



July 22, 2021 Board of Commissioners City Hall - Massie Chambers
6:30 PM

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 24, 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.
 - 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. *THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS. SECOND READING & PUBLIC HEARING*
 - 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. *THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.* **SECOND READING & PUBLIC HEARING**

- 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. **SECOND READING & PUBLIC HEARING**

8. New Business.

- a. Consider Ordinance 21-1001, an ordinance to amend the City of Goodlettsville Municipal Code Title 15, Chapter 1, Section 114 by creating a new Subsection (4) as it relates to vehicle noise. **FIRST READING**
- b. Consider Ordinance 21-1002, an ordinance to amend Title 8, Chapter 2, entitled "Beer" of the Goodlettsville Municipal Code. **FIRST READING**
- c. Consider Ordinance 21-1003, an ordinance adopting the State Certified tax rates for the City of Goodlettsville for the fiscal year July 1, 2021, thru June 30, 2022. **FIRST READING**
- d. Consider Ordinance 21-1004, an ordinance to amend the City of Goodlettsville Municipal Code Title 11 by creating a new Chapter 11 as it relates to blocking sidewalks, streets, and rights-of-way. **FIRST READING**
- e. Consider Ordinance 21-1005, an ordinance to amend the Hill Place Master Plan for two (2) additional residential units for a HDRPUD, High Density Residential Planned Unit Development on Brick Church Pike. **FIRST READING**
- f. Consider Ordinance 21-1006, an ordinance to amend the City of Goodlettsville Municipal Code Title 11, Chapter 5, Section 501, Subsection 1 by deleting subsection 1 in its entirety and replacing it with a new subsection 1 as it relates to weapons and firearms. **FIRST READING**
- g. Consider Resolution 21-991, a resolution of the City of Goodlettsville Board of Commissioners amending Resolution 19-881 approving a revised site plan for a limited access drive connection on Long Hollow Pike for the Publix/Caldwell Center. Property referenced as Sumner County Tax Map 143J, Group G Parcel 04.00. Property Zoning: CPUDL, Commercial Planned Unit Development Limited. Property Owner-Caldwell Properties, LLC.
- h. Consider Resolution 21-992, a resolution to rescind Resolution 15-656 and terminate the collection of fees for criminal background checks as it relates to Beer Permit applicants.
- i. Consider Resolution 21-993, a resolution to ratify and approve the issuance of an emergency purchase order for HVAC system at the Community Development Facility.

- j. Consider Resolution 21-994, a resolution to accept the Copper Creek Phase 2-6 public improvements with a one-year maintenance bond from Meritage Homes.
- k. Consider Resolution 21-995, a resolution of the City of Goodlettsville Board of Commissioners adopting and participating in the 2021 Sumner County, Tennessee Multi-Jurisdictional Hazard Mitigation Plan.
- l. Consider Resolution 21-996, a resolution amending a contract between the City of Goodlettsville and the State of Tennessee Department of Transportation, by extending the expiration date of the contract as it relates to project number 120327.00 - Conference Drive Enhancements.
- m. Consider Resolution 21-997, a resolution authorizing an application for a federal COVID relief funds for transportation improvement grant (CRRSAA) through the Greater Nashville Regional Council for the purpose of sidewalk repair and enhancements.

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 24, 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, Ken Reeves, Marilee Tice and Julie High.

Mayor Rusty Tinnin called the meeting to order. Toby Swager 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, Commissioner Young present.

Consider the minutes of the June 10, 2021 regular meeting of the Board of Commissioners. Commissioner Huffman made a motion to consider the minutes as written. Commissioner Anderson seconded the motion and motion passed 5-0.

City Manager Tim Ellis announced the City's Independence Day Celebration on July the 4th. It will begin at 4:00pm and end at 9:00pm with fireworks at Moss-Wright Park. He reminded everyone of the Fire Department's non-profit group selling Boston Butts for \$40 each and you can order those by calling 851-2245. He thanked Tyson Foods for donating the 3,000 pounds of Boston Butts. This funding will go towards further expanding the Rachel's Garden project. He also addressed the Board regarding the July 8th Board of Commissioners meeting and said at this point we do not have any items to be considered at that meeting.

Consider Old Business.

Consider New Business.

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. Commissioner Anderson made a motion to consider Ordinance 21-998. Commissioner Huffman seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 21-998.

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. Commissioner Anderson made a motion to consider Ordinance 21-999. Vice Mayor Duncan seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 21-999.

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. City Manager Ellis stated this updates our Stormwater Ordinance. Commissioner Huffman made a motion to consider Ordinance 21-1000. Commissioner Anderson seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 21-1000.

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. City Manager Ellis stated this is an agreement we have had with the State for several years now and it is unchanged. We are being paid to maintain right-of-way that we have so this is a great benefit to us. Vice Mayor Duncan made a motion to consider Resolution 21-987. Commissioner Huffman seconded the motion. Commissioner Young asked if the amount of reimbursement has gone up since we started this contract. City Manager Ellis stated it has gone up one time. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-987.

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. Commissioner Anderson made a motion to consider Resolution 21-988. Commissioner Huffman seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-988.

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. Commissioner Anderson made a motion to consider Resolution 21-989. Commissioner Huffman seconded the motion. The public hearing was opened. With no one speaking in favor or against the proposed donation, the public hearing was declared closed. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-989.

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. Vice Mayor Duncan made a motion to consider Resolution 21-990. Commissioner Huffman seconded the motion. Commissioner Young asked if this is the money Senator Campbell got to be a part of our rescue plan money. City Manager Ellis stated it is the funding that was approved as part of the budget that each municipality will be receiving based upon the population. There was additional discussion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 21-990.

With no further business, Commissioner Anderson made a motion to adjourn. Vice Mayor Duncan seconded the motion. The meeting adjourned at approximately 6:42pm 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. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-998 Dept. of Origin: Planning For Agenda of: July 22, 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. *THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.*

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. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-999 Dept. of Origin: Planning For Agenda of: July 22, 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. *THE PROPOSED ORDINANCE AND DESIGN GUIDELINES REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.*

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. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1000 Dept. of Origin: Administration For Agenda of: July 22, 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.

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: ORDINANCE 21-1001</u> An ordinance to amend the City of Goodlettsville Municipal Code Title 15, Chapter 1, Section 114 by creating a new Subsection (4) as it relates to vehicle noise. <u>FIRST READING</u> <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1001 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: None
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-1001

SUMMARY STATEMENT:

An ordinance to amend the City of Goodlettsville Municipal Code Title 15, Chapter 1, Section 114 by creating a new Subsection (4) as it relates to vehicle noise.

15-114. Mufflers, prevention of noise. (1) It shall be unlawful to operate any motor vehicle at any time unless equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut out bypass or similar device upon a vehicle on a highway, within the City of Goodlettsville.

(2) It shall be unlawful to operate the engine and power mechanism of every motor vehicle unless equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) It shall be unlawful for any person to cause unnecessary motor vehicle noise by sounding his horn other than in an emergency situation, "racing" the engine of the motor vehicle or otherwise causing excessive engine noise, or by causing the screeching or squealing of the tires of any motor vehicle other than in an emergency situation.

(4) It shall be deemed a violation of Section 114 (1) and (3) when the sound shall be plainly audible at a distance of more than 50 feet from the vehicle.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1001

ORDINANCE 21-1001

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 15, CHAPTER 1, SECTION 114 BY CREATING A NEW SUBSECTION 4 AS IT RELATES TO VEHICLE NOISE.

WHEREAS, it has been determined there is a need to be define the limits of noises emitted from vehicles; and

WHEREAS, the Board of Commissioners of the City of Goodlettsville deems it in the best interest of the to approve an ordinance that would define such limits of noises emitting from vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE ADOPTED AS FOLLOWS:

§ Title 15 – Chapter 1 – Section 114 – Subsection (4)

(4) It shall be deemed a violation of Section 114 (1) and (3) when the sound shall be plainly audible at a distance of more than 50 feet from the vehicle.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS FROM ITS PASSAGE, THE PUBLIC WELFARE OF THE CITIZENS OF GOODLETTSVILLE, TENNESSEE REQUIRING IT.

Mayor Rusty Tinnin

Passed first reading: _____
(date)

City Recorder

Passed second reading: _____
(date)

Approved as to form and legality

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> ORDINANCE 21-1002 An ordinance to amend Title 8, Chapter 2, entitled “Beer” of the Goodlettsville Municipal Code. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1002 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-1002

SUMMARY STATEMENT:

An ordinance to amend Title 8, Chapter 2, entitled “Beer” of the Goodlettsville Municipal Code.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1002.

ORDINANCE NO. 21-1002

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, ENTITLED "BEER" OF THE GOODLETTSVILLE MUNICIPAL CODE

WHEREAS, TITLE 57, CHAPTER 5, Section 106 of the Tennessee Code Annotated, (T.C.A 57-5-106) authorizes municipalities to pass ordinances governing the issuance of licenses and regulations regarding the storage, sale, manufacture and/or distribution of beer, and

WHEREAS, TITLE 8, CHAPTER 2, entitled "Beer" of the Goodlettsville Municipal Code currently exists to provide such regulations; and

WHEREAS, new establishments, not currently identified in the existing Chapter, wish to sell, manufacture and distribute beer, and new regulations are required to appropriately regulate these uses; and

WHEREAS, the Board of Commissioners of the City of Goodlettsville find it desirable and necessary to the economic development of the City to permit these uses,

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT THE ENTIRETY OF TITLE 8, CHAPTER 2 BE REPLACED WITH THE LANGUAGE THAT FOLLOWS.

CHAPTER 2

8-201. Definitions:

BEER

1. *Applicant* shall mean the person on whose behalf an application for beer permit is filed.
2. *Barrel* shall mean thirty-one (31) gallons.
3. *Beer* means beer, ale or other malt beverages, or any other beverages having an alcoholic content as defined in Tennessee Code Annotated §57-5-101(b), and any amendments thereto to become effective in the future; provided, however, that no more than forty-nine (49) percent of the overall alcoholic content of such beverage may be derived from the addition of flavors and other non-beverage ingredients containing alcohol.
4. *Beer board* or *board* means that administrative body organized and empowered under the authority of Tennessee Code Annotated §57-5-106.
5. *Certified clerk* shall mean a clerk who has successfully satisfied the training requirements contained in this part, or who has received certification from a responsible vendor training program.
6. *Clerk* shall mean any person working in a capacity to sell beer directly to consumers for off-premise consumption.
7. *Commission* shall mean the Tennessee Alcoholic Beverage Commission.
8. *Craft Beer Enterprise* shall mean a craft beer business whose primary business is the retail sale of craft beer.
9. *Craft Beer* shall mean beer manufactured by breweries with an annual production of six million (6,000,000) barrels or less.

10. *Growler* shall mean a refillable rigid glass, plastic, aluminum or stainless steel container with a flip-top or screw-on lid that is no larger than 2 liters (0.5283 gallons) into which craft beer is prefilled, filled or refilled for off-premises consumption.
11. *Hotel/Motel* shall mean any establishment which meets any definition found in Tennessee Code Annotated §57-4-102 (21)
12. *Manufacture* shall mean producing beer at a rate of at least two hundred (200) barrels each calendar year on the licensed premises.
13. *Meals* shall be defined as any of the following:
 - a. Food sold in a heated state or heated by the seller;
 - b. Two (2) or more food ingredients mixed or combined by the seller for sale as a single item.
 - c. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins or straws. A plate does not include a container or packaging used to transport the food; or
 - d. Non-alcoholic beverages, except for beverages sold in unopened containers to be consumed off-premises.
14. *Outdoor Venue* shall mean an outdoor location which does not meet the definition of premises as defined in § 8-201(19). It may or may not be on a separate non-adjacent parcel. It must be appropriately zoned for commercial activity.
15. *Package Retail Sales* shall mean the sale of beer bottled or packaged at the manufacturer's or wholesaler's location and transported to the retail establishments.
16. *Permit* shall mean any permit issued pursuant to this article.
17. *Permittee* shall mean any person to whom any permit has been issued pursuant to this article.
18. *Person* shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.
19. *Premises* shall mean contiguous property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. Premises includes all decks, patios and other well-defined outdoor serving and consuming areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located; that are operated by the business and only for a business operating under the name identified in the permit.
20. *Responsible vendor* shall mean a person, corporation or other entity that has been issued a permit to sell beer and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated §57-5-601, et seq.
21. *Responsible Vendor Training Program* shall mean a training program related to the responsible sale of beer which has met all the statutory and regulatory requirements set forth in Tennessee Code Annotated §57-5-601 et seq.
22. *Restaurant* shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premise.
23. *Storage* shall mean the storing or possessing of beer for the purpose of resale by the permit holder.
24. *TABC* shall mean the Tennessee Alcoholic Beverage Commission.
25. The pronouns *he*, *him* and *his* shall refer to persons of the female, as well as the male, gender, as applicable.

8-202. Beer board created; powers. A beer board is hereby created for the City of Goodlettsville and named the Goodlettsville Beer Board.

The board shall have such power and authority as set forth in Tennessee Code Annotated, § 57-5-101, et seq. and shall have the absolute authority to issue permits for the sale of beer and to revoke the said permits duly issued for violation of any ordinance of the city or any governmental agency within Davidson County, Tennessee, and Sumner County, Tennessee, or for such cause as the board may consider necessary to promote the public health, morals and safety of the citizens of the City of Goodlettsville, Tennessee.

8-203. Membership, appointment and compensation; removal of members and filling of vacancies. The Goodlettsville Beer Board shall consist of five (5) members who are residents of the City of Goodlettsville, one (1) of whom is a member of the Board of Commissioners to be appointed by the mayor and approved by the board of commissioners. Board members shall serve without compensation. They shall serve for terms of three (3) years. Any vacancy on the board for any reason shall be filled in the same manner as the previous appointment, and the individual so appointed will serve out the unexpired term.

8-204. Issuance of permits by Beer Board.

- a. The Beer Board is vested with full and complete authority to issue permits, which permits shall be issued only for locations which are within a commercially zoned area as indicated on the then current and applicable zoning map at the time the application is made, for the sale, storage, and warehousing of beer for on-premises consumption and off-premises consumption.
- b. The permittee's establishment or place of business for the off-premise retail beer sales shall be located within an appropriate zoning district and open for customers by public access not less than five (5) days per week and eight (8) hours per day.

8-205. Permits for the manufacture of beer.

Permits for the manufacture of craft beer shall be issued in accordance with the general requirements of this chapter. A manufacturer of beer can further apply for permits for retail sale for on-premises and/or off-premises consumption. Documentation by the manufacturer of the number of barrels produced each calendar year may be required.

8-206. Permits for the sale of beer.

There are two (2) types of permits and each type has classes of permits within the type. The two (2) types of permits the Beer Board may issue are:

A retailer's "off-premises" permit shall be issued for the sale of beer only for the consumption off the business premises in accordance with the provisions of this chapter.

A retailer's "on-premises" permit shall be issued to any business engaged in the sale of beer where the beer is to be consumed by the purchaser or his guests upon the premises of the seller. A retailer's "on-premises" permit may be issued only for use in connection with these establishments defined in § 8-211 through § 8-220 below.

A business can sell beer for both on-premises and off-premises consumption at the same location if otherwise permitted by law and this ordinance.

If the character of the establishment changes from the classification under which a permit was originally issued, the permittee will be required to obtain a new permit to conform to the type pf establishment being operated by the permittee.

8-207. Permit required for engaging in beer business.

It shall be unlawful for any person or entity to sell, store for sale, distribute for sale or manufacture beer without first making application to and obtaining a permit from the Beer Board pursuant to Tennessee Code Annotated § 57-5-103. The application shall be made on such forms as the Board shall prescribe and/or furnish, and shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of cash, cashier's check, or company check made payable to the City. Each person signing an application must be a person of good moral character and certify that he has read and is familiar with the provisions of this chapter. For purposes of this chapter, "entity" means a firm, partnership, Limited Liability Company, corporation, Joint Stock Company, syndicate, association or any other legal entity whatsoever.

8-208. Qualifications for permit.

In order to qualify for a permit to sell beer, an applicant must fully satisfy, comply with and adhere to the following qualifications and criteria for the applicant and location for the sale of beer:

- (a) No sale of such beverages shall be made except in accordance with the permit granted.
- (b) Neither the applicant nor any persons employed or to be employed by the applicant in such distribution or sale of such beverages shall have ever been convicted of any violation of law regarding the prohibition, sale, possession, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- (c) The property upon which the business is operating is located in a zoning district approved for such use.
- (d) The applicant shall execute an authorization enabling the City to receive from each and every wholesale supplier to the permittee, the dollar value and amounts of beer sold by the wholesaler or distributor to the permittee, at such time or times as the City may request such information. This authorization shall be in full force and effect during the entire time of the permit.
- (e) The applicant shall not make a false statement in his application for any beer permit. Such a statement shall be cause for immediate revocation of the permit.

8-209. Minimum distance from dwellings, etc.

- (a) No beer permit shall be issued to an applicant whose location is less than one hundred feet (100') from a building containing one to four (1 - 4) residential dwelling units (dwelling), a church, park, a playground, a school, a State of Tennessee licensed day care center (day care center) or a nursery with the exception that there shall be no distance requirement between a permit location and any church, school, day care center or nursery that is established on or after January 1, 2011 that is located within a Core Commercial (CC), Commercial General (CG), Commercial Service (CS), Commercial Service Limited (CSL), Office Professional (OP) or Commercial Core Overlay (CCO) zoning district. The date on which a church, school, day care center or nursery is established will be the date of the certificate of occupancy for new construction or the date of the approved life safety inspection for existing structures.

- (b) In determining the distance from a park or playground, the distance shall be measured in a straight line from the nearest point of the property boundary of the park or playground in a straight line to the center of the nearest main entrance of the applicant's facility. The distance from a dwelling, church, school, day care center and nursery shall be measured in a straight line from the nearest point of the structure of any dwelling, church, school, day care center, nursery or church to the center of the nearest main entrance of the applicant's facility. The applicant may be required to provide the documentation that the distances have been measured and certified by a professional engineer or registered surveyor and recorded on a drawing prepared by the engineer or surveyor and made available to the board at the expense of the applicant.
- (c) The distance from a dwelling and the means and method of measuring such distance provided for herein shall not apply to locations holding permits prior to the adoption of the provisions of this chapter, nor to the renewal of such permits, but shall apply to permits issued after the adoption of the provisions thereof. The distance shall also not apply to an applicant for an on-premises permit whose location is a part of a planned unit development as defined by the Goodlettsville Zoning Ordinance and approved as a part of a master plan which includes residential and community facility activities developed as a planned community. The provisions regarding the distance requirement to licensed day care centers and nurseries shall not apply to permittees holding a permit issued prior to the approval date of the provisions of this chapter and in violation of such provisions; provided renewal of such permits shall only be granted to those permittees as defined in this chapter holding valid permits on the effective date of the provisions of this chapter and to transferees or such permittees, who were operating under valid permits prior to the location of such licensed day care center or nursery within two hundred fifty feet (250') thereof.
- (d) Nothing in this section shall be interpreted to allow the City to revoke, suspend, or deny a permit to a business selling, distributing, or manufacturing beer on the basis of its proximity to a church, school, or other place of public gathering if valid permit has been issued to the business prior to January 1, 1993. However, if beer is not sold at such a business for six (6) continuous months, the protection provided herein ceases to apply.

8-210. Requirements to maintain any permit issued under this Section.

The following requirements shall be met at all times to maintain a permit issued by the City Beer Board.

- a. A permit holder shall not**
 - i) Operate a disorderly place
 - ii) Permit boisterous or disorderly conduct on the premises.
 - iii) Sell or allow to be sold on the premises of the permittee, beer to any person using foodstamps issued pursuant to state or federal law for the purchase of such beer.
- b. Hours and days of operations.** It shall be unlawful to offer for sale or sell beer within the corporate limits of the City between the hours of 3:00 A.M. and 10:00 A.M. on Sunday and between the hours of 3:00 A.M. and 6:00 A.M. Monday through Saturday.
- c. Sales to minors or intoxicated persons.** It shall be unlawful to sell or offer to sell beer to a person under the age of twenty-one (21) years or to a person who is visibly intoxicated.
- d. Condition of premises generally.** No retailer's permit shall be granted to any person whose premises are not neat, clean and in good repair, both inside and outside. The premises shall at all times be free from litter, weeds, trash and other forms of debris. Any tires, old appliances, motor vehicle parts, tools, equipment or other similar materials shall not be displayed openly on the premises but must be stored inside an opaque enclosure.

- e. **Inspection of beer businesses.** The City Manager, Assistant City Manager, members of the Beer Board and staff authorized by the City Manager shall have the right to inspect at any and all times the entire premises and property where or upon or in which the beverages regulated by this chapter are sold, stored, transported or otherwise dispensed or distributed or handled, whether at retail or wholesale, in the City for any law violations.
- f. **Continually operate the business.** A permit holder must return a permit to the county or city that issued it within fifteen (15) days of termination of the business, change in ownership, relocation of the business or change of the business's name; provided, that notwithstanding the failure to return a beer permit, a permit shall expire on termination of the business, change in ownership, relocation of the business or change of the business's name. Any such establishment for which two (2) consecutive months or for any three (3) months in any calendar year does not meet the established minimums of non-alcoholic sales shall have their permit revoked.
- g. **Properly pay all taxes, fees, and charges.** All property taxes, license fees or other charges owed by the permittee, or by the owners of the permittee, to the City or Davidson or Sumner County, Tennessee, must be kept current throughout the term of the license. This requirement shall not apply to the owners of a permittee that is a publicly held company.
- h. **Maintain property in compliance with all State, County, and City regulatory requirements.** The premises upon which the permit is granted shall at all times be in compliance with City zoning ordinances, and with all fire, health, safety and building codes of the City and/or the State of Tennessee.

8-211. Failure to maintain requirements.

Failure on the part of any permittee to observe the requirements of this chapter after issuance of a permit shall constitute grounds for suspension or revocation of the permit.

8-212. On-Premise Consumption Permits Defined.

The following classes of permits for on-premises consumption are established.

1. Restaurant
2. Craft Beer Establishment
3. Hotel/Motel
4. Caterer
5. Golf Course
6. Special Venue

Definitions for each of the classes are established in the section dedicated to the requirements and restrictions of each class.

8-213. Classification of existing permits.

All beer permits now issued and outstanding will be classified and placed in its appropriate category, and the holders of said beer permits shall be so notified, along with a copy of this ordinance.

8-214. Restaurant Classification Requirement and Restrictions.

- a. An establishment must meet the restaurant requirements of Tennessee Code Annotated § 57-4-102 (21).
- b. In the event that a restaurant contains a bar or bar area, food service shall be equally available to the bar and bar area as it is in other areas of the restaurant.

- c. An establishment shall be eligible for a permit as a restaurant only if more than fifty percent (50%) of the gross revenue of the restaurant is generated from the serving of meals. Any such establishment for which two (2) consecutive months or for any three (3) months in any calendaryear has fifty percent (50%) or less of its gross revenue from the serving of meals shall have its beer permit revoked. Each permit holder is to submit annually the individual gross sales of both meals and beer prior to the permit being renewed. If it is determined an independent audit of said records should occur the permit holder is to provide all necessary records. If a permit holder fails to provide such records then their on-premise beer permit shall automatically be revoked.
- d. Have a minimum of eighty (80) seats in which eighty percent (80%) must be in the interior of thebuilding under a permanent roof and enclosed on all sides. The remaining twenty percent (20%)may be in an open air or patio area as permitted by subsection (e). Seats are to be counted by individual chairs or in the use of bench seats, twenty-two inches (22") would equal one (1) seat.Bench seats should not protrude past table edges. In case of any outdoor seating, the outdoor seating area must be accessible from the inside of the restaurant or eating place and the outdoor seating area must have some type of permanent enclosure around it, such as a wall or fencing. All table and chair locations are to meet all building, fire and life safety codes and regulations.
- e. A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patioor open air area, except by entry through the interior of the building. The fence, railing, or otherstructure shall have at least one (1) emergency exit, to be opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending onthe size of the fenced area, as specified in the Goodlettsville Fire Protection Ordinance.
- f. Within thirty (30) minutes from the time that sale of beer has ceased as required by§ 8-210(b), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by the permittee from the area or areas where the beer hadbeen consumed and shall be placed in areas not for access by patrons of the establishment.

8-215. Hotel/Motel Classification Requirements and Restrictions.

- a. It shall be lawful for the Beer Board to issue a permit for the sale of beer to hotels, motels, or inns, subject to the limitations and restrictions contained in the state law and the rules and regulations contained in the permit required by this chapter.
- b. Permits may be issued under this section to hotels, motels, or inns for sale and consumption on the premises in rooms where meals or lunches are served, all enclosed areas of the hotel/motel and in guests' rooms.
- c. Beer also may be sold and dispensed to adult guests only through locked, in-room units.
- d. Beer sold from a "convenience store" located within the confines of the sight and oversight of a paid employee may only be sold for consumption on the premises and to a guest of the hotel.
- e. The permittee is responsible for verifying the age and guest status of the purchaser.
- f. In the case of locked in-room units, a key separate from that used to enter the room shall be supplied and no person under the age of twenty-one (21) shall be issued or supplied with such akey.

8-216. Craft Beer Enterprise Requirements and Restrictions.

- a. A craft beer enterprise shall meet the definition found in § 8-201.
- b. A craft beer enterprise may exist without a corresponding City manufacturing permit.
- c. A craft beer enterprise shall be required to have no less than thirty-four percent (34%) of the gross revenue of the enterprise generated from the serving of meals. Each permit holder is to submit annually the individual gross sales of both meals and beer prior to the permit being renewed. If it is determined an independent audit of said records should occur the permit holder is to provide all necessary records. If a permit holder fails to provide such records then their on-premise beer permit shall automatically be revoked.
- d. Have a minimum of eighty (80) seats in which eighty percent (80%) must be in the interior of the building under a permanent roof and enclosed on all sides. The remaining twenty percent (20%) may be in an open air or patio area as permitted by subsection (e). Seats are to be counted by individual chairs or in the use of bench seats, twenty-two inches (22") would equal one (1) seat. Bench seats should not protrude past table edges. In case of any outdoor seating, the outdoor seating area must be accessible from the inside of the restaurant or eating place and the outdoor seating area must have some type of permanent enclosure around it, such as a wall or fencing. All table and chair locations are to meet all building, fire and life safety codes and regulations.
- e. A permittee having this category of license shall be allowed to sell and serve on a patio or open air area, for which access is provided only by going through the interior of the building. The patio or open air area shall be enclosed by a permanent fence, railing, or similar structure, a minimum of forty-two inches (42") in height, which obstructs normal walking access to the patio or open air area, except by entry through the interior of the building. The fence, railing, or other structure shall have at least one (1) emergency exit, to be opened only in the event of an emergency and so marked, which will emit an audible sound, such as a bell, siren or other like sound, when the emergency exit is opened. Additional such exits may be required depending on the size of the fenced in area, as specified in the Goodlettsville Fire Protection Ordinance.
- f. Within thirty (30) minutes from the time that sale of beer has ceased as required by § 8-210(b), all containers, glasses or other vessels of any type which have been used for serving and consumption of beer shall be removed by permittee from the area or areas where the beer had been consumed and shall be placed in areas not for access by patrons of the establishment.

8-217. Caterer Classification Requirements and Restrictions.

- a. Meet the requirements of Tennessee Code Annotated § 57-4-102(6) as a "Caterer".
- b. Beer may be sold for consumption only at the permanent catering hall of the caterer or at a site for which the caterer has given advance notice to the City Clerk.
- c. Only employees of a licensed caterer may serve beer at any event, whether at the caterer's designated premises or a remote venue.
- d. No caterer may provide only alcohol without meals present and available for consumption at any catered event.

8-218. Golf Courses Classification.

Proprietors of golf courses, on-premises shall mean within the building or on any decks, patios and other outdoor serving areas that are contiguous to the exterior of the building and/or the course. Where on premises consumption is permitted on a golf course, beer may be purchased either at the restaurant, club house or from a beverage cart.

8-219. Existing Venues holding a specifically named On-Premises Consumption permit.

Any venue holding an On-Premises Consumption permit at the time of the adoption of this ordinance, but not fitting into one of the other permit classes shall receive a special venue permit with such conditions that were imposed under the previously codified ordinance as of the date of the adoption of this ordinance.

All beer permits now issued and outstanding will be classified and placed in an appropriate category under this ordinance, and the holders of said beer permits shall be so notified and shall be provided a copy of this ordinance.

8-220. Outdoor Venue Approval (Special Event).

Beer may be sold on a temporary basis at an Outdoor Venue by businesses holding an On-Premises Permit under the following conditions:

- a. The location meets the Tennessee Alcoholic Beverage Commission's requirements for alcohol service.
- b. An application has been submitted to the City Clerk for the location and dates where the beer will be sold or provided.
- c. The Permit Fee of two hundred fifty dollars (\$250.00) per application has been paid and a fee of fifty dollars (\$50.00) per day of event.
- d. The City has adopted Administrative Policies that govern the process, timing, rules, and review procedures for Outdoor Venues. Copies of said policies shall be made available to all holders of permits for on-premises consumption.

8-221. Off-premises Consumption Sales.

The following classes of permits for off-premises consumption are established.

1. Package Retail Sales
2. Growler Sales

8-222. Package Retail Classification Requirements and Restrictions.

The monthly off-premises package retail beer sales of any establishment that holds an off-premises permit shall not exceed twenty-five percent (25%) of the gross sales of the establishment. Each permit holder is to submit annually the individual gross sales of both beer and of any other products prior to their permit being renewed. If it is determined an independent audit of said records should occur the permit holder is to provide all necessary records. If a permit holder fails to provide such records then their off-premise permit shall automatically be revoked.

8-223. Growler Classification Requirements and Restrictions.

- a. A Growler permit may be held by the holder of any other on-premises or off-premises permit holder. A Growler permit may not be the only permit held by a permittee.
- b. Holders of the Growler permit may fill or refill growlers on demand with beer for off-premises consumption provided the label as required by this section is affixed to the growler.
- c. Each growler must be securely sealed and removed from the premises in its original sealed condition. Each growler shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale and/or refilling, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure,

cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the business filling the growler. The containers or bottles shall be labeled as a craft beer, contain the name of the beer, and bear the name, address and telephone number of the business selling the beer. Any known allergens shall also be included on any label.

- d. Growlers must be filled in a manner that is sanitary and meets all applicable food and alcohol handling laws and standards.
- e. Consumption of the contents of any growler on the premises where it was filled is strictly prohibited. However, the license may provide free samples of any beer on tap. Each such sample shall not exceed one (1) fluid ounce.
- f. Sales of growlers shall be limited to the legal hours during which the licensee may sell such alcoholic beverages and must be removed from the premises before the applicable closing time.

8-224. Prohibited acts pertaining to beer and beer places.

It is unlawful for any beer permit holder or his agent or employee:

- (a) To employ any person convicted for the possession, sale, manufacturing or transportation of intoxicating liquor or any crime involving moral turpitude within the past ten (10) years;
- (b) To employ any person that has been convicted within the past ten (10) years of any crime involving moral turpitude. For purposes of this subsection, "moral turpitude" means premeditated murder, all sex related crimes, the illegal sale of Schedule I and II controlled substances, and crimes of fraud and embezzlement.
- (c) To make or permit to be made any sale of beer to a person under twenty-one (21) years of age;
- (d) To sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from 3:00 AM. to 6:00 AM. on weekdays and from 3:00 AM. to 10:00 A.M. on Sundays;
- (e) To allow any person under eighteen (18) years of age hereafter referred to as a minor to loiter or congregate about the premises. The burden of ascertaining the age of minor persons shall be on the permit holder and his agent or employee. When a minor is seated at a table, there shall be no beer served at the table unless such minor is accompanied by one or both of his parents, but only if served in conjunction with food;
- (f) To make false statement of a material fact in his application for any beer permit;
- (g) To operate a disorderly place;
- (h) To knowingly allow beer to be passed from a lawful purchaser or possessor to any individual under the age of twenty-one (21) years of age for consumption on the premises of the permit holder. The burden of ascertaining the age of persons who may not lawfully possess beer shall be on the permit holder and his agent or employee;
- (i) For a retailer to knowingly sell to a lawful purchaser who purchases beer for consumption by an individual under the age of twenty-one (21) years of age. The burden of ascertaining the age of persons who may lawfully possess beer shall be on the permit holder and his agent or employee;
- (j) To permit boisterous or disorderly conduct on the premises;
- (k) To sell or transfer the equipment or assets of the business authorized by his permit to another for the purpose of continuing the business on the same premises, unless he shall notify the board in writing immediately upon such sale or transfer, and unless he shall give the name and address of the purchaser within said notice. A beer permit holder shall surrender his license to the board within fifteen (15) days after the sale or transfer is consummated;

- (l) Allow any intoxicated person to loiter on or about the premises;
- (m) For a retailer or wholesaler, to store beer in any place other than the address listed on the permit;
- (n) To sell or allow to be sold on the premises of the permittee beer to any person using food stamps issued pursuant to state or federal law for the purchase of such beer;
- (o) To allow gambling or gambling devices of any kind or description contrary to state law on the premises;
- (p) To allow solicitation for purposes of prostitution on the premises;
- (q) To allow or engage in any criminal activity on the premises.

8-225. Application for permit authorizing the sale of beer.

1. Before any permit is issued by the Beer Board, the applicant shall make payment of a non-refundable application fee in the sum of two hundred and fifty dollars (\$250.00) to the City and file with the Board a written application, under oath, containing the following information:
 - (a) The name of the applicant
 - (b) The residential and business address of the applicant. If the person applying for the permit is acting as agent for another person or entity, the name and address of such other person or entity shall be listed.
 - (c) The owner or owners of the place of business must provide a copy as recorded in the Davidson or Sumner County Register of Deeds office of the deed for the property evidencing ownership of the premises upon which the sale of beer will be conducted. If the premises are subject to a lease or rental agreement, a copy of all executed documents evidencing the right to use the premises must be submitted with the application. A copy of the current lease or rental agreement must be kept on file with the Board at all times. If a lease or rental agreement is renewed, a copy of the renewed lease or rental agreement must be provided to the Board.
 - (d) A valid copy of the applicant's Tennessee Department of Revenue sales and use tax certificate of registration.
 - (e) An authorization for criminal history inquiry form must be provided for each person having at least five percent (5%) ownership interest in the business, along with a copy of each such person's driver's license. All criminal history checks are to be paid by the applicant.
2. An application shall become null and void if it is not presented to the Board at a public meeting within three (3) months after the application is filed, or if another application for a permit for the same location is approved before the application is presented to the Board at a public meeting.

8-226. Privilege tax.

There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00). Any person or entity engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City. At the time each new permit is issued to any business subject to this tax, the permittee shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

The annual privilege tax notice of payment due shall be mailed to the permittee no later than thirty (30) days prior to January 1 of each year. Notice shall be mailed to the address specified by the permittee on the permit application. The annual privilege tax shall be payable and due no later than January 31 of each year. If a permittee does not pay the privilege tax by January 31 of each

year, then the City shall notify the permittee in writing, either by certified mail or by hand delivery by a member of the City Police Department, which the privilege tax is past due. If a permittee does not pay the tax within ten (10) days after receiving notice of its delinquency, then the permit shall automatically become revoked and void and any further sales of the licensed beverage after that time shall be illegal and in violation of the City Beer Ordinance.

8-227. Permits not transferable - cessation of business - relocation - name change - change of ownership.

- a. Except as set forth in subsection (b) below, a permittee must return a permit to sell beer to the City Clerk within fifteen (15) days of termination of the business, change in ownership, relocation of the business, or change of the business names. The provisions of this section regarding change in ownership shall not apply to a permittee that is a publicly held company. If

the permittee is an entity other than a publicly held company, a change in ownership shall occur, for purposes of this chapter, when control of at least fifty percent (50%) interest, whether it be stock or otherwise, in the entity is transferred to a new owner. Notwithstanding the failure to return a beer permit, as provided herein, a permit shall expire on the date of termination of business, change of ownership, relocation of the business, or change of the business name.

- b. Immediately upon the Beer Board's acting on the new owner's application, shall surrender that permit to the City Clerk within fifteen (15) days). Any violation of any part or provision of this chapter by the new owner/applicant while the application is pending shall automatically result in the application being denied and the applicant shall not be eligible to apply for a beer permit within the City for a period of six (6) months.

8-228. Suspension or Revocation.

The Beer Board is vested with the full and complete power and authority to suspend, cancel, or revoke permits to sell beer upon the following grounds:

- (1) Any violation of the provisions of this chapter.
- (2) Any violation of any law of the State of Tennessee, now in existence or hereinafter adopted, regulating the sale, manufacture or distribution of beer.
- (3) Any violation of the provisions of title 57, chapter 4 Tennessee Code Annotated, regarding the consumption of alcoholic beverages on premises, to the extent permitted by the provisions of said title 57.

8-229. Procedure.

- (1) When the Beer Board has reason to believe that any permittee has violated any of the provisions of this chapter or any provision of state law regarding regulating the sale, manufacture or distribution of beer, the Board is authorized in its discretion to notify the permittee of the

violation in writing and to give notice that the permittee must appear and show cause why the permit should not be suspended or revoked for the alleged violations. The notice to appear and show cause shall state the nature of the violation and shall be served upon the permittee either by certified mail or by a member of the City Police Department. The notice shall be served on or mailed to the permittee at least ten (10) days before the date scheduled for the hearing. The Beer Board shall, at the public hearing, allow evidence to be presented on behalf of the holder of the permit and thereafter, in its discretion, either dismiss the charges or complaint, or suspend or revoke the permit. The action of the Beer Board shall, in all such hearings, be final, subject only to review by a court of competent jurisdiction as provided by state law. When a permit is revoked, no new permit at the same location for the sale of beer shall be issued hereunder to the permittee,

or to any person or entity having any ownership interest in the permittee, until the expiration of one (1) year from the date the revocation becomes final.

- (2) If the State Alcoholic Beverage Commission suspends or revokes a license to sell alcoholic beverages on the premises at any establishment for any violation or violations as provided in title 57, chapter 4, Tennessee Code Annotated, and the Commission notifies the Beer Board by certified mail, return receipt requested, of the action taken by the Commission, and includes with such notice the record of evidence and the determination made by the Commission in suspending or revoking the license of establishment, then upon receipt of such notice, the Beer Board may temporarily suspend the beer permit of the establishment and shall:
 - (a) Schedule a hearing for the next regularly scheduled meeting of the Beer Board to be held at least fourteen (14) days following the date the Beer Board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for a violation or violations as provided in title 57, chapter 4, based on actions taken by the Commission; and
 - (b) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.
- (3) If the Beer Board finds at a hearing that a sufficient violation or violations have occurred as provided in title 57, chapter 4, at such location, then the Beer Board may suspend or revoke the permit to the same extent and at least for the same period of time as the Commission has suspended or revoked the license of the establishment.
- (4) If the permit holder fails to appear or decides to surrender the permit to the Beer Board in lieu of appearing at the hearing the permit may be suspended or revoked by the Beer Board; provided, that if the permit is suspended or revoked, no permit to sell beer on the premises shall be issued by the Beer Board to any person for the location where the Commission has suspended or revoked the license for the period of time included in the decision of the Commission.
- (5) Pursuant to Tennessee Code Annotated § 57-5-608, the Beer Board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the Beer Board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the Beer Board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.
- (6) The decision of the Beer Board is final, and any party aggrieved thereby may appeal the decision of the Beer Board in accordance with Tennessee Code Annotated § 57-5-108.

8-230. Civil penalty in lieu of suspension.

- (1) Definition. "Responsible vendor" means a person, corporation or other entity that has been issued a permit to sell beer and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated § 57-5-601, et seq.
- (2) Penalty, revocation or suspension. The Beer Board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense or making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The Beer Board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the City may impose.

8-231. Loss of clerk's certification for sale to a minor.

If the Beer Board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated §57-5-606 sold beer to a minor, the Beer Board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the Beer Board's determination.

8-232. Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

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

Mayor Rusty Tinnin

Passed first reading: _____
(date)

City Recorder

Passed second reading: _____

(date)

Approved as to form and legality

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> ORDINANCE 21-1003 An ordinance adopting tax rates for the City of Goodlettsville for the fiscal year July 1, 2021, thru June 30, 2022. First Reading <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: ORDINANCE 21-1003 Dept. of Origin: Finance & Administration For Agenda of: July 22, 2021 Originator: Julie High Cost of Item: Revenues of \$5,948,000
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AGENDA ITEM ATTACHMENTS:

- Ordinance 21-1003

SUMMARY STATEMENT:

This ordinance adopts a tax rate for the City of Goodlettsville. That tax rate being rate of \$.7222 in Davidson County and \$.8066 in Sumner County.

FINANCIAL SUMMARY:

Approximately \$5,948,000.00 revenues

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1003

ORDINANCE NO. 21-1003

AN ORDINANCE ADOPTING THE STATE CERTIFIED TAX RATES FOR THE CITY OF GOODLETTSVILLE FOR THE FISCAL YEAR JULY 1, 2021, THRU JUNE 30, 2022.

BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE:

The following tax rates are hereby accepted and adopted for the fiscal year of July 1, 2021 through June 30, 2022:

- (a) Properties in Davidson County: \$0 .7222 per hundred dollars of assessed value.
- (b) Properties in Sumner County: \$0 .8066 per hundred dollars of assessed value.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN DAYS AFTER ITS FINAL ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

Mayor Rusty Tinnin

Passed first reading: _____
(date)

City Recorder

Passed second reading: _____
(date)

Approved as to form and legality.

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-1004</u> An ordinance to amend the City of Goodlettsville Municipal Code Title 11 by creating a new Chapter 11 as it relates to blocking sidewalks, street, and rights-of-way. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1004 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: None
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-1004

SUMMARY STATEMENT:

An ordinance to amend the City of Goodlettsville Municipal Code Title 11 by creating a new Chapter 11 as it relates to blocking sidewalks, street, and rights-of-way.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1004

ORDINANCE 21-1004

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 11 BY CREATING A CHAPTER 11 AS IT RELATES TO BLOCKING SIDEWALKS, STREETS AND RIGHT-OF-WAY.

WHEREAS, it has been determined that the need to create regulations in regards to the blocking of sidewalks, streets and rights of way currently exists within the city; and

WHEREAS, the Board of Commissioners of the City of Goodlettsville deems it in the best interest of the to approve an ordinance that would regulate the blocking of sidewalks, street, and rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE ADOPTED AS FOLLOWS:

§ Title 11 – Chapter 11

(1) Purpose. It is the intent of this section to eliminate the obstruction of free passage over, on or along a street, sidewalk, or public right-of-way, whether such obstruction results from the manner in which a person or number of persons shall stand, loiter, walk, sit, lie or camp on said street, sidewalk or public right-of-way

(2) Definitions. For purposes of this section, the following words shall be defined as provided herein:

(a) An "obstruction" within the meaning of this section shall be construed to mean to so occupy the sidewalk, street or public right-of-way that the free use and enjoyment thereof by the public is, in any way interrupted or interfered with, or the free ingress or egress to or from any building fronting on any public right-of-way is impaired.

(b) The term "camp" or "camping" shall mean the use of a street, sidewalk or public right-of-way, including a public transit stop, bench or other public property on any street, sidewalk or public right-of-way, as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at any-time. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).

(3) Prohibited behavior. It is unlawful for any person or any number of persons:

(a) To so stand, loiter, walk, sit, lie, or camp upon any street, public sidewalk, privately owned but publicly used sidewalks or public right-of-way in the city so as to obstruct free

passage over, on or along said street, sidewalk or public right-of-way, after a request by a law enforcement officer to move on so as to cease blocking or obstructing free passage thereon.

(b) By placing an object or objects on a street, sidewalk or public right-of-way in the city, to cause a condition of obstruction or blockage of a street, sidewalk or public right-of-way so as to obstruct free passage over, on or along said street, sidewalk or public right-of-way.

(4) Applicability. The provisions of subsection (3)(a) hereof apply only when a person or number of persons shall stand, loiter, walk, sit, lie, or camp on a street, sidewalk or public right-of-way so as to obstruct free passage thereon and shall refuse to obey a request by a law enforcement officer to move on; mere refusal to move on is not enough to support the offense - there must be an actual blocking of free passage over, on or along said street, sidewalk or public right-of-way. This section shall not apply to "assemblies" or "parades", taking place on a street, sidewalk or public right-of-way, unless any such assembly or parade creates and/or causes a hazardous condition or threatens public safety.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS FROM ITS PASSAGE, THE PUBLIC WELFARE OF THE CITIZENS OF GOODLETTSVILLE, TENNESSEE REQUIRING IT.

Mayor Rusty Tinnin

Passed first reading: _____
(date)

City Recorder

Passed second reading: _____
(date)

Approved as to form and legality

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> Ordinance 21-1005 An ordinance to amend the Hill Place Master Plan for two (2) additional residential units for a HDRPUD, High Density Residential Planned Unit Development on Brick Church Pike. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Dir. Comm Development	Agenda Item: Ordinance 21-1005 Dept. of Origin: Community Development For Agenda of: July 22, 2021 Originator: Addam McCormick Cost of Item: None
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AGENDA ITEM ATTACHMENTS:

- Ordinance 21-1005

SUMMARY STATEMENT:

An ordinance to amend the Hill Place Master Plan for two (2) additional residential units for a HDRPUD, High Density Residential Planned Unit Development on Brick Church Pike.

FINANCIAL SUMMARY:

None

RECOMMENDED ACTION:

Planning Commission and Staff recommends approval of Ordinance 21-1005

ORDINANCE NO. 21-1005

AN ORDINANCE TO AMEND THE HILL PLACE MASTER PLAN FOR TWO (2) ADDITIONAL RESIDENTIAL UNITS FOR A HDRPUD, HIGH DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT ON BRICK CHURCH PIKE

WHEREAS, the City's Zoning Ordinance intent and purpose includes but is not limited to dividing the city into zones and districts restricting and regulating therein the location, construction, and use of residential buildings, structures; 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 areas within the city, and to promote the orderly and beneficial development of such areas; and,

WHEREAS, The Goodlettsville Planning Commission has reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Commissioners based on the proposed amendment being consistent with the existing development and is within the density permitted of the High Density Residential Planned Unit Development zoning district, and,

WHEREAS, the Hill Place Master Plan currently includes twenty-six (26) residential units on 6.83 acres and the proposal is construct two (2) residential units for a total of twenty-eight (28) residential units on 6.83 acres or 4.0 units per acre which is less than the 7.0 units per acre permitted in the High Density Residential Planned Unit Development Zoning district;

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 the Official Zoning Map adopted by Ordinance No. 15-851 entered on second reading on November 12, 2015 being the municipal zoning map of Goodlettsville, Tennessee, be and the same is hereby amended as follows:

The existing The Hill Place Master Plan and High Density Residential Planned Unit Development property zoning classification is amended by replacing the existing master plan with a new master plan for twenty-eight (28) residential dwelling units with the High Density Residential Planned Unit Development per the The Hill Place Master Plan dated May 26, 2021 for the properties attached as "EXHIBIT A" and described as follows:

PROPERTY TAX MAP/PARCELS 0181160A1100-C0 - 0181160A100CO AND 0181160A02100CO CONTAINING APPROXIMATELY 6.83 ACRES AS SHOWN IN THE RECORDS OF THE ASSESSOR OF PROPERTY OF DAVIDSON COUNTY, TENNESSEE.

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:

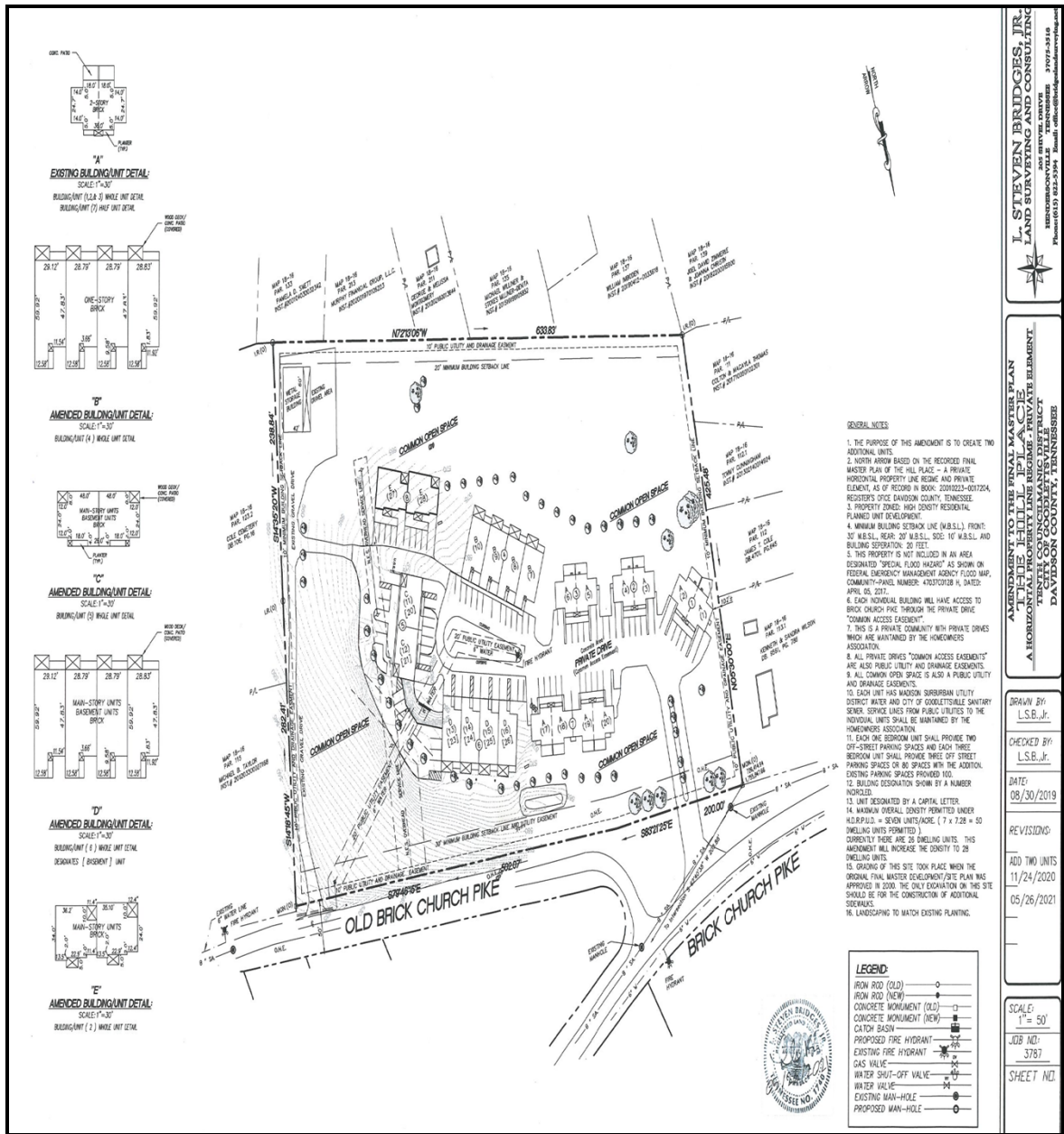
CITY ATTORNEY

Passed First Reading: _____

Passed Second Reading: _____

ORDINANCE 21-1005
“EXHIBIT A”





I. STEVEN BRIDGES, JR.
LAND SURVEYING AND CONSULTING
1005 PARKVIEW DRIVE
NASHVILLE, TENNESSEE 37217-4515
Phone: (615) 832-5354 Email: i.stevenbridges@att.net

AMENDMENT TO THE FINAL MASTER PLAN
FOR THE DEVELOPMENT OF THE HILL PLACE - A PRIVATE HORIZONTAL PROPERTY LINE BEARING AND PRIVATE ELEMENT
TENTH COUSINS MANOR DRIVE TRACT
DAVIDSON COUNTY, TENNESSEE

DRAWN BY: L.S.B./J.
CHECKED BY: L.S.B./J.
DATE: 08/30/2019
REVISIONS:
ADD TWO UNITS 11/24/2020
05/26/2021
SCALE: 1"=50'
JOB NO: 3787
SHEET NO: 1



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

SUBJECT TITLE: ORDINANCE 21-1006 An ordinance to amend the City of Goodlettsville Municipal Code Title 11, Chapter 5, Section 501, Subsection 1 by deleting subsection 1 in its entirety and replacing it with a new subsection 1 as it relates to weapons and firearms. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-1006 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: None
---	--

AGENDA ITEM ATTACHMENTS:

Ordinance 21-1006

SUMMARY STATEMENT:

An ordinance to amend the City of Goodlettsville Municipal Code Title 11, Chapter 5, Section 501, Subsection 1 by deleting subsection 1 in its entirety and replacing it with a new subsection 1 as it relates to weapons and firearms.

Aligns Municipal Code with State law.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-1006

ORDINANCE 21-1006

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 11, CHAPTER 5, SECTION 501, SUBSECTION 1, BY DELETING SUBSECTION 1 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SUBSECTION 1 AS IT RELATES TO WEAPONS AND FIREARMS.

WHEREAS, during the 2021 Legislation Session of the Tennessee General Assembly there were certain amendments to the Tennessee Code Annotated as it relates to the carrying of guns; and

WHEREAS, there has been because of such amendments there is a need to amend the City of Goodlettsville Municipal Code in order to conform with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE FOLLOWING AMENDMENTS ARE ADOPTED AS FOLLOWS:

§ Title 11 – Chapter 5 – Section 501 – Subsection (1)

(1). It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knuckles, pistol, revolver, or any other dangerous weapon or instrument unless duly licensed to do so in accordance to the Tennessee Code Annotated, § 39-17-1351 or **allowed by Public Act 108 of the 112th Tennessee General Assembly.**

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS FROM ITS PASSAGE, THE PUBLIC WELFARE OF THE CITIZENS OF GOODLETTSVILLE, TENNESSEE REQUIRING IT.

Mayor Rusty Tinnin

Passed first reading: _____
(date)

City Recorder

Passed second reading: _____

(date)

Approved as to form and legality

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> Resolution 21-991 A resolution of the City of Goodlettsville Board of Commissioners amending Resolution 19-881 approving a revised site plan for a limited access drive connection on Long Hollow Pike for the Publix/Caldwell Center. Property referenced as Sumner County Tax Map 143J, Group G Parcel 04.00. Property Zoning: CPUDL, Commercial Planned Unit Development Limited. Property Owner- Caldwell Properties, LLC <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-991 Dept. of Origin: Community Development For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: N/A
--	--

AGENDA ITEM ATTACHMENTS:

Resolution 21-991
Site Plan

SUMMARY STATEMENT:

A resolution of the City of Goodlettsville Board of Commissioners amending Resolution 19-881 approving a revised site plan for a limited access drive connection on Long Hollow Pike for the Publix/Caldwell Center. Property referenced as Sumner County Tax Map 143J, Group G Parcel 04.00. Property Zoning: CPUDL, Commercial Planned Unit Development Limited. Property Owner- Caldwell Properties, LLC

The Planning Commission denied said revised site plan during their 7-12-2021 meeting and the developer has asked that this matter be considered by the City of Goodlettsville Board of Commissioners. The original site plan was also denied by the planning commission but was later approved by the Board of Commission by Resolution 19-881

FINANCIAL SUMMARY:

N/A

RESOLUTION 21-991

A RESOLUTION OF THE CITY OF GOODLETTSVILLE, TENNESSEE BOARD OF COMMISSIONERS AMENDING RESOLUTION 19-881 A REVISED SITE PLAN FOR A LIMITED ACCESS DRIVE CONNECTION ON LONG HOLLOW PIKE FOR THE PUBLIX / CALDWELL CENTER. PROPERTY REFERENCED AS SUMNER COUNTY TAX MAP 143J, GROUP G, PARCEL 04.00

WHEREAS, Caldwell Properties, LLC, the ownership of a parcel of property identified as Sumner County Tax Map 143J, Group G Parcel 04.00, was denied a revised site plan approval by the Goodlettsville Regional Planning Commission; and,

WHEREAS, Caldwell Properties, LLC, feels that the Goodlettsville Regional Planning Commission erred in their decision in denying the previously referenced revised site plan; and

WHEREAS, Caldwell Center Properties, LLC, asks that the City of Goodlettsville Board of Commissioner's consider and possibly approve the afore mentioned amended site plan.

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

Section 1. That a revised site plan is hereby approved for a limited access drive connection on Long Hollow Pike for the Publix/Caldwell Square Center. Property referenced as Sumner County Tax Map 143J, Group G Parcel 04.00. Property Zoning: CPUDL, Commercial Planned Unit Development Limited. Property Owner- Caldwell Properties, LLC.

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

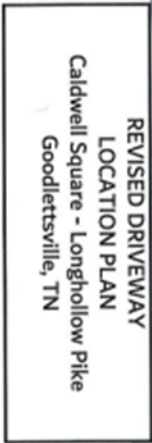
Passed: July 22, 2021

Mayor Rusty Tinnin

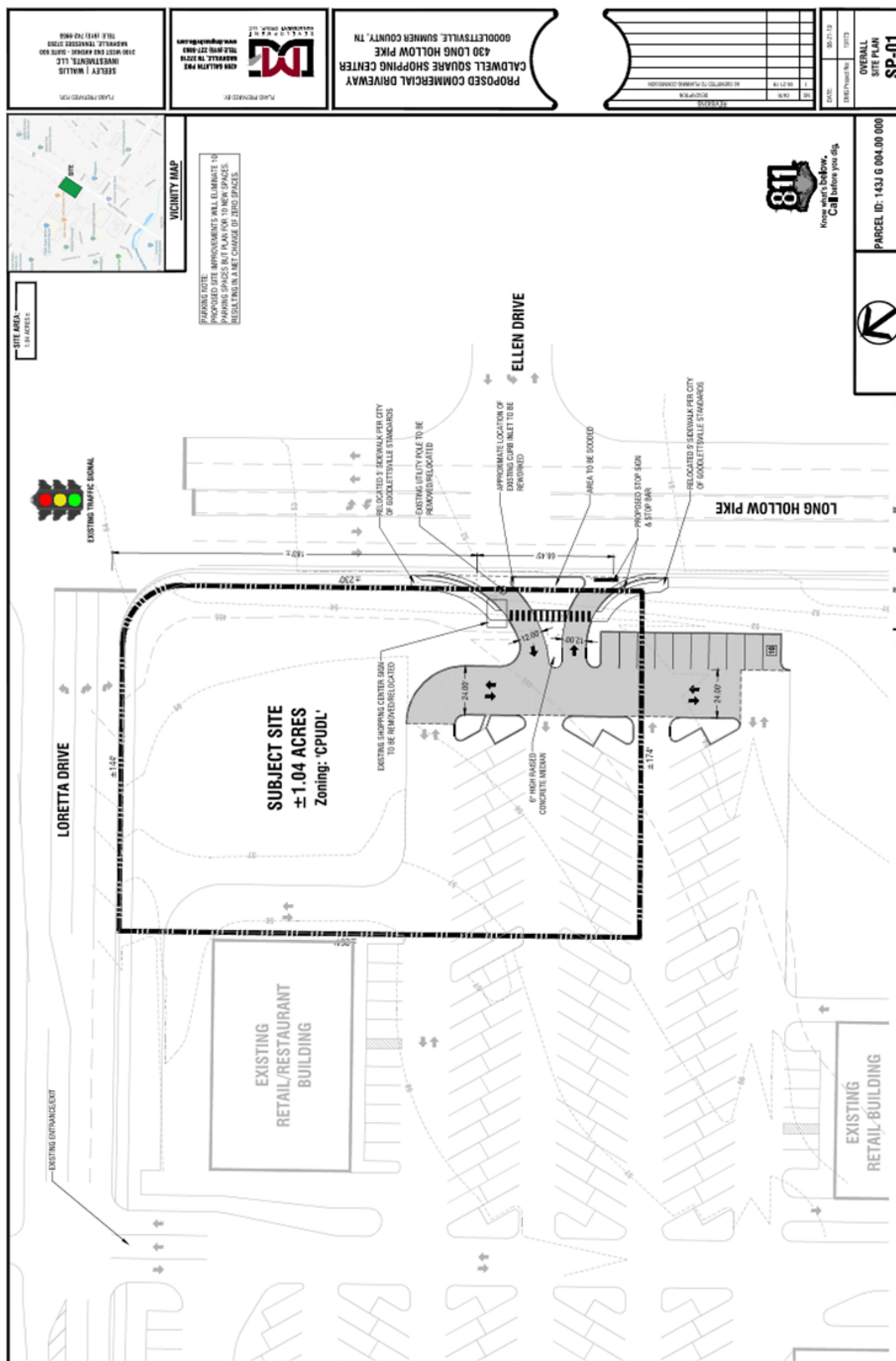
City Recorder
Approved as to form and legality

City Attorney

REVISED SITE PLAN



ORIGINAL SITE PLAN





AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> Resolution 21-992 A resolution to rescind Resolution 15-656 and terminate the collection of fees for criminal background checks as it relates to beer permit applicants. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-992 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: NONE
---	--

AGENDA ITEM ATTACHMENTS:

Resolution 21-992
Resolution 15-656

SUMMARY STATEMENT:

A resolution to rescind Resolution 15-656 and terminate the collection of fees for criminal background checks as it relates to beer permit applicants

Currently there is not a state statute that permits for the collection of fees associated with conducting criminal background checks for beer permit applicants.

FINANCIAL SUMMARY:

NONE

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-992

RESOLUTION 21-992

A RESOLUTION TO RESCIND RESOLUTION 15-656 AND TERMINATE THE COLLECTION OF FEES FOR CRIMINAL BACKGROUND CHECKS AS IT RELATES TO BEER PERMIT APPLICANTS.

Whereas, the City of Goodlettsville Board of Commissioners adopted Resolution 15-656 on September 24, 2015; and

Whereas, Resolution 15-656 established fees for conducting criminal background checks on beer permit applicants.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT RESOLUTION 15-656 IS HEREBY RESCINDED AND THE COLLECTION OF FEES FOR CRIMINAL BACKGROUND CHECKS TERMINATED.

This resolution shall take effect from and after its adoption, the welfare of The City of Goodlettsville requiring it.

Passed this 22nd day of July, 2021

MAYOR RUSTY TINNIN

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

RESOLUTION 15-656

RESOLUTION 15-656

A RESOLUTION ESTABLISHING FEES FOR CRIMINAL BACKGROUND CHECKS AS IT RELATES TO BEER PERMIT APPLICANTS.

WHEREAS, the City of Goodlettsville currently performs both state and federal criminal background checks on beer permit applicants, and;

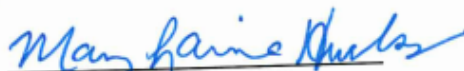
WHEREAS, there is cost associated with performing such criminal background checks.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THERE IS A FEE OF \$100.00 PER BEER PERMIT APPLICANT FOR THE PURPOSE OF COVERING ALL DIRECT AND INDIRECT COSTS OF PERFORMING CRIMINAL BACKGROUND CHECKS.

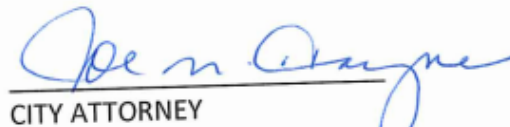
THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.


MAYOR

Adopted: September 24, 2015
(Date)


CITY RECORDER

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> RESOLUTION 21-993 A resolution to ratify and approve the issuance of an emergency purchase order for HVAC system at the Community Development Facility. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-993 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: \$23,900.00
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AGENDA ITEM ATTACHMENTS:

Resolution 21-993

SUMMARY STATEMENT:

A resolution to ratify and approve the issuance of an emergency purchase order for HVAC system at the Community Development Complex.

Fifteen ton condenser unit
Fifteen ton air handler unit

FINANCIAL SUMMARY:

\$23,990.00 – Operating Budget

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-993

Resolution 21-993

A RESOLUTION TO RATIFY AND APPROVE THE ISSUANCE OF AN EMERGENCY PURCHASE ORDER FOR HVAC SYSTEM AT THE COMMUNITY DEVELOPMENT FACILITY.

WHEREAS, the entire HVAC system located at the City of Goodlettsville Community Development Facility failed to operate and it was determined that said system could not be repaired; and

WHEREAS, it was determined that the replacement of the HVAC system was of utmost importance for the operation of the Community Development Facility; and

WHEREAS, the city manager authorized the issuance of an emergency purchase order in order for the expeditious repair of said HVAC system.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSION OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT AN EMERGENCY PURCHASE ORDER IS HEREBY RATIFIED AND APPROVED FOR THE REPLACEMENT OF AN HVAC SYSTEM IN THE AMOUNT OF \$23,900.00 WITH K & J ASSOCIATES, INC.

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

Mayor Rusty Tinnin

Date

Attest:

City Recorder

Approved as to form:

City Attorney

K & J Associates, Inc.

2309 Industrial Court
Greenbrier, TN 37073

Phone #

6158632065

Invoice

Date

Invoice #

6/23/2021

5792

Bill To

City Of Goodlettsville
City of Goodlettsville
105 South Main Street
Goodlettsville, TN 37072

Description	Qty	Rate	Amount
Codes Office Furnish and install one Rheem model RAWI. - 180CAZ 15 ton A/C condensing unit Furnish and Install one Rheem model RHGI. - 180Z1. 15 ton air handler with hookups to existing ductwork, wiring & piping All parts, supplies, materials, labor & taxes.		23,900.00	23,900.00
		Total	\$23,900.00



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> Resolution 21-994 A resolution to accept the Copper Creek Phase 2-6 public improvements with a one-year maintenance bond from Meritage Homes. <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Dir. Comm Development	Agenda Item: Resolution 21-994 Dept. of Origin: Community Development For Agenda of: July 22, 2021 Originator: Addam McCormick Cost of Item: None
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AGENDA ITEM ATTACHMENTS:

- Resolution 21-994

SUMMARY STATEMENT:

A resolution to accept the Copper Creek Phase 2-6 public improvements with a one-year maintenance bond from Meritage Homes.

FINANCIAL SUMMARY:

None

RECOMMENDED ACTION:

Planning Commission and Staff recommends approval of Resolution 21-994

Resolution 21-994

A RESOLUTION TO ACCEPT THE COPPER CREEK PUBLIC IMPROVEMENTS PHASE 2-6 WITH A ONE YEAR MAINTENANCE BOND FROM MERITAGE HOMES.

WHEREAS, the City of Goodlettsville Regional Planning Commission met and voted to recommend to the Board of Commissioners to accept Copper Creek Phase 2-6 with a one-year maintenance bond; and

WHEREAS, all requirements for the acceptance of Copper Creek Phase 2-6 have been met; and

WHEREAS, it is in the City of Goodlettsville's best interest to accept Copper Creek Phase 2-6 as a city street **including the sections of Fall Creek Circle and Long Hunter Drive listed on the Copper Creek 2-6 recorded subdivision plat**; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSION OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE COPPER CREEK PHASE 2-6 PUBLIC IMPROVEMENTS BE ACCEPTED WITH A ONE YEAR MAINTENANCE BOND.

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

Mayor Rusty Tinnin

Date

Attest:

City Recorder

Approved as to form:

City Attorney

GOODLETTSVILLE
TENNESSEE
AGENDA SUMMARY SHEET
Board of Commissioners
City of Goodlettsville

<u>SUBJECT TITLE:</u> RESOLUTION 21-995 A resolution of the City of Goodlettsville Board of Commissioners adopting and participating in the 2021 Sumner County, Tennessee Multi-Jurisdictional Hazard Mitigation Plan. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-995 Dept. of Origin: Administration For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Resolution 21-995

SUMMARY STATEMENT:

A resolution of the City of Goodlettsville Board of Commissioners adopting and participating in the 2021 Sumner County, Tennessee Multi-Jurisdictional Hazard Mitigation Plan.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-995

RESOLUTION NO. 21-995

A RESOLUTION OF THE CITY OF GOODLETTSVILLE BOARD OF COMMISSIONERS ADOPTING AND PARTICIPATING IN THE 2021 SUMNER COUNTY, TENNESSEE MULTI- JURISDICTIONAL HAZARD MITIGATION PLAN.

WHEREAS, Sumner County and the City of Goodlettsville recognizes the threat natural hazards pose to people and property, and

WHEREAS, the City of Goodlettsville has participated in the 2021 Sumner County Multi-Jurisdictional plan update process, and is committed to the Multi-Hazard Mitigation Plan concept by adoption of the earlier plans; and,

WHEREAS, this plan has been distributed to jurisdictions, agencies and county municipalities for local adoption completion, and Federal emergency funding and grants are conditioned upon adoption of updated plan; and,

WHEREAS, upon submittal of adoption documentation by participating jurisdictions, the Federal Emergency Management Agency will issue formal approval of the 2021 Sumner County Multi-Jurisdictional Hazard Mitigation Plan.

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

SECTION 1: That the City of Goodlettsville, Tennessee hereby adopts and will participate in the principal Multi-Jurisdictional Hazard Mitigation plan for Sumner County, Tennessee, as one of the municipal governments within Sumner County, Tennessee.

SECTION 2: That this Resolution shall be in full force and effective from and upon its passage approval.

This resolution is read and adopted at public meeting this 22nd day of July, 2021.

Adopted: July 22, 2021

MAYOR RUSTY TINNIN

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY



AGENDA SUMMARY SHEET

Board of Commissioners

City of Goodlettsville

<u>SUBJECT TITLE:</u> Resolution 21-996 A resolution amending a contract between the City of Goodlettsville and the State of Tennessee Department of Transportation, by extending the expiration date of the contract as it relates to project number 120327.00 – Conference Drive Enhancements. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-996 Dept. of Origin: Administration / Public Works For Agenda of: July 22, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Resolution 21-996
Contract Extension

SUMMARY STATEMENT:

A resolution amending a contract between the City of Goodlettsville and the State of Tennessee Department of Transportation, by extending the expiration date of the contract as it relates to project number 120327.01 – Conference Drive Enhancements.

FINANCIAL SUMMARY:

N/A

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-996

RESOLUTION NO. 21-996

A RESOLUTION TO AMEND A CONTRACT BETWEEN THE CITY OF GOODLETTSVILLE, TENNESSEE AND THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION AS IT RELATES TO PROJECT NUMBER 120327.00 - CONFERENCE DRIVE ENHANCEMENTS.

WHEREAS, There is a need to amend an existing contract between the city and the Tennessee Department of Transportation, and

WHEREAS, the aforementioned amendment relates to dates of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE AFOREMENTIONED CONTRACT EXTENSION IS HEREBY APPROVED.

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

MAYOR RUSTY TINNIN

Adopted: July 22, 2021

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
PROGRAM DEVELOPMENT & ADMINISTRATION DIVISION
LOCAL PROGRAMS DEVELOPMENT OFFICE**

SUITE 600, JAMES K. POLK BUILDING
505 DEADERICK STREET
NASHVILLE, TN 37243-1402
(615) 741-5314

CLAY BRIGHT
COMMISSIONER

BILL LEE
GOVERNOR

July 7, 2021

The Honorable Rusty Tinnin
Mayor, City of Goodlettsville
105 South Main Street
Goodlettsville, TN 37072

Re: Conference Drive, From SR-174 (Long Hollow Pike) to SR-6 (Gallatin Pike)
City of Goodlettsville, Davidson County
PIN: 120327.00
Federal Project Number: STP-M-4451(2)
State Project Number: 19LPLM-F3-114
Agreement Number: 140053

Dear Mayor Tinnin:

I am attaching an amendment to the original contract. The amendment extends the contract expiration date and replaces the Exhibit A. Please review the amendment and advise me if it requires further explanation. If you find the amendment satisfactory, please execute it in accordance with all rules, regulations and laws, obtain the signature of the attorney for your agency, and return it to me. Once the amendment is fully executed, we will send a copy to you for your records.

If you have any questions or need any additional information, please contact Simchah Edwards at 615-741-0805 or Simchah.Edwards@tn.gov.

Sincerely,

Kimery Grant
Transportation Manager 2

Attachment

Amendment Number: 4

Agreement Number: 140053

Project Identification Number: 120327.00

Federal Project Number: STP-M-4451(2)

State Project Number: 19LPLM-F3-114

THIS AGREEMENT AMENDMENT is made and entered into this _____ day of _____, 20__ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the CITY OF GOODLETTSVILLE (hereinafter called the "Agency") for the purpose of providing an understanding between the parties of their respective obligations related to the management of the project described as:

"Conference Drive, From SR-174 (Long Hollow Pike) to SR-6 (Gallatin Pike)"

1. The language of Agreement # **140053** dated **November 5, 2020**, Section B.2 a) Completion Date is amended to change the first sentence of Section B.2 a) from:

The Agency agrees to complete the herein assigned phases of the Project on or before **DECEMBER 31, 2021**.

to

The Agency agrees to complete the herein assigned phases of the Project on or before **MARCH 31, 2022**.

2. Exhibit A for AGREEMENT # **140053** dated **November 5, 2020**, is hereby deleted in its entirety and replaced with the attached Exhibit A for Amendment 4 .

All provisions of the original contract not expressly amended hereby shall remain in full force and effect.

Amendment Changing a Specific Paragraph & Replacing Previous Exhibit A

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

CITY OF GOODLETTSVILLE

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

By: _____
Rusty Tinnin
Mayor

Date

By: _____
Clay Bright
Commissioner

Date

**APPROVED AS TO
FORM AND LEGALITY**

**APPROVED AS TO
FORM AND LEGALITY**

By: _____
Russell Freeman
Attorney

Date

By: _____
John Reinbold
General Counsel

Date

EXHIBIT “A” for Amendment 4

AGREEMENT #: 140053

PROJECT IDENTIFICATION #: 120327.00

FEDERAL PROJECT #: STP-M-4451(2)

STATE PROJECT #: 19LPLM-F3-114

PROJECT DESCRIPTION: Conference Drive, From SR-174 (Long Hollow Pike) to SR-6 (Gallatin Pike) - This project will allow for the enhancement of Conference Drive through streetscape, hardscape and lighting improvements.

CHANGE IN COST: Cost hereunder is controlled by the figures shown in the TIP and any amendments, adjustments or changes thereto

TYPE OF WORK: Miscellaneous Improvements

PHASE	FUNDING SOURCE	FED %	STATE %	LOCAL %	ESTIMATED COST
PE-NEPA	U-STBG	80	0	20	\$37,500.00
PE-DESIGN	U-STBG	80	0	20	\$56,250.00
RIGHT-OF-WAY	U-STBG	80	0	20	\$50,000.00
CONSTRUCTION	U-STBG	80	0	20	\$189,993.00
CONSTRUCTION	LOCAL	0	0	100	\$37,125.00
CEI	U-STBG	80	0	20	\$74,157.00
TDOT ES	U-STBG	80	0	20	\$2,100.00

INELIGIBLE COST: One hundred percent (100%) of the actual cost will be paid from Agency funds following expenditure of the most recently approved TIP cost or if the use of said federal funds is ruled ineligible at any time by the Federal Highway Administration.

TDOT ENGINEERING SERVICES (TDOT ES): In order to comply with all federal and state laws, rules, and regulations, the TDOT Engineering Services line item in Exhibit A is placed there to ensure that TDOT's expenses associated with the project during construction are covered. The anticipated TDOT expenses include but are not necessarily limited to Construction Inspection and Material and Testing Expenses (Quality Assurance Testing).

LEGISLATIVE AUTHORITY: STBG: 23 U.S.C.A, Section 133, Surface Transportation Block Grant Program funds allocated or subject to allocation to the Agency.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.

Signature:

Email:

Signature:

Email:

Signature:

Email:

Signature:

Email:



AGENDA SUMMARY SHEET

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

SUBJECT TITLE: Resolution 21-997

A resolution authorizing an application for a federal COVID relief funds for transportation improvement grant (CRRSAA). Through the Greater Nashville Regional Council for the purpose of sidewalk repair and enhancements

PRESENTED BY: Tim Ellis, City Manager
Jeff McCormick, Director of Public Works

Agenda Item: Resolution 21-997

Dept. of Origin: Public Works

For Agenda of: July 22, 2021

Originator: Jeff McCormick

Cost of Item: \$120,000.00 Grant Funds

AGENDA ITEM ATTACHMENTS:

Resolution 21-997

SUMMARY STATEMENT:

A resolution authorizing an application for a federal COVID relief funds for transportation improvement grant (CRRSAA). Through the Greater Nashville Regional Council for the purpose of sidewalk repair and enhancements

FINANCIAL SUMMARY:

\$120,000.00 Grants Funds

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-997.

RESOLUTION NO. 21-997

A RESOLUTION AUTHORIZING AN APPLICATION FOR A FEDERAL COVID RELIEF FUNDS FOR TRANSPORTATION IMPROVEMENTS GRANT (CRRSAA) THROUGH THE GREATER NASHVILLE REGIONAL COUNCIL FOR THE PURPOSE OF SIDEWALK REPAIRS AND ENHANCEMENTS

WHEREAS, the City of Goodlettsville has a current need for repairs and enhancements to existing sidewalks within its public rights of way; and,

WHEREAS, the City of Goodlettsville is eligible to participate in the Federal COVID Relief Funds for Transportation Improvements; and,

WHEREAS, it is to the benefit of the citizens of The City of Goodlettsville that this grant application be approved and submitted for repairs and enhancements to existing sidewalks throughout the city.

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

Section 1. That the City of Goodlettsville's application for the Federal COVID Relief Funds for Transportation Improvements in the amount of \$120,000.00, for the purpose of repairs and enhancements to existing sidewalks within the city, is hereby approved, and city staff is authorized to submit said application to the State of Tennessee.

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

Date adopted: July 22, 2021

Mayor Rusty Tinnin

Attest

City Recorder

Approved as to form and legality

City Attorney