d) To enforce the payment of any charges for repairs or improvements to, or storage or care of, any personal property made or furnished by the municipality or its agents in connection with the operation of an airport or air navigation facility owned or operated by the municipality, the municipality shall have liens on the property that are enforceable by the municipality as provided by § 66-21-101.

10. Fiscal procedures.

The municipal airport Commission is subject to all fiscal procedures of the city.

11. Control of airport facilities and properties vested in Commission.

(a) Complete control, possession and charge of the city's municipal airport facilities and related properties are hereby vested in the municipal airport Commission. The Commission is designated as the party in succession to all contracts entered into for the benefit of the municipal airport.

(b) The Commission is designated as the party in succession to any and all funds, both federal and state, which have heretofore or may hereafter be granted to the city for the purpose of improving the municipal airport, as well as being designated as the party in succession to the city to receive any and all liquidated damages to the airport which have been heretofore agreed upon by the city and other parties.

(c) The Commission is designated as the party in succession to any and all rights of action which the city may have acquired in operation of the airport.

12. Delegation subject to Ordinances and Amendment Authority.

The delegation of these powers and duties to the Commission shall be in all respects, subject to the Ordinances of the city as they may from time to time be adopted or amended. The city reserves the right to amend this resolution from time to time in its sole discretion, including the right to amend the resolution to provide for abolishing the Commission. In the event the Commission is abolished, the city shall be vested with the powers, authority and obligations previously held by the Commission.

Passed in regular meeting of council on this 21st day of August, 2012.

MAYOR

ATTEST

CITY ADMINISTRATOR

Councilmember LeBel made a motion to approve Ordinance No. 3448 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 4, 2012. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3448

An Ordinance to Amend the Morristown Municipal Code, Title 14, Chapter 2. Zoning Ordinance by deleting Chapter 25, Mixed Use District (MUD), in its entirety and creating a new Chapter 25, Mixed Use District (MUD).

Councilmember LeBel made a motion to approve Ordinance No. 3449 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 4, 2012. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3449

An Ordinance to Amend the Morristown Municipal Code, Title 14, Chapter 2. Zoning Ordinance by deleting Chapter 2. General Zoning Provisions, Section 14-203. Definitions, Number 144; Chapter 4, RP-1 Planned Residential Development District, Section 14-404. Requirement for Each Development within a RP-1 District, Numbers 6 and 8 and Chapter 26 PCD Planned Commercial Development District, Section 14-2604. Requirement for Each Development within a PCD District, Number 6. (Open Space).

Councilmember Senter made a motion to approve Ordinance No. 3450 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 4, 2012. Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3450

An Ordinance to Amend the Morristown Municipal Code, Title 14, Chapter 2. Zoning Ordinance by creating a new Chapter 35, Regional Gateway Commercial District.

Councilmember LeBel made a motion to approve Ordinance No. 3451 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 4, 2012. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3451

An Ordinance to Amend the Morristown Municipal Code, Title 14, Chapter 2. Zoning Ordinance by deleting Chapter 16, (TA) Tourist Accommodation District, Section 14-1602. Uses Permitted and Section 14-1603. Uses Permitted on Review, in their entirety and substituting a new Section 14-1602. Uses Permitted on Review and Section 14-1603. Uses Permitted on Review.

Councilmember Brooks made a motion to approve Ordinance No. 3452 on first reading and schedule a public hearing relative to final passage of said Ordinance for September 4, 2012. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3452

An Ordinance to Close and Vacate Certain Rights-Of-Way Within the City of Morristown (Headrick Street).

Councilmember Senter made a motion to approve the County Inmate Labor Usage Agreement between the County of Hamblen and the City of Morristown. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to defer the Whitesburg Sewer Project Agreement between the Hamblen County Government and the City of Morristown until the September 4, 2012 Council Meeting. Councilmember Brooks seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to appoint the following as Reserve Police Officers: Andrew Slemp (Special Response Team medic), Dr. Bill Black (Special Response Team medic), Chris Bell (Emergency Management Agency Director) and Dale Griffie (Emergency Management Agency Assistant Director). Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel made a motion to re-appoint Dr. Fred Yarid as City Physician for a two (2) year term to expire September 1, 2014. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Mayor Thomas adjourned the August 21, 2012 meeting.

MAYOR

ATTEST:

CITY ADMINISTRATOR