



**BOARD OF MAYOR AND ALDERMEN
AGENDA for March 17, 2025**

1. Call to Order

2. Prayer and Pledge

3. Roll Call

4. Approval of Agenda

5. Presentation

6. Public Hearing

A. Certificate of compliance for Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street, Portland, TN.

B. Los Potrillos - On-premises Beer Permit for Sebastian Alonzo Castaneda at 105 N. Broadway, Portland, TN.

7. Public Comment Period

In accordance with Tennessee Public Chapter No. 300 & 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. Alcohol Beverage Board

A. Certificate of compliance for Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street, Portland, TN.

B. Los Potrillos - On-premises Beer Permit for Sebastian Alonzo Castaneda at 105 N. Broadway, Portland TN.

11. Consent Calendar

A. Resolution No. 25-25 – A Resolution to appoint certain members to the Industrial Development Board.

B. Minutes - March 3, 2025

12. Community Development – Vice-Mayor Megann Thompson

13. Finance – Alderman Vince Ellis

14. Fire Department – Alderman Jody McDowell

15. Human Resources – Alderman Vince Ellis

- A. Discussion - Personnel Policy Manual

16. Legislative – Mayor Mike Callis

- A. Ordinance No. 25-09 – First Reading - An Ordinance to repeal and replace Title 8 Chapter 1 Intoxicating Liquors of the Municipal Code of the City of Portland.
- B. Ordinance No. 25-10 – First Reading - An Ordinance to repeal and replace Title 7 Fire Protection and Fireworks Chapter 6 Fireworks of the Municipal Code of the City of Portland.
- C. Resolution No. 25-20 - A Resolution authorizing a certificate of compliance for Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street, Portland, TN.

17. Municipal Airport – Alderman Mike Hall

18. Parks & Recreation – Alderman Brian Woodall

19. Planning & Codes – Vice-Mayor Megann Thompson

- A. Ordinance No. 25-11 – First Reading - An Ordinance to authorize the Mayor to enter into a Developer’s Agreement with Steven Staggs for the water improvements, including the installation of a new 8-inch water main through the development, a new 8-inch water main along College Street and a new 8-inch sewer main throughout the development, for the Ruby Springs Development, located at 780 College Street, Portland, Tennessee.
- B. Resolution No. 25-21 - A Resolution to approve the Order of Presentations for Planned Unit Developments.
- C. Discussion - Jetton Farms PUD Conceptional Presentation

20. Police Department – Alderman Drew Jennings

- A. Resolution No. 25-22 – A Resolution authorizing five (5) change orders in the net amount of \$38,922.11 for a contract with MDI Construction, Inc. for the purchase and installation of a steel main door and frame, a brick facade, (10) ten circuits for temporary office space, new bathroom and shower, and flooring change.
- B. Resolution No. 25-23 - A Resolution to purchase certain identified patrol items needed to enhance security and department readiness.

21. Public Works – Alderman Brian Woodall

- A. Resolution No. 25-24 - A Resolution authorizing the City of Portland to participate in the “Safety Partners” matching grant program.
- B. Discussion - Property and delinquent Property Tax

22. Utility Infrastructure – Alderman Charles Cole

- A. Discussion - Water Meters

Adjournment

RESOLUTION

City of Portland, Tennessee

No. 25 – 20

A RESOLUTION AUTHORIZING A CERTIFICATE OF COMPLIANCE FOR DHRUV PATEL OF PORTLAND WINE AND SPIRITS LOCATED AT 144 WEST KNIGHT STREET, PORTLAND, TN, 37148.

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

WHEREAS, John Bradley, Attorney for the City of Portland, has reviewed the application; and

WHEREAS, the City of Portland's Alcoholic Beverage Board has reviewed the application and recommended that Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street, Portland, TN 37148 receive a Certificate of Compliance; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Alderman of the City of Portland, Tennessee that the City of Portland issue Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street, Portland, TN 37148 a Certificate of Compliance; and

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

Mike Callis, Mayor

Attest: Tracy Kizer, Assistant City Recorder

Approved this day of

RESOLUTION

City of Portland, Tennessee

No. 25 – 25

A RESOLUTION TO APPOINT CERTAIN MEMBERS TO THE INDUSTRIAL DEVELOPMENT BOARD

WHEREAS, Tennessee Code Annotated regulates the function and appointment of members to the Industrial Development Board; and

WHEREAS, Chirg Patel has consented to serve another three (3) year term that will end on March 17, 2028; and

NOW THEREFORE BE IT ALSO RESOLVED, by the Mayor and Board of Aldermen of the City of Portland that the aforementioned are hereby appointed to the Industrial Development Board to serve three (3) year term.

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of



BOARD OF MAYOR AND ALDERMEN
Minutes for March 3, 2025 at 5:00 PM

1. Call to Order

Mayor Mike Callis called the meeting to order at 5:02.

2. Prayer and Pledge

Mayor Mike Callis led the prayer and pledge.

3. Roll Call

Present: Alderman Cole, Alderman Ellis, Alderman Hall (left meeting @ 7:15 pm), Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

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

4. Approval of Agenda

Motion to: Approve

By: Alderman Woodall

Second: Alderman Cole

Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Motion Passed (voice vote)

5. Presentation

A. Commendations Mayor Callis presented the following accommodations:

- David Harris, Blake Curtis, and Travis Tuttle with the Public Works Stormwater crew for their efforts to prevent flooding in areas at risk.
- Officer Jackson Franks, Officer Chris Corlew, and Officer John Taylor for a recent rescue of a citizen trapped in a flooded vehicle.

B. Flock Safety Inc. Camera System

Will Pepper presented Flock Safety mobile security trailer and its functions.

Mr. Pepper presented information about the functions, pricing and tag reader cameras, then opened the floor for questions.

6. Public Hearing

A. Ordinance No. 25-02 – An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 243 and 245 TGT Road, from County RA (Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services).
- No one spoke

7. Public Comments

1. William Lineberry - 153 Smith Rd. - Kyla Ct flooding
2. James Chaney - 332 Airport Rd - water system
3. Heather McClaim & Brad Hickson - 112 Lindsay - Kyla flooding
4. Randy Gilliam - 1080 Oak Hill Ct. - rezoning Oak Hill Dr.
5. Trudy Crafton - 108 TGT Rd - rezoning Oak Hill Dr.
6. Chris Shoemaker - 1018 Silver Maple Ln - Ordinance 25-08 & Resolution 25-17.

8. Communications from Council Members

9. Mayor's Report Mayor Callis reported the following:

- The Resource Authority will be raising fees by an additional \$5/ton starting April 1, 2025. The last sanitation increase will cover this increased cost.
- The Sumner County Grant Engineer is currently pursuing how to progress with the 3 MGD Portland has requested with the Sumner County grant water project.
- There will be a Budget Work Study at 4 pm on March 17, 2025.
- The next Richland Gym project is a remodel of the bathrooms. The mayor requested the Board to consider putting together a design build RFQ to allow a phase remodel, if the bids come in over budget.
- The US 250-year milestone is next year, so we need to consider planning events and decorations for the event.

Meeting recessed for the Board and City Attorney to go into executive session at 5:48 pm.
Mayor Callis called the meeting to order at 6:04 pm.

Vice-Mayor Thompson commented she is proud of how our community rallies around each other, especially during difficult times for citizens. Two local food trucks will be donating proceeds from their sales this Thursday, 3/6/24 to a local family who recently lost their son during a tragic event.

10. Consent Calendar

Motion to: Approve

By: Alderman McDowell

Second: Alderman Ellis

Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Motion Passed (voice vote)

- A.** Department Reports
- B.** Minutes from February 3, 2025 Special Presentation
- C.** Minutes from the February 3, 2025, Work Study Meeting.
- D.** Minutes from February 3, 2025, City Council Meeting.
- E.** Resolution No. 25-14 – A Resolution to appoint one member to the Portland Municipal Board of Appeals.

11. Community Development – Vice-Mayor Megann Thompson

- No Items

12. Finance – Alderman Vince Ellis

- A.** Resolution No. 25-15- A Resolution authorizing the acceptance of the best RFP (Request For Proposal) for the audit services for the City of Portland.

Motion to: Approve

By: Alderman Ellis

Second: Alderman Cole

Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Motion Passed (voice vote)

13. Fire Department – Alderman Jody McDowell

- No Items

14. Human Resources – Alderman Vince Ellis

- A. Ordinance No. 25-08 – First Reading – An Ordinance to repeal and replace Ordinance No. 20-07 Personnel Policy for the City of Portland, Tennessee.

Motion to: Approve

By: Alderman Ellis

Second: Alderman Jennings

Discussion:

- Alderman Woodall opened a discussion about employees that are scheduled for more than an 8-hour day.
- Alderman Cole also wanted the military leave reviewed.
- Human Resources Director Hazel Johnson advised that military leave time was addressed in the Ordinance under Section 5-115. Changing it to their scheduled working hours.
- After discussion, it was agreed a study of the cost and financial impact of implementing the changes would be brought to the March 17, 2025 meeting for discussion and a second reading would be presented at the April 7th, 2025 meeting.
- Vice Mayor Thompson also wanted the rule of using comp time first during FMLA leave to be reviewed.
- Director Price suggested the rules of nepotism; Delta 8 prohibited wordage, and a 3-day no-call-no-show be reviewed.

Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Motion Passed (voice vote)

15. Legislative – Mayor Mike Callis

- A. Resolution No. 25-17 – A Resolution to adopt updated guidelines for public comments by repealing and replacing Resolution 24-21.

Motion to: Approve

By: Alderman Woodall

Second: Alderman Cole

Discussion: Mayor Callis presented a two statements that may need to be added:

- State Senate Bill 178 has wording "germane to the governing body".
- Signing up to speak before the meeting.

Alderman Cole requested a comment period be added to all meetings.
It was also commented that Senate Bill 178 may make changes after it passes or fails.

Motion to: **Defer till after the State Session hearing on bill 178.**

By: Vice-Mayor Thompson

Second: Alderman Jennings

Yes: Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

No: Alderman Cole

Motion to defer passed (voice vote)

- B. Discussion - Firework Ordinance

- Alderman Woodall requested changing the period of time to discharge to begin June 18th.

- Attorney Bradley noted that the state controls the selling dates.

- After discussion, it was agreed to have an Ordinance at the March 17, 2025 meeting changing the dates for discharge.

16. Municipal Airport – Alderman Mike Hall

- No Items

17. Parks & Recreation – Alderman Brian Woodall

- No Items

18. Planning & Codes – Vice-Mayor Megann Thompson

- A. Ordinance No. 25-02 – Second Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 243 and 245 TGT Road, from County RA (Rural Residential) and RS-40 (Low Density Residential) to GCS (General Commercial Services).

Motion to: Approve

By: Vice-Mayor Thompson

Second: Alderman Woodall
Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
No: Alderman Hall
Motion Passed(voice vote)

- B.** Ordinance No. 25-06 – First Reading - An Ordinance to amend the City of Portland, Tennessee zoning map by rezoning 700 and 706 North Broadway, from county RR (Rural Residential), RS-20(Low Density Residential) and RS-40 (Low Density Residential) to PUD (Planned Unit Development).

Motion to: Approve
By: Vice-Mayor Thompson
Second: Alderman Woodall
Discussion: Planning Director Nate Heisler presented a map and review of the proposed 38.7 acres.
Motion to: Suspend the rules to allow guests to speak
By: Vice-Mayor Thompson
Second: Alderman Woodall
Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Motion Passed (voice vote)

- The Project Engineer, Charlie Gardner, reviewed the proposal and explained the roadways.
-Traffic Engineer, Tiffany Reed, spoke about the traffic study and answered questions from the Board.
Discussion was held about the need for a traffic signal on Highway 109, concerns about the increase in traffic to this area, the impact of the bypass, increase in water demand, local flooding and off-site improvements.
The board requested that a traffic signal be added.

Motion to: Defer to April 7, 2025 Meeting
By: Vice-Mayor Thompson
Second: Alderman Woodall
Yes: Alderman Cole, Alderman Ellis, Alderman Hall, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall
No: Alderman Hall
Motion to defer passed (voice vote)

19. Police Department – Alderman Drew Jennings

- A.** Discussion - Upgraded Security for Strawberry Festival
- Chief Arnold presented a list of enhanced security measures and equipment to purchase for special events. Items included the Flock Camera trailer, rifles and other items.
- Director Slusser advised funding for the equipment would come from cash and the flock camera trailer would have to come from the operating budget.
- After discussion, Mayor Callis advised a Resolution will be presented at the next meeting for approval and funding.
- B.** Discussion - Police Building Remodel Change Orders
- Chief Arnold spoke about changes to the Police Building remodel that he would like to happen, such as providing electrical service to temporary office space, replacing the carpet with LVT flooring, adding a restroom with a shower and changing the main door and frame.
- After reviewing the change orders, the Board agreed for Chief Arnold to bring a Resolution for approval at the next meeting.

20. Public Works – Alderman Brian Woodall

- A.** Ordinance No. 25-05 – Second Reading – An Ordinance authorizing the acceptance of the best bid for demolition, asbestos removal, disposal of building and parking lot prep located at 205 South Broadway Portland, Tennessee (aka-Jenkins Building).
Motion to: Approve
By: Alderman Woodall
Second: Alderman Jennings
Discussion: Director Carlton Cobb reviewed the timeframe.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

B. Discussion - Lindsey Kyla Court flooding.

Public Works Director Calton Cobb and Assistant Director Corbin Keen reviewed information about Lindsey Kayla Ct original construction and water drainage in the area.

The following was discussed:

- When this area was built there was no Stormwater department.
- When the Airport Rd detention pond plans are complete, C & C will make a presentation to the Board .
- Any changes made to Lindsey Kayla Ct would put more water downstream and possibly move flooding to another area.
- No measure taken can guarantee the area will not flood.
- This issue is not a quick fix and may have a very high cost involved.
- Will bring change orders to C & C to have them review the Lindsey Kayla Ct area.
- Will see if C & C can be at the March 17th meeting for review.

Director Cobb updated the traffic study, reporting that the traffic engineer was still six weeks out of completion.

Mayor Callis reported that Chief Arnold would be pulling CAD information in relation to the sign areas.

21. Utility Infrastructure – Alderman Charles Cole

A. Ordinance No. 25-03 –Second Reading – An Ordinance to amend Ordinance 22-14 (Portland Sewer Use Ordinance) to add a new fats, oils, and grease (FOG) Management Policy and Enforcement Response Guide (ERG) for food service establishments and grease waste haulers and rescind and replace the existing fog management program.

Motion to: Approve

By: Alderman Cole

Second: Alderman Woodall

Discussion: Mayor Callis advised staff is currently working on a complete code update and will have drafts distributed for review soon.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

B. Ordinance No. 25-04 – Second Reading - An Ordinance to amend Section 205 of Title 18 of the City of Portland's Municipal Code with the following language referencing the Grease Interceptor Requirements.

Motion to: Approve

By: Alderman Cole

Second: Alderman McDowell

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

C. Resolution No. 25-15 – A Resolution authorizing change order #1 in the increased amount of \$40,000.00 and extending the contract times thirty (30) additional days with Perdue Trucking and Excavating for the 2024 Sewer Point Repairs Project.

Motion to: Approve

By: Alderman Cole

Second: Alderman Woodall

Discussion: Director Price advised funding is still in the budget and would fall under the point repairs line item.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

D. Resolution No. 25-19 (typing error in Original Agenda)– A Resolution to apply for a FEMA Grant for the repair of the spillway at the City Lake.

Motion to: Approve

By: Alderman Cole

Second: Vice-Mayor Thompson

Discussion: Director Price reviewed the grant information.

Yes: Alderman Cole, Alderman Ellis, Alderman Jennings, Alderman McDowell, Vice-Mayor Thompson, Alderman Woodall

Absent: Alderman Hall

Motion Passed (voice vote)

- E.** Discussion - Water System - Projects, Funding, etc. (90-day review)
- Director Bryan Price advised in the December 3rd meeting it was requested to have a 90-day review of water projects.
 - Director Price recommends not moving forward with the Westmoreland connection project because we are moving forward with the Sumner County Grant process.
 - Discussion was held about getting a third-party contractor to install water meters.
 - The Board requested information to move forward with having the meters replaced by a third-party for the March 17th meeting.

Adjournment

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

Motion passed by voice vote to **adjourn at 8:14 PM.**

Mike Callis, Mayor

Tracy Kizer, City Recorder

ORDINANCE

City of Portland, Tennessee

No. 25 - 09

First Reading

AN ORDINANCE TO REPEAL AND REPLACE TITLE 8 CHAPTER 1 INTOXICATING LIQUORS OF THE MUNICIPAL CODE OF THE CITY OF PORTLAND

WHEREAS, the City of Portland desires to modify the provisions of the Municipal Code of the City of Portland with respect to the subject of Title 8 Alcoholic Beverages Chapter 1 Intoxicating Liquors;

WHEREAS, the hereinafter provisions relating to Title 8, Chapter 1, entitled "Intoxicating Liquors" are substituted for any existing provisions of the Municipal Code in effect relating to the same subject matter and highlights include updated formatting, wording for clarification, the incorporation of previous amendments, increase fees (8-106), and updated Certificate of Compliance language (8-111):

CHAPTER 1

INTOXICATING LIQUORS

SECTION

- 8-101. Alcoholic beverages subject to regulation.
- 8-102. Definitions.
- 8-103. Manufacturing prohibited within corporate limits.
- 8-104. Selling prohibited within corporate limits.
- 8-105. License required.
- 8-106. Application for certificate.
- 8-107. Applicant to appear before city council; duty to give information.
- 8-108. Action on application.
- 8-109. Applicants for certificate who have criminal record.
- 8-110. Limitations on issuance of certificate of compliance.
- 8-111. Limitations on certificate of compliance.
- 8-112. Bonds of licensees.
- 8-113. Retailer's license.
- 8-114. Display of license.
- 8-115. Transfer of license restricted.

- 8-116. Expiration date of license.
- 8-117. New license after revocation.
- 8-118. Federal license; effect of.
- 8-119. Inspection fee.
- 8-120. Failure to pay inspection fee.
- 8-121. Regulations for purchase and sale of alcoholic beverages.
- 8-122. Solicitation.
- 8-123. Regulations of retail sales.
- 8-124. Mayor to determine if provisions are being complied with.
- 8-125. Violation and penalty.
- 8-126. Visible possession prohibited.
- 8-127. Severability.
- 8-128. Limitations of the number of licenses.

8-101. Alcoholic Beverages subject to regulation. It shall be unlawful to engage in the business of selling, storing, transporting, distributing, or to purchase or possess alcoholic beverages within the corporate limits of this municipality except as provided by Tennessee Code Annotated, title 57, by rules and regulations promulgated thereunder, and as provided in this chapter.

8-102. Definitions. Whenever used herein unless the context requires otherwise:

1. "Alcoholic beverages" or "beverage" means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patented medicine, beer, or wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight, or less.
2. "Certificate of compliance" means the certificate authorized under the provisions of Tennessee Code Annotated, § 57-3-208.
3. "License" means the license issued herein and "licensee" means any person to whom such license has been issued.
4. "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.
5. "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.
6. "Manufacturer" means and includes distiller, vintner, and rectifier. "Manufacture" means and includes distilling, rectifying, and operating a winery.
7. "Wholesale sale" or "sale at wholesale" means a sale to any person for purposes of resale.
8. "Wholesaler" means any person who sells at wholesale beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, §§ 57-3-101 – 57-3-112.
9. "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climate, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominantly produced, or an artificial or imitation wine; and

10. The word "gallon" or "gallons" wherever used herein, shall be construed to mean a wine gallon or wine gallons, of one hundred and twenty-eight (128) ounces. The word "quart" whenever used herein will be construed to mean one-fourth (1/4) of a wine gallon. The word "pint" wherever used shall be construed to mean one-eighth (1/8) of a wine gallon.
11. Words importing the masculine gender shall include the feminine and the neuter, and singular shall include the plural.
12. The term "federal license" as used herein shall not mean tax receipt or permit.

8-103. Manufacturing prohibited within corporate limits. The manufacture of alcoholic beverages is prohibited within the corporate limits.

8-104. Selling prohibited within corporate limits. No person, firm, or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits except to a duly licensed local city retailer, as provided herein.

8-105. License required. For the retail sale of alcoholic beverages, a license may be issued as herein provided. Any person, firm or corporation desiring to sell alcoholic beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the city recorder for a Certificate of Compliance, which application shall be in writing on forms prescribed and furnished by the city recorder; subject to the issuance of a retail license by the Alcoholic Beverage Commission, State of Tennessee.

8-106. Application for certificate.

1. Before any certificate, as required by Tennessee Code Annotated, § 57-3-208, or a renewal as required by § 57-3-213, shall be signed by the mayor, or by any member of the city council, an application in writing shall be filed with the city recorder on a form to be provided by the city, together with a non-refundable application fee of fifteen hundred dollars (\$1500.00), giving the following information:
 - a. Name, age and address of the applicant.
 - b. Occupation or business and length of time engaged in such occupation or business.
 - c. Whether or not the applicant or any owner of the applicant has been convicted of a violation of any state or federal law or of the violation of this code or any city ordinance, and the details of any such conviction.
 - d. If employed, the name and address of employer.
 - e. If in business, the kind of business and location thereof.
 - f. The location of the proposed store for the sale of alcoholic beverages
 - g. The name and address of all owners of the store.
 - h. If the applicant is a partnership, the name, age and address of each partner, and his occupation, business or employer. If the applicant is a corporation or limited liability company, the name, age and address of the stockholders or members and their percentage of ownership of the corporation or limited liability company.

- i. The name and address of the owner of the real property of the proposed location, together with a letter from such owner affirming either that the parties have reached a written agreement on the terms of a lease, or that the parties have reached a written agreement on the terms of the sale of the premises to the applicant.
2. If the owners (individually, stockholders, partners, or members) exceed two (2) in number, the application fee shall be increased by one hundred dollars (\$100.00) for each owner in excess of two (2).
3. If a new certificate of compliance is required by the State of Tennessee Alcoholic Beverage Commission after the initial issuance of a certificate of compliance but before a renewal certificate of compliance is issued, or between the time of the issuance of the renewal certificate of compliance and subsequent renewals of compliance, an additional four hundred dollars (\$400.00) will become due and payable at time of the request.
4. At the time of a request for a renewal certificate of compliance there will be a one thousand dollar (\$1000.00) application fee due provided the number of owners (individually, stockholders, partners, or members) does not exceed two (2) in number. If the number of owners exceeds two (2) in number the application fee shall be increased by one hundred dollars (\$100.00) for each owner in excess of two (2).
5. The information in any application shall be verified by the oath of the applicant. If the applicant is a partnership, a corporation or a limited liability company, the application shall be verified by the oath of each owner of the entity.

8-107. Applicant to appear before city council; duty to give information. An applicant for a Certificate of Compliance shall be required to appear in person before the City Council for such reasonable examination as may be desired by the Council.

8-108. Action on application.

1. Every application for a Certificate of Compliance shall be referred to the Chief of Police for investigation and shall submit his findings to the city recorder within fifteen (15) days of the date each application was filed.
2. The City Council may issue a Certificate of Compliance to any applicant meeting all the regulations contained herein, which shall be signed by the mayor or by a majority of the city council
3. The meeting of the City Council at which the Certificate of Compliance will be considered shall be duly advertised as it pertains to matters requiring a public hearing.

8-109. Applicants for certificate who have criminal record. No Certificate of Compliance for the manufacture or sale at wholesale or retail of alcoholic beverages, or for the manufacture or venting of wine, shall be issued to any person, (or if the applicant is a partnership, any partner, or if the applicant is a corporation, any stockholder), who, within ten (10) years preceding the application for such Certificate of Compliance, has been convicted of any felony or of any offense under the laws of the state or of the United States prohibiting the sale, possession, transportation, storage or otherwise handling of intoxicating liquors, or who has during such period been engaged in business, alone or with others, in violation of such laws.

8-110. Limitations on Zoning Districts and Locations.

1. The applicant is responsible for securing a location for the business which complies with all local laws, building codes, fire codes, and all the provisions of the City of Portland Zoning Ordinance No. 387.
2. No license shall be granted for the operation of a retail store for the sale of alcoholic beverages which retail store is not located on an arterial road or located on property adjacent to a road having direct access to an arterial road within the City of Portland and which property is zoned General Commercial Services (GCS) or Interchange Service District (ISD) or Central Business District (CBD) as a permissible zone for package liquor stores.
3. As per State guidelines, a retail store must be located on the ground floor with one (1) main entrance opening on a public street with no other door or entrance for use by the public unless the store is located on the corner of two public streets. Under those circumstances, a retail store could have a door opening on each of the public streets.

8-111. Limitations on Certificate of Compliance.

1. All Certificate of Compliance letters expire one (1) year from the passage of the authorizing Resolution and certificates cannot be traded, sold, or otherwise transferred to another party.
2. Active Certificates of Compliance are not to exceed the numerical limit as set forth in 8-128 of this ordinance.
3. No person(s), partnership(s), entity(s), or other business structure may simultaneously hold more than one Certificate of Compliance for businesses within the City of Portland, or operate multiple sites as set forth in 8-123.1 of this ordinance.

8-112. Bonds of licensees. Any bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee.

8-113. Retailer License Restrictions and Limitations.

1. No retailer's license shall be issued to a person who is a holder of public office, either appointive or elective, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business. The foregoing shall not apply to uncompensated appointees to municipal boards and commissioners where the boards or commissions on which such appointees serve have no duty to vote for, overlook, or in any manner superintend the sale of alcoholic beverages.
2. No retailer shall be a person who has been convicted of a felony involving moral turpitude, within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

3. No license shall under any condition be issued to any person who, within ten years preceding application for such license or permit shall have been convicted of any offense under the laws of the State of Tennessee or of any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling alcoholic beverages or who has, during said period, been engaged in business alone or with others, in violation of any said laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.
4. No manufacturer, brewer or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixtures of any such person.
5. It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed, unless his interest in said business and the nature, extent and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed to the mayor and city council and approved by them. Where such interests is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepares the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.
6. No person shall be employed in the sale of alcoholic beverages except a citizen of the United States.
7. No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of eighteen (18) years, and it shall be unlawful for any retailer to employ any person under eighteen (18) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age on its place of business to engage in the storage, sale or distribution of alcoholic beverages.
8. No retailer shall employ in the storage, sale or distribution of alcoholic beverages, any person who, within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and in case an employee should be so convicted, he shall immediately be discharged; provided, however, that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.
9. The issuance of a license does not vest a property right to the licensee but is a privilege subject to revocation or suspension according to this chapter.
10. Misrepresentation of a material fact, or concealment of a material fact required to be shown in application for license shall be a violation of this chapter.

8-114. Display of license. Persons granted a license to carry on the business or undertaking contemplated therein shall, before being qualified to do business, display and post, and keep displayed and posted, in the most conspicuous place in their premises, such license.

8-115. Transfer of license restricted. The holder of a license may not sell, assign or transfer such license to any other person, partnership, or entity unless same is approved by a majority of the board of mayor and aldermen and the state alcoholic beverage commission and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licensees who are serving in the military force of the United States in the time of war may appoint an agent to operate under the license of the licensee during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the licensee shall conform to all the requirements of a licensee. No person who is ineligible to obtain a license shall be eligible to serve as the agent of a licensee under this section.

8-116. Expiration date of license. Licenses issued under this chapter shall expire and be renewed as provided by the rules and regulations of the State of Tennessee Alcoholic Beverage Commission.

8-117. New license after revocation. Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective.

8-118. Federal license, effect of. The possession of any federal license to sell alcoholic beverages without the corresponding requisite state license, shall in all cases be prima facie evidence that the holder of such federal license is selling alcoholic beverages in violation of the terms of this chapter.

8-119. Inspection Fee. The City of Portland hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

8-120. Failure to pay inspection fee. Failure to pay said fee and make said report accurately may be cause for suspension and /or revocation of said license. Whenever any person licensed hereunder fails to account for or pay over to the city any inspection fee, or defaults in any of the conditions of his bond, the mayor and/or city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such inspection fee.

8-121. Regulations for purchase and sale of alcoholic beverages.

1. It shall be unlawful for any person in this city to buy any alcoholic beverages herein defined from any person who does not hold the appropriate license under this chapter authorizing the sale of said beverages to him.
2. No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, nor shall any wholesaler sell any alcoholic beverages to anyone other than a licensed retailer.
3. No licensee shall sell alcoholic beverages at retail in connection with any other business or in the same store where any other business is carried on.

8-122. Solicitation. No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such license receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of an order from any licensed retailer at the licensed premises.

8-123. Regulation of retail sales.

1. No retailer shall directly or indirectly operate more than one (1) place of business in this municipality for the sale of alcoholic beverages, and the word "indirectly" shall include and mean any kind of interest in another place of business, by way of stock ownership, loan, partner's interest, or otherwise.
2. No retailer shall sell, lend or give away any alcoholic beverages to any person who is visibly intoxicated nor shall any retailer selling alcoholic beverages sell, lend or give away to any person accompanied by a person who is visibly intoxicated.
3. No retailer shall sell, lend or give away any alcoholic beverages to a person under twenty-one (21) years of age.
4. No retailer store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of eight o'clock a.m. (8:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Monday through Saturday and between ten o'clock a.m. (10:00 a.m.) and eleven o'clock p.m. (11:00 p.m.) on Sunday.
5. No retailer shall sell, lend or give away any alcoholic beverages upon Easter, Thanksgiving, and Christmas Day.
6. No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.
7. No retailer as herein defined shall own, store or possess upon the licensed premises any unstamped merchandise required by the laws of Tennessee to have affixed thereto revenue stamps of said state.

8-124. Mayor to determine if provisions are being complied with. The mayor and/or designated agent thereof is authorized to examine the books, papers and records of any dealer for the purpose of determining whether the provisions of this chapter are being complied with. The refusal to permit the examination of any such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license.

8-125. Violation and penalty. Any violation of the terms of this chapter shall be punishable by a fine; in such cases, suspension of said license by mayor for thirty (30) days shall be mandatory, and in the discretion of the board of mayor and aldermen may be cause for revocation of said license.

8-126. Visible possession prohibited. Visible possession of alcoholic beverages in unsealed container upon any public street or within any governmental building shall be a violation of this chapter.

8-127. Severability. If any provision of this Ordinance is hereafter determined to be unenforceable or unconstitutional by a court of competent jurisdiction then the other provisions of this Ordinance shall not be affected and shall remain valid.

8-128. Limitations of the number of licenses. The maximum number of licenses for retail liquor stores authorized to be issued within the municipal boundaries of the City of Portland is limited to four (4) and no new licenses shall be issued until the population of the city reaches the number of 20,001 according to the latest legal census certified by the government. Thereafter the number of licenses authorized is one (1) license per five thousand residents according to the latest legal census certified by government or the number of licenses authorized by the statutes of the State of Tennessee.

NOW THEREFORE, the aforementioned provisions relating to Title 8 Alcoholic Beverages, Chapter 1 Intoxicating Liquors, are substituted for any existing provisions of the Municipal Code in effect relating to the same subject matter.

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading:

Passed Second Reading:

ORDINANCE

City of Portland, Tennessee

No. 25 - 10

First Reading

AN ORDINANCE TO REPEAL AND REPLACE TITLE 7 FIRE PROTECTION AND FIREWORKS CHAPTER 6 FIREWORKS OF THE MUNICIPAL CODE OF THE CITY OF PORTLAND

WHEREAS, The City of Portland is authorized to regulate the sale and use of fireworks within its boundaries and has determined that revisions are necessary; and

WHEREAS, Title 7 Fire Protection and Fireworks, Chapter 6 Fireworks, of the Portland Municipal Code shall be repealed and replaced with the following and highlights of this revision include new formatting, wording for better clarity, a \$100.00 permit fee increase (7-602), expanded time for discharging fireworks (7-604), and a site cleanup provision (7.607); and

CHAPTER 6

FIREWORKS

- 7-601. Permissible fireworks.
- 7-602. Permit required.
- 7-603. Period of time for seasonal retailers to sell.
- 7-604. Period of time for discharging fireworks.
- 7-605. Safe storage and sale of permissible fireworks.
- 7-606. Safe discharge of permissible fireworks.
- 7-607. Site cleanup.
- 7.608. Violations and penalties.

7-601. Permissible fireworks.

1. Generally, only those fireworks deemed as 1.4G Consumer Fireworks by the U.S. Department of Transportation, or those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations, are eligible for public sale and/or discharge.
2. Any fireworks or pyrotechnic display not designed or designated for the general consumer must be under the control of a licensed pyrotechnics technician.

7-602. Permit required.

1. A permit for a fireworks seasonal retailer is required to be obtained from the State of Tennessee, along with a permit from the City of Portland, Tennessee, to permit the seasonal sale of consumer class Fireworks within the city limits of Portland, Tennessee.
2. A fee of one thousand five hundred dollars (\$1500.00) per each fireworks stand/tent shall be paid, and this amount covers all associated City fees such as any sign permit and transient vendor license.
3. All necessary insurance and licenses shall be supplied for permit approval. Each seasonal permit is valid for the selling periods as defined in 7-603.
4. Each seasonal retailer stand/tent must have at least one (1) sign plainly visible to the public of not less than two hundred (200) square inches that details the hours and days that fireworks can be legally discharged (shot) in the City as detailed in 7-604, in addition to the no smoking signs as detailed in 7-605(2).
5. Permits are not transferable.
6. No sales may begin prior to the issuance of permits and all sales must be in accordance with T.C.A. § 68-104-101(8) as defined in 7-603.
7. All necessary permissions, affidavits, insurance, and site certifications are required before the issuance of a permit and are the responsibility of the retailer to ensure they have been obtained.
8. All required signage within this chapter is the responsibility of the retailer.
9. It is the responsibility of each retailer to ensure that all sales taxes are properly remitted according to the correct point of sale.

7-603. Period of time for seasonal retailers to sell.

1. The period of time for the sale of permissible fireworks as allowed in T.C.A. § 68-104-101(8), is broken into two (2) separate sell periods within each single selling season and shall be from June 20th through July 5th and from December 10th through January 2nd.
2. These two (2) separate selling periods define the length of one (1) selling season, and both are covered under one permit that must be renewed annually.

7-604. Period of time for discharging fireworks.

1. Unless otherwise excluded, the permissible discharge dates and times are as follows:
 - a. From June 18th to July 5th from 11am to 9pm; with the exception of July 4th, where the time shall be 10am to 11pm; and
 - b. From 11am to 9pm on Memorial Day weekend (Saturday, Sunday, Monday) as recognized per each calendar year; and
 - c. From December 24th to Jan 1st from 11am to 8pm; with the exception of December 31st where the time shall be from 10am on December 31st until 12:30am on January 1st.
2. Permitted festivals, events, and City functions are excluded.
3. In the event a burn ban is instituted that prohibits the discharge of fireworks during the normally prescribed dates and times, the first full weekend immediately following the lifting of the burn ban against discharging fireworks will serve as permissible make-up days due to the burn ban. The hours for discharging fireworks during the Saturday and Sunday make-up weekend shall be 11am to 9pm.

7-605. Safe storage and sale of permissible fireworks.

1. No person shall smoke within a structure where fireworks are sold. No person selling fireworks shall permit the presence of lighted cigars, cigarettes, pipes, or other open flame within a structure where fireworks are offered for sale.
2. At all places where fireworks are sold or stored, for the purpose of sale during the time periods set forth in this chapter, signs must be posted with the words "Fireworks- No Smoking" in letters not less than four (4) inches high.
3. Each retail vendor must have at least one (1) properly rated fire extinguisher with a valid inspection tag on site at all times.
4. Fireworks shall not be stored in residential districts, except for personal use.
5. Fireworks shall not be sold from any property zoned residential, from the right-of-way, from a sidewalk or alley way, or from City owned property.
6. All unsold product must be removed within five (5) days of the ending of each separate sales period as defined in 7-603.
7. Fireworks shall not be stored or sold within 50 feet of a fuel source.
8. Each retail vendor is required to ensure that adequate parking is available so that customer vehicles do not create hazards for roadway traffic; and may be required to show the proposed parking area on site plan.
9. Fireworks shall not be sold to anyone under sixteen (16) years of age, or to any visibly intoxicated/impaired person.
10. Fireworks shall not be sold from any property zoned residential; or from property otherwise used for the public such as a road, sidewalk, alleyway, or City owned property.
11. Mobile retail vendors are not permitted; fireworks are only allowed to be sold from stationary permitted sites.
12. Seasonal retail sites are subject to inspections from the City Fire Inspector and that of the State Fire Inspector to ensure safe operation.

7-606. Safe discharge of permissible fireworks.

1. Fireworks shall not be discharged during any burn ban issued by the Fire Chief.
2. Except for permitted or City functions, no fireworks can be discharged from, or launched onto, City property.
3. Adequate provisions for safety must be made to prevent possible fire caused by the discharging of fireworks from spreading to any structure, dry ground cover, mulch, or other property.
4. The discharging of fireworks requires competent supervision at all times.
5. Fire extinguishing equipment should be readily available for use such as a garden hose connected to the water supply, or a properly rated and working fire extinguisher.
6. No accelerants, explosives, flammable gas, nor any hazardous material is allowed to be used during the discharge of fireworks.
7. Fireworks shall not be ignited inside of, or thrown from, a vehicle whether moving or parked.
8. Fireworks shall not be discharged from, or launched onto, the property of those who have not given permission.
9. Fireworks shall not be discharged from any public road, public right-of-way, public sidewalk, public alleyway, or any City owned property.
10. Fireworks shall not be discharged in the direction of any person, animal, motor vehicle, train, airplane, business, building, electrical substation, or other equipment or machinery.
11. Fireworks shall only be discharged during the permitted times listed within 7-604.

7-607. Site cleanup.

1. All trash, banners, and signs must be fully removed from site within five (5) days of the end of each separate sales period as defined in 7-603.
2. Each permitted site must contain sufficient trash receptacles so as not to have debris, boxes, and other trash stacked or piled up onsite.

7-608. Violations and penalties.

1. It shall be unlawful for any person to violate any of the provisions of this chapter, or fail to comply with any other applicable order.
2. Violations may lead to City, County, State, or Federal penalties.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland that Title 7 Chapter 6 of the municipal code has been replaced with the aforementioned language.

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading:
Passed Second Reading:

RESOLUTION

City of Portland, Tennessee

No. 25 – 20

A RESOLUTION APPROVING THE RECOMMENDATION OF THE ALCOHOL BEVERAGE BOARD TO ISSUE A CERTIFICATE OF COMPLIANCE FOR DHRUV PATEL OF PORTLAND WINE AND SPIRITS LOCATED AT 144 WEST KNIGHT STREET

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

WHEREAS, the City of Portland's Alcohol Beverage Board has reviewed the application for Certificate of Compliance for Portland Wine and Spirits located at 144 West Knight Street; and

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

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

WHEREAS, passage of this Resolution would render any other Certificate of Compliance held by the petitioner invalid in compliance with Title 8, Chapter 1, 8-122.1 of the Portland Municipal Code; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland hereby approves the recommendation of the Alcohol Beverage Board to issue Dhruv Patel of Portland Wine and Spirits located at 144 West Knight Street a Certificate of Compliance; and

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

Mike Callis, Mayor

Tracy Kizer, Assistant City Recorder

Approved this day of

ORDINANCE

City of Portland, Tennessee

No. 25 - 11

First Reading

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A DEVELOPER'S AGREEMENT WITH STEVEN STAGGS FOR THE WATER IMPROVEMENTS, INCLUDING THE INSTALLATION OF A NEW 8-INCH WATER MAIN THROUGH THE DEVELOPMENT AND A NEW 8-INCH WATER MAIN ALONG COLLEGE STREET AND A NEW 8-INCH SEWER MAIN THROUGHOUT THE DEVELOPMENT, FOR THE RUBY SPRINGS DEVELOPMENT, LOCATED AT 780 COLLEGE STREET, TAX MAP 034, PARCEL 72.09 IN PORTLAND, TENNESSEE.

WHEREAS, the City of Portland, Tennessee has determined that improvements need to be made to the Water System, as outlined in the attached agreement; and

WHEREAS, the Portland Department of Utilities has approved the Water, Sewer, and Gas Capacity Letter (see Exhibit A), stating the Water, Sewer, and Gas System has capacity for the Ruby Springs once improvements are made; and

WHEREAS, the Developer has agreed to be fully responsible for the cost of the improvements to City's Water, Sewer, and Gas System, as outlined in the attached agreement; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Portland authorize the Mayor to enter into the attached Developer's Agreement for Ruby Springs Development, located at 780 College Street, Tax Map 034, Parcel 072.09; and

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Passed First Reading:
Passed Second Reading:

DEVELOPMENT AGREEMENT FOR RUBY SPRINGS

CITY OF PORTLAND, TENNESSEE

This Development Agreement (“AGREEMENT”) is made and entered into on this ____ day of _____, 2025 by and between Steven Staggs (Hereinafter called the “DEVELOPER”) and the City of Portland, Tennessee, a municipality organized and existing under the laws of the State of Tennessee (“CITY”).

WHEREAS, the DEVELOPER owns and desires to develop a 47-lot development, located at 780 College St, Tax Map 034, Parcel 072.09 in Portland, Tennessee (hereinafter called the "PROJECT"); and

WHEREAS, DEVELOPER has received a letter stating the existing Water System does not have capacity for the development and will require improvements to the water system specifically for the PROJECT from the Portland Department of Utilities on the **26th** day of **March, 2024** (hereinafter called the “LETTER”). A copy of the most-current capacity letter is attached to this Agreement as Exhibit A; and

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

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

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

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

I. GENERAL CONDITIONS

A. Construction Costs

The DEVELOPER shall be responsible for all design, permitting, construction, and inspections necessary to install and complete approximately 4,376 linear feet (LF) of 8-inch water main, 3,658 LF of 8-inch sewer main, and all required appurtenances, the IMPROVEMENTS, in accordance with this agreement.

B. City Ordinances, Rules and Regulations

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

C. Agreement Not Assignable

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

D. Revocation and Interpretation

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

E. No Oral Agreement

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

F. Separability

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

G. Transferability

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

property occurs, unless an Assumption Agreement is entered into between the new owners and the CITY, and a new agreement is issued naming the new owners as Developer.

II. UTILITIES

A. Water Distribution System

a. Developer and Improvement Fees

The DEVELOPER shall be required to pay a Developer's Contribution of \$750 per unit for a total of **\$35,250** and Water Improvement Fees of \$1,500 per unit for a total of **\$70,500**. All payments must be made prior to PDU signing the Final Plat.

b. Surety Amount:

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

- i. Ruby Springs Phase 1 = \$311,437.50
- ii. Ruby Springs Phase 2 = \$386,250.00
- iii. Ruby Springs Phase 3 = \$182,812.50

Any surety for utilities will be kept and renewed each year until the City has inspected and approved the utility. For each year of renewal, there shall be an additional 10% increase added to each of the surety amounts. Once the utility is accepted by the City, a 12-month maintenance surety that is 15% of the most-current SURETY amount will be held. In the case that the utilities are installed, tested, and accepted by PDU prior to the City signing the Final Plat, the Developer will not be required to submit a Surety for the full amounts listed above, but PDU will require a maintenance surety (15% of the amounts listed above) to be submitted and held for 12 months from PDU's acceptance date or the taps will not be issued.

B. Sewer Collection System

a. Developer and Improvement Fees

The DEVELOPER shall be required to pay Developer's Contribution of \$1,000 per unit for a total of **\$47,000** and Sewer Improvement Fees of \$1,000 per unit for a total of **\$47,000**. All payments must be made prior to PDU signing the Final Plat.

b. Surety Amount:

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

- i. Ruby Springs Phase 1 = \$372,000.00
- ii. Ruby Springs Phase 2 = \$376,375.00
- iii. Ruby Springs Phase 3 = \$344,250.00

Any surety for utilities will be kept and renewed each year until the City has inspected and approved the utility. For each year of renewal, there shall be an additional 10% increase added to each of the surety amounts. Once the utility is accepted by the City, a 12-month maintenance surety that is 15% of the most-current SURETY amount will be held. In the case that the utilities are installed, tested, and accepted by PDU prior to the City signing the Final Plat, the Developer will not be required to submit a Surety for the full amounts listed above, but PDU will require a maintenance surety (15% of the amounts listed above) to be submitted and held for 12 months from PDU's acceptance date or the taps will not be issued.

Developer's payment to the CITY in the amount of (i) **\$82,250.00** as the PROJECT's share of the cost for both WATER and SEWER DEVELOPER'S CONTRIBUTION fees, (ii) **\$117,500.00** as the PROJECT's share of the cost for both WATER and SEWER IMPROVEMENT fees, (iii) and a total SURETY amount of **\$1,973,125.00** for the PROJECT's utilities shall satisfy all Developer and Owner obligations with respect to all improvements, including without limitation the WATER AND SEWER IMPROVEMENTS.

III. PUBLIC WORKS

A. Stabilization Surety

The DEVELOPER shall provide a Letter of Credit or cash escrow (hereinafter called "SURETY") for site stabilization of this development. The SURETY amount below will need to be provided to the CITY for the Stabilization Surety for this PROJECT, prior to Public Works signing the Final Plat:

- a. Ruby Springs Stabilization = \$67,290

The Stabilization Surety must remain in place for the length of the development or until phases of the site have reached 75% vegetative cover. Once 75% vegetative cover has been achieved in a phase, the surety may be reduced for that portion of the site.

B. Public Works Surety

The DEVELOPER shall provide a Letter of Credit or cash escrow (hereinafter called "SURETY") for Public Works Improvements for each phase of this development. The SURETY amount below will need to be provided to the CITY for the Public Works Improvements Surety for this PROJECT, prior to Public Works signing the Final Plat:

- a. Ruby Springs Phase 1 = \$65,740
- b. Ruby Springs Phase 2 = \$428,580
- c. Ruby Springs Phase 3 = \$454,414

Any surety for Public Works will be kept and renewed each year until the City has inspected and approved the improvements. For each year of renewal, there shall be an additional 10% increase added to each of the surety amounts. Once the improvements are accepted by the City, a 12-month maintenance surety that is 15% of the most-current SURETY amount will be held. In the case that the improvements (roads, sidewalks, storm drainage and water quality measures) are installed, inspected, and accepted by City of Portland Public Works prior to the City signing the Final Plat, the Developer will not be required to submit a Surety for the full amounts listed above, but Public Works will require a maintenance surety (15% of the total of the amounts listed above) to be submitted and held for 12 months from Public Works's acceptance date.

IV. VIOLATIONS AND REMEDIES

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

V. BINDING EFFECT

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

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

OWNER

DEVELOPER

TITLE

TITLE

ATTEST:

ATTEST:

TITLE

TITLE

CITY OF PORTLAND (COUNTY OF
SUMNER), TENNESSEE

BY:

MAYOR
APPROVED AS TO FORM:

DATE

BY: _____
CITY ATTORNEY

DATE

EXHIBIT A: Capacity Letter



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

Steve Staggs
894 Coker Ford Rd
Portland, TN 37148

Date: 3/26/2024

**Re: UTILITY SERVICE REQUEST (RENEWAL #2)
RUBY SPRINGS
780 COLLEGE STREET, PORTLAND, TN 37148
SUMNER COUNTY, TAX MAP 034, PARCEL 72.09**

Portland Department of Utilities (PDU) has completed its review of your application for Utility Services (Gas, Water and Sewer) for the above referenced project. Your original Capacity Letter was set to expire on April 18, 2023. An extension was sent on February 27, 2023. As per your email on February 29, 2024, PDU will grant a renewal from the extension expiration date of the letter. Your email also stated that the new development will only be a forty-seven (47) unit development.

The City is fortunate to be experiencing unprecedented growth for the community. This growth comes with challenges when supplying utilities. It is placing a new demand on the City's infrastructure and requiring improvements. Over the last nine (9) months the City has been developing an overall plan on how to service our area with utilities. Please see below for availability of services.

Gas:

Gas Service is available for this development. Tap fees and connection fees will be required per lot prior to issuance of a building permit. If your subdivision is requesting gas, the City will extend gas into the development at no cost to you as per the Portland Municipal Code Section 19-207.

Sewer:

Sewer taps are available for this development. The Developer will be required to pay **\$47,000** in improvement fees. Also, the City is currently designing or constructing Sewer Capital Improvement Projects, including the Wastewater Treatment Plant Expansion, Annual Point Repairs Project, Sandye Avenue Sewer Improvements, Hwy 52E Lift Station, and several others. The Developer will be required to pay a Developer's Contribution of **\$47,000** towards the City's Capital Improvement Projects. The capacity fee and contribution fee must be made prior to the approval of the Construction Plans. Tap fees and connection fees will be required per lot prior to issuance of a building permit. The payment was calculated as follows:

Improvement Fee:

Single Family Residence – 47 Units
47 Units x \$1,000 = **\$47,000**

Developer's Contribution:

Single Family Residence – 47 Units
47 Units x \$1,000 = **\$47,000**

Water:

The System does have capacity to service the area once improvements are made. Once Improvements are completed, operating pressures for the development will average 61-53 psi. The minimum diameter waterline in the city limits is eight (8) inch.

PDU will require the six (6) inch waterline along the road frontage of development to be upsized to an eight (8) inch waterline, approximately 1,100 feet. This will include upsizing the six (6) inch across Summers Branch. You must also loop the waterline within your development to Buena Vista Drive with an eight (8) inch water main, all shown in light blue below. This is to ensure that we do not create another flushing point and to improve service to your subdivision.



As with the sewer system, all the new development in the area is causing additional demand on the water system. To maintain our level of service to our future as well as existing customers the City is constructing a new water tank and transmission line along Oak Hill Dr. Your proposed development will be serviced by this new tank and transmission line.

PROJECT	ESTIMATED COST
Oak Hill Dr 16" Transmission Line	\$2,352,893
500,000 Oak Hill Elevated Tank	\$2,006,750

The City is currently designing or constructing Water Capital Improvement Projects, including the Oak Hill Water System Improvements, Masons Tank 12-Inch Connector, Oak Hill Tank, TGT Water Improvements, Zoning Vaults, Eubanks Rd Water Line Addition, and several others. The Developer will be required to pay a Developer's Contribution of **\$35,250** towards the City's Capital Improvement Projects. The Developer will be required to pay **\$70,500** towards water improvement fees as per Ordinance 23-15. The Developer's Contribution and water improvement fees shall be paid prior to the approval of the Construction Plans. Tap fees and connection fees will be required per lot prior to issuance of a building permit. The payment was calculated as follows:

Developer's Contribution:

Single Family Residence – 47 Units

47 Units x \$750 = **\$35,250**

Improvement Fee:

Single Family Residence – 47 Units

47 Units x \$1,500 = **\$70,500**

Please note that as per Resolution 23-83, the Council voted to continue issuing water capacity letters beyond known capacity limits recognizing that a letter of available water capacity is based on a snap-shot in time when the water model and/or decision is made, and is not a guarantee of water service at a point in the future when the petitioner may or may not choose to purchase their taps. Resolution 23-45 governs the expiration and renewal of capacity letters and at no time is the City of Portland mandated to provide water beyond its ability whether or not a capacity letter has been granted, or whether or not a project has already been started but not all water taps have been purchased.

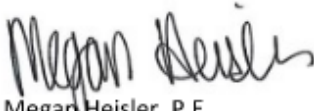
Please note that all future parcels must have the utility main along the parcels road frontage to be approved for service and all services must be located on the property being serviced. The City does not allow utility services within a private easement. All of this was approved by Resolutions 19-27 (Water), 20-102 (Gas), & 20-103 (Sewer).

No approval of any services is indicated. Construction Plans will be required to be submitted and approved by PDU for the development. The fees associated for the development (i.e. tap, connection, capacity fees, etc.) will be determined once Construction Plans are submitted and utility installations have been accepted by the City, and Residential Service Availability Form and Commercial/Industrial Availability Form Request is filled out with specific flow requirements for the tenant for water, sewer, and gas.

This letter shall expire in twelve (12) months. All fees, rates, and conditions noted in this letter are current as of the date of this letter and are subject to change over time. PDU will hold the fees at the amount stated above for a twelve (12) month period after the date of this letter. After the twelve (12) month period expires, fees are subject to re-calculation and potential increases. You may request an extension of fee status in **writing** prior to expiration of the twelve (12) month period. PDU will review the request and either deny or grant the request in writing.

Should you have any questions, please feel free to give me a call.

Sincerely,



Megan Heisler, P.E.
MNH AV000781REN2

cc.
PDU Office
Business Office
Zach Wilkinson

RESOLUTION

City of Portland, Tennessee

No. 25 – 21

A RESOLUTION TO APPROVE THE ORDER OF PRESENTATIONS FOR PLANNED UNIT DEVELOPMENTS

WHEREAS, it has already been determined that Planned Unit Development (PUD) zoning provides better insurances for quality development within the City; and

WHEREAS, due to the added cost and time required to produce PUD plans, it is deemed beneficial to all parties to better understand potential design problems early in the process; and

WHEREAS, the following order shall be used for all PUD projects:

- Developer holds community meeting to present PUD concept to local stakeholders
- Developer presents PUD concept to the City Council
- Developer presents PUD concept to the Planning Commission
- Developer begins the official process of seeking approvals; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland that the procedure contained herein shall be followed for Planned Unit Development presentations; and

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

CONCEPT PLAN FOR

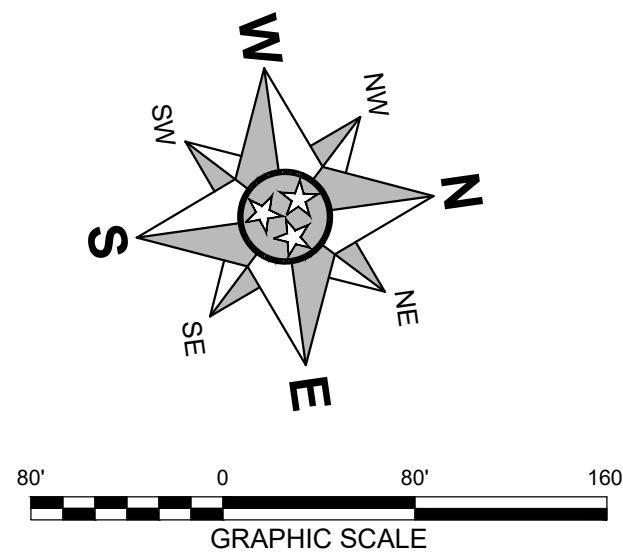
PASSIVE OPEN SPACE

USABLE OPEN SPACE

SINGLE FAMILY LOT

TOWN HOMES

PROPOSED SIDEWALK



SITE DATA TABLE		
TOTAL PROJECT SITE AREA	=	43.65 ACRES
TOTAL NUMBER OF LOTS	=	85
TOTAL LOT AREA	=	15.96 ACRES*
TOTAL NUMBER OF TOWNHOMES	=	18
TOTAL TOWNHOME AREA	=	0.68
MAXIMUM LOT SIZE	=	11,960 SQ. FT.*
MINIMUM LOT SIZE	=	6,819 SQ. FT.*
AVERAGE LOT SIZE	=	8,180 SQ. FT.*
DENSITY	=	1.95 LOT / ACRES*
TOTAL OPEN SPACE	=	21.61 ACRES
% OF OPEN SPACE	=	49.51 %
TOTAL R.O.W.	=	5.29 ACRES
PUMP STATION LOT	=	0.10 ACRES

OPEN SPACE REQUIRED = 20%

OPEN SPACE PROVIDED = 49.51%

GROSS SITE ACREAGE: 43.65

REQUIRED USABLE OPEN SPACE: 10% OF GROSS SITE ACREAGE

$43.65 \times 0.10 = 4.4$ ACRES OF USABLE OPEN SPACE REQUIRED

USABLE OPEN SPACE PROVIDED = 4.51 AC (10.3%)

DRAFT

CONCEPT PLANS FOR:

JETTON FARMS

115 WOODS ROAD
CITY OF PORTLAND
SUMNER COUNTY, TENNESSEE



P.O. BOX 2543
BRENTWOOD, TN 37024-2543
615-656-0257 / M2GROUPPLC.COM

CONCEPT PLAN

DATE :	JANUARY 30, 2025	DRAWN BY :	BPH
PROJECT NO. :	24-133	CHECKED BY :	RVS

SHEET NUMBER:

NE-01

RESOLUTION

City of Portland, Tennessee

No. 25 – 22

A RESOLUTION AUTHORIZING FIVE (5) CHANGE ORDERS IN THE NET AMOUNT OF \$38,922.11 FOR A CONTRACT WITH MDI CONSTRUCTION, INC. FOR THE PURCHASE AND INSTALLATION OF A STEEL MAIN DOOR AND FRAME, A BRICK FAÇADE, (10) TEN CIRCUITS FOR TEMPORARY OFFICE SPACE, NEW BATHROOM AND SHOWER, AND FLOORING CHANGE

WHEREAS, the City of Portland, Tennessee is hereby approving the following change orders to increase the contract amount with MDI Construction, Inc. for the purchase and installation of a Steel Main Door and Frame, Brick façade instead of aluminum, (10) Ten Circuits, New Bathroom and Shower, and Flooring from Carpet to LVT at the Portland Police Department:

Change Order #1 - \$2,760.00

- 1) Provide and Install Steel Main Door and Frame (Temporary Lobby)

Change Order #2 – (No Charge)

- 1) Brick façade instead of aluminum

Change Order #3 - \$3,950.12

- 1) Provide new electrical service to new temporary office space. Total of (10) Ten Circuits

Change Order #4 - \$13,619.88

- 1) New Bathroom and Shower
 - a. Provide and Install, Door and Frame, Concrete Cutting and Pour Back, Shower Insert, LVT Flooring, Plumbing and Fixtures, Framing and Drywall, Electrical

Change Order #5 - \$18,592.11

- 1) Flooring change from Carpet to LVT

WHEREAS, the change orders result in a revised contract amount of \$2,455,106.61 and

WHEREAS, the City of Portland deems these change orders necessary for proper completion of the project; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland approves the acceptance of the five change orders in the increased amount of \$38,922.11; and

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of



AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
Portland Police Department
433 North Broadway, Portland, TN 37148

CONTRACT INFORMATION:
Contract For: General Construction
Date: October 04, 2024

CHANGE ORDER INFORMATION:
Change Order Number: 001
Date: 11/27/24

OWNER: *(Name and address)*
City of Portland
100 S. Russell St., Portland, TN 37148

ARCHITECT: *(Name and address)*

CONTRACTOR: *(Name and address)*
MDI Construction Inc
100 Mooreland Drive, Springfield, TN
37172

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Provide and Install:

1 3070 Steel Main Door and Frame \$2,120.00
1 Basic Grade New Locking Door Handle \$420.00
Labor \$220.00

Total \$2,760.00

The original Contract Sum was	\$	2,416,184.50
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	2,416,184.50
The Contract Sum will be increased by this Change Order in the amount of	\$	2,760.00
The new Contract Sum including this Change Order will be	\$	2,418,944.50

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT <i>(Firm name)</i>	MDi Construction Inc.	City of Portland
	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
SIGNATURE	SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	11/27,24	12-4-24
	DATE	DATE



AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*

Building Renovation to the
Portland Police Department
433 North Broadway, Portland, TN 37148

CONTRACT INFORMATION:

Contract For: General Construction

CHANGE ORDER INFORMATION:

Change Order Number: 002

Date: October 04, 2024

Date: 12/3/24

OWNER: *(Name and address)*

City of Portland
100 S. Russell Street, Portland, TN 37148

ARCHITECT: *(Name and address)***CONTRACTOR:** *(Name and address)*

MDI Construction Inc.
100 Mooreland Drive, Springfield, TN
37172

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Building Front Brick Change

****NO COST CHANGE ORDER****

Brick from grade to bottom of roof gutter plus an additional 30 feet of wall to Northside of garge building in lieu os Aluminum Siding and framed wall with parapet wall.

BRICK COLOR IS WALNUT

The original Contract Sum was

\$ 2,416,184.50

The net change by previously authorized Change Orders

\$ 2,760.00

The Contract Sum prior to this Change Order was

\$ 2,418,944.50

The Contract Sum will be increased by this Change Order in the amount of

\$ 0.00

The new Contract Sum including this Change Order will be

\$ 2,418,944.50

The Contract Time will be increased by Zero (0) days.

The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT *(Firm name)*

MDI Construction Inc.

CONTRACTOR *(Firm name)*

City of Portland

OWNER *(Firm name)*

SIGNATURE

SIGNATURE

SIGNATURE

PRINTED NAME AND TITLE

Michael Crawley, President

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

DATE

11/15/24

DATE

DATE



AIA®

Document G701® – 2017

Change Order

PROJECT: *(Name and address)*

Portland Police Department
433 North Broadway, Portland, TN 37148

OWNER: *(Name and address)*

City of Portland
100 S. Russell Street, Portland, TN 37172

CONTRACT INFORMATION:

Contract For: General Construction
Date: October 04, 2024

ARCHITECT: *(Name and address)***CHANGE ORDER INFORMATION:**

Change Order Number: 003
Date: 1/23/25

CONTRACTOR: *(Name and address)*

MDI Construction Inc.
100 Mooreland Drive, Springfield, TN
37172

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Provide New Electrical Service to new Temporary Office space. Total of (10) Ten Circuits

Total \$3,950.12

The original Contract Sum was

\$ 2,416,184.50

The net change by previously authorized Change Orders

\$ 2,760.00

The Contract Sum prior to this Change Order was

\$ 2,418,944.50

The Contract Sum will be increased by this Change Order in the amount of

\$ 3,950.12

The new Contract Sum including this Change Order will be

\$ 2,422,894.62

The Contract Time will be increased by Zero (0) days.

The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT *(Firm name)*

MDI Construction Inc.

CONTRACTOR *(Firm name)*

City of Portland

OWNER *(Firm name)*

SIGNATURE

SIGNATURE

SIGNATURE

PRINTED NAME AND TITLE

Michael Crawley, President
PRINTED NAME AND TITLE

Mike Collins Mayor
PRINTED NAME AND TITLE

DATE

1/23/25
DATE

1-31-25
DATE



AIA[®]

Document G701[®] – 2017

Change Order

PROJECT: *(Name and address)*

Building Renovation to the
Portland Police Department
433 North Broadway, Portland, TN 37148

CONTRACT INFORMATION:

Contract For: General Construction

CHANGE ORDER INFORMATION:

Change Order Number: 4

Date: October 04, 2024

Date: 2/7/25

OWNER: *(Name and address)*

City of Portland
100 S. Russell Street, Portland, TN 37148

ARCHITECT: *(Name and address)***CONTRACTOR:** *(Name and address)*

MDI Construction Inc.
100 Mooreland Drive, Springfield, TN
37172

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

New Bathroom and Shower

Provide and Install:
Door & Frame
Concrete Cutting and Pour Back
Shower Insert
LVT Flooring
Plumbing & Fixtures
Framing & Drywall
Electrical

\$13,619.88

The original Contract Sum was
The net change by previously authorized Change Orders
The Contract Sum prior to this Change Order was
The Contract Sum will be increased by this Change Order in the amount of
The new Contract Sum including this Change Order will be
The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

\$	2,416,184.50
\$	6,710.12
\$	2,422,894.62
\$	13,619.88
\$	2,436,514.50

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT *(Firm name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE

MDI Construction Inc.

CONTRACTOR *(Firm name)*

SIGNATURE

Michael Crawley, President

PRINTED NAME AND TITLE

11/15/24

DATE

City of Portland

OWNER *(Firm name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE



AIA®

Document G701® – 2017

Change Order

PROJECT: *(Name and address)*

Portland Police Department
433 North Broadway, Portland, TN 37148

CONTRACT INFORMATION:

Contract For: General Construction
Date: October 04, 2024

CHANGE ORDER INFORMATION:

Change Order Number: 005
Date: 2/12/25

OWNER: *(Name and address)*

City of Portland
100 S. Russell Street, Portland, TN 37148

ARCHITECT: *(Name and address)*
CONTRACTOR: *(Name and address)*

MDI Construction Inc.
100 Mooreland Drive, Springfield, TN
37172

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Flooring Change to LVT

Breakdown of cost difference:

In contract:

Labor & Material to Remove and Replace carpet and tile - 4200 sqft - cost \$15,540.00

LVT:

Labor and Material to Install LVP - 4200 sqft- cost \$34,132.11

Cost breakdown:

LVP	\$34,132.11
Carpet (in contract)	(\$15,540.00)
Difference	\$18,592.11

Change Order New LVT Flooring \$18,592.11

The original Contract Sum was
The net change by previously authorized Change Orders
The Contract Sum prior to this Change Order was
The Contract Sum will be increased by this Change Order in the amount of
The new Contract Sum including this Change Order will be

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

\$	2,416,184.50
\$	6,710.12
\$	2,422,894.62
\$	18,592.11
\$	<u>2,441,486.73</u>

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT *(Firm name)*

MDI Construction Inc.

CONTRACTOR *(Firm name)*

City of Portland

OWNER *(Firm name)*

SIGNATURE

SIGNATURE

SIGNATURE

PRINTED NAME AND TITLE

Michael Crawley, President

PRINTED NAME AND TITLE

PRINTED NAME AND TITLE

DATE

3/5/25

DATE

DATE

AIA Document G701 – 2017. Copyright © 1979, 1987, 2000, 2001 and 2017. All rights reserved. "The American Institute of Architects," "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are trademarks of The American Institute of Architects. This document was produced at 08:42:57 ET on 03/05/2025 under Order No.2114503346 which expires on 03/08/2025, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail docinfo@aiacontracts.com.

User Notes:

(3B9ADA44)

RESOLUTION

City of Portland, Tennessee

No. 25 – 23

A RESOLUTION TO PURCHASE CERTAIN IDENTIFIED PATROL ITEMS NEEDED TO ENHANCE SECURITY AND DEPARTMENT READINESS

WHEREAS, the ever-increasing need for security and preparedness is apparent within the world which we live today; and

WHEREAS, the City of Portland draws a large number of people into and through the community due to an expansive industrial presence, the proximity to the interstate, and community events; and

WHEREAS, on March 3, 2025, the Chief of Police presented to the full Council the need to modernize outdated equipment, provide officers with standardized tools for efficiency, improve training for preparedness, and enhance surveillance capabilities; and

WHEREAS, the following items with an estimated total cost of \$123,135.00 are requested:

- 30 Stop Sticks - \$15,570.00
- 1 Flock Security Trailer - \$25,000.00
- 30 Patrol Rifles - \$52,470.00
- 30 Rifle Optics - \$12,240.00
- Tactical Training - \$17,855.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland that the items contained herein be purchased in accordance with the purchasing policy using current cash reserves so that these items are available for use before May 2025; and

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

RESOLUTION

City of Portland, Tennessee

No. 25 – 24

A RESOLUTION AUTHORIZING THE CITY OF PORTLAND TO PARTICIPATE IN THE “SAFETY PARTNERS” MATCHING GRANT PROGRAM

WHEREAS, the safety and well-being of the employees of the City of Portland is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Portland employees; and

WHEREAS, Public Entity Partners seeks to encourage the establishment of a safe workplace by offering a “Safety Partners” Matching Grant Program; and

WHEREAS, the City of Portland now seeks to participate in this important program;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Portland the following:

SECTION 1. That the City of Portland is hereby authorized to submit application for a “Safety Partners” Matching Grant Program through Public Entity Partners.

SECTION 2. That the City of Portland is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

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

Mike Callis, Mayor

Attest: Tracy Kizer, City Recorder

Approved this day of

From: [Tahtia Mitchell](#)
To: [Carlton Cobb](#)
Subject: APPROVAL NOTIFICATION - SAFETY PARTNERS GRANT
Date: Tuesday, August 27, 2024 8:51:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



August 27, 2024

Portland, City of
100 SOUTH RUSSELL STREET
PORTLAND, TN 37148

Subject: JUDY HOUSLEY SAFETY PARTNERS MATCHING GRANT – APPROVED STATUS

Congratulations! This letter serves as official notification to the Portland, City of that you have been **approved** for the 2024-2025 Judy Housley Safety Partners Matching Grant Program, for which you applied.

A Grant in the amount of \$3,000.00 was approved for your requested items. The PAID receipts for the approved items along with the invoices for the approved items must amount to at least \$6,000.00 to be eligible to receive the full reimbursement of \$3,000.00. Your 2024-2025 Priority Classification Rating is Class II.

Important! The deadline for all reimbursement receipts is April 1, 2025. If you have already sent us **proof of payment** for approved purchases, you will be receiving your Grant check shortly. If you have not sent this information, please do so by **April 1, 2025**, along with a copy of this notification. Please keep in mind that if we do not receive reimbursement items in a timely manner you may jeopardize your eligibility to receive funding the following fiscal year. If proof of payment is not received by this date, your reimbursement dollars may be reappropriated. Your check will not be processed until we have verification of payment. Please see list of mandatory items needed for reimbursement below.

GRANT REIMBURSEMENT CHECKLIST:

1. “Notification of Approval” letter
2. Signed Resolution/Motion
3. Cover sheet listing description of items purchased, quantities, and grand total of all purchases. All receipts must follow in order of cover sheet.
4. Two proofs of payment which must include the following:
 - A. CANCELLED check/bank statement OR credit card receipt/credit card statement OR Automated Clearing House (ACH) OR Automated Funds Transfer (AFT)
 - B. Copy of invoice OR purchase order (serving as the backup to the cancelled check or credit card receipt). Submitting invoices alone will not be accepted.

Forward all receipts/documentation to:
Tahtia Mitchell
Grant & Scholarship Program
Email: Tmitchell@PEpartners.org or Fax: 615-371-9212

Best Regards,

Chester



Chester Darden
Director of Loss Control





Near Term Solution

There are two parts to replacing a meter

1. Transmitter - Itrons
2. Meter - Kamstrup

We have already installed approxiamtely 2,300 Kamstrup meters w/ Itrons

451 needing replacement as of February 14
591 needing replacement as of March 11

Itrons

Arrival Date	Quantity
In Stock	337
March 21, 2025	300
May 20, 2025	300

Kamstrup

1,408 in stock as of March 7

Replace	Cost per Meter*	Total Cost
300	\$75	\$22,500
500	\$75	\$37,500

*G&C approved bid price as per Ord 24-57

It is still going to be cheaper to pay overtime and allow our own forces to replace meters

Average cost per Employee for OT	\$30	per hr
4 employees for 8 hours a day	32	hrs/day
Total salaries per day	\$960.00	per day

Minimum meteres installed in a day	20	each
Individual meter installation cost	\$48.00	per meter

Recomendation:

Since we are loosing around a 100 meters per month, move forward with G&C installing 500 meters. Also, continue using the Water Dept to replace meters as a part of scheduled OT. The scheduled OT will help to keep up with the meters going out every month until we have a long-term solution.



Long Term Solution

We have a total approximately 5,000 meters (3/4" - 1") that need to be replaced

500 will be replaced by G&C as part of the short term solution

Itrons

Replace	Cost per Itron*	Total Cost
4,560	\$150	\$684,000

*Quote provided by United Systems March 7, 2025

Kamstrup

Core & Main Purchase & G&C Installation

Description	Quantity	Unit Price*	Ext Price
5/8" x 3/4" Meter	4,500	\$185.61	\$835,245
1" Meter	60	\$350.00	\$21,000
Labor	4,560	\$75.00	\$342,000
Total Price...			\$1,198,245

* Quote for meters provided by Core & Main March 11, 2025

* G&C Labor price as approved by Ord 24-57

Total Project Costs

Purchase of Itrons	\$684,000
Purchase of Meters	\$856,245
Labor to install Meters	\$342,000
Total Project Costs....	\$1,882,245

Current Meter Base Fee Annual Revenue \$360,000

Recomendation:

Since we already have 500 meters & Itrons in stock, allow G&C to move forward with phase 1. Continue to use the Water Dept to replace meters as part of scheduled OT. This should help keep up with the meters that are going out monthly. Use the Meter Base Fee Revenue as the annual debt service for a \$2,000,000 loan to replace all the remaining meters within the system.