

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
SEPTEMBER 18, 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, September 18, 2012 with the Honorable Mayor Danny Thomas presiding and the following Councilmembers present: Gene Brooks, Bob Garrett, Chris Bivens, Paul LeBel and Kay Senter.

Dr. Chris Dotson, Morristown Police Department Chaplain Church lead in the invocation and the "Pledge of Allegiance".

Councilmember LeBel made a motion to approve the September 4, 2012 minutes as circulated. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held on Ordinance No. 3453. The following people spoke regarding Ordinance No. 3453: Attorney Larry Churchwood and Rachel Carter.

Councilmember Senter made a motion that Ordinance Number 3453 be postponed and made a "special order" for the next regularly scheduled council meeting on October 2, 2012. (A special order motion requires a two thirds vote by council.) Councilmember Brooks seconded the motion and upon roll call; Councilmembers Brooks, Garrett and LeBel voted "aye"; Councilmembers Bivens, Senter and Mayor Thomas voted "no". Motion failed.

Councilmember Senter made a motion to approve Ordinance No. 3453 on second and final reading. Councilmember Garrett seconded the motion. Before votes were cast City Attorney Jessee advised council that a legal opinion was requested and received from Melissa A. Ashburn, Legal Consultant with MTAS regarding the impact of the citizen petition received regarding Ordinance No. 3453. The MTAS opinion letter stated that the 1927 Private Act would prevail over the General Law and that that Act is effective with respect to this rezoning request. If that be the case then to approve this ordinance it would require a four fifth majority vote, a super majority. Upon roll call; Councilmembers Brooks, Bivens, and Mayor Thomas voted "aye"; Councilmembers Garrett and Senter voted "no"; and Councilmember LeBel "abstained". Motion failed.

Ordinance No. 3453-FAILED

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. Rezoning of property located on Hamblen County Tax Map 41B, Group A, Parcels, 8, 16 and 2 from Single Family Residential (R-1), Planned Residential District (RP-1) and Intermediate Business (IB) to Planned Commercial District (PCD). (Masengill Springs)

Councilmember Brooks made a motion to approve Resolution #23-12. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

RESOLUTION NO. 23-12

**BEING A RESOLUTION OF THE CITY OF MORRISTOWN,
TENNESSEE AUTHORIZING EXTENSION OF THE CITY'S
CONTRACT WITH VEOLIA**

WHEREAS, the City of Morristown and Veolia are parties to a certain contract for the operation and maintenance services of the City's waste water treatment system; and

WHEREAS, the terms of the contract expired on June 30, 2012; and

WHEREAS, the parties mutually agreed to extend that contract for a period of 90 days beginning July 1, 2012 until September 28, 2012.

WHEREAS, an additional period beginning on September 29, 2012, is needed to complete negotiations on a new contract; and

WHEREAS, the parties wish to make certain changes to the contract to be effective during this extension period.

NOW, THEREFORE, be it resolved by the City Council of the City of Morristown, Tennessee that the above referenced contract with Veolia is extended for a period not to exceed November 30, 2012.

FURTHER RESOLVED, that the amended budget version no. 2 submitted by Veolia will be adhered to during the extension period, pending negotiations to finalize the pending contract with Veolia.

FURTHER RESOLVED during the extension period the City of Morristown will pay for all utilities directly, and certain administrative changes as discussed in budget meetings shall be implemented during the renewal period.

Passed this 18th day of September, 2012.

Mayor

ATTEST:

City Administrator, Anthony Cox

Accepted by:
VEOLIA WATER NORTH AMERICA

BY: _____
Date: _____

Councilmember LeBel made a motion to approve Ordinance No. 3454 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 2, 2012. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3454

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 3951 Maple Valley Road (Hamblen County Tax Map 48, portions of Parcel 73.00 and 76.00) with the Zoning Designation of agriculture (A-1). {Arrowhead Baptist Church}

Councilmember Senter made a motion to approve Ordinance No. 3455 on first reading and schedule a public hearing relative to final passage of said Ordinance for October 2, 2012. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3455

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. Rezoning of property located at 408 Walters Drive (Hamblen County Tax Map 330, Group E, Parcel 17.00) from Medium Density Residential (R-2) to Intermediate Business (IB).

Councilmember Bivens made a motion to award a bid to Secret City Chrysler Dodge Jeep for seven (7) Dodge Chargers to be used as Police pursuit vehicles in the amount of \$22,114 each with additional rear side window protection in the amount of \$179 each for a total price of \$156,051. Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel made a motion to award bids to the following vendors for Police/Fire Uniform(s): BKT Uniforms in the amount of \$1,161.20; Screen Designs in the amount of \$46.80 and Galls in the amount of \$269.57. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to award a bid to CMI Equipment Sales, Inc. for four hundred eight (408) 90 Gallon Curbside Semi-automated green roll out carts in the amount of \$63.95 each for a total price of \$26,091.60. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to award a bid to Municipal Equipment, Inc. for 2013 Freightliner 1085D/New Way Cobra 20 RL Refuse Collection Truck in the amount of \$128,935. Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to approve a Telecommunication Audit Participation Agreement between the City of Morristown and The Telecom Audit Group, LLC. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel made a motion to approve a Tennessee Department of Transportation Aeronautics Division Grant Contract for Apron Improvements in the amount of \$650,000. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel nominated Matt Sexton to serve as City Judge and Councilmember Senter nominated Mary Helms. Upon roll call vote for Matt Sexton; Councilmembers Brooks, Garrett, Bivens, LeBel and Mayor Thomas voted "aye"; Councilmember Senter voted "no". Matt Sexton was appointed City Judge.

Councilmember Bivens made a motion to approve the following six individuals as reserve police officers: Paul Brown (Senior Engineering Technician), Dwayne Cole (Industrial Sales Representative), Jerry Dillard (Retired), Donald Ellison (Emergency Medical – Ambulance), John Hudgens (Wildlife Technician) and Johnny Jarnigan (Press Operator). Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel made a motion to declare a 1994 Police Department vehicle {Chevrolet Caprice - VIN # 1G1BL52P3RR178574} as surplus property and authorizing transfer of ownership to the East Hamblen Volunteer Fire Department at the request of Chief Jordan. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember LeBel made a motion to approve an on-premise permit for Inferno Inc., LLC, DBA Club Inferno (Daniel Bickley), 709 S. Cumberland Street. Councilmember Brooks seconded the motion and upon roll call; all voted "aye"

Councilmember LeBel made a motion to approve an on-premise permit for El Toro, LLC, DBA El Toro Mexican Grill (Ivonne Aich {registered agent} and Alicia Zarate) 2550 E. Morris Blvd., Suite 20. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

City Administrator Tony Cox asked council to review the draft zoning amendment he distributed to them and the Draft Zoning Amendment Change regarding Traffic Impact.

Mayor Thomas adjourned the September 18, 2012 meeting.

MAYOR

ATTEST:

CITY ADMINISTRATOR