

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 6, 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, August 6, 2013, with the Honorable Mayor Danny Thomas presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis and Gary Chesney; absent; Paul LeBel.

Ruth Carpenter, Master Chaplain Morristown Police Department led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Senter made a motion to approve the July 16, 2013 minutes as circulated. Councilmember Chesney seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held on Ordinance No. 3482.

Councilmember Senter made a motion to approve Ordinance No. 3482 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3482

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B. Rezoning of a portion of 1425 Buffalo Trail (a portion of Hamblen County Tax Map 25P, Group C, Parcel 11.00) from Medium Density Residential (R-2) to Local Business (LB).

A Public Hearing was held on Ordinance No. 3476.01. The following spoke during the Public Hearing: Patrice Puglice, Rev. Nigel Marlin Reid, Sr. and Rebecca Nolson.

Councilmember Senter made a motion to approve Ordinance No. 3476.01 on second and final reading. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter and Chesney voted "aye"; Councilmember Alvis and Mayor Thomas voted "no".

Ordinance No. 3476.01

An Ordinance to Amend Ordinance Number 3476, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2013-2014 and Appropriate the Sum of \$3,575 for Stepping Out.

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

**RESOLUTION NO. 13-13
BEING A RESOLUTION OF THE CITY OF MORRISTOWN, TENNESSEE,
SETTING OUT SEWER SERVICE FEES AND CHARGES FOR OUTSIDE
CORPORATE LIMIT CUSTOMERS**

Be it resolved by the City Council for the City of Morristown, Tennessee that pursuant to the Morristown Municipal Code Section 18-409(8), the sewer use fee for outside corporate limit customers shall be eleven dollars (\$11.00), the MOM rate for outside corporate limit customers shall be seven dollars and thirty four cents (\$7.34) for a total rate of eighteen dollars and thirty four cents (\$18.34).

This Resolution shall take effect on September 1, 2013, the public welfare requiring the same.

Passed this 6th day of August, 2013.

Mayor

ATTEST:

City Administrator, Anthony Cox

Councilmember Chesney made a motion to approve Resolution No. 14-13. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**RESOLUTION NO 14-13
INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF
INDEBTEDNESS BY THE CITY OF MORRISTOWN, TENNESSEE, IN THE
AMOUNT OF NOT TO EXCEED \$20,000,000, BY THE EXECUTION WITH THE
PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE,
TENNESSEE, OF A LOAN AGREEMENT TO PROVIDE FUNDING FOR
CERTAIN SEWER SYSTEM PROJECTS, AND TO FUND THE INCIDENTAL
AND NECESSARY EXPENSES RELATED THERETO**

WHEREAS, it is necessary and in the public interest of the City of Morristown, Tennessee (the "Municipality"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement (a "Loan Agreement"), for the purpose of financing certain sewer system projects, as hereinafter more fully described.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morristown, Tennessee, as follows:

SECTION 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of the extension, construction, improvement, and equipping of the sewer system of the Municipality, the acquisition of all other property real and personal, appurtenant thereto or connected with such work, and to pay legal, fiscal, administrative, and engineering costs, reimbursement for expenditures related to the foregoing project, and to pay costs incident to incurring the Indebtedness (collectively, the "Project"), the Municipality is hereby authorized to incur Indebtedness in the amount of not to exceed Twenty Million Dollars (\$20,000,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a fixed rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably pledged. The indebtedness evidenced by the Loan Agreement shall be additionally payable from, but not secured by, the revenues of the sewer system, subject only to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring such sewer system and to a prior pledge of such revenues in favor of other obligations of the Municipality payable from revenues of the sewer system.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

SECTION 4. After the adoption of this Resolution, the City Recorder is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the Municipality.

SECTION 5. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Adopted and approved this the 6th day of August, 2013.

MAYOR

ATTEST:

CITY RECORDER

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Morristown, Tennessee, shall have been filed with the City Recorder of the City of Morristown, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE)
COUNTY OF HAMBLEN)

I, Anthony Cox, hereby certify that I am the duly qualified and acting City Recorder of the City of Morristown, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the City Council (the "Council"), of said Municipality held on August 6, 2013; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$20,000,000, by said Municipality; (4) that the actions by said Council including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Council was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 6th day of August, 2013.

CITY RECORDER

(SEAL)

Councilmember Senter made a motion to approve a Resolution in support of the Marketplace Fairness Act (S336 and HR 684). Motion died for lack of second.

Councilmember Senter made a motion to approve Resolution No. 15-13. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**RESOLUTION NO. 15-13
A RESOLUTION OPPOSING A REDUCTION OR ELIMINATION OF THE TAX
EXEMPTION ON MUNICIPAL BOND INTEREST.**

WHEREAS, tax-exempt municipal bonds are the primary means by which state and local governments finance three quarters of the critical infrastructure of our nation, including roads, bridges, hospitals, schools and utility systems; and

WHEREAS, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, Congress is considering many options available to reduce the federal deficit; and

WHEREAS, one option Congress is evaluating would reduce, phase out, or eliminate the exemption on municipal bond interest; and

WHEREAS, the federal tax exemption on municipal bond interest has been in place since the first federal income tax was enacted in 1913 having been maintained through two world wars, the Great Depression and the recent Great Recession, and as a result, state and local governments save, on average, two percentage points on their borrowing to finance investment in public infrastructure; and

WHEREAS, this exemption has generated trillions of dollars of investment in public infrastructure and has saved taxpayers hundreds of billions in interest costs; and

WHEREAS, investors in municipal bonds are generally exempt from paying federal income tax on the bond interest payments so even a partial income tax on otherwise tax-exempt interest would cause investors to demand higher returns on their municipal bond investments to make up for the tax they would have to pay; and

WHEREAS, the outcome of reducing or eliminating the tax exemption on municipal bond interest would be higher borrowing costs for state and local governments, less investment in infrastructure and fewer jobs;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Morristown, Tennessee, adopt this Resolution urging our United States Senators Alexander and Corker and the Tennessee Delegation to the United States House of Representatives, specifically Congressman Roe to strongly oppose any efforts by

Congress or the Administration to reduce or eliminate the tax exemption on municipal bond interest.

Passed this the 6th day of August, 2013.

Mayor

ATTEST:

City Administrator

Councilmember Chesney made a motion to approve Resolution No. 16-13. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

RESOLUTION NO. 16-13

A RESOLUTION FOR ISSUANCE OF CREDIT CARDS FROM FIRST TENNESSEE BANK AND ESTABLISHING A CREDIT CARD POLICY FOR THE CITY OF MORRISTOWN, TENNESSEE.

**CERTIFICATE AND RESOLUTION
REGARDING VISA PURCHASING CARD
ACCOUNT**

Name of Organization CITY OF MORRISTOWN

Street Address 100 WEST FIRST NORTH STREET, P.O. BOX 1499
MORRISTOWN, TENNESSEE 37816-1499

The undersigned certifies that he/she is the Secretary or recording officer of the above name Organization, and that the following is a true copy of a Resolution duly and regularly adopted on the 6th day of August, 2013 by the governing body of said Organization in full compliance with applicable law and all pertinent rules, bylaws and other such requirements, to-wit:

WHEREAS, this Organization desires financial accommodation from First Tennessee Bank National Association ("Bank") through the use of credit cards by designated persons for and in connection with the business of this Organization; and

WHEREAS, the Board of Directors or governing body of this Organization has reviewed the terms and provisions of the Purchasing Credit Card Account Agreement

regularly used by the Bank (the "Purchase Card Agreement") and desires to enter into a Purchase Card Agreement with Bank.

NOW, THEREFORE, BE IT RESOLVED by this Board of Directors or governing body that:

1. The Mayor_(title) of this Organization is authorized to execute and deliver for, and in the name of this Organization, a Purchasing Card Agreement with Bank, which will have a binding effect upon the Organization.
2. The Company will be bound by all of the terms and provisions of the Purchasing Card Agreement; and Company will duly inform each cardholder of such terms and provisions of the Agreement as is applicable to cardholders.
3. Bank is and shall be fully authorized to rely and act upon said Purchase Card Agreement, and upon directions from time to time given by the Administrative Services Director (title) of this Organization in all matters relating to issuance of Purchasing Cards for the account of this Organization and use of same by its personnel in accordance with said Purchasing Credit Card Agreement, including but not limited to the number of cards to be issued, the persons designated to receive and use same, and any changes of personnel among those thus designated.

WITNESS my hand and Seal of said Organization this 6th Day August, 2013.

Mayor

ATTEST:

City Clerk

Councilmember Senter made a motion to approve Ordinance No. 3483 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3483
An Ordinance Amending Title 18 of the Morristown Municipal Code. [Water & Sewers, regarding fees and usage amounts.]**

Councilmember Alvis made a motion to approve Ordinance No. 3443.07 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Bivens seconded the motion and upon roll call; all voted "aye"

Ordinance No. 3443.07

An Ordinance to Amend Ordinance Number 3443, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2012-2013 and Appropriate the Sum of \$111,000 for Year End Budget Amendment for General Fund.

Councilmember Chesney made a motion to approve Ordinance No. 3443.08 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Alvis seconded the motion and upon roll call; all voted "aye"

Ordinance No. 3443.08

An Ordinance to Amend Ordinance Number 3443, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2012-2013 and Appropriate the Sum of \$136,000 for Year End Budget Amendment for LAMPTO.

Councilmember Bivens made a motion to approve Ordinance No. 3443.09 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Senter seconded the motion and upon roll call; all voted "aye"

Ordinance No. 3443.09

An Ordinance to Amend Ordinance Number 3443, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2012-2013 and Appropriate the Sum of \$410,000 for Year End Budget Amendment for Sewer.

Councilmember Bivens made a motion to approve Ordinance No. 3443.10 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Alvis seconded the motion and upon roll call; all voted "aye"

Ordinance No. 3443.10

An Ordinance to Amend Ordinance Number 3443, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2012-2013 and Appropriate the Sum of \$30,000 for Year End Budget Amendment for Sanitation.

Councilmember Alvis made a motion to approve Ordinance No. 3443.11 on first reading and schedule a public hearing relative to final passage of said Ordinance for August 20, 2013. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3443.11

An Ordinance to Amend Ordinance Number 3443, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2012-2013 and Appropriate the Sum of \$698,000 for Year End Budget Amendment for Insurance Fund.

Councilmember Bivens made a motion to approve Tennessee Department of Transportation (TDOT) Contract for Various Intersections within LAMPTO urbanized area, Morristown, Hamblen County. PIN: 118903.00, Federal Project #: STP-M-9113(20), State Project #: 32LPLM-F#-047, Contract: 130127. {Way finding.} Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve change order #1 (final) to Haren Construction Co for Wastewater Treatment Plant Improvements, Solids Handling Improvements; Original Contract Price \$597,000 net increase of this change order \$628.04, Contract Price with approved change orders \$597,628.04. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve following change order #1 to Whaley & Sons, Inc. for Storm Drainage Improvements Fall Creek ETVID South Drainageway in the amount of \$10,295 and Sinkhole Repair Fall Creek ETVID South Drainageway for a not-to-exceed budget of \$10,000; Original Contract Price \$496,701, net increase of this change order \$20,295, Contract Price with approved change orders \$516,996. Councilmember Chesney seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to approve change order #2 to M.G. Hall, LLC for Storm Drainage Improvements, North Fairmont Avenue; Contract Price prior to this Change Order \$136,577, net increase of this change order \$3,312, Contract Price with approved change orders \$139,889. Councilmember Alvis seconded the motion and upon all call; all voted "aye".

Councilmember Chesney made a motion to approve the purchase of fifteen (15) Mobile Data Terminal (MDT's) from CDW Government in the amount of \$38,400 for replacements in Police Vehicles. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion accept an increase in price for one Ford F-250 Truck to be utilized by the Public Works Department as a service truck. The price approved at the July 17, 2013 council meeting was for a 2013 truck for the price of \$26,165 upon placement of order the city was advised that only 2014 models were available bringing the price of the truck to \$28,939. Councilmember Chesney seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to table the acceptance of Parks & Recreation Directors recommendations for appointment to the Morristown Parks and

Recreation Advisory Board. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Garrett made a motion to reject Mayor Thomas's nomination of Jim Sexton to the Morristown Utility Commission for a five year term to expire on August 1, 2018. Councilmember Bivens seconded the motion and upon roll call; Councilmembers Garrett, Bivens, Senter, Alvis and Chesney voted "aye"; Mayor Thomas voted "no".

Councilmember Bivens made a motion to accept Fire Chief Honeycutt's recommendation and hire Steven Cooper and Zachary Kilby as entry level firefighters. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to confirm Police Chief Overholt's recommendation of disciplinary action. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember Chesney made a motion to schedule a public hearing on August, 20, 2013 relative to the approval of a new taxi service franchise, to be owned by J.C. Rodriguez, DBA JNJ Taxi at 209 Main Street, Suite B. 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(s):

- Transfer of \$125 from 124-46110-359 (Other Professional Services) to 124-46111-581 (Charges/Gen Government).
- Transfer of \$2021 from 124-46110-359 (Other Professional Services) to 124-46111-644 (CEASE).
- Transfer of \$220 from 124-46110-383 (Travel Business Expense) to 124-46111-644 (CEASE).
- Transfer of \$2,241 from 124-46110-383 (Travel Business Expense) to 124-46111-645 (Central Services).
- Transfer of \$2,241 from 124-46110-383 (Travel Business Expense) to 124-46111-649 (Helping Hands).
- Transfer of \$2,241 from 124-46110-383 (Travel Business Expense) to 124-46111-651 (MATS).
- Transfer of \$2,241 from 124-46110-383 (Travel Business Expense) to 124-46111-659 (Youth Emergency Shelter).
- Transfer of \$5057 from 124-46110-383 (Travel Business Expense) to 124-46111-801 (Grants & Other Subsidies).
- Transfer of \$2758 from 124-46110-689 (Other Miscellaneous Expense) to 124-46111-801 (Grants & Other Subsidies).
- Transfer of \$1,505 from 611-71110-202 (Reinsurance Premium) to 611-71140-205 (Dental Claims).
- Transfer of \$7,000 from 110-41650-399 (Other Contracted Services) to 110-81000-618 (Fast Track Grants) to.

- Transfer of \$7,000 from 110-41640-964 (Office Equipment) to 110-81000-618 (Fast Track Grants) to.
- Transfer of \$13,000 from 440-43293-429 (General Operating Supplies) to 440-61100-576 (Depreciation Other Assets).

Mayor Thomas adjourned the August 6, 2013 meeting.

MAYOR

ATTEST:

CITY ADMINISTRATOR