



**BOARD OF MAYOR AND ALDERMEN
AGENDA for September 16, 2024**

1. Call to Order

2. Prayer and Pledge

3. Roll Call

4. Approval of Agenda

5. Presentation

- A. Sumner County Holiday Fest
- B. Presentation in honor of Constitution Week.

6. Public Hearing

- A. Resolution No. 24-71 - A Resolution to set the property tax rate for the 2024-2025 fiscal year and to exceed the certified property tax rate set by the Tennessee State Board of Equalization.
- B. Ordinance No. 24-52 –Second 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)

7. 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.

8. Communications from Council Members

9. Mayor's Report

10. Consent Calendar

- A. Ordinance No. 24-54 –Second Reading - An Ordinance to enter into an agreement with Perdue Trucking and Excavating for the 2024 Sandye Avenue Sewer Project at Sandye Avenue.
- B. Department Reports
- C. Approval of Minutes from August 19, 2024, Council Meeting

11. Community Development – Alderwoman Megann Thompson

12. Finance – Alderwoman Penny Barnes

- A. Resolution No. 24-65- A Resolution to declare items owned by the City of Portland to be declared surplus and directing disposal of same.
- B. Resolution No. 24-71 - A Resolution to set the property tax rate for the 2024-2025 fiscal year and to exceed the certified property tax rate set by the Tennessee State Board of Equalization.

13. Fire Department – Vice Mayor Jody McDowell

14. Human Resources – Alderwoman Penny Barnes

- A. Ordinance No. 24-53 – Second Reading - An Ordinance to repeal and replace Ordinance Number 21-03 authorized positions for the City of Portland.
- B. Resolution No. 24-72 - A Resolution authorizing part-time city employees be offered flu vaccinations.

15. Legislative – Mayor Mike Callis

16. Municipal Airport – Alderman Mike Hall

17. Parks & Recreation – Alderman Brian Woodall

- A. Ordinance No. 24-55 – First Reading - An ordinance to enter into an agreement with Garver Builders, LLC for construction of the Parks Maintenance Building at Richland Park.

18. Planning & Codes – Alderwoman Megann Thompson

- A. Ordinance No. 24-52 –Second 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)

19. Police Department – Alderman Drew Jennings

- A. Ordinance No. 24-56 – First Reading – An Ordinance authorizing the acceptance of the best bid for remodel of the City of Portland Police Department Building.

20. Public Works – Alderwoman LaToya Holcomb

- A. Discussion - Strawberry Street becoming a one-way street.
- B. Discussion - Cora Street and Heritage Drive
- C. Discussion - Traffic Calming

21. Utility Infrastructure – Alderman Brian Woodall

- A. Ordinance No. 24-57 – First Reading - An Ordinance to enter into an agreement with G & C Supply Company, Inc. for the 2024-meter replacement project at various locations within the Portland Water System.
- B. Resolution No. 24-66 A Resolution to approve change order #4 in the increased amount of \$44,582.46 and an addition of 10 days for contract times for the contract with Cumberland Valley Constructors, Inc for the wastewater treatment plant expansion.
- C. Resolution No. 24-67 – A Resolution to authorize the acquisition of temporary easements for private sewer service laterals for the 2024 Sanitary Sewer Point Repairs Project.

- D.** Resolution No. 24-68 - A Resolution authorizing change order #3 extending the contract time thirty (30) additional days with Cumberland Pipeline, LLC for the Oakhill Water System Improvements American Rescue Plan (ARP) Project.
- E.** Resolution No. 24-69 - A Resolution authorizing change order #3 extending the contract times sixty (60) additional days with Cumberland Pipeline, LLC for the Masons Tank 12-inch connector American Rescue Plan (ARP) Project.
- F.** Resolution No. 24-70 A Resolution to rescind and replace Resolution 21-89 in its entirety and create a new adjustment policy for residential and non-profit customers of the Portland Water Department.
- G.** Discussion - Water Grant
- H.** Discussion - CDJ Farms

Adjournment

RESOLUTION
City of Portland, Tennessee

No. 24 - 71

A RESOLUTION TO SET THE PROPERTY TAX RATE FOR THE 2024-2025 FISCAL YEAR AND TO EXCEED THE CERTIFIED PROPERTY TAX RATE SET BY THE TENNESSEE STATE BOARD OF EQUALIZATION

WHEREAS, the Council for the City of Portland, Tennessee, adopted in Ordinance # 24-32 the appropriation of funds to various departments of the City for the fiscal year beginning July 1, 2024, and ending June 30, 2025; and

WHEREAS, the Tennessee State Board of Equalization has determined based on the current valuation of real property within the City of Portland, Robertson and Sumner County, that a Certified Tax Rate of seventy-three cents (\$0.73) per one hundred dollars (\$100) of assessed valuation would provide revenue consistent with the prior year, excluding newly taxable real and personal property; and

WHEREAS, Tennessee Code Annotated §67-5-1702 allows under certain restrictions that the governing body of a municipality can adopt a rate in excess of the Certified Tax Rate; and

WHEREAS, the Council of the City of Portland, Tennessee, has determined that current revenues are insufficient to fund necessary operating expenditures projected in the budget for the 2024-2025 fiscal year.

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen that:

Section 1. The tax rate for the City of Portland, Robertson County shall be \$ _____ of assessed valuation for the 2024-2025 fiscal year.

Section 2. The tax rate for the City of Portland, Sumner County shall be \$ _____ of assessed valuation for the 2024-2025 fiscal year.

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 – 52

Second 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: August 5, 2024

Notice Published: Portland Sun - 9/3/24; Portland Leader - 9/4/24

Public Hearing: September 16, 2024

Passed Second Reading:



ORDINANCE

City of Portland, Tennessee

No. 24 - 54

Second Reading

AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH PERDUE TRUCKING AND EXCAVATING FOR THE 2024 SANDYE AVENUE SEWER PROJECT AT SANDYE AVENUE.

WHEREAS, the City of Portland deems it necessary to install 440 linear feet of eight (8) inch gravity sewer and three new manholes; and

WHEREAS, the City of Portland received and opened bids on August 7, 2024, from the following contractors; and

• Perdue Trucking & Excavating	\$ 97,705.60
• Infinity Pipeline, Inc.	\$ 132,330.00
• Stewart Richey Construction, Inc.	\$ 145,310.95
• Scott & Ritter, Inc.	\$ 155,170.00
• Cumberland Pipeline, LLC	\$ 161,007.00
• Turnin' Trax Group, Inc.	\$ 187,800.00

WHEREAS, after careful consideration, the bid from Perdue Trucking and Excavating has been recommended as the best bid for the Sandye Avenue Sewer 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 **\$97,705.60** as the best bid for the 2024 Sandye Avenue Sewer 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: August 19, 2024

Passed Second Reading:

Portland Building Codes Department
August 2024 Monthly Report

<u>PERMIT TYPE</u>	<u>No. of Permits</u>	<u>Amount</u>
Use & Occupancy Permits	2	\$ 70.00
Swimming Pool	1	\$ 85.00
Plumbing	5	\$ 3,655.15
Mechanical	4	\$ 1,403.80
Stand Alone Building	1	\$ 309.07
Residential Building	3	\$ 3,233.85
Fire Alarm / Fire Suppression	-NA-	\$ -NA-
Commercial/Industrial	8	\$ 42,972.06
Plan Review	16	\$ 23,782.28
Demolition	1	\$ 110.00
Fire Works	-NA-	\$ -NA-
Moving	-NA-	\$ -NA-
TOTAL ALL PERMIT FEES	41	\$ 75,621.21
PORTLAND IMPACT FEE – PARKS		\$ 1,791.00
PORTLAND IMPACT FEE – POLICE		\$ 1,557.00
PORTLAND IMPACT FEE – FIRE		\$ 2,650.00
TOTAL – PORTLAND IMPACT FEES		\$ 5,998.00
GRAND TOTAL		\$ 81,619.21

Economic Development

2024 August Report

COMMERCIAL	• Attended Nashville Live a Retail Conference with developers and businesses • Ribbon Cutting Roberts Appliances • Attended Sumner County Joint Economic Development Meeting • Met with 4 existing businesses • Networking Lunch Chamber • Meeting with Developer regarding commercial project out off Vaughn Parkway
INDUSTRIAL	• Meeting with Springfield City Manager regarding PILOT's • Attended Annual Forward Sumner Meeting • Site meeting with Developer on Vaughn Parkway property • Attended IDB Meeting for Robertson County • Attended TVA Economic Development Training Importance of Metrics • Prepared and conducted Training for IDB Board • Met with 2 existing businesses • State update Zoom meeting
COMMUNITY DEVELOPEMENT	• Education Foundation Meeting • Chamber of Commerce Board meeting • Women's Luncheon • Preserving Portland Luncheon • Ambassador Meeting • Attended Leadership Portland Mixer
MISC	• Attended Middle TN Industrial Development Authority (MTIDA) Seminar • Met with Charlie Lyons Hartsville EOD • City Council Meeting • Planning Meeting • Developer Meetings (5)





Office of the Finance Director
100 S. Russell Street Portland, TN 37148
615-325-6776

As of August 31, 2024
Fiscal Year has elapsed - 16%

	Amount	Unspent Committed Funds
GO Bond 2020	\$3,921,537	\$2,622,837
W/S Bond 2020	\$18,238,174	\$1,306,998

	8/31/2024	Board Passed Budget	% of Budget
GENERAL FUND			
Revenue			
Taxes & Licenses	345,528	10,213,000	3.4%
Planning & Codes	84,388	713,500	11.8%
Intergovernmental	191,894	2,422,000	7.9%
Miscellaneous	81,141	362,000	22.4%
Court	12,727	152,500	8.3%
Other Revenues	30,995	244,000	12.7%
Loan Proceeds - Other Fin Source	0	1,596,800	0.0%
Grants & Special Projects	1,500	1,772,800	0.1%
TOTAL	748,173	17,476,600	4.3%
Expense			
General Government	178,130	2,624,091	6.8%
Administrative & Mayor	68,369	382,095	17.9%
Human Resources	39,457	123,307	32.0%
Planning & Zoning	44,620	295,716	15.1%
Codes	33,833	158,353	21.4%
Court	12,786	88,810	14.4%
Police	755,355	4,439,278	17.0%
Fire	525,441	2,776,977	18.9%
Streets & Highways	202,208	1,346,088	15.0%
City Garage	29,935	171,915	17.4%
State Street Aid	53,143	480,000	11.1%
Animal Control	15,442	121,076	12.8%
Grants & Special Projects	43,420	5,121,600	0.8%
Golf Course	113,252	589,665	19.2%
Parks & Recreation	179,008	985,338	18.2%
Community Development	18,678	132,298	14.1%
TOTAL	2,313,076	19,836,607	11.7%

WATER & SEWER		8/31/2024	Board Passed Budget	% of Budget
Revenue				
	Revenue	1,221,245	13,727,000	8.9%
	TOTAL	1,221,245	13,727,000	8.9%
Expense				
	Water Plant	245,431	1,756,294	14.0%
	Water Distribution System	370,098	3,428,189	10.8%
	Grants & Projects	918,485	8,352,000	11.0%
	Sewer Collection	282,893	2,199,363	12.9%
	Sewer Plant	178,900	2,785,546	6.4%
	Business Office	77,343	548,960	14.1%
	Utility Administration	127,192	749,420	17.0%
	TOTAL w/ Bond	2,200,342	19,819,772	11.1%

		8/31/2024	Board Passed Budget	% of Budget
AIRPORT FUND				
Revenue		\$85,237	\$708,465	12.0%
Expense		\$82,359	\$708,302	11.6%

DRUG FUND				
Revenue		\$1,377	\$4,000	34.4%
Expense		\$0	\$13,000	0.0%

STORMWATER				
Revenue		\$93,652	\$880,000	10.6%
Expense		\$145,428	\$987,265	14.7%

SOLID WASTE				
Revenue		\$125,594	\$1,385,603	9.1%
Expense		\$162,996	\$1,225,494	13.3%

		8/31/2024	Board Passed Budget	% of Budget
IMPACT FEES				
Revenue				
	Parks	1,791	20,000	9.0%
	Police	1,557	15,000	10.4%
	Fire	2,650	7,500	35.3%
	Interest	2,384	0	
	TOTAL	\$8,382	\$42,500	19.7%
Expense				
	Parks	0	8,500	0.0%
	Police	0	0	0.0%
	Fire	0	0	0.0%
	TOTAL	\$0	\$8,500	0.0%
DEBT SERVICE - GENERAL FUND				
Revenue	Transfer from General Fund	\$0	\$990,767	0.0%
Expense		\$0	\$990,767	0.0%
GAS				
Revenue		305,060	6,478,000	4.7%
Expense		471,947	6,445,004	7.3%

Rachel Slusser, CMFO

GRANTS

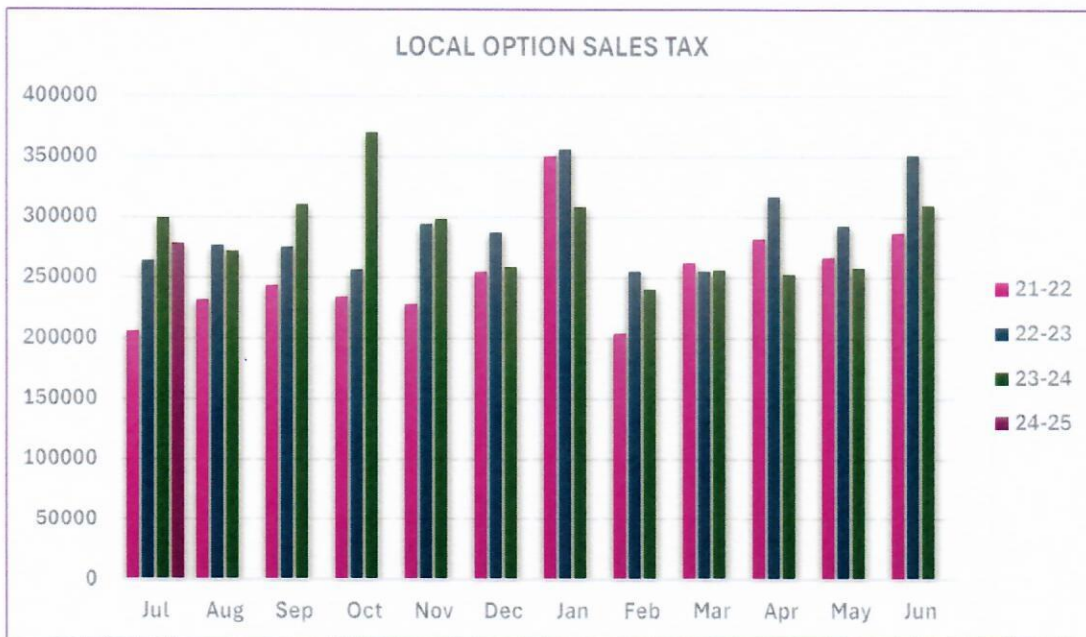
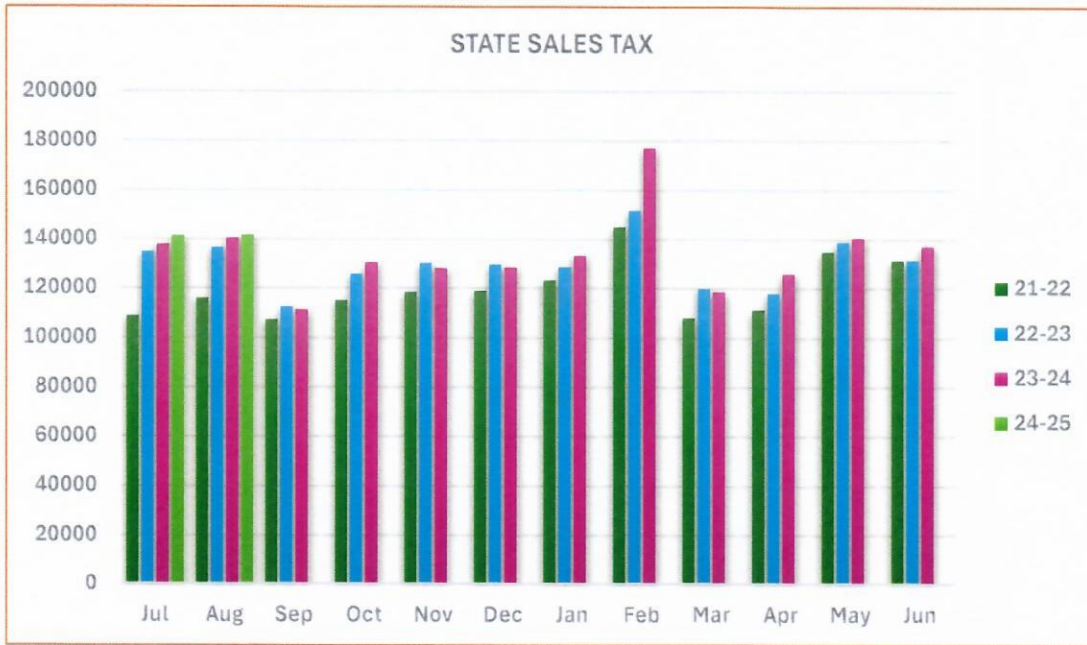
CMAQ - 109 to 52 to College St	ARPA
College Street Sidewalks	Water Resource Protection
Kirby Rd Paving	Diesel Grant - Medium Truck
AFG - Assistance to Firefighters Grant	SIA Project Commodore
THSO - Police	Railroad Crossing
TLETA - Police	Scatterville Rd Project
VCIF - Police	Airport DGA
LPRF - Local Parks and Recreation	Airport Land Acquisition Grant
Interstate Lighting I-65	Airport Annual Maintenance Grant
TDOT - 109 Bypass North	Airport Layout Plan
TDOT - 109 Bypass South	
Value of Grants (without 109 Bypass)	\$19,500,000.00

CAPITAL OUTLAY

Police	Police Cars X 4	On order
Public Works	Pickup Truck	
	Lawn Mower X 2	1 - ✓
	Mini Ex	
Animal Control	Pickup Truck	On order
	Outside Upgrades	
Parks	Golf Sign	
	Golf Mower	
	Heating unit at gym	
	Tables & Chairs	
	Camera System	
Stormwater	Pickup truck	
Water Dist	Truck X 2	1-✓, 1-on order
Sewer Collection	1 ton truck	On order
	Pickup truck	✓
Gas	Pickup truck X 2	1-✓

PROJECTS

Comprehensive Plan	In progress
Parks Maintenance Bldg	Bid process
Stormwater Bldg	In progress
Police Bldg Remodel	Bid process
Irrigation - Golf Course	Bid process
Splash Pad	Engineering
Waterline - Hwy 52 to Searcy	Complete
System meter change out	On going
Wastewater Treatment Plant upgrade	In progress
Mason's Transmission Line	In progress
Oakhill Waterline	In progress
Oakhill Tank	In progress
Paving	On going
Wheeler Sidewalks	In progress
Dan Jenkins Bldg	



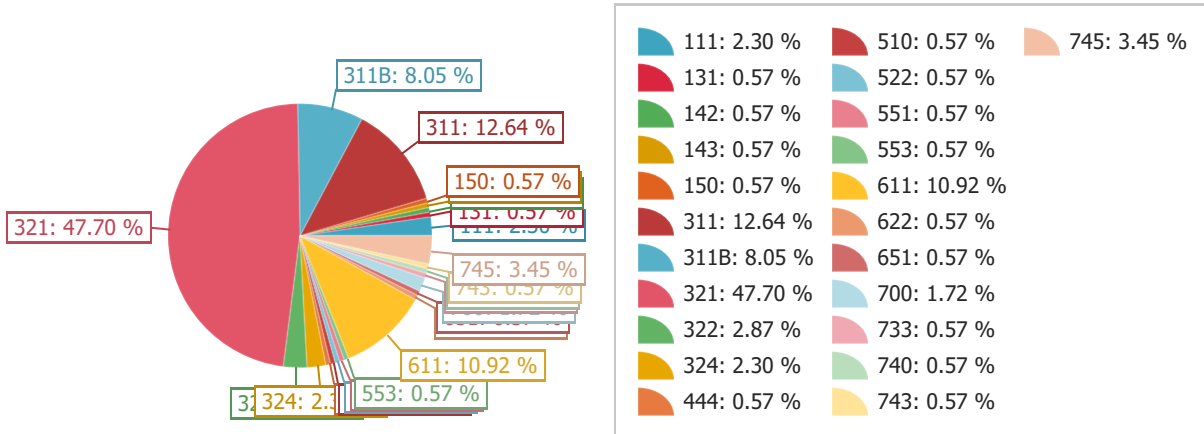


Portland Fire Department

111 Woods Road
Portland, Tennessee 37148
(615) 325-5649



Incident Reports By Incident Type, Summary



Incident Type	Total Incidents	Percent
111 - Building fire	4	2.30%
131 - Passenger vehicle fire	1	0.57%
142 - Brush or brush-and-grass mixture fire	1	0.57%
143 - Grass fire	1	0.57%
150 - Outside rubbish fire, other	1	0.57%
311 - Medical assist, assist EMS crew	22	12.64%
311B - Public Assist	14	8.05%
321 - EMS call, excluding vehicle accident with injury	83	47.70%
322 - Motor vehicle accident with injuries	5	2.87%
324 - Motor vehicle accident with no injuries.	4	2.30%
444 - Power line down	1	0.57%
510 - Person in distress, other	1	0.57%
522 - Water or steam leak	1	0.57%
551 - Assist police or other governmental agency	1	0.57%
553 - Public service	1	0.57%
611 - Dispatched & canceled en route	19	10.92%
622 - No incident found on arrival at dispatch address	1	0.57%

Incident Type	Total Incidents	Percent
651 - Smoke scare, odor of smoke	1	0.57%
700 - False alarm or false call, other	3	1.72%
733 - Smoke detector activation due to malfunction	1	0.57%
740 - Unintentional transmission of alarm, other	1	0.57%
743 - Smoke detector activation, no fire - unintentional	1	0.57%
745 - Alarm system activation, no fire - unintentional	6	3.45%

Total Number of Incidents: 174

Total Number of Incident Types: 23

Incident Type

Total Incidents

Percent

Report Filter Settings

Report File Name: Incident Reports by Incident Type, Summary

Filter Name: Last Calendar Month

Filter Expression: [AlarmDateTime] is between '8/1/2024 12:00:00 AM' and '8/31/2024 11:59:59 PM'

Human Resources Monthly Report August 2024

New Hire Orientations	August	YTD
Full-Time	9	34
Re-Hires	1	1
Part-Time	0	9
Retirements	1	4
Severances		
• Voluntary	5	31
• Involuntary	1	1
Workers Comp Claims	1	8
Current open positions	10	



Monthly Report / August 2024
Jamie White, Parks Director
Tammy Groves, Assistant Parks Director
Trent Stephens, Park Maintenance Crew Leader
Marty Bullington, Golf Course Manager

Civic Clubs

Portland Youth Football League	In - Season
Portland Soccer Club	In - Season
Portland Baseball and Softball	Off Season

Parks and Recreation Programs and Events

Richland Gym: Work on the exterior of the concession stand and storage room have been completed. Next, staff is working on the bid package for the gym floor.

Purdue Trucking will begin work on filling in the RCCC property and preparing it for paving the first couple of weeks in September.

The work on the War Memorial has paused, we will resume back in September/October. We want to wait for cooler weather before we plant new landscaping.

Portland Soccer Club and Portland Youth Football have started their practices and the first games at Richland Park are set for Saturday September 7th.

The Farmers Market at Richland Park has ended for the season. This was another successful year. The feedback received has been positive.

Dogwood Hills parking lot was painted on Monday August 12th. Also, the ramp entering the Club House has been made wider to meet ADA guidelines.

Friday Night Scrambles at the golf course continue to be a huge success.

Labor Day Scramble is set for Monday September 2, 2024.

The splashpad and irrigation plans are 90% complete are being prepared to send out for bid.

The golf course irrigation bid package is out and the bids will be opened on Friday September 27th.

Portland High School Golf Team hosted matches at Dogwood Hills on August 8th and 27th and a third match is set for September 10th.

Aerification is set for the week of September 23rd at the Golf Course.



August 2024

<u>Category</u>	<u>Items Sold</u>	<u>Total Sales</u>
Cart Rentals	146	\$1,075.00
Concessions	854	\$1,598.00
Daily Rounds	1,137	\$30,565.00
Pro Shop	162	\$3,830.05
Total:		\$37,068.05

PORTLAND POLICE DEPARTMENT MONTHLY REPORT

8/1/2024 TO 8/31/2024

CID ACTIVITY					
Cases Assigned	17	Interviews Conducted	80	Asset Forfeitures	0
Cases Inactive	5	Monitored Interviews	0	DCS/AOA	9
Cases Cleared	15	Search Warrants	8	Knock and Talk	19
Call outs	2	Judicial Subpoenas	3	Assist Patrol Units	11
Grand Jury Cases	2	General Sessions Cases	1	Forensic Interviews	0
Grand Jury Hours	2	General Sessions Hours	2	Fire Investigations	1
Juv Court Cases	0	Criminal Court Cases	2		
Juv Court Hours	0	Criminal Court Hours	4		

Records Activity			
Copies Distributed		Background Checks	
Walk-ins	14	Government	2
E-mails	39	Public Housing	0
Grand Jury & DA Copies	6	Local	5
Arrest Reports	80	Incident Reports	90
Written Warnings	146	City Citations	76

ANIMAL CONTROL ACTIVITY					
CALLS ANSWERED	67	WILDLIFE	2	DECLARED VICIOUS	1
ANIMALS PICKED UP	33	RETURNED TO OWNER OR RESCUE	21	BARKING COMPLAINT	2
SENT TO S.C.S.C.	0	TRAPPED ANIMALS	0	CRUELTY & WELFARE COMPLAINTS	4
DOGS	18	ANIMAL BITE ON ANIMAL	2	WILDLIFE/LIVESTOCK COMPLAINTS	2
CATS	5	ANIMAL BITE ON HUMANS	2	TICKETS/WARRANTS/ARRESTS	8
LIVESTOCK	1	EUTHANASIA	1	WARNINGS	1
		ADOPTIONS	1	REPORTS	8
SPECIAL ASSIGNMENTS	0	INTAKE	18		

PROPERTY MAINTENANCE / CODES			
CASE NUMBERS	13	RESOLVED BY CONTACT/PHONE	7
NON-COMPLIANCE LETTERS	13	CITY COURTS DATES	2
NEW GRASS/RUBISH COMP	13	CITY HALL BANK ESCORTS	21
RE-INSPECTIONS	0	MAIL DELIVERY	21
PARKING COMPLAINTS	0	ASSIST ANIMAL CONTROL	6
FOLLOW-UP PARKING COMP	0	ARRESTS	4
VEHICLES (NON-COMP)	1	REPORTS	0
WORK ORDERS	8	CITATIONS	0
PROPERTY LIENS	0	WRITTEN WARNINGS	0
RELEASE OF LIENS	1		

CALLS FOR SERVICE					
911 HANG UP	16	DRUG INVESTIGATION	3	RIOT	0
911 MISDIAL	25	ESCORT	9	ROBBERY	0
911 MISDIRECT	0	EVADING	1	RUNAWAY	0
911 OPEN LINE	29	EXPARTE SERVICE	4	SCAM	2
ABANDONED VEHICLE	2	EXTRA PATROL	116	SCHOOL CHECK	56
ABUSE INVESTIGATION	1	FIELD INTERVIEW	0	SCHOOL ZONE	75
ACCIDENT INJURY	8	FIGHT	1	SEX OFFENDER REGISTRATION/VIOLATION	0
ACCIDENT INJURY HIT/RUN	0	FIREARM DENIAL	0	SEXUAL ASSAULT	1
ACCIDENT PROPERTY	37	FIREWORKS	1	SHOOTING	0
ACCIDENT PROPERTY HIT/RUN	6	FOLLOW-UP	33	SHOPLIFTING	2
ACCIDENT SERIOUS INCIDENT	4	FORGERY	0	SHOTS FIRED OR HEARD	4
ACTIVE SHOOTER	0	FRAUD	3	SOLICITOR	0
ADMIN INVESTIGATION	0	HANGING	0	SPECIAL ASSIGNMENT	2
AIRCRAFT EMERGENCY	0	HARASSEMENT	1	SPECIAL ASSIGNMENT COMMUNITY	2
ALARM	22	HOSTAGE SITUATION	0	STABBING	0
ALARM HOLD UP/PANIC	5	HOTEL CHECK	0	STALKING	0
ALARM SCHOOL LOCKDOWN	0	ILLEGAL DUMPING	0	STOLEN VEHICILE	0
ALARM TEST	0	INDENCENT EXPOSURE	0	SUBDIVISION CHECK	2
ANIMAL CALL	53	INVESTIGATION	2	SUBJECT CHECK	42
APARTMENT CHECK	4	JUVENILE	6	SUICIDAL SUBJECT	4
ARMED SUBJECT	0	JUVENILE TRANSPORT	0	SUSPICIOUS INCIDENT	34
ARSON	0	KIDNAPPING	0	SUSPICIOUS PERSON	15
ASSAULT	2	KNOCK AND TALK	1	SUSPICIOUS VEHICLE	6
ASSIST CITIZEN	26	LAKE CHECK	1	TALK TO OFFICER	195
ASSIST EMS	16	LOCKOUT	1	TEST CALL	5
ASSIST FIRE	5	LOCKOUT URGENT	2	TEST CALL ALL AGENCIES	0
ASSIST OTHER AGENCY	40	LOST/FOUND PROPERTY	4	THEFT	6
ATTEMPT TO LOCATE	7	LPR HIT	1	THREATS	5
BARRICADED SUBJECT	0	MENTAL TRANSPORT	1	TRAFFIC COMPLAINT	1
BLUE TEAM REPORT	0	MISC. MATTER OF RECORD	15	TRAFFIC ENFORCEMENT	5
BOLO	9	MISSING ADULT	1	TRAFFIC HAZARD	17
BOMB THREAT	0	MISSING JUVENILE	1	TRAFFIC STOP	583
BURGLARY	0	NOISE COMPLAINT	7	TRAIN DERAILMENT	0
BUSINESS CHECK	142	OPEN DOOR	1	TRESPASS	8
CAR SEAT CHECK	0	OVERDOSE	1	TROUBLE @ PD	0
CHECKPOINT	0	PARK CHECK	39	UNAUTHORIZED USE OF VEHICLE	1
CITY CALL OUT	0	PARKING COMPLAINT	8	UNKNOWN SITUATION	1
CIVIL MATTER	10	PHONE MESSAGE	0	VANDALISM	2
CODE 99-OFFICER IN TROUBLE	0	PRISONER ESCAPE	0	VEHICLE BURGLARY	1
CODES	12	PRISONER TRANSPORT	0	VEHICLE CHECK	49
DAMAGE TO PROPERTY	8	PRIVATE PROPERTY TOW	0	VIOLATION CORRECTION VERIFY	4
DEATH INVESTIGATION	0	PROSTITUTION	0	VIO OF ORDER OF PROTECTION	1
DELIVER MESSAGE	3	PROWLER	0	WARRANT CIVIL	0
DISORDERLY CONDUCT	0	P.I.	2	WARRANT CRIMINAL	4
DISTURBANCE	21	RADIO COMMUNICATION	15	WEATHER RELATED ISSUE	0
DOMESTIC	17	RECKLESS DRIVER	38	WELFARE CHECK	14
DRILL	0	REFERRAL	4	GANG ACTIVITY	0
DUI	4	REPO	6	GAS DRIVE OFF	0

Total Calls for Service	2012
Total Written Warnings	146
Total Speeding Citations	70
Total all other city citations	6
Commercial vehicle enforcements	33
Total Arrest	83



CITY OF PORTLAND
STORMWATER MANAGEMENT PROGRAM
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
Telephone 615/325-6776

Date: 9/5/2024

Stormwater Management Monthly Report- August 2024

Annual Report

Work began on the MS4 Annual Report this month. The City is required to submit to TDEC an annual report by September 30th every year summarizing how the Stormwater Department met all the required minimum control measures throughout the last reporting period (July 1, 2023-June 30, 2024). The report will be sent via email to anyone who may request it.

TNSA Presentation

The Stormwater Department will be presenting at the annual TNSA (Tennessee Stormwater Association) Pre-Conference Workshop this year. The pre-conference workshop is on October 21st at Montgomery Bell State Park in Burns, TN. The topic of the presentation will be on the Enforcement Response Plan and illicit discharge detection and elimination. The presentation was researched and put together throughout this month.

Illicit Discharge Detection and Elimination

There was one complaint during this reporting period of an illicit discharge involving a local restaurant. Employees were washing floor cleaning materials out in the landscape of the business. Staff met with the manager of the restaurant and informed them of safe cleaning practices. The site will be closely monitored moving forward.

Construction Site Runoff Control

Pre-Con/Pre-App Meetings: 8

LDPs issued: 4

CGP Inspections: 22

CGP inspections are required once monthly per TDEC. Most sites are inspected more than once a month through pre-con inspections, re-inspections, and illicit discharge complaints. Residential sites that are not under TDEC coverage are inspected on a weekly basis.

Permanent Stormwater Management

New LTMA received: 0

LTMA Inspections Received: 0



CITY OF PORTLAND

Public Works

Grant Program

Council Report Submitted by
Sue Kim - Admin. Cleark II

Project Status

Scattersville Road	Closing phase/ Waiting on final letter from TDOT.
Railroad Crossing	Received payment from TDOT \$25,794.50 and \$40,721.68
CMAQ	Received Signed Supperment request from Volkert/ Working on the reimbursement and contacting the GNRC for updates.
Kirby&S. Russell Resurfacing	Design Phase/ Waiting NTP for ROW from TDOT/ Working on the next reimbursement.
College St. sidewalks	NEPA phase/ Updated E-Grant site and notified GNRC and waiting for updates from TIP/ Waiting on NTP from TDOT/ working on next reimbursement.

Reimbursement Status

Name	Funding Type	Funding %	Project Type	Phase	Contract amount	Total City paid	Current FY 24-25 Reimb.	Current Reimb. Request	Total Riemb. Received
CMAQ	ITS	100%	Traffic Signals	DESIGN	\$762,662.50	\$57,206.00	\$1,446.15	\$0.00	\$40,925.00
COLLEGE	STBG	80% / 20%	Sidewalks	NEPA	\$1,139,215.00	\$122,735.10	\$0.00	\$0.00	\$92,582.49
CSX	TDOT	90% / 10%	Railroad Crossing	CONSTRUC TION	\$1,386,663.00	\$162,012.23	\$86,666.18	\$0.00	\$86,666.18
KIRBY & S. RUSSELL	STBG	80% / 20%	Resurfacing	DESIGN	\$446,295.00	\$74,407.25	\$0.00	\$0.00	\$29,937.00
Interchange Lighting	STBG-U	40%50% 10%	Interchange Lighting		\$1,826,700.00	\$275,341.75	\$0.00	\$0.00	\$183,000.00
SCATTERSVILLE	STBG	80% / 20%	Resurfacing	CLOSING	\$454,240.20	\$408,141.38	\$300,847.64		\$326,047.64
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks		\$78,698.32	\$0.00	\$0.00	\$0.00	\$0.00
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks		\$70,574.32	\$0.00	\$0.00	\$0.00	\$0.00
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks	CLOSED	\$151,105.00	\$157,900.00	\$0.00		\$118,425.00
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Large Truck	CLOSED	\$101,644.64	\$91,808.00	\$0.00		\$68,863.50
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks	CLOSED	\$131,250.00	\$148,950.00	\$0.00		\$98,437.50
PWMS - Safe route to school	SRTS & TAP	100% & 80%/20%	Sidewalks	CLOSED	\$204,694.85	\$198,151.24	\$24,904.74		\$194,605.74

§ The total reimbursement Received amount may differ from the total City Spend amount because payment to the Tennessee Department of Transportation is not reimbursable.



CITY OF PORTLAND

GRANT PROGRAMS

SUE KIM – ADMIN. CLERK II
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
TELEPHONE 615-325-6776

Grant Programs Monthly Report

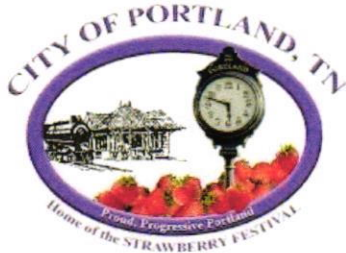
Project Status

PWMS	Closed/ Final letter from TDOT on 06/05/2024.
Scattersville Road	Closing phase/ Waiting on final letter from TDOT.
Railroad Crossing	Requested reimbursement to TDOT/ Received FY21-24 \$ 20,150.00.
CMAQ	Design phase. Project extend until May 31, 2025. Request reimbursement for Design FY 23-24/ Requested to Volkert the contract amendment to get the reimbursement.
Kirby & S. Russell Resurfacing	Design Phase/ Scheduled for pavement coring. Engineering firm is merged with HMB/ Waiting to get signed for amendment #2 (to receive additional coring system amounts)
College St. sidewalks	NEPA phase/ Received ESR approved documents on 4/25/24. Updated E-Grant site and notified GNRC and waiting for updates from TIP/ Waiting on NTP from TDOT.

Reimbursement Status

Name	Funding Type	Funding %	Project Type	Phase	Contract amount	Total City paid	Current FY 23-24 Reimbursement	Current Reimb. Request	Total Reimb. Received
CMAQ	ITS	100%	Traffic Signals	DESIGN	\$ 762,662.50	\$ 50,722.00	\$ -	\$ 1,446.15	\$ 39,478.85
COLLEGE	STBG	80% / 20%	Sidewalks	NEPA	\$ 1,139,215.00	\$ 116,778.11	\$ 56,082.91	\$ -	\$ 92,582.49
CSX	TDOT	90% / 10%	Railroad Crossing	CONSTRUCTION	\$ 1,386,663.00	\$ 162,012.23	\$ 20,150.00	\$ 86,666.18	\$ 86,666.18
KIRBY & S. RUSSELL	STBG	80% / 20%	Resurfacing	DESIGN	\$ 446,295.00	\$ 62,524.25	\$ 20,251.50	\$ -	\$ 29,937.00
Interchange Lighting	STBG-U	40%50%10%	Interchange Lighting		\$ 1,826,700.00	\$ 258,735.75	\$ 166,394.00	\$ -	\$ 183,000.00
SCATTERSVILLE	STBG	80% / 20%	Resurfacing	CLOSING	\$ 454,240.20	\$ 408,141.38	\$ 300,847.64	\$ -	\$ 326,047.64
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks		\$ 78,698.32	\$ -	\$ -	\$ -	\$ -
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks		\$ 70,574.32	\$ -	\$ -	\$ -	\$ -
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks	CLOSED	\$ 151,105.00	\$ 157,900.00	\$ -	\$ -	\$ 118,425.00
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Large Truck	CLOSED	\$ 101,644.64	\$ 91,808.00	\$ -	\$ -	\$ 68,863.50
VOLKSWAGEN DIESEL	TDEC	75% / 25%	Medium Trucks	CLOSED	\$ 131,250.00	\$ 148,950.00	\$ -	\$ -	\$ 98,437.50
PWMS - Safe route to school	SRTS & TAP	100% & 80%/20%	Sidewalks	CLOSED	\$ 204,694.85	\$ 198,151.24	\$ 24,904.74	\$ -	\$ 194,605.74

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CITY OF PORTLAND

Public Works

Sanitation Dept

Council Report Submitted by
Martin Weekley

Sanitation Dept is responsible for picking up, disposing of household trash and bulk items.

Pick up bulk items - Furniture, appliances, etc.....

Pick up brush (Claw truck, and chipper)

Pick up trash carts at curb repair or replace damaged carts

Keep trucks and equipment in working condition.

Travel to Sumner Co. Resource Authority to empty

Two claw trucks picking up bulk items and brush at curbside

August-2024				
	Sumner Co. Resource Authority (Dump)		Volunteer Recycling Center (Haul)	
	City of Portland	Volunteer Recycling	City of Portland	Other(Parks)
# of Loads	50	27	28	1
Tonnage	485.97	127.45		
Per cost	\$55.00	\$55.00	\$275.00	
Amount	\$26,728.35	\$7,009.75	\$7,700.00	\$1,009.60
Total	\$33,738.10		\$8,709.60	
Grand Total	\$42,447.70			

Stormwater Field Crew Council Report

Submitted by: David Harris

Data for the month of August 2024

Meeting Date: Sept. 2024

Called in Tn One Call tickets

Met with homeowners about drainage issues or upcoming jobs

Equipment – Maintenance, clean up, and haul to various job sites

Placed order for supplies needed for upcoming jobs. Unload deliveries.

Prep and move supplies, trucks and equipment for upcoming jobs.

Cleaned, service and repair equipment

Cleared beaver dams and reset them - Various locations

Picked up parts at various locations to repair equipment

Clean up at the shop

Attend meetings at City Hall

Cleared grates and driveway tiles at various locations

Removed concrete and trees at the Parks Dept.

Tree removal - Lyon Crest, William Mack Ln and at the Water Treatment Plant

Job Sites:

W Market St, Drakewood Dr., Tractor Supply area, Robin Dr, Cody Ct, & Gateview Dr.

Drainage work, installation, backfill, seed and straw job sites

Convenience Center:

Prep area for new concrete pad (Dig out, fill with rock, spread)

Clear and clean up brush area: Filled and dig out new pit

Brush - push up, burn to clear all of the brush

Street Dept Council Report

Submitted by: Martin Weekley

Data for the month of Aug.

Meeting Date: Sept. 2024

Maintain the downtown area - pick up trash, empty cans, water flowers, etc....

Maintain sidewalks and roadways - pick up trash, weed eat and spray

Maintain all the intersection islands and curbs.

Maintenance of traffic signals, school zone lighting and decorative street lights.

Trimmed low hanging branches or tree's that fall in the roadway

Signage - Replaced stop signs, brackets, replace post, install new signage & post.

Potholes: checked, graveled or patched with hot mix. Cold patch as needed

Road Cuts: (Various locations) Prep equipment/ Compact road cut / asphalt area

Roadway crack sealing: None

Repaired edge of multiple roadways

Asphalt work: Multiple locations (Potholes and roadcuts) Picked up hot mix and asphalt from Hermitage or Gallatin area.

Graveled around mailboxes (USPS request)

Office paperwork - Time sheets, po request, review work orders and route sheets

Clean, Check and Maintenance trucks and equipment

Clean up at shop (put away tools, organize signage and other materials)

Straighten up shop lot: all tractors, trailers, backhoe, and other equipment

Hauled away scrap metal

Traffic control for various road repairs

Removed debris and dead animal from roadway

Helped check storm drains -city wide

Codes enforcement lot - cleaned up and weed eat around the property

Cleared roadway of random items that fell off vehicles.

Pick up debris that got illegally dumped on side of roadways. Several sites

Repair equipment and tools (Tires, batteries, hoses, decks, fluids, fittings, blades, etc.)

Repairs made on tractors, chipper, trailers, hot box, backhoe etc.....

Took truck and equipment to get repairs - Local mechanic shop and outside source.

Helped in the Sanitation Dept - Drove claw truck, chip brush, trash route, etc..

Removed dead tree at golf course

Repaired the water system for downtown flowers.

Mow , weed eat, spray - Right of ways, canals, city property lots, codes lots, golf course, dump entrance, overpass, bridges, shooting range, high crossing, mini park, Parking lots A, B, C, Police Dept, intersection islands, City Hall, guard rails, bridges, various signs and pole, sinkhole fence, and city shops, etc.....

Street Dept Council Report

Assist: Portland Chamber, Hands of Hope, Animal Control and Portland Cares

Music on Main:

Placed signage and message boards (road closure etc.)

Put up barricades, cones, stage / Removed after event

Picked up picnic tables, stage,

Removed signage and put back into storage

Convenience Center

Attendant on site on Wednesday's & Saturday's

Smash down the dumpsters to be hauled to Gallatin

Call and schedule dumpster hauls with Volunteer Recycling Center

Cleaned out the hot box

**City of Portland
Office of Recorder
100 South Russell Street
Portland, Tennessee 37148**

Phone 615/325-6776 Ext. 245

August 2024 Monthly Report

2 Council Meeting

August 5th

7 - Council Members present
0 - Council Members absent
1 - Public Hearings
3 - Resolutions
6 - Ordinances

August 19th

7 - Council Members present
0 - Council Members absent
1 - Alcohol Beverage Board
1 - Public Hearings
5 - Resolutions
3 - Ordinances

Work Study Meetings 0

Ad-Hoc Meetings 0

Liability Claims 0

Property Claims 0

Records Requested see attached

August 2024 Open Records Request

Date Received	Person Requesting	Information Requested	Hours spent	Value	Total Billed	Request Denied
8/1/2024	James Chaney	BZA zoning	>1 hour	10.00	\$0.00	
8/1/2024	Claryssa McClung	2084 Hwy 259 Water tap	0.45	19.85	\$2.25	
8/1/2024	Claryssa McClung	3420 Hwy 259 Water tap	0.45	19.85	\$0.00	
8/1/2024	Claryssa McClung	2067 Hwy 259 Water tap	0.45	19.85	\$0.00	
8/1/2024	Claryssa McClung	117 Fleming Rd Water Tap	0.45	19.85	\$0.00	
8/5/2024	Charles Chuck Thomas	Coventry PUD & information	>1 hour	10.00	\$5.00	
8/6/2024	Angela Hudson	Dashcam or Bodycam video	>1 hour	0.00	\$0.00	Yes
8/6/2024	Angela Hudson	Dashcam or Bodycam video	>1 hour	0.00	\$0.00	Yes
8/9/2024	Angela Hudson	Reports from 522 Airport Rd	>1 hour	10.00	\$0.00	
8/12/2024	Christopher Shoemaker	S. Tyson Employment application	>1 hour	10.00	\$0.00	
8/12/2024	Christopher Shoemaker	emails re exit interview	>1 hour	10.00	\$0.00	
8/12/2024	Christopher Shoemaker	Captain promotion scoring sheet from 8/24	>1 hour	10.00	\$0.00	
8/13/2024	Douglas Rice	Inspections, violations at Vaughn Parkway address	Minimum	10.00	\$0.00	
8/13/2024	James Chaney	wage study emails between Mayor & Council	>1 hour	10.00	\$7.80	
8/13/2024	James Chaney	All gas taps between 10/1/23 to 4/30/24	2 hours	10.00	\$0.00	
8/13/2024	Ashley Viselli/Greenlid	Subdivision Plans	Minimum	10.00	\$5.00	
8/20/2024	Miller Parks	Auction Bid	Minimum	10.00	\$0.00	
8/20/2024	Diane Shifflett	Site plans and water taps for 2076 Hwy 259	1 hr	20.50	\$11.25	
8/20/2024	Diane Shifflett	Site plans and water taps for 117 Fleming Rd	together w/01	20.50	\$11.25	
8/20/2024	Diane Shifflett	Site plans and water taps for 2084 Hwy 259	together w/01	20.50	\$11.25	
8/20/2024	Diane Shifflett	Site plans and water taps for 1728 Hwy 259	together w/01	20.50	\$11.25	
8/22/2024	Adam Turley	136 Davis St. permits, spills, etc		0.00	\$0.00	Yes
8/23/2024	James Chaney	Wage Study from 8/19/24 meeting	>1 hour	10.00	\$0.00	
8/27/2024	Thomas Martin	Dash Cam footage			\$0.00	
8/27/2024	Thomas Martin	Training material			\$0.00	
8/27/2024	Thomas Martin	Officer Personnel file			\$0.00	
8/28/2024	Donna Freedle	135 Old Hwy 52W applications, service denials			\$0.00	
8/29/2024	Byron Edwards	Rezoning Ordinance	>1 hour	10.00	\$0.00	
Total	Request - 28			291.40	65.05	



**BOARD OF MAYOR AND ALDERMEN
MINUTES**

August 19, 2024 at 5:00 PM

1. Call to Order

Mayor Mike Callis called the meeting to order at 05:01 PM.

2. Prayer and Pledge

Mayor Mike Callis led the prayer and pledge.

3. Roll Call

Present: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

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

4. Approval of Agenda - Alderman Woodall requested: under 23. Utilities, a discussion of water taps be added as item E and Alderman Jennings requested: 21. A. Police Resolution to be moved to 5. Presentation as item B.

Motion to: Approve revised agenda

By: Vice-Mayor McDowell

Second: Alderman Woodall

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed (voice vote)

5. Presentation

A. Recognition ~ Veterans' Flag and Memorial Display

Recognition was given to Ronnie Munday for his role in creating and maintaining the veterans' flags, displayed at the intersection of Hwy 109/Hwy 52, each Memorial Day and Veterans Day in town.

State Representative William Lamberth presented Mr. Munday with a US flag that had been flown at the State Capital, and thanked him for his years of service in the military and for the flag project.

B. Resolution No. 54-59- A Resolution to present Retired Police Chief Jason Williams with his service weapon. (moved from 21. Police, A.)

Motion to: Approve

By: Vice-Mayor McDowell

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed (voice vote)

State Representative William Lambert congratulated Jason Williams for his many years of service to Portland and continued service with his new job.

The following spoke; Chaplin Bob Moon, Interim Police Chief Jason Arnold and Jason William's family.

Jason Williams thanked the City for the recognition and those that spoke.

6. Public Hearing

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.

- No one spoke

7. Public Comment Period

- No one spoke

8. Communications from Council Members

- Alderman Hall questioned if we need to have anyone look into property tax and zoning issues in reference to the public comment from last week. Mayor Callis replied that if a particular address can be identified, Planning could review. City Attorney Bradley advised that this board cannot make any changes and tax assessment issues or questions should be referred to the county or state.
- Alderwoman Holcomb questions about how long it will take for rate changes to go into effect after it passes the board. Mayor Callis advised that any Resolutions are Ordinances will have an effective date and the board can make changes during the vote.

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

- Tomorrow night, August 20, 24, preserving Portland at Portland Public Library at 5:30pm.
- Updating the Park master-plan for the next round of grants.
- Encourage everyone to sign up for Code Red by going to the City website.
- Work on the 23-mile water line is progressing. TDEC reviewed the 12 miles that we are working on. Quotes should go out this fall and then the City will know what the funding is above the grant amount. The complete project must be completed by September 30, 2026.

10. Alcohol Beverage Board

- 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. Mayor Callis turned the meeting over to Alcohol Board Chairman, Jody McDowell. Chairman McDowell spoke about the number of limited licenses issued in the city limits.

Motion to: Approve

By: Alderman Hall

Second: Alderman Jennings

Discussion: Dhruv Patel discussed possible store expansion and trying to purchase additional property. Mayor Callis advised that the resolution has a one-year limit. Mr. Patel understood and said he plans on it being up and running within the year. Alderman Woodall questioned if there would be sales at the drive-thru window. Mr. Patel said that state law prohibits that type of sale.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

Mayor Calls suggested traffic issues be addressed. Mr. Patel advised he would remind his staff.

The Alcohol Board section closed at 5:25.

11. Presentation & Discussion

- A.** Discussion - Wage Study - Mayor Callis turned the meeting over to HR Director Hazel Johnson and Finance Director Rachel Slusser. Director Johnson started the discussion with a presentation from Rick Campbell of PayPoint. Director Slusser advised the following:

- The numbers are based on 50% of the market and that the board did not have to go with the 50%.
- The 1.4 million would be an 11 cents additional tax rate and 6% more in water/sewer rates.
- The 580,000 would be a 4 cents additional tax rate and 2% more in water/sewer rates.
- The start date will affect the rate.
- There are other options if you wait till July 1 to implement the plan.
- Alderwoman Barnes questioned why the benefit portion is not included.
- Rick of Paypoint advised, because of expedited needs, benefits will be added at a later date.
- Alderwoman Barnes advised that benefits is a huge part of the full package.
- Mayor Callis questioned if the percentage of raise can be set based on a budget amount?

Mayor Callis reminded everyone about the recent 2% COLA applied on July 1, the \$1.00 increase in pay for all city employees and the \$3.00 increase in pay for the Police Department.

12. Consent Calendar

Motion to: Approve

By: Alderwoman Barnes

Second: Alderwoman Thompson

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell,
Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

A. Approval of Minutes from August 5, 2024.

B. Department Reports

C. Ordinance No. 24-50 –Second 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.

13. Community Development – Alderwoman Megann Thompson

A. Resolution No. 24-63 – A Resolution authorizing the city to apply for a 50/50 Tourism Enhancement Grant and approve the needed match.

Motion to: Approve

By: Alderwoman Thompson

Second: Alderwoman Barnes

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell,
Alderwoman Thompson, Alderman Woodall

Motion Passed (voice vote)

14. Finance – Alderwoman Penny Barnes

A. Discussion - Property Tax - Director Slusser advised that she needed to know what the Council wants to do about the wages to set the tax rate. Without any additional wages, to balance the budget there would be a 9 cent tax increase. After much discussion about the ranges and time frame for implementing the plan, Mayor Callis advised to first determine a start date. Discussion continued about the breakdown of the general fund, special funds, utilities funding and tax rates.

Motion to: January 1 to start wage increases.

By: Alderman Hall

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell,
Alderwoman Thompson

No: Alderman Woodall

Motion Passed (voice vote)

Discussion continued about how many years of service were implemented in the study.

Break taken from 6:30 pm to 6:44 pm.

Alderman Hall left the meeting at this time.

Director Slusser advised the different options that could be used if the implementation takes place in July.

City Attorney Bradley advised the board can determine the maximum tax rate increase and give public notice of the maximum rate increase and review the information before setting the rate. This would allow more time to receive more information from the Wage study.

Motion to: Not to exceed 20 cents over the certified tax rate.

By: Alderwoman Thompson

Second: Alderman Jennings

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell,
Alderwoman Thompson, Alderman Woodall

Motion Passed (voice vote)

15. Fire Department – Vice Mayor Jody McDowell

- A.** Resolution No. 54-58 - A Resolution to purchase a drone for the City of Portland Public Safety Departments not to exceed \$17,000.

Motion to: Approve

By: Vice-Mayor McDowell

Second: Alderman Woodall

Discussion: Chief Thornton advised funding would be impact fees for Police and Fire and there is a certified pilot and drone trainer on staff.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

16. Human Resources – Alderwoman Penny Barnes

- A.** Ordinance No. 24-53 – First Reading An Ordinance to repeal and replace Ordinance Number 21-03 authorized positions for the City of Portland.

Motion to: Approve

By: Alderwoman Barnes

Second: Alderman Jennings

Discussion: Mayor Callis explained the additions.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

- B.** Discussion - Hiring process for Grant Position and Assistant Public Works Director
Alderman Jennings discussed the approved Grant Accountant position.
Director Slusser advised the position is funded starting July 1st.
After discussion, all agreed with advertising and moving forward with the hire.

17. Legislative – Mayor Mike Callis

- No Items

18. Municipal Airport – Alderman Mike Hall

- No Items

19. Parks & Recreation – Alderman Brian Woodall

- No Items

20. Planning & Codes – Alderwoman Megann Thompson

- No Items

21. Police Department – Alderman Drew Jennings

- A.** Resolution No. 54-59- A Resolution to present Retired Police Chief Jason Williams with his service weapon.
Moved to 5. Presentation, Item B.

22. Public Works – Alderwoman LaToya Holcomb

- No Items

23. Utility Infrastructure – Alderman Brian Woodall

- A.** Ordinance No. 24-54 – First Reading - An Ordinance to enter into an agreement with Perdue Trucking and Excavating for the 2024 Sandye Avenue Sewer Project at Sandye Avenue.

Motion to: Approve

By: Alderman Woodall
Second: Vice-Mayor McDowell
Discussion: Mayor Callis advised that this was due to signed plats that had prior approval granting sewer. Currently, staff is reviewing undeveloped plats and what utilities have been promised.
Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

- B.** Resolution No. 54-60 - A Resolution to rescind and replace Resolution No. 20-102 and to authorize the new guidelines for natural gas service lines.

Motion to: Approve

By: Alderman Woodall
Second: Alderwoman Holcomb

Discussion: This change is due to discussion from last meeting.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

- C.** Resolution No. 54-61- A Resolution to rescind and replace Resolution No. 20-103 and to authorize the new guidelines for Sewer Services Lines.

Motion to: Approve

By: Alderman Woodall
Second: Alderwoman Thompson

Discussion: Director Price advised this change was due to the water change, and made all utilities follow the same.

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

- D.** Resolution No. 54-64 – A Resolution to rescind and replace Resolution No. 24-62 and to authorize the new guidelines for Water service lines.

Motion to: Approve

By: Alderman Woodall
Second: Alderwoman Barnes

Yes: Alderwoman Barnes, Alderman Hall, Alderwoman Holcomb, Alderman Jennings, Vice-Mayor McDowell, Alderwoman Thompson, Alderman Woodall

Motion Passed(voice vote)

- E.** Discussion - Water Taps - The following was discussed:

- The amount of time for water tap approvals and installation.
- Current water tap policy requires receipt.
- Explanation of time in the water department.
- Contractor to assist with installations or leaks.
- Cost of installing and scheduling of water taps.
- Going forward, if there was a meter present, no privilege fees for installation.

Adjournment

Motion to Adjourn by Vice-Mayor McDowell; second by Penny Barnes

Motion passed - **adjourned at 07:16 PM.**

RESOLUTION

City of Portland, Tennessee

No. 24 - 65

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

WHEREAS, the City of Portland has identified and accumulated a listing of vehicles, equipment and other items from various City departments 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 listing of 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

WHEREAS, the following is the list of items to be declared surplus:

- Various outdated street signs (Highways & Streets)
- 2018 F-150, Last four of VIN#5316 (Water Distribution)
- 2014 F-150, Last four of VIN#4562 (Water Distribution)
- 2012 Case 580 Backhoe, Last four of VIN#4803 (Water Distribution)
- 2018 F-150, Last four of VIN#5312 (Sewer Collection)
- 2007 F-550, Last four of VIN#2838 (Sewer Collection)
- 2008 F-550, Last four of VIN#3969 (Sewer Collection)
- Hoffman & Lamson Centrifugal Blower Serial No. P001942X (Sewer Plant)
- Hoffman & Lamson Centrifugal Blower Serial No. P001943X (Sewer Plant)
- Garner Denver Centrifugal Blower Serial No. 001941 (Sewer Plant)

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland declare the list of equipment as surplus property and authorize that the items be disposed of by public auction as outlined in the Surplus Property Procedures; and

Mike Callis, Mayor

Attest: Rachel Slusser, City Recorder

Approved this day of

RESOLUTION
City of Portland, Tennessee

No. 24 - 71

A RESOLUTION TO SET THE PROPERTY TAX RATE FOR THE 2024-2025 FISCAL YEAR AND TO EXCEED THE CERTIFIED PROPERTY TAX RATE SET BY THE TENNESSEE STATE BOARD OF EQUALIZATION

WHEREAS, the Council for the City of Portland, Tennessee, adopted in Ordinance # 24-32 the appropriation of funds to various departments of the City for the fiscal year beginning July 1, 2024, and ending June 30, 2025; and

WHEREAS, the Tennessee State Board of Equalization has determined based on the current valuation of real property within the City of Portland, Robertson and Sumner County, that a Certified Tax Rate of seventy-three cents (\$0.73) per one hundred dollars (\$100) of assessed valuation would provide revenue consistent with the prior year, excluding newly taxable real and personal property; and

WHEREAS, Tennessee Code Annotated §67-5-1702 allows under certain restrictions that the governing body of a municipality can adopt a rate in excess of the Certified Tax Rate; and

WHEREAS, the Council of the City of Portland, Tennessee, has determined that current revenues are insufficient to fund necessary operating expenditures projected in the budget for the 2024-2025 fiscal year.

NOW THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen that:

Section 1. The tax rate for the City of Portland, Robertson County shall be \$ _____ of assessed valuation for the 2024-2025 fiscal year.

Section 2. The tax rate for the City of Portland, Sumner County shall be \$ _____ of assessed valuation for the 2024-2025 fiscal year.

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 – 53

Second Reading

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NUMBER 21-03 AUTHORIZED POSITIONS FOR THE CITY OF PORTLAND.

WHEREAS, the City of Portland has identified a need to update job position titles based on industry standards; and

WHEREAS, The following positions will be added:

- Fire Department: Deputy Fire Marshall
- Business Office: Billing Supervisor, Collections Supervisor
- Public Works: City Mechanic I, City Mechanic Lead, Street Crew Worker I, Street Crew Worker II, Street Crew Worker III
- Finance: Grant Accountant
- Finance: Records Clerk

NOW THEREFORE BE IT ORDAINED, by the Mayor and Board of Alderman of the City of Portland, Tennessee that The City of Portland Authorized Positions list adopted by Ordinance 21-03 is hereby repealed and replaced to include the updated positions within the Fire Department, Business Office, Finance and Public Works as mentioned above and is reflected in the attached be adopted with passage of this Ordinance; 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: August 19, 2024

Passed Second Reading:

CITY OF PORTLAND AUTHORIZED POSITIONS SCHEDULE
Summary of Positions by Division and Department
For Staffing & Planning Purposes

****General Operations****

Office of the Mayor

Mayor
Executive Assistant

Municipal Airport

Director
Lineman 2
Lineman 1

Business Office

Director
Collections Supervisor
Office Clerk Lead
Office Clerk 2
Office Clerk 1
Billing Supervisor
Billing Coordinator 2
Billing Coordinator 1
Meter Technician 2
Meter Technician 1
Court Clerk 2
Court Clerk 1

Legal

City Attorney
City Judge

Building Codes Dept

Building Official
Inspector 3
Inspector 2
Inspector 1
Permit Technician – Admin I
Property Maintenance/
Codes Enforcement Officer *

Community Development

Community Development Director
Business Development Manager

Fire

Chief
Assistant Chief /**Fire Marshall**
Admin 1
Captain
Battalion Chief
Firefighter with Medical
Engineer
Firefighter 2
Firefighter 1
Firefighter 2 w/Medical
Firefighter 1 w/Medical
Firefighter Basic
Deputy Fire Marshall

Finance Dept

Finance Director
Assistant Finance Director
Financial Analyst
Payroll/Accounts Payable Specialist
Accounting Assistant
Purchasing Administrator
City Recorder
Records Clerk

Human Resources

Director
HR Assistant II
HR Assistant I

Parks

Director
Assistant Director
Admin 2
Admin 1
Maintenance Supervisor
Maintenance Crew Lead
Maintenance Crew Worker 1 (*Maint Worker*)
Golf Course Manager
Golf Crew Lead
Golf Crew Worker I
Security
Seasonal, Temp, & Part-time Staff
(*Lifeguards, Sports Officials, Sales, Support
Personnel, Maintenance Workers, Concessions*)

Planning Dept

City Planner
Planner 2
Planner 1
Admin 1
Administrative Assistant

Police

Chief
Assistant Chief
Admin Assistant - Accreditation Manager /
Evidence Custodian
Records Clerk 2 - Agency Coordinator
Records Clerk 1
Patrol Lt.
Patrol Sgt.
Patrol Officer
Non-Certified Officer
Administrative Lt
Community Affairs Lt.
Detective Lt.
Detective Sgt.
Detective
CID Records/Clerk
Police Sgt. -Animal Control/
Codes Enforcement Ofc.

Animal Control Officer 2
Animal Control Officer 1

Public Works

Director
Assistant Director
Admin Assistant
Admin 1
Engineering Technician
City Mechanic I
City Mechanic Lead
Custodian

Stormwater - PW

Program Manager
Technician – Passed Ord# 21-28 (7/12/21)
Supervisor
Crew Lead
Crew Worker 3
Crew Worker 2
Crew Worker 1

Streets - PW

Supervisor
Crew Lead
Streets Crew Worker I
Streets Crew Worker II
Streets Crew Worker III
Maintenance Worker

Solid Waste - PW

Supervisor
Driver-Collector 3
Driver-Collector 2
Driver-Collector 1
Collector
Convenience Center Operator 1
Convenience Center Attendant
Crew Lead – Passed Ord# 21-27 (7/12/21)

Technology

IT Administrator

Media Manager

****Utilities******Department of Utilities**

Director

Assistant Director

Admin Assistant

Admin 2 (*Secretary 2*)

Admin 1 (*Secretary 1*)

Engineer

Engineering Assistant

GIS Administrator

GIS Technician

Utility Inspector I

Head Utility Inspector

Site Maintenance (Per WG)

Crew Lead (Eliminate)

Crew Worker

Crew Worker 1 (Eliminate)

Natural Gas - Utilities

Supervisor

Crew Lead

Crew Worker 3

Crew Worker 2

Crew Worker 1

Customer Service Tech

Locator

Sewer Collection - Utilities

Supervisor

Crew Lead

Crew Worker 3 (*Maintenance 3*)

Crew Worker 2 (*Maintenance 2*)

Crew Worker 1 (*Maintenance 1*)

Customer Service Tech

Locator

Jet/Vac Crew Leader

JetVac 2

JetVac 1

RESOLUTION

City of Portland, Tennessee

No. 24-72

**A RESOLUTION AUTHORIZING PART-TIME CITY EMPLOYEES BE OFFERED
FLU VACCINATIONS**

WHEREAS full time employees are covered by their health insurance for flu vaccinations; and

WHEREAS it is the recommendation of the Mayor and Board of Aldermen that the part-time uninsured City employees be offered flu vaccinations; and

WHEREAS the Finance Committee of the City of Portland approves to provide flu vaccinations for the part-time uninsured employees; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Portland do hereby authorize flu vaccinations for the part-time uninsured City employees; 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 - 55

First Reading

AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH GARVER BUILDERS, LLC FOR CONSTRUCTION OF THE PARKS MAINTENANCE BUILDING AT RICHLAND PARK

WHEREAS, the City of Portland deems it necessary to make improvements by constructing a new park maintenance; and

WHEREAS, the City of Portland received and opened bids on August 29, 2024, are as follows:

1. Garver Builders, LLC	\$538,910.00
2. Brent Ausbrooks Construction	\$599,500.00
3. Building Repair Systems	\$698,270.00
4. Nabholz Construction Services	\$869,067.00

WHEREAS, after careful consideration the bid from Garver Builders, LLC has been recommended as best bid for the Parks Maintenance Building project; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland to enter in an agreement with Garver Builders, LLC in the amount of \$538,910.00 as best bid for the Parks Maintenance Building, 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** *****

Maintenance Building for Parks and Recreation Department

City of Portland, TN

100 South Russell Street

Portland, TN 37148

Bid Opening Date/Time: August 29, 2024, at 10:00 a.m. CDT

Bidder City & State	Base Bid Lump Sum Total	Bid Bond Amount	Surety Company
Garver Builders, LLC Bethpage, TN	\$538,910.00	5%	The Ohio Casualty Insurance Company
Brent Ausbrooks Construction Portland, TN	\$599,500.00	5%	LoC from The Farmers Bank
Building Repair Systems Goodlettsville, TN	\$698,270.00	5%	West Bend Insurance Co.
Nabholz Construction Services Conway, AR	\$869,067.00	5%	Hartford Fire Insurance Co.

I do hereby certify this to be a true and correct representation of the bids received for this project.

Brian H. Whitaker, P.E., CPESC

TN License No. 111675



BID TABULATION
Maintenance Building for Parks and Recreation Department
City of Portland, TN
 (Sumner County)

Bid Date: August 29, 2024	Garver Builders, LLC Bethpage, TN	Brent Ausbrooks Construction Portland, TN	Building Repair Systems Goodlettsville, TN	Nabholz Construction Services Conway, AR
	Description	Total Price	Total Price	Total Price
Base Bid Lump Sum Total	\$538,910.00	\$599,500.00	\$698,270.00	\$869,067.00

September 3, 2024

Mr. Jamie White, Parks Director
City of Portland
100 South Russell Street
Portland, TN 37148

RE: **Recommendation of Award**
Maintenance Building for the Parks and Recreation Department
City of Portland, TN (Sumner County)

Dear Mr. White:

On August 29, 2024, at 10:00 a.m. CDT, at the City of Portland office, four (4) sealed bids were received and opened in the presence of City officials and OHM for the City of Portland Maintenance Building for the Parks and Recreation Department project. Garver Builders, LLC, was the apparent low bidder with a lump sum bid amount of \$538,910.00. The certified bid tabulation is attached for your use.

We have completed our review of the Bid Documents and find them to be acceptable. We have verified that the Contractor met and delivered all required documentation as prescribed in the approved bid documents. OHM has not worked with Garver Builders, LLC in the past, however they have been in business and fully licensed since 2004.

Based on our review, we recommend the City consider awarding this contract in the amount of **\$538,910.00** to Garver Builders, LLC, as the successful, responsive low bidder. We understand this selection will be decided by the Board of Mayor and Aldermen (BOMA). If BOMA concurs with our recommendation, they will need to issue a resolution awarding the project to Garver Builders, LLC. OHM will forward Conformed Contract Documents to the City of Portland who will issue to the Contractor for execution along with required bonds and insurance.

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

Sincerely,
OHM Advisors

A handwritten signature in blue ink, appearing to read "Brian H. Whitaker".

Brian H. Whitaker, P.E., CPESC
Principal

Enclosure: as stated

cc: Trent Stephens, City of Portland
Paula Hepp, OHM

ORDINANCE

City of Portland, Tennessee

No. 24 – 52

Second 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: August 5, 2024

Notice Published: Portland Sun - 9/3/24; Portland Leader - 9/4/24

Public Hearing: September 16, 2024

Passed Second Reading:



ORDINANCE

City of Portland, Tennessee

No. 24 - 56

First Reading

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE BEST BID FOR REMODEL OF THE CITY OF PORTLAND POLICE DEPARTMENT BUILDING.

WHEREAS, the following sealed bids were properly solicited and received by September 5th, 2024, for the remodel of the Portland Police Department building; and

1. MDI Construction
2. A & K Construction
3. Barron Construction

WHEREAS, the City of Portland hereby recommends the acceptance of the best bid from MDI Construction.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland that the bid from MDI Construction be accepted and a contract entered into for the remodel of the Portland Police Department building; 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:

PD Renovation Project

Bid Opening 9-5-2024

Contract A

Building only: Includes interior/exterior of building with plumbing, mechanical & electrical. Also includes partial roof replacement per plans. Electrical fixture A is to be outdoor grade can lights (Page E 6.0) Door Schedule 010,011 to remain 12' X 12' (Page A1.2)

Option B

Total Roof Replacement: Excluding partial roof replacement per plans.

Option C

All Civil Site Work: Parking Lot, Retaining Wall, etc...

Vendor's Name	Contract A	Contract B	Contract C
MDI Construction	\$1,969,203.66	\$206,168.32	\$240,812.53
A+K Construction	\$2,531,000.00	\$181,000.00	\$642,100.00
Barron Construction	\$3,104,657.00	\$65,000.00	\$415,966.00

ORDINANCE

City of Portland, Tennessee

No. 24 - 57

First Reading

AN ORDINANCE TO ENTER INTO AN AGREEMENT WITH G & C SUPPLY COMPANY, INC. FOR THE 2024 METER REPLACEMENT PROJECT AT VARIOUS LOCATIONS WITHIN THE PORTLAND WATER SYSTEM.

WHEREAS, the City of Portland deems it necessary to replace 3/4-inch and 1-inch water meters that are not currently reading accurately; and

WHEREAS, the City of Portland received and opened bids on August 28, 2024, from the following contractors; and

	3/4-Inch	1-Inch
• G & C Supply Company, Inc.	\$ 75.00	\$75.00

WHEREAS, after careful consideration, the bid from G & C Supply Company, Inc. has been recommended as the best bid for the 2024 Meter 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 **G & C Supply Company, Inc.** in the amount of **\$75.00 per 3/4-inch and 1-inch meter** as the best bid for the 2024 Meter 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

City of Portland 2024 Meter Replacement

PDU No: 0101-227

Bid Date/Time: Wednesday, August 28, 2024 at 2:00pm (CST)

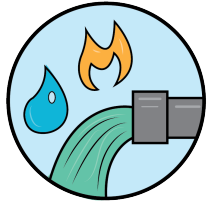
G & C Supply Co., Inc.

1105 State Route 77

Atwood, TN 38220

Item	Description	QTY	Unit Price
	METER REPLACEMENT		
1	3/4" Meter	EA	\$ 75.00
2	1" Meter	EA	\$ 75.00





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

September 4, 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
3/4" & 1" METER REPLACEMENT PROJECT**

Mr. Price:

On Wednesday, August 28, 2024, at 2:00 p.m. CST, one (1) sealed bid was received for the subject project referenced above. G & C Supply Company, Inc. was the apparent low bidder with a bid amount of \$75.00 per 3/4" and 1" meter replaced.

The certified bid tabulation is attached for your use and a summary of the bid is 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 \$75.00 per 3/4" and 1" meter to G & C Supply Company, Inc., as the successful, responsive, low bidder.

Bidder	Bid Amount	
	3/4" METER	1" METER
G & C Supply Company, Inc.	\$75.00	\$75.00

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

Sincerely,

Megan Heisler, P.E.
Utilities Engineer



RESOLUTION

City of Portland, Tennessee

No. 24 – 66

A RESOLUTION TO APPROVE CHANGE ORDER #4 IN THE INCREASED AMOUNT OF \$44,582.46 AND AN ADDITION OF 10 DAYS FOR CONTRACT TIMES FOR THE CONTRACT WITH CUMBERLAND VALLEY CONSTRUCTORS, INC FOR THE WASTEWATER TREATMENT PLANT EXPANSION

WHEREAS, the City of Portland has approved the original contract amount of \$14,528,900 with Cumberland Valley Constructors, Inc. for the Wastewater Treatment Plant Expansion (WWTP); and

WHEREAS, the City of Portland has approved the Change Order #1, #2, & #3 with a net decrease of \$34,465.66 with Cumberland Valley Constructors, Inc. for the WWTP; and

WHEREAS, Change Order #4 revises the contract by:

• Modification to blower controls, demo Blower 3, & temporary wire	Increase	+\$ 2,895.62
• Dewatering each SBR, coring through vault, New vault piping, installing flow meter, vault, & lid	Increase	+\$26,369.95
• Deletion of 12” DIP air piping on East/West Walls of SBR 1	Decrease	-\$18,704.08
• Replacement of Decanters in SBR 1 & 2	Increase	+\$ 34,020.97
	TOTAL	\$ 44,582.46

WHEREAS, Change Order #4 shall increase the contract amount by \$44,582.46, which shall adjust the contract amount to \$14,539,016.80, an increase of \$10,116.80 from the original contract amount; and

WHEREAS, the City of Portland, Tennessee is hereby approving Change Order #4 for an additional ten (10) consecutive calendar days to the current contract. The revised contract for substantial completion shall be six hundred and fifty-nine (659) consecutive calendar days, making the date for substantial completion Friday, December 30, 2024 and the time for final completion of seven hundred and nineteen (719) consecutive calendar days, making the date for final completion Tuesday, February 28, 2025; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland approves the acceptance of the Change Order #4 for the items stated above in the amount of **\$44,582.46** and an additional ten (10) consecutive calendar days to the current contract with Cumberland Valley Constructors, Inc. for the WWTP Expansion; 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 _____

Change Order

Change Order No. Four (4)

Date of Issuance: 8-21-24

Effective Date: _____

Project: 2020 Wastewater Treatment Plant Expansion

Owner: City of Portland, Tennessee

Owner's Contract No.: N/A

2020 Wastewater Treatment Plant Expansion

Date of Contract: _____

Contractor: Cumberland Valley Constructors, Inc.

Engineer's Project No.: 1163-08

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Summary of Work Change Directive WCD 27 through WCD 30.

Attachments: WCD 27 through WCD 30 (4 pages) and time extension request letter (2 pages) are included with Change Order No. Four (4).

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 14,528,900.00

[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 3:

\$ 34,465.66

Contract Price prior to this Change Order:

\$ 14,494,434.34

[Increase] [Decrease] of this Change Order:

\$ 44,582.46

Contract Price incorporating this Change Order:

\$ 14,539,016.80

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): 600

Ready for final payment (days or date): 660

[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 3:

Substantial completion (days): 649

Ready for final payment (days): 709

Contract Times prior to this Change Order:

Substantial completion (days or date): 649

Ready for final payment (days or date): 709

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 10 days

Ready for final payment (days or date): 10 days

Contract Times with all approved Change Orders:

Substantial completion (days or date): 659

Ready for final payment (days or date): 719

RECOMMENDED

By: _____

Engineer (Hatchcoat & Davis)

Date: _____

9/04/24

ACCEPTED:

By: _____

Owner (City of Portland)

Date: _____

ACCEPTED:

By: _____

Contractor (Cumberland Valley Constructors, Inc.)

Date: _____

9/9/24

WORK CHANGE DIRECTIVE NO.: 27

Owner: Portland, TN
Engineer: Hethcoat & Davis Inc
Contractor: Cumberland Valley Constructors (CVC)
Project: 2020 Wastewater Treatment Plant Expansion
Contract Name: 2020 Wastewater Treatment Plant Expansion
Date Issued: 8/09/24
Owner's Project No.:
Engineer's Project No: 1163-08
Contractor's Project No.:
Effective Date of Work Change Directive: 8/09/24

Contractor is directed to proceed promptly with the following change(s):

Description:

- **Modify blower controls so that Blower 1 will work and CVC can demo Blower 3 and not be impeded. Temporarily wire: extend blower #3 power and control conductors to blower #1 (Reference COR 045 \$2,895.62 addition).**
For an addition of \$2,895.62.

Attachments:

Purpose for the Work Change Directive:

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

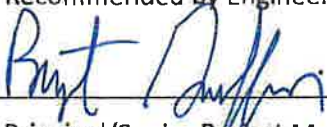
☐ Non-agreement on pricing of proposed change. ☒ Necessity to proceed for schedule or other reasons.

Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$ 2,895.62 ~~[increase]-[decrease] [not yet estimated]~~
Contract Time: 0 days ~~[increase] [decrease] [not yet estimated]~~

Basis of estimated change in Contract Price:

☒ Lump Sum ☐ Unit Price ☐ Cost of the Work ☐ Other

	Recommended by Engineer	Authorized by Owner
By:		
Title:	Principal/Senior Project Manager	
Date:	8/09/24	

WORK CHANGE DIRECTIVE NO.: 28

Owner: Portland, TN
Engineer: Hethcoat & Davis Inc
Contractor: Cumberland Valley Constructors (CVC)
Project: 2020 Wastewater Treatment Plant Expansion
Contract Name: 2020 Wastewater Treatment Plant Expansion
Date Issued: 8/09/24
Owner's Project No.:
Engineer's Project No: 1163-08
Contractor's Project No.:
Effective Date of Work Change Directive: 8/09/24

Contractor is directed to proceed promptly with the following change(s):

Description:

Pump out, demo existing vault piping in conjunction with dewatering each SBR, Core through vault, provide new vault piping, Tie in existing pipes with dismantling joints, in the vaults as drawings show and paint. Install flowmeter, vault and lid. (Reference COR 046 \$26,369.95 addition).

For an addition of \$26,369.95.

Attachments:

Purpose for the Work Change Directive:

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

☐ Non-agreement on pricing of proposed change. ☒ Necessity to proceed for schedule or other reasons.

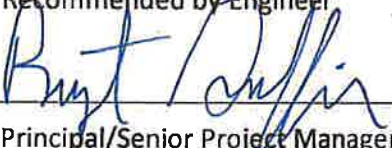
Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$ 26,369.95 ~~[increase]-[decrease]-[not yet estimated].~~

Contract Time: 0 days ~~[increase]-[decrease]-[not yet estimated].~~

Basis of estimated change in Contract Price:

☒ Lump Sum ☐ Unit Price ☐ Cost of the Work ☐ Other

Recommended by Engineer
By: 
Title: Principal/Senior Project Manager
Date: 8/09/24

Authorized by Owner

WORK CHANGE DIRECTIVE NO.: 29

Owner: Portland, TN
Engineer: Hethcoat & Davis Inc
Contractor: Cumberland Valley Constructors (CVC)
Project: 2020 Wastewater Treatment Plant Expansion
Contract Name: 2020 Wastewater Treatment Plant Expansion
Date Issued: 8/09/24
Owner's Project No.:
Engineer's Project No: 1163-08
Contractor's Project No.:
Effective Date of Work Change Directive: 8/09/24

Contractor is directed to proceed promptly with the following change(s):

Description:

Delete all proposed 12" DIP Air Pipe on the East/West Axis of SBR 1 referenced in the reroute of Air Pipe in COR #1 (Reference COR 047 \$18,704.08 credit).

For a credit of \$18,704.08.

Attachments:

Purpose for the Work Change Directive:

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

☐ Non-agreement on pricing of proposed change. ☒ Necessity to proceed for schedule or other reasons.

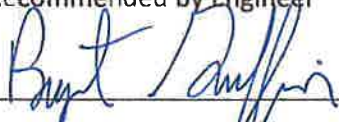
Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$ 18,704.08 ~~[increase] [decrease] [not yet estimated]~~

Contract Time: 0 days ~~[increase] [decrease] [not yet estimated]~~

Basis of estimated change in Contract Price:

☒ Lump Sum ☐ Unit Price ☐ Cost of the Work ☐ Other

	Recommended by Engineer	Authorized by Owner
By:		
Title:	Principal/Senior Project Manager	
Date:	8/09/24	

WORK CHANGE DIRECTIVE NO.: 30

Owner: Portland, TN
Engineer: Hethcoat & Davis Inc
Contractor: Cumberland Valley Constructors (CVC)
Project: 2020 Wastewater Treatment Plant Expansion
Contract Name: 2020 Wastewater Treatment Plant Expansion
Date Issued: 8/21/24
Owner's Project No.:
Engineer's Project No: 1163-08
Contractor's Project No.:
Effective Date of Work Change Directive: 8/21/24

Contractor is directed to proceed promptly with the following change(s):

Description:

Reimbursement for the replacement of decanters in SBR 1 and 2. (Reference COR 048 \$34,020.97 addition).

For an addition of \$34,020.97.

Attachments:

Purpose for the Work Change Directive:

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

Notes to User—Check one or both of the following

☐ Non-agreement on pricing of proposed change. ☒ Necessity to proceed for schedule or other reasons.

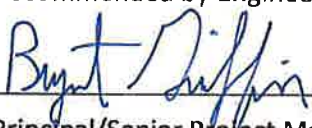
Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

Contract Price: \$ 34,020.97 [increase]-[decrease]-[not yet estimated].

Contract Time: 0 days [increase]-[decrease]-[not yet estimated].

Basis of estimated change in Contract Price:

☒ Lump Sum ☐ Unit Price ☐ Cost of the Work ☐ Other

	Recommended by Engineer	Authorized by Owner
By:		
Title:	Principal/Senior Project Manager	
Date:	8/21/24	



Cumberland Valley Constructors

2518 Plum Street; Nashville, TN 37207

P O Box 78247; Nashville, TN 37207

September 4, 2024

Hethcoat and Davis
278 Franklin Rd
Suite 200
Brentwood, TN 37207

Re: Time Extension thru August 2024 on Portland WWTP

Attn: Mr. Bryant Griffin, PE

Bryant:

As discussed, CVC has observed inclement weather delays while under contract on the Portland WWTP, which in the Contractors opinion qualify as a change in the total time of the project.

In summation, the last recorded Time Extension in February, CVC has seen a total of 10 inclement weather days for the period of March 1, 2024 through August 31, 2024 above the NOAA Average as included in the Contract Documents.

We respectfully request a change to the contract for these days.

Sincerely,

CUMBERLAND VALLEY CONSTRUCTORS, INC.

Mark A. Palmieri

ACTUAL RAINFALL FOR CITY OF PORTLAND WWTP

March	Rainfall	April	Rainfall	May	Rainfall	June	Rainfall	July	Rainfall	August	Rainfall
3/1/2024	0.23	4/1/2024	0.00	5/1/2024	0.00	6/1/2024	0.08	7/1/2024	0	8/1/2024	0
3/2/2024	0.10	4/2/2024	0.00	5/2/2024	0.00	6/2/2024	1.17	7/2/2024	0	8/2/2024	0.3
3/3/2024	0.02	4/3/2024	1.58	5/3/2024	0.30	6/3/2024	0	7/3/2024	0	8/3/2024	0
3/4/2024	0.00	4/4/2024	0.07	5/4/2024	0.30	6/4/2024	0.04	7/4/2024	0	8/4/2024	0
3/5/2024	0.00	4/5/2024	0.00	5/5/2024	0.28	6/5/2024	0.39	7/5/2024	0	8/5/2024	0
3/6/2024	0.17	4/6/2024	0.00	5/6/2024	0.55	6/6/2024	0.09	7/6/2024	0.4	8/6/2024	0
3/7/2024	0.00	4/7/2024	0.00	5/7/2024	0.72	6/7/2024	0	7/7/2024	0	8/7/2024	0
3/8/2024	0.00	4/8/2024	0.00	5/8/2024	0.79	6/8/2024	0	7/8/2024	0	8/8/2024	0
3/9/2024	0.47	4/9/2024	0.00	5/9/2024	6.23	6/9/2024	0.02	7/9/2024	0	8/9/2024	0
3/10/2024	0.00	4/10/2024	0.08	5/10/2024	0.01	6/10/2024	0.03	7/10/2024	0.85	8/10/2024	0
3/11/2024	0.00	4/11/2024	0.42	5/11/2024	0.00	6/11/2024	0	7/11/2024	0	8/11/2024	0
3/12/2024	0.00	4/12/2024	0.19	5/12/2024	0.00	6/12/2024	0	7/12/2024	0	8/12/2024	0
3/13/2024	0.00	4/13/2024	0.00	5/13/2024	0.00	6/13/2024	0	7/13/2024	0	8/13/2024	0
3/14/2024	0.00	4/14/2024	0.00	5/14/2024	0.09	6/14/2024	0	7/14/2024	0	8/14/2024	0
3/15/2024	0.72	4/15/2024	0.00	5/15/2024	0.18	6/15/2024	0	7/15/2024	0	8/15/2024	0
3/16/2024	0.00	4/16/2024	0.01	5/16/2024	0.10	6/16/2024	0	7/16/2024	0	8/16/2024	0
3/17/2024	0.00	4/17/2024	0.15	5/17/2024	0.03	6/17/2024	0	7/17/2024	0	8/17/2024	0
3/18/2024	0.00	4/18/2024	0.02	5/18/2024	0.05	6/18/2024	0	7/18/2024	1.65	8/18/2024	0.6
3/19/2024	0.00	4/19/2024	0.03	5/19/2024	0.00	6/19/2024	0	7/19/2024	0	8/19/2024	0
3/20/2024	0.00	4/20/2024	0.00	5/20/2024	0.00	6/20/2024	0	7/20/2024	0	8/20/2024	0
3/21/2024	0.00	4/21/2024	0.00	5/21/2024	0.00	6/21/2024	0	7/21/2024	0	8/21/2024	0
3/22/2024	0.00	4/22/2024	0.00	5/22/2024	0.00	6/22/2024	0	7/22/2024	0.9	8/22/2024	
3/23/2024	0.73	4/23/2024	0.00	5/23/2024	1.77	6/23/2024	0	7/23/2024	0.3	8/23/2024	
3/24/2024	0.00	4/24/2024	0.00	5/24/2024	1.10	6/24/2024	0	7/24/2024	0	8/24/2024	
3/25/2024	0.00	4/25/2024	0.00	5/25/2024	0.37	6/25/2024	0	7/25/2024	0	8/25/2024	
3/26/2024	0.69	4/26/2024	0.07	5/26/2024	0.07	6/26/2024	0	7/26/2024	0	8/26/2024	
3/27/2024	0.00	4/27/2024	0.26	5/27/2024	2.90	6/27/2024	1.5	7/27/2024	0	8/27/2024	
3/28/2024	0.00	4/28/2024	0.00	5/28/2024	0.00	6/28/2024	0	7/28/2024	0	8/28/2024	
3/29/2024	0.00	4/29/2024	0.00	5/29/2024	0.00	6/29/2024	0	7/29/2024	0	8/29/2024	
3/30/2024	0.00	4/30/2024	1.10	5/30/2024	0.00	6/30/2024	0.74	7/30/2024	0	8/30/2024	
3/31/2024	0.00			5/31/2024	0.00			7/31/2024	0.5	8/31/2024	
Inches of Rain	3.13		3.98		15.84		4.06		4.6		0.9
Actual Rain Days	7		6		11		5		6		2
Average per Contract	5		5		6		4		5		4
Additional Days Per Contract	2		1		5		1		1		0

RESOLUTION

City of Portland, Tennessee

No. 24 – 67

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF TEMPORARY EASEMENTS FOR PRIVATE SEWER SERVICE LATERALS FOR THE 2024 SANITARY SEWER POINT REPAIRS PROJECT

WHEREAS, the City of Portland, Tennessee has identified damaged sewer service laterals by closed circuit television (CCTV) inspections; and

WHEREAS, the Portland Department of Utilities (PDU) deems it necessary to make these repairs to help eliminate inflow & infiltration (I/I) to our sewer system; and

WHEREAS, in 2016 the City was placed under Consent Order WPC16-0079 due to State violations of the sewer plant and collection system. The Consent Order includes several mandated requirements that must achieve substantial compliance on or before March 15, 2022. The City requested an extension from TDEC on September 15, 2022, and TDEC granted this request on October 20, 2022. The new date for substantial compliance is on or before November 1, 2024; and

WHEREAS, the City proposes to assist homeowners who are in need of sewer service repairs as associated with the 2024 Sanitary Sewer Point Repairs Project. Due to the compliance schedule, the City shall request permission from property owners to repair their damaged service line. The City shall make repairs, as needed, at no cost to said property owner, if granted a twenty (20) feet wide temporary easement centered along the service line beginning where the line leaves the home and ending at the City's right-of-way. At the end of one-year from the date of the repair, the easement shall expire; and

WHEREAS, PDU recommends the authorization of the temporary easement of private sewer service laterals, as associated with the 2024 Sanitary Sewer Point Repairs Project; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland approves the temporary easement of private sewer service laterals as associated with the 2024 Sanitary Sewer Point Repairs Project; 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

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

	)	
IN THE MATTER OF:	)	DIVISION OF WATER
	)	RESOURCES
	)	
CITY OF PORTLAND, TN	)	
	)	
RESPONDENT	)	CASE NO. WPC16-0079
	)	

CONSENT ORDER AND AGREEMENT

This CONSENT ORDER AND AGREEMENT is entered into between the Tennessee Department of Environment and Conservation (hereinafter, the "Department") and the City of Portland, Tennessee ("Respondent") for the purpose of resolving the issues set forth in the Findings of Fact and Conclusions of Law. The Department's Division of Water Resources (the "Division") obtained information documenting the Respondent's violation of its currently effective permit, as more fully set forth below. Pursuant to Tenn. Code Ann. § 4-5-105 and § 69-3-110, the Commissioner and the Respondent have reached a settlement for these matters. By entering into this Consent Order and Agreement, the Respondent agrees to waive its right to a contested case in this matter except as set forth below. This Order shall become effective upon being executed by the Director of the Division and a representative of the Respondent, whichever occurs last.

As evidenced by the signatures of counsel below, the parties stipulate and agree as follows: _____ →

NOW COMES Robert J. Martineau, Jr., Commissioner of the Tennessee

Department of Environment and Conservation, and states:

PARTIES

I.

Robert J. Martineau, Jr. is the duly appointed Commissioner of the Department. The Commissioner is responsible for administering the *Water Quality Control Act*, (the "Act"), Tenn. Code Ann. § 69-3-101 *et seq.*

II.

The City of Portland (hereinafter the "Respondent") is a municipality in Sumner County, Tennessee. The Respondent operates a wastewater treatment plant ("WWTP") and the associated collection system (hereinafter the "system") in Portland, Tennessee. Service of process may be made on the Respondent through the Honorable Ken Wilber, Mayor, at 100 South Russell Street, Portland, Tennessee 37148.

JURISDICTION

III.

Whenever the Commissioner has reason to believe that a violation of the Act, has occurred, or is about to occur, the Commissioner may issue a complaint to the violator and may order corrective action be taken pursuant to Tenn. Code Ann. § 69-3-109(a). Further, the Commissioner has authority to assess civil penalties against any violator of the Act, pursuant to Tenn. Code Ann. § 69-3-115; and has authority to assess damages incurred by the state resulting from the violation, pursuant to Tenn. Code Ann. § 69-3-

IV.

The Respondent is a “person” as defined at Tenn. Code Ann. § 69-3-103(26) and, as herein described, has violated the Act.

V.

Summer’s Branch and the Red River are “waters of the state” as defined by Tenn. Code Ann. § 69-3-103(44). Pursuant to Tenn. Code Ann. § 69-3-105(a)(1), all waters of the state have been classified by the Tennessee Board of Water Quality, Oil, and Gas (the “Board”) for suitable uses. Tenn. Comp. R. & Regs. Chapter 0400-40-04. Accordingly, all waters of the state have been classified for the following uses: fish and aquatic life, recreation, irrigation, livestock watering and wildlife, and may additionally be classified for use as industrial water supply, domestic water supply, and navigation.

VI.

Pursuant to Tenn. Code Ann. § 69-3-108, any person engaged in or planning to engage in the discharge of sewage, industrial wastes or other wastes into waters, or to a location from which it is likely that the discharged substance will move into waters must obtain a permit from the Department. Tenn. Comp. R. & Regs. 0400-40-05-.08 states in part that a set of effluent limitations will be required in each permit that will indicate adequate operation or performance of treatment units used, and that appropriately limit those harmful parameters present in the wastewater. Rule 1200-4-5-.07 states in part that

the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Furthermore, it is unlawful for any person to increase the volume or strength of any wastes in excess of the permissive discharges specified under any existing permit pursuant to Tenn. Code Ann. § 69-3-108(b)(3). It is unlawful for any person to violate the conditions of a discharge permit issued by the Department pursuant to Tenn. Code Ann. §§ 69-3-108(b)(6) and -114(b).

FACTS

VII.

The Division issued to the Respondent National Pollutant Discharge Elimination System ("NPDES") permit number TN0021865 (hereinafter the "permit"). The permit became effective on September 1, 2014, and will expire on August 31, 2019. The WWTP has a design capacity of 1.9 million gallons per day ("MGD") and is authorized to discharge treated effluent, through outfall 001 at Summer's Branch which flows into the Red River at mile 8.6, in accordance with effluent limitations, monitoring requirements and other conditions set forth therein.

VIII.

On February 9, 2011, the Commissioner issued Order and Assessment No. WPC09-0109 against the Respondent. The order required the Respondent to submit to the Division a revised Corrective Action Plan/Engineering Report ("CAP/ER") and to implement a revised Capacity Management, Operation, and Maintenance ("CMOM")

program. The Order assessed a civil penalty of \$220,500.00, of which \$20,500.00 was due as up-front payment. In lieu of the up-front penalty, the Order allowed the Respondent the option of proposing and completing a supplemental environmental project with a value of at least \$41,000.00.

Due to the number of effluent violations reported by the Respondent since Consent Order WPC09-0109 became final, and the necessity of additional corrective actions, all requirements of Consent Order WPC09-0109 shall be superseded by this Order and Assessment, and Consent Order WPC09-0109 shall be closed as of the date this Order is final.

IX.

On May 16, 2011, the Respondent submitted a revised CAP/ER to the Division. On October 10, 2011, the Respondent submitted a revised CMOM program to the Division. Annual CMOM reports have been submitted since that time.

X.

On December 11, 2015, the Environmental Protection Agency ("EPA") issued the Respondent a Notice of Violation for numerous effluent violations of the permitted effluent limitations.

XI.

Most recently, on August 9, 2016, representatives from the Respondent met with Division personnel to inform the Division of all of the work completed since receiving

the February 2011 order and assessment and to present documentation about that work.

Work completed by the Respondent included but is not limited to:

- Replacing the existing pump station and force main with a larger capacity system on Airport Road;
- Rehabilitating 3,553 linear feet (“LF”) of sewer and 17 manholes along SR 109 and North Street;
- Rehabilitating and replacing sewer lines and manholes in the 30,000 LF Scattersville sub-basin;
- Conducting multiple years of flow monitoring;
- WWTP operations evaluation and training;
- Integrated data management system at WWTP;
- Submitting a revised Sewer Overflow Response Plan (“SORP”);
- Consolidating two pump stations into one larger pump station, constructing 5,500 LF of new force main and 1,600 LF of new gravity sewer to eliminate a chronic over flow point;
- Completing smoke testing, SSES, remedial maintenance, and rehabilitation on 20% of the sewer system; and,
- Completing a Preliminary Engineering Report to assess current and future flows, loadings, and make recommendations to address violations and meet long-term water quality requirements.

XII.

In a Notice of Violation dated November 7, 2016, division personnel summarized

a pretreatment inspection that took place on June 20-21, 2016, during which the following deficiencies were observed:

- Documentation of the City's pretreatment inspections of their significant industrial users ("SIU") were not available as required by rule 0400-40-14-.08(6)(b)(5), which requires that the City inspect and conduct sampling at each SIU at least once every 12 months.
- Failure to document that the permit for Depor, an SIU, was administratively extended following its expiration on December 3, 2011, and subsequent reissuance on December 4, 2012. Rule 0400-40-14-.08(6)(a)(3) requires the City to issue and/or reissue permits to all SIUs.
- Failing to take enforcement action or document why no action was taken against Unipres (an SIU) and Depor for not having the required certification statement in the industry permits;
- Failing to having an original signature on the industry submitted monitoring forms;
- Failing to enforce the sampling limits on the industry permits; and
- Failing to maintain copies of the local limits calculations for the permitted facilities.

During the inspection it was noted that the City's pretreatment coordinator had recently changed in June of 2016.

XIII

In a letter dated December 6, 2016, the Respondent indicated that the following

actions had been taken to address the issues raised in the November 7, 2016, NOV:

- All SIUs have been inspected and sampled since the audit;
- The Depor permit has been reissued and steps have been put in place to ensure that permits are reissued in a timely manner going forward;
- SIU files have been reviewed to ensure that industries are meeting the sampling and reporting requirements, and the City's Enforcement Response Plan ("ERP") is being followed in the event an SIU is not meeting those requirements; and
- The City is working with a consulting firm to recalculate the local limits, as applicable.

XIV.

During the monitoring period of July 2012 through December 2016, the Respondent reported the following violations of its NPDES permit limits on Discharge Monitoring Reports ("DMRs"): 977 overflows in the collection system constituting unpermitted discharges, 1 violation of carbonaceous biochemical oxygen demand limits, 37 violations of *Escherichia Coli* (*E. Coli*) limits, 105 violations of nitrogen limits, 3 violations of phosphorus limits, 9 violations of total suspended solids limits, 5 violations of settleable solids limits, 4 violations of total residual chlorine limits, and 1 violation of the Whole Effluent Toxicity ("WET") test.

Of those violations listed, seven effluent violations and 101 overflows occurred during the 2016 calendar year, with the remainder occurring during July 2012 - December 2015.

VIOLATIONS

XV.

By violating the terms and conditions of the Permit, as described herein, and discharging untreated effluent from locations other than the permitted outfall, the Respondent has violated Tenn. Code Ann. §§ 69-3-108(a) and (b), and 114(b), which state in relevant part:

§ 69-3-108(a):

Every person who is or is planning to carry on any of the activities outlined in subsection (b), other than a person who discharges into a publicly owned treatment works or who is a domestic discharger into a privately owned treatment works, or who is regulated under a general permit as described in subsection (l), shall file an application for a permit with the commissioner or, when necessary, for modification of such person's existing permit.

§ 69-3-108(b):

It is unlawful for any person, other than a person who discharges into a publicly owned treatment works or a person who is a domestic discharger into a privately owned treatment works, to carry out any of the following activities, except in accordance with the conditions of a valid permit:

- (1) The alteration of the physical, chemical, radiological, biological, or bacteriological properties of any waters of the state;
- (3) The increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit;
- (6) The discharge of sewage, industrial wastes or other wastes into water, or a location from which it is likely that the discharged substances will move into waters;

§ 69-3-114(b):

In addition, it is unlawful for any person to act in a manner or degree which is violative of any provision of this part or of any rule, regulation, or standard of water quality promulgated by the board or of any permits or orders issued pursuant to the provisions of this part; or fail or refuse to file

an application for a permit as required in § 69-3-108; or to refuse to furnish, or to falsify any records, information, plans, specifications, or other data required by the board or the Commissioner under this part.

XVI.

By failing to maintain the requirements set forth in the City's pretreatment program, including annual inspection and sampling of SIUs, failing to reissue permits to SIUs, and failing to maintain local limits calculations the City is in violation of Tenn. Comp. R. & Regs. 0400-40-14-.08(6)(a)(3) and 0400-40-14-.08(6)(b)(5) which state in part:

Tenn. Comp. R. & Regs. 0400-40-14-.08(6)(a)(3):

Control through the permit, order, or similar means, the contribution to the WWF by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under definition of "Significant Industrial User" in paragraph (1) of Rule 0400-40-14-.03, this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such user,...

Tenn. Comp. R. & Regs. 0400-40-14-.08(6)(b)(5):

Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial User at least once every 12 months,...

The Consent Order and Agreement provided below is intended to address all outstanding violations, including those recited in the Facts paragraphs above.

XVII.

WHEREFORE, pursuant to the authority vested by Tenn. Code Ann. §§ 69-3-107, 109, 115, and 116, I, Robert J. Martineau, Jr., hereby orders and the Respondent agrees to perform the following actions:

1. Collection System Corrective Action Plan/Engineering Report. Within one hundred and eighty (180) days of the Effective Date of this Consent Order and Agreement, the Respondent shall submit for approval by the Division an updated Collection System Corrective Action Plan/Engineering Report ("CS-CAP/ER") on the system and a project schedule for implementation and completion of all activities listed therein. The CS-CAP/ER shall include: a) a comprehensive plan that accounts for projected population growth; b) a reliability study of each major pump station; c) a hydraulic model of the collection and transport system, including both new and existing lines; d) identification of any known overflow locations utilizing the use of geographic information systems ("GIS") coordinates to fully map the system and prioritize areas within the system that are in need of repair based upon a holistic understanding of the system, repair and/or replacement of equipment; and e) the operational procedures and staffing necessary to comply with the NPDES permit. The CS-CAP/ER shall also identify any priority activities. The Respondent shall submit the CS-CAP/ER in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office at 711 R. S. Gass Boulevard, Nashville, Tennessee 37243, and to the manager of the Compliance and Enforcement Unit located on the 11th Floor, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243. In addition, a copy of the documents can be submitted electronically to DWRwater.compliance@tn.gov.

2. The Respondent shall initiate the actions outlined in the approved CS-CAP/ER, including, those items required by the Division as comments in the approval of the CS-CAP/ER, in accordance with the schedule approved by the Division. The CS-CAP/ER, including the project schedule, shall become enforceable as part of this Order once approved by the Division. At the time of first action on the CS-CAP/ER, the Respondent shall notify the Division in writing of the action. This written notification shall be submitted in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office and to the manager of the Compliance and Enforcement Unit of Water Resources in Nashville, at the respective addresses shown in item 1, above.

3. All activities in the approved CS-CAP/ER schedule which are required to be completed in the first five (5) years, including all items designated as priority activities, shall be completed within five (5) years from the date of written approval of the CS-CAP/ER by the Division. A notice of completion of these activities shall be submitted in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office and to the manager of the Compliance and Enforcement Unit of Water Resources in Nashville, at the respective addresses shown in item 1. The notice of completion will be considered late if not received by the division on or before three (3) months after the end of that five (5)-year period. Within three (3) months after submitting this notice of completion, the Respondent shall submit an updated schedule for the remaining items in the CS-CAP/ER and a description of how the Respondent

plans to fund them. Thereafter, the Respondent shall continue to work complete the projects in the CS-CAP/ER, in accordance with the schedule approved by the Division, but will no longer be subject to the Order provided that the City is in substantial compliance with the permit.

4. Sewage Treatment Plant Corrective Action Plan and Engineering Report.

Within one hundred and twenty (120) days of the Effective Date of the Consent Order and Agreement, Respondent shall submit for approval by the Division an updated and detailed Sewage Treatment Plant Corrective Action Plan and Engineering Report ("STP-CAP/ER") to address the effluent violations listed in and a project schedule with timetables for beginning and completing all activities within three (3) years after written approval of the STP-CAP/ER by the Division. The STP-CAP/ER shall include modification, repair, and or replacement of equipment or operations necessary to comply with the requirements established by the NPDES permit and optimization of the plant with respect to the exceedances cited in paragraph 0IV above. The Respondent shall submit the STP-CAP/ER in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office and to the manager of the Compliance and Enforcement Unit of Water Resources in Nashville, at the respective addresses shown in item 1, above.

5. The Respondent shall initiate the actions outlined in the approved STP-CAP/ER, including, those items required by the Division as comments in the approval of the STP-CAP/ER, upon written approval of the plan by the Division. The STP-CAP/ER,

including the project schedule, implementation, and completion dates contained therein, shall become enforceable as part of this order once approved by the division. At the time of first action on the STP-CAP/ER, the Respondent shall notify the Division in writing of the action. This written notification shall be submitted in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office and to the manager of the Compliance and Enforcement Unit of Water Resources in Nashville, at the respective addresses shown in item 1, above.

6. All scheduled activities in the approved STP-CAP/ER shall be completed within three (3) years from the date of written approval of the STP-CAP/ER by the Division. This notice of completion shall be submitted in duplicate to the manager of the Division of Water Resources' Nashville Environmental Field Office and to the manager of the Compliance and Enforcement Unit of Water Resources in Nashville, at the respective addresses shown in item 1. The notice of completion will be considered late if not received by the division on or before three (3) months after the end of that three (3)-year period.

7. Annual Reports. The Respondent shall submit annual reports updating the Division on progress made toward permit compliance for a period of five (5) years from the execution of this Consent Order and Agreement, more specifically those items which are detailed in the approved CS-CAP/ER and STP-CAP/ER such as location and scope of rehabilitation work completed to date and documentation of costs associated with completion of those activities. The annual reports shall include an annual summary of all

overflows, to detail cause of the overflow, location, duration, amount, and whether it reached waters of the state. The report shall also list any connections made during the year, the location of the connections, and anticipated contribution to the WWTP. The annual reports will be due no later than March 31st for the previous year. The first report is due by March 31, 2018, for the 2017 calendar year. The reports are to be submitted in duplicate to the addresses provided in item 1 above.

8. The Respondent shall remain under a self-imposed moratorium as provided in the permit language, and shall be responsible for ensuring adequate capacity prior to approving any new connections. The CS-CAP/ER and STP-CAP/ER required hereunder are intended to constitute an engineering report and construction plans and specifications for corrective actions required under Section 2.3.3-d. of the Respondent's permit, affording relief of the prohibitions of Section 2.3.3-c. to the extent, and subject to the conditions, provided in Section 2.3.3-d. of the permit. If the City fails to utilize adequate capacity analysis in their approval of new non-obligated sewer taps that result in an increase of overall sewer overflow volume downstream of new connections, as documented in the annual reports required in Item 7 above, the City may face additional contingent penalties as detailed in Item 12 below.

9. Within 60 days of execution of this Consent Order and Agreement, the Respondent shall submit for review and comment Standard Operating Procedures ("SOP") to ensure that all elements of the pretreatment program are carried out in

accordance with permit requirements. The SOP will address the following elements identified below:

- a) Procedures to identify who will carry out the various aspects of the pretreatment program;
- b) A timetable for pretreatment inspections and reports due to the Division during the upcoming 2-year period;
- c) Procedures for training of appropriate personnel;
- d) Procedures for physical inspection of industries.

10. The Respondent shall also submit an updated Sewer Use Ordinance (“SUO”), ERP, and Local Limits calculations for review and approval. Should the Division require any changes to these documents the Respondent shall:

- a) Submit a response to any comments within 60 days;
- b) Upon preliminary approval by TDEC, complete the required public notice and comment period and submit documentation of these activities within 60 days of receipt of preliminary approval;
- c) Upon final approval by TDEC, submit proof of adoption of the revised legal authority within 120 days;
- d) Revise industrial user permits to incorporate changes to the legal authority upon SIU permit renewal or issuance.

11. The Respondent shall achieve substantial compliance with the permit on or before March 15, 2022, and shall submit a final report to the Division evaluating the

effectiveness of the corrective actions taken in bringing the plant into compliance with the permit. In addition, the report shall include an evaluation of additional corrective actions needed to bring the plant into compliance with the permit. This report shall be due no later than May15, 2022, and shall be submitted in duplicate to the addresses listed in item 1 above, at which time this Order shall be considered closed so long as the Respondent is in compliance with all Order requirements, all penalties owed have been paid to the Division, and no further violations have occurred.

12. The Respondent shall pay a CIVIL PENALTY of TWO-HUNDRED, FORTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$248,500.00), hereby assessed to be paid as follows:

- a. **On or before the 31st day from the effective date of this Order and Assessment, the Respondent shall pay THIRTY-SEVEN THOUSAND, TWO HUNDRED AND SEVENTY-FIVE DOLLARS (\$37,275.00) to the Division.** If the Respondent wishes to provide supplemental work in lieu of up to 75% of the up-front penalty, then the value must be FIFTY-FIVE THOUSAND, NINE HUNDRED AND TWELVE DOLLARS (\$55,912.00). **If the Respondent elects to do a SEP, the remaining 25% or NINE THOUSAND, THREE HUNDRED and EIGHTEEN DOLLARS (\$9,318.00) of the up-front penalty is due and payable on or before the 31st day from the effective date of this Order and Assessment.** Any proposed

SEP(s) must be submitted, in writing, to the Department's Director of Water Resources (hereinafter, the "Director") within thirty-one (31) days of the Effective Date of the Consent Order and Agreement. The written proposal must include an estimate of the anticipated cost of the project(s), a timetable for completion, and detailed plans, including but not limited to maps, schematics, listing of plant species used for vegetative cover, and any on-going monitoring plans needed. Before implementing the SEP(s), the SEP(s) must be approved, in writing, by the Director. Once approved, the SEP project(s), including the timetable for completion, shall become an enforceable portion of this order. In the event that one or more of the proposed SEP(s) are not approved, the Director may extend the time in which to submit an alternative SEP(s) proposal.

If no extension of time is requested or granted, the Respondent shall pay the above assessed THIRTY-SEVEN THOUSAND, TWO HUNDRED AND SEVENTY-FIVE DOLLARS (\$37,275.00) CIVIL PENALTY within thirty-one (31) days of receipt of the Director's letter denying the SEP(s). To receive credit against the CIVIL PENALTY for any approved SEP(s), the Respondent must provide documentation to the Director of the actual costs expended on each SEP(s). The value credited against the civil penalty for any approved SEP(s) will be determined by

the Director. **In the event that the Respondent fails to propose SEP(s) within thirty (30) days of the Effective Date of this Consent Order and Agreement, the THIRTY-SEVEN THOUSAND, TWO HUNDRED AND SEVENTY-FIVE DOLLARS (\$37,275.00) CIVIL PENALTY will become due and payable immediately.** Additionally, in the event that the Respondent completes the approved SEP(s), but does not spend the full amount, then the remainder will be due and payable with the final progress report on the SEP.

- b. If, and only if, the Respondent fails to comply with item 1, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- c. If, and only if, the Respondent fails to comply with item 2, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- d. If, and only if, the Respondent fails to comply with item 3, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- e. If, and only if, the Respondent fails to comply with item 4, the Respondent shall pay a CIVIL PENALTY in the amount of TEN

THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.

- f. If, and only if, the Respondent fails to comply with item 5, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- g. If, and only if, the Respondent fails to comply with item 6, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- h. If, and only if, the Respondent fails to comply with item 7, the Respondent shall pay a CIVIL PENALTY in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) per report, up to a maximum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), payable within thirty (30) days of receipt of a notice of default.
- i. If, and only if, the Respondent fails to comply with item 8, the Respondent shall pay a CIVIL PENALTY in the amount of TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) per connection that the Division determines to be contributing to additional overflow volume as documented in the annual report, up to a maximum value of TWENTY-SIX THOUSAND, DOLLARS (\$26,000.00), payable within thirty (30) days of notification by the Division.

- j. If, and only if, the Respondent fails to comply with item 9, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- k. If, and only if, the Respondent fails to comply with item 10, the Respondent shall pay a CIVIL PENALTY in the amount of TEN THOUSAND, DOLLARS (\$10,000.00), payable within thirty (30) days of receipt of a notice of default.
- l. If, and only if, the Respondent fails to submit the final evaluation report required by item 11, the Respondent shall pay a CIVIL PENALTY in the amount of FIVE THOUSAND, TWO HUNDRED AND TWENTY-FIVE DOLLARS (\$5,225.00), payable within thirty (30) days of receipt of a notice of default.
- m. If and only if, the Respondent fails to comply with item 11 by achieving compliance with the permit by March 15, 2022, the Respondent shall pay a CIVIL PENALTY in the amount of TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) per effluent exceedance or overflow, up to a maximum value of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), payable within thirty (30) days of the end of the month in which the violation occurred. Assessment of exceedances and overflows will begin on March 16, 2022.

The Respondent shall otherwise conduct business in accordance with the Act and rules promulgated pursuant to the Act.

The Director of the Division of Water Resources may, for good cause shown, extend the compliance dates contained within this Consent Order. In order to be eligible for this time extension, the Respondent shall submit a written request to be received a minimum of thirty (30) days in advance of the compliance date. The request must include sufficient detail to justify such an extension and include at a minimum the anticipated length of the delay, the precise cause or causes of the delay, and all preventive measures taken to minimize the delay. Any such extension granted by TDEC will be in writing.

Further, the Respondent is advised that the foregoing Consent Order and Agreement is in no way to be construed as a waiver, expressed or implied, of any provision of the law or regulations. However, compliance with the Consent Order and Agreement will be one factor considered in any decision whether to take further enforcement action against the Respondent in the future.

RESERVATION OF RIGHTS

XVIII.

By agreeing to and entering into this Consent Order and Agreement, Respondents wish to settle and resolve these matters as expeditiously and efficiently as possible. The Respondent neither admits nor denies the factual allegations or the alleged violations of law contained in this Consent Order. Respondent agrees to comply with this Consent Order and Agreement, in order to avoid the cost of protracted litigation and to voluntarily

promote greater environmental protection. Respondents reserve the right to contest the factual allegations and alleged violations of law contained in this Consent Order and Agreement in any proceeding other than a proceeding brought to enforce the terms of this Consent Order and Agreement.

NOTICE AND WAIVER OF RIGHT TO APPEAL

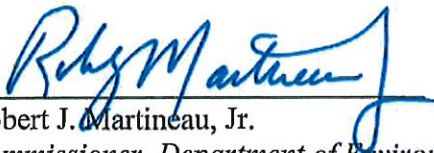
XIX.

By entering into this Consent Order and Agreement, the named Respondent waives its statutory rights under Tenn. Code Ann. §§ 69-3-105 and 110 to seek review of this Consent Order and Agreement, except as provided in paragraph 0-**Error! Reference source not found.** above.

[SIGNATURES TO APPEAR ON THE FOLLOWING PAGE]

THIS CONSENT ORDER AND AGREEMENT IS HERE BY EXECUTED

BY THE FOLLOWING:


Robert J. Martineau, Jr.
*Commissioner, Department of Environment
and Conservation*

4/18-17
Date


Ken Wilber
*Mayor
City of Portland, Tennessee*

4-5-17
Date

Reviewed by:



Patrick Parker
BPR Number #014981
Office of General Counsel
William R. Snodgrass TN Tower, 2nd Floor
312 Rosa L. Parks Avenue
Nashville, Tennessee 37243-1548
Telephone: (615) 532-0129



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

October 20, 2022

Honorable Mayor Callis
City of Portland
100 South Russell Street
Portland, TN 37148

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT # 9414 7266 9904 2120 5219 27

Subject: **Extension Request Approval**
CONSENT ORDER NO. WPC16-0079
City of Portland
TN0021865
Robertson County

To Whom It May Concern:

On September 15, 2022, the Division of Water Resources (the "Division") received a request from the City of Portland (the "Respondent") identifying extenuating circumstances necessitating an extension of the deadlines set in Consent Order WPC16-0079 (the "Order"). The Division has reviewed this request and agrees to extend the final completion date of the Order to November 1, 2024.

The Division appreciates your efforts to maintain water quality. If you have any further questions, please feel free to contact Mr. Will Ward at (615) 879-3229 or by e-mail at will.ward@tn.gov.

Sincerely,

Jessica Murphy
Manager, Compliance and Enforcement Unit

EJM:WVW

cc: DWR – Case File WPC16-0079
DWR – Nashville EFO – Tim Jennette
TDEC – OGC – Patrick Parker
City of Portland – Mayor Mike Callis, mikecallis@cityofportlandtn.gov
City of Portland – Bryan Price, bprice@cityofportlandtn.gov
City of Portland – Larry Quattlebaum, larry.quattlebaum@cityofportlandtn.gov

RESOLUTION

City of Portland, Tennessee

No. 24 – 68

A RESOLUTION AUTHORIZING CHANGE ORDER #3 EXTENDING THE CONTRACT TIME THIRTY (30) ADDITIONAL DAYS WITH CUMBERLAND PIPELINE, LLC FOR THE OAKHILL WATER SYSTEM IMPROVEMENTS AMERICAN RESCUE PLAN (ARP) PROJECT

WHEREAS, the City of Portland is currently contracted with Cumberland Pipeline, LLC for the Oakhill Water System Improvement Project and substantial completion was two hundred ninety-two (292) consecutive calendar days, making the date for substantial completion August 24, 2024, and the time for final completion of three hundred twenty-two (322) consecutive calendar days, making the date for final completion September 23, 2024; and

WHEREAS, additional time is needed due to unforeseen delays in the procurement and delivery of materials associated with the installation of water services; and

WHEREAS, the City of Portland, Tennessee is hereby approving Change Order #3 for an additional thirty (30) consecutive calendar days to the current contract. The revised contract substantial completion shall be three hundred twenty-two (322) days, making the date for substantial completion September 23, 2024 and the time for final completion three hundred fifty-two (352) days, making the date for final completion October 23, 2024; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland to approve Change Order #3 for the additional thirty (30) consecutive calendar days to the current contract with Cumberland Pipeline, LLC for Oakhill Water System Improvement Project; 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

CHANGE ORDER NO.: 3

Owner: City of Portland
Engineer: OHM Advisors
Contractor: Cumberland Pipeline, LLC
Project:

Owner's Project No.: 0101 - 161
Engineer's Project No.: 0585-21-0080
Contractor's Project No.: 23-08

Contract Name: **City of Portland Oak Hill Water System Improvements**

Date Issued:

Effective Date of Change Order: _____, 2024

The Contract is modified as follows upon execution of this Change Order:

Description: **This change order reflects the Owner's desire to increase the contract time by 30 days for both the Substantial Completion and Final Completion Dates.**

Attachments: **N/A**

Change in Contract Price		Change in Contract Times	
		[State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 2,718,423.00		Substantial Completion:	210 Days
		Ready for final payment:	240 Days
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 2:		[Increase] [Decrease] from previously approved Change Orders No.1 to No.2:	
\$ 581,097.50		Substantial Completion:	82 Days
		Ready for final payment:	82 Days
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 2,137,325.50		Substantial Completion:	292 Days
		Ready for final payment:	322 Days
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ N/A		Substantial Completion:	30 Days
		Ready for final payment:	30 Days
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 2,137,325.50		Substantial Completion:	322 Days (9/23/24)
		Ready for final payment:	352 Days (10/23/24)

Recommended by Engineer/OHM Advisors

By: Harrison Hilt

Name: Harrison Hilt, Project Manager

Date: August 28, 2024

Authorized by Owner/City of Portland

By: _____

Name: Mike Callis, Mayor

Date: _____, 2024

Accepted by Contractor/Cumberland Pipeline

By: Michael Ellison

Name: Michael Ellison, President

Date: 8/29, 2024

Authorized by Owner/Sumner County, TN

By: _____

Name: John C. Isbell, Mayor

Date: _____, 2024

RESOLUTION

City of Portland, Tennessee

No. 24 – 69

A RESOLUTION AUTHORIZING CHANGE ORDER #3 EXTENDING THE CONTRACT TIMES SIXTY (60) ADDITIONAL DAYS WITH CUMBERLAND PIPELINE, LLC FOR THE MASONS TANK 12-INCH CONNECTOR AMERICAN RESCUE PLAN (ARP) PROJECT

WHEREAS, the City of Portland is currently contracted with Cumberland Pipeline, LLC for the Masons Tank 12-inch Connector Project and substantial completion was three hundred twenty-two (322) consecutive calendar days, making the date for substantial completion July 29, 2024, and the time for final completion of three hundred fifty-two (352) consecutive calendar days, making the date for final completion August 28, 2024; and

WHEREAS, additional time is needed for the final completion due to unforeseen delays in the procurement and delivery of materials associated with the installation of water services; and

WHEREAS, the City of Portland, Tennessee is hereby approving Change Order #3 for an additional sixty (60) consecutive calendar days to the current contract time for the final completion. The revised contract time for final completion shall be four hundred twelve (412) consecutive calendar days, making the date for final completion October 27, 2024; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland to approve Change Order #3 for the additional sixty (60) consecutive calendar days to the current contract time for the final completion with Cumberland Pipeline, LLC for the Masons Tank 12-inch Connector Project; 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

CHANGE ORDER NO.: 3

Owner: City of Portland
Engineer: OHM Advisors
Contractor: Cumberland Pipeline, LLC
Project:
Contract Name: City of Portland Masons Tank 12-Inch
Connector
Date Issued: August 28, 2024

Owner's Project No.: 101-130
Engineer's Project No.: 0585-21-0070
Contractor's Project No.: 23-07

Effective Date of Change Order: _____, 2024

The Contract is modified as follows upon execution of this Change Order:

Description:

This change order reflects the Owner's desire to increase the contract time by 60 days for the Final Completion Date. No change is being made to the substantial completion date.

Attachments: n/a

Change in Contract Price		Change in Contract Times [State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 3,086,221.00		Substantial Completion:	270 days
		Ready for final payment:	300 days
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 2:		[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 2:	
\$ 610,877.00		Substantial Completion:	52 days
		Ready for final payment:	52 days
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 2,475,344.00		Substantial Completion:	322 days
		Ready for final payment:	352 days
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ n/a		Substantial Completion:	0 days
		Ready for final payment:	60 days
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 2,475,344.00		Substantial Completion:	322 days 7/29/24
		Ready for final payment:	412 days 10/27/24

Recommended by Engineer (if required)

By: Harrison Hilt

Title: Harrison Hilt, Project Manager

Date: August 28, 2024

Authorized by Owner/City of Portland:

By: _____

Title: Mike Callis, Mayor

Date: _____, 2024

Accepted by Contractor

Michael Ellison

Michael Ellison, President

8/29, 2024

Approved by Owner/Sumner County, TN:

By: _____

John C. Isbell, Mayor

_____, 2024

RESOLUTION

City of Portland, Tennessee

No. 24 – 70

A RESOLUTION TO RESCIND AND REPLACE RESOLUTION 21-89 IN ITS ENTIRETY AND CREATE A NEW ADJUSTMENT POLICY FOR RESIDENTIAL AND NON-PROFIT CUSTOMERS OF THE PORTLAND WATER DEPARTMENT

WHEREAS, the City of Portland has been determined that an updated policy is needed to change existing policies and allow adjustments in certain situations. Only residential and non-profit customers of the Portland Water Department who have experienced a water leak that impacted their bill must apply with the City of Portland Business Office for an adjustment, with the following guidelines:

- Residential and non-profit customers of the Portland Water Department who have experienced a water leak that impacted their bill must apply with the City of Portland Business Office for an adjustment.
- The residential and non-profit customers customer applying for an adjustment must provide proper documentation to verify that the water leak has been repaired.
- Only one water leak adjustment per account will be made per calendar year. The water bill that was MOST affected by the leak may be adjusted to the amount of that customer's average usage (in gallons) for the previous twelve (12) months. If twelve months of usage history is unavailable for this account, a minimum of six (6) months will be used to calculate the average. In the event the same leak affects two (2) billing cycles, a second adjustment may be allowed.
- The sewer bill (if applicable) may also be adjusted by the same amount as that of the residential customer's average usage (in gallons) for the previous twelve (12) months. If not available, a minimum of six (6) months' usage shall be calculated in an average. Residential and non-profit customers with a swimming pool will be charged at the full water rate to fill the pool but may apply for an adjustment of the sewer charges when the pool is filled. The sewer charge may be adjusted to the amount of the customer's average water usage (in gallons) for the previous twelve (12) months. If not available, a minimum of six (6) months' usage shall be calculated in an average.
- Only one swimming pool (sewer) adjustment will be made per calendar year.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Portland to rescind and replace Resolution 21-89 in its entirety for adjustment policy for residential and non-profit customers of the Portland Water Department; 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. 21-89

A RESOLUTION TO SET A NEW ADJUSTMENT POLICY FOR CUSTOMERS OF THE PORTLAND WATER DEPARTMENT

WHEREAS, The City of Portland approved Resolution #11-137 in the past to establish a policy for water leak adjustments; and

WHEREAS, It has been determined that an updated policy is now needed to change existing policies and to allow adjustments in certain situations, as follows:

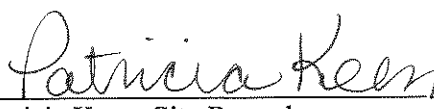
- Customers of the Portland Water Department who have experienced a water leak that impacted their bill must apply with the City of Portland Business Office for an adjustment.
- The customer applying for an adjustment must provide proper documentation to verify that the water leak has been repaired.
- Only one water leak adjustment per account will be made per calendar year. The water bill that was MOST affected by the leak may be adjusted to the amount of that customer's average usage (in gallons) for the previous twelve (12) months. In the event the same leak affects two (2) billing cycles, a second adjustment may be allowed.
- The sewer bill (if applicable) may also be adjusted by the same amount as that of the customer's average usage (in gallons) for the previous twelve (12) months.
- Customers with a swimming pool will be charged at the full water rate to fill the pool, but may apply for an adjustment of the sewer charges when the pool is filled. The sewer charges may be adjusted to the amount of the customer's average water usage (in gallons) for the previous twelve (12) months.
- Only one swimming pool (sewer) adjustment will be made per calendar year.

NOW, THEREFORE BE IT RESOLVED, Resolution #11-137 is hereby rescinded and the amended Adjustment Policy is hereby adopted for City of Portland Water Department customers; and

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



Mike Callis, Mayor



Patricia Keen, City Recorder

Approved this 13th day of September, 2021