



March 11, 2021

Board of Commissioners
6:30 PM

City Hall - Massie Chambers

Agenda:

1. Call to order by the Mayor

Prayer

Pledge of Allegiance

2. Roll call by the Recorder.

3. Approval of minutes.

- a. Reading of the minutes of the February 25, 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 21-984, an ordinance to amend the official zoning map of the City of Goodlettsville adopted per Ordinance 15-851 to change a property on North Main Street from CS Commercial Services to HDRPUD, High Density Residential Planned Unit Development and Preliminary Master Plan Approval.
SECOND READING & PUBLIC HEARING

- b. Consider Ordinance 21-985, an ordinance to amend the Zoning Ordinance definition of building height to include provision for slope/pitched building roofs. **SECOND READING & PUBLIC HEARING**

- c. Consider Ordinance 21-986, an ordinance to close a section of right-of-way at the Two Mile Pike and Frances Street intersection and designate area to the adjacent property owner. **SECOND READING & PUBLIC HEARING**

- d. Consider Ordinance 21-988, an ordinance to amend Ordinance 12-788, being an ordinance to amend nos. 70-120, 90-440, 94-496, 95-529, 09-725 and 10-745 being ordinances establishing a schedule of rates to be charged for sewer services to be supplied by the sewer system of the City of Goodlettsville, and establishing rules and regulations for the operation thereof by inserting a new schedule of rates. **SECOND READING & PUBLIC HEARING**

- e. Consider Ordinance 21-989, an ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 2 by deleting Chapter 2 in its entirety and replacing it with a new Chapter as it relates to Sewer Use Regulations. **SECOND READING**

8. New Business.

- a. Consider Ordinance 21-990, an ordinance establishing a local litigation tax in accordance to Tennessee Code Annotated 67-4-601 and a court administrative fee in accordance to Tennessee Code Annotated 16-18-304. **FIRST READING**
- b. Consider Ordinance 21-991 an ordinance to amend the sign regulations of the Zoning Ordinance to include defined criteria for increased interstate sign height based on the location of the sign. **FIRST READING**
- c. Consider Ordinance 21-992, an ordinance to amend the Zoning Ordinance to define critical lots and engineer design plan requirements for permit applications. **FIRST READING**
- d. Consider Resolution 21-968, a resolution adopting the State of Tennessee's Consultant Selection Policy, known as Local Government Guidelines Form 1-2, for projects funded in whole or in part with funds provided by the Federal Highway Administration of the Tennessee Department of Transportation.
- e. Consider Resolution 21-969, a resolution amending resolution 21-963, as it relates to the donation of a surplus fire department rescue vehicle to the Shackle Island Volunteer Fire Department, a registered non-profit corporation with the State of Tennessee.
- f. Consider Resolution 21-970, a resolution authorizing the City Manager to make application for Local Government Recovery and Rebuilding Direct Appropriation Grant.

- g. Consider Resolution 21-971, a resolution recognizing the University of Tennessee Institute of Public Service (IPS) as it celebrates its 50th Anniversary during the year 2021.

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

DRAFT DRAFT DRAFT
REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: February 25, 2021

Time: 6:30

Place: Held Electronically via Zoom

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

Absent: None.

Also Present: Russell Freeman, Tim Ellis, Allison Baker, Addam McCormick, Kimberly Lynn, Sarah Jennings, Gary Goodwin, and Julie High.

Mayor Rusty Tinnin called the meeting to order.

City Manager Tim Ellis stated, "As you may know Governor Bill Lee issued Executive Order 16 on Friday, March 16, 2020 and subsequent Executive Order 71 on December 22, 2020. The orders issued were to ensure that governments continue to function openly and transparently during the COVID-19 emergency while taking appropriate measures to protect the health and safety of citizens and government officials. In his executive order Governor Lee recognized guidance from the White House and Centers for Disease Control and Prevention advising that Americans should avoid social gatherings and that older persons with serious underlying health condition should remain at home. The governor also emphasized that in the interest of limiting community spread of COVID-19 private and government entities of all types should eliminate large public gatherings and conduct business remotely by electronic meetings to the greatest extent possible. The order provides that governments may meet to conduct essential business by electronic means when the governing body determines that it is necessary to protect its citizens. Sadly COVID-19 is once again spreading rapidly throughout the state, the counties and within the City of Goodlettsville. Therefore, the city has determined that in the interest of protecting the health, safety and welfare of Tennesseans and the citizens of Goodlettsville, it is necessary for the Board of Commissioners to meet by electronic means rather than in person. We have posted the link for public viewing on the city website and social media pages."

Mayor Tinnin asked if there was any objection by the Commission to hosting this meeting in this format. There was no objection.

City Manager Tim Ellis offered prayer.

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

Consider minutes of the February 11, 2021 regular meeting of the Board of Commissioners. Commissioner Anderson made a motion to approve the minutes as written. Vice Mayor Duncan seconded the motion. City Recorder Baker called roll: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. Minutes were approved by a 5-0 vote.

City Manager Ellis commended the Public Works Department, Police Department, Fire Department, and Parks Department for their work during the snow event last week. Kimberly Lynn, Director of Tourism, helped procure places to stay. He wanted to make the Board and public aware that the LED streetlight conversion has begun along Main Street and to the west side of Main Street. Sanitation this week is on a normal schedule. Davidson County curbside recycling will be made up on Saturday and Sumner County is Friday.

Vice Mayor Jennifer Duncan echoed City Manager Ellis's comments regarding the city staff's excellent job during the weather event. Mayor Tinnin agreed.

Commissioner Anderson stated at the last meeting they approved a resolution to sell the rescue truck to Shackle Island Fire Department. He said he has researched this and feels that since they neighbor us and could help us especially in the Madison Creek area, he wanted to see if we could revisit this and see if we could donate this vehicle to them. He said he knows that Hendersonville donated a fire engine to them and the money they were going to raise to purchase this they could put to other use. He thought it would be good to be able save the money to buy equipment to protect the firefighters.

Mayor Tinnin stated he did not see a problem with what Commissioner Anderson was saying and asked City Manager Ellis what the proper procedure would be to revisit it.

City Manager Ellis stated it would have to be at the next Commission meeting. He said they would have to rescind or amend the previously approved resolution where it was declared surplus. He said if that is the will of the Board, we could prepare it and have it ready for the March 11th meeting.

Commissioner Huffman asked if there needed to be a motion. Mayor Tinnin confirmed it would be ready for the next meeting. City Manager Ellis stated he can draft a resolution and it can be voted up or down at the next meeting. His concern is the value is probably greater than anything we have donated to anyone. He said he will have to talk to our City Attorney about amending the previous resolution and changing how it is going from being sold to given to the Shackle Island Fire Department.

Commissioner Young asked if the City gives to a 501c3 if there is an auditing requirement. He stated years ago there was an issue with a group that had legal fees about a gas compressor station and they requested money from the city and the city could not do it because they had not been audited. He stated he wanted to make sure that is addressed. City Manager Ellis did not know at this point and would find out the answer. He said there is a piece to this that he would recommend if we did give it to them, that at the end of its life with them, it would retro back to the City of Goodlettsville so we could still recapture some money out of it.

Consider old business.

Consider Ordinance 21-987, an ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 2, Section 5, Subsection 3(b) and (c) by deleting it in its entirety and replacing it with a new Subsection 3(b) as it relates to membership of the City of Goodlettsville Wastewater Hearing Authority, second reading. City Manager Ellis stated the next ordinance that will be

considered will supersede this since we are deleting the entire chapter. Since they will not be passed at the same time, he continues to recommend passage of this but it is included in the next ordinance. Commissioner Anderson made a motion to consider Ordinance 21-987. Commissioner Huffman seconded the motion. City Recorder Baker called roll for a vote: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. Ordinance 21-987 was approved by a 5-0 vote.

Consider new business.

Consider Ordinance 21-989, an ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 2 by deleting Chapter 2 in its entirety and replacing it with a new Chapter as it relates to Sewer Use Regulations, first reading. City Manager Ellis stated it was discovered that this chapter was basically copied and pasted out of the Metro Charter down to the point where appointments would be made by the Mayor of Metropolitan Nashville. He stated this ordinance would replace all of these conflicts. It would change nothing in regards to content just as it relates to conflicts referencing the Davidson County Municipal Code and applying the Municipal Code of Goodlettsville. Commissioner Anderson made a motion to consider Ordinance 21-989. Vice Mayor Duncan seconded the motion. City Recorder Baker called roll for a vote: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. Ordinance 21-989 was approved by a 5-0 vote.

Consider Resolution 21-966, a resolution recommending territorial boundaries to the Sumner County Coordinating Committee for the City of Goodlettsville's amended portion of the Sumner County Urban Growth Boundary in accordance to Tennessee Code Annotated § 6-58-106, public hearing. City Manager Ellis stated this was considered by the Planning Commission in 2020. Planning Director Addam McCormick then explained the growth boundary. He stated in the late 90s the State of Tennessee passed a law called Comprehensive Growth Boundary law. The City adopted our current plan in 2000 and it has not been amended since then. There has been a proposal to expand it in the area of Happy Hollow. This would basically include along Long Hollow Pike from Ralph Hollow Road to Happy Hollow and Center Point. This area has been discussed with Hendersonville. The growth boundary is just a line that gives the city the future ability to grow into. When the urban growth boundary started there were a lot of issues with annexation and a lot of that has changed. This would not be any kind of zoning or any changes to city limits. City Manager Ellis stated this would probably define the City of Goodlettsville for eternity. He cannot see the city going past these areas in the next 100 years. This resolution does require a public hearing. A computer has been set up in the auditorium for anyone at City Hall to speak and City Recorder Baker is monitoring the Zoom participants to make sure no one wants to speak. Vice Mayor Duncan made a motion to consider Resolution 21-966. Commissioner Huffman seconded the motion. The public hearing was opened. With no one speaking in favor or against the proposed amendment, the public hearing was declared closed. City Recorder Baker called roll for a vote: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. Resolution 21-966 was approved by a 5-0 vote.

Consider Resolution 21-967, a resolution authorizing the buyout purchase of all current street lights with the Nashville Electric Service and approve a change order with PATH Company reducing LED Conversion conversion contract in a like amount. City Manager Ellis stated within our contract with PATH was this \$188,957.56 for this buyout. Nashville Electric Service has

requested the city make that buyout since our agreement is between Goodlettsville and NES. Commissioner Anderson made a motion to consider Resolution 21-967. Vice Mayor Duncan seconded the motion. City Recorder Baker called roll for a vote: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. Resolution 21-967 was approved by a 5-0 vote.

Mayor Tinnin stated the computers were quite slow. City Manager Ellis stated our IT Director was scheduled to get in touch with them this week to go over any issues but has been out quarantining.

City Manager Ellis talked about the donation of the fire truck. There would have to be a separate resolution that would require a public hearing since it would go to a non-profit.

With no further business, Vice Mayor Duncan made a motion to adjourn. Commissioner Anderson seconded the motion. City Recorder Baker called roll for a vote: Mayor Tinnin, yes; Vice Mayor Duncan, yes; Commissioner Anderson, yes; Commissioner Huffman, yes; Commissioner Young, aye. The meeting was adjourned at approximately 6:58 p.m. with a 5-0 vote.

City Recorder

Mayor

GOODLETTSVILLE
TENNESSEE
AGENDA SUMMARY SHEET
Board of Commissioners
City of Goodlettsville

SUBJECT TITLE: ORDINANCE 21-984

An ordinance to amend the official zoning map of Goodlettsville adopted per Ordinance 15-851 to change a property on N. Main Street from CS, Commercial Services to HDRPUD, High Density Residential Planned Unit Development and preliminary master plan approval.

SECOND READING & PUBLIC HEARING

PRESENTED BY:

Tim Ellis, City Manager
Addam McCormick, Planning Dir.

Agenda Item: Ordinance 21-984

Dept. of Origin: Planning

For Agenda of: March 11, 2021

Originator: Addam McCormick

Cost of Item: N/A

AGENDA ITEM ATTACHMENTS:

Ordinance 21-984
Preliminary Master Plan

SUMMARY STATEMENT:

An ordinance to amend the official zoning map of Goodlettsville adopted per Ordinance 15-851 to change a property on N. Main Street from CS, Commercial Services to HDRPUD, High Density Residential Planned Unit Development and preliminary master plan approval.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff and Planning Commission recommend approval of Ordinance 21-984.

ORDINANCE NO. 21-984

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF GOODLETTSVILLE ADOPTED PER ORDINANCE 15-851 TO CHANGE A PROPERTY ON N. MAIN STREET FROM CS, COMMERCIAL SERVICES TO HDRPUD, HIGH DENSITY RESIDENTIAL PLANNED UNIT DEVELOPMENT AND PRELIMINARY MASTER PLAN APPROVAL.

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 and business areas within the city, and to promote the orderly and beneficial development of such areas; and,

WHEREAS, the City's 2020 Growth Plan intent and purpose includes but is not limited to permitting residential developments to develop at a density appropriate for the area and high density developments should be located with direct access to a major street; and,

WHEREAS, the Planned Unit Development section of the City's Zoning Ordinance intent and purpose includes but is not limited to promoting flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof; and,

WHEREAS, the Goodlettsville Planning Commission has reviewed and discussed this proposed amendment and voted on February 1, 2021 to recommend its passage to the Board of Commissioners based on the designation of the City's Comprehensive Land Use Plan to provide additional housing opportunities for residents in a mixed used commercial and development; and,

WHEREAS, the Goodlettsville Planning Commission also approved and recommended passage of the 619 N. Main Street Preliminary Master Plan dated January 25, 2021 for the High Density Residential Planned Unit Development Master Plan including three hundred and eleven (311) multifamily apartment units, live work units, and 7,500 square feet retail and service center, and;

WHEREAS, the Goodlettsville Planning Commission recommend 619 N. Main Street Preliminary Master Plan approval includes the defined permitted commercial uses in the live work and retail and service center, forty-three (43) parking space count variance request based on anticipated parking demands for the project, Design Guideline variance request to permit building exteriors with twenty-five (25%) percent brick and seventy-five (75%) percent cement

fiber board siding with the exception of the building façade fronting N. Main Street to include seventy (75%) percent brick and twenty-five (25%) percent cement fiber board siding and glass and the side of the northern buildings visible from N. Main Street include a minimum fifty (50%) percent brick with the cement fiber board, and;

WHEREAS, The Goodlettsville Planning Commission recommend 619 N. Main Street Preliminary Master Plan approval includes street upgrades on Church Street and a resident access gate on Church Street, and;

WHEREAS, The Goodlettsville Planning Commission recommend 619 N. Main Street Preliminary Master Plan approval includes that the live work unit leases will require a commercial business being included with a residential use, and;

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:

By changing the existing CS, Commercial Services zoning classification and replacing the property zoning designation to HDRPUD, High Density Residential Planned Unit Development, per the 619 N. Main Street Preliminary Master Plan Dated January 25, 2021 for the properties attached as “EXHIBIT A” and described as follows:

PROPERTY TAX MAP 18-12, PARCEL 69.00 CONTAINING APPROXIMATELY 20.75 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- 984
“EXHIBIT A”



GRAPHIC PREPARED BY AN ASSOCIATE OF RAGAN SMITH
PLOTTED BY SCOTT BERNICK ON 12/20/20 10:47 PM, LAST UPDATED BY BERNICK ON 12/20/20 11:18 AM



RAGAN SMITH
LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS
Chattanooga 423-490-9400
Nashville 615-244-8591
Murfreesboro 615-546-6060
ragansmith.com



619 NORTH MAIN STREET

FOR

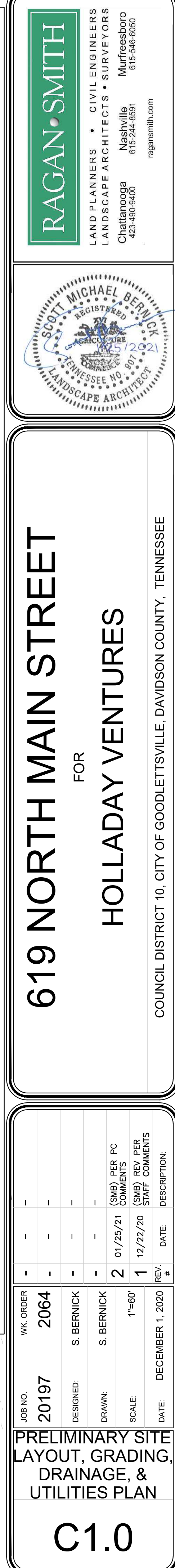
HOLLADAY VENTURES

COUNCIL DISTRICT 10, CITY OF GOODLETTSVILLE, DAVIDSON COUNTY, TENNESSEE

JOB NO.	WK. ORDER	DESIGNED	DRAWN	SCALE	DATE	REV.	DATE	DESCRIPTION
20197	2064	S. BERNICK	S. BERNICK	1"=60'	DECEMBER 1, 2020			

EXISTING
CONDITONS

C0.1





1 FRONT ELEVATION
SD2.1 1" = 10'-0"

PROPOSED MATERIALS:
MASONRY - 51%
FIBER CEMENT SIDING - 49%

NATURAL TONES FOR EXTERIOR ELEVATIONS SHALL BE UTILIZED AT FINAL MASTER DEVELOPMENT PLAN.
MATERIAL COLORS SHOWN ON THIS ELEVATIONS ARE FOR DESIGN INTENT ONLY, HOWEVER, FINAL COLOR WILL BE SUBMITTED FOR REVIEW BY PLANNING STAFF PRIOR TO CONSTRUCTION



STUDIO A
architecture
2330 frankfort ave
louisville, ky 40206
p: (502) 589-8007
f: (502) 589-8004
www.studioaarch.com

Consultants

Project Name
619 MAIN STREET

Goodlettsville, TN

Client
Holladay Ventures

Seal

NOT FOR CONSTRUCTION

Revisions

No.	Description	Date

Schematic Elevations

Project number 20-HD-01
Date 12/23/20

SD2.1
Scale 1" = 10'-0"

12/23/2020 10:53:02 AM
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12/23/2020 10:53:02 AM



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-985</u> An ordinance to amend the zoning ordinance definition of building height to include a provision for sloped/pitched building roofs. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-985 Dept. of Origin: Planning For Agenda of: March 11, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-985

SUMMARY STATEMENT:

An ordinance to amend the zoning ordinance definition of building height to include a provision for sloped/pitched building roofs.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff and Planning Commission recommend approval of Ordinance 21-985.

ORDINANCE 21-985

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE DEFINITION OF BUILDING HEIGHT
TO INCLUDE A PROVISION FOR SLOPED/PITCHED BUILDING ROOFS**

WHEREAS, the City's Zoning Ordinance, intent and purpose includes defining reasonable standards to which buildings or structures shall conform to provide adequate light, air, privacy, and convenience of access to property and

WHEREAS, the City's Zoning Ordinance, intent and purpose includes dividing the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for business, and commercial uses; and,

WHEREAS, The Goodlettsville Planning Commission at the February 1, 2021 regularly scheduled meeting voted to recommend its passage to the Board of Commissioners and discussed that these amendments are to provide property owners design options for pitched and sloped roofs on building and accessory buildings; and,

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 Section 14-201(3)(ll) *Height* including an additional section as shown 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) day 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 21-985

“EXHIBIT A”

AMENDMENT

Section 14-201(3)(ll) “Height” - *New Section*

(ll) "Height." The vertical distance measured from the highest point of a structure (but excluding HVAC systems on roofs) to the average finished grade across the front of the structure, *except with pitched roofs the height is measured at the average height of the pitched roof section only when the total height at the peak of the pitched roof does not exceed forty-five (45') feet in height.*



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> ORDINANCE 21-986 An ordinance to close a section of right-of-way at the Two Mile Pike and Frances Street intersection and designate area to the adjacent property owner. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-986 Dept. of Origin: Planning For Agenda of: March 11, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-986

SUMMARY STATEMENT:

An ordinance to close a section of right-of-way at the Two Mile Pike and Frances Street intersection and designate area to the adjacent property owner.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff and Planning Commission recommend approval of Ordinance 21-986.

ORDINANCE NO. 21-986

AN ORDINANCE TO CLOSE A SECTION OF RIGHT-OF-WAY AT THE TWO MILE PIKE AND FRANCES STREET INTERSECTION AND DESIGNATE AREA TO THE ADJACENT PROPERTY OWNER

WHEREAS, it has been discovered that a fifty (50') feet right-of-way existing between Two Mile Pike and the adjacent rail road tracks per the C & T Subdivision Section Two (2) Subdivision Plat recorded April 30, 1980 Davidson County Book 5210- Page 275; and,

WHEREAS, it is in the best interest of the City of Goodlettsville to abandon said right-of-way; and

WHEREAS, the Goodlettsville Planning Commission at the February 1, 2021 recommended closing the right-of-way.

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

SECTION 1. That the City Manager of the City of Goodlettsville, Tennessee, is hereby authorized to enter into any and all documents necessary to abandon the right-of-way as defined on the C & T Subdivision Section Two (2) Subdivision Plat, demonstrated by "EXHIBIT A"

SECTION 2. This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.

MAYOR RUSTY TINNIN

Passed:_____

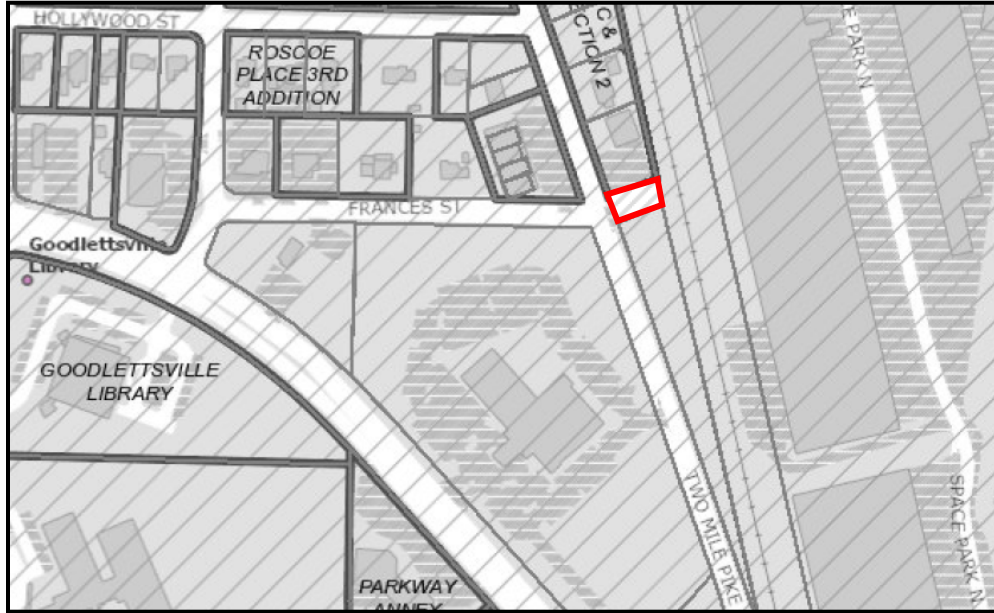
Passed:_____

CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:

CITY ATTORNEY

ORDINANCE 21-986
“EXHIBIT A”





AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-988</u> An ordinance to amend Ordinance 12-788, being an ordinance to amend nos. 70-120, 90-440, 94-496, 95-529, 09-725, and 10-745 being ordinances establishing a schedule of rates to be charged for sewer services to be supplied by the sewer system of the City of Goodlettsville, and establishing rules and regulations for the operation thereof by inserting a new schedule of rates. SECOND READING & PUBLIC HEARING <u>PRESENTED BY:</u> Tim Ellis, City Manager Julie High, Asst. City Manager	Agenda Item: Ordinance 21-988 Dept. of Origin: Administration For Agenda of: March 11, 2021 Originator: Tim Ellis Cost of Item: 7% Increase in Rates
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-988

SUMMARY STATEMENT:

An ordinance to amend Ordinance 12-788, being an ordinance to amend nos. 70-120, 90-440, 94-496, 95-529, 09-725, and 10-745 being ordinances establishing a schedule of rates to be charged for sewer services to be supplied by the sewer system of the City of Goodlettsville, and establishing rules and regulations for the operation thereof by inserting a new schedule of rates.

\$1,188,000 loss in revenues due to Tyson Water Recycling Program
8%+ increase in sewer treatment charges since last increase.

FINANCIAL SUMMARY:

7% Increase

RECOMMENDED ACTION:

Staff recommends that the Board adopt Ordinance 21-988

ORDINANCE NO. 21-988

AN ORDINANCE TO AMEND ORDINANCE NO. 12-788, BEING AN ORDINANCE TO AMEND ORDINANCE NOS. 70-120, 90-440, 94-496, 95-529, 09-725 AND 10-745 BEING ORDINANCES ESTABLISHING A SCHEDULE OF RATES TO BE CHARGED FOR SEWER SERVICES TO BE SUPPLIED BY THE SEWER SYSTEM OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AND ESTBLISHING RULES AND REGULATIONS FOR THE OPERATION THEREOF BY INSERTING A NEW SCHEDULE OF RATES.

WHEREAS, The City of Goodlettsville provides wastewater collection and transportation services to users of its wastewater system at fees established by the City's Board of Commissioners; and

WHEREAS, the City has realized a significant reduction in sewer revenues from its largest industrial customer; and

WHEREAS, since the last increase in wastewater rates as adopted by Ordinance 12-788, there has been an increase in treatment costs in excess of eight percent.

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

Section 1. The Ordinance Nos. 70-120, 90-440, 94-496, 95-529 , 09-725, 10-745 and 12-788, be and the same are hereby amended and substituted in lieu thereof the following schedules pertaining to the rate for sewer services rendered or billed by customer class on or after April 1, 2021 as set forth herein for the City of Goodlettsville, Tennessee, which schedules are hereby adopted as follows:

<u>Customer Classes:</u>	<u>Anticipated and/or Historical Usage</u>
Residential	Up to two housing units on a common meter
Small Commercial	Up to 1,600 cubic feet per month
Intermediate Commercial and Industrial	1,600 to 200,000 cubic feet per month
Large Commercial and Industrial	Over 200,000 cubic feet per month

Residential			Small Commercial and Industrial		
Minimum Charges per Month up to 200 Cubic Feet Usage			Minimum Charges per Month up to 200 Cubic Feet Usage		
Meter Size	Current Rate (\$)	Proposed 7% increase (\$)	Meter Size	Current Rate (\$)	Proposed 7% increase (\$)
5/8"	10.98	11.75	5/8"	12.27	13.13
3/4"	31.15	33.33	3/4"	34.89	37.33
1"	37.52	40.15	1"	42.02	44.96
1 1/2"	55.16	59.02	1 1/2"	61.78	66.10
2"	74.28	79.48	2"	83.19	89.01
3"	98.01	104.87	3"	109.77	117.45
4"	159.72	170.90	4"	178.88	191.40
6"	250.80	268.36	6"	280.91	300.57
8"	392.22	419.68	8"	439.28	470.03
10"	392.22	419.68	10"	439.28	470.03
Usage over 200 Cubic Feet			Usage over 200 Cubic Feet		
6.82 per 100 cu.ft. 7.30 per 100 cu.ft.			7.64 per 100 cu.ft. 8.17 per 100 cu.ft.		
Intermediate Commercial and Industrial			Large Commercial and Industrial		
Minimum Charges per Month up to 200 Cubic Feet Usage			Minimum Charges per Month up to 200 Cubic Feet Usage		
Meter Size	Current Rate (\$)	Proposed 7% increase (\$)	Meter Size	Current Rate (\$)	Proposed 7% increase (\$)
5/8"	40.17	42.98	5/8"	1,550.46	1,658.99
3/4"	55.97	59.89	3/4"	1,567.22	1,676.93
1"	62.41	66.78	1"	1,572.67	1,682.76
1 1/2"	77.51	82.94	1 1/2"	1,587.75	1,698.89
2"	94.68	101.31	2"	1,604.93	1,717.28
3"	118.50	126.80	3"	1,620.00	1,733.40
4"	187.57	200.70	4"	1,689.17	1,807.41
6"	289.60	309.87	6"	1,791.17	1,916.55
8"	450.81	482.37	8"	1,961.07	2,098.34
10"	450.81	482.37	10"	1,961.07	2,098.34
Usage over 200 Cubic Feet			Usage over 200 Cubic Feet		
6.23 per 100 cu.ft. 6.67 per 100 cu.ft.			4.70 per 100 cu.ft. 5.03 per 100 cu.ft.		

Note: Billing will be based on meter minimum or consumption, whichever is greater.

Section 2. If any section, clause, provision or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court or 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 3. That all Ordinances and/or parts of Ordinances in conflict with this Ordinance be and the same are hereby amended.

Section 4. This Ordinance shall take effect fifteen days after final adoption, the welfare of the citizens of Goodlettsville, Tennessee requiring it.

MAYOR RUSTY TINNIN

PASSED 1ST READING: _____

CITY RECORDER

PASSED 2ND READING: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-989</u> An ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 2 by deleting Chapter 2 in its entirety and replacing it with a new Chapter as it relates to Sewer Use Regulations. SECOND READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Jeff McCormick, Public Works Director	Agenda Item: Ordinance 21-989 Dept. of Origin: Public Works For Agenda of: March 11, 2021 Originator: Jeff McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-989

SUMMARY STATEMENT:

An ordinance to amend the City of Goodlettsville Municipal Code Title 18, Chapter 2 by deleting Chapter 2 in its entirety and replacing it with a new Chapter as it relates to Sewer Use Regulations.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 21-989.

Ordinance 21-989

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 18, CHAPTER 2 BY DELETING CHAPTER 2 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 2.

WHEREAS, there has been numerous conflicting references throughout Chapter 2 of Title 18 of the City of Goodlettsville Municipal Code; and

WHEREAS, the Board of Commissioners desire to correct such errors 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 2 of the City of Goodlettsville Municipal Code is deleted in its entirety.

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

CHAPTER 2

SEWER USE REGULATIONS

SECTION

18-201. Definitions.

18-202. Purpose of chapter.

18-203. Discharges to publicly owned treatment works.

18-204. Discharge permits.

18-205. Administration and enforcement.

18-201. Definitions. (1) In general. (a) For purposes of this chapter the following phrases and words shall have the meanings assigned below, except in instances where the content clearing indicates a different meaning:

(b) Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of the "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(2) Abbreviations. The following abbreviations shall have the following meanings:

- (a) "BOD5" means Biochemical Oxygen Demand.
- (b) "BMP" means Best Management Practices.
- (c) "BMR" means Baseline Monitoring Report.
- (d) "CFR" means Code of Federal Regulations.
- (e) "CIU" means Categorical Industrial User.
- (f) "COD" means Chemical Oxygen Demand.
- (g) "EPA" means U.S. Environmental Protection Agency.
- (h) "FOG" means Fats, Oils and Grease.
- (i) "FSE" means Food Service Establishment.
- (j) "GMP" means Good Management Practices.

- (k) "gpd" means gallons per day.
- (l) "IU" means Industrial User.
- (m) "l" means liter.
- (n) "MBAS" means Methylene-Blue-Active Substances.
- (o) "mg" means milligram.
- (p) "mg/l" means milligrams per liter.
- (q) "NPDES" means National Pollutant Discharge Elimination System.
- (r) "NSCIU" means Non-Significant Categorical Industrial User.
- (s) "POTW" means Publicly Owned Treatment Works.
- (t) "RCRA" means Resource Conservation and Recovery Act.
- (u) "SIC" means Standard Industrial Classification.
- (v) "SIU" means Significant Industrial User.
- (w) "SNC" means Significant Noncompliance.
- (x) "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- (y) "TSS" means Total Suspended Solids.
- (z) "U.S.C." means United States Code.

(3) Act or the Act. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(4) Antifreeze. "Antifreeze" means antifreeze and antifreeze mixtures which contain glycolic compounds that are typically toxic and may have excessively high BOD5 and metals.

(5) Approval authority. "Approval authority" means the Tennessee Division of Water Pollution Control city manager or designee or his/her representative(s).

(6) Authority. "Authority" or "hearing authority" means wastewater hearing authority

(7) Authorized representative of industrial user. An authorized representative of an industrial user may be:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) If the industrial user is a federal, state, or local governmental facility: a city manager or designee or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee;

(d) Or the individuals described in (a) through (c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Goodlettsville Public Works Department.

(8) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 18-203-9 or Tennessee Rule 1200-4-14-.05(1)(a) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials

storage. Also, BMPs include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

(9) Building sewer. "Building sewer" means a sewer conveying wastewater from the premises of a user to a community sewer.

(10) Categorical pretreatment standards. "Categorical pretreatment standards" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 707(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(11) Categorical industrial user. "Categorical industrial user" means an industrial user subject to a categorical pretreatment standard or categorical standard.

(12) Community sewer. "Community sewer" means any sewer containing wastewater from more than one (1) premise.

(13) Compatible pollutant. "Compatible pollutant" means biochemical oxygen demand, chemical oxygen demand, suspended solids, ammonia, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree.

(14) Control authority. The term "control authority" shall refer to the city manager or designee of the Goodlettsville Department of Public Works Department of Water and Sewerage Services, or their authorized representative.

(15) Daily maximum. "Daily maximum" means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(16) Direct discharge. "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(17) City manager or designee. "City manager or designee director" means the city manager or the City of Goodlettsville Public Works Director or the person designated by the city manager or designee director to supervise the operation at the POTW, and who is charged with certain duties and responsibilities by this title.

(18) Domestic sewage. "Domestic sewage" means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

- (a) BOD5 - 300 mg/l;
- (b) COD - 500 mg/l;
- (c) Suspended solids - 325 mg/l;
- (d) Ammonia nitrogen - 30mg/l;
- (e) pH 6.0 - 9.0 S.U.;
- (f) Oil and grease - 50 mg/l.

(19) Environmental Protection Agency. "Environmental Protection Agency" or "EPA" means the Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(20) Existing source. "Existing source" means any source of discharge that is not a "new source."

(21) Food service establishment. "Food service establishment" means an establishment engaged in production/clean-up or non-residential food and/or drink. Any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

(22) Grab sample. "Grab sample" means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(23) Holding tank waste. "Holding tank waste " means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

(24) Incompatible pollutant. "Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 15.04.100.1

(25) Indirect discharge. "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge of the waters of the state.

(26) Industrial user. "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act. This term shall also include all dischargers of wastes having characteristics other than those of "domestic sewage" as defined in section 15.04.140.1

(27) Interference. "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or collection system; or contributes to a violation of any requirement of Goodlettsville's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(28) Instantaneous limit. "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(29) Local limit. "Local limit" refers to specific discharge limits developed and enforced by Goodlettsville upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).

(30) "Mass emission rate." The weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

(31) Maximum concentration. "Maximum concentration" means the maximum amount of a specified pollutant in a volume of water or wastewater.

(32) Medical waste. "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(33) Goodlettsville. "Goodlettsville" means the City of Goodlettsville Tennessee.

(34) Monthly average. "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(35) Multi-dwelling unit. A commercial or residential building with multiple offices or apartments.

(36) Municipal user. A municipality, city, utility district, town or county which provides wastewater services through a contract with the Goodlettsville Department of Public Works Department of Water and Sewerage Services.

(37) National Pollution Discharge Elimination System permit. "National Pollution Discharge Elimination System or NPDES permit" means a permit issued to a POTW pursuant to section 402 of the Act (33 U.S.C. 1342).

(38) National pretreatment standards. "National pretreatment standards" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users.

(39) New source. "New source" means:

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined by under this paragraph has commenced if the owner or operator has:

(i) Begun, or caused to begin, as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(40) Non-contact cooling water. "Non-contact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(41) Pass through. "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Goodlettsville's NPDES permit, including an increase in the magnitude or duration of a violation.

(42) Person. "Person" means any and all persons, including individuals, partnerships, co-partnerships, firms, companies, public or private corporations, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, joint stock companies, trust estates, governmental entity or any other legal entity, or their legal representatives, agents or assigns, organized or existing under the laws of this or any state or country.

(43) pH. "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

(44) Pharmaceuticals. "Pharmaceuticals" means a substance used in the treatment of disease: drug, medicament, medication, medicine. Pharmaceuticals are drugs or medicine that is prepared or dispensed in pharmacies and used in medical treatment.

(45) Pollutant. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand, cellar dirt, oils, greases, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (i.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or order).

(46) Pollution. "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(47) Premises. "Premises" means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the city manager or designee to be a single user for purposes of receiving, using and paying for services.

(48) Pretreatment. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR section 403.6(d).

(49) Pretreatment requirements. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than the pretreatment standard.

(50) Pretreatment standards or standards. "Pretreatment standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(51) Publicly owned treatment works. "Publicly owned treatment works" or "POTW" means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned by the City of Goodlettsville. This definition includes any sewers, devices, or systems used in the collection, storage, treatment, recycling, and

reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the City of Goodlettsville, a municipality, as defined in section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(52) Reclaimed water. "Reclaimed water" means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise.

(53) Septic tank waste. "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks. Septic tank waste does not include commercial food service establishment fats, oils and grease waste.

(54) Significant industrial user. Except as provided in paragraphs (c) and (d) of this section, a "significant industrial user" is:

(d) An industrial user subject to categorical pretreatment standards; or

(e) An industrial user that:

(i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or

(ii) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or 18-17

(iii) Is designated as such by Goodlettsville on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(f) Goodlettsville may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(i) The industrial user, prior to Goodlettsville's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits the certification statement required in section 18-204-9 [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and

(iii) The industrial user never discharges any untreated maximum wastewater.

(g) Upon a finding that a user meeting the criteria in subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, Goodlettsville may at any time, but at least once every twelve (12) months, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such user should not be considered a significant industrial user.

(55) Significant noncompliance. The city manager or designee shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Goodlettsville, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment

standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(h) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Goodlettsville Code of Laws;

(i) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by the City of Goodlettsville Municipal Code multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(j) Any other violation of a pretreatment standard or requirements as defined by the City of Goodlettsville Municipal Code (daily maximum, longer term average, instantaneous limit, or narrative standard) that the city manager or designee determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(k) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager or designee's exercise of its emergency authority to halt or prevent such a discharge;

(h) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(l) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance schedules;

(m) Failure to accurately report noncompliance; or

(n) Any other violation(s), which may include a violation of best management practices, which the city manager or designee determines will adversely affect the operation or implementation of the local pretreatment program.

(56) Slug load or slug discharge. "Slug load or slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this chapter. A slug discharge is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge, which has a reasonable potential to cause interference or pass through, on in any other way violate the POTW's regulations, local limits, or permit conditions.

(57) Standard industrial classification. "Standard industrial classification" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(58) Stormwater. "Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(59) Toxic pollutant. "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317.

(60) Treatment works. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined stormwater and sanitary sewer systems.

(61) Twenty-four (24) hour, flow proportional composite sample. "Twenty-four (24) hour, flow proportional composite sample" means a sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

(62) Unpolluted water. "Unpolluted water" means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the State of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters.

(63) User. "User" means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer.

(64) Waste. "Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(65) Wastewater. "Wastewater" means liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(66) Wastewater constituents and characteristics. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

(67) "Waters of the State of Tennessee" means any water, surface or underground, within the boundaries of the state. (2000 Code, § 18-201, as replaced by Ord. #13-801, Aug. 2013)

18-202. Purpose of chapter. (1) The purpose of this chapter is to set uniform requirements for users of the City of Goodlettsville's (the city) wastewater collection system and treatment works to enable the city to comply with the provisions of the Clean Water Act and other applicable federal laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the city's wastewater collection system and treatment works.

(2) This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; to protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject, and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and

abatement of violations thereof. This chapter establishes a wastewater hearing authority and establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter. (2000 Code, § 18-202, as replaced by Ord. #13-801, Aug. 2013)

18-203. Discharge to publicly owned treatment works. (1) Purpose of article - specifications subject to review. This chapter establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in section 18-203-8 the Operational Division Policy No. 2008-01 for local limits and wastewater treatment plant protection criteria, and other prohibitions and limitations of this chapter are subject to the change to enable the city to provide efficient wastewater treatment to protect the public health and the environment, and to enable the city to meet requirements contained in its NPDES permit. The wastewater hearing authority shall review such limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the director as necessary.

(2) Construction of pretreatment plants - plans - permits. Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of the pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director.

(3) Construction and maintenance of pretreatment facilities. Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in sections 18-203-7, 18-203-8 and 18-203-9 to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations contained in the user's wastewater discharge permit.

(4) Additional pretreatment measures. (a) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(b) City of Goodlettsville may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit, or a general permit, may be issued solely for flow equalization.

(5) Compliance with national pretreatment standards required. Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard and shall also comply with any additional or more stringent limitations contained in the general pretreatment regulations (40 CFR part 403), the pretreatment standards found at 40 CFR chapter 1, subchapter N, parts 405-471, in this chapter, or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards shall be within three (3)

years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

(6) State pretreatment standard. Industrial users must comply with state pretreatment requirements (Tennessee Rule 1200-4-14).

(7) Wastewater evaluation criteria. (a) The wastewater of every industrial user shall be evaluated upon the following criteria:

(i) Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

(ii) Wastewater causing a discoloration or any other condition in the quality of the city's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

(iii) Wastewater causing conditions at or near the city's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

(iv) Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

(v) Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

(vi) Wastewater having constituents and concentrations in excess of those listed in section 18-203-8 or cause a violation of the limits in section 18-203-12

(b) The director shall recommend and the wastewater hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any industrial user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter.

(8) Wastewater pollutants—maximum concentrations. No person or user shall discharge wastewater in excess of the pollutant concentrations identified in the Operational Division Policy No. 2008-01 for Local Limits (TABLE A), unless:

(a) An exception has been granted the user under the provisions of section 18-203-25 or

(b) The wastewater discharge permit of the user provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

Local limits: the city is authorized to establish local limits pursuant to Tennessee Rule 1200-4-14-.05(3). City of Goodlettsville may develop Best Management Practices (BMPs) by ordinance or in individual wastewater discharge permits, or general permits, to implement local limits.

(9) Prohibited pollutants. (a) No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

(i) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

(ii) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;

(iii) Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;

(iv) Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;

(v) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat such quantities that the temperature of the influent at the treatment works exceeds forty degrees (40°) Centigrade (one hundred four degrees (104°) Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding sixty-five and one half degrees (65.5°) Centigrade (one hundred fifty degrees (150°) Fahrenheit);

(vi) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(viii) Any trucked or hauled pollutants except at discharge points designated by the POTW;

(ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permits;

(xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(xii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city;

(xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(xiv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(xv) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(xvi) Unused or out-dated pharmaceuticals;

(xvii) Antifreeze or antifreeze mixtures;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to sections 18-203-8 and 18-203-12 or the industrial user's permit.

(c) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(10) Prohibition of by-pass. Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility. Bypass is prohibited, and the department of water services may take enforcement action against an industrial user for a bypass, unless;

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime of preventative maintenance; and

(c) The industrial user submitted notices as required. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the department, if possible at least ten (10) days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the department within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The department may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(11) Hazardous waste discharge. The industrial user shall notify the department of water services, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and type of discharge. Additional notification requirements may apply as required by 40 CFR 403.12(p).

(12) Treatment plant influent pollutants-maximum concentrations. No person or user shall discharge wastewater that will cause the influent concentration at any the city wastewater treatment plant to exceed the pollutant levels identified in Operational Division Policy No. 2008-01 for Wastewater Treatment Plant Protection Criteria - Treatment Plant Influent - Maximum Concentrations (TABLE B). The director shall monitor the treatment works influent for each pollutant identified in the Operational Division Policy No. 2008-01 (TABLE B). In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

(13) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(14) Unpolluted stormwater prohibited - exceptions. Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof.

(15) Unpolluted water prohibited - exceptions. Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in section 18-203-14.

(16) Waste from garbage grinders prohibited - exceptions. (a) Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees, therefore are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

(b) This section shall not apply to domestic residences.

(17) Food service establishments - control of Fats, Oils and Grease (FOG) discharges. All food service establishments are required to comply with Operational Division Policy No. 2004-01: City of Goodlettsville Fats, Oils and Grease Management Policy.

(18) Multi-dwelling units/apartments - control of Fats, Oils and Grease (FOG) discharges. Any multi-dwelling unit, or apartment building or complex shall be subject to enforcement action for discharging FOG that contributes to a sanitary sewer overflow event, or obstruction to the sewer system.

(19) Liquid waste transport trucks - permit requirements. (a) No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

(b) The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

(c) Such permits shall be valid for a period of one (1) year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

(d) Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

(e) The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

(f) The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(g) The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit.

(20) Holding tank and hauled waste - permit required. No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefore and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(21) Radioactive waste prohibited - exceptions. No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

(a) When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

(b) When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

(c) When a copy of permits received from said regulatory agencies have been filed with the director.

(22) Direct discharge into manhole - permit required. No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the user shall be required to pay applicable charges and fees, therefore.

(23) Accidental discharge - safeguards - special permit conditions for past offenders.

(a) All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling area, and from diked areas or holding ponds of any waste regulated by this chapter.

(b) The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special conditions shall be developed by the user and submitted to the director for review under the provisions of section 18-203.2

(24) Prevention of accidental and/or slug discharges. For the purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this permit from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and

materials handling areas, from diked areas or holding ponds. The permittee shall notify the POTW immediately by telephone of any slug loadings, spills, bypasses, upsets, etc., and a follow up written notification within five (5) days, as prescribed in 40 CFR 403.8(f)(2)(v).

*Significant industrial users are required to notify the city immediately of any changes at its facility affecting the potential for a slug discharge. The city must evaluate all SIUs for the need for a slug control plan or other actions. Any new SIUs shall be evaluated for the need of a slug control plan within twelve (12) months of being permitted by the department. Existing SIUs may be required to review and resubmit a revision of the slug control plan at the request of the department. Should the department decide that a slug control plan is needed by the industrial user, the plan shall contain, at a minimum, the following elements;

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within five (5) days;

(d) If deemed necessary by the director, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(25) Temporary exceptions-procedure. (a) Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength parameters listed in § 18-202 of this chapter to apply for and receive a temporary exception to the discharge level for one (1) or more parameters.

(b) Time of application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

(c) Written applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to subsection (e) of this section.

(d) Review by director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty (30) days following notification by the director to correct such deficiencies. This thirty (30) day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty (30) days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

(e) Review by authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

(i) The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

(ii) The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection

Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

(iii) The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

(iv) The authority shall consider whether or not the granting of an exception might cause the treatment works to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

(v) The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by the city or which would cause the city to violate any regulation promulgated by EPA under the provisions of section 405 of the Act (33 U.S.C. 1345).

(vi) The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

(vii) The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

(viii) The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

(ix) The authority may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

(x) The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in § 18-202; however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

(xi) Good management practices required. The authority shall not grant an exception unless the applicant shall demonstrate to the Authority that he is utilizing "Good Management Practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMPs include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to reduce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.

(xii) Exception may be granted following review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided

further that the authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

(xiii) Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety (90) days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in section 18-205-4 shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

(xiv) Additional cost and expense. (A) The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by the city for transmission and treatment of such substances.

(B) The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

(C) Such charge for the Biochemical Oxygen Demand⁵ (BOD₅), ammonia, suspended solids, and oil and grease will be computed using the following formula: $\text{Surcharge } (\$/P) = 8.34 \times (F) \times (TC) \times (Pa - Pm)$ Surcharge (\$) total = Surcharges of BOD₅ + ammonia + suspended solids and grease. P-Parameter: BOD₅ or ammonia or suspended solids or grease. F-Flow in millions of gallons per day. TC-Treatment costs for servicing POTW per pound of parameter. Pa-Parameter, actual. Pm-Parameter, maximum.

(D) Charges for other pollutants will be computed on a case-by-case basis.

(26) **Dangerous discharge-emergency procedures.** (a) Telephone notification. Any person causing or suffering any discharge¹ whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the, director or his designee immediately, within one (1) hour of becoming aware of the discharge, by telephone.

(b) Written report. Within five (5) days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

(c) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure.

18-204. Discharge permits. (1) Applicability of chapter. The provisions of this chapter are applicable to all industrial users of the POTW. Any permits issued hereunder to industrial users who are subject to or who become subject to a "national pretreatment standard" as that term is defined in 40 CFR section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards.

(2) Application--requirements. All industrial users of the POTW prior to discharging non domestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accompanied by a report containing the information specified in section 18-204-2 All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location, and elevation; and the user shall submit to the director revised plans whenever alterations or additions to the user's premises affect said plans. Any currently connected user discharging waste other than domestic waste who has not heretofore filed such a report shall file same with the director prior to twelve (12) months from adoption of this chapter (October 7, 1980). All correspondence to city required by this chapter shall be addressed to the Goodlettsville Public Works Department, 215 Cartwright St. Goodlettsville, TN 37072.

(3) Application--report requirements. (a) The report required by section 18-204-3 above or other provisions of this chapter for all industrial users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (i) through (v) of subsection (b) below. Industrial users subject to national pretreatment standards shall submit to the director a report which contains the information listed in subsection (b) below within one hundred eighty (180) days after the promulgation by the Environmental Protection Agency of a national pretreatment standard under section 307(b) or (c) of the Act or prior to twelve (12) months from adoption of this chapter where such national pretreatment standards have been promulgated prior to the effective date of this chapter; provided that industrial users subject to the requirements of 40 CFR section 403.12 may file with the director a copy of a report submitted to the "control authority," as defined in s aid section, in lieu of the report herein provided. Industrial users who are unable to achieve a discharge limit set forth in § 18-201 of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection (b) of this section.

(b) As specified hereinabove, the report shall contain all or applicable portions of the following:

- (i) The name and address of the industrial user;
- (ii) The location of such industrial user;
- (iii) Description of operations: (A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (B) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (C) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (D) Type and amount of raw materials processed (average and maximum per day);
 - (E) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (iv) The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;
- (v) The nature and concentration of pollutants in the discharge from each regulated process from such industrial user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard; if an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the director for approval;

(vi) A statement, reviewed by an authorized representative of the industrial user (as defined in section 15.05.0601) and certified by a qualified professional, who shall be approved in writing by the city, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

(vii) If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants, assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

(viii) The location for monitoring all wastes covered by the permit;

(ix) Measurement of pollutants: (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the city, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.

(D) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 18-204-14 of this chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

(x) Any other information as may be deemed necessary by the city to evaluate the permit application.

(c) For purposes of this section, when the context so indicates the phrase "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user's discharging any incompatible pollutant regulated by § 18-201 of this chapter. For purpose of this section, the term "pollutant" shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in § 18-201 of this chapter

(4) Incomplete applications—notice to correct—denial. The director will act only on applications that are accompanied by a report which contains all the information required in section 18-204-3 Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within such extended period as allowed by the director, the director shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action.

(5) Application—recommendation of special conditions. Upon receipt of complete applications, the director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this chapter and all other applicable ordinances, laws, and regulations. The director may also propose that the wastewater discharge permit be subject to one (1) or more special conditions in regard to any of the following:

(a) Pretreatment requirements;

(b) The average and maximum wastewater constituents and characteristics;

- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (f) Requirements for submission of technical reports or discharge reports;
- (g) Requirements for maintaining records relating to wastewater discharge;
- (h) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in § 18-201 of this chapter) are proposed or present in the user's wastewater discharge;
- (i) Other conditions as deemed appropriate by the director to insure compliance with this chapter or other applicable ordinance, law or regulation;
- (j) A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user's compliance with pretreatment requirements or improved methods of operation and maintenance;
- (k) Requirements for the installation of facilities to prevent and control accidental discharge or "spills" at the user's premises;
- (l) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer.

(6) Special permit conditions—notice to applicant—procedure to file objections.

(a) Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions which he proposed be included in the wastewater discharge permit.

(b) The applicant shall have forty-five (45) days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen (15) days following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

(c) If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided.

(7) Individual wastewater discharge permits. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit's issuance date, expiration date and effective date. No permit is to exceed a five (5) year duration;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards, local limits, state or local law;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(vi) Requirements to control slug discharge, if determined by the director to be necessary.

(8) Wastewater discharge permits: general permits.

(a) At the discretion of the director, general permits may be used to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Require the same effluent limitations;

(iv) Require the same or similar monitoring; and

(v) In the opinion of the director are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(A) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, and any other information the POTW deems appropriate.

(B) The director will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in section 18-204-8 and applicable state regulations, and a copy of the user's written request for coverage for three (3) years after the expiration of the general permit.

(C) General permits will contain the same required information as listed in 18-204-7

The city may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for SIUs whose limits are based on the combined wastestream formula or net/gross calculations as per 40 CFR 403.

(9) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the following certification statement: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(b) Annual certification for non-significant categorical industrial users--A facility determined to be a non-significant categorical industrial user by the director must annually submit the following certification statement signed by an authorized representative of the user. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user.

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

(d) This compliance certification is based on the following information.

(c) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(10) Unresolved disputes—hearing. (a) In the event the director cannot issue a wastewater discharge permit pursuant to section 18-204-6, the director shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

(b) The authority shall schedule a hearing within ninety (90) days following the meeting referred to in subsection (a) unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

(c) The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

(d) Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly.

(11) Compliance schedule and reports—requirements. SIU compliance monitoring reports: All significant industrial users must, at a frequency determined by the city submit no less than twice per year, on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit

documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with 18-204-9

The following conditions shall apply to the schedule required by section 18-204-3, 18-204-5 or 18-204-10 of this section:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subsection (a) shall exceed nine (9) months

(c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority and the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority and the director.

(d) Within ninety (90) days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the control authority and the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in section 15.04.060, and certified to by a qualified professional.

(e) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 18-204-3. At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

(f) The control authority or the director, as applicable, may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (e) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

(g) The industrial user shall notify the POTW immediately by telephone of any slug loading (within one hour), as defined by sections 18-203-6 through 18-203-23 of this chapter, by the industrial user.

(h) The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits where requested by the control authority or the director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

(i) Any industrial user required by this section to submit a similar report to the control authority under the provisions of 40 CFR section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control authority. (12) Notification requirements. (a) The permittee shall notify the environmental compliance section on any of the following changes to the system no later than one hundred eighty (180) days prior to change of discharge;

(i) New introduction into the POTW of pollutants from any source which would be a new source, if such source were discharging pollutants;

(ii) New introduction of pollutants into such works from a source which would be subject to the sewer use ordinance if it were discharging such pollutants;

(iii) A substantial change in the volume or character of pollutants being discharged into such works at the time the permit is issued.

(b) This notice will include information on the quality and quantity of the wastewater introduced by the new source into the publicly owned treatment works, and on any anticipated impact on the effluent discharged from such works.

(13) Records of monitoring activities required—contents. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(a) The date, exact place, method and time of sampling and the names of the persons taking the samples;

(b) The dates analyses were performed;

(c) Who performed the analyses;

(d) The analytical techniques/methods used; and

(e) The results of such analyses.

(14) Monitoring procedures. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the city, using the procedures prescribed in 18-204-14 the results of this monitoring shall be included in the report submitted to the city. Where the categorical pretreatment standard, local limit, or permit requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city or the applicable standards to determine compliance with the standard.

(a) Sample collection and analyses. Samples and measurements taken in compliance with the monitoring requirements of this permit shall be representative of the volume and nature of the monitored discharge during a normal production day and shall be taken as follows:

(i) Be performed on composite and grab samples representative of the total wastewater flow discharged to the City of Goodlettsville sewerage system with the maximum time interval between samples no longer than sixty (60) minutes.

(ii) Be conducted in accordance with the U.S. Environmental Protection Agency protocol. The results must be reported to the lowest detectable limit of the methodology. Samples are to be analyzed by a laboratory, certified by the city water services for the required parameters.

(iii) Provide the flow rate for which the results are indicative to the nearest one hundred (100) gallons per day.

(iv) Except as indicated in 18-204-14 or if designated different in the user's permit, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(v) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(vi) For sampling required in support of baseline monitoring and ninety (90) day compliance reports [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports required by 18-204-11 [40 CFR 403.12(g)(4) and Tennessee Rule 1200-4-14-.12(5) and (8)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(b) Sample location. All approved sampling shall be collected from the sample collection point as designated in the industrial/ municipal user's permit as issued by the city water services.

(c) Test procedures. (i) Test procedures for the analysis of pollutants shall conform to regulations published pursuant to section 304 (h) of the Clean Water Act of 1977, under which such procedures may be required.

(ii) Unless otherwise noted in the permit, all pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be

performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the city or other parties approved by EPA.

(15) Repeat sampling and reporting/notice of violation. If sampling performed by a user indicates a violation, the user must notify the city within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user's facility between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(16) Records of monitoring activities—retention for four years—subject to inspection. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Any user subject to the reporting requirement established in this section shall be required to retain for a minimum of four (4) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director, the director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, the director of the Tennessee Department of Environment and Conservation, Tennessee Department of Public Health, or the Environmental Protection Agency.

(17) Term—renewal—modifications. (a) Wastewater discharge permits shall be issued for a period of three (3) years. Original permits may be issued for a period between two (2) and three (3) years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to section 18-203-25 shall be issued for a period of one (1) year.

(b) Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

(c) A user must apply in writing for a renewal permit within the period of time not more than ninety (90) days and not less than thirty (30) days prior to expiration of the current permit.

(d) Limitations or conditions of a permit are subject to modification or change due to, but not limited to, changes in applicable water quality standards, changes in the city's NPDES permit, changes in sections 18-203-7 and 18-203-12 the need to incorporate any new or revised federal, state, or local pretreatment requirement, changes in the user's operations and processes, violation of any terms or conditions of the user's permit, changes in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge, to correct typographical or other errors in the user's permit, misrepresentations or failure to fully disclose relevant facts in the wastewater discharge permit application or in any required reporting, changes in other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director at least thirty (30) days prior to the effective date of the change. Any change or new condition in a permit shall include a

provision for a reasonable time schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter.

(18) Transfer—approval required. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user or for different premises unless approved by the director.

(19) Revocation. Any permit issued under the provisions of this section is subject to be modified, suspended or revoked in whole or in part during its term for cause, including but not limited to the following:

(a) Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;

(b) Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

(c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the city timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

(20) Regulation of waste from other jurisdictions. (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by paragraph (a), above, the city shall request the following information from the contributing municipality:

(i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(ii) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(iii) Such other information as the city may deem necessary.

(c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:

(i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits, including required Baseline Monitoring Reports (BMRs)

which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit, or general permit, issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city and which of these activities will be conducted jointly by the contributing municipality and the city;

(iv) A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(vi) Requirements for monitoring the contributing municipality's discharge;

(vii) A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and

(viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (2000 Code, § 18-204, as amended by Ord. #08-710, March 2008, and replaced by Ord. #13-801, Aug. 2013)

18-205. Administration and enforcement. (1) Director—authority and responsibilities. (a) Responsibilities and assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

(b) Authority. The director shall have the authority to enforce all sections of this title. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

(c) Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the wastewater hearing authority.

(d) Wastewater hearing authority. The director shall attend all meetings of the wastewater hearing authority, or whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist such authority in the administration of this title.

(e) The director shall notify industrial users identified in 40 CFR section 403.8(f) (2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of section 204(b) of the Act (33 U.S.C. 1284), section 405 of the Act (33 U.S.C. 1345), or under the provisions of section 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the director to so notify industrial users shall not relieve such users from the responsibility of complying with such requirements.

(f) The director shall comply with all applicable public participation requirements of section 101(e) of the Act (33 U.S.C. 125 l(e)) and 40 CFR part 105 in the enforcement of national pretreatment standards. The director

shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve (12) months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve (12) months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of section 18-203-25

(2) Monitoring and inspections. (a) Whenever required to carry out the objective of this title, including but not limited to developing or assisting in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition under this title; determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; or any requirement established under this chapter:

(i) The director shall require any industrial user to:

(A) Establish and maintain such records;

(B) Make such reports;

(C) Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;

(D) Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;

(E) Provide such other information as he may reasonably require; and

(ii) The director or his authorized representative, upon presentation of his credentials, shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection (i) of this section are located. The city shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(B) The city shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(C) The city may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the user.

(E) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this ordinance; and

(F) May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (1) and sample any effluents which the owner or operator of such source is required to sample under subsection (1).

(b) Any records, reports or information obtained under this section:

(i) Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

(ii) Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

(iii) Specific requirements under the provisions of subsection (a)(i) of this section shall be established by the director, or the authority as applicable, for each industrial user; and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five (45) days and shall recommend to the user any change he deems appropriate.

(iv) Upon approval of plans as specified in subsection (iii), the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

(v) In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section.

(3) Wastewater hearing authority. (a) There is established an Authority of five (5) members to be known as the wastewater hearing Authority.

(b) The City of Goodlettsville Board of Zoning Appeals shall serve as the City of Goodlettsville Wastewater Hearing Authority

(c) Powers and duties. In addition to any other duty or responsibility otherwise conferred upon the hearing authority by this title, the hearing authority shall have the duty and power as follows:

(i) To recommend to the Board of Commissioners that it amend or modify the provisions of this title;

(ii) To establish, modify or amend procedural rules governing hearings, orders, issuance of permits, and all other matters not specifically requiring a hearing. Any rules so adopted shall be filed with the City Recorder;

(iii) To grant exceptions pursuant to the provisions of section 18-203-25, and to determine such issues of law and fact as are necessary to perform this duty;

(iv) To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

(v) To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(vi) To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

(vii) To request assistance from any officer, agent or employee of the City of Goodlettsville to obtain such information or other assistance as the hearing authority might need;

(viii) The hearing authority, acting through its chairman, shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the hearing authority;

(ix) The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the hearing authority;

(x) The hearing authority shall hold quarterly meetings and such special meetings as the board may find necessary;

(xi) Three (3) members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day;

(xii) In addition to any other power granted to it by this title, the hearing authority is granted the authority to assess a civil penalty in an amount not to exceed the sum of ten thousand dollars (\$10,000.00) per day for each day of violation against any person in violation of this chapter.

(A) The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter. Notice of such assessment shall be provided by certified mail, return receipt requested,

(B) Any person against whom an assessment is made by the director may appeal to the hearing authority by filing a request with the director for review by the hearing authority. Request for review by the hearing authority must be made in writing and filed within thirty (30) days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment,

(C) Failure to appeal the assessment within thirty (30) days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the hearing authority,

(D) The assessment of a civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe,

(E) No assessment of a civil penalty, whether brought to the hearing authority by appeal or for confirmation by the director, shall be final until such assessment is approved by the hearing authority at any regular meeting or duly called special meeting. The hearing authority may alter or modify the terms of any civil penalty but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the hearing authority for modification of such assessment in the same manner as an appeal from assessment of a civil penalty by the director,

(F) The director may enter into consent decrees with any person in violation of this chapter and, after approval by the hearing authority, the same shall have the effect and be enforceable in the same manner as a civil penalty,

(G) In assessing a civil penalty, the director and the hearing authority may consider all factors listed in Tennessee Code Annotated, § 69-3-125 and may include any expenses and actual damages incurred by the City of Goodlettsville in investigating, removing, correcting or cleaning up the violation.

(4) Adjudicatory hearing procedures. (a) The hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

(b) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The hearing authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have such hearing recorded, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the hearing authority by common law writ of certiorari; and in such event the party seeking such judicial review shall pay for the transcription and provide the hearing authority with the original of the transcript so that it may be certified to the court.

(c) The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the sheriff's office for service by any authorized officer of the City of Goodlettsville. If the witness does not reside in the City of Goodlettsville, the chairman shall issue a written request that the witness attend the hearing.

(d) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

(e) The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the hearing authority. The hearing authority, the director, or his representative, and all parties shall have the right to examine any witness. When sitting without an administrative law judge, the hearing authority shall not be bound by or limited to rules of evidence applicable to legal proceedings or the Uniform Administrative Procedures Act.

(f) Any person aggrieved by any order or determination of the director may appeal such order or determination for review by the hearing authority. A written notice of appeal shall be filed with the director, and the notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing the appeal. A special meeting of the hearing authority may be called by the chairman upon the filing of such appeal, and the hearing authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of sections 18-201-64 through 18-205-13 shall not be subject to review under this section.

(g) Within ten (10) days of filing of an appeal, any party may request that an administrative law judge be appointed to conduct the hearing together with the hearing authority pursuant to Tennessee Code Annotated, § 7-7-105. Any hearing conducted by an administrative law judge shall be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, § 4-5-301, et seq.

(h) The vice-chairman or the chairman pro tern shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

(i) Any person aggrieved by any final order of the hearing Authority hereunder may seek judicial review by common law writ of certiorari.

(5) Violation—public nuisance. Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided in this chapter.

(6) Violation—notice. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge.

(7) Significant noncompliance. The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the city sewerage services, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in the City of Goodlettsville Municipal Code;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by the City of Goodlettsville Municipal Code multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by the City of Goodlettsville Municipal Code (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in director's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit, or a general permit, or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

(8) Enforcement response manual. The director shall promulgate an enforcement response manual that establishes the procedures to be followed by the department as it enforces the provisions of this chapter. Upon approval by the hearing authority, the enforcement response manual shall be filed with the City of Goodlettsville City Recorder.

(9) Show-cause hearing before the city wastewater hearing authority. The director may issue a show-cause notice to any permit holder directing that he appear before the hearing authority at a specified date and time to show cause why the permit holder's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the permit holder of the general nature of the recommendations he shall make to the hearing authority. If the director seeks to suspend or revoke the wastewater discharge permit, he shall notify the permit holder of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the permit holder to prepare his defense. Such notice shall be mailed to the permit holder by certified mail, return receipt requested, or shall be personally delivered to the permit holder at least twenty days prior to the scheduled hearing date.

(10) Injunctive relief. The director may in the name of the City of Goodlettsville file in any court of competent jurisdiction a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City of Goodlettsville as a result of any action or inaction of any person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the City of Goodlettsville.

(11) Assessment of damage to user. When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the City of Goodlettsville, the director shall assess the expenses incurred by the City of Goodlettsville to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the. The City of Goodlettsville director shall file a claim with the user or any other person causing or suffering such damages to occur, seeking reimbursement for any and all expenses or damages suffered by the. If the City of Goodlettsville claim is ignored or denied, the director shall notify the City Manager to take such measures as shall be appropriate to recover for any expenses or other damages suffered by the City of Goodlettsville.

(12) Applicability of state and federal regulations. In addition to other remedies for enforcement provided in this section, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law.

(13) Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the emergency response office of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the City of Goodlettsville, or in their absence such elected officials of the City of Goodlettsville as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected.

(14) Punitive action--confirmation of authority required--exceptions. The director shall report to the hearing authority his intent to institute any action under the provisions of sections 18-205-10 and 18-205-12 and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable.

(15) Violation--penalty. Any person who violates any provision of this chapter including but not limited to the following violations:

- (a) Violates an effluent standard or limitation;
- (b) Violates the terms or conditions of a wastewater discharge permit;
- (c) Fails to complete a filing or reporting requirement;
- (d) Fails to perform or properly report any required monitoring;
- (e) Violates a final order or determination of the hearing authority or the director; or

(f) Fails to pay any established sewer service charge or industrial cost recovery charge; shall be assessed a civil penalty in an amount not to exceed the sum of ten thousand dollars (\$10,000.00) per day for each day of violation.

(16) Right of entry. Under 40 CFR 403.8 (A) (6)(v), pretreatment shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by Industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under section 403.12(0) to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

Pretreatment requirements which will be enforced through the remedies set forth in paragraph 40 CFR 403.8 (f) (1) (vi) (A) of this section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations in this part. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected Industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW.

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 21-990</u> An ordinance establishing a local litigation tax in accordance to Tennessee Code Annotated 67-4-601 and a court administrative fee in accordance to Tennessee Code Annotated 16-18-304. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Ordinance 21-990 Dept. of Origin: Administration / Court For Agenda of: March 11, 2021 Originator: Judge Toll / Tim Ellis Cost of Item: Revenue Positive
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-990

SUMMARY STATEMENT:

An ordinance establishing a local litigation tax in accordance to Tennessee Code Annotated 67-4-601 and a court administrative fee in accordance to Tennessee Code Annotated 16-18-304.

FINANCIAL SUMMARY:

Revenue Positive

RECOMMENDED ACTION:

Staff recommends that the Board adopt Ordinance 21-990.

ORDINANCE NO. 21-990

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE ESTABLISHING A LOCAL LITIGATION TAX IN ACCORDANCE TO TENNESSEE CODE ANNOTATED 67-4-601 AND A COURT ADMINISTRATIVE FEE IN ACCORDANCE TO TENNESSEE CODE ANNOTATED 16-18-304.

WHEREAS, it has been determined that it would be in the best interest of the City of Goodlettsville to create a local litigation tax, as well as, a court administrative fee, and

WHEREAS, the Tennessee Code Annotated permits the creation of such taxes and fees.

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

Section 1. There is hereby created a local litigation tax in the amount of \$13.75 in accordance to Tennessee Code Annotated 67-4-601.

Section 2. There is hereby created a court administrative fee in the amount of \$10.00 in accordance to Tennessee Code Annotated 16-18-304.

Section 3. Date of effect . This ordinance shall take effect fifteen days after its final passage, the public welfare requiring it.

Mayor Rusty Tinnin

Passed first reading: March 11, 2021

Passed second reading: _____

City Recorder

Approved as to form and legality

City Attorney



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: ORDINANCE 21-991</u> An ordinance to amend the sign regulations of the Zoning Ordinance to include defined criteria for increased interstate sign height based on the location of the sign. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-991 Dept. of Origin: Planning For Agenda of: March 11, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-991

SUMMARY STATEMENT:

An ordinance to amend the sign regulations of the Zoning Ordinance to include defined criteria for increased interstate sign height based on the location of the sign.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff and Planning Commission recommend approval of Ordinance 21-991.

ORDINANCE 21-991

AN ORDINANCE TO AMEND THE SIGN REGULATIONS OF THE ZONING ORDINANCE TO INCLUDE DEFINED CRITERIA FOR INCREASED INTERSTATE SIGN HEIGHT BASED ON THE LOCATION OF SIGN

WHEREAS, the Sign Regulations Section of the City’s Zoning Ordinance, intent and purpose includes protecting the value of property and improvements thereon and the quality of life by enhancing the appearance of streetscapes of the city, and;

WHEREAS, the Sign Regulations Section of the City’s Zoning Ordinance, intent and purpose includes ensuring that signs are appropriate to their surroundings, aesthetically pleasing, appropriately scaled and integrated with the surrounding landscape, and;

WHEREAS, The Goodlettsville Planning Commission at the March 1, 2021 scheduled meeting voted to recommend its passage to the Board of Commissioners and discussed that this amendment is to provide increased high rise sign height for improved visibility from I-65 based on the location of the high rise proximity to I-65 right-of-way and from the roadway providing direct access to the property to protect the street scape appearance and to ensure the increased signage area would not create a negative visibility issue onto adjacent residential areas.

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 section 14-305 (2)(a) and replacing with new section as listed in as shown 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) day 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

Passed First Reading: _____

APPROVED AS TO LEGALITY AND FORM:

Passed Second Reading: _____

CITY ATTORNEY

ORDINANCE 21-991

“EXHIBIT A”

Amendment 14-305 (2) (a) – *bold italics below*

(2) Interchange sign zone. Within the area of the interchanges of I-65 and Rivergate Parkway, Long Hollow Pike, and U.S. 31W identified as "Interstate Sign Zone" as shown on the attached maps, the following provisions shall apply and be in addition to and supplement§ 14-305(1). All other pertinent provisions of § 14-305(1) remain as applicable.

(a) Signs installed under this section, the maximum height for a pole sign shall be sixty feet (60') and the minimum height shall be forty feet (40') and the pole sign is to be located between the back of the primary building and the rear property line unless the property contains site limitations that prevent the sign installation and if the sign location would create limited sign visibility as determined during site plan review. The Planning Commission in review of a project site plan for a property within the Interstate Sign Zone designated areas may permit an increased sign height for a high rise sign based on the distance the high rise sign is located from the roadway providing direct access to the property per the following sign area increases and the visibility of the sign height from the interstate and interstate ramps. High rise signs that are permitted to be reviewed for increased height shall include a majority portion of the sign area within fifty (50') feet of the interstate right-of-way. The Planning Commission shall review all requests for increased sign height subject to protecting the streetscape appearance of the roadway providing direct access to the property with the sign and the visibility of the increased signage height from adjacent residential areas. A high rise sign located between 200 feet and 300 feet from the roadway providing direct access may be permitted a maximum height of seventy (70') feet sign height, 300 feet -400 feet from roadway providing direct access may be permitted a maximum sign height of eight (80') feet, 400 feet-600 feet from the roadway providing direct access may be permitted a maximum ninety (90') feet height, over 600 feet may be permitted a maximum sign height of one hundred (100') feet.

(b) The maximum display surface area for a pole sign shall be

one hundred seventy-five (175) square feet. The Planning Commission in review of a project site plan for a property within the Interstate Sign Zone designated areas may permit an increased sign area for a high rise sign based on the distance the high rise sign is located from the roadway providing direct access to the property per the following sign area increases. The Planning Commission shall review all requests for increased sign area subject to protecting the streetscape appearance of the roadway providing direct access to the property with the sign and the visibility of the increased signage area from adjacent residential areas. A high rise sign located between 200 feet

and 300 feet from the roadway providing direct access may be permitted a ten (10%) sign area increase in sign area, 300 feet -400 feet from roadway providing direct access may be permitted a twenty (20%) percent increase in sign area, and a sign exceeding 400 feet from the roadway providing direct access may be permitted a maximum thirty (30%) percent increase in sign area.

Such display surface area shall include all permitted signage such as changeable copy and price signs. Any changeable copy sign shall be limited to no more than fifty

percent (50%) of the total sign square footage, except that any changeable

copy sign within one hundred fifty feet (150') of the interstate

right-of-way may be one hundred percent (100%) of the sign square footage.

(c) Wall signs shall be a maximum size of fifteen percent (15%)

of the area of the wall upon which they are mounted.

(d) A maximum of one (1) pole sign shall be permitted on a

property and any additional non-building sign permitted based



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE:</u> ORDINANCE 21-992 An ordinance to amend the zoning ordinance to define critical lots and engineer design plan requirements for permit applications. FIRST READING <u>PRESENTED BY:</u> Tim Ellis, City Manager Addam McCormick, Planning Dir.	Agenda Item: Ordinance 21-992 Dept. of Origin: Planning For Agenda of: March 11, 2021 Originator: Addam McCormick Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Ordinance 21-992

SUMMARY STATEMENT:

An ordinance to amend the zoning ordinance to define critical lots and engineer design plan requirements for permit applications.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff and Planning Commission recommend approval of Ordinance 21-992.

ORDINANCE 21-992

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO DEFINE CRITICAL LOTS AND
ENGINEER DESIGN PLAN REQUIREMENTS FOR PERMIT APPLICATIONS**

WHEREAS, the City of Goodlettsville contains land areas with steep slopes, designated floodplains and floodways, and creek and streams areas which are natural property characteristics that without proper engineer design associated with alterations can create erosion, slope failure, negative alterations of surface and underground storm water flow, and increased risk of flooding; and,

WHEREAS, the City of Goodlettsville's intention is for property owners to make improvements on their property per adopted regulations while limiting the negative impact of features defined as critical to protect the natural features of the property and adjacent properties; and,

WHEREAS, the City's Zoning Ordinance, intent and purpose includes regulating the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses; and,

WHEREAS, the Goodlettsville Planning Commission at the March 1, 2021 regularly scheduled meeting voted to recommend its passage to the Board of Commissioners and discussed that the amendment is to provide engineer review of alterations of critical lot areas, and

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 Section 14-208 (S) Critical Lot Plan including an additional section as shown 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) day 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

Passed First Reading:_____

APPROVED AS TO LEGALITY AND FORM:

Passed Second Reading:_____

CITY ATTORNEY

ORDINANCE 21-992

“EXHIBIT A”

AMENDMENT

New Section 14-208 (S) Critical Lot Plan

CRITICAL LOT PLAN:

CRITICAL LOT: Any land with slopes exceeding twenty (20%) percent, problematic soils, wetlands, streams and creeks, sink holes, and FEMA, Federal Emergency Management Agency designated floodplain/floodways.

An engineering design plan completed by a State of Tennessee licensed engineer is required with any land disturbance, driveway, and building permit applications including site improvements impacting critical lot areas which includes removal of trees and vegetation providing stabilization of the critical lot areas. The design plan to include all proposed site improvements in the critical lot areas with existing and proposed grading, slope protection and stabilization design, erosion control design, tree preservation areas, complete retaining wall designs, positive drainage around building foundations, any pipe or ditch designs, and protection of adjacent properties from erosion and any tree damage.

The engineering design plan would not be required for projects associated with Planning Commission approved site plans or development plans unless specified with these plan approvals, limited alterations less than 1,000 sq. ft. to critical lot defined areas that are not within designated flood plains and floodways or stream, creek, and wetland protection buffers. Developments proposals located on the land containing designated flood plains and flood zones but not including any alterations of these flood areas only need to include a State of Tennessee licensed surveyor prepared plot plan with applicable permit applications. This section does not alter any applicable provisions of the City’s Storm Water Construction Ordinance and Flood Zone requirements



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

SUBJECT TITLE: RESOLUTION 21-968

A resolution adopting the State of Tennessee's Consultant Selection Policy, known as Local Government Guidelines Form 1-2, for projects funded in whole or in part with funds provided by the Federal Highway Administration or the Tennessee Department of Transportation.

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

Agenda Item: Resolution 21-968

Dept. of Origin: Public Works

For Agenda of: March 11, 2021

Originator: Jeff McCormick

Cost of Item: N/A

AGENDA ITEM ATTACHMENTS:

Resolution 21-968

SUMMARY STATEMENT:

A resolution adopting the State of Tennessee's Consultant Selection Policy, known as Local Government Guidelines Form 1-2, for projects funded in whole or in part with funds provided by the Federal Highway Administration or the Tennessee Department of Transportation.

FINANCIAL SUMMARY:

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

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-968.

RESOLUTION NO. 21-968

A RESOLUTION ADOPTING THE STATE OF TENNESSEE'S CONSULTANT SELECTION POLICY, KNOWN AS LOCAL GOVERNMENT GUIDELINES FORM 1-2, FOR PROJECTS FUNDED IN WHOLE OR IN PART WITH FUNDS PROVIDED BY THE FEDERAL HIGHWAY ADMINISTRATION OR THE TENNESSEE DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Goodlettsville is the recipient of grants from the Tennessee Department of Transportation and the Federal Highway Administration various transportation projects; and,

WHEREAS, the Tennessee Department of Transportation has established certain requirements for the procurement of professional services associated with all state and federally funded projects.

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

Section 1. That the Board of Commissioners of the City of Goodlettsville hereby adopts the State of Tennessee's Consultant Selection Policy, known as Local Government Guidelines Form 1-2 to be utilized in all projects funded by the Federal Highway Administration or the Tennessee Department of Transportation and attached hereto as Exhibit 1.

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

Date adopted: March 11, 2021

Mayor Rusty Tinnin

Attest

City Recorder

Approved as to form and legality

City Attorney

CITY OF GOODLETTSVILLE, TN

Consultant Selection Policy for Projects Funded in Whole or in Part with Funds Provided by the Federal Highway Administration or the Tennessee Department of Transportation

AUTHORITY: T.C.A. § 12-4-107. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

PURPOSE: To prescribe the policy of the City of Goodlettsville, TN, hereinafter referred to as the Agency, applicable to the procurement, management and administration of consultant services for architectural, engineering, and right-of-way services for projects.

APPLICATION:**A. Engineering and Design Related Services**

This policy is to include all engineering and design related services described in T.C.A. §12-4-107, 40 U.S.C. Chapter 11, 23 U.S.C. §112 (b)(2), 23 CFR Part 172, and 2 CFR 200.317.

B. Right-of-Way Acquisition Services

This policy also includes right-of-way acquisition services for required projects. These services include contracts for appraisal, acquisition, or relocation services related to the acquisition of land entered into by the Agency for the purpose of acquiring right-of-way. Since compensation for these services is not paid pursuant to federal regulation, the terms of this policy regarding methodology of compensation are not applicable.

DEFINITIONS:

A. *Competitive Negotiation* means a qualifications-based selection procurement procedure complying with 40 U.S.C. §§1101–1104, commonly referred to as the Brooks Act.

B. *Engineering and Design Related Services* means –

1. Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project or projects; and
2. Professional services of an architectural or engineering nature, as defined by Tennessee law, including T.C.A. §12-4-107, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide architectural or engineering services.

Examples of services within the scope of this policy include, without limitation, project planning, environmental studies, context sensitive solution/design services, cultural resources studies, geotechnical studies, historic studies, archeological studies, socio-economic and environmental justice analyses, drainage studies, inspection services, intelligent transportation system design and development, traffic control systems design and development, roadway design services, including surveying and mapping, structural design services, materials inspection and testing, value engineering, utility relocation/coordination, and utility analysis/design services with respect to a highway construction project or projects.

- C. *Fixed fee* means a dollar amount established to cover the consultant's profit and other business expenses not allowable or otherwise included as a direct or indirect cost.
- D. *One-year applicable accounting period* means the annual accounting period for which financial statements are regularly prepared by the consultant.
- E. *Scope of work* means all services, work activities, and actions required of the consultant by the obligations of the contract.
- F. *Technical Services* means specialized testing or other paraprofessional services that provide test results, data, or information in support of engineering services, including such services as laboratory testing, core borings, and material sampling.

PROCUREMENT METHODS:

- A. *Competitive Negotiation* - Competitive negotiation is the preferred method of procurement for engineering related services. These contracts use qualifications-based selection procedures in the manner of a contract for architectural and engineering services under the "Brooks Act" provisions contained in Title 40 U.S.C. Chapter 11. The proposal solicitation process is by public announcement and provides qualified in-state and out-of-state consultants a fair opportunity to be considered for award of the contract. Price is not used as a factor in the evaluation and selection phases.
- B. *Small Purchases* - Small purchase procedures are relatively simple and informal procurement methods where an adequate number of qualified sources are reviewed and the total contract costs do not exceed the simplified acquisition threshold as defined in 48 CFR §2.101 (currently \$150,000). Competitive negotiation in the manner of a "Brooks Act" qualifications-based selection procedure is not required.

- C. *Noncompetitive Negotiation* – Noncompetitive negotiation is used to procure engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procedures. Circumstances which may justify a noncompetitive negotiation include when the service is available only from a single source, there is an emergency which will not permit the time necessary to conduct competitive negotiations, or after solicitation of a number of sources competition is determined to be inadequate.

TYPES OF CONTRACTS:

- A. *Project Specific Contract* – A project specific contract provides for all the work associated with a specific project or projects that is to be performed by the consultant firm and requires a detailed scope of services. These contracts may provide for all work to be placed under contract at the same time depending on availability of funds. A project specific contract is the traditional type of consultant contract between the Agency and a consultant for the performance of a fixed scope of work related to a specific project or projects.
- B. *Multiphase Contract* – A multiphase contract is similar to a project-specific contract except that the work is divided into phases such as survey, environmental or design. The consultant contract is based on a general scope of work with a maximum contract ceiling. Individual phases are negotiated and the work authorized while future phases may wait until later in the contract period before completing negotiation and authorization. Multiphase contracts are helpful for complex projects where the scope of a future phase is not well defined. Multiphase contracts may be terminated at the end of a phase. A multiphase contract incorporates the work order concept for a specific project.
- C. *General Engineering Related Contract* – General engineering related contracts are for engineering and design related services related to transportation planning, design, or program management for use on multiple projects. Examples include the development of design standards and technical manuals, and the development of comprehensive transportation program management manuals. These services may be performed on a project specific or on-call basis.

POLICY:

I. CONSULTANT EVALUATION COMMITTEE

- A. Establishment of a Consultant Evaluation Committee: The Agency's legally designated selection authority shall designate the members of the Consultant Evaluation Committee (CEC), which shall at a minimum be composed of professional employees of the Agency capable of providing a review of the technical qualifications of the consultant to perform the job(s) in question. The

Agency's legally designated selection authority must approve any substitutions. The CEC membership may vary depending on the type of service being procured.

- B. Role: The CEC shall have the responsibility of submitting to the Agency's legally designated selection authority a recommended list of at least three of the most highly qualified firms if one firm is to be selected. If more than one firm is to be selected from a single solicitation, the CEC's recommended list of the most highly qualified firms shall include at least two more firms than the number of selections to be made.
- C. Record of Proceedings: The CEC shall designate either a member or staff person to create and maintain a record of proceedings before the CEC, which shall include information submitted to the CEC for consideration, summary minutes of meetings, findings and/or recommendations to the Agency's legally designated selection authority.

II. PREQUALIFICATION OF CONSULTANTS

- A. All firms, including any public or private universities, shall have a current prequalification status which can be found on the Tennessee Department of Transportation's website.
- B. Firms and their employees must comply with the applicable state licensing law requirements including but not limited to Tennessee Code Annotated Title 62, Chapter 2 (Architects, Engineers, and Landscape Architects), Title 62, Chapter 39 (Real Estate Appraisers), Title 62, Chapter 18 (Land Surveyors), and Title 62, Chapter 36 (Geologists).
- C. Firms prequalified by the Tennessee Department of Transportation for engineering and design related services shall have either an "Unlimited" or "Limited" prequalification status as described below:
 - 1. Unlimited Prequalification: This level of prequalification allows consulting firms to compete for any projects for which they are professionally and financially pre-qualified with the Tennessee Department of Transportation. Continued prequalification at this level requires submittal of the prequalification form every three years.
 - 2. Limited Prequalification: This level of prequalification allows firms seeking prequalification for engineering and design related services to:
 - a) Compete for projects with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract (see Section VI), or
 - b) Work as a sub-consultant or as contract labor with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract.

- C. Expiration or termination of a consultant's prequalification status may be cause for the Agency to terminate any contract with a consultant.
- D. A name change, merger, buy out or other similar change in status shall cause a termination of the existing prequalification and necessitate the submittal of a new prequalification form to the Tennessee Department of Transportation.
- E. A firm's prequalification status shall be terminated if the firm is included on the Federal Excluded Parties List or if it has been suspended or debarred by the Tennessee Department of Transportation or any other agency of the State of Tennessee.

III. COMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE

A. Confidentiality of Data and Records Retention

- 1. To the extent allowed by applicable State law, all documents relating to the evaluation and selection of consultants, and negotiations with selected consultants, shall remain confidential until selection is complete and a contract is awarded.
- 2. Audit information shall not be provided to other consultants or any other government agency not sharing the cost data, or to any firm or government agency for purposes other than complying with the Agency's acceptance of a consultant's indirect cost rates pursuant to 23 U.S.C. § 112 and 23 CFR Part 172 without the written permission of the affected consultants. If prohibited by law, such cost and rate data shall not be disclosed under any circumstance; however, should a release be required by law or court order, such release shall make note of the confidential nature of the data.
- 3. In accordance with 23 CFR 172.7 and the provisions of 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report. The only exceptions are the following:
 - a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
 - b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

- c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
- d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity

B. Solicitation

The Agency shall seek Letters of Interest from pre-qualified firms by public announcement through its internet website and by any other means of advertisement that may be required by law. Solicitations shall be reviewed and approved by the Local Programs Development Office before publishing.

1. For **all** contract types, the solicitation shall address:
 - a) Contact information at the Agency for project specific questions;
 - b) The specific location where the Letters of Interest should be mailed or e-mailed;
 - c) The deadline for submittals of Letter of Interest (not less than 14 days from the date of the solicitation);
 - d) A statement that all firms must be pre-qualified or have a completed prequalification form filed with the Tennessee Department of Transportation by the deadline for the Letters of Interest; and
 - e) Disadvantaged Business Enterprise (DBE) and Small Business encouragements.
2. The solicitation shall provide at a minimum, the following:
 - a) A detailed scope of work, including:
 - i. The purpose and description of the project;
 - ii. The services to be performed;
 - iii. The deliverables to be provided;
 - iv. The estimated schedule for performance of the work; and
 - b) The technical requirements of consultants required including the applicable standards, specifications, and policies;
 - c) The qualifications of consultants needed for the services to be rendered;
 - d) Any requirements for interviews or other types of discussions that may be conducted with the most highly qualified firms in Phase II of the selection of process;

- e) The evaluation criteria to be used in Phases I and II of the selection process, including the relative weight of importance of the factors to be considered in evaluating the interested firms that submit proposals in Phase II of the selection process;
 - f) Any approved non-qualifications based evaluation criteria to be considered in Phase II of the evaluation process;
 - g) The contract type and method of payment; and
 - h) Any special provisions or contract requirements associated with the solicited services.
3. For mid-range and large size projects, the CEI consultant shall not be associated with any other aspect of the project as described in Attachment A. The Agency must advertise separately for design and CEI services for mid-range and large projects, OR the Agency must separate the project into phases on one advertisement and require the consultant to indicate to which phase they are responding.

C. Consultant Evaluation Criteria

1. The qualifications-based selection criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.
- a) For Phase I evaluation, the qualifications-based evaluation criteria may include, but are not limited to, the following:
 - i. Work experience in the required disciplines with TDOT, the Agency, and/or other clients;
 - ii. Specialized expertise;
 - iii. Professional licensure;
 - iv. Staff capabilities of prime consultant;
 - v. Size of project and limited or unlimited prequalification status; and,
 - b) For firms submitting proposals during Phase II evaluation, the following additional evaluation criteria may also be included:
 - i. Workload capacity; including amount of work under contract with the Agency, if applicable

- ii. Past performance on Agency Projects;
 - iii. Technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures);
 - iv. Other factors including interviews and demonstrations, as approved by the Agency; and
 - v. Any approved non-qualifications based evaluation criteria, as provided in paragraph C.2. below.
2. If approved by the Agency's legally designated selection authority and the Department's Local Programs Office, the following non-qualifications based criteria are permitted, provided the combined total of these factors does not exceed a nominal value of ten percent (10%) of the total evaluation criteria:
- a) For contracts with Federal-aid funding, participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants; and/or
 - b) For any contracts a local presence may be used as a nominal evaluation factor where appropriate; provided, that this factor shall not be based on political or jurisdictional boundaries, and provided further that this factor may be applied only on a project-by-project basis for contracts where:
 - i. A need has been established for a consultant to provide a local presence;
 - ii. A local presence will add value to the quality and efficiency of the project; and
 - iii. Application of this factor leaves an appropriate number of qualified consultants, given the nature and size of the project.
 - iv. If a consultant from outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.
3. For contracts or projects with Federal-aid funding, the Agency may set DBE goals, in which case the selected consultant must either meet the goal or show good faith efforts to meet the goal, consistent with the DBE program regulations at 49 CFR Part 26, to be considered for selection.

D. Evaluation, Ranking and Selection

1. Phase I Evaluation

- a) Using the evaluation criteria identified in the public solicitation, the Agency advertising for engineering related services shall evaluate current

statements of qualification and performance data from those firms submitting Letters of Interest.

- b) Unless specifically stated otherwise in the solicitation, the evaluation of a firm's qualification during Phase I evaluation shall be limited to the prime consulting firm only.
- c) Evaluations shall be presented to the CEC for review. The CEC shall choose at least three of the most highly qualified consultants who would make viable candidates and who will be invited to submit a proposal.
- d) The Agency shall issue a list of firms chosen to submit proposals and notify the firms that were not selected. The firms selected in Phase I shall be requested to submit a proposal for the work. Proposal format requirements, delivery address and deadlines shall be included in the notification sent to the selected firms. Electronic delivery and receipt of the proposal may be permitted.

2. Phase II Evaluation

- a) The Agency shall evaluate the proposals of firms selected in Phase I using the Phase II evaluation criteria identified in the public solicitation.
- b) A consultant firm that has been short-listed for a project and asked to submit a proposal shall specifically identify any sub-consultant(s) required to complete the project team. Identified sub-consultants will be evaluated using the criteria identified in the public solicitation. All sub-consultants identified on the submittal must be pre-qualified by the Tennessee Department of Transportation to perform the required tasks or have an application pending prior to submittal of the proposal. It shall be the responsibility of the prime consultant to include a signed statement from each sub-consultant on their own letterhead confirming that they have the staff available and agree to provide the necessary services for the specific item/project listed in the prime consultant's proposal. Failure to meet these requirements will void the submittal.
- c) Separate formal interviews, if approved as an evaluation criteria, shall be structured and conducted with a specified time limit. Competing consultants may be asked to bring additional information or examples of their work to the interviews if such information will contribute to the evaluation process. Specific questions may be asked of each consultant to clarify qualifications, written proposals, or oral presentations.
- d) The Agency shall present the evaluation of proposals received from firms selected in Phase I to the CEC for review. The CEC shall rank the firms based on the established and published criteria, or the CEC shall submit to the legally designated selection authority a list of the firms deemed most

highly qualified to provide the services required. The list shall contain no fewer than three firms. In instances where only two qualified consultants respond with proposals, the Agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements that arbitrarily limited competition.

3. Phase III Evaluation, Ranking, Selection and Notification

- a) If the CEC does not make the final ranking of the most highly qualified firms, the Agency's legally designated selection authority shall rank the firms in order of preference.
- b) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
- c) The Agency will negotiate with the three consultant firm(s) deemed to be most highly qualified in rank order.

E. Negotiation of Contract

The following shall apply to all negotiations of scope and cost for contracts, work orders, and supplemental agreements.

1. **Determination of Contract Amount:** The Agency shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate, which shall serve as the basis for negotiation, will be based on the following:
 - a) Relative difficulty of the proposed assignment or project, size of project, details required, and the period of performance; and,
 - b) A comparison with the experience record for similar work performed both by Agency personnel and previously negotiated consultant contracts.

This estimate shall be done independently, prior to negotiation, and shall remain confidential to the extent allowed by applicable law.

2. **Scope of Work Meeting with Selected Firm:** The Agency will negotiate with the selected firm and may arrange a conference with the prospective consultant where the parties must come to a mutual understanding of the scope of work and all technical and administrative requirements of the proposed undertaking. In lieu of a conference, this may be done by phone or correspondence. The prospective consulting firm may be represented as it wishes; however, a project manager and accounting representative are recommended.
3. **Cost Proposal:** The prospective consulting firm will be invited to submit a cost proposal for the project. This cost proposal is to be broken down by the various

items of work as requested and supported by estimated labor requirements. Instructions shall be given regarding the method of compensation and the documentation needed to justify the proposed compensation.

In evaluating the consultant's cost proposal(s), the Agency shall judge the reasonableness of the proposed compensation and anticipated labor and equipment requirements by the following and other appropriate considerations:

- a) The proposed compensation should be comparable to that of other projects of similar nature and complexity, including as applicable salaries and man-hours to accomplish the work, and allocation of labor within the man-hour estimates.
 - b) The Agency will assess the fairness of the proposed fixed fee based on the scope, complexity, contract duration, degree of risk borne by the consultant, amount of subcontracting, and professional nature of the services as well as the size and type of contract. Fixed fee is calculated using the following formula: $\text{Fixed Fee} = 2.35 \times \text{Direct Salary} \times \text{Allowed Fixed Fee Rate}$. Unless a higher fixed fee rate is expressly approved by the Agency, the maximum allowable fixed fee rate is 13% (See Appendix 1 for fixed fee rate determination).
 - c) The proposed compensation shall be studied for reasonableness and to assure sufficient compensation to cover the professional quality of the work items desired.
4. **Contract Negotiations:** If the consultant's first cost proposal is rejected by the Agency, the negotiating parties shall hold a second conference to discuss those points of the cost proposal which are considered unsatisfactory. The consultant shall submit a second cost proposal based upon this second conference. If the Agency rejects the consultant's second cost proposal, negotiations shall be formally terminated and commence with the second most qualified firm. If like negotiations are unsuccessful with the second most qualified firm, the Agency will undertake negotiations with the third most qualified firm and any others on the selected list in sequential order. With the concurrence of the legally designated selection authority, the Agency may, at any time, in lieu of continuing negotiations, elect to redefine the scope of the project and resolicit proposals pursuant to "POLICY", Section III, B, "Solicitation".
 5. The Agency shall maintain a record of the negotiations and all required approvals and shall retain these records for 36 months following final payment in accordance with Item A.3. of this section and as provided in 23 CFR § 172.7 and 2 CFR § 200.333.

F. Contract Development and Execution

1. In the event the parties reach agreement, the legally designated selection authority shall approve the preparation of a contract.
2. The contract will include a clause requiring the consultant to perform such additional work as may be necessary to correct errors in the work required under the contract without undue delays and without additional cost to Agency.
3. The contract shall contain a clause whereby the consultant must report at least quarterly all amounts paid to any DBE sub-consultants and to any Minority Business Enterprise (MBE) and/or Woman Owned Business Enterprise (WBE) sub-consultants.
4. Method of Payment: The method of payment to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. The methods of payment shall be: Lump sum, cost plus fixed fee, cost per unit of work, or specific rates of compensation. A single contract may contain different payment methods as appropriate for compensation of different elements of work.
5. Suspension and Debarment: Prior to contract execution, the Agency shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants in accordance with 2 CFR Part 1200 and 2 CFR Part 180.
6. The Agency shall maintain a record of the negotiations and all required approvals.
7. Prior to approval of the contract, the Agency must have on file a contract specific Certificate of Insurance for the consultant. It shall confirm that the firm has professional liability insurance for errors and omissions in the amount of \$1,000,000, as a minimum, and the policy shall be maintained for the life of the contract. Consultants responsible for the disbursement of Agency funds shall be required to provide evidence of a Fidelity Bond in the amount of \$250,000 maintained for the life of the contract.

G. Contract Administration

1. Once a contract has been awarded, the consultant may negotiate directly with sub-consultants. A change in sub-consultants must be approved by the Agency. A written request must be submitted to the Agency to initiate the change. This request must include an explanation of the need to change sub-consultants and the impact on the project schedule and financial elements of the contract. The substitute sub-consultant must be pre-qualified at the appropriate level (unlimited or limited) by the Department of Transportation to perform the required tasks. After consideration of all factors of the request, the Agency will respond to the request in writing.
2. After the contract has been approved, a work order issued, and productive work on the consultant's assignment has begun, the Agency shall periodically review

and document the consultant's progress. Said monitoring reviews shall be directed toward assurance that the consultant's assignment is being performed as specified in the agreement, that an adequate staff has been assigned to the work, that project development is commensurate with project billings, and that work does not deviate from the contracted assignment.

Should conditions warrant, these reviews may consist only of an appropriate exchange of correspondence. These reviews shall determine, among other matters, if any changes or supplemental agreements are required for the completion of the consultant's work.

3. A full-time employee of the Agency shall be responsible for each contract or project. Annually and/or at project close, the assigned employee will prepare a performance evaluation report covering such items as timely completion of work, conformance with contract cost, quality of work, and whether the consultant performed the work efficiently. A copy of this report will be furnished to the firm for its review and comments.

H. Contract Modifications

1. A contract modification, in the form of an executed supplemental agreement or amendment, is required whenever there is a change in the terms of the existing contract, including a change in the cost of the contract; a significant change in the character, scope, complexity, or duration of the work; or a significant change in the conditions under which the work is required to be performed. Contract modifications shall be negotiated using the same procedures as the negotiation of the original contract. The executed supplemental agreement or amendment shall clearly define and document the changes made in the contract and establish the method of payment for any adjustment in contract costs.
2. No contract may be supplemented to add work outside the scope of the project or the general scope of services the consultant was initially evaluated to perform. For example, a roadway design contract may be supplemented to add work related to additional phases of project design (e.g. preliminary engineering with related technical services such as survey or geotechnical work, preparation of right-of-way plans, or preparation of final construction plans); however, a project specific or multiphase contract for roadway design shall not be supplemented to add a new project or to add a different type of service, such as construction engineering and inspection, beyond the type of services solicited in the original solicitation.
3. Overruns in the costs of the work shall not automatically warrant an increase in the fixed fee portion of a cost plus fixed fee reimbursed contract. Permitted changes to the scope of work or duration may warrant consideration for adjustment of the fixed fee portion of cost plus fixed fee or lump sum reimbursed contracts.

I. Contract Accounting Policies

1. Indirect Cost Rate – Basic Agreement or Contract

- a) **Federally funded projects:** The indirect cost rate, effective for contracts advertised on or after December 1, 2005, shall be the actual rate as determined in compliance with Federal Acquisition Regulation Standards and approved by the cognizant agency as defined by 23 CFR § 172.3. The cognizant agency is the home state transportation department, a federal agency, or TDOT in the absence of any of the other. A Certified Public Accountant (CPA) may perform the audit, but the audit work papers may be reviewed by the governmental agency. Further;
 - i. The indirect cost rate for firms with multiple offices shall be a combined rate for all offices.
 - ii. The approved rate shall be utilized for the purposes of contract estimation, negotiation, administration, reporting, and contract payment for a twelve month period beginning the seventh month after the firm's Fiscal Year End.
 - iii. If the indirect cost rate expires during the contract period an extension may be considered on a case-by-case basis in accordance with 23 CFR § 172.11(b)(1)(vi). In any event, no new contracts will be considered for any firm without an approved indirect cost rate.
- b) **State funded projects:** Pursuant to T.C.A. § 54-1-130, the indirect cost rate cannot exceed a maximum of 145%.

- 2. **Travel:** Travel and subsistence charges shall be in conformance with the State of Tennessee Comprehensive Travel regulations. Air travel shall be pre-approved by the Agency. Actual expenses, not to exceed the commercial rate, for the use of company owned airplanes are allowable as a direct charge.

3. Fixed Fee Payment:

- a) For cost plus fixed fee contracts, payments of fixed fee shall be based on the actual labor costs not to exceed the total approved fixed fee.
- b) The fixed fee for each progress billing shall be determined using the consultant's actual direct labor for the specific billing period multiplied by 2.35 times the negotiated fixed fee percent.
- c) With the exception of Construction Engineering and Inspection Contracts, the firm may invoice for the balance of any unbilled fixed fee upon successful completion of the contract.

4. **Contract and Project Closing:** The Agency is responsible for keeping up with contract costs and knowing when a contract is complete. The Agency is also responsible for closing the contract in a timely manner. By letter to the consultant, the Agency shall affirm that the contract or work order has been satisfactorily completed. In the event that additional services are required within the original scope of the project, the contract or work order may be re-opened. All terms and conditions of the contract shall remain the same.
5. Retainage shall not be required for new Engineering and Technical Services Contracts.
6. **Audit Requirements:**
 - a) Pre-award audits consist of a review of a proposed indirect cost rate based upon historical data, review of the consultant's job cost accounting system, and review of project man-day or unit price proposals.
 - b) Awarded contracts are subject to interim and final audits. The audits consist of determining the accuracy of invoice charges by reviewing time sheets, payroll registers, travel documents, etc. Charges that cannot be supported will be billed back to the consultant. Firms will be selected for contract compliance audits using a risk analysis utilizing primarily the firm's total contract exposure with the Agency and the time elapsed since the last compliance audit.
 - c) Annual approval of the indirect cost rate for non-fixed indirect cost rate contracts will be required and adjustments to the invoiced billing rate may be necessary based on audit results. The determination of whether to perform a desk review or full field audit of the indirect cost schedule is made utilizing a risk analysis created in accordance with the guidelines proscribed in the AASHTO Uniform Audit & Accounting Guide.
7. **Computer Aided Drafting and Design (CADD) Expenditures:** All CADD equipment and software expenditures are to be treated as part of indirect cost. CADD expense will not be allowed as a direct expenditure based on an allocation rate.
8. **Facilities Capital Cost of Money (FCCM) Rate:** FCCM referenced in 48 CFR § 31.205-10 shall be allowed as part of indirect cost and applied to direct labor.
9. **Direct Costs**
 - a) Include job related expenses that are required directly in the performance of project services such as travel, subsistence, long distance telephone, reproduction, printing, etc. These should be itemized as to quantities and unit costs in arriving at the total cost for the expense.

- b) The proposed direct cost shall not exceed the Tennessee Department of Transportation's maximum allowable rate when a rate for such cost is specified. All direct costs must show supporting documentation for auditing purposes. Documentation for proposed rates should show how they were developed including historical in-house cost data or names and phone numbers of vendors that supplied price quotes along with receipts, invoices, etc., if available.
 - c) Electronic equipment, such as personal computers, cameras, and cellular phones, shall be included in the consultant's indirect cost.
 - d) The cost of the use of the consultant's vehicle(s) to the Agency's project shall be paid for according to Attachment B, Schedule of Vehicle Reimbursements.
10. Collection of Funds Due as Result of Contract Audit: Once an audit is completed and the consultant is found to owe the Agency, the Auditor will notify the Agency's Finance Director in writing, with a copy to the Department's Local Programs Office. The Agency will contact the consultant in writing about the indebtedness and request payment within 30 days from the date of the letter. If after 30 days payment is not received, the consultant will then be notified that any funds owed to the consultant under other agreements will be used to satisfy the indebtedness. If funds or payables to the consultant in the Agency's possession are in excess of the indebtedness, anything owed the consultant will be remitted under normal payment procedures. If the funds in the Agency's possession are not sufficient to satisfy the indebtedness, the Agency will take appropriate action.

J. Geotechnical Contracts

Contracts for geotechnical services are considered separately because they may involve a mixture of two types of services, i.e., geotechnical studies (engineering services) and subsurface exploration/drilling and/or laboratory testing (technical services). Additionally, some firms offer one or the other of these services, others offer both, and others offer some combination as well as other services, e.g., design. Firms offering both services must, for accounting purposes, separate the two operations. Cost of equipment, supplies, etc., used in technical services may not be applied towards indirect cost computations for engineering services.

Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing services shall be procured as noted in "POLICY", Section III, Competitive Negotiation Procurement Procedure. The technical services costs shall be negotiated by the Agency based on usual industry standards.

K. Sub-consultants for Engineering Services

1. Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing within another Engineering Services Firm: These services may be procured as part of the larger contract, e.g., roadway design. Payment for subsurface exploration/drilling shall be invoiced as a direct cost. Geotechnical studies shall be invoiced as other engineering services.
2. Geotechnical Studies Firms as Sub-Consultants
 - a) Geotechnical Studies Only: The services of these firms may be procured by negotiation with the prime consultant as described previously herein.
 - b) Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing Firms as Sub-Consultants: The services of these firms shall be procured by negotiation with the prime consultant. However, costs associated with subsurface exploration/drilling and/or laboratory testing shall be negotiated by the Agency.

L. Sub-consultants Not Covered Under Engineering Services

In the event a sub-consultant is required whose hiring process, as a prime, would not be governed by Competitive Negotiation under this Policy, that sub-consultant shall be retained by the same method as the Agency would use to procure the same type of services under the Agency's local law or other applicable state law.

1. Example: Design consultants are occasionally asked to provide laboratory testing services under their design contract. The design consultant shall use, and document, the applicable procedures identified by the Agency.
2. The Agency should monitor the hiring and documentation of sub-consultants by the prime. Documentation should detail the method used and should be satisfactory for a final project audit.

IV. NONCOMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE

The following procedures shall be used by the Agency, subject to the Tennessee Department of Transportation's prior approval, in those circumstances where there exists only one viable source for the desired services, when competition among available sources is determined to be inadequate after solicitation of a number of sources, or in emergencies when adherence to normal competitive negotiation procedures will entail undue delays for projects requiring urgent completion.

Upon determination of a need for this type of procurement, the Agency shall request an estimate from the qualified firm for the accomplishment of the desired assignment. The request for an estimate shall define the full scope of the desired services, together

with minimum performance specifications and standards, the date materials and services are to be provided by the consultant to the Agency, and the required assignment completion schedule. Response to the request for an estimate shall be evaluated, giving due consideration to such matters as a firm's professional integrity, compliance with public policies, records or past performances, financial and technical resources, and requested compensation for the assignment. Before using this form of contracting, the Agency shall submit justification to and obtain approval from the Department; provided, however, that for Federal-aid contracts, the Department shall also submit the request to FHWA for approval in accordance with 23 CFR § 172.7(a)(3)(ii).

V. SMALL PURCHASE PROCUREMENT PROCEDURE

When the contract cost of the services does not exceed the simplified acquisition threshold as defined in 48 CFR § 2.101 of the Federal Acquisition Regulations (FAR), which is currently \$150,000, small purchase procedures may be used. The scope of work, project phases and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures. Further, a contract obtained under small purchase procedures shall not be modified to exceed the simplified acquisition threshold.

Proposals will be obtained from an adequate number of qualified sources with a minimum of three. In instances where only two qualified consultants respond to the solicitation, the Agency may proceed with evaluation, ranking and selection if it is determined that the solicitation did not contain conditions or requirements which arbitrarily limited competition. Awards will be made to the responsible firm whose proposal is most advantageous to the program.

VI. TECHNICAL SERVICE PROCUREMENT PROCEDURE

The Agency shall use the procurement process it would use for the same type of service under applicable state or local law; provided, that on Federal-aid projects the procurement process shall be consistent with competitive procurement requirements under 2 CFR Part 200.

ATTACHMENT A – Consultant Selection for Locally Managed Projects

Size of Project	Type of Project	Procurement Requirements
SMALL projects - Must have a full-time employee on staff with experience managing transportation projects. - Must hire consultants for all phases of the project from TDOT's approved list if the Local Government has not been approved by TDOT to use their own forces. The consultants must be qualified in the required area of expertise.	- Transportation Alternatives - intersection improvements without significant ROW (under one acre of disturbance) - Safe Routes to School - resurfacing - striping - signing - guardrail installation - signalization - some bridge replacement projects (under one acre of disturbance) - non-construction/service contracts (as listed in Chapter 10 of the LGG) - low-risk and exempt ITS	Local Government can use the same consultant for the entire project (planning, preliminary engineering and CEI)
MID-RANGE projects - Must have a qualified, full-time professional engineer on staff. - Must hire consultants for all phases of the project from TDOT's approved list. The consultants must be qualified in the required area of expertise.	- roadway widening - realignment of existing roadway - signalization projects with the addition of turn lanes - intersection improvements with significant ROW (over one acre of disturbance) - bridge replacement projects requiring significant land acquisition (over one acre of disturbance) - projects with environmental requirements greater than a categorical exclusion but lesser than an EIS - high-risk ITS	The selected CEI consultant shall not be associated with any other aspect of the project.
LARGE projects - Must have a qualified, full-time professional engineer on staff with extensive experience working with federally-funded transportation projects. - Must hire consultants for all phases of the project from TDOT's approved list. The consultants must be qualified in the required area of expertise.	- construction of new facilities - widening of existing roadways - realignment of existing roadways that require significant land acquisition (over 10 acres) - environmental clearances that require an EIS	The selected CEI consultant shall not be associated with any other aspect of the project.

ATTACHMENT B – Policy for Standard Procurement of Engineering and Technical Services

Vehicle Reimbursement Schedule

For all projects except Construction Engineering and Inspection (CEI), the consultant shall be reimbursed at the rate specified in the State of Tennessee Comprehensive Travel Regulations in effect at the time the cost was incurred.

For CEI projects, the consultant shall be reimbursed at the rate of \$27.00 per day for compact pick-up trucks used on the Agency's projects. For full size pick-up trucks used on the Agency projects, the consultant shall be reimbursed at the rate of \$30.25 per day

Rate changes are approved: _____
AGENCY HEAD DATE



AGENDA SUMMARY SHEET

**Board of Commissioners
City of Goodlettsville**

<u>SUBJECT TITLE: RESOLUTION 21-969</u> A resolution amending Resolution 21-963, as it relates to the donation of a surplus Fire Department rescue vehicle to the Shackle Island Volunteer Fire Department, a registered non-profit corporation with the State of Tennessee. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-969 Dept. of Origin: Administration For Agenda of: March 11, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Resolution 21-969

SUMMARY STATEMENT:

A resolution amending Resolution 21-963, as it relates to the donation of a surplus Fire Department rescue vehicle to the Shackle Island Volunteer Fire Department, a registered non-profit corporation with the State of Tennessee.

FINANCIAL SUMMARY:

This resolution will not have fiscal impact on the City of Goodlettsville.

RECOMMENDED ACTION:

Staff recommends approval of Resolution 21-969

RESOLUTION 21-969

A RESOLUTION AMENDING RESOLUTION 21-963, AS IT RELATES TO THE DONATION OF A SURPLUS FIRE DEPARTMENT RESCUE VEHICLE TO THE SHACKLE ISLAND VOLUNTEER FIRE DEPARTMENT, A REGISTERED NON-PROFIT CORPORATION OF THE STATE OF TENNESSEE.

WHEREAS, by virtue of the passage of Resolution 21-963, a Fire Department Rescue Vehicle was declared surplus to the needs of the city and was designated to be sold to the Shackle Island Volunteer Fire Department; and

WHEREAS, it has been recommended that the disposition of the fire rescue vehicle be by donation to the Shackle Island Volunteer Fire Department; and

WHEREAS, donations of monetary value must meet the Tennessee Code Annotated 6-54-111 to a Non-Profit Charitable or Non-Profit Civic Organization.

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

Section 1. The City of Goodlettsville Board of Commissioners hereby amend Resolution 21-963 by donating said Fire Department Rescue Vehicle to the Shackle Island Volunteer Fire Department, at which time all subsequent requirements are fulfilled.

Section 2. Prior to such donation being made, the Shackle Island Volunteer Fire Department must provide all documentation necessary to assure that all requirements of the State of Tennessee Internal Control and Compliance Manual for Municipalities, Title 5, Chapter 29, Sections 1-4 (*Exhibit 1*) are fulfilled, as well as, requirements of Tennessee Code Annotated 6-54-111.

Section 3. This resolution is to take effect immediately upon passage.

Date Adopted: March 11, 2021

Mayor Rusty Tinnin

Attest:

City Recorder

Approved as to form and legality

City Attorney

EXHIBIT 1

TITLE 5

CONTROL ACTIVITIES

CHAPTER 29

NONPROFIT CONTRIBUTIONS

- Section 1 Municipal officials should ensure that all organizations requesting an appropriation of funds for financial aid are either nonprofit charitable or nonprofit civic organizations (*TCA 6-54-111*).
- Section 2 Municipal officials should develop guidelines addressing the purpose(s) for which money disbursed to nonprofit organizations may be expended.
- Section 3 The city clerk should have complete files on all nonprofit organizations requesting financial assistance. Those files should include, at a minimum, an annual audit, a description of the program that serves the residents of the municipality, and the proposed use of the municipal assistance.
- Section 4 Municipal officials should ensure that notices are published in a newspaper of general circulation notifying residents of the intent to make an appropriation to a nonprofit, but non-charitable, organization. The notification should include the name of the organization and the amount of the proposed appropriation and the purposes for which the appropriation will be spent.



AGENDA SUMMARY SHEET

Board of Commissioners
City of Goodlettsville

<u>SUBJECT TITLE: RESOLUTION 21-970</u> A resolution authorizing the City Manager to make application for Local Government Recovery and Rebuilding Direct Appropriation Grant. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-970 Dept. of Origin: Administration For Agenda of: March 11, 2021 Originator: Tim Ellis Cost of Item: Positive \$400,000
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AGENDA ITEM ATTACHMENTS:

Resolution 21-970

SUMMARY STATEMENT:

A resolution authorizing the City Manager to make application for Local Government Recovery and Rebuilding Direct Appropriation Grant.

FINANCIAL SUMMARY:

The City would apply for a \$400,000 non-matching grant.

RECOMMENDED ACTION:

Staff's recommends approval of Resolution 21-970.

RESOLUTION NO. 21-970

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR THE STATE OF TENNESSEE LOCAL GOVERNMENT RECOVERY AND REBUILDING DIRECT APPROPRIATION GRANT.

WHEREAS, the State of Tennessee will be making certain funds available to local governments for recovery and rebuilding from the COVID-19 pandemic; and,

WHEREAS, it would be in the City of Goodlettsville's best interest to make application for funds through the Local Government Recovery and Rebuilding Direct Appropriation Grant.

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

Section 1. That the Board of Commissioners of the City of Goodlettsville's authorizes participation in the State of Tennessee Local Government Recovery and Rebuilding Direct Appropriation Grant.

Section 2. That the City Manager is authorized to execute any needed documents associated with participation in the Local Government Recovery and Rebuilding Direct Appropriation Grant.

Section 3. That this resolution shall take effect from and after its adoption, the welfare of the City of Goodlettsville requiring it.

Date adopted: March 11, 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: RESOLUTION 21-971</u> A resolution recognizing the University of Tennessee Institute of Public Service (IPS) as it celebrates its 50 th Anniversary during the year 2021. <u>PRESENTED BY:</u> Tim Ellis, City Manager	Agenda Item: Resolution 21-971 Dept. of Origin: Administration For Agenda of: March 11, 2021 Originator: Tim Ellis Cost of Item: N/A
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AGENDA ITEM ATTACHMENTS:

Resolution 21-971

SUMMARY STATEMENT:

A resolution recognizing the University of Tennessee Institute of Public Service (IPS) as it celebrates its 50th Anniversary during the year 2021.

FINANCIAL SUMMARY:

N/A.

RECOMMENDED ACTION:

Staff's recommends approval of Resolution 21-971.

RESOLUTION 21-971

A RESOLUTION RECOGNIZING THE UNIVERSITY OF TENNESSEE INSTITUTE OF PUBLIC SERVICE (IPS) AS IT CELEBRATES ITS 50TH ANNIVERSARY DURING THE YEAR 2021.

WHEREAS, in 1971 the University of Tennessee Board of Trustees voted unanimously to create the “Institute of Public Service” (IPS); and

WHEREAS, the mission of the Institute of Public Service was to provide expertise technical assistance to all levels of government and industries throughout the state, a mission that still exists today; and

WHEREAS, since 1971 the divisions of the Institute of Public Service have grown to include the following:

Center for Industrial Services
County Technical Advisory Services
Law Enforcement Innovation Center
Municipal Technical Advisory Service
Naifeh Center for Effective Leadership
Tennessee Language Center; and

WHEREAS, the City of Goodlettsville and its industrial community has utilized the expertise services of the University of Tennessee Institute of Public Service for many years at significant cost savings to each; and

WHEREAS, the services that the Institute of Public Service provides to the City of Goodlettsville and its industrial community is an invaluable service that is greatly appreciated by all.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Goodlettsville, Tennessee that it recognizes the University of Tennessee Institute of Public Service for its 50 years of exceptional service to all levels of government and industrial services throughout the State of Tennessee.

Date Adopted: March 11, 2021

Mayor Rusty Tinnin

Attest:

City Recorder

Approved as to form and legality

City Attorney