



**BOARD OF MAYOR AND ALDERMEN
AGENDA for August 5, 2024**

1. Call to Order

2. Prayer and Pledge

3. Roll Call

4. Approval of Agenda

5. Public Presentation

6. Public Comment Period

In accordance with Tennessee Public Chapter No. 300 and City Resolution #24-21, public comments are allowed when those comments are germane to agenda items, except where otherwise prohibited; and the number of individuals speaking may be limited to ensure opposing viewpoints are fairly represented. Comments are limited to 5 minutes per individual.

7. Public Hearing

- A.** Ordinance No. 24-43 - An Ordinance of the City of Portland, Tennessee, amending budget Ordinance No. 24-32 for the fiscal year beginning July 1, 2024, and ending June 30, 2025.
- B.** Retail Liquor Store Certificate of Compliance - Issue a Certificate of Compliance for Retail Liquor Store to Dhruv Patel located at 404 Highway 52E, Portland, TN 37148. Speak for or against.

8. Communications from Council Members

9. Mayor's Report

10. Alcohol Beverage Board - Vice-Mayor Jody McDowell, Chairman

- A.** Resolution No. 24-55 – A Resolution authorizing a Certificate of Compliance for Dhruv Patel of Hwy 52 Wine and Spirits located at 404 Highway 52E, Portland, TN, 37148.

11. Consent Calendar

- A.** Approval of Minutes from July 15, 2024.
- B.** Ordinance No. 24-46 –Second Reading – An Ordinance approving a property purchase by the Portland Airport Authority from Amos Harper & Ruth Ann Harper for the purchase of the western portion of property, approximately 3.1 acres.
- C.** Ordinance No. 24-49 –Second Reading - An Ordinance to enter into an agreement with Stewart Richey Construction for the City of Portland Municipal Airport soil hauling & placement from Richland Park to Portland Municipal Airport in Sumner County.

12. Community Development – Alderwoman Megann Thompson

13. Finance – Alderwoman Penny Barnes

- A. Ordinance No. 24-43 - Second Reading - An Ordinance of the City of Portland, Tennessee, amending budget Ordinance No. 24-32 for the fiscal year beginning July 1, 2024, and ending June 30, 2025.
- B. Ordinance No. 24-44 –Second Reading - An Ordinance to add the position of Grant Accountant to authorized position list for the City of Portland.
- C. Resolution No. 24-56 - A Resolution to declare equipment owned by the City of Portland to be declared surplus and directing disposal of same.
- D. Resolution No. 24-57 - A Resolution to waive available non-user wastewater fees to serve as in-kind aid for a nonprofit whose property does not contain a sanitary wastewater connection.
- E. Discussion - Tax Rate

14. Fire Department – Vice Mayor Jody McDowell

15. Human Resources – Alderwoman Penny Barnes

16. Legislative – Mayor Mike Callis

17. Municipal Airport – Alderman Mike Hall

18. Parks & Recreation – Alderman Brian Woodall

19. Planning & Codes – Alderwoman Megann Thompson

- A. Ordinance No. 24-52 – First Reading - An Ordinance to amend the city of Portland, Tennessee zoning map by rezoning unaddressed state Highway 52-W, from R-7.5 (Residential) to GCS (General Commercial Services).

20. Police Department – Alderman Drew Jennings

21. Public Works – Alderwoman LaToya Holcomb

- A. Resolution No. 24-54 - A Resolution authorizing a change of speed limit on Tom Ferrell Road in the city limits of Portland.

22. Utility Infrastructure – Alderman Brian Woodall

- A. Ordinance No. 24-50 – First Reading - An Ordinance to enter into an agreement with Perdue Trucking and Excavating for the 2024 2-inch service line replacement project at various locations within the Portland Water System.
- B. Ordinance No. 24-51 – First Reading - an Ordinance to authorize the Mayor to enter into a developer’s agreement with Jason McCoy on CDJ Farms, sections II and III, located at Jim Courtney Road in Portland, Tennessee, which will include the installation of twelve (12) inch and eight (8) inch water mains and an eight (8) inch sewer main.
- C. Discussion - 172A TGT Rd.

Adjournment

ORDINANCE

City of Portland, Tennessee

No. 24 - 43

Second Reading

AN ORDINANCE OF THE CITY OF PORTLAND, TENNESSEE, AMENDING BUDGET ORDINANCE NO. 24-32 FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025

WHEREAS, the Board of Mayor and Aldermen of Portland, Tennessee, assembled in regular session on the _____ of _____, _____, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices and agencies of Portland, Tennessee, during the fiscal year beginning July 1, 2024 and ending June 30, 2025.

Section 1. The budget amendment is as follows:

GENERAL FUND:

Expenditures	Animal Control	\$46,000
(Truck and Outside Upgrades)		

GAS FUND

Expenditures	Natural Gas Purchased/Resale	-\$400,000
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NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading: July 15, 2024

Notice Published: Portland Sun- 7/23/24; Portland Leader: 7/24/24

Public Hearing: August 5, 2024

Passed Second Reading:

RESOLUTION

City of Portland, Tennessee

No. 24 – 55

A RESOLUTION AUTHORIZING A CERTIFICATE OF COMPLIANCE FOR DHRUV PATEL OF HWY 52 WINE AND SPIRITS LOCATED AT 404 HIGHWAY 52E, PORTLAND, TN, 37148.

WHEREAS, Dhruv Patel has applied to the City of Portland for a Certificate of Compliance; and

WHEREAS, the City Attorney has reviewed the application; and

WHEREAS, the City of Portland's Alcoholic Beverage Board has reviewed the application and recommended that Dhruv Patel of Hwy 52 Wine and Spirits located at 404 Highway 52E, Portland, TN 37148 receive a Certificate of Compliance; and

WHEREAS, this Certificate of Compliance cannot be traded, sold, or otherwise transferred and failure to comply with all city and state regulations may render this certificate void; and

WHEREAS, this Certificate of Compliance may expire one (1) year from date of passage if the business is not open and operational; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Alderman of the City of Portland, Tennessee that the City of Portland issue Dhruv Patel of Hwy 52 Wine and Spirits located at 404 Highway 52E, Portland, TN 37148 a Certificate of Compliance; and

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this day of

RESOLUTION

City of Portland, Tennessee

No. 24 – 55

A RESOLUTION AUTHORIZING A CERTIFICATE OF COMPLIANCE FOR DHRUV PATEL OF HWY 52 WINE AND SPIRITS LOCATED AT 404 HIGHWAY 52E, PORTLAND, TN, 37148.

WHEREAS, Dhruv Patel has applied to the City of Portland for a Certificate of Compliance; and

WHEREAS, the City Attorney has reviewed the application; and

WHEREAS, the City of Portland's Alcoholic Beverage Board has reviewed the application and recommended that Dhruv Patel of Hwy 52 Wine and Spirits located at 404 Highway 52E, Portland, TN 37148 receive a Certificate of Compliance; and

WHEREAS, this Certificate of Compliance cannot be traded, sold, or otherwise transferred and failure to comply with all city and state regulations may render this certificate void; and

WHEREAS, this Certificate of Compliance may expire one (1) year from date of passage if the business is not open and operational; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Alderman of the City of Portland, Tennessee that the City of Portland issue Dhruv Patel of Hwy 52 Wine and Spirits located at 404 Highway 52E, Portland, TN 37148 a Certificate of Compliance; and

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this day of



**BOARD OF MAYOR AND ALDERMEN
MINUTES**

July 15, 2024 at 5:00 PM

1. Call to Order

Mayor Mike Callis called the meeting to order at 05:07 PM.

2. Prayer and Pledge

Chief Jason Williams led the prayer and pledge.

3. Roll Call

Present: Alderwoman Barnes, Alderman Hall, Alderwoman Thompson, Alderman Woodall, Alderman Jennings, Alderwoman Holcomb

Also Present: Mayor Mike Callis, City Attorney John Bradley, City Recorder Rachel Slusser, Asst. City Recorder Tracy Kizer

Absent: Vice-Mayor McDowell

4. Approval of Agenda

Motion to: Amend the Agenda by removing Ordinances 24-45, 24-47 and 24-48 and adding the Public Works Surplus listing to Resolution 24-52.

By: Alderman Hall

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Amended Agenda Passed(voice vote)

Mayor Callis requested Utilities City Lake discussion be moved and have Greg with OHM speak next.

Alderman Woodall requested Public Comments and Hearing go before the discussion.

The Board agreed.

5. Public Recognition

1. Kenny Dillard - spoke about Portland Saddle Club

2. Judy Scott - spoke about Tom Ferrell Rd speeding

6. Public Hearing

A. Ordinance No. 24-41 - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 6155 Lake Springs Road, from RR (Rural Residential) to IG (Industrial General).

- No one spoke

7. Utilities Infrastructure - Part One - Alderman Brian Woodall

A. Discussion - City LakeGreg with OHM spoke about the City Lake property and water storage.

- Presented issues with the property located next to City Lake.
- Discussion was held about increasing the capacity of City Lake and what MGD it would yield.
- Discussion was held about the TDEC requiring permitting.

Mayor Callis advised we have petitioned for additional grant funding.

Utilities Director Bryan Price advised the spillway repair schedule has changed to next week.

8. Communications from Council Members

Alderman Woodall reminded every one of the events on Saturday, July 27th, starting at 8 am with the Back to School Bash, then Touch a Truck and other events.

9. Mayor's Report Mayor Callis spoke about the following:

- The Old Brush Ice Cream Supper starts Saturday, July 27th at 4 pm.
- Welcome to Emily Groves, the new Chamber President.
- Replacement of the bleachers at the football stadium is being discussed in the Sumner County budget meetings.
- The truck traffic through town is out of control. At a loss for any type of solution. Highway 109 is a state road, so the city cannot make any changes. There may not be any relief until the bypass is completed.
- Fire-line meter regulations go into effect on January 1, 2025. Two meters have been installed. During the first 15 days, 178,000 gallons of water was metered.
- The city's Impact Fees are currently at 50% of the adopted study. Even with all the Impact fees, city taxpayers continue to pay for the lifetime of the development.

10. Consent Calendar

Motion to: Approve

By: Alderman Woodall

Second: Alderwoman Thompson

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

A. Approval of Minutes from June 17, 2024

B. Department Reports

11. Community Development – Alderwoman Megann Thompson

Alderwoman Thompson reported she and Sherri Ferguson will be going to the Southern Conference to look at businesses. Sherri has been working on a 5-year plan to present.

12. Finance – Alderwoman Penny Barnes

A. Ordinance No. 24-43 - First Reading - An Ordinance of the City of Portland, Tennessee, amending budget Ordinance No. 24-32 for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Motion to: Approve

By: Alderwoman Barnes

Second: Alderman Woodall

Discussion: Finance Director Rachel Slusser discussed the changes.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

B. Ordinance No. 24-44 – First Reading - An Ordinance to add the position of Grant Accountant to authorized position list for the City of Portland.

Motion to: Approve

By: Alderwoman Barnes

Second: Alderman Woodall

Discussion: Mayor Callis reported this is only adding to the approved position listing, it is not to be hired at this time.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

C. Resolution No. 24-51 - A Resolution to dissolve the Golf Fund.

Motion to: Approve

By: Alderwoman Barnes

Second: Alderman Jennings
Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall
Absent: Vice-Mayor McDowell
Motion Passed(voice vote)

- D.** Resolution No. 24-52 - A Resolution to declare the attached list of equipment owned by the City of Portland to be declared surplus and directing disposal of same.

Motion to: **Approve Amended** by adding the Public Works listing.

By: Alderwoman Barnes

Second: Alderwoman Holcomb

Discussion: Alderman Woodall questioned why the snow plow was listed. Public Works Director Carlton Cobb explained that it did not fit any owned vehicles.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

Mayor Callis advised Walley Gilliam Auction (the approved auction company) will be contacted to oversee the public auction. Some items will be listed online through Gov deals.

13. Fire Department – Vice Mayor Jody McDowell

- No Items

14. Human Resources – Alderwoman Penny Barnes

- No Items

15. Legislative – Mayor Mike Callis

- No Items

16. Municipal Airport – Alderman Mike Hall

- A.** Ordinance No. 24-46 – First Reading – An Ordinance approving a property purchase by the Portland Airport Authority from Amos Harper & Ruth Ann Harper for the purchase of western portion of property approximately 3.1 acres.

Motion to: **Approve**

By: Alderman Hall

Second: Alderwoman Barnes

Discussion: Airport Director, Doug Hunter explained the property will be purchased with BIL money and is in the Airport protection zone.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

- B.** Ordinance No. 24-49 – First Reading - An Ordinance to enter into an agreement with Stewart Richey Construction for the City of Portland Municipal Airport soil hauling & placement from Richland Park to Portland Municipal Airport in Sumner County.

Motion to: **Approve**

By: Alderman Hall

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

17. Parks & Recreation – Alderman Brian Woodall

- No Items

18. Planning & Codes – Alderwoman Megann Thompson

- A. Ordinance No. 24-41 - Second Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 6155 Lake Springs Road, from RR (Rural Residential) to IG (Industrial General).

Motion to: Approve

By: Alderman Woodall

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderman Woodall

Abstain: Megann Thompson

Absent: Vice-Mayor McDowell

Motion Passed(voice vote)

- B. Discussion - Property Request

Mayor Callis brought back to the Council a request to accept property in Paigewood Subdivision, which is a detention area.

The property owner wants to give the property to the city. City Department Directors advised the City would not benefit by owning the property.

The council agreed to follow the staff's opinion and does not want the property.

19. Police Department – Alderman Drew Jennings

- No Items

20. Public Works – Alderwoman LaToya Holcomb

- A. Resolution No. 24-53 -A Resolution authorizing a change order in the professional services contract between the City of Portland, Tennessee and Civil and Environmental Consultants, Inc. (CEC) for stormwater engineering analysis of Cora Street and Heritage Drive drainage improvements.

Motion to: Approve

By: Alderwoman Holcomb

Second: Alderwoman Thompson

Discussion: Director Carlton Cobb discussed the history of the CEC plan.

- Plans started in 2018/19 and were put on hold because of the cost of construction.
- To continue with engineering plans, the cost would be an additional \$90,000.
- A discussion was held about the flooding issues in the area.
- Discussion was held about other options and the importance of coordinating with TDOT's building of the bypass.
- Alderman Woodall questioned if the funding for the study was in the budget. Director Cobb advised it's not in the budget but could come out of cash on hand.
- Director Cobb will get with TDOT to what their plans area in the area related to the bypass construction.

Motion to: Defer to August meeting

By: Alderwoman Thompson

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion to defer till August meeting passed (voice vote)

- B. Discussion - Tom Ferrell Rd speed limit. Alderman Woodall advised that citizens have approached him about speeding on Tom Ferrell Road.

Discussion was held about possible solutions.

Alderman Woodall and Alderwoman Thompson would like a resolution to change it to 20 mph in the area.

Mayor Callis requested Director Cobb to measure the road and placement of city signage.

Motion to: Suspend rules for Judy Scott to speak.

By: Alderman Woodall

Second: Alderwoman Thompson

All agreed to suspend rules (voice vote)

Judy Scott advised that speed limit signs are not placed in good areas on the roadway.

21. Utility Infrastructure – Alderman Brian Woodall

- A.** Ordinance No. 24-42 – Second Reading - An Ordinance to rescind in its entirety Ordinance 24-26 and replace with this Ordinance for water, sewer, natural gas, and capacity letter maintenance fees.

Motion to: **Approve**

By: Alderman Woodall

Second: Alderwoman Thompson

Motion to: **Amend as highlighted in yellow in Ordinance distribution**

By: Alderman Woodall

Second: Alderwoman Holcomb

Discussion: Business Office Director Kristi Gibbs explained the changes on page 2 & 8 under the water connection fees. Utilities Director Bryan Price advised changes on page 4 and 7 were submitted to the Ad Hoc Committee, and their recommended changes were reviewed. All will go into effect January 1, 2025. Alderwoman Thompson questioned if most businesses would have multiple devices. Mr. Price advised that each restaurant is required to have its own grease trap and only one would have multiple grease traps.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Amendment passed (voice vote)

Motion to: **Approve as amended**

By: Alderman Woodall

Second: Alderwoman Thompson

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Alderwoman Thompson, Alderman Woodall

Absent: Vice-Mayor McDowell

Motion Passed (voice vote)

- B.** Discussion - Non-Profit Sewer fees

- Alderman Woodall advised they were speaking specifically about the Saddle Club request.
- Mr. Price advised that Ordinance 19-19 could be changed by removing "Residential" and it would bring the fee to the lowest possible rate.
- A discussion was held about non-profits and non-users.
- Alderman Jennings suggested adding non-profit to the Ordinance.
- Mayor Callis advised a revised Ordinance would be brought to the board.

Adjournment

Motion to Adjourn by Alderman Jennings; Second by Alderman Woodall;

Motion passed by voice vote to **adjourn at 6:51 pm.**

Mike Callis, Mayor

Tracy Kizer, Assistant City Recorder

ORDINANCE

City of Portland, Tennessee

No. 24 - 46

Second Reading

AN ORDINANCE APPROVING A PROPERTY PURCHASE BY THE PORTLAND AIRPORT AUTHORITY FROM AMOS HARPER & RUTH ANN HARPER FOR THE PURCHASE OF WESTERN PORTION OF PROPERTY APPROXIMATELY 3.1 ACRES LOCATED SUMNER COUNTY TAX MAP 032 PARCEL 002.01 CONTAINING 4.95 ACRES.

WHEREAS negotiations have transpired regarding property purchase at the Portland Municipal Airport; and

WHEREAS funds for the purchase have been appropriated by the State of Tennessee; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland that the purchase of approximately 3.1 acres from property located Sumner County Tax Map 032 Parcel 002.01 Containing 4.95 acres by the Portland Airport Authority from Amos Harper and Ruth Ann Harper is hereby approved and the Airport Authority Chairman is authorized and directed to execute this purchase so as to be an obligation of the Portland Airport Authority and the City of Portland, Tennessee; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading: July 15, 2024

Passed Second Reading:

ORDINANCE

City of Portland, Tennessee

No. 24 – 49

Second Reading

AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH STEWART RICHEY CONSTRUCTION FOR THE CITY OF PORTLAND MUNICIPAL AIRPORT SOIL HAULING & PLACEMENT FROM RICHLAND PARK TO PORTLAND MUNICIPAL AIRPORT IN SUMNER COUNTY.

WHEREAS, the City of Portland deems it necessary to move excess dirt from Richland Park to the Portland Municipal Airport; and

WHEREAS, the City of Portland received and opened bids on July 5, 2024, from the following contractors; and

- | | |
|--|-------------------|
| • Stewart Richey Construction | \$175.00 per load |
| • Dillard/KY Tech | \$259.00 per load |
| • Chandler and Son Concrete & Excavating | \$387.50 per load |

WHEREAS, funding for this project shall come from a grant received for the expansion of the Portland Municipal Airport; and

WHEREAS, after careful consideration, the bid from Stewart Richey Construction has been recommended as the best bid for the City of Portland Municipal Airport Soil Hauling & Placement at \$175.00 per load; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Portland to enter into an agreement with Stewart Richey Construction at \$175.00 per load as the best bid for the City of Portland Municipal Airport Soil Hauling & Placement; and

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mayor Mike Callis

Attest: Rachel Slusser, City Recorder

Passed First Reading: July 15, 2024

Passed Second Reading:

ORDINANCE

City of Portland, Tennessee

No. 24 - 43

Second Reading

AN ORDINANCE OF THE CITY OF PORTLAND, TENNESSEE, AMENDING BUDGET ORDINANCE NO. 24-32 FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025

WHEREAS, the Board of Mayor and Aldermen of Portland, Tennessee, assembled in regular session on the _____ of _____, _____, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices and agencies of Portland, Tennessee, during the fiscal year beginning July 1, 2024 and ending June 30, 2025.

Section 1. The budget amendment is as follows:

GENERAL FUND:

Expenditures	Animal Control	\$46,000
(Truck and Outside Upgrades)		

GAS FUND

Expenditures	Natural Gas Purchased/Resale	-\$400,000
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NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading: July 15, 2024

Notice Published: Portland Sun- 7/23/24; Portland Leader: 7/24/24

Public Hearing: August 5, 2024

Passed Second Reading:

ORDINANCE

City of Portland, Tennessee

No. 24 - 44

Second Reading

AN ORDINANCE TO ADD THE POSITION OF GRANT ACCOUNTANT TO AUTHORIZED POSITION LIST FOR THE CITY OF PORTLAND

WHEREAS, the City of Portland has identified a need to add a job position based on job-relatedness and business necessity; and

WHEREAS, a schedule of authorized positions was adopted and revised by the City Council; and

WHEREAS, the City Council authorized funding for the position of Grant Accountant during the fiscal 24/25 budget; and

WHEREAS, the Grant Accountant would be a position in the Finance Department and answer directly to the Finance Director; and

WHEREAS, in order to fill the position of Grant Accountant, it must be added to the authorized position list.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Aldermen of the City of Portland hereby approve of adding the position of Grant Accountant to the authorized position list of the City of Portland.

BE IT FURTHER ORDAINED, that this resolution shall become effective immediately upon passage.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading: July 15, 2024

Passed Second Reading:

RESOLUTION

City of Portland, Tennessee

No. 24 – 56

A RESOLUTION TO DECLARE EQUIPMENT OWNED BY THE CITY OF PORTLAND TO BE DECLARED SURPLUS AND DIRECTING DISPOSAL OF SAME

WHEREAS, the City of Portland has identified 47 lights from the Richland Gym to be declared surplus property to the needs of the city and has determined it to be in the public interest to offer them for sale; and

WHEREAS, the items to be deemed surplus has been reviewed by City Department Heads in order to determine if items could be utilized by other department areas, those items being removed from the listing; and

WHEREAS, the surplus items, with approval, will be sold at auction or scrapped per the City's Surplus Property Procedures; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland declare the 47 lights from Richland Gym as surplus property and authorize that the items be disposed of as outlined in the Surplus Property Procedures; and

BE IT FURTHER RESOLVED, that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this

RESOLUTION

City of Portland, Tennessee

No. 24 – 57

A RESOLUTION TO WAIVE AVAILABLE NON-USER WASTEWATER FEES TO SERVE AS IN-KIND AID FOR A NONPROFIT WHOSE PROPERTY DOES NOT CONTAIN A SANITARY WASTEWATER CONNECTION

WHEREAS, Portland Saddle Club serves as a nonprofit organization; and

WHEREAS, Portland Saddle Club has requested relief from any monthly sewer fees since the property does not have an active sanitary wastewater connection; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland shall waive monthly available non-user sewer fees until such a time a wastewater connection is made, or the property no longer serves as the Portland Saddle Club:

BE IT FURTHER RESOLVED this resolution shall take effect upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this day of

ORDINANCE

City of Portland, Tennessee

No. 24 – 52

First Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND, TENNESSEE ZONING MAP BY REZONING UNADDRESSED STATE HIGHWAY 52-W, (SUMNER COUNTY TAX MAP 033I, GROUP B, PARCEL 15.03) FROM R-7.5 (RESIDENTIAL) TO GCS (GENERAL COMMERCIAL SERVICES)

WHEREAS, the City of Portland desires to amend the official zoning atlas of the City; and

WHEREAS, the City of Portland believes that such amendment will promote, protect, and facilitate the public health, safety, and welfare of the community through coordinated and practical land use and land development for the betterment of Portland's population; and

WHEREAS, the Portland Municipal Planning Commission recommended approval of the rezoning to GCS (General Commercial Services) by a vote of 6-0 at their July 9th, 2024 meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Portland, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from R-7.5 (Residential) to GCS (General Commercial Services).

Approximately 0.10 +/- acres more or less, located at unaddressed State Highway 52-W, as shown on the attached map.

For reference, see Record Book 2973, Pages 822-824 in the Register's Office of Sumner County, Tennessee, and being shown as Tax Map 033I, Group B, Parcel 15.03 in the Register's Office of Sumner County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict, and that this Ordinance shall become effect upon the passage on final reading, the public welfare requiring it.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland;
and

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading:
Notice Published: Portland Sun-
Public Hearing
Passed Second Reading:



RESOLUTION

City of Portland, Tennessee

No. 24 – 54

A RESOLUTION AUTHORIZING A CHANGE OF SPEED LIMIT ON TOM FERRELL ROAD IN THE CITY LIMITS OF PORTLAND

WHEREAS, Tom Ferrell Rd has been identified as a roadway in need of a reduced speed limit due to school traffic and being used as a cut-through; and

WHEREAS, the Mayor and Board of Aldermen of the City of Portland see a need to change the speed limit on Tom Ferrell Rd from 30mph to 20mph; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland that the proposed speed limit of 20mph on Tom Ferrell Rd be implemented; and

BE IT FURTHER RESOLVED that the Resolution shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this day of

ORDINANCE

City of Portland, Tennessee

No. 24 - 50

First Reading

AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH PERDUE TRUCKING AND EXCAVATING FOR THE 2024 2-INCH SERVICE LINE REPLACEMENT PROJECT AT VARIOUS LOCATIONS WITHIN THE PORTLAND WATER SYSTEM.

WHEREAS, the City of Portland deems it necessary to replace 2-inch water meters that are not currently reading accurately; and

WHEREAS, the City of Portland received and opened bids on July 10, 2024, from the following contractors; and

- | | |
|--------------------------------|---------------|
| • Perdue Trucking & Excavating | \$ 264,280.01 |
| • Turnin' Trax Group, Inc. | \$ 277,880.00 |
| • Cumberland Pipeline, LLC | \$ 281,856.00 |

WHEREAS, after careful consideration, the bid from Perdue Trucking and Excavating has been recommended as the best bid for the 2-Inch Service Line Replacement project; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Portland to enter into an agreement with **Perdue Trucking and Excavating** in the amount of **\$264,280.01** as the best bid for the 2-Inch Service Line Replacement project; and

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

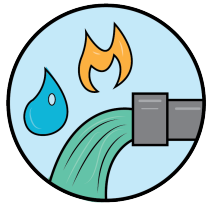
Attest: Rachel Slusser, City Recorder

Passed First Reading:

Passed Second Reading:

BID TABULATION				Cumberland Pipeline, LLC				Perdue Trucking and Excavating				Turnin' Trax Group, Inc.			
City of Portland 2-Inch Meter Replacement				2909 Cane Valley Mill Road				130 Morningside Drive				974 Fowler Ford Road			
PDU No: 0101-225				Columbia, KY 42728				Portland, TN 37148				Portland, TN 37148			
Item Number	Description	Est Qty	Unit	INSTALLATION 85% UNIT COST	CLEAN-UP 15% UNIT COST	TOTAL UNIT COST	TOTAL COST	INSTALLATION 85% UNIT COST	CLEAN-UP 15% UNIT COST	TOTAL UNIT COST	TOTAL COST	INSTALLATION 85% UNIT COST	CLEAN-UP 15% UNIT COST	TOTAL UNIT COST	TOTAL COST
	SHORT SIDE SERVICE REPAIRS														
1	0-20 ft 2" Repair	8	Each	\$ 10,342.80	\$ 1,825.20	\$ 12,168.00	\$ 97,344.00	\$ 6,162.50	\$ 1,087.50	\$ 7,250.00	\$ 58,000.00	\$ 9,673.00	\$ 1,707.00	\$ 11,380.00	\$ 91,040.00
2	21-40 ft 2" Repair	3	Each	\$ 10,546.80	\$ 1,861.20	\$ 12,408.00	\$ 37,224.00	\$ 8,585.00	\$ 1,515.00	\$ 10,100.00	\$ 30,300.00	\$ 10,565.50	\$ 1,864.50	\$ 12,430.00	\$ 37,290.00
3	41-60 ft 2" Repair		Each	\$ 10,801.80	\$ 1,906.20	\$ 12,708.00	\$ -	\$ 9,775.00	\$ 1,725.00	\$ 11,500.00	\$ -	\$ 11,288.00	\$ 1,992.00	\$ 13,280.00	\$ -
4	190 - 210 ft 2" Repair	2	Each	\$ 12,433.80	\$ 2,194.20	\$ 14,628.00	\$ 29,256.00	\$ 13,859.25	\$ 2,445.75	\$ 16,305.00	\$ 32,610.00	\$ 14,067.50	\$ 2,482.50	\$ 16,550.00	\$ 33,100.00
	LONG SIDE REPAIR														
5	0-60 ft 2" Repair		Each	\$ 10,393.80	\$ 1,834.20	\$ 12,228.00	\$ -	\$ 7,862.50	\$ 1,387.50	\$ 9,250.00	\$ -	\$ 10,540.00	\$ 1,860.00	\$ 12,400.00	\$ -
6	61-90 ft 2" Repair		Each	\$ 10,699.80	\$ 1,888.20	\$ 12,588.00	\$ -	\$ 8,372.50	\$ 1,477.50	\$ 9,850.00	\$ -	\$ 12,155.00	\$ 2,145.00	\$ 14,300.00	\$ -
7	91-120 ft 2" Repair	3	Each	\$ 13,810.80	\$ 2,437.20	\$ 16,248.00	\$ 48,744.00	\$ 8,854.17	\$ 1,562.50	\$ 10,416.67	\$ 31,250.01	\$ 12,580.00	\$ 2,220.00	\$ 14,800.00	\$ 44,400.00
8	131-160 ft 2" Repair	1	Each	\$ 14,116.80	\$ 2,491.20	\$ 16,608.00	\$ 16,608.00	\$ 11,832.00	\$ 2,088.00	\$ 13,920.00	\$ 13,920.00	\$ 13,302.50	\$ 2,347.50	\$ 15,650.00	\$ 15,650.00
9	161-190 ft 2" Repair		Each	\$ 14,422.80	\$ 2,545.20	\$ 16,968.00	\$ -	\$ 15,657.00	\$ 2,763.00	\$ 18,420.00	\$ -	\$ 13,515.00	\$ 2,385.00	\$ 15,900.00	\$ -
10	191 - 220 ft 2" Repair		Each	\$ 14,728.80	\$ 2,599.20	\$ 17,328.00	\$ -	\$ 19,907.00	\$ 3,513.00	\$ 23,420.00	\$ -	\$ 14,237.50	\$ 2,512.50	\$ 16,750.00	\$ -
11	310 - 340 ft 2" Repair		Each	\$ 15,952.80	\$ 2,815.20	\$ 18,768.00	\$ -	\$ 28,730.00	\$ 5,070.00	\$ 33,800.00	\$ -	\$ 19,337.50	\$ 3,412.50	\$ 22,750.00	\$ -
	RECONNECT TO EXISTING SERVICE														
12	Reconnect to Existing 2" Service	17	Each	\$ 1,122.00	\$ 198.00	\$ 1,320.00	\$ 22,440.00	\$ 4,250.00	\$ 750.00	\$ 5,000.00	\$ 85,000.00	\$ 1,020.00	\$ 180.00	\$ 1,200.00	\$ 20,400.00
	HORIZONTAL DIRECTIONAL DRILLING														
13	2" Sch 40 White PVC Casing Pipe		FT	\$ 73.44	\$ 12.96	\$ 86.40	\$ -	\$ 42.50	\$ 7.50	\$ 50.00	\$ -	\$ 127.50	\$ 22.50	\$ 150.00	\$ -
14	4" Sch 40 White PVC Casing Pipe	240	FT	\$ 107.10	\$ 18.90	\$ 126.00	\$ 30,240.00	\$ 46.75	\$ 8.25	\$ 55.00	\$ 13,200.00	\$ 127.50	\$ 22.50	\$ 150.00	\$ 36,000.00
TOTAL PROJECT PRICE				\$ 281,856.00				\$ 264,280.01				\$ 277,880.00			





PORTLAND

Department of Utilities

Call 811 Before You Dig!
Portland, Tennessee

CITY OF PORTLAND

MEGAN HEISLER, P.E. – UTILITIES ENGINEER

100 SOUTH RUSSELL STREET

PORTLAND, TENNESSEE 37148

Telephone 615-323-1437

Email Address: mheisler@cityofportlandtn.gov

July 23, 2024

Mr. Bryan Price, Director of Utilities
City of Portland
100 S Russell Street
Portland, TN 37148

**RE: RECOMMENDATION OF AWARD
CITY OF PORTLAND, TENNESSEE
2-INCH SERVICE LINE REPLACEMENT PROJECT**

Mr. Price:

On Wednesday, July 10, 2024, at 2:00 p.m. CST, three (3) separate sealed bids were received for the subject project referenced above. Perdue Trucking and Excavating was the apparent low bidder with a total bid amount of \$264,280.01.

The certified bid tabulation is attached for your use and a summary of the three (3) bids are shown below for your reference. The Contractor has met and delivered all required documentation as prescribed in the approved bid documents. Based on our findings, it is recommended that the Board of Mayor and Aldermen (BOMA) consider awarding this contract in the amount of \$264,280.01 to Perdue Trucking and Excavating, as the successful, responsive, low bidder.

Bidder	Bid Amount
Perdue Trucking and Excavating	\$264,280.01
Turnin' Trax Group, Inc.	\$277,880.00
Cumberland Pipeline, LLC	\$281,856.00

If you have any questions or require additional information, please, feel free to contact me.

Sincerely,

Megan Heisler, P.E.
Utilities Engineer



1 1/2" or Larger Meter Replacement Program/ Master List

<u>NAME</u>	<u>ADDRESS</u>	<u>SIZE</u>	<u>METER TYPE</u>	<u>LOW%</u>	<u>INT%</u>	<u>HIGH%</u>
109 APARTMENTS		2"	BADGER COMPOUND	0	0	0
120 VILLAGE DR/FARMERS BANK(SPRINKLERS)	120 VILLAGE DR	2"	BADGER COMPOUND	0	90	90
617 COLLEGE ST/PORTLAND WEST MIDDLE (B)	617 COLLEGE ST	2"	BADGER COMPOUND	0	87	90
DOORMAN (VAUGN PKWY) IRRIGATION	1140 VAUGHN PKWY	2"	BADGER COMPOUND	0	0	0
FWE	5599 HWY 31 W	2"	BADGER 170 DISC	0	58	60
GXO/NEW BREED LOGISTICS	1115B VAUGHN PKWY	2"	AMCO COMPOUND	0	47	0
IMS/INTERGRATED MANUFACTURING SYSTEMS	306 E LONGVIEW DR	2"	EASY READ	0	0	5
INTERNATIONAL INNOVATIONS/ INTERNATIONAL HANGER	1108 VAUGHN PKWY	2"	BADGER 170	0	87	90
J.W. WISEMAN ELEMENTARY	922 S BROADWAY	3"	BADGER COMPOUND	0	0	0
NVR	200 VETERANS	2"	BADGER 170	0	0	59
PACKAGE FULFILLMENT (KIRBY)		2"	BADGER 170	0	0	0
PORTLAND HOUSING AUTHORITY DONAHO	101 DONAHO DR	2"	BADGER COMPOUND	0	59	80
PORTLAND LAUNDRY	423 N BROADWAY	2"	BADGER 170	0	89	99
PROVANTAGE (DAVIS)/L&W PROPERTIES	126 DAVIS ST	2"	BAGDER 170	0	91	99
WESTERN PLASTICS (DAVIS)/ WAREHOUSE	120 DAVIS ST	2"	BADGER 170	0	91	98
WESTERN PLASTICS		3"	RECORDALL	33	70	79
PEYTONS (FRONT)		2"	BADGER COMPOUND	50	76	78
HIGHLAND RIM TERRACE	100 WOODLAND DR	2"	BADGER COMPOUND	58	70	73
DREW FOAM	3050 BARRY DR	2"	BADGER COMPOUND	67	69	87
ADVANCED IMAGING	104 CHALLENGER	2"	BADGER COMPOUND	78	90	90
ATA	214 KIRBY DR	2"	BADGER COMPOUND	78	90	90
HEARTH APPLIANCE	131 DAVIS ST	2"	BADGER 170	80	99	99
SHOALS	1035 FRED WHITE	2"	BADGER COMPOUND	83	89	90
PORTLAND EAST MIDDLE SCHOOL	604 S BROADWAY	2"	BADGER 170	85	89	89
DRAKEWOOD APARTMENTS	501 HWY 52E	2"	BADGER 170	87	89	95
PORTLAND HOUSING AUTHORITY POTTS	301 OAK ST	2"	BADGER COMPOUND	87	89	93
PORTLAND WEST MIDDLE (A)	617 COLLEGE ST	2"	BADGER COMPOUND	87	89	93
PRO PACK	1125 VAUGHN PKWY	2"	BADGER 170	87	89	93
S.R. SMITH	5557 HWY 31W	2"	BADGER 170 DISC	87	89	93
TEXAS EASTERN GAS	208 TGT RD	3"	BADGER COMPOUND	87	88	90
NORTH AMERICAN STAMPING PLANT #1		2"	BADGER 170	88	89	90
OLHAUSEN	1124 VAUGHN PKWY	2"	BADGER 170	88	95	99
GATEVIEW SCHOOL (B)	1098 GATEVIEW DR	2"	BADGER COMPOUND	89	89	99
MEADOWBROOK GAME FARM		2"	BADGER 170	89	95	99
MIDWESTERN GAS	220 TGT RD	2"	BADGER COMPOUND	89	99	99
GATEVIEW SCHOOL (A)	1098 GATEVIEW DR	2"	BADGER COMPOUND	90	91	90
NESTELDOWN MHP		2"	BADGER 170	90	98	98
OLD DOORMAN STORAGE OLD 52 #3		2"	BADGER 170 DISC	90	95	99
PORTLAND HIGH SCHOOL	600 COLLEGE ST	2"	BADGER 170	90	95	99
GASTITE/TITLE FLEX CORP	1116 VAUGHN PKWY	2"	BADGER 170	93	99	99
PORTLAND HIGH SCHOOL (FIELD HOUSE)		2"	BADGER 170	93	99	99
SPECIALITY WATER (FLEX)	104 FLEX AVE	2"	BADGER 170	93	98	99
STEVINSON HAM	125 STEVINSON HAM RD	2"	KAMSTRUP	94	100	101
WATT HARDISON ELEMENTARY	300 GIBSON ST	2"	BADGER 170	95	98	99
110 HWY 259 APARTMENTS	110 HWY 259	2"	BADGER COMPOUND	97	99	99
DAIDO CORP	1031 FRED WHITE BLVD	2"	BADGER COMPOUND	97	97	99
108 HWY 259 APARTMENTS	108 HWY 259	2"	BADGER COMPOUND	98	99	99
112 HWY 259 APARTMENTS	112 HWY 259	2"	BADGER COMPOUND	98	99	100

ORDINANCE

City of Portland, Tennessee

No. 24 - 51

First Reading

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A DEVELOPER'S AGREEMENT WITH JASON MCCOY ON CDJ FARMS, SECTIONS II AND III, LOCATED AT JIM COURTNEY ROAD IN PORTLAND, TENNESSEE, WHICH WILL INCLUDE THE INSTALLATION OF TWELVE (12) INCH AND EIGHT (8) INCH WATER MAINS AND AN EIGHT (8) INCH SEWER MAIN.

WHEREAS, the City of Portland, Tennessee has determined that improvements need to be made to City infrastructure, including the water and sewer system, as outlined in the attached agreement; and

WHEREAS, the Developer has agreed to be fully responsible for the cost of the improvements to City infrastructure, including the water system, as outlined in the attached agreement; and

WHEREAS, the developer, shall not pay the City of Portland a sewer improvement fee for this development due to work-in-kind as outlined by the Developer's Agreement passed by Ordinance 19-83;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland authorize the Mayor to enter into the attached Developer's Agreement with Jason McCoy for CDJ Farms, Sections II and III, located at Jim Courtney Rd, Tax Map 020, Parcel 040.00, and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon its passage, the public welfare requiring it.

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Passed First Reading:
Passed Second Reading:

DEVELOPMENT AGREEMENT FOR CDJ FARMS, SECTIONS II AND III

CITY OF PORTLAND, TENNESSEE

This Development Agreement (“AGREEMENT”) is made and entered into on this ____ day of _____, 2024 by and between Jason McCoy (“DEVELOPER”) and the City of Portland, Tennessee, a municipality organized and existing under the laws of the State of Tennessee (“CITY”).

WHEREAS, the DEVELOPER owns and desires to develop a 42-unit development, located at Jim Courtney Rd, Tax Map 020, Parcel 040.00, in Portland, Tennessee (hereinafter called the "PROJECT"); and

WHEREAS, DEVELOPER will be required to pay applicable fees for upgrading the CITY’s Water & Sewer System, along with improvements installed by the Developer; and

WHEREAS, in order to provide the same level of service throughout the Water and Sewer System for the PROJECT and the general public, it will be necessary for certain improvements to be constructed to serve the PROJECT. Said improvements include the IMPROVEMENTS (as defined below); and

WHEREAS, in order for said IMPROVEMENTS to be fully integrated with the public infrastructure of the CITY and to function in a satisfactory manner, the DEVELOPER has agreed to be responsible for design, permitting, construction, and inspection associated with the IMPROVEMENTS as set forth in this AGREEMENT.

WHEREAS, the DEVELOPER shall be responsible for all design, permitting, construction, and inspection of the IMPROVEMENTS. The IMPROVEMENTS shall be constructed by the DEVELOPER in accordance with PDU Standard Specifications and with the approval of the Construction Plans, and other rules, regulations, and ordinances of the CITY in said project and the terms of this Agreement, and

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, it is agreed and understood as follows:

I. GENERAL CONDITIONS

A. Construction Costs

The DEVELOPER shall be responsible for all design, permitting, construction, and inspections necessary to install and complete approximately 1,683 linear feet (LF) of eight (8) inch water main, 747 LF of twelve (12) inch water main; and 2,241 LF of eight (8) inch sewer main and all required appurtenances, the IMPROVEMENTS in accordance with this agreement.

B. City Ordinances, Rules and Regulations

All currently existing CITY ordinances, and rules & regulations adopted by the Board of Mayor and Aldermen are made a part of this agreement. In the event of a conflict between the terms of this agreement and a CITY ordinance, the ordinance shall prevail. All work done under this agreement is to be performed in accordance with plans, and specifications approved by the CITY and made a part, hereof. ■

C. Agreement Not Assignable

No third party shall obtain any benefits or rights under this agreement, nor shall the rights or duties be assigned by either party.

D. Revocation and Interpretation

This agreement shall bind the DEVELOPER when executed by the DEVELOPER and may not be revoked by the DEVELOPER without permission of the CITY, even if the agreement has not been executed by the CITY, or does not bind the CITY, for other reasons. This agreement shall be interpreted in accordance with Tennessee law and may only be enforced in the Chancery Court or Circuit Court or Court of competent jurisdiction of Sumner County, Tennessee, and Tennessee Appellate Courts.

E. No Oral Agreement

This agreement may not be orally amended and supersedes all prior negotiations, commitments, or understandings. The Developer and Portland Board of Mayor and Aldermen must approve any written modification to this agreement.

F. Separability

If any portion of this agreement is held to be unenforceable, the court of competent jurisdiction shall have the right to determine whether the remainder of the agreement shall remain in effect or whether the agreement shall be void and all rights of the DEVELOPER and CITY pursuant to this agreement terminated.

G. Transferability

The DEVELOPER and/or Owner agrees that he/she will not transfer the property on which the PROJECT is to be located without first providing the CITY with notice of when the transfer is to occur and who the proposed transferee is, along with address and telephone numbers (except that no notice, consent or other requirement shall apply to the transfer or creation of any security or other interest pursuant to a deed of trust or other Owner financing). If it is the transferee's intention to develop this property in accordance with the agreement, the DEVELOPER agrees to provide the CITY an Assumption Agreement whereby the transferee agrees to perform the improvements required under this agreement and to provide the security needed to assure such performance. Said agreement will be subject to the approval of the CITY Attorney. The DEVELOPER and/or Owner understand that if he/she transfers said property without providing the notice of transfer and Assumption Agreement as required herein, he will be in breach of this agreement and that any surety held by the

CITY to secure the agreement may be called. The DEVELOPER further agrees that he shall remain liable under the terms of this agreement though a subsequent sale of all or part of said property occurs, unless an Assumption Agreement is entered into between the new owners and the CITY, and a new agreement is issued naming the new owners as Developer.

H. Time Period for Construction

In consideration of the promise by the City to accept for maintenance the streets, utilities, and other infrastructure covered by this agreement, the Developer agrees to be bound to complete within three (3) years all improvements shown on the preliminary plat and construction plans and all things required by this agreement.

II. UTILITIES

A. Water Distribution System

a. Installations:

The DEVELOPER will be required to install approximately 1,683 linear feet (LF) of eight (8) inch water main, and 747 LF of twelve (12) inch water main, with all associated appurtenances.

b. Improvement Fees:

The DEVELOPER shall be required to pay \$75,600 in Water Improvement fees and \$31,500 in Water Contribution fees, as stated in Ordinance 24-42. This payment must be made prior to submitting the Final Plat to the CITY for signatures.

c. Surety Amount:

The DEVELOPER shall provide a Letter of Credit or cash escrow (hereinafter called "SURETY") for each phase of this development. The SURETY amounts listed below will need to be provided to the CITY for the Water Distribution System for this PROJECT, prior to PDU signing the Final Plat:

i. CDJ Farms Phase 2 = \$223,687.50

ii. CDJ Farms Phase 3 = \$370,312.50

The DEVELOPER shall provide a Letter of Credit or cash escrow to the CITY in the amount of **\$594,000.00**. Any surety for utilities will be kept and renewed each year until the City has inspected and approved the utility. For each year of renewal, there shall be an additional 10% increase added to the surety amount. Once the utility is accepted by the City, a 12-month maintenance surety that is 15% of the most-current SURETY amount will be held. In the case that the utilities are installed prior to the City signing the Final Plat, the utilities must be tested, approved, and accepted by PDU, which the City of Portland will still require a maintenance surety to be held in the amount stated above for 12 months after PDU's acceptance date or the taps will not be issued. If improvements are not completed within three (3) years, the City shall pull the SURETY for the water system improvements and use that towards completing the improvements.

B. Sewer Collections System

a. Installations:

The DEVELOPER will be required to install approximately 2,241 LF of eight (8) inch sewer main with all associated appurtenances. The Developer's responsibility shall include the removal of the Jasmine Way, all on-site sewer improvements for CDJ Farms Development and new force main to Moore Avenue.

b. Surety Amount:

The DEVELOPER shall provide a Letter of Credit or cash escrow (hereinafter called "SURETY") for each phase of this development. The SURETY amounts listed below will need to be provided to the CITY for the Water Distribution System for this PROJECT, prior to PDU signing the Final Plat:

i. CDJ Farms Phase 2 = \$213,375.00

ii. CDJ Farms Phase 3 = \$431,250.00

The DEVELOPER shall provide a Letter of Credit or cash escrow to the CITY in the amount of **\$644,625.00** for the Sewer Collection System surety for the PROJECT, prior to PDU signing the Final Plat. Any surety for utilities will be kept and renewed each year until the City has inspected and approved the utility. For each year of renewal, there shall be an additional 10% increase added to the surety amount. Once the utility is accepted by the City, a 12-month maintenance surety that is 15% of the most-current SURETY amount will be held. In the case that the utilities are installed prior to the City signing the Final Plat, the utilities must be tested, approved, and accepted by PDU, which the City of Portland will still require a maintenance surety to be held in the amount stated above for 12 months after PDU's acceptance date or the taps will not be issued. If improvements are not completed within three (3) years, the City shall pull the SURETY for the sewer system improvements and use that towards completing the improvements.

Developer's payment to the CITY for (i) **\$107,100** as the PROJECT's share of the cost of the WATER IMPROVEMENTS, (ii) a total SURETY amount of **\$1,238,625** for the PROJECT's utilities, and (iii) all applicable standard fees, and shall satisfy all Developer and Owner obligations with respect to all improvements, including without limitation the WATER AND SEWER IMPROVEMENTS. The WATER AND SEWER IMPROVEMENTS are referred to herein as the "IMPROVEMENTS".

IV. VIOLATIONS AND REMEDIES

In the event of a default in the performance by either party of its obligation hereunder, the other party, in addition to any and all remedies set forth herein, shall be entitled to all remedies provided by law or in equity, including the remedy of specific performance or injunction.■

V. BINDING EFFECT

The covenants and agreements herein contained shall bind and endure to the benefit of the parties hereto, their respective heirs, personal representatives, successors, and assigns, as appropriate.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in multiple originals by persons properly authorized so to do on or as of the day and year first given.

_____	_____
OWNER	DEVELOPER

_____	_____
TITLE	TITLE

ATTEST:	ATTEST:
_____	_____

_____	_____
TITLE	TITLE

CITY OF PORTLAND (COUNTY OF
SUMNER), TENNESSEE

BY:

_____	_____
MAYOR APPROVED AS TO FORM:	DATE

BY: _____	_____
CITY ATTORNEY	DATE