



June 24, 2021

Board of Commissioners
6:30 PM

City Hall - Massie Chambers

Agenda:

1. Call to order by the Mayor

Prayer

Pledge of Allegiance

2. Roll call by the Recorder.

3. Approval of minutes.

- a. Reading of the minutes of the June 10, 2021 regular meeting of the Board of Commissioners by the Recorder for approval or correction.

4. Comments from citizens.

5. Comments of the City Manager and staff.

6. Reports and comments from committees, members of the Board of Commissioners and other officers.

7. Old Business.

8. New Business.

- a. Consider Ordinance 21-998, an ordinance to amend Ordinance 06-674 as amended, the zoning ordinance of the City of Goodlettsville, to adopt exterior building material requirements. **FIRST READING**

- b. Consider Ordinance 21-999, an ordinance to amend Ordinance 11-767 as amended, the design guidelines of the City of Goodlettsville, to adopt exterior building requirements. **FIRST READING**
- c. Consider Ordinance 21-1000, an ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 3 by deleting Chapter 3 in its entirety and replacing it with a new Chapter 3. **FIRST READING**
- d. Consider Resolution 21-987, a resolution to approve a contract between the City of Goodlettsville, Tennessee and the State of Tennessee Department of Transportation for the maintenance of certain State of Tennessee Right-of-Way.
- e. Consider Resolution 21-988, a resolution declaring certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by online auction or any other reasonable manner.
- f. Consider Resolution 21-989, a resolution pursuant to the authority granted by Section 6-54-11 of the Tennessee Code Annotated, and in accordance with the internal control and compliance manual for Tennessee Municipalities authorizing appropriations for financial donation to the Goodlettsville Area Chamber of Commerce, a non-profit civic organization whose services benefit the general welfare of the residents of Goodlettsville. **PUBLIC HEARING**
- g. Consider Resolution 21-990, a resolution authorizing the execution of a contract between the State of Tennessee and the City of Goodlettsville for a Local Government Direct Appropriation Grant.

9. Adjournment.

For more information regarding this agenda, please contact the city recorder by email at:
abaker@goodlettsville.gov

A government committed to operating with efficiency and integrity in all we do as we strive to
enhance the quality of life for the community we serve.

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200 – Fax 615-851-2212
www.goodlettsville.gov



Board of Commissioners

June 10, 2021

6:30 PM

City Hall - Massie Chambers

Minutes:

Present: Jimmy D. Anderson, Jennifer Duncan, Stuart Huffman, Rusty Tinnin, and Zach Young.

Absent:

Also Present: Russell Freeman, Tim Ellis, Allison Baker, Addam McCormick, Gary Goodwin, Marilee Tice, Jeff McCormick, and Julie High.

Mayor Rusty Tinnin called the meeting to order. Leann Albrecht offered prayer and Mayor Rusty Tinnin led the chambers in the pledge of allegiance.

City Recorder Allison Baker called the roll: Mayor Tinnin present, Vice Mayor Duncan present, Commissioner Anderson present, Commissioner Huffman present, and Commissioner Young present.

Consider the minutes of the May 27, 2021 regular meeting of the Board of Commissioners. Commissioner Huffman made a motion to consider the minutes as written. Vice Mayor Duncan seconded the motion and motion passed 5-0.

City Manager Tim Ellis announced the 4th of July Celebration will resume this year. The event will kickoff at 4:00pm and end with the fireworks celebration at 9:00pm at Moss-Wright Park. He stated the Board had a copy of the stormwater management section of the municipal code with changes. This will come back before the board for consideration. He addressed the Board to make them aware of a summer intern that is employed through the University of Tennessee Institute of Public Service. His name is Joshua Burchfield and he is a veteran of the Marines and is a student of the Masters Public Administration Program at the Tennessee State University. His primary focus is in Parks and Recreation and is spending the majority of his time in Parks. The City received word yesterday that it will receive a Local Parks and Recreation Fund grant to fund the construction of Rachel's Garden, an all-accessible playground that will be at Peay Park. State funding is \$350,000, the City's commitment is \$350,000 and fundraising at this point exceeds \$100,000. This is great news for the playground.

Consider Old Business.

Consider Ordinance 21-997, an ordinance to amend the City of Goodlettsville Municipal Code Title 8, Chapter 2, Section 224 by creating a new subsection (3), as it relates to Off Premise Beer Permits, second reading. Commissioner Anderson made a motion to consider Ordinance

21-997. Commissioner Huffman seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 21-997.

Consider New Business.

Consider Resolution 21-985, a resolution accepting the low bid and approving a contract with Pavement Restorations, Incorporated for Asphalt Preservation Services within the City of Goodlettsville. Commissioner Anderson made a motion to consider Resolution 21-985. Commissioner Huffman seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-985.

Consider Resolution 21-986, a resolution to accept the Windsor Green Court public improvements with a one-year maintenance bond from North Creek Commons / Armed Services Mutual Benefits Association. Commissioner Huffman made a motion to consider Resolution 21-986. Commissioner Anderson seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-986.

With no further business, Vice Mayor Duncan made a motion to adjourn. Commissioner Anderson seconded the motion. The meeting adjourned at approximately 6:40 p.m. with a 5-0 vote.



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-998</u> An ordinance to amend Ordinance 06-674 as amended, the zoning ordinance of the City of Goodlettsville, to adopt exterior building material requirements. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-998 Dept. of Origin: Planning For Agenda of: June 24, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-998

SUMMARY STATEMENT:

An ordinance to amend Ordinance 06-674 as amended, the zoning ordinance of the City of Goodlettsville, to adopt exterior building material requirements.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Planning Commission and Staff recommend approval of Ordinance 21-998.

ORDINANCE 21-998

AN ORDINANCE TO AMEND ORDINANCE 06-674 AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF GOODLETTSVILLE, TO ADOPT EXTERIOR BUILDING MATERIAL REQUIREMENTS. ***THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS***

WHEREAS, Per Tennessee Code Annotated 6-53-133, the City of Goodlettsville per ordinance has adopted exterior building requirements for new planned unit developments, commercial, industrial, community facilities, and multi-family buildings; and,

WHEREAS, the City's Zoning Ordinance intent and purpose includes but is not limited to protecting the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas; such areas; and,

WHEREAS, the State of Tennessee recently approved Public Chapter 332 and this ordinance amendment is to meet the intention of the new provisions of the law; and,

WHEREAS, The Goodlettsville Planning Commission functioning as the City's Design Review Committee at the June 7, 2021 regularly scheduled meeting reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Commissioners.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Ordinance No. O6-674 adopted on second and final reading on June 22, 2006, being the municipal zoning ordinance of Goodlettsville, Tennessee, be and the same is hereby amended by deleting and replacing section 14-208 (4)(C)(I) in its entirety to include exterior building requirements including acceptable materials and a waiver review process as listed in "Exhibit A"

SECTION 2. That the Commissioners of the City of Goodlettsville, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the City of Goodlettsville for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the City of Goodlettsville, Tennessee. This Ordinance shall take effect fifteen (15) days from the date of its final passage, the public welfare demanding it.

SECTION 3. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall

not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 4. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the City of Goodlettsville, the most restrictive shall in all cases apply.

MAYOR RUSTY TINNIN

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

Passed First Reading: _____

Passed Second Reading: _____

ORDINANCE 21-998

“EXHIBIT A”

14-208 (4)(C)(I) -Amendments Highlighted Below

(i) The following building materials are acceptable for exterior walls:

(A) Brick;

(B) Natural stone;

(C) Exterior insulation and finish system (trade name Dryvit) or similar material, if used in combination with brick or stone;

(D) Wood;

(E) Glass but excluding opaque or reflective window tints and glazes;

(F) Split face block;

(G) Similar materials as approved by the Goodlettsville Municipal/Regional Planning Commission

~~All other materials shall be prohibited. These materials include vinyl or aluminum siding, fiberglass, tilt up concrete panels and artificial stone. This section shall not be interpreted to prohibit the use of metal roofs.~~

-Metal roofs are acceptable and decorative metal wall materials are also acceptable when used as accents to create interest are permitted but shall not exceed fifteen (15%) percent of building walls

The Planning Commission shall review requests for alternative designs and request for waivers of the building material requirements of this section. The Planning Commission in reviewing a request may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties and area to determine if the intent of the building design requirements are met with any requested waivers or alternative designs. Per Tennessee Code Annotated Section 6-54-133 all appeals of the Planning Commission’s decision to be reviewed by the City Commission.



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-999</u> An ordinance to amend Ordinance 11-767 as amended, the design guidelines of the City of Goodlettsville, to adopt exterior building requirements. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-999 Dept. of Origin: Planning For Agenda of: June 24, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-999

SUMMARY STATEMENT:

An ordinance to amend Ordinance 11-767 as amended, the design guidelines of the City of Goodlettsville, to adopt exterior building requirements.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Planning Commission and Staff recommend approval of Ordinance 21-999.

ORDINANCE 21-999

AN ORDINANCE TO AMEND ORDINANCE 11-767 AS AMENDED, THE DESIGN GUIDELINES OF THE CITY OF GOODLETTSVILLE, TO ADOPT EXTERIOR BUILDING MATERIAL REQUIREMENTS ***THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS***

WHEREAS, Per Tennessee Code Annotated 6-53-133, the City of Goodlettsville per ordinance has adopted exterior building requirements for new planned unit developments, commercial, industrial, community facilities, and multi-family buildings; and,

WHEREAS, the purpose of the Design Guidelines includes but is not limited to providing a document that builds upon existing ordinances and regulations and communicates the design expectations of the City of Goodlettsville; and,

WHEREAS, the purpose of the Design Guidelines includes but is not limited to improving the aesthetic appearance of development throughout the City of Goodlettsville providing a document that builds upon existing ordinances and regulations and communicates the design expectations of the City of Goodlettsville; and,

WHEREAS, the State of Tennessee recently approved Public Chapter 332 and this ordinance amendment is to meet the intention of the new provisions of the law; and,

WHEREAS, The Goodlettsville Planning Commission functioning as the City's Design Review Committee at the June 7, 2021 regularly scheduled meeting reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Commissioners.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Ordinance No. 11-767 adopted on second and final reading on January 12, 2012, being the Design Guidelines of Goodlettsville, Tennessee, be and the same is hereby amended by deleting and replacing Section 5. Colors and Materials in its entirety to include exterior building requirements including acceptable materials and a waiver review process as listed in "Exhibit A"

SECTION 2. That the Commissioners of the City of Goodlettsville, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the City of Goodlettsville for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the City of Goodlettsville, Tennessee. This Ordinance shall take effect fifteen (15) days from the date of its final passage, the public welfare demanding it.

SECTION 3. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 4. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the City of Goodlettsville, the most restrictive shall in all cases apply.

MAYOR RUSTY TINNIN

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

Passed First Reading: _____

Passed Second Reading: _____

ORDINANCE 21-999

“EXHIBIT A”

-Amendments Highlighted Below

Goodlettsville Design Guidelines:

5. Color and Materials

Objective: To utilize color and materials to provide visual interest while not distracting and dominating the architectural character of the building.

- Building façade colors shall be of low reflectance, subtle, neutral or natural earth tones. Primary and metallic colors shall be prohibited except when used in accent elements to create interest but shall not exceed fifteen (15%)* of the building walls. National “standard” or “trademark”

designs shall be adapted to be compatible with these standards.

- Natural materials are preferred consisting of brick and natural or masonry stone. Each building wall shall at a minimum include fifty (50%) of these materials. Minimum percentage exceptions may be considered as detailed in these standards and for walls that are not visible by the public if the required brick and stone material is relocated to the other building walls.

- The following buildings materials are acceptable:

- Brick;
- Natural or masonry stone;
- Exterior walls with aluminum insulated panels and glass may be permitted up to seventy-five (75%) percent of building walls when used in combination with brick, natural or masonry stone;
- Exterior insulation and finish system (trade name Drivit) or similar material, if used in combination with brick or natural and masonry stone;
- Wood or fibrous cement board (simulated wood fibrous cement siding) if used in combination with brick or natural and masonry stone;
- Glass but excluding opaque or reflective window tints and glazes may be permitted up to seventy-five (75%) percent of building walls when used in combination with brick, natural or masonry stone.
- Split face block if used in combination with brick or natural and masonry stone;

- Similar materials as approved by the Goodlettsville Municipal/Regional Planning Commission

~~• Metal exterior siding or wall panels, vinyl siding, aluminum siding, tilt-up panels, artificial non-masonry stone are prohibited materials. This section shall not be interpreted to prohibit the use of~~

-Metal roofs are acceptable and decorative metal wall materials are also acceptable when used as accents to create interest are permitted but shall not exceed fifteen (15%*) percent of building walls. See regarding Industrial developments in industrial zoning districts.

- Where the Goodlettsville Zoning Ordinance requires, in developments with multiple buildings, a common color palette should be established to create a harmonious appearance.

- The color palette of a building should be coordinated to establish a defined hierarchy of tones.

- Variation in the use of materials is encouraged to create interest.

- Along Main Street and in the commercial core overly zone, certain façade materials including transparent windows are required to create a unified appearance. The designer should also consult with the planning staff relative to the use of color and materials in the downtown district of Goodlettsville.

- Industrial buildings shall incorporate on building walls fronting public street(s) a minimum thirty-three (33%) percent brick, natural or masonry stone. Other building walls areas are permitted to be metal panels, tilt-up concrete panels, and **other acceptable building materials as listed above.**

- Alternative design proposal for community developments in residential zoning districts are permitted regarding an increased percentage of the **acceptable** materials permitted ~~with item#3~~ but each building wall shall have at least thirty-three (33%) percent of natural materials consisting of brick and natural or masonry stone. Exceptions may be considered for walls that are not visible by the public if the required brick and stone materials are relocated to the other facades.

- Reconstruction projects are also subject to Design Review and shall comply with the standards established by this document.

***The fifteen (15%) percent maximum provision listed above shall not exceed a total of fifteen (15%) percent of building walls if both decorative metals panels and primary and metallic colors are proposed.**

The Planning Commission shall review requests for alternative designs and request for waivers of the building material requirements of this section. The Planning Commission in reviewing a request may consider the proposed building design and property conditions associated with the proposal and the character of adjacent properties and area to determine if the intent of the building design requirements are met with any requested waivers or alternative designs. Per Tennessee Code Annotated Section 6-54-133 all appeals of the Planning Commission's decision to be reviewed by the City Commission.



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> ORDINANCE 21-1000 An ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 3 by deleting Chapter 3 in its entirety and replacing it with a new Chapter 3. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1000 Dept. of Origin: Administration For Agenda of: June 24, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-1000

SUMMARY STATEMENT:

An ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 3 by deleting Chapter 3 in its entirety and replacing it with a new Chapter 3.

Red letter copy previously provided to Board.

FINANCIAL SUMMARY:

This ordinance will have no fiscal impact on the City of Goodlettsville.

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1000.

Ordinance 21-1000

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 18, CHAPTER 3 BY DELETING CHAPTER 3 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 3.

WHEREAS, there is a need to make certain updates to references throughout Chapter 3 of Title 18 of the City of Goodlettsville Municipal Code; and

WHEREAS, the Board of Commissioners desires to make such updates within the City of Goodlettsville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GOODLETTSVILLE BOARD OF COMMISSIONERS:

Section 1: Title 18, Chapter 3 of the City of Goodlettsville Municipal Code is deleted in its entirety.

Section 2: There is hereby created a new Title 18, Chapter 3, entitled Sewer Use Regulations as follows:

CHAPTER 3 STORMWATER MANAGEMENT

SECTION

18-301. General provisions.

18-302. Definitions.

18-303. Waivers.

18-304. Land disturbance permit.

18-305. Stormwater system design: construction and permanent stormwater management; performance standards.

18-306. Buffer zone requirements.

18-307. Permanent stormwater management: operation, maintenance, and inspection.

18-308. Existing locations and ongoing developments. 18-309. Illicit discharges.

18-310. Enforcement.

18-311. Penalties.

18-312. Appeals.

18-313. Maintenance.

18-301. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system.

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) general permit for discharges from small Municipal Separate Storm Sewer Systems (MS4) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administrator. The city manager, or designee, shall administer the provisions of this chapter.

(3) Jurisdiction. This ordinance shall govern all properties within the corporate limits for the City of Goodlettsville, Tennessee.

(4) Right of entry. Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurement of the property's stormwater operations or discharges.

The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.

(5) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater quality and drainage while requiring temporary and permanent provisions for its control.

18-302. Definitions. For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary.

The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(2) "As built plans" means drawings depicting conditions, elevation, location, and material of stormwater facilities as they were actually constructed.

(3) "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs could be incorporated by reference into this ordinance as if fully set out therein.

(4) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(8) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(9) "Construction" is the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water that degrades the quality of the water.

(11) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the NOAA National Weather Service Atlas 14 data for Tennessee. For erosion and sediment control practices, the design storm is the 5-year, 24-hour event. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(13) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(14) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(15) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(16) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(17) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hotspots, but that term is not limited to only these land uses:

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on standard industrial classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;
- (h) Facilities that generate or store hazardous waste materials;
- (i) Commercial container nursery;
- (j) Restaurants and food service facilities; or
- (k) Other land uses and activities as designated by an appropriate review authority

(18) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(19) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §14-507(2).

(20) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(21) "Inspector." An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I"

course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- (b) Update field Stormwater Pollution Prevention Plan(s) (SWPPP);
- (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- (d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(22) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(23) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(24) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(25) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(26) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(27) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(28) "Operator" in the context of stormwater associated with construction activity, means, any person associated with a construction project that meets either of the following two criteria:

- (a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically considered the owner or developer of the project or a portion of the project, and is considered the primary permittee; or

(b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee and is considered a secondary permittee. It is anticipated at different phases of a construction project, different types of parties may satisfy the definition of "operator."

(29) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(30) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(31) "Redevelopment" means building or constructing new infrastructure in an area that has previously been built or constructed on, and the old infrastructure is to be replaced with new.

(32) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(33) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(34) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(35) "Sinkhole" means a cavity in the ground providing a route for surface water to disappear underground.

(36) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.

(37) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(38) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(39) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(40) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(41) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(42) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(43) "Stormwater system" or "system" means all stormwater facilities, stormwater drainage systems and flood protection systems of the city and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

(44) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(45) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(46) "Stream" means a surface water that is not a wet weather conveyance. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(20)]. See also waters of the state.

(47) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(48) "Surety" is a letter of credit or other acceptable form of assurance for completion of improvements as needed acceptable by the city attorney, administrator, and/or other city personnel.

(49) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(50) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(51) "Water quality buffer" see "buffer."

(52) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(53) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(54) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(55) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(56) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)). (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-303. Waivers. (1) General. No waivers will be granted to any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the primary requirement(s) for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development will not discharge, during or after construction, stormwater runoff that contains contaminants or will

otherwise not affect, impair or degrade adjacent or downstream properties, conveyances, or streams.

(c) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the administrator that the proposed alternative will not lead to any of the following conditions downstream:

- (a) Deterioration of existing culverts, bridges, dams, structures or land;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated streambank or streambed erosion or siltation;
- (d) Increased threat of flood damage to public health, life or property.

(3) Alternative request procedure. For consideration of an alternative stormwater management measure, a formal request shall be submitted to the administrator. The formal request shall be submitted with a stormwater management plan outlining why the primary stormwater management measure cannot be addressed and how the alternative measures will address the provisions outlined in this Ordinance. The plan shall demonstrate how the proposed development is not likely to impair attainment of the objectives of this chapter. The administrator shall notify the appellant customer of the date of the alternative request in writing; such written notice shall be given at the address provided following review of the request. The decision made by the administrator will be final and conclusive with no further administrative review.

(4) Land disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved, unless allowed by the administrator. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. If no alternative is approved, the owner has thirty (30) days to resubmit the land disturbance permit without facing additional fees. If the land disturbance permit is submitted more than thirty (30) days following the alternative request decision by the administrator, applicable fees will be charged.

18-304. Land disturbance permit. (1) General. The land disturbance permit is to be obtained by the owner(s) or owner(s) designee(s) for development or redevelopment of over an acre, or less than one (1) acre if part of a larger plan of common development or sale. The land disturbance permit is designed to track all applicable land disturbance activities and ensure they are monitored for compliant erosion prevention and sediment controls, the absence of illicit discharges leaving the site, and compliance with the city's TDEC NPDES MS4 general permit along with any applicable TDEC construction general permits, TDEC Aquatic Resources Alteration Permits (ARAP), and any other relevant permits. Tracking of these activities allows inspection, and in cases of non-compliance, enforcement actions to be taken.

(2) Exemptions. The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

- (a) Surface mining as is defined in Tennessee Code Annotated, § 59-8-202.
- (b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additional or modifications, home maintenance work, and other related activities that result in no soil erosion leaving the site. (Erosion Prevention and Sediment Control (ESPC) practices may be enforced through individual building permits.)
- (c) Agriculture practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices.
- (d) Any project carried out under the technical supervision of NCRS, TDOT, TDEC, or USACE that is covered under applicable state or federal construction permits.
- (e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing road, street, or sidewalk which is hard surfaced and such street, curb, gutter, or sidewalk construction has been approved.
- (f) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

These activities may be undertaken without a land disturbance permit; however, the person conducting these excluded activities shall remain responsible for conducting these activities within accordance with provisions of this ordinance and other applicable regulations including responsibility for controlling sediment, illicit discharges, and runoff.

(3) Supplemental permit. In cases where a secondary owner/operator will be working within an area already covered by an existing land disturbance permit that was issued under the name of a primary owner/operator, a supplemental land disturbance permit shall be obtained prior to commencement of the secondary owner/operator's work. The application fee may be waived for any supplemental permit. Where applicable, prior to issuance of the supplemental land disturbance permit, the secondary owner/operator must show that coverage under the site's NPDES construction general permit has been obtained. Once covered by a land disturbance permit, all primary and secondary owner/operators will be considered by the city as co-permittees. If co-permittee's involvement in the construction activities affects the same project site, they will be held jointly and severally responsible for complying with the terms of the permits issued for that site.

(4) Application. Application for the land disturbance permit shall be made to the administrator by the property owner(s) and co-permittee (if applicable). Applications are available from the assigned division. No land disturbing activities shall take place prior to

approval of the land disturbance permit application. Application fees must be paid prior to issuance of the land disturbance permit.

(5) Permit requirements. The following are conditions of land disturbance permit coverage. Any violation of these conditions will make the permit holder(s) subject to all enforcement actions and penalties outlined in this ordinance.

(a) Submittal and approval by city staff and board(s) of the erosion prevention and sediment control plans.

(b) Compliance with the site's TDEC construction general permit, TDEC ARAP, TDEC underground injection well permit, FEMA flood plain development permit, and other federal or state permits where applicable.

(c) Compliance with approved erosion prevention and sediment control plan and EPSC performance standards.

(d) Implementation and maintenance of appropriate erosion prevention and sediment control best management practices.

(e) Construction site operators must control wastes such as discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at the construction site to avoid adverse impacts to water quality.

(6) Land disturbance surety. Prior to the issuance of a permit for any land disturbance activity, the applicant shall be required to provide a surety to the City of Goodlettsville to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development, streams, or drainage ditches, the applicant may be required to provide a surety to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan. A surety will not be required for land disturbance activity less than one acre or land disturbance activity as part of a larger common plan of development or sale that is less than one acre.

(7) Permit duration. Each land disturbance permit shall expire and become null and void when one of the following has occurred:

(a) Six (6) months of no activity on the site has occurred.

(b) Final stabilization of the site per the approved plans has occurred.

(c) Issuance of a TDEC Notice of Termination (NOT). A copy must be provided to the city in order to close out the land disturbance permit.

(d) Three (3) years from issuance of permit or if new federal or state regulations exist changing the scope of coverage where a new land disturbance permit is required.

(e) In cases of expiration of the land disturbance permit, a permit may be re-issued with no additional fee if the plan and scope of the project submitted on the original land disturbance permit does not significantly change. When significant change applies, new permit fees must be paid. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and amended by Ord. #19-939, June 2019 Ch4_1-23-20)

18-305. Stormwater system design: construction and permanent stormwater management performance standards. (1) Applicability. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. The requirements in this section shall apply to any new development or redevelopment site that meets one or more of the following criteria:

(a) 10,000 square feet or more;

(i) New development that involves land disturbance activities of 10,000 square feet or more;

(ii) Redevelopment that involves other land disturbance activity of 10,000 square feet or more;

(b) Developments and redevelopments less than 10,000 square feet of total land disturbance may also be required to obtain authorization under this ordinance if:

(i) The administrator has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;

(ii) The administrator has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state; or

(iii) Any new development or redevelopment, regardless of size, that is defined by the administrator to be a hotspot land use.

(c) Other instances in which an LDP will be required include:

(i) Change in elevation of property.

(ii) Any land disturbance that requires coverage under a TDEC construction general permit.

(iii) Any disturbance that requires coverage under a TDEC ARAP.

(d) Variance Procedures. The Stormwater Administrator shall hear requests for variances from the requirements of this regulation. Requests for variances must be filed on a form provided by the Stormwater Administrator and will be handled in accordance with these variance procedures and internal operating rules and regulations. If the conditions under which a variance was approved are not met, or if the Stormwater Administrator is informed of any misrepresentation of facts in the application or at the

hearing, the Stormwater Administrator may issue a Stop Work Order or may withhold the Use and Occupancy Permit for a project until any problems identified are resolved to the satisfaction of the issuing department.

(2) General requirements. Stormwater at applicable developments and redevelopments shall be managed in accordance with the requirements contained within this section.

(a) Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

(b) Stormwater design or BMP manuals.

(i) Adoption. The city adopts as its MS4 stormwater design and Best Management Practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(A) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(B) Tennessee Permanent Stormwater Management and Design Guidance Manual; most current edition.

(C) Metro Nashville Stormwater Management Manual Volume 5, Low Impact Development

(D) And/or a collection of city approved BMPs.

(ii) The publications listed above include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(iii) Stormwater facilities that are designed, constructed and maintained in accordance with these publications will be presumed to meet the minimum water quality performance standards.

(c) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4

(i) Permittees who discharge stormwater through an NPDES-permitted Municipal Separate Storm Sewer System (MS4) who are not exempted in section 1.4.5 (permit coverage through qualifying local program) of TDEC's Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice of Termination (NOT) to the administrator. Permitting status of all permittees

covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's data viewer web site.

(ii) Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

(iii) If requested by the city, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(3) Stormwater pollution prevention plans for construction stormwater management.

(a) Requirement to prepare a SWPPP: The applicant must prepare a stormwater pollution prevention plan (SWPPP) for all construction activities that complies with subsection (6) below. The purpose of this plan is to identify owner/operator activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(b) Stormwater pollution prevention plan general requirements: The erosion prevention and sediment control plan component of the SWPPP shall adhere to the following requirements.

(i) The potential for soil erosion and sedimentation problems resulting from land disturbing activity shall be accurately described;

(ii) The measures that are to be taken to control soil erosion and sedimentation problems shall be explained and illustrated;

(iii) The length and complexity of the plan must be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.

(iv) If necessary, the measures to control soil erosion and sedimentation problems that are described in the plan shall be phased so that changes to the site that alter drainage patterns or characteristics during construction will be addressed by an appropriate phase of the plan.

(v) The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.

(vi) The plan shall conform to the requirements found in the general NPDES permit for stormwater discharges from construction activities (TNR100000), and shall include at least the following:

(A) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(B) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(C) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(D) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(E) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(F) Approximate limits of proposed clearing, grading and filling.

(G) Approximate flows of existing stormwater leaving any portion of the site.

(H) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(I) Location, size and layout of proposed stormwater and sedimentation control improvements.

(J) Existing and proposed drainage network.

(K) Proposed drain tile or waterway sizes.

(L) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(M) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(N) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and nonvegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(O) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(P) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(Q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(R) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(4) Design performance standards and requirements for permanent stormwater management. The following performance standards shall be addressed for permanent stormwater management at all applicable development and redevelopment sites effective as of fifteen (15) days following the adoption date of this ordinance:

(a) Runoff reduction performance standard. The first inch of rainfall on the development or redevelopment shall be one hundred percent (100%) managed with no discharge to surface waters or the public storm sewer system. This standard shall be met using measures, alone or in combination, designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall, in accordance with the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual or reference Metro Nashville's Low Impact Development Design Guidelines, most current edition.

(i) The pre-development infiltrative capacity of soils at the development or redevelopment must be taken into account in selection of infiltration-based stormwater control measures.

(ii) The Tennessee Runoff Reduction Assessment Tool (TN-RRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development design guidelines shall be used by the site designer to determine compliance with the runoff reduction requirement.

(iii) Incentive standard: The following types of development or redevelopment shall receive a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such incentives are additive such that a maximum reduction of fifty percent (50%) of the runoff reduction performance standard is possible for a project that meets all five (5) development types:

(A) Redevelopment;

(B) Brownfield redevelopment;

(C) High density developments having greater than seven (7) units per acre;

(D) Vertical density developments having a Floor to Area Ratio (FAR) of two (2) or greater than eighteen (18) units per acre; and

(E) Mixed use and transit oriented development that is located within one half (1/2) mile of a mass transit station.

(b) Runoff reduction performance standard compliance. Developments and redevelopments that achieve one hundred percent (100%) of the runoff reduction performance standard (or incentive standard if applicable) using only site design layout practices and/or stormwater control measures that are designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall shall be exempt from compliance with the eighty percent (80%) TSS removal performance standard.

(c) Runoff reduction limitations. Limitations to the application of runoff reduction requirements may prevent a development or redevelopment from meeting one hundred percent (100%) of the runoff reduction requirement. Such limitations may include, but are not limited to:

(i) Natural physical conditions exist at the development or redevelopment that preclude or highly limit the use of infiltration practices. Such conditions include, but are not limited to, the following circumstances:

(A) The presence of sinkholes or other karst features;

(B) A high prevalence of shallow bedrock;

(C) A high prevalence of poorly-drained soils (i.e., hydrologic soil group D), such that soil amendments to promote infiltration must be extensive;

(D) A high prevalence of contractive/expansive soils and their proximity to on-site or off-site structures;

(E) Slopes greater than the maximums identified for the appropriate application of stormwater control measures;

(ii) The development lacks the available area to create the necessary hydraulic capacity to fully achieve the runoff reduction requirement through infiltration or evapotranspiration; and,

(iii) The proposed use for the development is inconsistent with the capture and re-use of stormwater;

(iv) Soil or topographic conditions at the development dictate that stormwater control measures which rely on infiltration to reduce stormwater volumes would be located in close proximity to on-site or off-site subsurface foundations, basements or crawlspaces where wet conditions or flooding is known or suspected to occur;

(v) Conditions exist at the development that create a potential for introducing pollutants into the groundwater, unless pre-treatment is provided;

(vi) Pre-existing soil contamination is present in areas that are or could be subject to contact with infiltrated stormwater;

(vii) The placement of on-site or off-site utilities precludes the use of stormwater control measures that infiltration, evapotranspire or harvest and use rainfall;

(viii) The site has a historic or archeological significance that cannot be disturbed as determined by the state historic preservation office.

(d) Eighty percent (80%) TSS removal performance standard: Developments and redevelopments that cannot meet one hundred percent (100%) of the runoff reduction performance standard using the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual must treat the remainder of the stipulated amount of runoff prior to discharge from the development or redevelopment with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS), unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(e) It can be demonstrated that multiple criteria (not based solely on the difficulty or cost of implementing measures) rule out an adequate combination of

infiltration, evapotranspiration, and reuse such as lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse of stormwater; physical conditions that preclude use of these practices.

(f) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(g) Stormwater discharges from hotspots may require the application of additional structural BMPs and pollution prevention practices beyond runoff reduction and eighty percent (80%) TSS removal practices.

(h) Prior to or during the site design process, applicants for land disturbance permits shall consult with the administrator to determine if they are subject to additional stormwater design requirements.

(i) The calculations for determining peak flows shall be used for sizing all stormwater facilities.

(5) Minimum peak discharge control requirements. The administrator may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the storm frequency storage requirements; and,

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the administrator may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(6) Permanent stormwater management plan requirements.

(a) Requirement to prepare a permanent stormwater management plan: The permanent stormwater management plan shall be prepared and submitted to the administrator for all applicable developments and redevelopments.

(b) The permanent stormwater management plan shall include sufficient information to allow the administrator to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, the appropriateness of the measures proposed for managing stormwater generated at the project site, and design compliance with the performance standards and requirements for permanent stormwater management identified in this ordinance.

(c) The permanent stormwater management plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.

(d) The plan shall include, at a minimum, the elements listed below:

(i) Topographic base map: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(A) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(B) Current land use including all existing structures, locations of utilities, roads, and easements;

(C) All other existing significant natural and artificial features;

(D) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(ii) A completed site assessment and inventory checklist (found in the Tennessee Permanent Stormwater Management and Design Guidance Manual).

(iii) Proposed structural and non-structural BMPs and stormwater control measures;

(iv) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(v) Calculations: hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in the approved stormwater design and BMP manuals. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the approved stormwater design and BMP manuals. Such calculations shall include:

(A) A description of the design storm frequency, duration, and intensity where applicable;

(B) Time of concentration;

(C) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

(D) EPSC design must control stormwater runoff, at a minimum, for the 5-year, 24-hour design storm.

(E) Post-development peak runoff discharge for each watershed for the 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour design storms showing discharge controlled to release at rates less than that of pre-development,

with an emergency overflow capable of handling the 100-year, 24-hour discharge.

(F) Pre- and post-construction watershed maps;

(G) Infiltration rates, where applicable;

(H) The location, size and capacity of proposed stormwater management structures as well as the two existing stormwater management structures immediately downstream of the proposed development in every direction that will receive runoff. Must include the size, type, slope and invert elevation of the structures.

(I) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;

(J) Flow velocities;

(K) Data on the increase in rate and volume of runoff for the design storms referenced in the approved stormwater design and BMP manuals; and

(L) Documentation of sources for all computation methods and field test results.

(M) Results from the Tennessee Runoff Reduction Assessment Tool (TNRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development Design.

(vi) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(vii) Eighty percent (80%) TSS removal information. If eighty percent (80%) TSS removal BMPs are included in the plan, then it must also include:

(A) A narrative description of all runoff reduction limitations that exist at the development or redevelopment;

(B) A map drawn to scale showing the location and boundaries of such limitations;

(C) Calculations showing the volume of runoff managed by runoff reduction stormwater control practices and the volume of runoff managed by eighty percent (80%) TSS removal BMPs; and,

(D) Calculations showing compliance with the eighty percent (80%) TSS removal performance standard.

(vii) Maintenance and repair plan required. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

18-306. Buffer zones. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one

(1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

Buffer zone requirements:

(1) "Construction" applies to all streams adjacent to construction sites, with an exception for discharges to Waterbodies with Unavailable Parameters or Exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, Tennessee Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such.

Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty (30) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen feet (15') at any measured location.

Buffer zone requirements for discharges to Waterbodies with Unavailable Parameters or Exceptional Tennessee Waters: A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five (25') at any measured location.

(2) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than 1 square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-307. Permanent stormwater management: operation, maintenance, and inspection. (1) Requirements. Prior to project completion and surety release, the following must be submitted and accepted by the city:

(a) As built plans. All permittees are required to submit actual as built plans for any structures located on-site as well as the recorded inspection and maintenance agreement and associated plans filed (original returned to the assigned division) after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. An engineer's certification letter must be provided with the as-built drawings certifying that the

as-built conditions conform to the approved design plans and specifications. Any variations from the approved design plans and specifications must be explained in the letter. Inspections shall be performed during installation of all permanent BMPs by the city inspector. A final inspection by the city is required before any portion of a performance, surety, security or bond will be released. Permittees shall provide at least seven (7) days notice to the City when requesting a final inspection. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city. At a minimum, as-built plans must include the invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, junctions, etc. Size and material of all outlet dissipation pads, ditch size, slope, and materials. Top of berm elevations on all drainage facilities, volume of all detention/retention facilities and location and description of all permanent stormwater BMPs.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to re-vegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in §16-506.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party and/or a lien placed on the property by the city. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015, and Ord. #16-877, Oct. 2016)

18-308. Existing locations and ongoing developments. (1) On-site stormwater management facilities maintenance agreement. (a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute

an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. The OWNER(S) covenant and agree with the CITY that they shall provide for adequate long-term maintenance and continuation of stormwater control measures to ensure that all of the storm water facilities are and remain in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws. The OWNER(S) shall perform preventive maintenance activities at intervals described in the post construction long-term water quality plan.

The OWNER(S) shall submit to the CITY an annual report by July 1st of each year. The report shall include the long-term maintenance plan that documents inspection schedules, time of inspections, remedial actions taken to repair, modify or re-construct the system and the state of control measures.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this chapter. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the administrator. This report shall be completed, at a minimum, once within a five (5) year period, or as required by the city, or the Tennessee Department of Environment and Conservation, and submitted to the city's stormwater manager. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the administrator.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the administrator shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the administrator's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The administrator shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),
- (v) A description of current BMP conditions including, but not limited to: green infrastructure practices, grassy areas, forested areas, buffer areas, growing vegetation and soil properties; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,
- (vi) Photographic documentation of BMPs, and
- (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 18-307(2) and on a schedule acceptable to the administrator.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion. ways.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage

(e) Stormwater runoff shall, at the discretion of the administrator be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

- (i) Ponds
 - (A) Detention pond
 - (B) Extended detention pond
 - (C) Wet pond
 - (D) Alternative storage measures

- (ii) Constructed wetlands
- (iii) Infiltration systems
 - (A) Infiltration/percolation trench
 - (B) Infiltration basin
 - (C) Drainage (recharge) well
 - (D) Porous pavement
- (iv) Filtering systems
 - (A) Catch basin inserts/media filter
 - (B) Sand filter
 - (C) Filter/absorption bed
 - (D) Filter and buffer strips
- (v) Open channel
 - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the administrator under this section are subject to appeal under § 18-312 of this chapter.

18-309. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with § 16-506 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, commercial car wash wastewater, lawn mowing debris, lawn care chemicals, grease, soap, cleaning chemicals, radiator flushing disposal, spills from vehicle accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;

- (iv) Rising ground water;
- (v) Groundwater infiltration to storm drains;
- (vi) Pumped groundwater;
- (vii) Foundation or footing drains;
- (viii) Crawl space pumps;
- (ix) Air conditioning condensation;
- (x) Springs;
- (xi) Non-commercial washing of vehicles;
- (xii) Natural riparian habitat or wetland flows;
- (xiii) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
- (xiv) Firefighting activities;
- (xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the city has so specified in writing.

(d) Discharges authorized by the Construction General Permit (CGP), which comply with section 3.5.9 of the same:

- (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
- (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
- (iii) Water used to control dust in accordance with CGP section 3.5.5;
- (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
- (v) Routine external building washdown that does not use detergents or other chemicals;
- (vi) Uncontaminated groundwater or spring water; and
- (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city.

(7) Hot spots. The administrator is authorized to regulate hot spots. Upon written notification by the administrator, the property owner or designated facility manager of a hot spot area shall, at their expense, implement necessary controls and/or best management practices to prevent discharge of contaminated stormwater to the municipal separate storm sewer system. The administrator may require the facility to maintain inspection logs or other records to document compliance with this paragraph.

18-310. Enforcement. (1) Enforcement authority. The administrator shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section guided by the Enforcement Response Plan (ERP). Measures authorized include:

- (a) Verbal warnings. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
- (b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
- (c) Citations with administrative penalties. The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.
- (d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
- (e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
- (f) Additional measures. The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the administrator finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the administrator may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the administrator. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The administrator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The administrator may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the administrator finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the administrator may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

i) Comply forthwith; or

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The administrator may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the administrator may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) Conflicting standards. Whenever there is a conflict between any standard contained in this chapter and in the BMP manual(s) adopted by the city under this ordinance, the strictest standard shall prevail. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-311. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any

permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the administrator, shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the administrator of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring civil penalties. In assessing a civil penalty, the administrator may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the city;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the city may recover:

- (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
- (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Referral to TDEC. Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and/or two (2) warning notifications. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;

(c) Estimated construction project or size or type of industrial activity (including SIC code, if known);

(d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (Ord. #04-651, Jan. 2005, as amended by Ord. #10-738, April 2010, and replaced by Ord. #15-830, Feb. 2015)

18-312. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d):

(1) Appeals to be in writing. Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this article may appeal said penalty or damage assessment. Upon issuance of a citation or notice of violation of this article it shall be conclusive and final unless the accused violator submits a written notice of appeal to the Administrator within ten (10) days of the violation notice being served. If the Administrator does not issue a decision within ten (10) days of the written notice of appeal, then the violation is considered upheld. If the Administrator does not reverse the decision, the aggrieved party may appeal to the City of Goodlettsville hearing authority or successor, by filing a written request for hearing within ten (10) days of the Administrator decision on the appeal. The request for hearing shall state the specific reasons why the decision of the Administrator is alleged to be in error.

(2) Public hearing. Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within forty-five (45) days. A minimum of ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation and/or on the city's website. The notice shall also be provided to the aggrieved party by registered mail and sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's governing body. Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (Ord. #04-651, Jan. 2005, as replaced by Ord. #15-830, Feb. 2015)

18-313. Maintenance. (1) Maintenance responsibility. (a) Any stormwater management facility or BMP which services individual property owners or subdivisions shall be privately owned with general routine maintenance (controlling vegetative growth and removing debris) provided for by

the owner(s). The city has the right, but not the duty, to enter premises for emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Any stormwater management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established homeowners association, or inspection and maintenance agreement, shall be privately owned and maintained consistent with provisions of this ordinance. The city has the right, but not the duty, to enter premises for emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(c) Any stormwater management facility or BMP which services commercial and industrial development shall be privately owned and maintained consistent with the provisions of this title. The city has the right, but not the duty, to enter premises for emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(d) All regional stormwater management facilities proposed by the owners, if accepted by the city and approved by the board of commissioners for dedication as a public regional facility shall be publicly owned and maintained.

(e) All other stormwater management control facilities and BMP's shall be publicly owned and/or maintained only if accepted for maintenance by the city through a formal agreement recorded at the Davidson/Sumner County, Tennessee Register of Deeds. Existing or proposed drainage easements shall not constitute a formal agreement.

(f) The city may require dedication of privately owned stormwater facilities, which discharge to the city's stormwater system.

(g) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way or prescribed drainage way.

Section 3. This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

MAYOR RUSTY TINNIN

Passed: _____

Passed: _____

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> RESOLUTION 21-987 A resolution to approve a contract between the City of Goodlettsville, Tennessee and the State of Tennessee Department of Transportation for the maintenance of certain State of Tennessee Right-of-Way. <u>PRESENTED BY:</u> Tim Ellis, City Manager Jeff McCormick, Public Works Dir.	Agenda Item: Resolution 21-987 Dept. of Origin: Public Works For Agenda of: June 24, 2021 Originator: Jeff McCormick Cost of Item: Off Setting
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AGENDA ITEM ATTACHMENTS:

Resolution 21-987

SUMMARY STATEMENT:

A resolution to approve a contract between the City of Goodlettsville, Tennessee and the State of Tennessee Department of Transportation for the maintenance of certain State of Tennessee Right-of-Way.

FINANCIAL SUMMARY:

Off Setting

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-987.

RESOLUTION NO. 21-987

A RESOLUTION TO APPROVE A CONTRACT BETWEEN THE CITY OF GOODLETTSVILLE, TENNESSEE AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF CERTAIN STATE OF TENNESSEE RIGHT-OF-WAY.

WHEREAS, The City of Goodlettsville constantly thrives to maintain all street and roadway right-of-way within the city in great condition; and

WHEREAS, The City of Goodlettsville Board of Commissioners has deemed it in the best interest of the city to execute a contract with the State of Tennessee Department of Transportation; and,

WHEREAS, The execution of the aforementioned contract will enable the city to be compensated for maintaining certain portions of right-of-way belonging to the Tennessee Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE AFOREMENTIONED CONTRACT IS HEREBY APPROVED AND IS INCLUDED AS EXHIBIT 1.

THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

Adopted: June 24, 2021

MAYOR RUSTY TINNIN

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

**CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF TRANSPORTATION
AND
The City of Goodlettsville**

This Contract, by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" and City of Goodlettsville, hereinafter referred to as the "Contractor," is for the provision of a special agreement for (mowing, litter, sweeping)), as further defined in the "SCOPE OF SERVICES."

Contractor Edison Registration ID # 0000002859
Contract #: CMA 2258

A. SCOPE OF SERVICES:

- A.1. The Contractor shall provide all service and deliverables as required, described, and detailed herein and shall meet all service and delivery timelines as specified by this Contract.
- A.2. Tenn. Code Ann. § 54-5-201 provides that the State is authorized to enter into contracts with municipalities regarding the improvement and maintenance of streets over which traffic on state highways is routed.
- A.3. Tenn. Code Ann. § 54-5-202 provides that streets constructed, reconstructed, improved and maintained by the State shall be of a width and type that the State deems proper, but the width so constructed, reconstructed, improved and maintained shall not be less than eighteen feet (18'); and, in the case of resurfacing and maintenance, from curb to curb where curbs exist, or the full width of the roadway where no curbs exist.
- A.4. Tenn. Code Ann. § 54-5-203 provides that the State is authorized to enter into contracts with municipalities that are organized to care for streets to reimburse, subject to the approval of the State, for improvements and maintenance.
- A.5. Tenn. Code Ann. § 54-16-106 provides that the highway authorities of the state, counties, cities, and town are authorized to enter into agreements with each other respecting the improvement and maintenance of controlled-access facilities, defined by Tenn. Code Ann. § 54-16-101 as a highway or street specially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement of access from abutting properties.
- A.6. Tenn. Code Ann. § 54-5-139 provides that the State may enter into a contract with a qualified county to perform maintenance activities upon the rights-of-way of state highways located outside of municipalities and metropolitan governments; and, that the reimbursement shall be on an actual cost basis.
- A.7. The State is hereby contracting with the Contractor for the improvements and maintenance specified in Attachment Either "Exhibit A" titled "Guidelines Covering Maintenance of State Highways through Municipalities," or "Exhibit A" titled "Guidelines Covering Maintenance of State Highways through a County," attached and incorporated hereto as part of this Contract.

B. TERM OF CONTRACT:

This Contract shall be effective on July 1, 2021 ("Effective Date"), and extend for a period of twelve (12) months after the Effective Date ("Term"). The State shall have no obligation for goods or services provided by the Contractor prior to the Effective Date.

C. PAYMENT TERMS AND CONDITIONS:

- C.1. Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed Fifteen Thousand One Hundred Ninety Dollars and Sixty-Eight Cents (\$15,190.68) The payment rates in section C.3 shall constitute the entire compensation due the Contractor for all service and Contractor obligations hereunder regardless of the difficulty, materials or equipment required. The payment rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the State. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the State requests work and the Contractor performs said work. In which case, the Contractor shall be paid in accordance with the payment rates detailed in section C.3. The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

- C.2. Compensation Firm. The payment rates and the maximum liability of the State under this Contract are firm for the duration of the Contract and are not subject to escalation for any reason unless amended.

- C.3. Payment Methodology. The Contractor shall be compensated based on the payment rates herein for units of service authorized by the State in a total amount not to exceed the Contract Maximum Liability established in section C.1.

- a. The Contractor's compensation shall be contingent upon the satisfactory completion of units, milestones, or increments of service defined in section A.
- b. The Contractor shall be compensated for said units, milestones, or increments of service based upon the following payment rates:

Service Description	Amount (per compensable increment)
"Exhibit A" titled "Guidelines Covering Maintenance of State Highways through a Municipalities "	See Exhibit A

- C.4. Travel Compensation. The Contractor shall not be compensated or reimbursed for travel, meals, or lodging.

- C.5. Invoice Requirements. The Contractor shall invoice the State only for completed increments of service and for the amount stipulated in section C.3, above, and present said invoices no more often than monthly, with all necessary supporting documentation, to:

State of Tennessee Department of Transportation
6615 Centennial Blvd.
Nashville Tn 37243-0360

- a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).
 - (1) Invoice Number (assigned by the Contractor)
 - (2) Invoice Date
 - (3) Contract Number (assigned by the State)
 - (4) Customer Account Name: Tennessee Department of Transportation

- (5) Customer Account Number (assigned by the Contractor to the above-referenced Customer)
- (6) Contractor Name
- (7) Contractor Tennessee Edison Registration ID Number Referenced in Preamble of this Contract
- (8) Contractor Contact for Invoice Questions (name, phone, and/or fax)
- (9) Contractor Remittance Address
- (10) Description of Delivered Service
- (11) Complete Itemization of Charges, which shall detail the following:

- i. Service or Milestone Description (including name & title as applicable) of each service invoiced
- ii. Number of Completed Units, Increments, Hours, or Days as applicable, of each service invoiced
- iii. Applicable Payment Rate (as stipulated in Section C.3.) of each service invoiced
- iv. Amount Due by Service
- v. Total Amount Due for the invoice period

b. The Contractor understands and agrees that an invoice under this Contract shall:

- (1) include only charges for service described in Contract Section A and in accordance with payment terms and conditions set forth in Contract Section C;
- (2) only be submitted for completed service and shall not include any charge for future work;
- (3) not include sales tax or shipping charges; and
- (4) initiate the timeframe for payment (and any discounts) only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.

C.6. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any payment, invoice, or matter in relation thereto. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount invoiced.

C.7. Invoice Reductions. The Contractor's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the State, on the basis of audits conducted in accordance with the terms of this Contract, not to constitute proper remuneration for compensable services.

C.8. Deductions. The State reserves the right to deduct from amounts, which are or shall become due and payable to the Contractor under this or any contract between the Contractor and the State of Tennessee any amounts, which are or shall become due and payable to the State of Tennessee by the Contractor.

C.9. Prerequisite Documentation. The Contractor shall not invoice the State under this Contract until the State has received the following documentation properly completed.

- a. The Contractor shall complete, sign, and present to the State the "Authorization Agreement for Automatic Deposit Form" provided by the State. By doing so, the Contractor acknowledges and agrees that, once this form is received by the State, payments to the Contractor, under this or any other contract the Contractor has with the State of Tennessee, may be made by ACH; and
- b. The Contractor shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Contractor's Federal Employer Identification Number or Social Security Number referenced in the Contractor's Edison registration information.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Contract until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.2. Modification and Amendment. This Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract and, depending upon the specifics of the contract as amended, any additional officials required by Tennessee laws and regulations (said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.3. Termination for Convenience. The State may terminate this Contract without cause for any reason. Said termination shall not be deemed a breach of contract by the State. The State shall give the Contractor at least thirty (30) days written notice before the effective termination date. The Contractor shall be entitled to compensation for satisfactory, authorized service completed as of the termination date, but in no event shall the State be liable to the Contractor for compensation for any service which has not been rendered. Upon such termination, the Contractor shall have no right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.4. Termination for Cause. If the Contractor fails to properly perform its obligations under this Contract in a timely or proper manner, or if the Contractor violates any terms of this Contract, the State shall have the right to immediately terminate the Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the Contractor shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Contract by the Contractor.
- D.5. Subcontracting. The Contractor shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Contract below pertaining to "Conflicts of Interest," "Nondiscrimination," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.
- D.6. Conflicts of Interest. The Contractor warrants that no part of the total Contract Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Contractor in connection with any work contemplated or performed relative to this Contract.
- D.7. Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- D.8. Records. The Contractor shall maintain documentation for all charges under this Contract. The books, records, and documents of the Contractor, insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the State, the Comptroller of the Treasury, or their duly appointed representatives. The financial statements shall be prepared in accordance with generally accepted accounting principles.

- D.9. Prevailing Wage Rates. All contracts for construction, erection, or demolition or to install goods or materials that involve the expenditure of any funds derived from the State require compliance with the prevailing wage laws as provided in *Tennessee Code Annotated*, Section 12-4-401 *et seq.*.
- D.10. Monitoring. The Contractor's activities conducted and records maintained pursuant to this Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.11. Progress Reports. The Contractor shall submit brief, periodic, progress reports to the State as requested.
- D.12. Strict Performance. Failure by any party to this Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Contract shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.
- D.13. Independent Contractor. The parties hereto, in the performance of this Contract, shall not act as employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Contract shall be construed to create a employer/employee relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.

The Contractor, being a Tennessee governmental entity, is governed by the provisions of the Tennessee Government Tort Liability Act, *Tennessee Code Annotated*, Sections 29-20-101 *et seq.*, for causes of action sounding in tort. Further, no contract provision requiring a Tennessee political entity to indemnify or hold harmless the State beyond the liability imposed by law is enforceable because it appropriates public money and nullifies governmental immunity without the authorization of the General Assembly.

- D.14. State Liability. The State shall have no liability except as specifically provided in this Contract.
- D.15. Force Majeure. The obligations of the parties to this Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause.
- D.16. State and Federal Compliance. The Contractor shall comply with all applicable State and Federal laws and regulations in the performance of this Contract.
- D.17. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Contractor agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Contract. The Contractor acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under *Tennessee Code Annotated*, Sections 9-8-101 through 9-8-407.
- D.18. Completeness. This Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
- D.19. Severability. If any terms and conditions of this Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall

remain in full force and effect. To this end, the terms and conditions of this Contract are declared severable.

- D.20. Headings. Section headings of this Contract are for reference purposes only and shall not be construed as part of this Contract.

E. SPECIAL TERMS AND CONDITIONS:

- E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Contract, these special terms and conditions shall control.
- E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

The State:

Jennifer Jason Admin Service Asst.II
6615 Centennial Blvd.
Nashville Tn. 37243-0360
Email jennifer.jason@tn.gov
Telephone # 615-350-4586
Fax# 615-350-4142

The Contractor:

Jeff McCormick
City of Goodlettsville
j.mccormick@goodlettsville.gov
Telephone # 615-859-2740
Fax#615-851-4052

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

- E.3. Subject to Funds Availability. The Contract is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate the Contract upon written notice to the Contractor. Said termination shall not be deemed a breach of Contract by the State. Upon receipt of the written notice, the Contractor shall cease all work associated with the Contract. Should such an event occur, the Contractor shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Contractor shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- E.4. MUTCD. In accordance with Tenn. Code Ann. 54-5-108, the Contractor shall conform to and act in accordance with the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by rules of the State. Particularly, the Contractor shall sign work-zones associated with this Contract in accordance with the aforesaid MUTCD.
- E. 5. Maintenance. Nothing contained in this Contract shall change the maintenance obligations governed by the laws of the State of Tennessee, it being the intent of this Contract not to enlarge the present maintenance obligations of the State.

IN WITNESS WHEREOF,

CITY OF GOODLETTSVILLE

CONTRACTOR SIGNATURE DATE

PRINTED NAME AND TITLE OF CONTRACTOR SIGNATORY (above)

APPROVED AS TO FORM AND LEGALITY

CONTRACTOR ATTORNEY SIGNATURE DATE

PRINTED NAME AND TITLE OF CONTRACTOR ATTORNEY SIGNATORY (above)

STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION:

CLAY BRIGHT, COMMISSIONER DATE

APPROVED AS TO FORM AND LEGALITY

JOHN REINBOLD, GENERAL COUNSEL DATE

“EXHIBIT A”
GUIDELINES COVERING MAINTENANCE
OF STATE HIGHWAYS THROUGH MUNICIPALITIES

The following items where applicable are eligible for reimbursement by the State to the Contractor under the Special Maintenance Agreement:

Activity	Maintenance Work Type	Unit of Measure
435	Machine Mowing**	Acres
441	Litter Removal**	Roadway Miles
446	Mechanical Sweeping and Street Flushing	Miles

** Work must be inside the area eligible for reimbursements as detailed in "CITY MAINTENANCE ROADWAY TYPICAL SECTIONS".

Machine Mowing work shall consist of cutting or trimming vegetation primarily consisting of, but not limited to, grasses and invasive weeds on State rights-of-way as detailed below to provide a consistent and aesthetically pleasing standing vegetation height as directed by the State.

Litter Removal work shall consist of removal of litter from the entire highway rights-of-way where accessible (fence to fence where applicable), including shoulders and excluding the travel lanes on interstate and state routes as detailed below.

Mechanical Sweeping and Street Flushing work shall consist of the removal by mechanical sweeping, or other approved means, of dirt and debris accumulated on the roadway along curbs, gutters, median barriers, bridge curbs and gore areas and ramps at interchanges as detailed below.

INVENTORY OF ELIGIBLE MACHINE MOWING FOR THE MAINTENANCE
OF STATE HIGHWAYS THROUGH MUNICIPALITIES

The following Table itemizes the eligible mowing area in acres which will be maintained by the Contractor under the terms of this contract. The State agrees to reimburse said Contractor in the amount actually expended for machine mowing, not to exceed the number of cycles and the price per acre as detailed below.

Approved Mowing Reimbursement Per Acre:	\$ 45.00
Calculated Maximum Reimbursement (Mowing):	\$ 7,425.00

Mowing Inventory Worksheet							
Route Number	Roadway Type	Begin Termini (LM)	End Termini (LM)	Median Area (acres)	Controlled Access Area (acres)	Segment Total Area (acres)	Contract Segment Total Area (acres)
I-65	2B	Davidson Co. 20.08	Davidson Co. 20.42	0	6.615	6.615	39.69
I-65	2A	Davidson Co. 21.09	Davidson Co. 21.6	0	10.04	10.04	60.24
I-65	2A	Sumner Co. .829	Sumner Co. 1.41	0	6.62	6.62	39.72
SR-11	2B	Sumner Co. .105	Sumner Co. .410	0	8.39	8.39	25.17
Total Contract Area (acres):							165

INVENTORY OF ELIGIBLE LITTER
REMOVAL FOR THE MAINTENANCE
OF STATE HIGHWAYS THROUGH MUNICIPALITIES

The following Table itemizes the eligible length of litter removal in linear miles which will be maintained by the Contractor under the terms of this contract. The State agrees to reimburse said Contractor in the amount actually expended for litter removal, not to exceed the number of cycles and the price per linear mile as detailed below.

Insert "Litter Inventory" Table from ExhibitA_CitySA_Template2021.xlsx here

Approved Litter Reimbursement Per Mile:	\$ 80.00
Calculated Maximum Reimbursement (Litter):	\$ 6,319.68

Litter Inventory Worksheet										
Route Number	Roadway Type	Beginning Termini (LM)	Ending Termini (LM)	Segment Length (mi.)	Litter Pass Miles Per Segment	Segment Total Litter (mi.)	Price per Litter Mile	Number of Litter Cycles	Contract Segment Total Litter (mi.)	Contract Segment Total Litter (\$)
I-65	2B	Davidson Co. 20.08	Davidson Co. 0.34	1.35	2	2.7	\$ 80.00	12	32.4	2592
I-65	2A	Davidson Co. 21.09	Davidson Co. 21.6	0.51	3	1.53	\$ 80.00	12	18.36	1468.8
I-65	2A	Sumner Co. .829	Sumner Co. 1.41	0.581	3	1.743	\$ 80.00	12	21	1673.28
SR-11	2B	Sumner Co. .105	Sumner Co. .410	0.305	2	0.61	\$ 80.00	12	7.32	585.6
Total Contract Litter (mi.):									78.996	\$ 6,319.68

INVENTORY OF ELIGIBLE LITTER REMOVAL FOR THE MAINTENANCE OF STATE HIGHWAYS THROUGH MUNICIPALITIES

12
\$50.00
\$ 1,446.00

12
\$50.00
\$ 1,446.00

Sweeping Inventory Worksheet								
Route Number	Roadway Type	Beginning Termini (LM)	Ending Termini (LM)	Segment Length	Sweeping Miles Per Segment	Segment Total Sweeping (mi.)	Number of Sweeping Cycles	Contract Segment Total Sweeping (mi.)
SR-174	1D	Davidson Co. 0	Davidson Co. 0.92	0.92	1	0.92	12	11.04
SR-174	1D	Sumner Co. 0	Sumner Co. 1.49	1.49	1	1.49	12	17.88
Total Contract Sweeping (mi.):								28.92

CITY MAINTENANCE ROADWAY TYPICAL SECTIONS

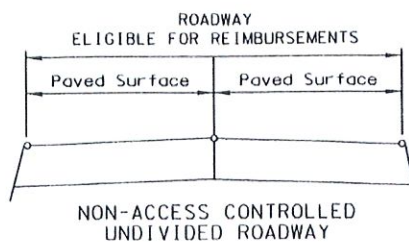


FIGURE 1A

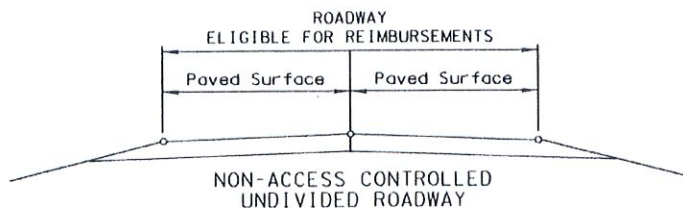


FIGURE 1B

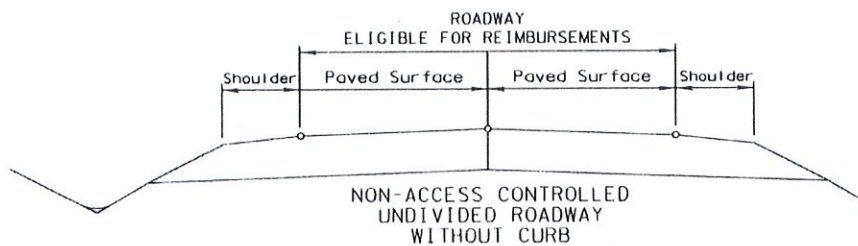


FIGURE 1C

NOTE: IN FIGURES 1A, 1B, AND 1C FOR NON-CONTROLLED ROUTES THE PAVED SURFACE WILL INCLUDE PAVED SHOULDERS.

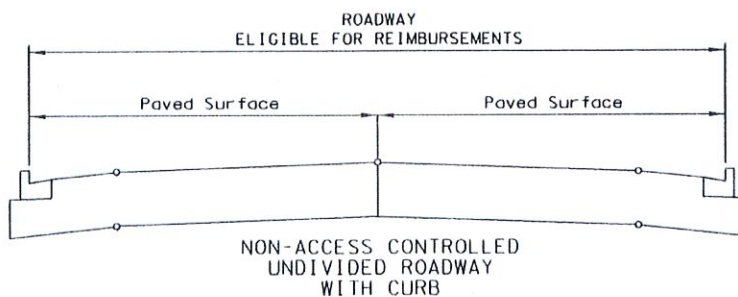


FIGURE 1D

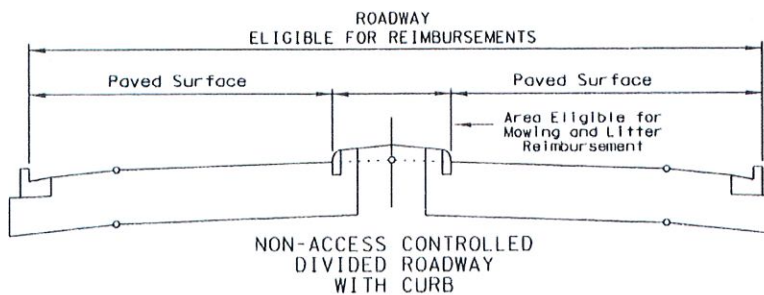
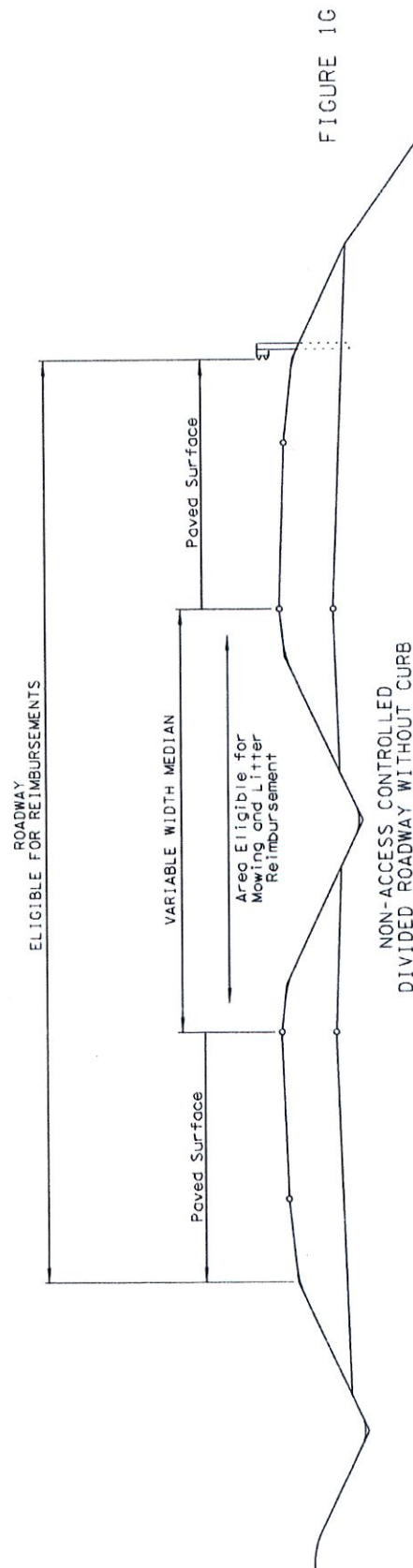
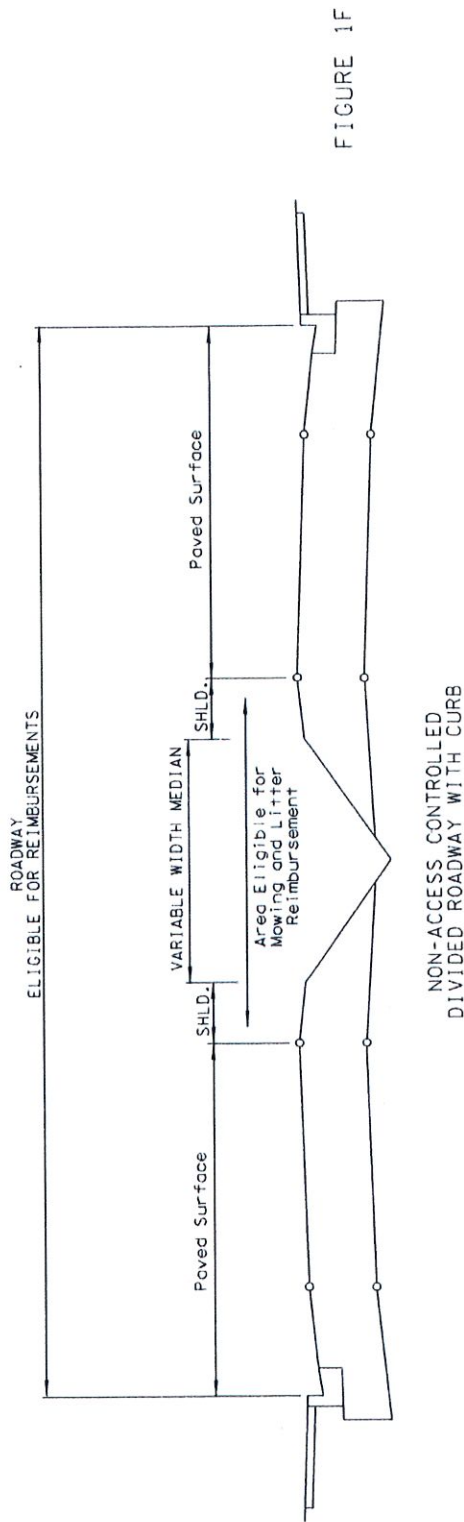


FIGURE 1E

CITY MAINTENANCE
ROADWAY TYPICAL SECTIONS



NOTE:
IF FIGURES 1F AND 1G FOR NON-ACCESS CONTROLLED ROUTES
THE PAVED SURFACE WILL INCLUDE PAVED SHOULDERS.

CITY MAINTENANCE
ROADWAY TYPICAL SECTIONS

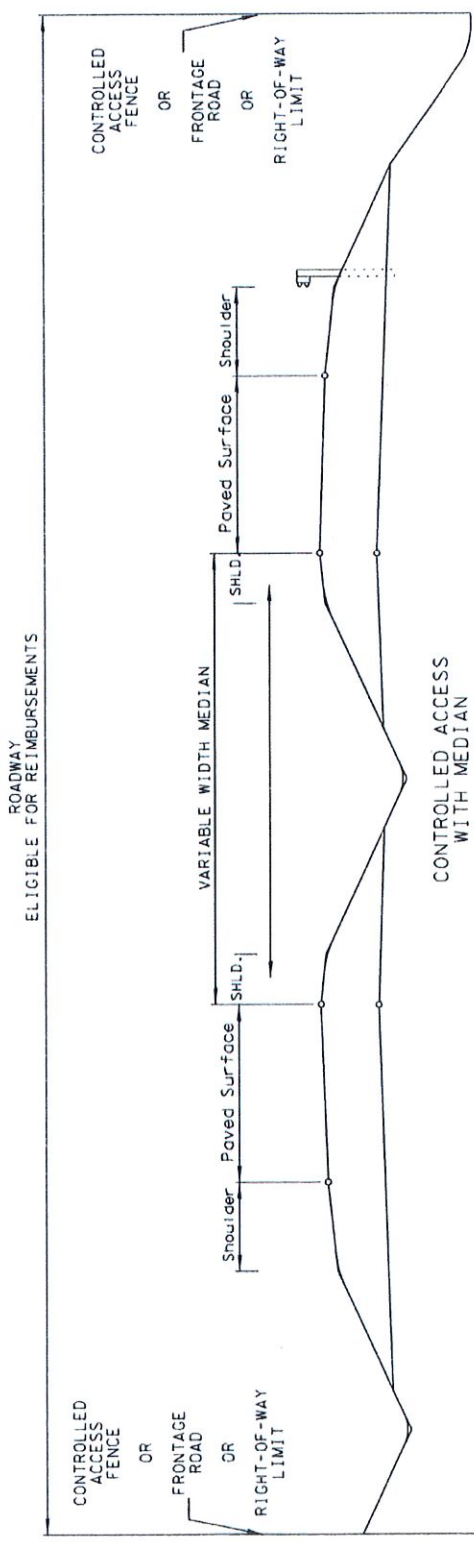


FIGURE 2A

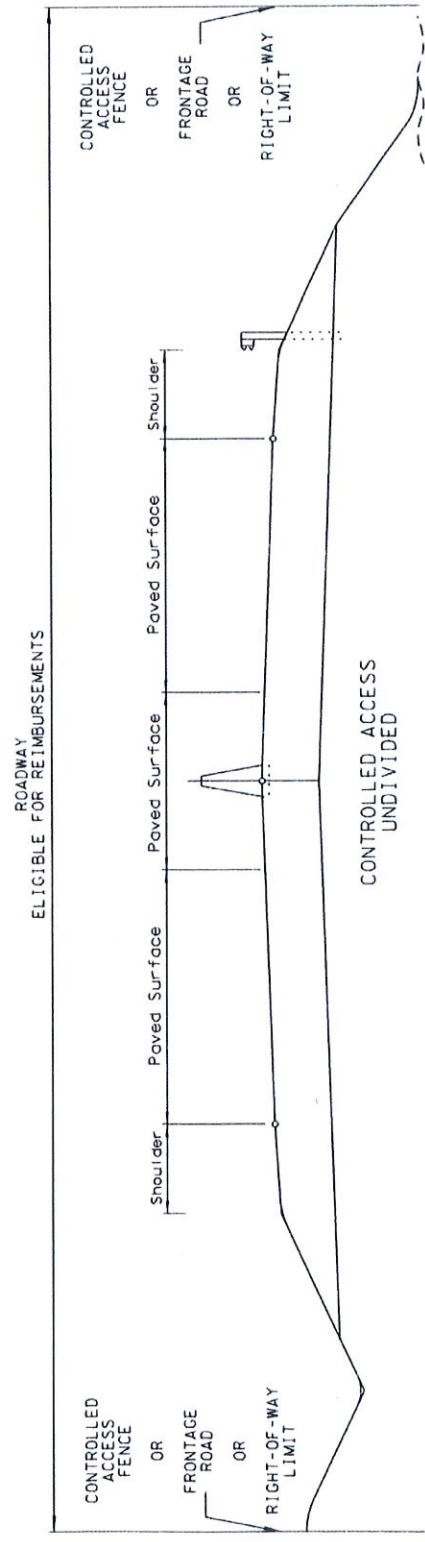


FIGURE 2B



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

David Bowker

Operation Technician Supervisor, Dist. 37 Maintenance

Building I
6615 Centennnial Blvd.
Nashville, TN 37243

david.bowker@tn.gov
Office: 615-350-4404
Fax: 615-350-4142
Cell: 615-335-7209



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> RESOLUTION 21-988 A resolution declaring certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by online auction or any other reasonable manner. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-988 Dept. of Origin: Administration For Agenda of: June 24, 2021 Originator: Tim Ellis Cost of Item: Positive Impact
--	--

AGENDA ITEM ATTACHMENTS:

Resolution 21-988

SUMMARY STATEMENT:

This resolution would declare certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by trade-in or online auction or any other reasonable manner.

FINANCIAL SUMMARY:

There would be a positive fiscal impact to the city based on the sale of the surplus property.

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-988.

RESOLUTION NO. 21-988

A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS TO THE NEEDS OF THE CITY OF GOODLETTSVILLE AND CALLING FOR ITS DISPOSAL BY ONLINE AUCTION OR ANY OTHER REASONABLE MANNER.

WHEREAS, occasionally, the City of Goodlettsville owns property that is no longer of use or has value for its intended use; and,

WHEREAS, The City of Goodlettsville foresees no future need or use of said property; and,

WHEREAS, The City of Goodlettsville desires to dispose of said property;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE THAT PROPERTY LISTED IN EXHIBIT 1 OF THIS RESOLUTION IS DECLARED TO BE SURPLUS PROPERTY.

BE IT FURTHER RESOLVED THAT SAID PROPERTY SHALL BE DISPOSED OF BY ONLINE AUCTION OR ANY OTHER MEANS IN ACCORDANCE WITH STATE LAW AND THE CITY'S PURCHASING POLICY.

THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

MAYOR RUSTY TINNIN

Adopted: June 24, 2021

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

10 16 A M

MAR 18 2021

KATHRYN STRONG, CLERK
BY *[Signature]* D.C.

RECEIVED
MAR 15 2021
By _____

IN RE: Miscellaneous Items (Firearms, other weapons, assorted drugs, drug paraphernalia and other assorted items)

Upon the Petition of the District Attorney General, filed on behalf of Officer Les Carlisle, Goodlettsville Police Department, and for good cause shown, it is hereby ORDERED that:

1. That the assorted property items enumerated in Exhibit "A" be destroyed.
2. That the drugs and drug paraphernalia enumerated in Exhibit "B" attached hereto be destroyed.
3. That the non-firearm property enumerated in Exhibit "C" be destroyed.
4. That the firearm property enumerated in Exhibit "C" be retained by the Goodlettsville Police Department to trade with a Class III regulated firearms dealer in order to purchase firearms, ammunition and/or other law enforcement equipment to be used by the Goodlettsville Police Department.

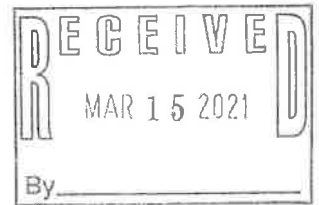
It is further ordered that upon receipt of this order to dispose of the listed property and upon the disposition of said property, Officer Les Carlisle or his duly authorized representative will submit to the Court an appropriate affidavit attesting as to how and when said property was disposed of.

Entered this 11th day of March, 2021.

DEF DAVID GAY, JUDGE

APPROVED FOR ENTRY:

LAWENCE RAY WHITLEY
DISTRICT ATTORNEY GENERAL
STATE OF TENNESSEE



IN THE CRIMINAL COURT FOR SUMNER COUNTY, TENNESSEE, AT GALLATIN

IN RE: Miscellaneous Items (Firearms, other weapons, assorted drugs, drug paraphernalia and other assorted items)

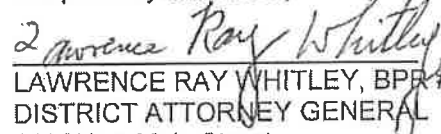
PETITION

Comes now the District Attorney General and asks for leave of Court for permission for the Goodlettsville Police Department, Goodlettsville, Tennessee, through Officer Les Carlisle, to dispose of property as follows:

1. That the assorted property items enumerated in Exhibit "A" be destroyed.
2. That the drugs and drug paraphernalia enumerated in Exhibit "B" attached hereto be destroyed.
3. That the non-firearm property enumerated in Exhibit "C" be destroyed.
4. That the firearm property enumerated in Exhibit "C" be retained by the Goodlettsville Police Department to trade with a Class III regulated firearms dealer in order to purchase firearms, ammunition and/or other law enforcement equipment to be used by the Goodlettsville Police Department.

After said property has been disposed of, Officer Les Carlisle will submit to the court an appropriate affidavit in accordance with T.C.A. 39-17-1317 attesting as to how said property was disposed of.

Respectfully submitted,


LAWRENCE RAY WHITLEY, BPR #3417
DISTRICT ATTORNEY GENERAL
113 West Main Street
Cordell Hull Bldg. 3rd Floor
Gallatin, TN 37066
(615) 451-5810

FILED

1132 A M

MAR 15 2021

KATHRYN STRONG, CLERK
BY KA D.C.

COUNTY OF SUMNER

AFFIDAVIT

I, Officer Les Carlisle, of the Goodlettsville Police Department, do solemnly swear and affirm as follows: that the property enumerated in the attached lists was obtained by officers of the Goodlettsville Police Department during the course of law enforcement activities and criminal investigations; that this property has no owners, is unclaimed and considered abandoned; that this property is in custody and control of the Goodlettsville Police Department and is no longer needed as evidence in any pending case or investigation. I would request permission to dispose of property as follows:

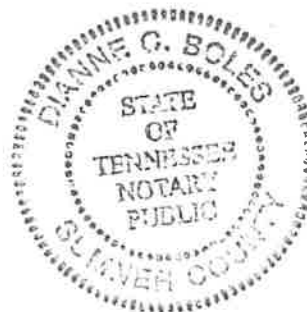
1. That the assorted property items enumerated in Exhibit "A" be destroyed.
2. That the drugs and drug paraphernalia enumerated in Exhibit "B" attached hereto be destroyed.
3. That the non-firearm property enumerated in Exhibit "C" be destroyed.
4. That the firearm property enumerated in Exhibit "C" be retained by the Goodlettsville Police Department to trade with a Class III regulated firearms dealer in order to purchase firearms, ammunition and/or other law enforcement equipment to be used by the Goodlettsville Police Department.

Officer Les Carlisle
Officer Les Carlisle
Goodlettsville Police Department

Sworn to and subscribed before me this

15th day of March, 2021

Dianne C. Boles
Dianne C. Boles, Notary Public
My commission expires 5-25-22



**GOODLETTSVILLE POLICE DEPARTMENT
SUMNER COUNTY
EXHIBIT A - GENERAL**

CPD #	MNPD #	DEFENDANT	WARRANT #	DISPOSITION	ITEM DESCRIPTION
1982-08461	SUMNER	N/A	N/A	SUICIDE	Bullets, shell casing, live round
2011-13331	SUMNER	Fletcher, Antonio D	83CC1-2011-CR-753	Dismissal / Nolle Prosequi 03/08/2012	Lug wrench
2011-13331	SUMNER	Lively, Matthew	83CC1-2011-CR-753	Guilty Plea-Lesser Charge 02/16/2012	Lug wrench
2015-08602	SUMNER	Jeffries, Corey Maurice	83CC1-2015-CR-605	Guilty Plea / Dismissal/Nolle Prosequi 02/06/2020	Handgun box
2018-04200	SUMNER	Payne, Skylar M	N/A	NO PROSECUTION	Rape kit
2018-09432	SUMNER	Hernandez Jr, Ramon Luis	83CC1-2018-CR-1019	Guilty Plea-As Charged / Dismissal 05/23/2019	cell phones, labels, computers, thumb drives, SD card
2018-09554	SUMNER	Bachus, Walter Jerome	N/A	NO PROSECUTION	Wallet, documents, cell phone
2018-09554	SUMNER	Graham, Kory Andrews	N/A	NO PROSECUTION	Wallet, documents, cell phone
2018-31017	SUMNER	Ballejos, Donovan Stetson	83CC1-2019-CR-230	Guilty Plea 12/09/2019	Blood kit (TBI to destroy 09/03/2019)
2018-33539	SUMNER	Bagwell, Christopher Patrick	83GS1-2019-CR-10981	Guilty As Charged / Nolle Prosequi 03/11/2019	License plate
2018-38027	SUMNER	Foytk, Ryan Gregory	83GS1-2018-CR-12363	Guilty 09/10/2019	Blood kit (TBI to destroy 06/01/2020) - TBI has it as 1838022
2019-00107	SUMNER	Oversireel, Tracy Lane	Nothing Found	Nothing Found	DNA Swab kit
2019-01609	SUMNER	McEwen, Trenton	83GS1-2019-CR-491	Guilty / Nolle Prosequi 08/30/2019	Blood kit (TBI to destroy 02/03/2020)
2019-02281	SUMNER	Giner, Steve James	N/A	NO PROSECUTION	Misc. Paperwork, TN license plate, power cord chargers, tools
2019-03141	SUMNER	Olmsick Jr, Michael Joseph	83GS1-2019-CR-993	Guilty / Nolle Prosequi 09/10/2019	Blood kit (TBI to destroy 08/03/2020)
2019-11547	SUMNER	Olmsick Jr, Michael Joseph	83GS1-2019-CR-3367	Guilty / Nolle Prosequi 08/06/2019	Blood kit (TBI to destroy 04/01/2020)
2019-18781	SUMNER	Cason, Shawn Gordon	83CC1-2019-CR-599	Guilty / Dismissed 10/03/2019	Blood kit (TBI to destroy 07/01/2020)
2019-21241	SUMNER	Beard, Ryan Michael	83GS1-2019-CR-570	Guilty / Nolle Prosequi 09/10/2019	Blood kit (TBI to destroy 07/01/2020)
2019-22352	SUMNER	Gray, Dawne M	83GS1-2019-CR-5545	Guilty of Amended Charge 07/14/2020	Blood kit (TBI to destroy 07/01/2020)
2019-25849	SUMNER	Abernethy, Jesse C	83CC1-2019-CR-735	Guilty / Dismissed 11/07/2019	Blood kit (TBI to destroy 08/03/2020)
2019-26912	SUMNER	McGee, Barry Vincent	83GS1-2019-CR-8027	Guilty 10/15/2019	Blood kit (TBI to destroy 08/03/2020)
2019-33185	SUMNER	Jennings, Caleb Thomas	83GS1-2019-CR-10031	Guilty 09/10/2019	Blood kit (TBI to destroy 09/01/2020)
2019-35205	SUMNER	Green, John-Paul Lucius	83GS1-2019-CR-10656	Guilty / Dismissed 05/22/2020	Blood kit (TBI to destroy 10/01/2020)
2019-35573	SUMNER	Jones, Darrell Anthony	83GS1-2019-CR-10745	Guilty / Nolle Prosequi 06/23/2020	cash money, cell phones
2019-36228	SUMNER	Baker, Elizabeth Blaire	83GS1-2019-CR-10951	Guilty 10/08/2019	Blood kit (TBI to destroy 10/01/2020)
2019-46955	SUMNER	Gault, Houston T	83GS1-2019-CR-14000	Guilty / Nolle Prosequi 02/03/2020	Blood kit (TBI to destroy 01/04/2021)
2019-47810	SUMNER	Bryan, Johnny R	83GS1-2019-CR-14234	Guilty / Dismissed 06/23/2020	Blood kit (TBI to destroy 01/04/2021)
2019-48168	SUMNER	Unger, Trade	83GS1-2019-CR-14341	Judicial Diversion / Nolle Prosequi 02/12/2020	TN lic plate
2019-48548	SUMNER	Campbell, Gary R	83GS1-2020-CR-12	Guilty 01/07/2020	Blood kit (TBI to destroy 02/01/2021)
2020-01177	SUMNER	Burison, Gregory Ransom	83GS1-2020-CR-379	Guilty Plea Lesser Charge 10/13/2020	Blood kit (TBI to destroy 02/01/2021)
2020-02362	SUMNER	Williams 3rd, Thomas Wesley	83GS1-2020-CR-580	Guilty As Charged 08/11/2020	Blood kit (TBI to destroy 03/01/2021)
2020-02612	SUMNER	Weeks, Elizabeth C	83GS1-2020-CR-701	Guilty As Charged 05/19/2020	Blood kit (TBI to destroy 03/01/2021)
2020-09275	SUMNER	Alexander, Camajia Ramos Salvador	83GS1-2020-CR-2768	Guilty As Charged 10/13/2020	Blood kit (TBI to destroy 04/01/2021)

**GOODLETTSVILLE POLICE DEPARTMENT
SUMNER COUNTY
EXHIBIT B - NARCOTIC VIOLATIONS**

CPD #	MINPD #	DEFENDANT	WARRANT #	DISPOSITION	ITEM DESCRIPTION
1990-06770	SUMNER	Cunioham, Crain H	Unknown	Nothing Found	Marijuana
1990-06770	SUMNER	Peake Sr, James W	Unknown	Nothing Found	Marijuana
2015-34333	SUMNER	Packer II, Kevin Levan	83GS1-2019-CR-9746	Dismissed 02/03/2021	Cocaine
2017-29228	SUMNER	Stanfill, Dont Dornell	83GS1-2017-CR-10030	Guilty / Retired 11/21/2017	Suboxone, Promethazine, Xanax
2017-31580	SUMNER	Beli, Jordan	83GS1-2017-CR-10881	Guilty 11/15/2017 / Dismissed 03/26/2019	Marijuana, scale, glass jar
2017-44425	SUMNER	Summerfield, Jennifer A	83GS1-2017-CR-15383	Warrant # not found in SC system	Marijuana, scale, glass jar
2018-16090	SUMNER	Pham, Van Thanh	83GS1-2018-CR-7199	Guilty As Charged 03/06/2019	Pipes
2018-35378	SUMNER	Baroff, Michele Lee	83CC1-2018-CR-1089	Guilty Plea - As Charged 03/28/2019	Marijuana, Neutrolin, pipes, baggies, straw, scale
2018-35378	SUMNER	Geason, Vernon	83GS1-2018-CR-11614	Guilty Plea Lesser Charge 11/07/2018	Marijuana, Neutrolin, pipes, baggies, straw, scale
2019-00743	SUMNER	King, Mary Alton	83GS1-2019-CR-1917487	Guilty Plea Lesser Charge 11/07/2018	Marijuana
2019-01180	SUMNER	Ivy, Houston DeWayne	83GS1-2019-CR-354	Guilty 02/13/2019	Subutex pills, digital scales, pipe, grinder
2019-02028	SUMNER	Druy, Wesley Allen	83GS1-2019-CR-355	Guilty 07/10/2019	Subutex pills, digital scales, pipe, grinder
2019-02028	SUMNER	Moore, Jacquan Leralph	83GS1-2019-CR-600	Guilty / Retired / Nolle Prosequi 03/27/2019	Marijuana, methamphetamine
2019-03141	SUMNER	Chard, Jessica	83GS1-2019-CR-983	Guilty / Nolle Prosequi 09/10/2019	Tan powdery substance
2019-04104	SUMNER	Crain, Jonathan Coleman	83GS1-2019-CR-1253	Nolle Prosequi / Guilty Plea 02/06/2019	Marijuana
2019-04484	SUMNER	Brawley, Robert Paul	83GS1-2019-CR-1462	Nolle Prosequi / Guilty 03/06/2019	Heroin, methamphetamine, straw, spoon
2019-07243	SUMNER	Read, Jason D	83GS1-2019-CR-2106	Guilty / Nolle Prosequi 04/02/2019	Amphetamine-Dext pills, Clonazepam, Acetaminophen, Cocaine Phosphate, Bactolol, Vivance, Marijuana, methamphetamine
2019-07300	SUMNER	Reynolds, Lacie	83GS1-2019-CR-2119	Guilty 03/13/2019	tan powdery substance
2019-08576	SUMNER	Tavares, Roberto	83GS1-2019-CR-2491	Guilty / Nolle Prosequi 04/02/2019	Marijuana, scale, grinder
2019-08576	SUMNER	Barajas, Erik Roberto	83GS1-2019-CR-2427	Guilty Plea / Guilty / Nolle Prosequi 04/02/2019	Marijuana, scale, grinder
2018-08617	SUMNER	Luttwelt, Michael Lawrence	83GS1-2019-CR-2438	Guilty 08/13/2019	Marijuana
2019-08894	SUMNER	Adams, Michael Shane	83CC1-2019-CR-436	Dismissal / Nolle Prosequi 12/12/2019	Marijuana, methamphetamine, Heroin, Xanax, Amphetamine-Dext, bags, scales
2018-09155	SUMNER	Malone, Matthew Travis	83GS1-2019-CR-2648	Guilty 09/24/2019	Suboxone strips
2018-09359	SUMNER	Roden, James Patrick	83GS1-2019-CR-2673	Retired / Guilty 04/24/2019	Pipe, scale, vials of anabolic steroids
2018-15987	SUMNER	Davis, Alisha Johny	83GS1-2019-CR-4854	Guilty / Guilty Plea / Nolle Prosequi 08/20/2019	Cocaine, pipe
2019-18124	SUMNER	Hunnicutt, Amanda Beth	83GS1-2019-CR-5237	Guilty / Nolle Prosequi 06/11/2019	Marijuana, methamphetamine, syringes, scale
2019-18734	SUMNER	Rossett, Steven Rhea	83GS1-2019-CR-8004	Guilty / Nolle Prosequi 10/08/2019	Marijuana, methamphetamine, Suboxone, currency with residue
2019-21033	SUMNER	Reed, Daniel	JUVENILE	JUVENILE	Marijuana
2019-21033	SUMNER	Wright, Michael	JUVENILE	JUVENILE	Marijuana
2019-21241	SUMNER	Beard, Ryan Michael	83GS1-2019-CR-6270	Guilty / Nolle Prosequi 09/10/2019	Marijuana, grinder
2019-23844	SUMNER	Turnbull, Jeffrey Edward	83GS1-2019-CR-7024	Guilty / Nolle Prosequi 09/06/2019	straw, methamphetamine
2019-24058	SUMNER	Steel, Pamela S	83GS1-2019-CR-7096	Guilty / Guilty Plea Lesser Charge 07/16/2019	Oxycodone, marijuana, methamphetamine
2019-27731	SUMNER	Donato, Marcus Shaw	83CC1-2019-CR-771	Guilty Plea / Dismissal / Nolle Prosequi 12/12/2019	Heroin, marijuana, methamphetamine, buprenorphine, scale, bags, cash, cell phones
2019-27740	SUMNER	Humphrey, Darin Ross	83GS1-2019-CR-8312	Guilty 08/20/2019	Pipe with residue, scale
2019-31579	SUMNER	Ridge, Preston Calby	83GS1-2019-CR-8490	Guilty / Nolle Prosequi 12/17/2019	THC pen, cartridges
2019-32372	SUMNER	Lopez, Pedro	83GS1-2019-CR-9728	Judicial Diversion 01/21/2020	Marijuana
2019-33028	SUMNER	Andress, Christopher Noel	83GS1-2019-CR-9874	Guilty / Retired 09/02/2019	White powder substance, glass pipe
2019-35166	SUMNER	Saidana, Alma Janiza	83GS1-2019-CR-10658	Nolle Prosequi / Judicial Diversion 01/14/2020	Marijuana, methamphetamine, Marijuana, THC candy, scales, grinder
2019-35573	SUMNER	Jones, Darrell Anthony	83GS1-2019-CR-10745	Guilty / Nolle Prosequi 06/23/2020	Marijuana, cash money, cell phones
2019-36911	SUMNER	Brown, Dylan Thomas	83GS1-2019-CR-12089	Dismissed 02/18/2020	Marijuana
2019-40410	SUMNER	Deason, Susan Ray	83CC1-2019-CR-1024	Guilty Plea / Dismissal/Nolle Prosequi 05/27/2020	Cocaine, marijuana, hydrocodone, Tizanidine, Alorvastatin, scale, pipe, ledger, bags, cell phone

GOODLETTSVILLE POLICE DEPARTMENT
SUMNER COUNTY
EXHIBIT C - WEAPONS

CPD #	MNPD #	DEFENDANT	WARRANT #	DISPOSITION	ITEM DESCRIPTION
2015-24333	SUMNER	Packer II, Kevin Levan	83GS1-2015-CR-9746	Dismissed 02/03/2021	BB pistol
2017-31580	SUMNER	Bell, Jordan	83GS1-2017-CR-10881	Guilty 11/15/2017 / Dismissed 03/26/2019	Glock 9mm ser# BDB1762
2018-16000	SUMNER	Pham, Van Thanh	83GS1-2018-CR-7189	Guilty As Charged 03/06/2019	Glock 20 ser# BEKH212
2018-28768	SUMNER	Cutubas, David Allen	83CC1-2018-CR-1024	Guilty Plea-As Charged / Dismissal 02/14/2019	HiPoint C9 ser# UNK
2018-07180	SUMNER	Ivy, Houston DeWayne	83GS1-2019-CR-354	Guilty 02/13/2019	Kahr CW40, 40 cal Ser# FD1577
2019-07180	SUMNER	Drury, Wesley Allen	83GS1-2019-CR-355	Guilty 07/10/2019	Kahr CW40, 40 cal Ser# FD1577
2019-04104	SUMNER	Crain, Jonathan Coleman	83GS1-2019-CR-1253	Nolle Prosequi / Guilty Plea 02/06/2019	Bryco Arms Ser# 1420926
2019-08894	SUMNER	Adams, Michael Shane	83CC1-2019-CR-436	Dismissal / Nolle Prosequi 12/12/2019	Mossberg 12 ga ser# J320620, INA 746 revolver .38 ser# 192209, Taurus PT24/7 G2C 9mm ser# TGT/22602
2019-23844	SUMNER	Tumulty, Jeffrey Edward	83GS1-2019-CR-7024	Guilty / NolleProsequi 08/06/2019	Jimenez 22 ser# 1125639
2019-35567	SUMNER	Williamson, Kenneth S	83GS1-2019-CR-10763	Judicial Diversion 10/02/2019	Ruger LCP .380 ser# 372138761, Taurus Mod 709 Slim ser# TJS35405



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

SUBJECT TITLE: RESOLUTION 21-989

A resolution pursuant to the authority granted by Section 6-54-11 of the Tennessee Code Annotated, and in accordance with the internal control and compliance manual for Tennessee Municipalities authorizing appropriations for financial donation to the Goodlettsville Area Chamber of Commerce, a non-profit civic organization whose services benefit the general welfare of the residents of Goodlettsville.

PUBLIC HEARING

PRESENTED BY: Tim Ellis, City Manager
Julie High, ACM

Agenda Item: Resolution 21-989

Dept. of Origin: Administration

For Agenda of: June 24, 2021

Originator: Tim Ellis

Cost of Item: \$5,000.00 Tourism

AGENDA ITEM ATTACHMENTS:

Resolution 21-989

SUMMARY STATEMENT:

As approved in FY2022 Budget the Goodlettsville Area Chamber of Commerce would receive a donation of \$5,000.00 for the purpose of tourism and economic development marketing.

FINANCIAL SUMMARY:

\$5,000.00 Tourism Fund

RECOMMENDED ACTION:

Staff recommends that the Board adopt Resolution 21-989

RESOLUTION NO. 21-989

A RESOLUTION PURSUANT TO THE AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED, AND IN ACCORDANCE WITH THE INTERNAL CONTROL AND COMPLINACE MANUAL FOR TENNESSEE MUNICIPALITIES AUTHORIZING APPROPRIATIONS FOR FINANCIAL DONATION TO THE GOODLETTSVILLE AREA CHAMBER OF COMMERCE, A NONPROFIT CIVIC ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.

WHEREAS, Goodlettsville Area Chamber of Commerce is a nonprofit civic organization whose year-round services benefit the general welfare of the residents of this municipality; and

WHEREAS, Section 6-54-111 of Tennessee Code Annotated authorizes appropriation of funds for financial aid of such nonprofit charitable or nonprofit civic organizations; and

WHEREAS, the Internal Control and Compliance Manual for Tennessee Municipalities Title 4, Chapter 3, Section 1, requires that a special resolution be adopted for each such nonprofit charitable or nonprofit civic organization which is to receive such funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Goodlettsville, Tennessee, that;

Section 1. The Board of Commissioners may appropriate funds in the amount of \$5,000.00 for the financial aid of Goodlettsville Area Chamber of Commerce, a nonprofit charitable or nonprofit civic organization whose year-round-services benefit the general welfare of the residents of this municipality.

Section 2. Such funds appropriated by the municipality for use by Goodlettsville Area Chamber of Commerce shall be spent for the following purposes:

1. Marketing and Business Development of the City of Goodlettsville

All such funds shall be used to promote the general welfare of the residents of this municipality.

Section 3. Goodlettsville Area Chamber of Commerce shall comply with all requirements of Section 6-54-111 of Tennessee Code Annotated and Title 4, Chapter 3, Section 1 of the Internal Control and Compliance Manual for Tennessee Municipalities, particularly with regard to submission of an annual report of its business affairs and transactions and the proposed use of the municipal assistance.

Section 4. This resolution shall take effect upon its passage, the public welfare requiring it.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

Mayor

Passed: _____
(date)

City Recorder
Approved as to form and legality.

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville, Tennessee**

SUBJECT TITLE: Resolution 21-990

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE STATE OF TENNESSEE AND THE CITY OF GOODLETTSVILLE FOR A LOCAL GOVERNMENT DIRECT APPROPRIATION GRANT.

PRESENTD BY: Tim Ellis, City Manager

Agenda Item: Resolution 21-990

Dept. of Origin: Administration

For Agenda of: June 24, 2021

Originator: Tim Ellis

Cost of Item: -0

AGENDA ITEM ATTACHMENTS:

Resolution 21-990

SUMMARY STATEMENT:

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE STATE OF TENNESSEE AND THE CITY OF GOODLETTSVILLE FOR A LOCAL GOVERNMENT DIRECT APPROPRIATION GRANT.

FINANCIAL SUMMARY:

\$200,000. Requiring no matching funds

RECOMMENDED ACTION:

Staff recommends the Board adopt Resolution 21-990.

RESOLUTION NO. 21-990

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE STATE OF TENNESSEE AND THE CITY OF GOODLETTSVILLE FOR A LOCAL GOVERNMENT DIRECT APPROPRIATION GRANT.

WHEREAS, the State of Tennessee funding to local governments through the Local Government Direct Appropriation Grant Program; and,

WHEREAS, the City of Goodlettsville is eligible to receive such grant funding; and,

WHEREAS, it is to the benefit of the citizens of The City of Goodlettsville that this grant contract be approved and executed

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE:

Section 1. The City Manager is hereby authorized to execute all documents necessary for the City of Goodlettsville to receive the State of Tennessee Local Government Direct Appropriation Grant.

Section 2. That this resolution shall take effect from and after its adoption, the welfare of The City of Goodlettsville requiring it.

Date adopted: June 24, 2021

Mayor Rusty Tinnin

Attest

City Recorder

Approved as to form and legality