

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
JUNE 20, 2017**

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 20, 2017, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Dennis Alvis, and Tommy Pedigo, absent Kay Senter and Ken Smith.

Dr. Cynthia Thompson, 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 6, 2017 minutes as circulated. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney presented a proclamation to Executive Vice President, Lyons Hamblen of Tuff Torq Corporation, on the 70<sup>th</sup> Anniversary of their parent company Kanzaki Kokukoki Manufacturing Company, Ltd.

A Public Hearing was held pertaining to Public Chapter 1101 regarding Ordinance No. 3218 and 3241, 3519, 3570 and 3571. No one spoke.

Ordinance No. 3218 and 3241 – Annexation of properties along Thompson Creek Road [May 10, 2005 and February 14, 2006].

Ordinance No. 3519 – Annexation of property located between Merchants Greene Boulevard and South Bellwood Road south of Veterans Parkway [June 2, 2015].

Ordinance No. 3570 – Annexation of property located along the northwest intersection of W. Economy Road and Catron Lane [November 15, 2016].

Ordinance No. 3571 – Annexation of property located along N. Bellwood Road [December 6, 2016].

A Public Hearing was held pertaining to Ordinance No. 3580. No one spoke

Councilmember Bivens made a motion to approve Ordinance No. 3580 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

**Ordinance No. 3580**

**An Ordinance of the City of Morristown, Tennessee Adopting the Annual Budget for the Fiscal Year Beginning July 1, 2017 and ending June 30, 2018.**

A Public Hearing was held pertaining to Ordinance No. 3555.07. No one spoke.

Councilmember Alvis made a motion to approve Ordinance No. 3555.07 on second and final reading. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3555.07**

**An Ordinance to Amend Ordinance Number 3555, the City of Morristown, Tennessee, Annual Budget for the Fiscal Year 2016-2017 and to Appropriate the Sum of \$412,000 for Year End Budget Amendment for the General Fund. The Additional Appropriation is Primarily Funded from Revenues Exceeding Original Estimates and Related to Timing on Projects and Subsequent Reimbursement.**

Councilmember Pedigo made a motion to approve Resolution No. 07-17. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**Resolution No. 07-17**

**A Resolution Adopting a Public Records Policy.**

WHEREAS, pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act ("TPRA") (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017; and

WHEREAS, the policy adopted shall not impose requirements on those requesting records that are more burdensome than state law; and

WHEREAS, the governing body of the City of Morristown desires to comply with the recent change in state law as it pertains to records management.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Morristown that the following Public Records Policy for the City of Morristown is hereby adopted by to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

SECTION 1. The following policy is hereby adopted as the Public Records Policy for the City of Morristown:

## PUBLIC RECORDS POLICY FOR CITY OF MORRISTOWN

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of Morristown is hereby adopted by the city council to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. *See* Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Morristown are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of Morristown shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of Morristown, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the City of Morristown or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of the City Clerk. Additionally, this Policy is posted online at [www.mymorristown.com](http://www.mymorristown.com). This Policy shall be reviewed periodically as needed.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Morristown.

### I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. *See* Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. *See* Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. *See* Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.

- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

## II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing, or email, address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection will be accepted in person, by mail, email or fax using the attached Form A at the City of Morristown, P.O. Box 1499, 100 West 1<sup>st</sup> North Street, Morristown, TN 37816-1499, by phone at 423-581-0100, or email [cityclerk@mymorristown.com](mailto:cityclerk@mymorristown.com).
- D. Requests for copies, or requests for inspection and copies, shall be made in person, by mail, or email using the attached Form A at City of Morristown, P.O. Box 1499, 100 West 1<sup>st</sup> North Street, Morristown, TN, 37816, or email [cityclerk@mymorristown.com](mailto:cityclerk@mymorristown.com).
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of government issued ID is required as a condition to inspect or receive copies of public records.

## III. Responding to Public Records Requests

- A. Public Record Request Coordinator
  - 1. The PRRC shall review public record requests and make an initial determination of the following:
    - a. If the requestor provided evidence of Tennessee citizenship;
    - b. If the records requested are described with sufficient specificity to identify them; and
    - c. If the City of Morristown is the custodian of the records.
  - 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
    - a. Advise the requestor of this Policy and the elections made regarding:
      - i. Proof of Tennessee citizenship;
      - ii. Form(s) required for copies;

- iii. Fees (and labor threshold and waivers, if applicable); and
  - iv. Aggregation of multiple or frequent requests.
- b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
- i. The requestor is not, or has not presented evidence of being, a Tennessee citizen;
  - ii. The request lacks specificity;
  - iii. An exemption makes the record not subject to disclosure under the TPRA;
  - iv. The City of Morristown is not the custodian of the requested records;  
or
  - v. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
- d. Forward the records request to the appropriate records custodian in the City of Morristown.
3. The designated PRRC(s) is:
- a. Name or title: City Administrator or his/her designee.
  - b. Contact information: City of Morristown, P.O. Box 1499, 100 West 1<sup>st</sup> North Street, Morristown, TN, 37816-1499, phone 423-581-0100, email [cityclerk@mymorristown.com](mailto:cityclerk@mymorristown.com).

#### B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as Form B, based on the form developed by the OORC.

3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b and may use the Public Records Request Response Form B.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

#### C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

#### IV. Inspection of Records

- A. There shall be no charge for inspection of public records
- B. The location for inspection of records within the offices of the City of Morristown shall be determined by either the PRRC or the records custodian.
- C. When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

#### V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at City of Morristown, City Center.

- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City of Morristown upon which the records will be downloaded.

#### VI. Fees and Charges and Procedures for Billing and Payment

Fees and charges for copies of public records should not be used to hinder access to public records.

- A. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- B. When fees for copies and labor do not exceed \$ 5.00, the fees may be waived.

Requests for waivers for fees above \$5.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of the City of Morristown and for the public good. Fees associated with aggregated records requests will not be waived.

C. Fees and charges for copies are as follows:

1. \$0.15 per page for letter- and legal-size black and white copies.
2. \$0.50 per page for letter- and legal-size color copies.
3. The actual cost of any other medium upon which a record/information is being produced.
4. Labor when time exceeds one hour.
5. If an outside vendor is used, the actual costs assessed by the vendor.

D. Payment is to be made in appropriate cash form, by personal check, money order or credit card payable to the City of Morristown and presented to city administrator or his/her designee.

E. Payment in advance will be required when costs are estimated to exceed \$50.00.

F. Aggregation of Frequent and Multiple Requests

1. The City of Morristown will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
2. If more than four (4) requests are received within a calendar month:

- a. Records requests will be aggregated at the city level.
- b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

G. Exemptions to Open Records Policy

1. Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: agendas, approved minutes, police reports and supporting documents, court action reports and fire incident reports.

SECTION 2. Repealer. Any resolutions, ordinances, policies, or parts thereof in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this resolution.

SECTION 3. Severability. If a part of this resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 4. Effective Date. This resolution shall become effective upon passage, the public welfare requiring it.

PASSED ON THIS THE \_\_\_\_\_ DAY OF JUNE 2017.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR

Councilmember Bivens made a motion to approve Ordinance No. 3581 on first reading and schedule a public hearing relative to final passage of said ordinance for July 18, 2017. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.



**Ordinance No. 3581**

**An Ordinance of the City Council of Morristown, Tennessee,  
Amending Title 18 (Water and Sewers) Chapter 5 (Stormwater  
Program) of the Morristown Municipal Code.**

Councilmember Alvis made a motion to approve the Grant Contracts between the State of Tennessee Department of Transportation and the City of Morristown for Storm Drainage, Sinkhole Repair, Ditch Grading, Erosion Control Repair for the Morristown Municipal Airport in the amount of \$680,000, Runway Rehabilitation (pavement and Crack Seal) for the Morristown Municipal Airport in the amount of \$430,000 and for FY18 Airport Maintenance for the Morristown Municipal Airport in the amount of \$19,800. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the following Work Authorizations between the City of Morristown and Michael Baker International, Inc. Work Authorization Number 12-2017 for Sinkhole Investigation & Remediation at the Morristown Municipal Airport in the not to exceed amount of \$47,077, Work Authorization Number 13-2017 for Drainage Improvements Project at the Morristown Municipal Airport in the not to exceed amount of \$54,441 and Work Authorization Number 14-2017 for Runway Crack Seal Project at the Morristown Municipal Airport in the not to exceed amount of \$45,695. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve Contract No. 11870, Amendment No. 1 between the City of Morristown and the Tennessee Valley Authority for funding to be used to extend Progress Parkway. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the contract between the City of Morristown and Marblelife for City Center Floor Restoration in the amount of \$27,900. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve Task Order Number 003 with McGill and Associates for the extension of Progress Parkway in the East Tennessee Progress Center (ETPC) for the lump sum fee of \$42,355. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the lease agreement between the City of Morristown and Amerigas Propane, L.P. for property at 321 Hamblen Ave., Morristown, TN. To extend the lease agreement for an additional five (5) year tenancy. The renewal period will begin on July 1, 2017 and terminate

on June 30, 2022. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Garrett made a motion to approve the Request for Proposal for Curb Line Maintenance for a one-time occurrence in the amount of \$16,380 to L&B Landscaping & Property Management and allow the City Administrator to enter into negotiations and a contract. This one-time maintenance would allow staff to measure the results and determine if future maintenance is warranted. Councilmember Pedigo seconded the motion and upon roll call; Councilmembers Garrett, Pedigo and Mayor Chesney voted “aye”; Councilmembers Bivens and Alvis voted “no”.

Councilmember Alvis made a motion to approve the application for a grant from Tennessee Department of Health for mosquito control in the amount of \$10,000. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the Engagement Letter with USI Consulting Group to create Other Post-Employment Benefits (OPEB) Plan in compliance with Government Accounting Standards Board (GASB 74) and (GASB 75). Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the Sidewalk Maintenance Bid from Summers-Taylor, Inc. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the Regional Government Enterprise License Agreement (ELA) for Geographic Information System (GIS) Software to Environmental Systems Research Institute, Inc. (ESRI) in the amount of \$50,000. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the Purchase Order to A.M. Surveying, Inc. in the amount of \$14,500 for a land survey of the Old Morristown College Site. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the Purchase Order for Fire Department Uniforms from Municipal Emergency Services, Inc. in the amount of \$14,608. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

June 20, 2017

Councilmember Pedigo made a motion to nominate Dr. Alpha Alexander and Kay Senter to serve on the Morristown-Hamblen Library Board for three (3) year terms to expire July 1, 2020. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the Certificate of Compliance for Ashish R. Patel who has made application to the Tennessee Alcoholic Beverage Commission for a retail package store licensure, store located at 2304 Morningside Drive; DBA Cork & Keg. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney adjourned the June 20, 2017, City Council meeting at 5:46 p.m.

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MAYOR

ATTEST:

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CITY ADMINISTRATOR