

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
JUNE 18, 2013**

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, June 18, 2013 with the Honorable Mayor Danny Thomas presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Paul LeBel and Gary Chesney.

Mark Campbell, Chaplain Morristown Police Department led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Alvis made a motion to approve the June 4, 2013 minutes as circulated. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held on Ordinance No. 3476. The following spoke during the Public Hearing: Linda Noe.

Councilmember Senter made a motion to approve Ordinance No. 3476 on second and final reading. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Alvis, Chesney and Mayor Thomas voted "aye"; Councilmember LeBel voted "no".

**Ordinance No. 3476**

**An Ordinance Establishing Expenditure Appropriations for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014 and Further Approving the City Administrator's Proposed Budget with Such Modifications as Deemed Necessary or Desirable by the Morristown Tennessee City Council for the Fiscal Year 2013/2014.**

A Public Hearing was held on Ordinance No. 3477. The following spoke during the Public Hearing: Linda Noe.

Councilmember Alvis made a motion to approve Ordinance No. 3477 on second and final reading. Councilmember Chesney seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Alvis, Chesney and Mayor Thomas voted "aye"; Councilmember LeBel voted "no".

**Ordinance No. 3477**

**An Ordinance to Fix the Rate for Ad Valorem Real and Personal Property Tax for the Tax Year of 2013.**

Councilmember Senter made a motion to approve Resolution No. 11-13. Councilmember Chesney seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Alvis, Chesney and Mayor Thomas voted "aye"; Councilmember LeBel voted "no".

**Resolution No. 11-13**

**"A Resolution Authorizing the Disbursement to the ALPS, Boys & Girls Club, Inc., CEASE, Central Services, Child Advocacy, Girls, Inc., Helping Hands, KAB, 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 Workforce Development of those funds allocated to these non-profit charitable and civic organizations in the City of Morristown's 2013/2014 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 2013/2014 fiscal year Two Hundred Forty Nine Thousand Seven Hundred Dollars (\$249,700) were allocated to be disbursed to the ALPS, Boys & Girls Club Inc., CEASE, Central Services, Child Advocacy, Girls Inc., Helping Hands, KAB, 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 WorkForce Development; 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 2013/2014 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 18<sup>th</sup> day of June, 2013, 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 Forty Nine Thousand Seven Hundred Dollars (\$249,700) appropriated and budgeted by the City of Morristown Council in its 2013/2014 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
Central Services	\$5,000.00
Child Advocacy	\$950.00
Girls Inc.	\$11,400.00
Helping Hands	\$7,125.00
KAB	\$19,950.00
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	\$7,500.00
Diversity Task Force	\$7,000.00
Workforce Development	\$10,000.00

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

PASSED on the 18<sup>th</sup> day of June, 2013.

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Mayor

ATTEST:

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City Administrator/Recorder

Councilmember LeBel made a motion to approve Resolution No. 12-13. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

**Resolution No. 12-13**

**Being a Resolution of the City Council for the City of Morristown Extending the Term of the Reverter Clause in Favor of Freedom Energy Diesel, LLC.**

WHEREAS, certain real property was conveyed from the City of Morristown to D4 Capital Holdings, L.L.C. on June 27, 2011, by instrument recorded in Deed Book1452 at page 264 in the Hamblen County Register's Office. That deed contained a "Reverter" clause in favor of the City requiring certain conditions to be met by Grantee on or before June 27, 2012. The clause is as follows:

"The larger portion of the consideration for this conveyance is the development of the property herein described. In the event Grantee shall not have in good faith begun the construction of improvements as approved by the Industrial Development Board of the City of Morristown, excluding grading and site preparation, by June 27, 2012 then, in that event, notwithstanding any provision of the Protective Covenants for the East Tennessee Progress Center to the contrary, the fee simple to said land shall revert to the City of Morristown at no cost to the City of Morristown and Grantee agrees to convey said premises to the City of Morristown in such event free and clear of all liens and encumbrances. Grantee agrees any and all other liens and encumbrances shall be subordinate to this right of reverter. The commencement of construction as herein defined shall render the right of reverter of the City of Morristown void and for nothing held."

AND WHEREAS, D4 Capital Holdings conveyed its interest in the property to Freedom Energy Diesel, LLC on February 14, 2012 by instrument recorded in the Hamblen County Register's office in Deed Book1480 at page 351.

AND WHEREAS, the "Reverter" was extended by the City through June 30, 2013 as set forth in an instrument dated June 19, 2012, and recorded in the Register of Deeds Office in Deed Book 1496, at page 588.

AND WHEREAS, Freedom Energy Diesel, LLC has requested that the City further extend the term of the Reverter and City is willing to do so only upon the following conditions:

The term of the reverter shall be extended through December 30, 2013, and provided that by December 30, 2013 Freedom Energy Diesel, LLC presents to the City and its Industrial Development Board clear evidence, including the lender's loan commitment letter acceptable to the City and its Industrial Development Board, that it has secured financing for the project, the term of the reverter shall be further extended through June 30, 2014. If Freedom Energy Diesel, LLC has, on or before June 30, 2014, begun in good faith the construction of the project improvements as approved by the lender and the Industrial Development Board of the City, excluding grading and site

preparations, then in that event the reverter shall become void and for nothing held. In the event either of these conditions are not met, then upon such failure, notwithstanding any provision of the Protective Covenants for the East Tennessee Progress Center to the contrary, the fee simple title to said land shall revert to the City of Morristown at no cost to the City.

NOW, THEREFORE, BE IT RESOLVED that the City of Morristown extends the Right of Reverter in favor of Freedom Energy Diesel, LLC contained in City's deed to D4 Capital upon the terms and conditions set forth hereinabove, and that an appropriate document be prepared by the City Attorney and recorded in the Register's Office for Hamblen County, Tennessee to evidence this extension.

PASSED IN REGULAR MEETING OF CITY COUNCIL THIS 18<sup>TH</sup> DAY OF JUNE, 2013.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

Councilmember LeBel made a motion to approve Ordinance No. 3478 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 2, 2013. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3478**

**An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. Rezoning of property located in Alpha Square at 5750 Old Highway 11E (Hamblen County Tax Map 48, Parcel 13.01) and Bulldog Lane (Hamblen County Tax Map 48, Parcel 13.15) from Medium Density Residential (R-2) to Intermediate Business (IB).**

Councilmember Chesney made a motion to approve Task Order(s) to Mattern & Craig. Task Order #2 includes project management & invoicing, survey, design, hydraulic analysis, and bidding services for the replacement of the Henry Street Bridge. Task Order #3 includes project management & invoicing, survey, design, and bidding services for the replacement of the superstructure of the West 2<sup>nd</sup> North Bridge. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to award a bid to M.G. Hall, LLC in the amount of \$210,043 for wastewater system improvements Jackson Street Sewer/Stormwater Replacement Project. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve Wastewater and Stormwater Program proposal(s) from Lamar Dunn & Associates. Projects are as follows: a) Proposed design fees for the stormwater projects White Wood Circle/Jaybird lump sum \$45,250; MLK Pond lump sum \$25,000; MAID ditch stabilization lump sum \$24,250; b) Administration services for construction Rosedale/Sulphur Springs lump sum \$20,000; Jackson Street ditch rehabilitation/Jackson Street Sewer replacement lump sum \$27,500\*; MAID #1 Willow Springs Pump Stations lump sum \$65,000; WWTP 3 A Sewer Rehabilitation lump sum \$47,500; c) Bidding services in accordance with Section IV of the March 7, 2012 Agreement Rosedale/Sulphur Springs lump sum \$5,000; Jackson Street lump sum \$5,000\*; MAID #1 Willow Springs Pump Stations lump sum \$5,000; WWTP 3 A Sewer Rehabilitation lump sum \$5,000; d) Resident Project Representation (RPR) Services and record drawings are in accordance with the stormwater master agreement (as task order number 4) and the wastewater contract of March 7, 2012 Rosedale/Sulphur Springs \$52,500 budget; Jackson Street Stormwater/Wastewater \$58,000 budget\*; MAID #1/Willow Springs Pump Stations \$195,000 budget; WWTP 3 A Sewer Rehabilitation \$137,500 budget (*\*fee to be split between stormwater and wastewater budget*). Councilmember LeBel seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to re-appoint Nancy Burnett to the Morristown-Hamblen Library Board for a three (3) year term to expire on July 1, 2016. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

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

- Transfer of \$5,000 from Patrol and Traffic 110-42120-383 (Travel) to 110-42120-378 (Seminars).

Mayor Thomas adjourned the June 18, 2013 meeting.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR