

Millersville Board of Commissioners

**Regular Commission Meeting
AGENDA**

**Tuesday, June 17th, 2025 at 6:00 PM
At Millersville City Hall**

- 1. Call to Order**
- 2. Invocation and Pledge of Allegiance**
- 3. Citizens' Comments, Comment Sign-up Sheet Available to Sign Before Meeting**
- 4. Approval of the Minutes for May 20th, 2025 Regular Commission Meeting**
- 5. Approval of the Minutes for May 26th, 2025 Special Call Commission Meeting**
- 6. Recognition of Three Outstanding Millersville Citizens**
- 7. Public Hearing for Ordinance 25-816, Rezoning of 1010 Stearman Drive.**
- 8. Second Reading of Ordinance 25-816 An Ordinance to Amend the Millersville Zoning Map, Changing the Zoning for the Property Located at 1010 Stearman Drive from Heavy Commercial (HC) to General Commercial (GC).**
- 9. Second Reading of Ordinance 25-817 An Ordinance Amending Ordinance 20-744 of the City of Millersville, The Millersville Planning Commission.**
- 10. Public Hearing for Ordinance 25-818, Rezoning of 1047 Slaters Creek Rd.**
- 11. Second Reading of Ordinance 25-818 An Ordinance to Rezone the Property at 1047 Slaters Creek Rd from Industrial to General Commercial.**
- 12. Second Reading of Ordinance 25-821 An Ordinance to Amend the Municipal Code of Ordinances, Section 6-206, Limitations on Issuance of License.**
- 13. First Reading of Ordinance 25-822 An Ordinance to Increase the Millersville Court Costs by One Dollar to Coincide with the Additional Cost to Cover the Municipal Training Education Fee Paid to the Department of Revenue.**
- 14. First Reading of Ordinance 19-101 An Ordinance to Replace the Stormwater Ordinance as Required by the State of Tennessee.**
- 15. Approval of Resolution 25-R-10, A Resolution to Accept the Lowest and Best Bid for Myers Grinder Pumps for 2025-26, With an Option to Extend if Both Parties Agree.**

- 16. Approval of Resolution 25-R-11, A Resolution to Allow the City Manager to purchase the remaining Myers WGL-20-21 pumps that are on hand at Wastewater of Tennessee, using Sewer Reserve Funds.**
- 17. Approval of Resolution 25-R-12, A Resolution to Allow the City Manager to Invest Surplus Funds as They Believe is in the Best Interest of the City.**
- 18. Approval of MOU with Sumner County Sheriff regarding Animal Control.**
- 19. City Managers' Comments**
- 20. Commissioners' Comments**
- 21. Adjournment**

Millersville Board of Commissioners
Regular Commission Meeting
MINUTES
For Tuesday, May 20, 2025, at 6:00 PM

The Regular Commission Meeting of the Millersville, TN, Board of Commissioners was held on May 20, 2025, at 6:00 PM at City Hall. Those attending were: Mayor Lincoln Atwood; Vice Mayor Dustin Darnall; Commissioner Jesse Powell; Commissioner Carla McCain; Commissioner David Gregory; Interim City Manager, Mike Gorham; City Attorney, Robert Wheeler; and City Recorder, Judy Florendo.

1. Call to Order.

Mayor Atwood: Called the meeting to order at 6:00 PM

2. Invocation and Pledge of Allegiance.

Commissioner David Gregory led the invocation, which was followed by the Pledge of Allegiance.

Mayor Atwood gave the floor to ICM Gorham before proceeding to Item #3.

ICM Gorham: Yes. I just want to make everyone aware because of the storms that are around us, if we do have to shelter in place, if you would exit those doors, turn left, and we'll go into the fire halls. They're all interior walls. We've also got the door open into the records room where we'll have double walls between us and the exterior. So if that does happen to happen,, and we do have to evacuate, we want everyone to go in there so everyone will be safe.

3. Citizens' Comments.

No citizens came forward to offer their comments.

Mayor Atwood: We'll move to item number four, but I will hear Vice Mayor Darnall.

Vice Mayor Darnall: I make a motion for a couple of agenda amendments and I'm just going to package them together. I want to swap the order of number 5 and number 6 for logistical reasons. We're waiting on someone to get here. So we want to push item five a little bit later. And then at the same time, I want to move item number 12 up to before item number 10.

Commissioner Powell: I'll second that

Mayor Atwood: I have a motion. And second to amend the agenda. Is there any discussion?

Commissioner Gregory: What was the first one you said?

Mayor Atwood: Swap five and six. Five

Alright. *Any further discussion? If not, all those in favor say aye. Those opposed?*
All commissioners were in favor of amending the agenda per Vice Mayor Darnall's

motion. Motion passes.

4. Approval of the minutes for April 15th, 2025, Regular Commission Meeting.

Mayor Atwood: Do I have a motion?

Commissioner McCain: I make a motion that we approve the minutes for the April 15th, 2025, regular commission meeting.

Mayor Atwood: Okay. Do I have a second?

Commissioner Gregory: I'll second the motion.

Mayor Atwood: *I have a motion and a second. Is there any discussion? If not, I'll call for a vote. All those in favor say aye. Those opposed? All commissioners were in favor of approving minutes as stated. Motion passes.*

5(6). Recognition of Officers McCall, Carter and Moore; Recognition for Detective Chandler and Lieutenant Watson - Chief Hale.

Police Chief Steven Hale: Alright., good evening., I just want to thank everybody for being here tonight., I just want to take a moment to speak about a recent,, investigation that highlights the commitment, persistence, and professionalism of Millersville Police Department., between October of 2024 and March of this year, our city experience a series of vehicle burglaries during the late nine hours between 11:00 PM and 3:00 AM,, affecting neighborhoods along the Bethel Road, spring Hollow, Bethel Farms and Darby Road. 15 vehicles were broken into, several cars were stolen, along with other valuables. After a six-month investigation marked by long hours, surveillance and relentless follow up, our officers identified the assault suspect. His name is Lewis Negrete who was also wanted in East Tennessee for firearm related offenses and fleeing law enforcement. On May eight, our team located and arrested Mr. Negrete during questioning; he confessed to the burglaries here in Millersville, as well as to other burglaries in Robertson County. This outcome reflects the level of dedication and professionalism our officers bring to the job every day. Their work has a direct impact on the safety of our community, and I'm proud to stand with them. I would like to formally recognize the officers who led to this success; their commitment to this case went above and beyond. So, it's an honor to present these letters of appreciation., first will be Officer Dimitri McCall. Officer Michael Moore. Detective Michael Chandler. Lieutenant Bob Watson.

We all know that you guys are great officers who serve this community. I hope you know that! It's not only this investigation that highlights them., there's also another investigation that they played a part in here recently. They actually saved a child from a human traffic ring. These are just some of the few things that you guys don't hear about on a day to day basis that you should be very proud of.

Mayor Atwood: Thank you, Officers and Chief Hale.

6(5). Pinning Ceremony for Two Millersville Firefighters

Fire Chief Williams: Can we go to the next one. We'll just pick up when it gets

here. These storms are slowing him down.

Mayor Atwood: Alright (our apologies), we will come back to item number six.

7. Second reading of Ordinance 25-815, an ordinance to set certain fees charged by the city of Millersville for various municipal services.

ICM Gorham: As you'll note, and I think we sent these out to you, we did make some changes on these that I sent out. The parks and recreation fees especially; we reduced these to come more in line with the ones that are charged in White House in Goodlettsville. And also the fire chief and I talked a little bit today about the burn permits. We had actually looked at raising the burn permit to \$15. The fire chief would like to remove the burn permit fee completely to encourage people to get burn permits or residential burn permits. The commercial burn pits would remain. We can either leave them at \$5 or remove them. We would want to have a fine for people that don't get burn permits, but the chief would like for us to look at either leaving them the same at \$5 or removing them, but he does not want us to raise them to \$15. So, I'm open to discussion from the board as to what your thoughts are.

Vice Mayor Darnall: Do you know how many burn permits we grant per year? Residential, roughly? Are we on the order of a hundred or a thousand?,

ICM Gorham: We're closer to a hundred.

Fire Chief Williams: I know as of this year so far today we're at about 38 or 39 that I've been keeping up with., but we asked that question today. We have been filing them as they come in. I don't think it's going to be a significant amount of funding that we would lose. We'll cover our cost on those.

ICM Gorham: And with commercial burn permits, we have to go out and actually do inspections and things like that.

Commissioner Powell: How would we enforce a fine

ICM Gorham: If we catch somebody burning that doesn't have a permit, then we will fine them.

Commissioner Powell: What, what would that fine be?

ICM Gorham: I haven't gotten there. He and I just discussed this today. But again, it's something that we want to enforce in order to keep this community safe. Of course., the burn permit is something that, again, we don't want to keep people from burning. We just want to make sure that we know about it so that we can be prepared if something does get out of hand and that they're prepared to keep the fire safe. I'll look at that and bring something back to the board before we set a fine. But we want people to get a burn permit if they're going to be doing some burning. So, again, I don't want to discourage them by raising the rates on it.

City Attorney Rob Wheeler: If it's a violation of the city ordinance, there's no fine higher in city court than \$50. Plus, there may be court costs. But, but the fine itself can't exceed \$50.

ICM Gorham: Okay. And I don't know if we'd want to go to \$50, I would say probably \$25, something like that for a burn permit violation,

Commissioner McCain: I can see the value in not having a fee with it, but there's work that goes into it. So at the very least, \$5 seems fair for the work, not fair for the work that you all put out, but fair that someone has to process that and schedule it and be aware. And so I don't know that I'd be as comfortable removing it as just knocking

it or leaving it alone at \$5.

Fire Chief Williams: If I may address that as well - I know one of the things that we want to look at is...right now we get one burn permit per year. You get one burn permit, it lasts all year long. But when you go to burn, you must call the Sumner County Dispatch Center to let them know that you're going to burn. They file it. We tell dispatch every morning whether it was a burn day or no burn day. We make those determinations based on weather conditions projected for that day. So, the \$5 fee, if we continue it...would be every time somebody wanted to burn. So, it could possibly be multiple times a year that fee would come in. Which again, I'm not against, I think one thing that would help us out a lot with this is, I know we're talking about website integrations and, doing some updating; that way, when somebody wants a burn permit, they can be at home, fill it out, and it sends me an email automatically. That'll save a lot of people, a lot of time and effort., which would be a great thing. because I know there are some cities around us that don't charge anything, but it's all digital. Matter of fact, if you come into the fire hall to do one, they don't have one for you to sign. They'll pull up the website for you and let you fill it out there. But I feel like this is one of those things that with time and integration with technology, it'll become cheaper as long as we're not raising the rates and everybody understands why, then I will be okay; we'll kind of consider what's going on and what happens after this. But we already have a hard enough time to get people to come in. I want to make it as easy as possible for them.

ICM Gorham: So, my recommendation would be that we scratch the effective for one week and leave it at \$5 to be effective for one year. And then they can call in anytime they're going to go just like they're doing right now.

Fire Chief Williams: Right, we are going to change it. I don't think you need to vote on, but we are going to change the permits to where they quit calling Summit County and they call us directly. The fire department has a cell phone in the back that the firefighter carries around whenever he's here on duty. And so, we'll have them start calling that number, and I want to be able to talk to these people. I know I've had a few already who have filled out a permit that I've had to talk to. I'm now filing them myself and keeping up with them thanks to Michelle. But they'll stay on the permit, burning trash and burning stuff they're not supposed to be burning. And so I get to go talk to them and make that connection and explain to them why they shouldn't be burning that. So it is nice to have that connection between me and the homeowner.

Vice Mayor Darnall: I want to give you a voice; would you rather have \$500 in revenue or more clarity on when and where people are burning?

Fire Chief Williams: I can split that with you; if we go up on the commercial permits and keep those, that'll take over a lot of that revenue. Honestly, right now I don't think that revenue gets sent to me. I think it's sent to the general fund.

Vice Mayor Darnall: As the city, which would you rather the city have?

Fire Chief Williams: I would honestly rather have clarity than the fees that will generate.

Vice Mayor Darnall: Alright. I have a plan. But first, I'll make a motion to approve the second reading of Ordinance 25-815, an ordinance to set certain fees charged by the city of Millersville, Tennessee for various municipal services.

Commissioner Powell: Before you do, I have a point of

discussion.

Vice Mayor Darnall: That's the next step.

Commissioner Powell: Alright, yes, go ahead.

Mayor Atwood: So, I have a motion.

Commissioner McCain: I'll second it.

Mayor Atwood: Is there any discussion?

Commissioner Powell: So, I wanted to wait until we got to the alcoholic beverage ordinance, but this was brought to my attention. In our old ordinance for alcoholic beverages, we did have reference to an inspection fee for wholesale beverages that is not included in the new one; and that would need to be included in this fee schedule as well., in our previous ordinance, it was just listed as referencing the TCA amount, which is no more than 8% of whatever the wholesale price is of the amount of alcohol being sold. So, I think that we're going to have to go back and add that to the fee schedule as well to make sure we're carrying that fee over. And then, when we get to the alcoholic beverage ordinance, we'll have to amend that through a motion as well.

Vice Mayor Darnall: Do we need changes to this ordinance?

Commissioner Powell: Yes, I believe so.

Vice Mayor Darnall: Do you want to go first, or do you want me to go first with the burn permits?

Commissioner Powell: I'll let you go first.

Vice Mayor Darnall: Alright, I'll lay my cards on the table. I'm going to make two amendments and then we will vote to decide what we want. But first, I'm going to make a motion. I'll make an amendment to change the residential burn permit fee from \$15 to \$5.

Commissioner Gregory: I'll second the amendment to the amendment.

Mayor Atwood: All right. *I have a motion and a second to amend the amount for the residential permit to \$5. Any discussion? If not, all those in favor say aye. Those opposed? All voted aye. Amendment passes.*

Vice Mayor Darnall: I said two, but I'm actually going to have three. My next one - I'm going to amend the burn permit to strike "effective for one week." So, it will default back to "valid for one year."

Mayor Atwood: Do I have a second?

Vice Mayor Darnall: I'll second that.

Mayor Atwood: *I have a motion and a second. Is there any further discussion? If not, I'll call for a vote on the amendment to remove the "effective for one week," leaving it at "valid for one year." All those in favor say aye. Those opposed. All voted aye. Motion passes.*

Vice Mayor Darnall: Now we'll see how this lands. I'm going to again, amend the burn permit residential fee from \$5 down to \$0. And that will allow us to have a voice on if we want to remove the fee entirely or not.

Mayor Atwood: I have a motion. Do I have a second?

Commissioner Powell: I'll second it.

Mayor Atwood: I have a motion and a second. Is there any discussion?,

Vice Mayor Darnall: This is your chance, Mike, if you want to make a case to keep

\$5 or, it's the same question I asked Chief (Williams). Like, it's a very small amount.

ICM Gorham: It's a small fee to make \$150, \$160, \$170 on it. It's, it's not significant.

Vice Mayor Darnall: On the other hand, if the fire department knows if removing it will allow more people to get a burn permit, our fire department will know who's burning and where. So, if there's an incident, they can respond more quickly. And I don't know where I stand right now on that.

ICM Gorham: Well, and again, if we input the fine for burning without a permit, it may encourage more people to get one. Again, getting a burn permit does take out of their time, but it doesn't take that much time to do a burn permit. So, it's not that significant of a labor cost for us.

Vice Mayor Darnall: What's the process to get a burn permit? Do, do they have to come up here in person or does a phone call work?

Fire Chief Williams: Right now, they do come up here in person because there is a payment that is associated with that. Ms. Cheryl has a form to fill out (pretty short) - addresses, phone numbers, information like that. Once she receives it, they sign it. She faxes a copy of it to dispatch in Gallatin. She makes a copy for myself and, once I get it, either Tiffany or I would put it into my computer system just so I have a permanent record. It has a little bit of labor to it, but that's where if we're able to do the website or if we can make it a little bit more streamlined in the future, it would take that away. And if we take out dispatch, Miss Cheryl can make it easy for us: just hand them a form, they fill it out, she gets the copy back and she just has it waiting for me and nothing else has to be done with it.

Mayor Atwood: *Any further discussion? All right. I'll call for a vote on amendment three to reduce the cost for residential burn permits to \$0. All those in favor say aye. No, motion fails.*

Commissioner Gregory: Okay. Rather leave it at five. Thank you.

ICM Gorham: One other point before we move on. The proposed parks and recreation fees, except for the food truck, are pretty much covered in the parks and recreation addendum that's on this, so we can strike all of those with the exception of the food truck. And if you want to add the alcoholic beverage fee in there, in that table, we could do it there. If someone wants to make that motion.

Commissioner Powell: Into the addendum?

ICM Gorham: Oh, no - into that table that's on this, the food truck needs to stay because that's not included on the addendum on the last page of the fee structure of the fee ordinance. But all the others are the lawn use, the inflatables, the outdoor rental are all in there; the only thing that's is not is the food truck. So, if you want to put the alcoholic beverage wholesale, if you want to put that in there...it's not a great place for it, but there's nowhere else on the fee structure to put that unless you set another table up.

Commissioner Powell: Where's the best place that would manage that?

ICM Gorham: I don't know... we've got fire department fees and building codes fees and so I'm not sure. I was looking through these, trying to figure out where to put them and I don't really have a table that fits that.

Vice Mayor Darnall: There, there is blank space below the planning and zoning permit fees if you want to insert a new table.

Commissioner Powell: I'll make a motion to insert a new table for alcoholic beverage fees with one being an inspection fee for gross purchases of alcoholic beverages made under licensees. And that fee to not exceed 8% of the wholesale cost of the alcoholic beverage.

Vice Mayor Darnall: I'll second that.

Mayor Atwood: All right. I have a motion to amend.

Vice Mayor Darnall: I second the motion.

Mayor Atwood: Is there any discussion? I believe that's listed in TCA 57-3-501?

Commissioner Powell: Correct.

Mayor Atwood: Is there a reason we want to go with a specific amount named in the ordinance versus as directed by TCA?

Commissioner Powell: Because the wholesale price will vary based upon whatever beverage is being provided. That would be the only reason I would say to (go with the amount in the ordinance) unless we just say 8% flat and leave it as a maximum.

Mayor Atwood: Well, it would be not to exceed 8%. I understand that., I'm just thinking what if TCA changes. Then we have to come back and amend.

Commissioner Powell: Correct.

Commissioner Gregory: So, would that be 8% of volume?

ICM Gorham: No, 8% of the wholesale cost.

Mayor Atwood: *Any further discussion? Hearing none. I'll call for a vote. All those in favor say aye. Those opposed. All voted aye. Motion passes.*

Vice Mayor Darnall: Mike, did I sufficiently cover everything for the burn permit that you mentioned?

ICM Gorham: Yes. Do you want to do the last three lines of the parks and rec fees? Someone?

Vice Mayor Darnall: State again what's needed.

ICM Gorham: On the table? For the parks and recreation fees, we can eliminate the last three rows: the outdoor rental, the inflatables, and the lawn use.

Vice Mayor Darnall: I just want to make sure I make the correct amendment. Which table? There's two pages in a row that have tables.

ICM Gorham: The fourth should be on the third page with tables where it says "Parks and Rec Events fees."

Vice Mayor Darnall: I was looking a few pages down. Okay. I will make an amendment to remove the parks and rec event fees.

ICM Gorham: Not all of them.

Vice Mayor Darnall: I know. I'm not done. So, it will be on the third page of the table under "Proposed"/"Parks and Recs Event Fees." Remove the last three lines containing fees for outdoor rentals, inflatables and lawn use.

Mayor Atwood: Alright, I have a motion to amend the Parks and Recs event fees table to remove outdoor rental inflatables and lawn use.. Do I have a second? I have a motion and a second. Is there any discussion.

Commissioner Powell: Clarification on outdoor rentals? What falls within that?

ICM Gorham: It's clarified better on the last page. If you look at the very last page, that's a big table. It's broken down as a pavilion or both pavilions or the lawn amphitheater, so I've got it broken down a different way.

Commissioner Powell: I want to make sure what we're doing here. Are we removing outdoor rentals entirely or are we just going with this table?

ICM Gorham: We're going with this table instead.

Vice Mayor Darnall: Removing redundancy.

ICM Gorham: Make sure it's just the outdoor area. You can rent either one pavilion or both pavilions or you can rent the amphitheater, which includes the entire back area with the lawn and both pavilions. And so it's, it's a little more detailed.

Mayor Atwood: Any further discussion. If not, I'll call for a vote., so we are voting on amendment number five., to remove the three items from the table on page three., to remove the outdoor rental inflatables and lawn use., all those in favor say aye. Aye. Aye. Those opposed Ayes have it. I've run out of amendments.

Alright, back to the original motion., to approve the second reading of ordinance 25 dash 815, an ordinance to set certain fees charged by the city of Millersville for various municipal services., is there any further discussion?

Commissioner Powell: I have one question before we do this. On the parks and rec fees? I just want clarification on this. Why is it cheaper for someone to rent the full facility versus renting the reception hall and then all the other rooms individually? If you rent the reception hall and all those other rooms, shouldn't that add up still to the full facility rental bulk discount? So we're doing a bulk discount. I just want to make sure that's understood.

ICM Gorham: Yes. Okay. Yes, that's understood.

Commissioner McCain: That's understood.

ICM Gorham: That is correct; we wanted you to see where we were going to this one from that one in what we were changing, so I included a replacement page. I don't know if we need to mention that or have that in (the motion) that it's just a replacement page.

Mayor Atwood: *Alright. Any further discussion? If not, this ordinance will be by roll call vote.*

Commissioner Powell: *Aye*

Vice Mayor Darnall: *Aye*

Commissioner Gregory: *Aye*

Commissioner McCain: *Aye*

Mayor Atwood: *And I vote Aye. Motion passes with unanimous vote.*

5(6). Pinning Ceremony for Two Millersville Firefighters.

Mayor Atwood: Alright, let's come back to the fire department.

Fire Chief Williams: We love our fire department. I'm happy to say that everybody is here now. So, we're ready to do a pin ceremony if you all are ready.

I'm going to address the people this time. So quickly, a couple comments about the fire department before I start this. The fire department's been through a lot of turmoil in the past 12 months, actually close to 14 or 15 (months). It's been a lot of work to get these guys in the building responding to calls again. And I've got some really good fire members. So, every chance I get, I can brag on these two firemen that are present here today. These men are my two full-time firefighters who have both have the rank of

Firefighter 1. When they were brought in, we didn't really have a pinning ceremony. I've only been here for a short time, but I would like to make this a standing event that, as a firefighter comes onto the department, once he gets his basic training in and receives that rank of Firefighter 1, they will officially receive the badge of Millersville that they can wear on their chest proudly. Luckily these two firemen have been around for a few days. They both had this training when they got here, so we should have done this a while ago, but we're going to make up a lost time.

The first firefighter I want to recognize is Mr. Brandon Miller.

Brandon Miller was a fire chief for about three weeks here.

Brandon's been in a hard spot since he's been here. He came in when he was the only firefighter and he worked a lot of nights. He was by himself most times and he responded to a lot of calls by himself. When the former chief quit, he was the only man who was on the roster for three whole weeks, and he was running this place. He did a great job. Brandon has his family with him, his wife in the back, two daughters and two sons. Brandon has been in the fire service now for 15 years all together. I know he served in Pleasant View in Missouri. Some of the bigger certs that he has at this time are his Firefighter I cert, Swift Water Rescue, Urban Large Area Search and Rescue, and Active Shooter certification.

He was a Fire Service Explorer in Illinois before moving to Tennessee. He's a third-generation firefighter and he's been married for 11 years. He's served the citizens of Cheatham County, Robertson County, and now Sumner for the last five years. I'm proud today to honor him with this pinning ceremony. Thank you, sir!

My next firefighter hasn't been here for quite as long, but he's just as good. Mr. Dylan Vic, you come down.

Fire Chief Williams Now. Dylan has been here for a total of three months so far. But he's been in the fire service for 11 years. His significant certifications that he has earned thus far are Firefighter 1 as well as Firefighter 2, which is the next step up. He has his ET Basics, Swift Water Rescue, Ice Water Rescue (which I hope we don't need that), Advanced and Heavy Extrication, which is using the "jaws of life" on semis and buses. He has had a lot of hazmat classes as well. Dylan relocated here from Northwest Indiana with his wife and his three children in March of last year. He has a love for the fire service that came at a young age when his uncle showed him the true meaning of dedication to others and community. One thing that really impressed me about Dylan in his interview when I was looking for a firefighter to hire, was his answer when I asked him, "What's your favorite part of the fire service?" Most firefighters have said, "I want to run to the fire," or "I want to be on call," or "I want to go fast," or "Red trucks!" Dylan said, "I like education, I like doing public service and teaching the community,". This really touched my heart. So, Dylan, it's a privilege to honor you today.

Fire Chief Williams: One more thing in hand... this is the first time I've ever done

this, so forgive me if this is a little awkward; but, along with a pinning, I also need a little bit of an oath from you. (**Fire Chief Williams** faces firefighters Brandon Miller and Dylan Vick). If you both look at me and raise your right hand, I'm going to read the whole statement. You just say, I agree with you. If you do, I hope you do, that you affirm to the best of your ability to faithfully support and uphold the mission of the Millersville Fire Department. That you fully commit to protect your fellow firefighters with the same enthusiasm and professionalism that you employ in protecting the cities and assistance of Millersville. That you agree to be fully accountable morally and ethically to your fellow firefighters. And that you are willing to hold others equally responsible to the standard of production and behavior that is acceptable. That you will be diligent in your commitments, keeping the word and following through on all of your pledges and promises, that you will guard against any complacency in your skills and conduct in pursuit of continued improvement, that you pledge to honor those who came before you and pay the pass for those who follow you. Agree. Thank you so much, gentlemen.

Mayor Atwood: Chief Williams. Hey, chief. Yes, sir. Can I see that mic right quick? Oh, this one, it looks like the battery's died. Oh, okay. Well, let's lucky for everybody. Thank you.

Item 8. First reading of Ordinance 25 -817, an ordinance amending ordinance 20-744 of the City of Millersville Planning Commission.

Vice Mayor Darnall: I'll make a motion to approve the first reading of Ordinance 25-817 and ordinance amending ordinance 20-744 of the city of Millersville, the City of Millersville Planning Commission.

Commissioner Gregory: I'll second the motion.

Mayor Atwood: All right, I have a, a motion and a second. Is there any discussion?

Vice Mayor Darnall: Thoroughly discussed in work session? I'm all outta words on this one.

Mayor Atwood: *Then hearing none will call for a vote. This will be a roll call vote, I vote. Aye; Commissioner McCain? Aye; Commissioner Gregory? Aye; Vice Mayor Darnall? Aye; Commissioner Powell? Aye. Motion passes with a unanimous vote.*

9. First reading of Ordinance 25-818. An Ordinance to Amend the Millersville Zoning Map, Changing the Zoning for Property at 1047 Slater's Creek Road and Identified on Sumner County Map 121 as Parcel 053.00 from Industrial (I) to General Commercial (GC).

Lee Harris (citizen): I have a question on that? I did not know (to sign the comment sheet).

Mayor Atwood: No, not at this time. All right. Do I have a motion? This is the first reading...Is it the desire of this board that we don't move on this?

Commissioner Powell: Mr. Mayor? I'd like to make a motion to suspend the rules to allow the gentleman to speak.

Vice Mayor Darnall: I'll second that.

Mayor Atwood: I have a motion to suspend the rules., is there any discussion? If not, I'll call for a vote. All those in favor say aye. *Ayes were unanimous to suspend the rules and let the gentleman speak.* Sir, you're welcome to come up.

Lee Harris: My apologies. I'll introduce myself. I'm Lee Harris, born and raised on that piece of property. Eugene Webb, Frank Fox, and my mother still lives next door. I have spoken to Mr. Fox. I'm full agreement of their plan that I know to date. Mine and my sister's concern is safety whenever it goes to commercial. And what type of security is it where I read here on the ordinance that the designation of this property as general commercial will provide benefit to all people and entities residing within the city of Millersville? My understanding is that it's private property. So who is going to keep the adjacent adjoining properties safe and secure? Is that going to follow the owner, Frank Fox, or is that going to follow the city? Because we know whether it's a private soccer field or public soccer field, there come the crowds. And I just want to be sure that the only resident left there is safe. Frank and I have discussed this; we're discussing a possibly that a fence is in their plans, but I'm assuming that it's going to be in the planning commission stage, right? Is that where I'm speak to that?

Mayor Atwood: I believe so.

Lee Harris: So, I guess my question is, what benefit is it to the city; if it's private property, is there some future gain here for the city that I'm unaware of,

ICM Gorham: Sir, this is just general language that goes into most ordinances. There's not anything typical that is planned for anything. It's just typical language that goes into most ordinances.

Lee Harris: That's really what I wanted. I have no questions.

Vice Mayor Darnall: *I make a motion we go back into session.*

Commissioner Powell: *I'll second that.*

Mayor Atwood: *Motion and a second. Is there any discussion? All those in favor say aye. Ayes were unanimous. Motion passes.*

Vice Mayor Darnall: I'll restate it again. I don't know if I need to state this every time, I'm friends with one of the intended developers if this gets rezoned. So, I'm going to abstain from voting on this, so I also won't be the one to make the motion if someone else so chooses.

Mayor Atwood: Do I have a motion on the first reading of Ordinance 25-818?

Commissioner Powell: I'll make a motion so we can discuss this.

Mayor Atwood: Alright. I have a motion. Do I have a second?

Commissioner McCain: I'll second it.

Mayor Atwood: I have a second. Any discussion?

Commissioner Powell: Obviously I was the one that brought up a multitude of things about this specific piece of property last time. And not necessarily about this piece of property, but about process improvement overall with how we do zoning changes and planning overall when it comes to pieces of property. I also spoke with Frank Fox after our last meeting on this, and I committed to speaking with Mr. Halma, which I have at length multiple times. I've spent hours on the phone with that gentleman. He is probably as sick of me as Mr. Gorham is. The bottom line is this piece of property and where it's located affects a lot of things within the city that I think have to be considered. And as long as the Planning Commission is going to take those things into

consideration, and I want to make sure that I am using the right method of communication with the planning commission to get those considerations to them with this site plan. Because right now, from my understanding, it will be a site plan that will go to them for approval. When that goes to them, if all those items are covered, I can see myself voting for this in this first reading. I will be interested to see how the next planning commission meeting handles those pieces of feedback before we get to the second reading, and how that site plan is further developed because there are specific considerations for where this piece of property is and how it affects things in the city second and third order that I think have to be considered. That's all I wanted to bring up in terms of discussion on this specifically.

Mayor Atwood: So, I understand the concerns. Currently, it is zoned industrial.

Commissioner Powell: Correct.

Mayor Atwood: Which I disagree with. Even if the proposal for the development doesn't go through, I would still like to see this out of industrial so that we don't end up with something currently able to be there. Not go in there in the interim. Right. That's what we're faced with is industrial on that street. I personally don't think we should have more industrial there.

Commissioner Powell: I agree. And I don't want a process improvement that is going to take a longer time to hold up that rezoning piece now as long as those specific items that are going to affect the city and are going to be considerations that this board has to deal with are eventually considered by the planning commission when that site plan comes before them.

Mayor Atwood: Yes, so I'll put this out to you. In terms of the planning commission, I've asked that this board receive all communications to that board. I understand that we should have gotten those communications but, so far, we haven't. I've asked Mr. Halma to just make sure this board gets that same packet. I think it's worthy of our attention. That said, you know, we are more than welcome at all planning commissions and to voice our opinions to that board. So I highly encourage all the commissioners up here to do so. Right. Let your feelings on the subject be known. I guess that's all I've got to say about that for now. We may change process, but you know, these are the things that are available to us now. So with that, is there any further discussion? If not, I'll call for a roll call vote.

Commissioner Powell: I am going to vote Aye, in this first reading, it will not necessarily be the case in the second, just caveat.

The final count Commissioners Powell, Gregory, and Mayor Atwood voted Aye; Commissioner McCain voted no; and Vice Mayor Darnall abstained. There were 3 ayes, one no, and one abstaining. First reading of Ordinance 25-818 passes.

10. First reading of Ordinance 25-821. An ordinance to amend the Millersville code of ordinances. Section 6.206 limitations on issuance of license.

Vice Mayor Darnall: I'll make a motion to approve the first reading of Ordinance 25-821, an ordinance to amend the Millersville code of ordinances, Section 6-206 limitation on issuance of licenses.

Commissioner McCain: I'll second.

Mayor Atwood: I have a motion and a second. Is there any discussion?

Vice Mayor Darnall: Yes. I will make an amendment as soon as I get to it. There's one ever so slight correction. I'm sorry, I apologize, but I cannot find this in my packet right now...it is the ordinance cites we're striking language from 206 that deals with the partition in the city where the permits can be issued.

ICM Gorham: It should be 6-207.

Vice Mayor Darnall: Yes, there's a citation that we will default back to the language in 206. And I want to change that to 207 because that's where the actual language about population is. There's the population site in 207. (**Vice Mayor Darnall** subsequently located his packet, and continued)... So to clarify, it's going to be the fourth line of, whereas where it says, I want to amend section 6.206 to section 6.207, and that will have that sentence, the whole sentence will then read, "Whereas this section of the current code of ordinances restricts the number of liquor stores by location north of 1441 Louisville Highway and south of Louisville Highway, and the Board of Commissioners desires to remove the restriction on the location of liquor stores and rely on section 6.207 and allow no more than one license for each 3000 population for the sale of alcoholic beverages."

Commissioner Powell: So essentially, you're striking number four for section 6.206.

Vice Mayor Darnall: My amendment does not. That is the language of the ordinance. My amendment is to make the correct citation to 6.207 where the population is referenced.

The population's not referenced in 206.

ICM Gorham: And again, in one of the work sessions, that was one of the solutions that the board discussed. You're free to change it in another way if you prefer; that was one of the discussions, one of the ways that you looked at and talked about discussing. I don't think a complete way of changing it was decided on, but I wanted to get it before the board to see how you wanted to go. So, if you want to go this way, that's fine. If you want to go ahead and change it where there's two south of 1441 Louisville Highway, we can amend the ordinance and change it that way. It's up to you.

Mayor Atwood: So, *I have a motion to amend the stated ordinance to correct the citation from 6.206 to 6.207* since that's the referenced language. Do I have a second to amend the current reading of the ordinance? *I will second the motion* so we can get the numbers aligned. So this is just to amend the citation referenced in the ordinance to align 6.207 to the language in that ordinance as written. *So I will call for a vote or is there any discussion? All those in favor say aye. Those opposed. Ayes were unanimous; motion to amend Ordinance 25-821 passes.* So, the ordinance, and I can't seem to find it either now says 6.207 instead of 6.206 to reference the licensing for each 3000 population.

Vice Mayor Darnall: And the consequence of this, if we pass it today, removes the artificial partition where we could have a second liquor store south of the ridge, but at the current population, not a third liquor store in the city until we hit 9,000 people. And we're roughly 6,400 right now. So we've got quite a ways before a third would be allowed.

Mayor Atwood: Okay, 6.206 removes the artificial partition and 6.207 does not remove the limitation.

Vice Mayor Darnall: Correct. So we're, we're striking four that has the limitation is what this ordinance would do, and then it would just reference the 3000 population limit per liquor store license. So, it effectively does that and then it relies on this section that limits.

But it's, it's a sliding scale. If Millersville explodes in population and we get to 15,000, then we could grant five licenses. I don't see that day coming in a very, very, very long time. But consequences of our actions potentially.

Mayor Atwood: Right.

ICM Gorham: The board may also want to consider an amendment to add 1441 before the Louisville highway, the south of Louisville highway. I don't know if it's necessary, but it might make it read better. I don't know.

Mayor Atwood: Well, this is to strike that language.

ICM Gorham: Yes, it's to strike that language anyway. So, I don't know if it's necessary.

Commissioner Powell: We're basing it strictly on population and not on geographic location.

Mayor Atwood: Correct. Do I have a motion on the first reading of ordinance 25-821?

Commissioner McCain: I will make a motion that we approve the first reading of amended Ordinance 25-821 An ordinance to amend the Millersville code of ordinances. Section 6.206 limitations on issuance of license.

Mayor Atwood: I have a motion. Do I have a second?

Commissioner Gregory: I'll second it.

Mayor Atwood: *I have a motion and a second. So, this is a vote to restrict the number of liquor stores by location. And the commission desires to remove the restriction and allow no more than one license for each 3000 population. So it's striking the limitation of the north end of the city and the south end of the city. Is there any further discussion? I'll take a roll call vote:*

Commissioner Powell: *Aye*

Commissioner Darnall: *Aye*

Mayor Atwood: *I vote no.*

Commissioner McCain: *Aye.*

Commissioner Gregory: *I'll vote Aye.*

Motion passes with 4 ayes and 1 no.

11. First reading of Ordinance 25-819. An ordinance amending ordinance 81-7 of the City of Millersville pertaining to beer and alcoholic beverages.

Vice Mayor Darnall: I'll make a motion to approve the first reading of Ordinance 25-819, an ordinance amending ordinance 81-7 of the city of Millersville pertaining to beer and alcoholic beverages.

Commissioner McCain: I'll second.

Mayor Atwood. *I have a motion and a second. Is there any discussion?*

Commissioner Powell: I think, think you have points of discussion, don't you Mr. Mayor?

Mayor Atwood: I do. I know we've gone over this and kind of beat it like a dead horse,

but reviewing a few things for this ordinance that just passed, we are missing a few of the items in our new ordinance that I think are pertinent.

That would be 6-206, 6-207, 6-208, 6-212, 6-213, 6-214, and 6-215, and 6-216. I guess I could have just called all those out. But I've got a summary here.

Commissioner Powell: Yes, with there being so many changes required, I would like to make a motion to put this back to a work session where we can discuss this at length, but that would require you to withdraw your motion.

Vice Mayor Darnall: I'll withdraw my motion.

Mayor Atwood: Okay. Original motion is withdrawn. We have a new motion to table this to the work session.

Commissioner McCain: I'll second that

Mayor Atwood: I have a motion and a second. Is there any discussion?

Vice Mayor Darnall: So, we can have a more efficient work session... If I can look this up on my own. I would encourage everybody to look up the sections he cited. It's 206 through 208, 212 through 216, and review those ahead of time.

Commissioner Powell: And these are also printed out for you all the, the sections that were of question. You all have a printout of all of those sections for your reference. So, you can take those home and peruse them at your leisure.

Vice Mayor Darnall: Thank you Mr. Mayor.

Mayor Atwood: *Alright, any further discussion? This is a vote to table to the work session. All those in favor say. Those opposed? All were in favor. Motion to table Agenda Item #11 to the next work session passes.*

12. First Reading of Ordinance 25-820, An Ordinance of the City of Millersville Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1st, 2025 Through June 30th, 2026.

Mayor Atwood: Do I have a motion?

Vice Mayor Darnall: I'll make a motion to approve the first reading of Ordinance 25-820, an ordinance of the city of Millersville, Tennessee, adopting the annual budget and tax rate for the fiscal year beginning July 1st, 2025, through June 30th, 2026.

Commissioner Gregory: I'll second that motion.

Mayor Atwood: *I have a motion and a second. Is there any discussion?*

ICM Gorham, I will forward you all the budget I've updated from our meeting last night. I have updated it with the changes that you made. Also, I have made some other changes that I'll send you and we'll discuss prior to the second reading of the budget, and I will be discussing some raises and some other changes with you. Judy spoke with our health insurance carrier and there are going to be some increases that I need to put into the budget. I hope to hear from our E and O and vehicle carrier before we have to do a second reading, but I'm not sure that we will.

Vice Mayor Darnall: And for the public's benefit, we had a meeting last night to hash out some of the things on the budget. Feel free to go back and watch that video. The publicly posted packet is how it existed before that meeting. There are a few changes. They're not major, but there are a few things that are not included in what's online right now. And I think based on Mike's comment, we need to make sure this is on at least on the work session or we have another standalone meeting before the second

reading.

Commissioner Powell: Will we have a working classification plan for the employees for the work session to go along with this?

ICM Gorham: Yes sir. That's my intention. I'm working on it.

Commissioner Powell: Okay.

Mayor Atwood: *All right. Any further discussion? If not, we'll do a roll call. All voted aye. Motion to approve first reading of Ordinance 25-820 passes by unanimous vote.*

13. Approval of Resolution 25- R-09, a Resolution to Accept the Lowest and Best Bid for Paving for 2025-26 With an option to extend if both parties agree

Vice Mayor Darnall: I'll make a motion to approve resolution 25 R zero nine a resolution to accept the lowest and best bid for paving for 25 26. With an option to extend if both parties agree.

Mayor Atwood: I'll second. *I have a motion and a second. Is there any discussion? If not, roll call, vote.. All voted aye. Motion to approve Resolution 25-R-09 passes by unanimous vote.*

14. Discussion of MLU with Sumner County Regarding the Bethel Road Fire Station

Vice Mayor Darnall: I believe this has now become moot., last night part of our budget discussion we moved \$50,000 to make improvements to this station, \$50,000 to make improvement to station two. Essentially, we're going to take care of the codes issue ourselves, so we no longer need an MOU with the county. I know Commissioner Powell said he had called several commissioners and talked to them. I had also talked to a county commissioner and then a second one yesterday. But specifically, Commissioner Jones and I were working out discrepancies between Sumner County and here. And I believe that now has been resolved since we're taking responsibility. But he made a comment today that I think is a good one to pass to you. We should still keep the county in the loop of what changes we make. Even though it's changes to our building, it does affect EMS.

So as timelines become clarified as to what exactly we're doing, they would be grateful if we kept them in the loop. Also Mr. Jones contacted Commissioner Klein who had the architect's plans that the county was working on. He forwarded that to me, and I've now forwarded it to all of you so we can start from where the county is. One concern I have is there was a comment made at a gen ops committee meeting by the mayor about two months ago, when he said the state fire marshal deemed this was not a viable plan. We need to make sure we pull in the state fire marshal before we get too far in; but my preference would be to start that as soon as July 1st so we can and get the prep work done ahead of time before we have to start paying money. We get this accomplished and get the EMS back in.

Commissioner Powell: Yes, and I just want to add onto that. So the intent of all of this is so that the county ultimately voted to take our MOU and forward it to their Health and Emergency Services committee with the intent of working with us further on a long-term solution for EMS at Bethel Road. And so the intent of us fixing this is, one, because it is our issue; but the other intent is to help work toward that permanent long-

term EMS solution at the Bethel Road Station so that we do not run into an issue like this again, where there is the potential for EMS to be pulled from the county or by the county from that station and placed elsewhere. So, this should be better coordination between us and the county moving forward on that particular aspect.

Vice Mayor Darnall: You, you jogged my memory. I didn't see all of the county meeting last night. I joined late because of our meeting. But what I did see was at least one county commissioner express concern, not just with Millersville, but with several municipalities where they're housing their EMS, that they need agreements in place to ensure long lasting stationing at city buildings. I just want to make sure as we communicate to the county, we are clear that we have no desire at all for them to leave Millersville. I think there is an unfounded concern at the county, and I would like to alleviate those concerns. Part of our 30-day termination that was in the MOU (that they changed to a year) and that I was hoping we could change since they perceived that to mean we're going to kick them out and not give them much notice, I want to make sure that we're clear we really want them here. It's a benefit to our citizens. We don't plan on removing them from the city.

Mayor Atwood: Any further discussion? All right. Item number 15, appointment of new city manager and approval of Commissioner Powell to negotiate benefit package with city manager.

15. Appointment of New City Manager and Approval of Commissioner Powell to Negotiate Benefit Package with City Manager.

ICM Gorham: I have some information that I think you may have been waiting on; Mr. Jaeckel is unable to get out of his area. I don't know whether he's had a storm down there or what, but he said that he was trying to reach out to Mr. Trollinger and he was not able to reach him. He left a message and hasn't heard back from him.

Commissioner Powell: Okay.

ICM Gorham: Mr. Housewright is good with an agreement and is amenable to negotiations on salary; and he doesn't know what the salary range is.

Mayor Atwood: Okay, did we come up with a list showing the top candidate?

ICM Gorham: We were unable to come to a consensus. We did have three number one votes for one candidate, but we were unable to come to a consensus. I don't know how you want to proceed.

Mayor Atwood: Were we able to get kind of a ranked order based on 3, 2, 1?

ICM Gorham: Well, this is difficult to do.

Commissioner McCain: That's why we pay you. Welcome.

ICM Gorham: It was really very close between the two. Mr. Housewright had three votes for number one...Mr. Trollinger had two votes for number one...we're at three -two right now and one of the votes for Mr. Housewright could go either way.

Mayor Atwood: Alright. I'm willing to let the commissioners weigh in here. We need to make a decision and the only way we can do it is to talk about it in public.

Commissioner Powell: May I pose a method before we vote? And this is coming from my own perspective on this. The way I'm looking at this is that I'm not necessarily voting on a person. I'm voting on the vision I see for the city in the next three, five, however many years going forward. And this is just the person that I see out of the three who I think is best equipped to get, get us there. What has come to me is the realization that of the five of us up here, the four of us are relatively new. None of us have expressed in public what our vision for the city is in the future moving forward. And before we vote on the top two, I think we all agree on who are the top two. Maybe we should each spend a few minutes and tell each other and the people that are here, what our vision for the future of the city is in the next three to five years, and how that person we think is the best equipped to get us there. And then after that, we all lay our cards on the table and we give the name of the person that we think is best. And it goes majority.

Mayor Atwood: I don't have a problem with that. What did the other commissioners feel?

Commissioner Gregory I think it's fair what commissioner Powell has suggested where everybody can know how we went through all this, and the results that we got from very lengthy resumes and talking and having private meetings with these candidates and coming down to these two. It was a job that we took very seriously for the future of our city. I don't know if we're going to hear from Gary (Jaeckel) about Mr. Trollinger or not, but I'm looking for someone that I think and feel in my heart that they will be received by the city. And I believe that our city will welcome the new city manager. And I feel like the one that will stay with this city as long as he wants to, or the commission wants., my feelings was Mr.

Housewright. We all have on more than one occasion, called him back to speak to him again because we take this very seriously... we asked for 180 days - what are you going to do in 180 days if we hire you as city manager? And I thought the results were very good. I wanted to see what they're thinking down the road. I'm not thinking about a year or two. I'm thinking about four or five years down the road when I vote for a city manager. And that's just my thoughts on that. But personally, I think Mr. Housewright will fit the city better. And I believe he's bringing a lot of experience because one thing I look for in all of my interviews, I wanted experience and then I asked for the experience and had them explain... what they did as a city manager for where they were at that particular time. And I got a good feedback. You got a good reading. In other words, they had confidence in what they were telling me about what they'd done for their city before wanting to come to this city... that's my personal feelings for the commissioners to know and for the public to know.

Mayor Atwood: Alright, so we've heard from two of the commissioners, **Vice Mayor Darnell, Commissioner McCain**, are you good with this style?

Vice Mayor Darnall: I'm ok with it.

Commissioner McCain: Sure. I'll go along.

Commissioner Powell: My top two were very close so I couldn't look at just a person: and as I looked at the city, as everyone can probably tell, I'm a process person...the way that I look at things up here, the way that I'm looking at Millersville in the future for three to five years, however long that is. The city has some short-term

and long term problems, and then it's got some things that are really great about it that need to be highlighted and I'm looking for the right person that can help bring those things out. I'm looking for the person that can help solve a lot of these problems in an analytical way, in an efficient way. I'm looking for someone that can bring people together. I'm looking for someone that has energy that can do those things., I'm looking for out-of-the-box ideas and creativity, because let's face it, we have a small budget. We only have what we can have and we have to be creative with what we have. It's the only way that we're going to get over a hump of any kind. We're not going to have money magically fall from the sky. We're not going to get a grocery store tomorrow. Those are things that we have to work toward. And I need someone that can think outside of the box and be creative and know different levers...someone who can help us pull those levers to get us where we need to be in those things to get the citizens what they need and be a good partner – not just with Sumner County, but Robertson County and Goodlettsville and White House and Ridgetop and Greenbriar and everybody that we touch. I need somebody that can interface with the media. I need somebody that's a face, somebody that's friendly, that can be friendly to somebody that's being mean to them. That's what I need. Somebody that can still be professional in that environment and can still go and take care of every bit of work that they need to do and have the energy to be able to do that. And it was close between the two of them. And based on my experience of being around different people and different jobs that I've done in my life and then sitting down through personal interviews with both of these gentlemen, looking at personality inventories that Mr. Gorham gave them, looking at 180 day plans for each of them and what they focused on, the choice became clear to me that Mr. Trollinger was the better option for the city.

To me, this city needs something different. Mr. Housewright seemed to me to be a little bit more of the same. And in my opinion, in order for the city to grow the right way and then to thrive in the future, we need to be a little bit different. And I need somebody that can do that and has the experience in doing that. And to me, that was that gentleman.

Mayor Atwood: Commissioner McCain.

Commissioner McCain: For the future, what's important to me is, obviously I've talked about that we heal, that we get everybody back to working together. That we provide that unity, that person who can speak to everyone, whether you are wealthy or not, whether you're educated, whether you're not, whether you are new or you're not, whether you're from here or you're not. I want someone who can bridge that gap between people. I want someone who can listen to everyone and hear not just the nicest person or the loudest person, but everyone. And I want to see someone who can think through all the consequences of what we're doing and not sail us down the river, so to speak. I think that we've been sailed down the river a little bit in the past and we've got to quit doing that. So,, I don't need to babble on too much. I think that we met three great guys. I think we met three wonderful gentlemen who could do the job, but in the end my number one is not available and I had talked to several people who work here. I had talked to several citizens who watched it, and everyone was on that

guy, so he's not an option. So, my second and, and pretty close tie to first was to Matt Trollinger.

Mayor Atwood: Vice Mayor Darnell.

Vice Mayor Darnall: So, by deductive reasoning, I understand that I'm the swing vote - just full disclosure. We had to rank people, and I ranked them, and then we got the personality assessment back and I flipped my top two. And I can think through that, if I did not flip my top two, well, if I were not the swing vote we would've had a majority before I flipped my top two. So I think I went from a 3, 2, 1 way to a 3, 2, the other way. And, based on that, I want to go last to continue to hear your thoughts so I can weigh them in my decision.

Mayor Atwood: Very well. So, what I have seen since I've been a resident here of Millersville is churn and an unsteady hand. I feel like the city has so much potential as a place for both businesses and residents. For whatever reason, over the last 13 years of living here, I've truly fallen in love with this city. I love its location. I love the people that are here. I can't say enough great things about Millersville. I am in agreement that we need to be excited about this city, that we need energy in this city, and I think **Commissioner Powell** really, really drove that home. Much like **Vice Mayor Darnell**, hearing the comments, you know, gives me pause to reconsider some of the things I've been thinking; but I think Millersville needs to be steady at the helm more than anything at this time...I think we need to rebuild relationships with neighboring cities, with the counties. For me as a resident, I need the city to be something that we can count on. This is a hard decision. I've made this decision once before, right, wrong, or indifferent. This is not an easy place to be sitting. As much as it would be a boon to find the perfect individual, I don't think there is a perfect individual; each of our candidates came with many wonderful qualities and a few drawbacks. For me, making a choice is about the qualities I think I would like to see as a resident. And for that reason, I believe Mr. Housewright is our better option.

Vice Mayor Darnall: And my deductive reasoning was correct. I believe we have three great candidates, and two rose to the top. I first had Mr. Trollinger number one, and Mr. Housewright number two. We did the personality assessment. There was information on it that concerned me. And the more I've thought about it, the less concerning it was. The concerning part is one of the candidates was identified as a extremely high performer. And the comment was made by MTAS, that based on the high performing individual, they might have higher aspirations, and we need to hire another city manager in another year or two. And my knee jerk was, I do not want to be back here in another year or two. And the more I thought of that,, we don't have a guarantee, whoever we pick, no matter who it is, we're not going to be back here in a year or two. Whether we pick this guy or 'not that guy,' there are no guarantees. So, I'm going to remove that from my consideration. I think as a city we need to heal; we've been through a lot. I'm kind of echoing what Jesse and Carla said. We need someone who can execute on a vision, bring us together, grow the city in a responsible way. And I'm going to change my vote once again to Mr. Trollinger.

Mayor Atwood: Alright, so let's make this official. We will take a vote, starting with Mr. Trollinger since he is most likely our candidate.

Commissioner Gregory: Can I make a comment?

Mayor Atwood: Yes

Commissioner Gregory: Thank you. I believe it's on the experience I've had up here over the years and getting new city managers. It's more reassuring to the new city manager if we have a unanimous vote. I can see right now there's going to be a three-to-two vote for Mr. Trollinger. I'd like Mr. Trollinger to come in here. I'm willing to change my vote so that he can come in here and see that all five of us want him. If there's two up here that do not, I don't want that to hinder the man because I want to see the city grow as you all have said. I don't want to hinder him thinking, well, there's two people up there who don't like me, so I'm not going to deal with them. He's got enough to deal with. So I'm willing to change mind to Mr. Trollinger, but I have respect for both and it was real, real close. And I had Mr. Trollinger at one time. I won't go into details on that because we've all been over this... but I will change my vote to Mr. Trollinger because I'd rather have him come in with hopefully all five of us voting for him.

Commissioner Powell: Well, rather than just changing your vote, David, is there something that would convince you otherwise for Mr. Trollinger over Mr. Housewright?

Commissioner Gregory: No, like I said, Jesse, thank you for the citizens to know this. I was really impressed with Mr. Trollinger, and I was impressed with a lot about Mr. Housewright as well, but I didn't hear from any taps today on the question that was asked. And... that shifted me a little. But if this man, if we had that answer, I'd feel better. I'll be honest with you.

Commissioner Powell: Would it make you feel better if, when we get to discussion on employment agreement, we're talking multi-year?

Commissioner Gregory: Yes, it would.

Commissioner Powell: Okay. What about you, Lincoln?

Mayor Atwood: So, I really liked Mr. Trollinger. It's a legit hard choice, right? Fantastic candidate. I have absolutely no issues with Mr. Trollinger being city manager. You know, when I made my statement about Mr. Housewright, he just won out by a little more. It, it means there's really nothing to "say no" to with either of them. So, we still need to make the vote official...unless there's any further discussion.

Commissioner McCain: I think if we could see into the future, we'd have the answer like that. Right. But we can't, right? You have to go on what we saw, what we talked about, what we asked, what we know. And so again, you were right. Three fantastic candidates, which thank you for that - for getting us three and working with MTAS. That all it was, we didn't have three slouches, we had three great guys who could do the job. So, I think it's just a matter of we don't know what the future holds. We can only try and do what's best based on what we saw, what we researched, what we asked, and what we know.

Mayor Atwood: Fair statement. *Any further comments? If not, we'll vote, yay or nay for Mr. Trollinger to be our new city manager. It'll be a roll call vote.*

Commissioner Gregory: I'll go ahead and vote. *Aye.*

Commissioner McCain. *Aye.*

Vice Mayor Darnell. *Aye.*

Commissioner Powell. *Aye.*

Mayor Atwood: And I vote *Aye. We have appointed Mr. Trollinger as our new city manager.*

Mayor Atwood: And now we need to approve **Commissioner Powell** to discuss the terms of the agreement with Mr. Trollinger.

Commissioner Powell: Do you want to vote to appoint me?

Vice Mayor Darnall: I'll make a motion to give **Commissioner Powell** the authority to negotiate a benefit package with this new city manager candidate.

Commissioner McCain: I'll second that.

(A brief discussion follows with **Commissioner Gregory** suggesting they combine discussions about items 15 and 16...)

Mayor Atwood: This is just approving Jesse to have that discussion because we can't all do it together.

Commissioner Gregory: Right. That'll work. Good.

Mayor Atwood: *Any further discussion? If not, all those in favor of Commissioner Powell negotiating the benefit package, Say aye. Those opposed? Motion passes with 4 ayes and Commissioner Powell abstaining.*

16. Discuss the Terms of the Employment Agreement with the City Manager.

Commissioner Powell: I went through this process with Mr. Gorham the last time we did this but, if we're looking at a permanent city manager, state law says that we have to have a minimum of a one-year agreement. My recommendation is going to be to go two years at a minimum and have a multi-year agreement to prevent what has happened in the past and to allow this new city manager to come in and have adequate time to correct some deficiencies. Mr. Gorham's done a great job in getting us on a good footing, but there's a lot of work to be done. And I think a multi-year agreement is probably needed to get us there. Now, whether that's a two or three year - I'm open to what everyone's thoughts are concerning it. We have had stability on the board for a period of time, and also Mr. Trollinger is a member of ICMA and they have a principles clause within their membership of a two-year minimum. Obviously, that doesn't always hold for whatever reason, but that can be a clause within the agreement as well to stay within the principles of your ICMA membership, which is that two-year employment. So, if we're worried about an extreme high performer leaving us high and dry at some point, I would rather incentivize said high performer to stay here as long as possible (even if he does leave at a certain point). I would rather

develop some metrics where we get the city to a point where the city becomes an extremely attractive position for someone to replace the person later on and have an agreement that reflects that.

Commissioner Gregory: Well... we need to discuss...you said two years; of course, we all know the state will allow 12 months. He's going to be here for 12 months. We give him 180 days to describe what he could do for this city. I'd rather sit here and...wait six months down and see how he handles those 180 days and see if we want to give him another year. We have that option. We need to leave the options there for us if at the end of those six months you want to give him a year or two, that's up to this board. So how do you feel about that? A little bit of probation is what I'm asking.

Commissioner Powell: I personally don't agree with that. If we're asking someone to move.

Commissioner McCain: Same. Agreed.

Commissioner Gregory: Okay. That's what... he's moving.

Vice Mayor Darnall: And we, too, had plenty of discussions prior to November when that was legal. And, one concern, I forget which of us initially raised it, but I know it was in my mind constantly was we have a very finite amount of money. We can't pay a city manager \$200,000 like larger cities can. But to sweeten the deal to get a better candidate and to make the deal more attractive, I've always been open to more than one year contract. Now, I do believe if he turns out to be a bum and I have no belief at all that he will be, I would like to have language to allow us to get out of that. I know the one-year contract does have language, but TCA does have language... like similar performance based for cause language to be in there because we still need to protect the city but with no intention that we would ever need to utilize it.

Mayor Atwood: Yes, the metrics are going to be difficult to come up with in a short amount of time, but I agree with Vice Mayor Darnell that we should have some language, even if we set those in the next 180 days. My belief is that two to three years are appropriate for a contract. I lean toward the longer (time period) personally, because I want Mr. Trollinger to feel comfortable, to challenge us as a board to make good decisions, to have time to get his vision across. I think it would be a disservice, personally, to hire another city manager with a one year term. I just think we need to hedge our bets with performance. But, I believe we should give our new city manager the benefit of the doubt. We've all interviewed him. We all like him. I think it's beneficial to him and it's beneficial to us to agree to a longer term, although he may not be willing to.

Commissioner McCain: He's got to know though that we believe in him for three years too. Right. That we buy into that. We want that stability. We want that carry-forth. As long as he's, you know, not what we're hoping he is not. And I'm sure he is not, but I agree. Somewhere two to three years would be much better just because we've seen what a year gets you and it's... a great step, but there's no progress. And we've seen what a bad year can get you, which is a step backwards. We don't want that either. But I think we've got to look at that. Not just a good first year, but a good couple years of someone with that. The dedication that I saw in him and that makes me choose him, is that he's going to need a minute to get acclimated and then to move. And I just don't think he can do that in a year. I think he can get acclimated, and he can start moving, but I just don't know that he can finish moving where we need to go in a year.

Commissioner Gregory: I liked the three years. I liked what the mayor said. I liked the three years since we all voted for him unanimously. And we made that decision here on this board on this day. And we can do the same on the three years., I have thought about this even before the night, whoever we were going to get, I was actually looking at three years and Jesse said two, **Commissioner Powell** said two. And I like that. But I would go for three years myself.

Commissioner McCain: Anything else you want from us?

Commissioner Powell: Yes, I'm going to get into some boring questions for the crowd here, but it was all part of a kind of standard thing. So, we are asking someone to move, relocation expenses. Are we willing to offer some package of money for that?

Vice Mayor Darnall: I just relocated a direct hire from Chicago to Charlotte, and we gave him a lump sum payment of \$5,000.

The commissioners briefly discussed what a reasonable amount would be to offer the new city manager to move.

Commissioner Powell: Let's not talk numbers at all. Let's just talk yes or no, like relocation expenses and then let me work numbers with Mr. Gorum based upon available budget and with candidate.

Commissioner Gregory: He has to accept this first.

Commissioner Powell: Correct, so obviously it's going to have to be within our budget and I'll have to work those specific numbers with Mr. Gorham on the side. So, obviously the vehicle will stay...we will keep that for the city manager. I will get with Mr. Gorham...and I will look at PTO timeframes of what is pertinent, and then what the city offers to employees. I will work with that with the candidate as well. I will add language in there about the board setting the metrics for his evaluations within the first 180 days. So, we will work on that as one of our priorities that we will be setting. These are the things that we want him to focus on because he's already given us his 180-day plan and that will give us time to deliberate publicly on the things we want to focus on and focus his attention on. And then we can conduct evaluations for him. I have never seen a city manager here be evaluated formally, but I would suggest that we have a formal evaluation process for said city manager if we are going to establish metrics. So, if I'm going to put that in an employment agreement, do we want an annual evaluation or do we want biannual?

ICM Gorham: If you're going to look at his 180-day plan, I'd do one in six months and then do it annually after that or something.

Commissioner McCain: I'd be more for annual,

Commissioner Gregory: True...based on our personnel policy, he is one of the only non at-will employees within the city; the performance-based increases are something we would like to consider as language within here as available to him...not talking numbers, I just want to talk potential. So if I'm going to add language in here...of talking salary with him and then looking at it based on evaluations and we're going to set metrics, do we want to add language in there indicating the board may consider performance-based increases, or bonuses based upon whatever metrics?

Commissioner Powell: That's what I'm asking

Commissioner Gregory: If he demonstrates something good, that would be an option; if he does show us something and gets us where we should be as the city, then I would definitely consider,

Commissioner Powell: And I'm not saying numbers and I'm trying to use the language of...

"may consider."

Vice Mayor Darnall: said he would want to tie that language to performance of the city and what is available for cost-of-living increases to employees.

The commissioners discussed several points and terms to consider for inclusion in the new city manager's employment agreement, including determining his official start date versus a transition timeline. They agreed on July 1st as their preferred start date. They also expressed consideration for ICM Gorham and his desire to return to his retirement. Commissioner Powell said he would continue to fill out the terms of the employment agreement but that he would put it on the work session agenda if anything remained to be covered by then. Vice Mayor Darnall said he could call a special meeting if anything were to come up that needed their input.

Commissioner Powell said he would work with City Attorney Wheeler on the legal language.

17. City Manager's Comments?

ICM Gorham: I don't believe I have any.

18. Commissioner Comments.

Commissioner Powell: I'm really happy that we actually recognized employees here today. I haven't seen that. I've been coming to meetings for two and a half years and I've never seen that... It was awesome. We need to do that more and then we need to get kids from elementary school when they do awesome things and have opportunities to recognize them too in public. That would be awesome. Anything we can do to recognize people when they're doing great things in the city is just, man, it makes me feel good. I love seeing it. That's the only thing I have.

Commissioner Gregory: Yes. Thank you. It's been a good afternoon. I'm glad we have a new manager. I'm proud of this city. I love this city and I love what happened here this evening. It's also very impressive to see the police and fire get recognized and awards given. I'm sure there's other things that people and employees could be noticed for as well because there are some outstanding people here. But it's been a good afternoon and it's good to be here and I appreciate this city, and I appreciate this board. And another thing - our interim city manager has done a remarkable job in four months.

And I don't think anybody knows that as much as we do up here, but he brought us out of almost bankruptcy of the city and got our head back above water. New people are coming in. We have a new police chief and we're moving. In other words, we're moving in the right way. I'm not looking back and I'm looking forward, I'm looking for the Lord's help for the rest of my time here and for this city. I depend upon Jesus

Christ for everything. I'll tell you that right now. And that's where it's going. That's the way it's going.

Vice Mayor Darnall: I'm not surprised. There was no consensus on the city manager, and that's based on the comments I received from our citizens. I don't think I've ever seen such diversity in preferences, which made me happy because I knew no matter who we picked, there was going to be a large percent of the population that was happy; but at the same time, there would probably be an equal percentage that would be a little disappointed that their candidate didn't get picked., I would encourage you to be patient with the new city manager, give him a chance. Please take out frustration on me and not him. I can take it. There's no reason for him to hear negative comments about a citizen that didn't get their way. I made the decision along with my co-commissioners. Please complain to me. I echo Jesse and David's comments. You probably saw me with a smile on my face as we're recognizing our city employees. Good job, chiefs! Tell your guys to keep up the good work. It is appreciated to celebrate good news. Thanks.

Commissioner McCain: Okay, earlier this week, someone emailed us and said that this commission has laser-like focus, and I can't tell you how proud I am to work with this group of laser-focused people who want to get us moving forward and out of where we've been as positively and transparently or as transparent as we can be. So, to that person, thank you for that comment. I agree. The new chief and the old chief there too, both of you bring a breath of fresh air that we needed. We needed to see the good in our police department. We needed to see the good in our fire department. We need to see the good in our city employees and we need to see the good in all of us. So man, I just can't say how positively I feel about everything that we're trying to do and we're doing and we're getting through as a city together. And without that constant fight, it's very positive. It's great. You have been phenomenal for us. And I came in last, so I'm the least who's worked with you, but I couldn't do this, any of it without your, your nudge. So we needed you and thank you.

Mayor Atwood: Amen to that! I mean, the commission has made some fantastic comments. You know, for me it's a privilege to sit up here and work with these people and sometimes disagree with these people on these are hard decisions, but we must make them. And, as **Vice Mayor Darnell** said, if you want us to know your opinion, please bring it to us. We're here to listen. We're here to collect all of your feedback whether we like it or not because it's important for us to hear from you! So please keep letting us know. With that said, I echo everything else that the commission has said. It's fantastic. So with that, that's the end of my comments and I now ask for a motion to adjourn.

19. Adjournment

Commissioner Gregory I'll make the motion to adjourn.

Commissioner McCain: I second the motion.

Mayor Atwood: We are adjourned.

The meeting was adjourned at 8:04:46 PM

Respectfully submitted,

A handwritten signature in blue ink that reads "Judy Florendo". The signature is written in a cursive, flowing style.

Judy Florendo

City Recorder

1246 Louisville Hwy

Millersville, TN 37072

Millersville Board of Commissioners
Special Call Meeting
MINUTES
Monday, May 26th, 2025, at 6:00 PM
At City Hall

A Special Call Meeting of the Millersville, TN, Board of Commissioners was held on May 26, 2025, at 6:00 PM at City Hall. Those attending were: Mayor Lincoln Atwood; Vice Mayor Dustin Darnall; Commissioner Jesse Powell; Commissioner Carla McCain; Commissioner David Gregory; Interim City Manager, Mike Gorham; and City Recorder, Judy Florendo.

1. Call to Order.

Mayor Atwood called the meeting to order at 6:00 PM.

2. Invocation and Pledge of Allegiance.

The invocation was led by Judy Florendo, and it was followed by the Pledge of Allegiance.

3. Citizens' Comments, Comment Sign-up Sheet Available to Sign Before Meeting.

No Citizens came forward to offer their comments.

4. Appoint a Permanent City Manager.

Mayor Atwood: The last time this board met, we had two people brought up, Mr. Trollinger and Mr. Housewright. We had one other candidate. Does any commissioner want to speak on that candidate's behalf? (No one spoke on behalf of the third candidate.) The commissioners were asked to vote for the new permanent city manager by name. The vote went as follows:

Commissioner Gregory: Mike Housewright

Commissioner McCain: Mike Housewright

Vice Mayor Darnall: Mike Housewright

Commissioner Jesse Powell: Mike Housewright

Mayor Atwood: Mike Housewright

Mayor Atwood called for a motion to extend an offer to Mike Housewright to accept the position of Millersville's new city manager.

Vice Mayor Darnall made a motion to extend the offer to Mike Housewright to accept the position of permanent city manager for Millersville.

Commissioner Jesse Powell seconded the motion.

Mayor Atwood announced he had a motion and a second. He called for a roll-call vote.

Commissioners Powell, Vice Mayor Darnall, Commissioner McCain, Commissioner David Gregory, and Mayor Atwood all voted Aye.

5. City Manager Comments

ICM Gorham: said he had spoken to Mr. Housewright with the understanding that the vote was pending tonight to extend the offer to him to accept the position of permanent city manager for Millersville. He said he was very excited about the opportunity and is looking forward to getting on board. **ICM Gorham** informed him that the city commission had already said he could spend some time with Mr. Housewright to get him acclimated to his new position. He also invited Mr. Housewright to go with him to the Sumner County Council of Governments. He said they would be in touch with working out the employment agreement.

6. Commissioners' Comments

Commissioner Gregory recognized that it was Memorial Day and honored our military who gave everything they had for the freedom of our country. He said he lost family in World War II on D-Day. He said their sacrifice is why we were sitting there today conducting the business of the city because of the freedom, clarity, and grace given us by those who gave their lives for the sake of nation and family.

Vice Mayor Darnall gave a brief update on what had transpired with the other top candidate, Mr. Trollinger, and the reason he declined the city's offer; the relocation was going to be a major issue.

Commissioner Powell reiterated some of what **Vice Mayor Darnall** said, adding that it was a very difficult decision for Mr. Trollinger and that relocation was a major issue. He echoed what **Commissioner Gregory** said about Memorial Day.

*We thank **Commissioner Powell** for his service to our country.

7. Adjournment.

Commissioner Gregory made a motion to adjourn, seconded by **Commissioner McCain**. The meeting was adjourned at 6:19 PM

Respectfully submitted,



Judy Florendo

City Recorder

For the City of Millersville, TN

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 25-816

AN ORDINANCE TO AMEND THE MILLERSVILLE ZONING MAP, CHANGING THE ZONING FOR THE PROPERTY LOCATED AT 1010 STEARMAN DRIVE AND IDENTIFIED ON ROBERTSON COUNTY TAX MAP 126 AS PARCEL 052.00 FROM HEAVY COMMERCIAL (HC) TO GENERAL COMMERCIAL (GC)

WHEREAS, The owner of this parcel of land has submitted all the appropriate paperwork to request rezoning of his property; and

WHEREAS, The City of Millersville (the City) Planning Commission met on April 8th, 2025 and recommended the approval of the rezoning of this parcel of land; and

WHEREAS, the designation of this property as General Commercial will provide benefit to all people and entities residing within the City of Millersville; and,

WHEREAS, the City of Millersville is empowered to make decisions as to the most appropriate zoning of property at the owner's request after careful consideration and proper submission;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee that the parcel of land described in the heading of this Ordinance be zoned General Commercial (GC) after the second reading of this ordinance.

Passed this _____ day of _____, 2025

First Reading: April 15th

Second Reading: _____

Mayor

Attest:

Judy Florendo, City Recorder

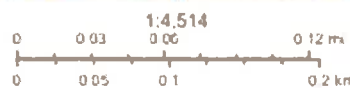
Attachment A

Robertson County - Parcel: 126 052.00



Date April 15, 2025

County: ROBERTSON
Owner: CROUCH LYNN D
Address: STEARMAN DR 1010
Parcel ID: 126 052.00
Deeded Acreage: 10.61
Calculated Acreage: 0
Vexcel Imagery Date: 2023



State of Tennessee: Contributor of the Tennessee Division of Property Assessments (DPA), Esri Community Maps Contributors, © OpenStreetMap contributors, Esri, Garmin, GeoEye, GeoEye, Inc., INEGI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

The property lines are compiled from information maintained by your local county Assessor's Office but are not conclusive evidence of property ownership in any court of law.

ORDINANCE 25-817

AN ORDINANCE AMENDING ORDINANCE 20-744 OF THE CITY OF MILLERSVILLE THE CITY OF MILLERSVILLE PLANNING COMMISSION

WHEREAS, the Board of Commissioners of the City of Millersville find it necessary to amend and update Millersville's Ordinance 20-744 pertaining to the city's Planning Commission

NOW BE IT THEREFORE ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee as follows:

CHAPTER 62 Section 1

ESTABLISHMENT OF A PLANNING COMMISSION

101. Planning Commission. Pursuant to the provision of TCA § 13-4-101, there is hereby created a municipal Planning Commission for the city of Millersville. The Planning Commission shall be composed of seven (7) members whose duty it shall be to carry out the powers, functions, and duties in accordance with all applicable provisions of this ordinance, Millersville City Ordinance 20-744 (Zoning), and TCA § 13-1-101 et seq.

102. Membership Qualifications. The Planning Commission members must be bona fide residents of the city at the time of appointment and must have been a bona fide resident of the city for a minimum of one year (365 days) prior to the appointment. Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subsection 106 of this ordinance in order to maintain qualification for membership.

103. Nomination and Appointment. One (1) member of the Planning Commission shall be the mayor or a person designated by the mayor. One (1) member of the Planning Commission shall be a sitting member of the Board of Commissioners. The City Commissioner who is nominated to serve on the Planning Commission must be approved by a majority vote of the sitting Board of Commissioners. All other members of the Planning Commission shall be appointed by the mayor in accordance with TCA § 13-4-101. Any vacancy on the board for any reason shall be filled in the same manner as the original appointment, and the individual so appointed will serve out the unexpired term.

104. Removal of Members. Members of the Planning Commission may be removed for the following reasons:

- a. If a planning commissioner fails to complete the requisite number of hours of training and continuing education within the time allotted or fails to file their statement of training completion
- b. If the planning commissioner has a change in residency out of the city (ie. no longer a bona-fide resident)
- c. If a planning commissioner is convicted of felony while serving on the Planning Commission
- d. If a planning commissioner fails to attend three (3) Planning Commission meetings in a calendar year without prior approval from the Planning Commission Chairperson
- e. If a planning commissioner has a direct or indirect conflict of interest on any property, which is the subject matter of, or affected by a decision of the commission, the member shall be disqualified from participating in the discussion, decision, and proceedings of that property. The burden for revealing any such conflict rests with the individual members of the commission and failure to reveal such conflict shall constitute grounds for immediate removal from the commission

105. Terms of Service. Planning Commission members shall serve for a period of three (3) years following their appointment. The terms of appointed members of the Planning Commission (ie. five (5) seats appointed by the mayor) shall be arranged so that the term of one (1) member will expire each year. Any vacancy on the board for any reason shall be filled in the same manner as the original appointment, and the individual so appointed will serve out the unexpired term.

106. Training Procedures.

- a. Each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education. Members of the American Institute of Certified Planners (AICP) are exempt from this training requirement.
- b. Each planning commissioner shall certify by December 31st of each calendar year the completed trainings by providing the training certificate, documentation, or a written statement detailing the training completed to both the City Planner and the City Recorder. Acceptable documentation must include the date of the training program, its subject matter, location, sponsor(s), and the time spent (hourly requirement).
- c. The subjects for the training and continuing education required shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission. Other topics reasonably related to the duties of planning commission members or professional planners or other administrative officials whose duties include advising the planning commission may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

- d. The city shall be responsible for paying the training, continuing education, course registration, and travel expenses for the planning commission and administrative official(s) whose duties include advising the planning commission. The Planning Commission must seek approval for all training that requires funding and/or travel from the Board of Commissioners or the City Manager (depending on cost and spending authority) in writing no later than 30 days prior to the training. As such, it is incumbent upon the Planning Commission and its duly elected officers to exhaust all free or complimentary training opportunities to preserve tax-payer funds.

107. Pay. The members of the planning commission shall draw no compensation from the city as part of their duties of serving on the Planning Commission.

108. Organization. The Planning Commission shall elect from its own membership a chairperson, a vice-chairperson, and a secretary. Each shall serve in such capacity for a term of one (1) year or until their successor has been elected for like terms. If a commission officer is removed or resigns from their position as an officer or the board entirely, then the board must elect a new officer from among their membership to fill the vacancy for the unexpired term.

- a. Chairperson: The duties and responsibilities of the chairperson shall be as follows,
 1. Preside at all meetings and hearings of the Planning Commission and have the duties normally conferred by the parliamentary usage of such officers
 2. Have the privilege of discussing all matters before the Planning Commission and to vote thereon
 3. Have the authority to call special meetings when requested
 4. Shall sign all documents of the Planning Commission
- b. Vice-Chairperson: The duties and responsibilities of the Vice-Chairperson shall be to execute the duties of either the Chairperson or the Secretary in their absence.
- c. Secretary: The duties and responsibilities of the Secretary shall be as follows,
 1. Shall sign all final plats that have been approved by the Planning Commission prior to their recording at the County Registrars Office
- d. City Planner: The duties and responsibilities of the City Planner shall be as follows,
 1. Shall keep the minutes and records of the Planning Commission
 2. Prepare the agenda for all regular and special meetings with the Chairperson
 3. Provide notice of meetings to Planning Commission members
 4. Arrange proper legal notice of hearings and/or meetings in accordance with the Tennessee Open Meetings Act through coordination with the City Recorder and City Manager
 5. Attend to official correspondence of the Planning Commission

109. Meetings. The board will hold meetings as required to carry out the powers, functions, and duties in accordance with all applicable provisions of this ordinance, Millersville City Ordinance 20-744 (Zoning), and TCA § 13-1-101 et seq. The Chairperson is responsible for calling all regular and special meetings. All meetings should be held at City Hall. Prior coordination must be made with the City Manager to ensure that an appropriate space for the public meeting of the Planning Commission is available and to ensure that the meeting is able to be broadcast live and/or recorded. Minutes for the board meetings shall be kept by the City Planner in the same manner of the city's board of City Commission meetings. Minutes must be validated through the voting process in subsequent meetings. All minutes must be turned over to the City Recorder for documentation purposes after they have been validated. Planning Commission members will follow Robert's Rules of Order or other such modified rules as adopted in the conduct of their meetings and are subject to the Tennessee Open Meetings Act.

- a. **Special Called Meetings:** Special meetings may be called by the City Planner. It shall be the duty of the City Planner to call such a meeting when requested to do so in writing by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Planning Commission. The City Planner shall notify all members of the Planning Commission in writing not less than five days in advance of such special meetings. The five (5) days notice of special meetings to Planning Commission members may be waived by unanimous consent of the Planning Commission in writing.

110. Quorum. A Quorum of the board shall be defined as a majority of the members appointed to the Planning Commission are present. A quorum shall be present before any formal business is transacted.

111. Voting Procedures. A concurring majority vote of the members of the board appointed once a quorum has been established shall be necessary for any function of granting, revoking, approving, reporting, recommending, or any other action. No action shall be taken by the Planning Commission until after a public hearing and notice thereof. Every formal action of the Planning Commission required by law, charter, rule, or regulation shall be embodied in a formal resolution duly entered in full in the minutes after an affirmative vote.

112. Public Notice and Hearings. Planning commissioners are subject to the Tennessee Open Meetings Act, and as such all findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the Planning Commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations shall be public record. All board meetings are open to the public and therefore must comply with the public notification notice. All agenda items that require a public hearing and/or comment by law, regulation, ordinance, charter, or rule shall be recorded by the City Planner in the meeting minutes.

Section 2

CONCLUSION

201. Severability. Each section, subsection, paragraph, sentence and clause of this ordinance is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not affect the validity of any other provision of the ordinance.

202. Repealer. All ordinances and parts of ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

This ordinance shall become effective after final reading and publication of the caption of this ordinance in a newspaper of general circulation in the town.

Passed this: day of _____, 2025

First Reading: May 20, 2025

Second Reading: _____

Mayor

Attest: _____
City Recorder

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 25-818

**AN ORDINANCE TO AMEND THE MILLERSVILLE ZONING MAP, CHANGING
THE ZONING FOR THE PROPERTY LOCATED AT 1047 SLATERS CREEK ROAD
AND IDENTIFIED ON SUMNER COUNTY MAP 121 AS PARCEL 053.00, FROM
INDUSTRIAL (I) TO GENERAL COMMERCIAL (GC)**

WHEREAS, The owner of this parcel of land has submitted all the appropriate paperwork to request rezoning of his property; and

WHEREAS, The City of Millersville (the City) Planning Commission met on April 8th and recommended the approval of the rezoning of this parcel of land; and

WHEREAS, the designation of this property as General Commercial will provide benefit to all people and entities residing within the City of Millersville; and,

WHEREAS, the City of Millersville is empowered to make decisions as to the most appropriate zoning of after consideration and proper submission;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee that the parcel of land described in the heading of this Ordinance be zoned General Commercial (GC) after the second reading of this ordinance.

Passed this _____ day of _____, 2025

First Reading: May 20, 2025

Second Reading: _____

Mayor

Attest:

Judy Florendo, City Recorder

Attachment A

Sumner County - Parcel: 121 053.00



Date: April 15, 2025

County: SUMNER

Owner: FOX FRANK B

Address: SLATERS CREEK ROAD 1047

Parcel ID: 121 053.00

Deeded Acreage: 0

Calculated Acreage: 5.56

Vexcel Imagery Date: 2023



Ext. Community Map Contributors: Metro Nashville Gov't, Nashville Davidson Metro Gov't, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechniques, Inc., NE T, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, State of Tennessee, Controller of the Treasury, Division of Property Assessments (DPA).

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 25-821

**AN ORDINANCE TO AMEND THE MILLERSVILLE CODE OF ORDINANCES
SECTION 6-206 LIMITATIONS ON ISSUANCE OF LICENSE.**

WHEREAS, this section of the current code of ordinances restricts the number of liquor stores by location, north of 1441 Louisville Hwy and south of 1441 Louisville Hwy, and the Board of Commissioners desires to remove the restriction on the location of liquor stores and rely on Section 6-206 and allow no more than one license for each 3,000 population for the sale of alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee that the entirety of paragraph (4) shall be removed from Section 6-206.

Passed this _____ day of _____, 2025

First Reading: ____ May 20, 2025 _____

Second Reading: _____

Mayor

Attest:

Judy Florendo, City Recorder

Sec. 6-206. - Limitations on issuance of license.

- (1) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the city commission, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be closer than 500 feet as measured from the closest point on the retail store's property line to the closest point on the property line of any church, park, school, licensed day care or childcare facilities, or library; a retailer's license issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business shall be cause for immediate revocation of said license by the city, unless the location is approved in writing by the city commission. Said approval by the city commission must be authorized by approval of majority of the city commission.
- (2) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages in a building structure that provides less than 1,250 square feet of floor space.
- (3) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages on property not properly zoned for such use according to the Millersville Zoning Ordinance.
- (4) No more than one license will be issued in each sector of the city limits. The sectors are defined as follows:

North Sector: Areas north of 1441 Louisville Highway.

South Sector: Areas south of 1441 Louisville Highway.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

Sec. 6-207. - Limitations on number of licenses.

- (1) No more than one license for each 3,000 population for the sale of alcoholic beverages shall be issued under this chapter. Further, that the population limitations and restrictions as provided for above shall not be decreased unless, first, a public notice of such proposed change is published at least one time 15 days before the first reading on such proposed amendment.
- (2) No license shall be issued to any person or persons unless such person or persons are legal United States of America Citizens for at least two years prior to submittal of an application for retail license.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 15-642, 9-15-2015; Ord. No. 17-667, 2-2-2017)

Sec. 6-208. - Bonds of licensees.

Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee; bonds of retailers shall be \$500.00. Said bond shall be conditioned that the principle thereof shall pay any fine which may be assessed against such principle.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

Sec. 6-209. - Retailer's license.

- (1) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the city commission, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be closer than 500 feet as measured from the closest point on the retail store's property line to the closest point on the property line of any church, park, school, licensed day care or childcare facilities, or library; a retailer's license issued under this chapter shall not be valid except at the premises recited in the application, and any change of location of said business shall be cause for immediate revocation of said license by the city, unless the location is approved in writing by the city commission. Said approval by the city commission must be authorized by approval of majority of the city commission.
- (2) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages in a building structure that provides less than 1,250 square feet of floor space.
- (3) Certificate of compliance shall be granted for the operation of a retail store for the sale of alcoholic beverages on property not properly zoned for such use according to the Millersville Zoning Ordinance.
- (4) No more than one license will be issued in each sector of the city limits. The sectors are defined as follows:

North Sector: Areas north of 1441 Louisville Highway.

South Sector: Areas south of 1441 Louisville Highway.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

- (1) No more than one license for each 3,000 population for the sale of alcoholic beverages shall be issued under this chapter. Further, that the population limitations and restrictions as provided for above shall not be decreased unless, first, a public notice of such proposed change is published at least one time 15 days before the first reading on such proposed amendment.
- (2) No license shall be issued to any person or persons unless such person or persons are legal United States of America Citizens for at least two years prior to submittal of an application for retail license.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 15-642, 9-15-2015; Ord. No. 17-667, 2-2-2017)

Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee; bonds of retailers shall be \$500.00. Said bond shall be conditioned that the principle thereof shall pay any fine which may be assessed against such principle.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

Licenses and certificates of compliance issued by the alcoholic beverage commission under this chapter shall expire at the end of each calendar year and, subject to the provisions of this chapter, may be renewed each calendar year.

Annual certificate of compliance renewals require an updated application to the city and appropriate fee.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 15-692, 9-15-2015; Ord. No. 17-667, 2-2-2017)

Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one year from the date said revocation becomes final and effective.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

The following shall apply regarding inspection fees:

- (1) There is hereby imposed an inspection fee on all gross purchases of alcohol beverages made by licensees under this chapter. Said fee to be at the maximum amount as provided for in T.C.A. § 57-3-501.
- (2) The inspection fee shall be collected by the wholesaler from the retailer at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.
- (3) Every such wholesaler shall hold the fees imposed under the authority of this section until paid to the City of Millersville as hereinafter provided.
- (4) Each wholesaler making sales to retailers located within the corporate limits of the City of Millersville shall furnish the City of Millersville a report monthly, which report shall contain the following:
 - (a) The name and address of the retailer;
 - (b) The wholesaler's price of the alcoholic beverages sold to such retailer;
 - (c) The amount of tax due under this section; and
 - (d) Such other information as may be required by the city commission and the City of Millersville. The monthly report shall be furnished to the city recorder of Millersville not later than the 20th of the month following which the sales were made; and the inspection fees collected by the wholesaler from the retailers located within the City of Millersville shall be paid to the City of Millersville at the time the monthly report is made. Wholesalers collecting and remitting the inspecting fee to the City of Millersville shall be entitled to reimbursement for this collection service a sum equal to five percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the City of Millersville.
- (5) Each wholesaler who fails to collect and/or remit in a timely matter the inspection fee imposed hereunder shall be liable in addition to the tax for a penalty of ten percent of the fee due the City of Millersville which shall be payable to the City of Millersville.
- (6) The City of Millersville shall have the authority to audit the records of all wholesalers subject to the provisions of this section in order to determine the accuracy of said monthly report.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

Whenever any of the persons licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee.

(Ord. No. 14-631, 11-5-2014; Ord. No. 14-633, 11-24-2014; Ord. No. 17-667, 2-2-2017)

CITY OF MILLERSVILLE, TENNESSEE

ORDINANCE 25-822

AN ORDINANCE TO AMEND THE MILLERSVILLE COURT COSTS BY ONE DOLLAR (\$1) TO COOINCIDE WITH THE ADDITIONAL COST TO COVER THE MUNICIPAL TRAINING EDUCATION FEE PAID TO THE DEPARTMENT OF REVENUE.

WHEREAS, the City of Millersville operates a City Court and has been paying \$1 in court costs to the Tennessee Department of Revenue for the Municipal Court Reform Act, T.C.A. 16-18-304(a), and

WHEREAS, this year the General Assembly and the Governor enacted Public Chapter 459, which amended that act and increased the amount we pay to \$2 for every court cost paid, and

WHEREAS, this increased cost will go into effect on July 1, and

WHEREAS, the Board desires to pass the costs on to the defendants in court,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Millersville, Tennessee that the court costs for Millersville City Court will be increased by one dollar (\$1) to cover this increased cost we pay to the State Department of Revenue.

Passed this _____ day of _____, 2025

First Reading: _____

Second Reading: _____

Mayor

Attest:

Judy Florendo, City Recorder

ORDINANCE 19-101

AN ORDINANCE TO DELETE IN ITS ENTIRETY CURRENT ORDINANCE 19-101 AND IN SUBSTITUTION THEREOF TO ADOPT A STORMWATER MANAGEMENT ORDINANCE THAT BEARS THE SAME ORDINANCE NUMBER 19-101

Chapter 19 STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL¹

Secs. 19-1—19-100. Reserved.

Sec. 19-101. General provisions.

- (1) *Purpose.* It is the purpose of this chapter to:
- (a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system.
 - (b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) general permit for discharges from small Municipal Separate Storm Sewer Systems (MS4) and applicable regulations, 40 CFR 122.26 for stormwater discharges;
 - (c) Allow the city to exercise the powers granted in T.C.A., § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - (i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the city, whether or not owned and operated by the city;
 - (ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
 - (iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
 - (iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
 - (v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

¹Editor's note(s)—Ord. No. 20-737, adopted March 17, 2020, repealed and replaced art. I in its entirety to read as herein set out. Former art. I, consisted of §§ 19-101—19-116 and pertained to the same subject matter and derived from Ord. No. 10-562, adopted April 20, 2010.

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- (vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - (viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.
- (2) *Administrator.* The city manager, or designee, shall administer the provisions of this chapter.
 - (3) *Jurisdiction.* This article shall govern all properties within the corporate limits for the City of Millersville, Tennessee.
 - (4) *Right of entry.* Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter. Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurement of the property's stormwater operations or discharges. The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.
 - (5) *Stormwater management ordinance.* The intended purpose of this article is to safeguard property and public welfare by regulating stormwater quality and drainage while requiring temporary and permanent provisions for its control.
- (Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-102. Definitions.

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

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

Administrative or civil penalties. Under the authority provided in T.C.A. § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than \$50.00 and not more than \$5,000.00 per day for each day of violation. Each day of violation shall constitute a separate violation.

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

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

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

Buffer zone means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation

bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies.

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

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

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

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

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

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

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

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

Erosion prevention and sediment control plan (EPSCP) means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

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

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on standard industrial classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;

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- (h) Facilities that generate or store hazardous waste materials;
 - (i) Commercial container nursery;
 - (j) Restaurants and food service facilities; or
 - (k) Other land uses and activities as designated by an appropriate review authority.

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

Illicit discharge means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under subsection 19-104(2).

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

Inspector means a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sedimentation means soil particles suspended in stormwater that can settle in stream beds.

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

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

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

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

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

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

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

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

Stormwater system or system means all stormwater facilities, stormwater drainage systems and flood protection systems of the city and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb,

inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

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

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

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

Structural BMPs means facilities that are constructed to provide control of stormwater runoff.

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

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

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

Water quality buffer. See "buffer."

Watercourse means a permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

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

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

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

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

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-103. Waivers.

- (1) *General.* No waivers will be granted to any construction or site work project. All construction and site work shall provide for stormwater management as required by this article. However, alternatives to the primary requirement(s) for on-site permanent stormwater management may be considered, if:
 - (a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100 percent managed with no discharge to surface waters.
 - (b) It can be demonstrated that the proposed development will not discharge, during or after construction; stormwater runoff that contains contaminants or will otherwise not affect, impair or degrade adjacent or downstream properties, conveyances, or streams.
 - (c) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.
- (2) *Downstream damage, etc., prohibited.* In order to receive consideration, the applicant must demonstrate to the satisfaction of the administrator that the proposed alternative will not lead to any of the following conditions downstream:
 - (a) Deterioration of existing culverts, bridges, dams, structures or land;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated streambank or streambed erosion or siltation;
 - (d) Increased threat of flood damage to public health, life or property.
- (3) *Alternative request procedure.* For consideration of an alternative stormwater management measure, a formal request shall be submitted to the administrator. The formal request shall be submitted with a stormwater management plan outlining why the primary stormwater management measure cannot be addressed and how the alternative measures will address the provisions outlined in this article. The plan shall demonstrate how the proposed development is not likely to impair attainment of the objectives of this chapter. The administrator shall notify the appellant customer of the date of the alternative request in writing; such written notice shall be given at the address provided following review of the request. The decision made by the administrator will be final and conclusive with no further administrative review.
- (4) *Land disturbance permits not to be issued where alternatives requested.* No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved, unless allowed by the administrator. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. If no alternative is approved, the owner has 30 days to resubmit the land disturbance permit without facing additional fees. If the land disturbance permit is submitted more than 30 days following the alternative request decision by the administrator, applicable fees will be charged.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-104. Land disturbance permit.

- (1) *General.* The land disturbance permit is to be obtained by the owner(s) or owner(s) designee(s) for development or redevelopment of over an acre, or less than an acre if required by the administrator. The land disturbance permit is designed to track all applicable land disturbance activities and ensure they are monitored for compliant erosion prevention and sediment controls, the absence of illicit discharges leaving

the site, and compliance with the city's TDEC NPDES MS4 general permit along with any applicable TDEC construction general permits, TDEC Aquatic Resources Alteration Permits (ARAP), and any other relevant permits. Tracking of these activities allows inspection, and in cases of non-compliance, enforcement actions to be taken.

- (2) *Exemptions.* The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:
- (a) Surface mining as is defined in T.C.A., § 59-8-202.
 - (b) Such minor land-disturbing activities as home gardens and individual home landscaping, home repairs, additional or modifications, home maintenance work, and other related activities that result in no soil erosion leaving the site. (Erosion Prevention and Sediment Control (ESPC) practices may be enforced through individual building permits.)
 - (c) Agriculture practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.
 - (d) Any project carried out under the technical supervision of NCRS, TDOT, TDEC, or USACE that is covered under applicable state or federal construction permits.
 - (e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing road, street or sidewalk which is hard surfaced and such street, curb, gutter, or sidewalk construction has been approved.
 - (f) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. These activities may be undertaken without a land disturbance permit; however, the person conducting these excluded activities shall remain responsible for conducting these activities within accordance with provisions of this ordinance and other applicable regulations including responsibility for controlling sediment, illicit discharges, and runoff.
- (3) *Supplemental permit.* In cases where a secondary owner/operator will be working within an area already covered by an existing land disturbance permit that was issued under the name of a primary owner/operator, a supplemental land disturbance permit shall be obtained prior to commencement of the secondary owner/operators work. The application fee may be waived for any supplemental permit. Where applicable, prior to issuance of the supplemental land disturbance permit, the secondary owner/operator must show that coverage under the site's NPDES construction general permit has been obtained. Once covered by a land disturbance permit, all primary and secondary owner/operators will be considered by the city as co-permittees. If co-permittee's involvement in the construction activities affects the same project site, they will be held jointly and severally responsible for complying with the terms of the permits issued for that site.
- (4) *Application.* Application for the land disturbance permit shall be made to the administrator by the property owner(s) and co-permittee (if applicable). Applications are available from the public works department, or assigned division. No land-disturbing activities shall take place prior to approval of the land disturbance permit application.
- Application fees must be paid and the recorded inspection and maintenance agreement filed (original returned to public works, or assigned division) prior to issuance of the land disturbance permit.
- (5) *Permit requirements.* The following are conditions of land disturbance permit coverage. Any violation of these conditions will make the permit holder(s) subject to all enforcement actions and penalties outlined in this article.
- (a) Submittal and approval by city staff and board(s) of the erosion prevention and sediment control plans.

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- (b) Compliance with the site's TDEC construction general permit, TDEC ARAP, TDEC underground injection well permit, FEMA flood plain development permit, and other federal or state permits where applicable.
 - (c) Compliance with approved erosion prevention and sediment control plan and EPSC performance standards.
 - (d) Implementation and maintenance of appropriate erosion prevention and sediment control best management practices.
 - (e) Construction site operators must control wastes such as discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at the construction site to avoid adverse impacts to water quality.
- (6) Land disturbance surety. Prior to the issuance of a permit for any land disturbance activity, the applicant shall be required to provide a surety to the City of Goodlettsville to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development, streams, or drainage ditches, the applicant may be required to provide a surety to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.
- (7) *Permit duration.* Each land disturbance permit shall expire and become null and void when one of the following has occurred:
- (a) Six months of no activity on the site has occurred.
 - (b) Final stabilization of the site per the approved plans has occurred.
 - (c) Issuance of a TDEC notice of termination (NOT). A copy must be provided to the city in order to close out the land disturbance permit.
 - (d) Three years from issuance of permit or if new federal or state regulations exist changing the scope of coverage where a new land disturbance permit is required.
 - (e) In cases of expiration of the land disturbance permit, a permit may be re-issued with no additional fee if the plan and scope of the project submitted on the original land disturbance permit does not significantly change. When significant change applies, new permit fees must be paid.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-105. Stormwater system design: construction and permanent stormwater management performance standards.

- (1) *Applicability.* This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. The requirements in this section shall apply to any new development or redevelopment site that meets one or more of the following criteria:
- (a) One acre or more;
 - (i) New development that involves land disturbance activities of one acre or more;
 - (ii) Redevelopment that involves other land disturbance activity of one acre or more;
 - (b) Developments and redevelopments less than one acre of total land disturbance may also be required to obtain authorization under this ordinance if:

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- (i) The administrator has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
 - (ii) The administrator has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state; or
 - (iii) Any new development or redevelopment, regardless of size, that is defined by the administrator to be a hotspot land use.
 - (c) Other options:
 - (i) Change in elevation of property.
 - (ii) Any land disturbance that requires coverage under a TDEC construction general permit.
 - (iii) Any disturbance that requires coverage under a TDEC ARAP.
- (2) *General requirements.* Stormwater at applicable developments and redevelopments shall be managed in accordance with the requirements contained within this section.
- (a) Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.
 - (b) Stormwater design or BMP manuals.
 - (i) Adoption. The city adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:
 - (A) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.
 - (B) Tennessee Permanent Stormwater Management and Design Guidance Manual; most current edition.
 - (C) Metro Nashville Stormwater Management Manual Volume 5, Low Impact Development.
 - (D) And/or a collection of city approved BMPs.
 - (ii) The publications listed above include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.
 - (iii) Stormwater facilities that are designed, constructed and maintained in accordance with these publications will be presumed to meet the minimum water quality performance standards.
 - (iv) Stormwater which discharges into Waterbodies with EPA-Approved or Established Total Maximum Daily Limits (TMDLs) must implement Best Management Practices (BMPs) specifically targeted to achieve the reductions by the TMDL.
 - (v) Stormwater which discharges into Waterbodies with Unavailable Parameters without TMDLs must be monitored for discharge of nutrients, pathogens, siltation, or other parameters specified by the City. Monitoring shall include, but not be limited to, outfall monitoring, in-stream monitoring and/or modelling.
 - (c) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4.
 - (i) Permittees who discharge stormwater through an NPDES-permitted Municipal Separate Storm Sewer System (MS4) who are not exempted in section 1.4.5 (permit coverage through qualifying local program) of TDEC's construction general permit (CGP) must provide proof of coverage under the construction general permit (CGP); submit a copy of the stormwater pollution

prevention plan (SWPPP); and at project completion, a copy of the signed notice of termination (NOT) to the administrator. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's data viewer web site.

- (ii) Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.
 - (iii) If requested by the city, these permits must be provided before the issuance of any land disturbance permit or the equivalent.
- (3) *Stormwater pollution prevention plans for construction stormwater management.*
- (a) *Requirement to prepare a SWPPP.* The applicant must prepare a stormwater pollution prevention plan (SWPPP) for all construction activities that complies with subsection (6) below. The purpose of this plan is to identify owner/operator activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.
 - (b) *Stormwater pollution prevention plan general requirements.* The erosion prevention and sediment control plan component of the SWPPP shall adhere to the following requirements.
 - (i) The potential for soil erosion and sedimentation problems resulting from land-disturbing activity shall be accurately described.
 - (ii) The measures that are to be taken to control soil erosion and sedimentation problems shall be explained and illustrated.
 - (iii) The length and complexity of the plan must be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.
 - (iv) If necessary, the measures to control soil erosion and sedimentation problems that are described in the plan shall be phased so that changes to the site that alter drainage patterns or characteristics during construction will be addressed by an appropriate phase of the plan.
 - (v) The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.
 - (vi) The plan shall conform to the requirements found in the general NPDES permit for stormwater discharges from construction activities (TNR100000), and shall include at least the following:
 - (A) Project description - Briefly describe the intended project and proposed land-disturbing activity including number of units and structures to be constructed and infrastructure required.
 - (B) A topographic map with contour intervals of five feet or less showing present conditions and proposed contours resulting from land-disturbing activity.
 - (C) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or floodplains.
 - (D) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
 - (E) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist.

Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

- (F) Approximate limits of proposed clearing, grading and filling.
 - (G) Approximate flows of existing stormwater leaving any portion of the site.
 - (H) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
 - (I) Location, size and layout of proposed stormwater and sedimentation control improvements.
 - (J) Existing and proposed drainage network.
 - (K) Proposed drain tile or waterway sizes.
 - (L) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: When water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
 - (M) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.
 - (N) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and nonvegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
 - (O) Specific details for: The construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the workday to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.
 - (P) Proposed structures. Location and identification of any proposed additional buildings, structures or development on the site.
 - (Q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.
 - (R) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.
- (4) *Design performance standards and requirements for permanent stormwater management.* The following performance standards shall be addressed for permanent stormwater management at all applicable

development and redevelopment sites effective as of 15 days following the adoption date of the ordinance codified in this article:

- (a) **Runoff reduction performance standard.** The first inch of rainfall on the development or redevelopment shall be 100 percent managed with no discharge to surface waters or the public storm sewer system. This standard shall be met using measures, alone or in combination, designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall, in accordance with the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual or reference Metro Nashville's Low Impact Development Design Guidelines, most current edition.
 - (i) The pre-development infiltrative capacity of soils at the development or redevelopment must be taken into account in selection of infiltration-based stormwater control measures.
 - (ii) The Tennessee Runoff Reduction Assessment Tool (TN-RRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development design guidelines shall be used by the site designer to determine compliance with the runoff reduction requirement.
 - (iii) **Incentive standard:** The following types of development or redevelopment shall receive a ten-percent reduction in the volume of rainfall to be managed for any of the following types of development. Such incentives are additive such that a maximum reduction of 50 percent of the runoff reduction performance standard is possible for a project that meets all five development types:
 - (A) Redevelopment;
 - (B) Brownfield redevelopment;
 - (C) High density developments having greater than seven units per acre;
 - (D) Vertical density developments having a floor to area ratio (FAR) of two or greater than 18 units per acre; and
 - (E) Mixed use and transit oriented development that is located within one-half mile of a mass transit station.
- (b) **Runoff reduction performance standard compliance.** Developments and redevelopments that achieve 100 percent of the runoff reduction performance standard (or incentive standard if applicable) using only site design layout practices and/or stormwater control measures that are designed, built and maintained to infiltrate, evapotranspire or harvest and use the rainfall shall be exempt from compliance with the 80 percent TSS removal performance standard.
- (c) **Runoff reduction limitations.** Limitations to the application of runoff reduction requirements may prevent a development or redevelopment from meeting 100 percent of the runoff reduction requirement. Such limitations may include, but are not limited to:
 - (i) **Natural physical conditions exist at the development or redevelopment that preclude or highly limit the use of infiltration practices.** Such conditions include, but are not limited to, the following circumstances:
 - (A) The presence of sinkholes or other karst features;
 - (B) A high prevalence of shallow bedrock;
 - (C) A high prevalence of poorly drained soils (i.e., hydrologic soil group D), such that soil amendments to promote infiltration must be extensive;
 - (D) A high prevalence of contractive/expansive soils and their proximity to on-site or off-site structures;

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- (E) Slopes greater than the maximums identified for the appropriate application of stormwater control measures;
 - (ii) The development lacks the available area to create the necessary hydraulic capacity to fully achieve the runoff reduction requirement through infiltration or evapotranspiration;
 - (iii) The proposed use for the development is inconsistent with the capture and re-use of stormwater;
 - (iv) Soil or topographic conditions at the development dictate that stormwater control measures which rely on infiltration to reduce stormwater volumes would be located in close proximity to on-site or off-site subsurface foundations, basements or crawlspaces where wet conditions or flooding is known or suspected to occur;
 - (v) Conditions exist at the development that create a potential for introducing pollutants into the groundwater, unless pre-treatment is provided;
 - (vi) Pre-existing soil contamination is present in areas that are or could be subject to contact with infiltrated stormwater;
 - (vii) The placement of on-site or off-site utilities precludes the use of stormwater control measures that infiltration, evapotranspire or harvest and use rainfall; and
 - (viii) The site has a historic or archeological significance that cannot be disturbed as determined by the state historic preservation office.
- (d) Eighty percent TSS removal performance standard. Developments and redevelopments that cannot meet 100 percent of the runoff reduction performance standard using the site design layout practices and stormwater control measures provided in the Tennessee Permanent Stormwater Management and Design Guidance Manual must treat the remainder of the stipulated amount of runoff prior to discharge from the development or redevelopment with a technology documented to remove 80 percent total suspended solids (TSS), unless an alternative provided under this article is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.
- (e) It can be demonstrated that multiple criteria (not based solely on the difficulty or cost of implementing measures) rule out an adequate combination of infiltration, evapotranspiration, and reuse such as lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse of stormwater; physical conditions that preclude use of these practices.
- (f) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (g) Stormwater discharges from hotspots may require the application of additional structural BMPs and pollution prevention practices beyond runoff reduction and 80 percent TSS removal practices.
- (h) Prior to or during the site design process, applicants for land disturbance permits shall consult with the administrator to determine if they are subject to additional stormwater design requirements.
- (i) The calculations for determining peak flows shall be used for sizing all stormwater facilities.
- (5) *Minimum peak discharge control requirements.* The administrator may establish standards to regulate the quantity of stormwater discharged, therefore:
- (a) Stormwater designs shall meet the storm frequency storage requirements;
 - (i) For sites that drain to Impaired (for sediment or habitat alteration) or Exceptional Tennessee Waters, measures must be designed for the 5-yr, 24hr design storm. Provide a summary of

supporting calculations to show the design criteria has been met. In addition, outfalls that have 5 acres or more of drainage are required to have a sediment basin or equivalent measure(s). If equivalent measure(s) are to be used, equivalency must be verified through design.

- (ii) For sites not draining into Impaired (for sediment or habitat alteration) or Exceptional Tennessee Waters, measures must be designed for the 2-yr, 24hr storm event. Provide a summary of supporting calculations to show the design criteria has been met. In addition, outfalls that have 10 acres or more of drainage are required to have a sediment basin or equivalent measure(s). If equivalent measure(s) are to be used, equivalency must be verified through design.(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the administrator may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(6) *Permanent stormwater management plan requirements.*

- (a) Requirement to prepare a permanent stormwater management plan: The permanent stormwater management plan shall be prepared and submitted to the administrator for all applicable developments and redevelopments.
- (b) The permanent stormwater management plan shall include sufficient information to allow the administrator to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, the appropriateness of the measures proposed for managing stormwater generated at the project site, and design compliance with the performance standards and requirements for permanent stormwater management identified in this ordinance.
- (c) The permanent stormwater management plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee.
- (d) The plan shall include, at a minimum, the elements listed below:
 - (i) Topographic base map: Topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates:
 - (A) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (B) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (C) All other existing significant natural and artificial features;
 - (D) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.
 - (ii) A completed site assessment and inventory checklist (found in the Tennessee Permanent Stormwater Management and Design Guidance Manual).
 - (iii) Proposed structural and non-structural BMPs and stormwater control measures;
 - (iv) A written description of the site plan and justification of proposed changes in natural conditions may also be required;
 - (v) Calculations: Hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in the approved stormwater design and BMP manuals.

These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the approved stormwater design and BMP manuals. Such calculations shall include:

- (A) A description of the design storm frequency, duration, and intensity where applicable;
 - (B) Time of concentration;
 - (C) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (D) Peak runoff rates and total runoff volumes for each watershed area;
 - (E) Infiltration rates, where applicable;
 - (F) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (G) Flow velocities;
 - (H) Data on the increase in rate and volume of runoff for the design storms referenced in the approved stormwater design and BMP manuals;
 - (I) Documentation of sources for all computation methods and field test results; and
 - (J) Results from the Tennessee Runoff Reduction Assessment Tool (TNRRAT) or Metro Nashville's Stormwater Management Manual Volume 5, Low Impact Development Design.
- (vi) Soils information. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (vii) Eighty percent TSS removal information. If 80 percent TSS removal BMPs are included in the plan, then it must also include:
- (A) A narrative description of all runoff reduction limitations that exist at the development or redevelopment;
 - (B) A map drawn to scale showing the location and boundaries of such limitations;
 - (C) Calculations showing the volume of runoff managed by runoff reduction stormwater control practices and the volume of runoff managed by 80 percent TSS removal BMPs; and
 - (D) Calculations showing compliance with the 80 percent TSS removal performance standard.
- (viii) Maintenance and repair plan required. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-106. Buffer zones.

The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one square mile will require buffer widths of 30 feet minimum. Streams or other waters with drainage areas greater than one square mile will require buffer widths of 60 feet minimum. The 60 feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 30 feet at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

Buffer zone requirements:

- (1) **Applicability.** The goal of the water quality riparian buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. The water quality riparian buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from standard operating procedures for hydrologic determinations (see rules to implement a certification program for qualified hydrologic professionals, Tennessee Rules chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration, and evapotranspiration.
- (2) **Buffer zone requirements:**
 - a. **Construction or temporary:** Construction or temporary applies to all streams adjacent to construction sites that require a land disturbance permit. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans.
 - (i) **Construction Water Quality Buffer Requirements for Sites That Do Not Require a CGP:** The buffer width shall be 15 feet. A City approved enhancement plan is required for temporary buffer encroachment.
 - (ii) **Construction Water Quality Buffer Requirements for Sites That Do Require a CGP:** The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides but must be applied independently. A City approved buffer enhancement plan required for temporary buffer encroachment.
 - A. Waters with available parameters for siltation or unassessed water shall have an average buffer width of 30 feet with a minimum buffer width of 15 feet.

B. Exceptional Tennessee Waters or waters with unavailable parameters for siltation shall have an average buffer width of 60 feet with a minimum buffer width of 30 feet.

b. Permanent new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Permanent applies to all streams adjacent to construction sites that require a land disturbance permit. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans.

(i) Construction Water Quality Buffer Requirements for Sites That Do Not Require a CGP.

A. The buffer width shall be 15 feet. A City approved enhancement plan is required for temporary buffer encroachment.

(ii) Construction Water Quality Buffer Requirements for Sites That Do Require a CGP. The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides but must be applied independently. A City approved buffer enhancement plan required for temporary buffer encroachment.

A. Waters with available parameters for siltation or unassessed water shall have an average buffer width of 30 feet with a minimum buffer width of 15 feet.

B. Exceptional Tennessee Waters or waters with unavailable parameters for siltation shall have an average buffer width of 60 feet with a minimum buffer width of 30 feet.

(3) *Water quality riparian buffer zone exemption based on existing uses.* Water quality riparian buffer zones as described in Section 2a shall not be required in portions of the buffer where certain land uses exist and are to remain in place according to the following:

a. A use shall be considered existing if it was present within the buffer zone as of the date of the Notice of Intent for coverage under the construction general permit. Existing uses may include buildings, parking lots, roadways, utility lines and on-site sanitary sewage systems. Only the portion of the buffer zone that contains the footprint of the existing land use is exempt from buffer zones. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone.

b. If an area with an existing land use is proposed to be converted to another use or the impervious surfaces located within the buffer area are being removed, buffer zone requirements shall apply.

(4) *Permissible land uses.* The water quality riparian buffer is to remain undisturbed for the minimum required buffer. The following land uses are permissible within the remaining buffer subject to approval by the administrator:

a. Greenways, biking trails, and walking trails;

(i) Trails constructed within the buffer should prevent or minimize the generation of pollutants. If trails are constructed from impervious materials, runoff must either be directed to infiltration-based SCMs or the buffer width must be increased by the width of the trail.

b. Infiltration-based SCMs such as infiltration trenches and biofiltration basins may be allowed on a case-by-case basis if approved in writing by the administrator. This can only be approved if such SCMs improve the biodiversity or aesthetic appearance of the buffer areas. Economics or constructability of a development cannot be used as criteria for allowing an SCM to be placed in the buffer;

c. Road and utilities crossings. Private drives and private utility crossings may also be approved by the administrator upon review of a complete submittal demonstrating that there is no feasible alternate route; and

d. Selective landscaping and/or habitat improvement.

(5) **Variances.** An application for a variance shall be made in writing and must be filed with the administrator within 90 days of the written decision of the administrator. The application for a variance shall be filed by the first business day of the month to be considered by the administrator at that month's meeting. Variances to the riparian buffer zone requirements set forth in this section may be issued for the following considerations:

a. Application for a variance. Any property owner, or authorized agent thereof, may make application for a variance from the following decisions of the administrator:

(i) Rejection of a grading, drainage, and/or erosion control plan;

(ii) Rejection of a land disturbance permit;

(iii) Revocation of a land disturbing exemption according to Section 18304(2).

b. Deferral or withdrawal of an application for a variance. Any property owner, or authorized agent thereof, may petition to defer or withdraw an application for a variance. The petition to defer or withdrawal must be made in writing to the administrator at least 72 hours prior to the scheduled meeting with the administrator.

c. A decision of the administrator varying the application of any provision of this section or modifying a decision of the administrator shall be by resolution of the administrator, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are to be made and the reasons therefor. The administrator shall, in every case, render a decision without unreasonable or unnecessary delay. Every decision of the administrator shall be final, subject however, to such remedy as any aggrieved party or the administrator may have at law or in equity.

d. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

e. Standards for granting variances. In granting a variance, the administrator shall ascertain that all the following conditions are met:

(i) That good and sufficient cause has been provided;

(ii) That granting the variance will not increase a threat to public health, safety, or general welfare;

(iii) That granting the variance will not be contrary to the public interest;

(iv) That granting the variance will not result in public expense;

(v) That granting the variance will not knowingly conflict with other existing laws or ordinances;

(vi) That failure to grant the variance would result in unnecessary hardship; and

(vii) That by granting the variance, the spirit of this chapter will be observed.

(viii) **Records.** All decisions of the administrator shall be in writing and shall indicate the vote of each member of the administrator upon the decision. Every decision shall be promptly entered into the minutes of the meeting of the administrator and filed with the administrator. The

records of the administrator shall be open to public inspection and a certified copy of each decision shall be sent by mail or otherwise to the appellant.

(ix) In granting a variance, the administrator shall determine, and only grant, the minimum variance necessary to afford relief.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-107. Permanent stormwater management: Operation, maintenance, and inspection.

- (1) *As built plans.* All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any portion of a performance, surety, security or bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city. At a minimum, as-built plans must include the invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, junctions, etc. Size and material of all outlet dissipation pads, ditch size, slope, and materials. Top of berm elevations on all drainage facilities, volume of all detention/retention facilities and location and description of all permanent stormwater BMPs.
- (2) *Landscaping and stabilization requirements.*
 - (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:
 - (i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - (ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 15 days.
 - (b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.
 - (c) The following criteria shall apply to re-vegetation efforts:
 - (i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over 90 percent of the seeded area.
 - (ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

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- (iii) Any area of revegetation must exhibit survival of a minimum of 75 percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum 75 percent survival for one year is achieved.
 - (iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
 - (3) *Inspection of stormwater management facilities.* Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in subsection 19-108(3).
 - (4) *Records of installation and maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.
 - (5) *Failure to meet or maintain design or maintenance standards.* If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party and/or a lien placed on the property by the city.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-108. Existing locations and ongoing developments.

- (1) *On-site stormwater management facilities maintenance agreement.*
 - (a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including, but not limited to, homeowner associations or other groups or entities.
 - (b) The maintenance agreement shall:
 - (i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this article. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the

administrator. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

- (iii) Provide that the minimum maintenance and repair needs include, but are not limited to: The removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.
- (iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the administrator.
- (v) Provide that if the property is not maintained or repaired within the prescribed schedule, the administrator shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the administrator's cost of performing the maintenance shall be a lien against the property.

(2) *Existing problem locations—No maintenance agreement.*

- (a) The administrator shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this article shall be regarded as illicit.
- (b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

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

- (a) Perform routine inspections to ensure the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.
- (b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five-year inspections shall include:
 - (i) Facility type;
 - (ii) Inspection date;
 - (iii) Latitude and longitude and nearest street address;

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- (iv) BMP owner information (e.g., name, address, phone number, fax, and email);
 - (v) A description of current BMP conditions including, but not limited to: green infrastructure practices, grassy areas, forested areas, buffer areas, growing vegetation and soil properties; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation;
 - (vi) Photographic documentation of BMPs; and
 - (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.
- (c) Owners or operators shall maintain documentation of these inspections. The administrator may require submittal of this documentation.
- (4) *Requirements for all existing locations and ongoing developments.* The following requirements shall apply to all locations and development at which land-disturbing activities have occurred previous to the enactment of this ordinance:
- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in subsection 19-105(2)(c) and on a schedule acceptable to the administrator.
 - (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
 - (e) Stormwater runoff shall, at the discretion of the administrator, be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
 - (i) Ponds.
 - (A) Detention pond.
 - (B) Extended detention pond.
 - (C) Wet pond.
 - (D) Alternative storage measures.
 - (ii) Constructed wetlands.
 - (iii) Infiltration systems.
 - (A) Infiltration/percolation trench.
 - (B) Infiltration basin.
 - (C) Drainage (recharge) well.
 - (D) Porous pavement.
 - (iv) Filtering systems.
 - (A) Catch basin inserts/media filter.
 - (B) Sand filter.
 - (C) Filter/absorption bed.

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- (D) Filter and buffer strips.
 - (v) Open channel.
 - (A) Swale.
- (5) *Corrections of problems subject to appeal.* Corrective measures imposed by the administrator under this section are subject to appeal under section 19-112 of this chapter.

Sec. 19-109. Illicit discharges.

- (1) *Scope.* This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.
- (2) *Prohibition of illicit discharges.* No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with subsection 19-108(3) shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, commercial car wash wastewater, lawn mowing debris, lawn care chemicals, grease, soap, cleaning chemicals, radiator flushing disposal, spills from vehicle accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other discharges from potable water sources;
 - (ii) Landscape irrigation;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Uncontaminated groundwater infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
 - (vi) Uncontaminated pumped groundwater;
 - (vii) Foundation and footing drains;
 - (viii) Water from crawl space pumps;
 - (ix) Air conditioning condensate;
 - (x) Springs;
 - (xi) Individual residential car washing;
 - (xii) Flows from riparian habitat and wetland flows;
 - (xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine);
 - (xiv) Discharges or flows from firefighting activities;
 - (xv) Irrigation water;

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- (xvi) Lawn watering;
 - (xvii) Street wash water.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge if the city has so specified in writing.
 - (d) With the approval from the city, discharges authorized by the State of Tennessee General Permit for Discharges of Stormwater Associated with Construction Activities (GCP), which comply with section 1.2.3 of the same:
 - (i) Dewatering of collected stormwater and ground water, discharged in accordance with section 4.1.3 of the GCP;
 - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) Water used to control dust in accordance with GCP section 5.5.3.7;
 - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
 - (v) Routine external building washdown that does not use detergents or other chemicals;
 - (vi) Uncontaminated, non-turbid groundwater or spring water;
 - (vii) Foundation or footing drains where flows are not contaminated with pollutants (e.g., lubricants and fluids from mechanized equipment, process materials such as solvents, heavy metals, etc.);
 - (viii) Discharges from emergency fire-fighting activities;
 - (ix) Fire hydrant flushings;
 - (x) Landscape irrigation;
 - (xii) Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used;
 - (xiii) Uncontaminated air conditioning or compressor condensate;
 - (xiv) All non-stormwater discharges authorized by the GCP must be free of sediment and other solids, must not cause erosion of soils, and must not result in sediment or erosion impacts to receiving streams.
- (3) *Prohibition of illicit connections.* The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (4) *Reduction of stormwater pollutants by the use of best management practices.* Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

- (5) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- (6) *No illegal dumping allowed.* No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city.
- (7) *Hot spots.* The administrator is authorized to regulate hot spots. Upon written notification by the administrator, the property owner or designated facility manager of a hot spot area shall, at their expense, implement necessary controls and/or best management practices to prevent discharge of contaminated stormwater to the municipal separate storm sewer system. The administrator may require the facility to maintain inspection logs or other records to document compliance with this paragraph.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-110. Enforcement.

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

(2) *Notification of violation.*

- (a) *Verbal warning.* Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.
- (b) *Written notice.* Whenever the administrator finds that any permittee or any other person discharging stormwater has violated or is violating this article or a permit or order issued hereunder, the administrator may serve upon such person written notice of the violation. Within ten days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the administrator. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (c) *Consent orders.* The administrator is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.
- (d) *Show cause hearing.* The administrator may order any person who violates this chapter, permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.
- (e) *Compliance order.* When the administrator finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- (f) *Cease and desist and stop work orders.* When the administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the administrator may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:
 - (i) Comply forthwith; or
 - (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.
- (g) *Suspension, revocation or modification of permit.* The administrator may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the administrator may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (h) *Conflicting standards.* Whenever there is a conflict between any standard contained in this chapter and in the BMP manual(s) adopted by the city under this ordinance, the strictest standard shall prevail.

Sec. 19-111. Penalties.

- (1) *Violations.* Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the administrator, shall be guilty of a civil offense.
- (2) *Penalties.* Under the authority provided in T.C.A., § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the administrator of not less than \$50.00 and not more than \$5,000.00 per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3) *Measuring civil penalties.* In assessing a civil penalty, the administrator may consider:
 - (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the city;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4) *Recovery of damages and costs.* In addition to the civil penalty in subsection (2) above, the city may recover:
 - (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
 - (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (5) *Referral to TDEC.* Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two follow-up inspections and/or two warning notifications. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:
 - (a) Construction project or industrial facility location;
 - (b) Name of owner or operator;
 - (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
 - (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator.
- (6) *Other remedies.* The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

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- (7) *Remedies cumulative.* The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-112. Appeals.

Pursuant to T.C.A., § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city's governing body.

- (1) *Appeals to be in writing.* The appeal shall be in writing and filed with the municipal recorder or clerk within 15 days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2) *Public hearing.* Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within 45 days. A minimum of ten days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation and/or on the city's website. The notice shall also be provided to the aggrieved party by registered mail and sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.
- (3) *Appealing decisions of the city's governing body.* Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of T.C.A., title 27, chapter 8.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Sec. 19-113. Maintenance.

- (1) *Maintenance responsibility.*

- (a) Any stormwater management facility or BMP which services individual property owners or subdivisions shall be privately owned with general routine maintenance (controlling vegetative growth and removing debris) provided for by the owner(s). The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, non-exclusive easement, which allows for access for inspection and other emergency maintenance by the city.
- (b) Any stormwater management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established homeowners' association, or inspection and maintenance agreement, shall be privately owned and maintained consistent with provisions of this article. The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement. The owner shall maintain a perpetual, nonexclusive easement, which allows for access for inspection and emergency maintenance by the city.
- (c) Any stormwater management facility or BMP which services commercial and industrial development shall be privately owned and maintained consistent with the provisions of this title. The city has the right, but not the duty to enter premises for emergency repairs through a perpetual nonexclusive easement.
- (d) All regional stormwater management facilities proposed by the owners, if accepted by the city engineer and approved by the board of commissioners for dedication as a public regional facility shall be publicly owned and maintained.

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- (e) All other stormwater management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by the city through a formal agreement recorded at the Davidson/Sumner County, Tennessee Register of Deeds. Existing or proposed drainage easements shall not constitute a formal agreement.
 - (f) The city engineer may require dedication of privately owned stormwater facilities, which discharge to the city's stormwater system.

(Ord. No. 20-737, § 1(Exh. A), 3-17-2020)

Secs. 19-114—19-116. Reserved.

ARTICLE II. STORMWATER UTILITY

Sec. 19-117. Title and purpose.

This chapter shall be known as the "stormwater utility ordinance" for the City of Millersville, Tennessee.

- (1) *Introduction.* The City of Millersville finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage and disposal of stormwater, provides benefits and services to all property within the incorporated City of Millersville limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater, the reductions of hazards to property and life resulting from stormwater runoff, improvements in general health and welfare through reduction of undesirable stormwater conditions, and improvements to water quality in the stormwater and surface water system and its receiving waters of the state all of which are managed by the stormwater coordinator as part of the municipal separate storm sewer system (MS4) program.
- (2) *Purpose.* The objective of this chapter is to promote the public health, safety and general welfare of the City of Millersville, Tennessee ("city") and its citizens in compliance with the Federal Clean Water Act, 33 U.S.C. 1251 et seq., and T.C.A., § 68-221-1101 et seq. which require municipalities to implement stormwater management programs, within prescribed time frames, to regulate stormwater discharges to protect water quality; establish adequate systems of collection, conveyance, detention, treatment and release of stormwater; reduce hazards of property and life-resulting from stormwater runoff; and enable municipalities to fix and require payment of fees for the privilege of discharging stormwater. The city finds that a stormwater management system which provides for the treatment of stormwater is of benefit and provides services to all property within the city.

It is further determined and declared that charges shall be established for each parcel of real property located within the municipal limits of the city as provided hereinafter to provide for dedicated funding sources for the administration of stormwater management programs and/or stormwater system of the city. The proceeds of charges so derived shall be used for the purposes of stormwater management including, but not limited to: planning, operation, maintenance, repair, replacement and debt service of the city's stormwater management programs and system necessary to protect the health, safety and welfare of the public.

The stormwater utility purpose is to provide stormwater management for the City of Millersville including to:

- a. Administer and enforce the City of Millersville Stormwater Management Ordinance;

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- b. Administer, plan, and implement stormwater projects to protect, maintain, and enhance the environment of the City of Millersville;
 - c. Implement activities necessary to maintain compliance with the city's MS4 National Pollutant Discharge Elimination System (NPDES) Permit and applicable regulations, 40 CFR Section 122.26 for stormwater discharges;
 - d. Annually analyze the cost of services provided, and the system and structure of fees, charges, civil penalties and other revenues of the utility and make recommendations for changes therein as necessary to support the stormwater utility services; and,
 - e. Advise the board of commissioners and other City of Millersville departments on matters relating to the utility.
- (3) *Administering entity.* The stormwater utility shall be part of the Millersville Stormwater Department. The stormwater utility, under the direction and supervision of the stormwater coordinator or designee, shall administer the provisions of this stormwater utility ordinance as approved by the city manager.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-118. Jurisdiction.

The stormwater utility ordinance shall govern all properties within the corporate limits of the City of Millersville, in Tennessee.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-119. Definitions.

For the purpose of this chapter, the following definitions shall apply:

City administrator. The city manager for the City of Millersville or his/her designee.

Agricultural property. Property which is zoned agricultural and/or property which yields an annual minimum, or in which the annual minimum has been met in two of the last five years, of \$1,000.00 of agricultural products produced and/or sold from the operation of the property. Agricultural production shall include agricultural, forest, and/or livestock production as defined by the United States Department of Agriculture, Natural Resources Conservation Service, Environmental Quality Incentive Program. Proof of agricultural producer status may include IRS from 1040 Schedule F or other accounting records certified by a tax preparer.

Base rate or unit rate. The stormwater user fee for a detached single family residential property or the rate per ERU for other developed property in the City of Millersville.

Best management practices or BMPs. The physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Millersville, and that have been incorporated by reference into the stormwater management ordinance as if fully set out therein.

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

Deficient property. Real property that does not have adequate stormwater facilities as required in the latest edition of the City of Millersville Subdivision Regulations and Stormwater Management Ordinance.

Developed property. Real property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

Equivalent residential unit (ERU). The representative square footage of a detached single family residential property building site as determined pursuant to this chapter.

Exempt property. All public rights-of-way, public streets and public roads, public alleys, public sidewalks and public greenways, public drainage facilities, owners and/or operators of agricultural land, in the municipality, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman under Tennessee law, and railroad right-of-way properties within the City of Millersville. For purposes of this definition, "public" shall mean that which is maintained by or is or is to be dedicated to the City of Millersville and/or the State of Tennessee or the government of the United States.

Fiscal year. July 1 of a calendar year to June 30 of the next calendar year, both inclusive.

Impervious surface. A surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

Impervious surface area. The number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior limits of the structure, foundations, columns or other means of support or enclosure.

Manager means the City of Millersville City Manager or his/her designee who is designated to supervise the operation of the stormwater management programs and system.

Multi-family residential property means residential structure/structures located on a parcel that are designed with five or more dwelling units which accommodate five or more families or groups of individuals living separately and not sharing the same living space.

Other developed property means all developed property located within the municipal limits of the city with impervious surface area greater than 400 square feet other than (i) residential property; (ii) exempt property; (iii) vacant property and (iv) park lands/cemetery. Other developed property shall include commercial properties, industrial properties, apartments, parking lots, hospitals, schools, recreational and cultural facilities, industrial properties, hotels, offices, churches, federal, state and local government properties and multi-use properties. Such property shall also include single family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any residential structure which contains more than four attached dwelling units is specifically included in this definition.

Park land/cemetery means all real property owned by federal, state and/or local governments that has been designated by such governmental entity for use as a public park or cemetery.

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

Property owner. The property owner of record as listed in the city's and/or county's tax assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

Runoff coefficient is a term used to describe the percentage of precipitation that leaves a particular site as runoff. Runoff is precipitation that does not soak or absorb into the soil surface and is greatly impacted by the

amount of impervious surface that exists on a particular site. The runoff coefficient relates the amount of impervious surface to the intensity of development.

Single family residential property. A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a condominium, a duplex, a triplex, a quadruplex, a villa, or a garden home is included in this definition. A single family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.

Stormwater. Stormwater runoff, snow melt runoff, surface runoff, infiltration, and drainage.

Stormwater management means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

Stormwater management fund or fund means the fund created by this chapter to operate, maintain, and improve the city's stormwater management system.

Stormwater system or system means all manmade and natural conveyances and structures, stormwater facilities, and flood control facilities within the corporate limits of the City of Millersville City and all improvements thereto for which the partial or full purpose or use is, among other things, to control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system. This includes all natural conveyances (1) for which the City of Millersville has assumed a level of maintenance responsibility; (2) to which the City of Millersville has made improvements; (3) which have or may pose a threat to public property because of flooding; or (4) for which the City of Millersville is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.

Stormwater user fee or fee. The utility service fee established under this chapter and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the City of Millersville. The stormwater user fee is in addition to other fees that the City of Millersville has the right to charge under any other rule or regulation of the City of Millersville.

Stormwater utility. A management structure that is responsible solely and specifically for the stormwater management program and system.

Surface water. Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

Trailer parks. Trailer parks are considered several single family units on one parcel. Assessment of these shall be by the square footage of impervious surface..

User. The owner or customer of record of property subject to the stormwater user fee imposed by this chapter.

Vacant/undeveloped property. Property on which there is no structure for which a certificate of occupancy has been issued and does not have more than 400 square feet of impervious surface area on it.

Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-120. Funding of stormwater utility.

Funding for the stormwater utility's activities may include, but not be limited to, the following:

- (1) Stormwater user fees;
- (2) Civil penalties and damage assessments imposed for or arising from the violation of the City of Millersville Stormwater Management Ordinance and City of Millersville Stormwater Utility Ordinance;
- (3) Stormwater permit and inspection fees; and
- (4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 (Tennessee Code Annotated, title 9, chapter 21).

To the extent that the stormwater user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City of Millersville funds as may be determined by the board of commissioners.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-121. Stormwater utility management fund.

All revenues generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility management fund and used to fulfill the purposes of the stormwater utility.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-122. Operating budget.

The board of commissioners shall adopt, based on a recommendation from the city administrator, public services director, finance director, public works superintendent and/or stormwater manager/coordinator, an operating budget for the stormwater utility management fund each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-123. Stormwater user fee established.

There shall be imposed on each and every developed property in the City of Millersville, except exempt property, a stormwater user fee, which will be charged either monthly or as a regular interval charge, which shall be set from time to time by ordinance as adopted by the City of Millersville. Prior to establishing or amending the stormwater user fee, the City of Millersville shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the City of Millersville at least ten days in advance of the meeting of the board meeting which shall consider the adoption of the fee or its amendment.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-124. Equivalent residential unit (ERU).

Establishment. The equivalent residential unit (ERU) as a method of measurement is established for the purpose of calculating the base stormwater user fees. Such ERU shall be set as 2,900 square feet of impervious area.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-125. Property classification for stormwater user fees.

(1) *Property classifications.* For purposes of determining the stormwater user fee, all properties in the City of Millersville are classified into one of the following categories:

- a. Single family residential property;
- b. Other developed property;
- c. Vacant/undeveloped property; and
- d. Exempt property;

Single family residential fee. The board finds that the intensity of development of most parcels of real property in the City of Millersville classified as single family residential is less than the average intensity of development for other developed property and similar to each other and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the impervious surface on each such parcel. Therefore, all single family residential properties, excluding duplexes and above, in the City of Millersville shall be charged the unit rate for single family residential properties regardless of the size of the parcel or the impervious surface area of the improvements.

Other developed property fee. The fee for other developed property (i.e., non-single-family residential property) in the City of Millersville shall be charged the unit rate for other developed property plus the fee associated to the square footage of impervious surface as stated in section 19-126.

Vacant/undeveloped property fee. There shall be a base \$4.00 stormwater user fee for vacant/undeveloped property or as otherwise provided by state law.

Exempt property. There shall be no stormwater user fee for exempt property or as otherwise provided by state law.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-126. Unit rate.

The board hereby establishes a unit rate for single family residential property of \$4.00 per month. The board hereby establishes a base rate for other developed property of \$4.00 per month in addition to charges for the impervious portions of the property as prescribed below:

0—300 sq. ft.	\$ 0.00
300—3,000 sq. ft.	\$ 2.00
3,000—6,000 sq. ft.	\$ 4.00
6,000—9,000 sq. ft.	\$ 6.00
9,000—15,000 sq. ft.	\$10.00
15,000—21,000 sq. ft.	\$14.00
21,000—30,000 sq. ft.	\$20.00

30,000—42,000 sq. ft.	\$28.00
42,000—57,000 sq. ft.	\$38.00
57,000—75,000 sq. ft.	\$50.00
75,000—99,000 sq. ft.	\$66.00
99,000—125,000 sq. ft.	\$70.00
Over 125,000 sq. ft.	\$80.00

(Ord. No. 15-649, 1-19-2016)

Sec. 19-127. Proper owners to pay charges.

The owner of each property/tax lot shall be obligated to pay the stormwater user fee as provided in this chapter, provided however, that if no water or sewer service is being provided by the City of Millersville or local water utility district at the property to the owner as a customer of record and such service is being provided to a customer of record other than the owner, it shall be presumed that the owner and such customer of record have agreed that the customer of record shall be obligated to pay such stormwater user fee.

If the customer of record other than the owner refuses to pay the stormwater user fee, the owner of each property shall be obligated to pay the stormwater user fee as defined in this chapter.

Single-family residential properties shall be billed a flat single-family residential fee based on the placement of utility meters. Each unit of a multi-tenant single-family residential building (up to four units) shall be the single family residential fee, to the customer of record for the unit. If units are not individually billed for any water or sewer service, i.e., water and sewer utilities are billed to a master meter, then the parcel owner for the master meter shall be billed as other developed property based on the total impervious surface area. In the case where two or more single family homes are located on one property, each single family home shall be assessed the residential fee.

Multi-family residential (greater than four units, apartments) and multi-tenant non-residential properties shall be billed an impervious-based fee according to the placement of parcels, i.e., if the property contains individual unit parcels, then the stormwater user fee shall be billed to individual units based on the unit's pro rata percentage of impervious surface. If the multi-tenant property contains only a master parcel, then the stormwater user fee for the entire impervious surface area shall be billed to the owner of record for such master parcel.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-128. Billing procedures and penalties for late payment.

- (1) *Rate and collection schedule.* The stormwater user fee shall be billed and collected monthly with the monthly utility services bill for all properties within the corporate limits.

All bills for the stormwater user fee shall become due and payable in accordance with the rules and regulations of the applicable utilities department pertaining to the collection of the stormwater user fees.

- (2) *Delinquent bills.* The stormwater user fee shall be considered delinquent if not received by the City of Millersville or applicable billing water utility by the due date stated within the utility statement, and subsequent late fees shall be imposed as set forth in the fee schedule as adopted by the board of commissioners as established by an ordinance.
- (3) *Penalties for late payment; failure to pay.* Stormwater user fees shall be subject to a late fee established by ordinance as indicated in the stormwater user fee schedule. The City of Millersville shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater user fees. The city or other collecting

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(Supp. No. 13)

utility provider may discontinue utility service to any stormwater user who fails or refuses to pay the stormwater user fees and may refuse to accept payment of the utility bill from any user without receiving at the same time, payment of the stormwater user fee charges owned by such user and further may refuse to re-establish service until all such fees have been paid in full.

- (4) *Mandatory statement.* Pursuant to T.C.A. § 68-221-1112, each bill that shall contain stormwater user fees shall contain the following statement in bold: "THIS FEE HAS BEEN MANDATED BY CONGRESS".

(Ord. No. 15-649, 1-19-2016)

Sec. 19-129. Appeals of fees.

Any person who disagrees with the calculation of the stormwater user fee, as provided in this chapter, may appeal such fee determination to the Millersville Board of Commissioners within 60 days after receipt of stormwater bill is due. Any appeal not filed within the time permitted by this section shall be deemed waived.

All appeals shall be filed in writing addressed to the stormwater manager/coordinator for the City of Millersville and shall state the grounds for the appeal and the amount of the stormwater user fee the appellant asserts is appropriate. The appeal shall provide such information and documentation supporting the basis of the appeal. The appeal shall be accompanied by an appeal review fee as set forth by the board of commissioners.

The Millersville Board of Commissioners shall review the appeal and determine whether the challenged determination is consistent with the provisions of this chapter. Appeals related to the stormwater user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All appeal determinations shall be applied utilizing a strict interpretation of the stormwater utility ordinance. At any hearing related to an appeal or credit determination, the city shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations.

The Millersville Board of Commissioners may request additional information from the appealing party; the committee may defer the determination of an appeal one time to the next regularly scheduled meeting of the Millersville Hearing Authority. Each appeal shall be placed on the Millersville Board of Commissioners agenda for the next regularly scheduled meeting, within 30 days after the stormwater manager/coordinator receives the written appeal.

The stormwater manager/coordinator shall notify the appellant customer of the date of the appeal review hearing in writing; such written notice shall be given at least ten days prior to the hearing by regular mail at the address provided in the written appeal document. The decision of the Millersville Board of Commissioners shall be final and conclusive with no further administrative review.

If a refund is due, the stormwater manager/coordinator shall authorize the refund which will be provided as the stormwater manager/coordinator deems as necessary.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-130. Stormwater user fee credit and adjustment policy.

A "stormwater user fee credits and adjustments" policy shall be developed by the stormwater manager/coordinator that provides for an appropriate reduction in the stormwater user fee for other developed property for defined actions or activities that reduce the city's cost of service or reduce the property's use of the stormwater system and which are ongoing. Application shall be made in the manner prescribed in the policy document and such user fee credits or adjustments shall be retroactive to the first month in which the unit rates

within this chapter take effect for a period of one year. Thereafter such user fee credits and adjustments shall become effective in the next month or billing cycle after final approval.

(Ord. No. 15-649, 1-19-2016)

Sec. 19-131. Effective date.

This chapter shall become effective as of the date of its passage on second reading by the board of commissioners. Stormwater user fees shall be charged as a utility billing for all customers within the corporate city limits. The effective date of the new unit rates shall be February 1, 2016.

(Ord. No. 15-649, 1-19-2016)

APPENDIX A. CITY OF MILLERSVILLE WATER QUALITY BUFFER ZONE POLICY

Sec. 1. Description.

A water quality buffer zone is a strip of undisturbed native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffers zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into and through the buffer zone as shallow sheet flow.

Buffer zones protect the physical and ecological integrity of water bodies from surrounding upland activities in the following ways:

- Filtering excess amounts of sediment, organic material, nutrients and other chemicals;
- Providing flood protection;
- Reducing storm runoff velocities;
- Protecting channel bank areas from scour and erosion;
- Providing shade for cooling adjacent water; which allows waters to hold a greater level of dissolved oxygen; and
- Providing leaf litter and large woody debris important to aquatic organisms.

(Ord. No. 10-562, App. A § I, 4-20-2010)

Sec. 2. Intent.

The intent of this policy is to protect and maintain the native vegetation in riparian areas by implementing specifications for the establishment, protection and long-term maintenance of water quality buffers zones along all intermittent and perennial stream waterways and wetlands, in or adjacent to new development and significant redevelopment within our jurisdictional authority. This policy serves to clarify the requirements for streamside water quality buffers.

(Ord. No. 10-562, App. A § II, 4-20-2010)

Sec. 3. Design standards for water quality buffer zones.

A water quality buffer zone is required along all perennial and intermittent stream waterways and wetlands as identified on a seven-and-one-half-minute USGS quadrangle map, or as determined by the Tennessee Department of Environment and Conservation or Millersville's Public Works Department. The buffer width shall be calculated as follows:

Option #1

- (a) In areas where a floodway profile has been computed as part of an approved flood study, the buffer zone shall be the width of the floodway plus at least 50 feet perpendicular from the edge of the floodway on each side of the waterway, or 100 feet perpendicular from the top of bank on each side of the waterway, whichever is greater.
- (b) In areas where a floodway profile has not been computed as part of an approved flood study, the buffer zone shall be at least 50 feet perpendicular from the top of bank on each side of the waterway.
- (c) When delineated wetland or critical areas extend beyond the edge of the required buffer zone width, the buffer zone shall be adjusted so that the buffer zone consists of the extent of the delineated wetland plus 25 feet extending perpendicular beyond the wetland edge.

Option #2

- (a) In areas where there has been an approved flood study, the buffer zone width shall be at least 100 feet perpendicular from the top of bank on each side of the waterway.
- (b) In areas where there has not been an approved flood study, the buffer zone shall be at least 50 feet perpendicular from the top of bank on each side of the waterway.
- (c) When delineated wetland or critical areas extend beyond the edge of the required buffer zone width, the buffer zone shall be adjusted so that the buffer zone consists of the extent of the delineated wetland plus 25 feet extending perpendicular beyond the wetland edge.

Water quality buffer zone width adjustment:

- (a) If there are 15 percent to 24 percent slopes which are within the required buffer zone width, the buffer width must be adjusted to include an additional 20 feet.
- (b) If there are 25 percent or greater slopes which are within the required buffer zone width, the buffer width must be adjusted to include an additional 50 feet.
- (c) If the adjacent land use involves drain-fields from on-site sewage disposal and treatment system (i.e., septic systems), subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste, the buffer zone width must be adjusted to include an additional 50 feet.
- (d) If the land use or activity involves the storage of hazardous substances or petroleum facilities, the buffer zone width must be adjusted to include an additional 100 feet.
- (e) If the land use or activity involves raised septic systems or animal feedlot operations, the buffer zone width must be adjusted to include an additional 200 feet.
- (f) If the land use or activity involves solid waste landfills or junkyards, the buffer zone width must be adjusted to include an additional 250 feet.

(Ord. No. 10-562, App. A § III(1), 4-20-2010)

Sec. 4. Water quality buffer zone management and maintenance.

The function of the water quality buffer zone is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from residential and commercial development. The buffer zone vegetative target is undisturbed native vegetation.

- (a) Management of the water quality buffer zone includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within the water quality buffer zone, except with prior approval by the Millersville Public Works Department:
 - (1) Clearing or grubbing of existing vegetation;
 - (2) Soil disturbance by grading, stripping, or other practices;
 - (3) Filling or dumping; and
 - (4) Use, storage, or application of pesticides, herbicides, and fertilizers.
- (b) The following structures, practices, and activities are permitted in the water quality buffer zone, subject to the prior approval of the Millersville Public Works Department and the following specific design or maintenance features:
 - (1) Stream crossings, paths, and utilities
 - a. An analysis needs to be conducted to ensure that no economically feasible alternative is available;
 - b. The right of way should be the minimum width needed to allow for maintenance access and installation;
 - c. The angle of a crossing shall be perpendicular to the stream or buffer in order to minimize clearing requirements;
 - d. The minimum number of crossings should be used within each development, and no more than one crossing is allowed for every 1,000 linear feet of buffer zone. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.
 - (2) Individual trees within the water quality buffer zone may be removed if in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream. The root wad or stump should be left in place, where feasible, to maintain soil stability.
- (c) All site development plans and plats prepared for recording shall:
 - (1) Show the extent of any water quality buffer zone on the subject property by metes and bounds and be labeled as "water quality buffer zone";
 - (2) Provide a note to reference any water quality buffer zone stating, "There shall be no clearing, grading, construction or disturbance of soil and/or native vegetation except as permitted by the Millersville Public Works Department"; and
 - (3) Provide a note to reference any protective covenants governing all water quality buffer zones stating, "Any water quality buffer zone shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."
- (d) All water quality buffer zones must be protected during development activities. Prior to the initiation of development activities, ensure adequate visibility of the water quality buffer zones by staking and flagging. Permanent boundary markers, in the form of signage approved by the Millersville Public Works Department, shall be installed prior to the completion of the development activities.

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- (e) Stream banks and other areas within the water quality buffer zone must be left in a stabilized condition upon completion of the development activities. The vegetative condition of the entire streamside water quality buffer must be monitored and landscaping or stabilization performed to repair erosion, damaged vegetation, or other problems identified. Only native vegetation may be used in conjunction with stabilization activities. A guide to selecting native vegetation can be found at www.tva.com/river/landandshore/stabilization/plantsearch.htm , or obtained by contacting the Millersville Public Works Department.

All landscaping or stabilization activities within the water quality buffer zone must have prior approval by the Millersville Public Works Department. In addition, performing work in and around waters of the state may require coverage under a state and possibly a federal permit. Contact the nearest Tennessee Department of Environment and Conservation, Division of Water Pollution Control environmental assistance center for more information on whether a proposed activity requires a permit.

- (f) All water quality buffer zones shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Millersville Public Works Department. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.
- (g) All lease agreements must contain a notation regarding the presence and location of protective covenants for water quality buffer zones, and which shall contain information on the management and maintenance requirements for the water quality buffer zones for the new resident.

(Ord. No. 10-562, App. A § III(2), 4-20-2010)

Sec. 5. Waivers/variances.

- (a) This water quality buffer zone policy shall apply to all proposed development except for a development which prior to the effective date of this ordinance:
 - (1) Is covered by a valid, unexpired plat in accordance with development regulations;
 - (2) Is covered by a current, executed public works agreement;
 - (3) Is covered by a valid, unexpired building permit; or
 - (4) Has been granted a waiver in accordance with current development regulations.
- (b) The Millersville Public Works Department may grant a variance for the following:
 - (1) Those projects or activities where it can be demonstrated that strict compliance with the ordinance would result in practical difficulty or financial hardship; or
 - (2) Those projects or activities serving a public need where no feasible alternative is available; or
 - (3) The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.
- (c) Waivers for development may also be granted in two additional forms, if deemed appropriate by the Millersville Public Works Department:
 - (1) The water quality buffer zone width may be relaxed and permitted to become narrower at some points as long as the width is not reduced to less than 35 feet perpendicular from the top of bank, and the overall average width of the buffer meets the minimum requirement.
 - (2) The Planning Department may offer credit for additional density elsewhere on the site in compensation for the loss of developable land due to the requirements of this ordinance. This compensation may increase the total number of dwelling units on the site up to the amount permitted under the base zoning.

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(Supp. No. 13)

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- (d) The applicant shall submit a written request for a variance to the Millersville Public Works Department. The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The Millersville Public Works Department may require an alternatives analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.
 - (e) When considering a request for a variance, the Millersville Public Works Department may require additional information such as, but not limited to, site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, and wetlands.

(Ord. No. 10-562, App. A § IV, 4-20-2010)

Sec. 6. Conflict with other regulations.

Where the standards and management requirements of this buffer ordinance are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities or other environmental protective measures, the more restrictive requirements shall apply.

(Ord. No. 10-562, App. A § V, 4-20-2010)

APPENDIX B. CITY OF MILLERSVILLE DRY DETENTION BASIN POLICY

Sec. 1. Description.

A detention basin (also known as a detention pond) is the most common method to satisfy stormwater detention requirements. It is applicable to small and large developments, can be easily designed and constructed, and is long-lasting and durable while reducing peak flows (with adequate inspection and maintenance). This practice can also provide a reduction in sediment, as well as a reduction in nutrients, toxic materials, heavy metals, floatable materials, oxygen demanding substances, and oil and grease.

A dry detention basin is intended to drain dry between storm events but sometimes may not have a chance to drain completely between closely occurring storm events. The detention basin begins to fill as stormwater runoff enters the facility. The first flush volume is captured in order to improve water quality. One or more outlet structures then release the stormwater runoff slowly to reduce peak discharge rates and to provide time for sediments to settle. Litter and debris are prevented from leaving the detention basin, and soluble pollutants are captured by a combination of vegetation and soils.

(Ord. No. 10-562, App. B § I, 4-20-2010)

Sec. 2. Selection criteria.

- (a) The primary objective is to reduce the incoming peak flow discharge and slow the stormwater runoff response from a particular property or development, thus reducing flooding downstream.
- (b) The secondary objective is to remove suspended sediments, trash and debris, oil, grease and other pollutants to protect the water quality of Tennessee streams and channels. Although dry detention basins are usually not as effective at removing soluble pollutants as wet detention basins and wetlands, dry detention basins are usually easier and less expensive to construct, inspect and maintain. Dry detention basins can be used wherever a lack of sufficient supply water would prevent the use of wet detention basins or wetlands.

-
- (c) Dry detention basins can also supply multiple benefits for passive recreation during dry periods (recreational trails, ball fields, picnicking). Portions of a dry detention basin that are not wetted frequently can be attractively landscaped or used for other purposes.

(Ord. No. 10-562, App. B § II, 4-20-2010)

Sec. 3. Design and sizing considerations.

- (a) A permanent detention basin design must be stamped by a professional engineer licensed in the state of Tennessee. The professional engineer must be qualified by education and experience to perform the necessary hydrologic and hydraulic calculations.
- (b) As the primary objective, dry detention basins must be designed to have adequate detention storage and outlet structures to limit the peak discharge rate for the post development conditions to be no greater than the peak discharge rate for the predevelopment conditions. Multi-stage detention is required for the one-year, two-year, five-year, ten-year, and 25-year storms (with NRCS Type II 24-hour rainfall distribution). Additional stages (i.e. 50-year and 100-year) may be required for special watersheds.
- (c) As the secondary objective, water quality improvement is obtained through the use of the first flush treatment volume. The first one-half inches of stormwater runoff, over the entire contributing drainage area of the development, is defined as the first flush volume (with a minimum value of 4,500 cubic feet). The initial wave of stormwater runoff is more likely to contain aerially-deposited sediments, particulates from vehicles (such as incomplete combustion, dust from brake linings, tire particles), leaves, trash, cigarette butts, etc. The first flush volume must be captured and then slowly released over a minimum 24-hour period (and maximum of 72 hours).
- (d) Additional measures may be required to improve stormwater quality, depending upon the nature of the land use and expected pollutants. Pretreatment of stormwater runoff with a media filtration inlet or oil/water separator may be necessary. A trash rack for capturing floating debris is generally considered to be standard equipment for a stormwater treatment BMP.

(Ord. No. 10-562, App. B § III, 4-20-2010)

Sec. 4. Location and layout.

Basic elements of a dry detention basin are illustrated in Figure 1. The recommended design includes the use of a sediment fore-bay to reduce sediment loading, particularly if the post-construction detention basin is a modification from a temporary sediment basin during the construction phase. The use of an upper stage (for storage of infrequent storms) is optional; there are both benefits and drawbacks. A shallow detention basin with a large surface area will usually perform better than a deeper detention basin with the same volume. However, shallow storage areas increase the overall surface area needed for detention.

Design flow paths to minimize potential short-circuiting by locating the drainage inlets to the basin as far away from the outlet structure as possible. The length-to-width ratio of a basin should be at least 3:1. Baffles or back-slope drains may be used to prevent short-circuiting for ratios less than 3:1. Increase pond area and volume to compensate for dead spaces if topography or aesthetics require the pond to have an irregular shape. It is important to reduce the velocity of incoming stormwater using riprap or other energy dissipaters.

Although dry detention basins are generally less expensive to construct and maintain than wet detention basins, they provide lower water quality benefits. The primary disadvantage of a dry detention basin is the amount of surface area required, which can be reduced somewhat by using concrete retaining walls on one or more sides. In general, concrete retaining walls should not face southward in order to reduce the potential for heating on hot summer days.

Bedrock and topography must be considered during preliminary design. Karst topography may indicate fractured bedrock, dissolved limestone passages, or sinkholes, for which a detention basin would be highly detrimental. The additional water volume that is introduced to the underground limestone passages, or even the additional weight of ponded water, could intensify karst activity and eventually collapse the bed of the detention pond.

Interaction with site utilities must be considered during preliminary design. Typical utilities include electrical, telephone, cable TV, water, sewer, natural gas, petroleum, etc. These utilities may or may not be in a dedicated utility easement, so it is always necessary to conduct a careful site survey. Detention basins (including embankments) should not be allowed over utility lines. Conversely, utility trenches should not be constructed on existing detention basin structures.

Detention basin easements and access must be considered during preliminary design, in order to allow for the construction easement and maintenance. Detention basins that are not frequently inspected and maintained often become more of a nuisance than a beneficial part of a stormwater management program. In particular, provide access for inspection and maintenance to the sediment fore-bay and to the outlet control structure. It may also be desirable to encourage or discourage public access to the detention basin (by using site grading, signs, fences or gates). Additional safety elements include trash racks, grating over pipes and culverts, gentle side slopes whenever possible, increased visibility and/or lighting in residential areas, etc.

Small detention basins serving individual properties do not offer as much recreational benefits as community or regional detention basins would. Regional facilities can often be landscaped to offer recreational and aesthetic benefits. Jogging and walking trails, picnic areas, and ball fields are some of the typical uses. For example, portions of the facility for flood control of major design storms can be used for exercise areas, soccer fields, or football fields. Wildlife benefits can also be provided in the form of islands, buffer areas, or preservation zones. It is important to maintain such areas, however, as their primary purpose is for stormwater management. Under no circumstances should debris be allowed to accumulate near the outlet.

(Ord. No. 10-562, App. B § IV, 4-20-2010)

Editor's note(s)—Figure 1 can be found in city offices on request.

Sec. 5. Volume and size.

The volume of a dry detention basin consists of two elements: the live pool (the upper portion of the basin representing detention capability) and the first flush volume (the lower portion of the basin representing stormwater quality treatment). Since the post-development peak runoff may not exceed the pre-development peak flow rate, the upper section's volume should be based on a standard storage routing method.

Detention basins shall be sized to collect the one-half inches of stormwater runoff from the entire contributing area, or the first 4,500 cubic feet of stormwater runoff, whichever is greater. The first flush volume must be released at a controlled rate over a minimum 24-hour period (and a maximum 72-hours period).

As a warning to those who design detention basins, it should be realized that future stormwater regulations are likely to be more stringent than the current regulations. This is mostly driven by national and state laws and regulations, which will require municipalities and county governments to accomplish additional pollution reduction with a proportional effort for water quality monitoring and enforcement.

(Ord. No. 10-562, App. B § V, 4-20-2010)

Sec. 6. Grading.

Side slopes of detention basins and embankment dams shall be 3:1 (H:V) or flatter, except where approved by the engineering reviewing authority. This encourages a strong growth of vegetation on the side slopes, helps to prevent soil erosion, and allows for safer mowing. Steep slopes, particularly on embankments or other fill soils, will contribute to soil erosion if not properly vegetated or stabilized, and thereby reduce or negate the effectiveness of a dry detention basin with respect to water quality. Vegetate the side slopes and basin bottom to the maximum extent practical. If significant side erosion is expected, consider the use of soil stabilization or armoring techniques. Detention basins should not be located immediately above or below a steep slope or grade, because impounded water may create slope stability problems.

Minimum width for top of embankment is six feet. The embankment height should allow for up to ten percent settlement of embankment unless the embankment is thoroughly compacted with vibratory equipment or sheeps-foot rollers. The top of embankment (after expected settlement) shall generally be at least two feet above the top of outlet structure and at least one foot above the peak 100-year water surface elevation. Compaction in the immediate area of the emergency spillway can be difficult, but is necessary.

The use of a back-slope drain can be very beneficial in preventing erosion at detention basins. See Figure 5 for a typical detail. The back-slope drain is also useful for increasing lengths of flow paths to prevent short circuiting of the detention basin. Intercepted stormwater can be routed around the detention basin to enter at the most hydraulically distant point from the outlet structure.

(Ord. No. 10-562, App. B § VI, 4-20-2010)

Editor's note(s)—Figure 5 can be found in city offices on request.

Sec. 7. Outlet structure.

Detention basin outlet structures should be constructed of durable materials, such as concrete or masonry block. Corrugated metal pipe (CMP) and plastic (HDPE) risers and drain pipes are popular in engineering design, but are susceptible to crushing, corrosion, and flotation in detention basins. A concrete outlet structure is generally preferable to a masonry block structure because it is sturdier and more durable. Provisions should be made for sufficient reinforcement and anchoring of the riser and drain pipe system.

The specific flow-controlling elements of an outlet structure may include one or more of the following: a circular orifice, a noncircular orifice, a rectangular weir, a trapezoidal weir, a triangular weir, a V-notch weir, culvert entrance control or a riser overflow opening.

Figures 2 and 3 illustrate possible designs for the outlet structure. These details are only two possible ways to accomplish stormwater detention and stormwater quality control. The first flush volume is typically drained during a minimum time of 24 hours by using an orifice with a designed size. Maximum drain time should be less than 72 hours to allow for sufficient volume recovery prior to the next period of rainfall. The first flush volume can be filtered through sand by using an under-drain system (shown in Figure 2) or by an aboveground filter box with sand or aggregate (shown in Figure 3). Figure 4 shows an alternative outlet structure with a water quality manhole. Provide an emergency spillway in order to route large storms through the facility without overtopping.

(Ord. No. 10-562, App. B § VII, 4-20-2010)

Editor's note(s)—Figures 2—4 can be found in city offices on request.

Sec. 8. Emergency spillway.

An emergency spillway should be included in addition to the primary outlet structure on a detention pond. The purpose of this spillway is to pass storm events that exceed the design capacity of the pond, in order to prevent overtopping the embankment. The emergency spillway should be located over an undisturbed abutment area and not over the embankment fill for stability reasons, except where approved by an engineering reviewing authority. The emergency spillway capacity should be designed to prevent overtopping the embankment structure or dam during a storm event commensurate with the impoundment volume, dam size, and downstream flood hazard potential in event of dam failure. The minimum spillway capacity should be capable of handling a 100-year storm event. Where feasible, the emergency spillway should be made independent from the riser control structure to avoid the possibility of overtopping from riser or drain pipe clogging from vandalism or trash. The designer is referred to the requirements set forth in the Tennessee Safe Dams Act and Regulations at:

www.state.tn.us/environment/permits/safedam.htm .

(Ord. No. 10-562, App. B § VIII, 4-20-2010)

Sec. 9. Other design elements.

- (a) Sediment fore-bay—To facilitate the cleanout of sediment, trash, debris, leaves, etc. The sediment fore-bay typically contains five percent to ten percent of the total volume. It should be located at a point where velocities have dissipated, to allow large sediments and debris to settle out. A fore-bay can be separated from the remainder of a detention basin by several means: a lateral sill with rooted wetland vegetation, rock-filled gabion, rock retaining wall, or rock check dam placed laterally across the basin. The sediment fore-bay should be easily accessible so that it can be inspected and maintained.
- (b) Public safety should be considered, particularly in residential areas. Operating detention basins often attract neighborhood children. Avoid steep slopes and drop-offs; consider routes for escaping the detention basin if a person accidentally falls in. Avoid depths over four feet when possible; provide fencing and signs in areas where children may potentially play, and where steep slopes are used in the detention area.
- (c) A low-flow channel (or concrete trickle ditch) can assist in completely draining detention basins with flat slopes. It also assists with the observation and removal of accumulated sediment. A typical design would be a triangular ditch, four feet wide and three inches deep with a slope of one-half to one percent.
- (d) Anti-seep collars or a cutoff layer of compacted clay are required around the outlet pipe to prevent internal piping and erosion. An anti-seep collar should extend at least one pipe diameter from the culvert in all directions, with compacted clay backfill using small mechanical tampers. The designer is referred to the Tennessee Erosion & Sediment Control Handbook for anti-seep collar considerations.
- (e) To prevent the outlet riser from clogging, include trash racks or other debris barriers with a maximum opening size of six inches on all outlet structures, except for any emergency spillway structures that are designed for a 25-year storm or greater return period. Trash racks that are placed at an angle to the direction of flow tend to force debris up and away from the outlet opening and are somewhat less vulnerable to clogging. These racks should be regularly cleaned and maintained.
- (f) Provide a permanent means for vehicle access to the detention basin. Detention basins must be located in a maintenance easement so that authorities have the right to inspect the facility. This easement should be free of large trees and excessive vehicle grades.
- (g) A skimmer, oil/water separator or other type of stormwater runoff pretreatment is recommended for drainage areas having greater than 50 percent impervious surface or where there may be a potential source

of oil and grease contamination. In addition to most large parking lots, oil and grease contamination is also likely for vehicle fueling and maintenance facilities.

- (h) An anti-vortex device for the outlet structure may be needed for very large detention basins in areas where public access is not controlled. The anti-vortex device may be a combination of vanes above the outlet structure or guide walls around the outlet structure, that increases the inlet flow efficiency and might lessen the chance of humans drowning or reduce the potential for erosion and structural undercutting. The designer is referred to the Tennessee Erosion and Sediment Control Handbook for anti-vortex and trash rack considerations.

(Ord. No. 10-562, App. B § IX, 4-20-2010)

Sec. 10. Construction/inspection considerations.

Inadequate storage is the most frequent problem that occurs in the design review before construction, and also for the as-built review after construction. This can occur for several reasons:

- (1) The design engineer may not allow enough room to construct the detention basin (most often due to insufficient design detail such as slope transitions, setbacks, property lines, drainage easements, parking lot widths, inaccurate contours, or incorrect/omitted utilities locations).
- (2) The engineer who performs the stormwater computations may not be the same person who does the site layout and grading details. The required detention storage volume and outlet structure details need to be communicated clearly to the design engineer for inclusion on the plans and for construction layout.
- (3) The construction contractor may not correctly follow the design plans, and consequently, does not excavate deep enough or build berms of sufficient height to hold the required detention volume. This may occur due to rock formations encountered or to groundwater. It is important that the elevation-volume configuration shown on the plans be preserved during construction so that the detention basin functions according to intended design.
- (4) The construction contractor changes the basin configuration during the construction without being aware of the required volume. Approval from the engineer was not obtained for a design change.

It is highly recommended that the design engineer be involved in the construction and inspection phases of the detention basin. Special attention should be given to the requirements for detention basin volume, elevations and sizes of each outlet, embankment crest and emergency spillway crest elevations; embankment compaction, side slopes, size and shape of various weirs or orifices, outlet structure anchoring, trash racks, and installation of anti-seepage collars.

Proper hydraulic design of the outlet is critical to achieving good performance for both stormwater detention and stormwater quality of the dry detention basin. The two most common problems for detention basin outlets are:

- (a) The discharge capacity of the outlet system is too great at the detention design depth. This causes excessive basin outflows and results in fast drawdown times and inadequate filling of the detention basin volume. Both stormwater outflow and stormwater quality will suffer.
- (b) The outlet structure clogs because it is not adequately protected against trash and debris. The use of innovative trash racks is recommended. Effective trash racks are often created using welded rebar with 6-inch openings. Sloped trash racks are preferable to vertical ones for forcing floating debris upward and away from the opening, rather than being forced against the trash rack, and causing clogging. This is sufficient to stop most beverage cans, fast food containers, tree limbs, etc. Properly designed and

installed trash racks also provide a measure of safety to children who may otherwise be pulled toward and held against the opening.

(Ord. No. 10-562, App. B § X, 4-20-2010)

Sec. 11. Inspection and maintenance.

Effective and safe operation of a detention basin depends on continuous maintenance of all system components. Detention basin easements and access must be considered during the planning stage in order to allow for proper inspection and maintenance.

- (1) Inspect the dry detention basin regularly (e.g. at least monthly) and particularly after heavy rainfall events. Record all observations and problems. Perform any maintenance and repair erosion promptly. Remove debris and trash after storm events. Check all outlet structures regularly for clogging.
- (2) Detention basins should be surveyed approximately every five years to check for adequate embankment settlement and freeboard and for storage volume as per intended engineering design calculations and plans.
- (3) Remove sediment when accumulation becomes noticeable (one inch to two inches over a wide area) or if resuspension is observed or probable. Sediment may be permitted to accumulate if the detention basin volume has been over-designed with adequate controls to prevent further sediment movement. If a sand under-drain is used, look for reduced first flush infiltration or ponded water; sand layer replacement or maintenance may be needed.
- (4) Maintain a thick and healthy stand of vegetation (usually grass). Mow or trim at regular intervals to encourage thick growth. Remove leaves, grass clippings, or sticks from detention basin regularly to prevent stormwater pollution. Remove trees or nuisance vegetation as necessary to ensure structural integrity of embankments. Signs should be posted at detention ponds to discourage local homeowners from depositing yard trimmings, waste, and fill materials inside the basin. Appropriate signs and barriers such as fences should also be considered at detention basins where children have easy access to the site.

(Ord. No. 10-562, App. B § XI, 4-20-2010)

Sec. 12. Sediment removal.

A primary function of stormwater treatment BMPs is to collect and remove sediment, which is a pollutant itself and is associated with several other attached pollutants. The sediment accumulation rate is dependent on a number of factors including watershed size, facility sizing, construction upstream, and nearby industrial or commercial activities, etc. Sediments should be identified before sediment removal and disposal is performed. Special attention or sampling should be given to sediments accumulated from industrial or manufacturing facilities, heavy commercial sites, fueling centers or automotive maintenance areas, parking areas, or other areas where pollutants are suspected. Sediment should be treated as potentially hazardous until proven otherwise.

Some sediment may contain contaminants for which TDEC requires special disposal procedures. Consult TDEC—Division of Water Pollution Control if there is any uncertainty about what the sediment contains or if it is known to contain contaminants. Clean sediment may be used as fill material or land spreading. It is important that this material not be placed in a way that will promote or allow re-suspension in stormwater runoff. Some demolition or sanitary landfill operators will allow the sediment to be disposed at their facility for use as cover. This generally requires that the sediment be tested to ensure that it is innocuous.

(Ord. No. 10-562, App. B § XII, 4-20-2010)

Sec. 13. Limitations and special requirements.

- (a) A dry detention basin will require frequent inspection and maintenance. Trash, debris, leaves and other large items should be removed from the detention basin following each rainfall event. If upstream erosion is not properly controlled, dry detention basins can be maintenance-intensive with respect to sediment removal, nuisance odors, insects and mosquitoes, etc.
- (b) A dry detention basin may not have sufficient vegetation on the slopes and bottom to prevent erosion. Vegetation must be maintained and cut at adequate intervals. Remove grass clippings from detention basin immediately after cutting, using rakes or other hand equipment.
- (c) A dry detention basin that impounds more than 30 acre-feet of volume (and minimum six feet high) or which is higher than 20 feet (and minimum 15 acre-feet of volume) is subject to the Tennessee Safe Dams Act of 1973 and as amended by law. The Safe Dams Act is administered by the TDEC Division of Water Supply; further information on design standards, regulations and permit applications is available at the TDEC website:

<http://www.state.tn.us/environment/permits/safedam.htm>

(Ord. No. 10-562, App. B § XIII, 4-20-2010)

Passed this ____ day of ____, 2025

First Reading: __ June 17th, 2025 _____

Second Reading: _____

Lincoln Atwood, Mayor

Attest:

Judy Florendo, City Recorder

CITY OF MILLERSVILLE, TENNESSEE

RESOLUTION 25-R-10

**A RESOLUTION TO ACCEPT THE LOWEST AND BEST BID FOR MYERS GRINDER
PUMPS FOR 2025-2026, WITH AN OPTION TO EXTEND IF BOTH PARTIES AGREE**

WHEREAS, the City of Millersville (the City) submitted a request for proposals which was posted on the City website on May 21st, and Gallatin News on May 29th, and in Robertson County Connection on June 3rd, and

WHEREAS, the City received two sealed bids, which were opened on June 12th at 2:00 p.m.,

NOW THEREFORE, BE IT RESOLVED by the Millersville Board of Commissioners that:

Section 1. The bid submitted by Wastewater of Tennessee is hereby accepted with the following prices:

VS20-21-20 with capacitor kits- in lots of 10, \$2,100 each

VS20-21-20 with capacitor kits- in lots of 20, \$2,052 each

VS20-21-20 with capacitor kits- in lots of 30, \$1,979 each

WGL20-21, 230 volt, single phase in lots of 10, \$1,845 each

RESOLVED, this 17th day of June, 2025.

BOARD OF COMMISSIONERS

By: _____
Lincoln Atwood, Mayor

Attest:

By: _____
Judy Florendo, City Recorder

CITY OF MILLERSVILLE, TENNESSEE

RESOLUTION 25-R-11

A RESOLUTION TO ALLOW THE CITY MANAGER TO PURCHASE ALL AVAILABLE MYERS PUMPS WITH FUNDS FROM THE SEWER RESERVE FUND

WHEREAS, the City of Millersville (the City) has received and accepted a bid of \$1,845 per pump for Myers WGL20-21 Grinder pumps for the sewer system operated by the City, and

WHEREAS, when contacted, WasteWater of Tennessee had 70 – 80 of these pumps in stock, and

WHEREAS, the Myers WGL20-21 Grinder pumps have been discontinued and are very difficult to find, but are currently preferred over the VS20-21-20 which is the alternative that was bid on the same bid sheet;

NOW THEREFORE, BE IT RESOLVED by the Millersville Board of Commissioners that:

Section 1. The City Manager has authority to purchase up to 80 Myers WGL20-21 Grinder pumps, WGL20-21, 230 volt, single phase, for \$1,845 each and pay for them utilizing Sewer Reserve Funds.

RESOLVED, this 17th day of June, 2025.

BOARD OF COMMISSIONERS

By: _____
Lincoln Atwood, Mayor

Attest:

By: _____
Judy Florendo, City Recorder

CITY OF MILLERSVILLE, TENNESSEE

RESOLUTION 25-R-12

**A RESOLUTION TO ALLOW THE CITY MANAGER TO INVEST SURPLUS FUNDS AS
THEY BELIEVE IS IN THE BEST INTEREST OF THE CITY**

WHEREAS, the City of Millersville (the City) currently has all of the public funds in Farmers Bank in accounts which are drawing nominal interest, and

WHEREAS, the City Manager has checked into other avenues of investment, including the Tennessee Local Government Investment Pool and Moreton Capital Markets, and

WHEREAS, the City desires to get the most interest for the money it currently has in the bank that it does not have an immediate need for, and;

WHEREAS, the City desires to invest some of the public funds it currently has in a safe and guaranteed return investment product,

NOW THEREFORE, BE IT RESOLVED by the Millersville Board of Commissioners that:

Section 1. The City Manager has authority to invest public funds in what he believes are the best interests of the City, provided they are in a safe and guaranteed product, which will give a guaranteed yield to the City.

RESOLVED, this 17th day of June, 2025.

BOARD OF COMMISSIONERS

By: _____
Lincoln Atwood, Mayor

Attest:

By: _____
Judy Florendo, City Recorder

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this the ____ day of January, 2025 by and between the Sumner County Sheriff's Office Animal Services ("SCSO AS") and _____, a municipal governmental entity located in Sumner County, Tennessee.

WITNESSETH:

WHEREAS, SCSO AS wishes to work with the municipalities of Sumner County to provide for efficient and humane animal control services throughout the County; and

WHEREAS, SCSO AS and _____ agree that it would be mutually beneficial to enter into this MOU reflecting the expectations and obligations of both SCSO AS and _____ relating to animal control within the corporate limits of _____.

NOW THEREFORE, the Parties agree and understand to the following:

1. SCSO AS responds to all animal related calls for service in the un-incorporated areas of Sumner County, TN. SCSO AS also enforces all animal laws as described under Tennessee Code Annotated (T.C.A.).
2. SCSO AS is here to provide assistance to local municipalities when needed. As calls for service originate in certain municipalities it is the duty of said municipality to respond to said calls for service, since all animal laws fall under the scope of City Ordinances or T.C.A. If contacted directly, SCSO AS will refer complainants to their respective municipality for service and response.
3. SCSO AS will respond and assist local municipalities with aggressive animals and provide transportation of said animals to the SCSO AS shelter. Local municipalities will have an Officer present during such assistance and the Officer will need to complete all necessary paperwork associated with said animal. Local municipalities may need to follow SCSO AS Deputies to the shelter to complete said paperwork. It is the responsibility of local municipalities to transport all non-aggressive animals to the SCSO AS shelter.
4. SCSO AS will assist local municipalities with Animal Cruelty investigations and provide guidance for their Officers. Such assistance may include the following: Assistance with the initial complaint, obtaining of Search Warrants, seizure of animals and transportation. For a large scale seizure the SCSO AS will provide local municipalities with contact

information for the Humane Society of the United States (HSUS) and Animal Rescue Corp (ARC). The SCSO AS will not take control of the investigation.

5. SCSO AS has the ability to care for livestock. Local municipalities from time to time may be called to investigate a livestock abuse complaint. The Tennessee Department of Agriculture provides assistance as well. The SCSO AS will assist local municipalities with transportation and housing of such livestock.
6. SCSO AS has an on call Deputy for after-hours emergencies, all after hours request will be handled on a case by case basis. Local municipalities should enter into a contract with an emergency veterinarian when dealing with hurt or sick animals, especially after hours.
7. The SCSO AS does not accept owner surrenders without an appointment. There is a waitlist, therefore we request local municipalities to direct such owners to contact the SCSO Animal Services Shelter during business hours.
8. This MOU cannot cover all types of calls for service. Anything not covered in this will be handled on a case by case basis.

IN WITNESS WHEREOF, _____ and *Sumner County Sheriff's Office*
Animal Services have executed this Agreement as of the date first above written

SCSO ANIMAL SERVICES

THE MUNICIPALITY

By _____
Authorized Signer

By _____
Authorized Signer

Dated: _____