

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
SEPTEMBER 6, 2016 – 5:00 P.M.**

1. **CALL TO ORDER**
Mayor Gary Chesney
2. **INVOCATION**
Dr. Gary Brewster, Chaplain, Morristown Police Department
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
August 16, 2016
6. **PROCLAMATIONS/PRESENTATIONS**
7. **CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY**
(Other than items scheduled for public hearing.)
8. **OLD BUSINESS**
- 8-a. **Public Hearings & Adoption of Ordinances/Resolutions**
 1. Ordinance No. 3564
An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B and Official Zoning Map. {Rezoning of property currently addressed as 1211 Buffalo Trail from Local Business (LB) to Intermediate Business (IB).}
 2. Ordinance No. 3565
An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B and Official Zoning Map. {Rezoning of property currently addressed as 1156, 1202, 1204, and 1216 East Main Street from Medium Density Residential (R2) to Intermediate Business (IB).}
 3. Ordinance No. 3566
An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Title 14 (Zoning and Land Use Control), Chapter 29 (Sign Regulations), Sections 14-2905, 14-2906-b, 14-2906-c, 14-2906-d, 14-2906-e, and 14-2906-f.

9. NEW BUSINESS

9-a. Resolutions

1. Resolution No. _____
A Resolution of the City of Morristown, Tennessee, to Accept and Dedicate Public Streets, Rights of Way and Street Names Located within the City of Morristown, Tennessee, {Polestar Morristown, Inc., Buffalo Trail}.
2. Resolution No. _____
A Resolution of the City of Morristown, Tennessee, to Accept and Dedicate Public Streets, Rights of Ways and Street Names located within the City of Morristown, Tennessee, {Cherokee Investments, Inc., West Pin Lane, Winkler Ave., and Hatfield Dr.}.
3. Resolution No. _____
A Resolution authorizing the City of Morristown, Tennessee, to participate in the Pool's James L. Richardson "Driver Safety" Matching Grant Program.

9-b. Introduction and First Reading of Ordinances

9-c. Awarding of Bids/Contracts

1. Approval of Aviation Support and Maintenance Services between the Moore-Murrell Airport and DBT Transportation Services in the annual amount of \$1,900 Annual Fee for Aviation Support with the following Maintenance pricing schedule: \$1,500 per day Unplanned Outage Fee, \$1,500 per day Facility Visit Fee, \$500 per day Holiday Fee and \$500 per day Cancellation fee.
2. Approval of Grant Contract between the City of Morristown and the U.S. Department of Justice for the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$13,098.
3. Approval of Interlocal Agreement between the City of Morristown and Hamblen County School System regarding the maintenance of Long Reel Track.
4. Approval of Bid for Over Seeding at East Tennessee Progress Center (ETPC) to Erosion Solutions in the amount of \$149,984.

5. Approval of Request for Qualification (RFQ) – Architect/Engineering Services for Community Center and Park Development and acceptance of selection committee’s nomination of Lose & Associates, and allow the City Administrator to negotiate and return a proposed contract to City Council for approval.
6. Approval of Amendment No. 1 between the City of Morristown on behalf of the Lakeway Area Metropolitan Transportation Planning Organization (LAMTPO) and Parsons Brinckerhoff, Inc., for the preparation and development of an updated Long Range Transportation Plan for the LAMTPO Study Area in the amount of \$3,200.
7. Approval of purchase of a 2017 Ford 550 SD Crew Cab in the amount of \$52,161.70 for the Public Works Department.
8. Approval of purchase of a 1500 Tradesman Regular Cab 4x4 in the amount of \$24,211 for the Inspections Department.
9. Approval of Stormwater Management/BMP Facilities Maintenance Agreement between Living Promise Evangelical Lutheran Church (Map 48, Parcel 044.06) and the City of Morristown.

9-d. Board/Commission Appointments

1. City Council appointment or re-appointment of City Judge for a four (4) year term to expire on September 15, 2020; term expiring Matt Sexton.
2. Mayor Nomination and City Council approval of an appointment or re-appointment to the Tree Board for a three (3) year term to expire on September 18, 2019; term expiring Sylvia Hinsley.

9-e. New Issues

1. Fire Department promotion of Driver/Engineer.

10. CITY ADMINISTRATOR’S REPORT

11. COMMUNICATIONS/PETITIONS

This is the portion of the meeting where members of the audience may speak subject to the guidelines provided.

12. COMMENTS FROM MAYOR/COUNCILMEMBERS/COMMITTEES

13. ADJOURN

City Council Meeting/Holiday Schedule:
Regular City Council Meeting with Work Session

September 20, 2016	(Tues) 4:00 p.m.	Finance Committee Meeting
September 20, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
September 22, 2016	(Thurs) 7:00 p.m.	City Council Roundtable – Rose Center
October 4, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
October 18, 2016	(Tues) 4:00 p.m.	Finance Committee Meeting
October 18, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
November 1, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
November 15, 2016	(Tues) 4:00 p.m.	Finance Committee Meeting
November 15, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
November 24-25, 2016	(Thurs. & Friday)	City Employee's Holiday Thanksgiving
December 6, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
December 20, 2016	(Tues) 4:00 p.m.	Finance Committee Meeting
December 20, 2016	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
December 26, 2016	(Monday)	City Employee's Holiday Christmas
January 2, 2016	(Monday)	City Employee's Holiday New Year's

WORK SESSION AGENDA
September 6, 2016
5:00 p.m.

1. **No Work Session.**

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
AUGUST 16, 2016**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 5:00 p.m., Tuesday, August 16, 2016, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Ken Smith and Tommy Pedigo.

Dr. Gary Brewster, Chaplain, Morristown Police Department, led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Senter made a motion to approve the August 2, 2016, minutes as circulated. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held pertaining to Ordinance No. 3559. The following people spoke: Nigel Reid.

Councilmember Alvis made a motion to approve Ordinance No. 3559 on second and final reading. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3559

An Ordinance Granting a Franchise to the Morristown Utilities Commission, to Build, Construct, Operate and maintain a Cable Television System in the City of Morristown, Tennessee, and Setting Forth Conditions Accompanying the Granting of this Franchise.

A Public Hearing was held pertaining to Ordinance No. 3560.

Councilmember Smith made a motion to approve Ordinance No. 3560 on second and final reading. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3560

An Ordinance of the City Council of Morristown, Tennessee Amending Title 10 (Animal Control) of the Morristown Municipal Code.

A Public Hearing was held pertaining to Ordinance No. 3561.

Councilmember Senter made a motion to approve Ordinance No. 3561 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Ordinance No. 3561

An Ordinance of the City Council of Morristown, Tennessee Amending Title 11 (Municipal Offenses), by Deleting Chapter 1 (Pinball Machines), Chapter 3 (Interference with Public Operations and Personnel) and Chapter 6 (Miscellaneous) of the Morristown Municipal Code.

A Public Hearing was held pertaining to Ordinance No. 3562. The following people spoke: Evan McKinley and Nigel Reid.

Councilmember Pedigo made a motion to approve Ordinance No. 3562 on second and final reading. Councilmember Smith seconded the motion and upon roll call; all voted “aye”.

Ordinance No. 3562

An Ordinance of the City Council of Morristown, Tennessee Amending Title 11 (Municipal Offenses), Chapter 2 (Offenses Against the Peace and Quiet), Sections 201 (Disturbance of the peace) and 202 (Noise prohibited; exceptions) of the Morristown Municipal Code.

A Public Hearing was held pertaining to Ordinance No. 3563.

Councilmember Senter made a motion to approve Ordinance No. 3563 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Ordinance No. 3563

An Ordinance of the City Council of Morristown, Tennessee, Amending Title 11 (Municipal Offenses), Chapter 4 (Firearms and Weapons) of the Morristown Municipal Code.

Councilmember Smith made a motion to approve Ordinance No. 3564 on first reading and schedule a public hearing relative to final passage of said ordinance for September 6, 2016. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Ordinance No. 3564

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B and Official Zoning Map. {Rezoning of property currently addressed as 1211 Buffalo Trail from Local Business (LB) to Intermediate Business (IB).}

Councilmember Smith made a motion to approve Ordinance No. 3565 on first reading and schedule a public hearing relative to final passage of said ordinance for September 6, 2016. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3565

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Appendix B and Official Zoning Map. {Rezoning of property currently addressed as 1156, 1202, 1204, and 1216 East Main Street from Medium Density Residential (R2) to Intermediate Business (IB).}

Councilmember Pedigo made a motion to approve Ordinance No. 3566 on first reading and schedule a public hearing relative to final passage of said ordinance for September 6, 2016. Councilmember Alvis seconded the motion. Discussion ensued and upon roll call; all voted "aye".

Ordinance No. 3566

An Ordinance to Amend the Municipal Code of the City of Morristown, Tennessee, Title 14 (Zoning and Land Use Control), Chapter 29 (Sign Regulations), Sections 14-2905, 14-2906-b, 14-2906-c, 14-2906-d, 14-2906-e, and 14-2906-f.

Councilmember Alvis made a motion to approve the Professional Services Agreement between the City of Morristown and LDA Engineering for Phase I - Debi Circle FEMA Flood Mitigation Grant Application Support in the not to exceed amount of \$9,900. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve the MUNIS Software Agreement between Tyler Technologies, Inc. and the City of Morristown, in the annual amount of \$79,297 with a onetime set-up fee of \$4,000; total of \$241,891 for a three year term. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Councilmember Pedigo made a motion to approve the TDOT Grant Amendment for Resurfacing of West Andrew Johnson Hwy., N. Fairmont Ave., to W. Morris Blvd., PIN #121752.00, Fed. Project # STP-M-9113(23), State Project # 32LPLM-F3-053, Agreement # 150026, this amendment provides for a Right-of-Way Acquisition Phase and updates the project costs from \$108,092 to \$1,116,139. This is an 80% Federal and 20% local match. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember Smith made a motion to approve the Task Order No. 2 for Farmers Market Phase II from McGill Associates for a lump sum fee of \$99,000 and approval of amendment to owner-engineer agreement for hourly rates. Councilmember Senter seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to approve Fibernet Internet service for each of the Fire Department Stations in the amount of \$34.95 per station each month. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve the change order for Fire Department Aerial/Platform Truck to Pierce Manufacturing, Inc., in the amount of \$3,106.44. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Councilmember Smith made a motion to approve the purchase of 600 Tons of Treated Bulk Rock Salt in the amount of \$89.17 per Ton for the total amount of \$53,502 from Compass Minerals America, Inc., a state contract vendor. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve the Stormwater Management/BMP Facilities Maintenance Agreement between KBS Morristown, Inc. (Holston's/No Way Jose's, 1836 West Andrew Johnson Hwy) and the City of Morristown. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Bivens made a motion to re-appoint Louis "Doe" Jarvis to the Municipal Airport Commission for a five (5) year term to expire on August 31, 2021. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve the Police Departments hiring of Zachary Jones, as an entry-level Patrol Officer. Councilmember Bivens seconded the motion and upon roll call; all voted "aye".

Mayor Chesney recessed the meeting for an Executive Session.

Mayor Chesney called the meeting back to order.

Councilmember Alvis made a motion to Open the Agenda to add an item. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve Mr. Ben Lauderback, Watson Roach Attorneys at Law, as a substitute counsel in the Morristown College case. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

August 16, 2016

Mayor Chesney adjourned the August 16, 2016, City Council meeting at 6:21 p.m.

MAYOR

ATTEST:

CITY ADMINISTRATOR

DRAFT

[Return to Agenda](#)



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: August 16th, 2016
SUBJECT: Rezoning Request
Buffalo Trail / Shields Ferry Road

REQUEST -

A rezoning request was received by the Planning Department by Ms. Wanda Sexton for her property at 1211 Buffalo Trail in north Morristown. Ms. Sexton is wishing to sell the property, currently zoned Local Business (LB), to accommodate an automotive sales and repair center. Ms. Sexton is seeking a zoning designation of Intermediate Business (IB) to accommodate this commercial land use. Mr. Terry Ball will be representing the property owner.



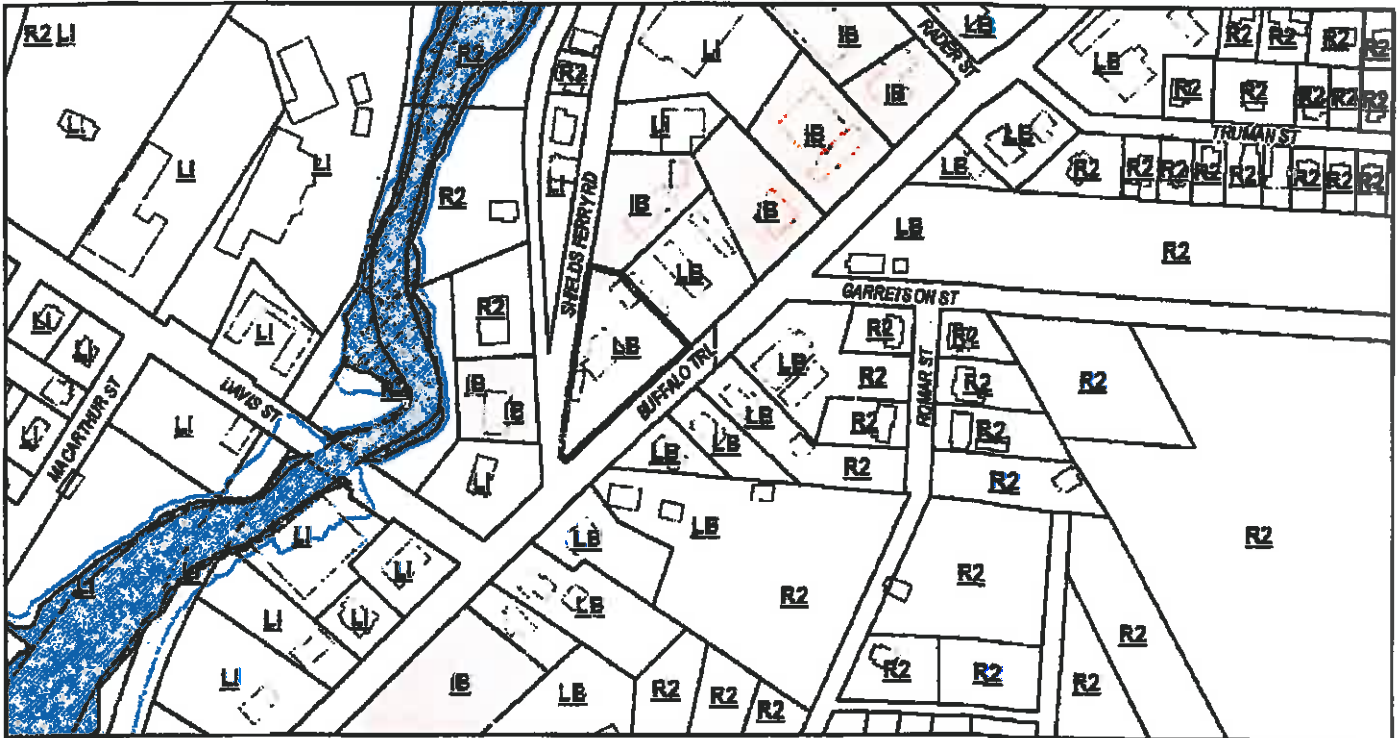
The property, 0.65 acres in size, contains one principle building (2,750 square feet) and four accessory buildings. The lot is of an irregular 'pie' shape as it sits at the intersection of a major arterial (Buffalo Trail) and a collector street (Shields Ferry Road). The land is bounded by residential uses to the south across Buffalo Trail, all of which are zoned LB. Most of this housing is in poor condition. There exists to the west of the intersection and across Shields Ferry Road automotive tire sales (zoned LI) and a convenience store (zoned IB). Directly behind the subject site is an automotive repair shop (zoned IB) which appears derelict. To the east is located another pawn shop which is zoned LB.

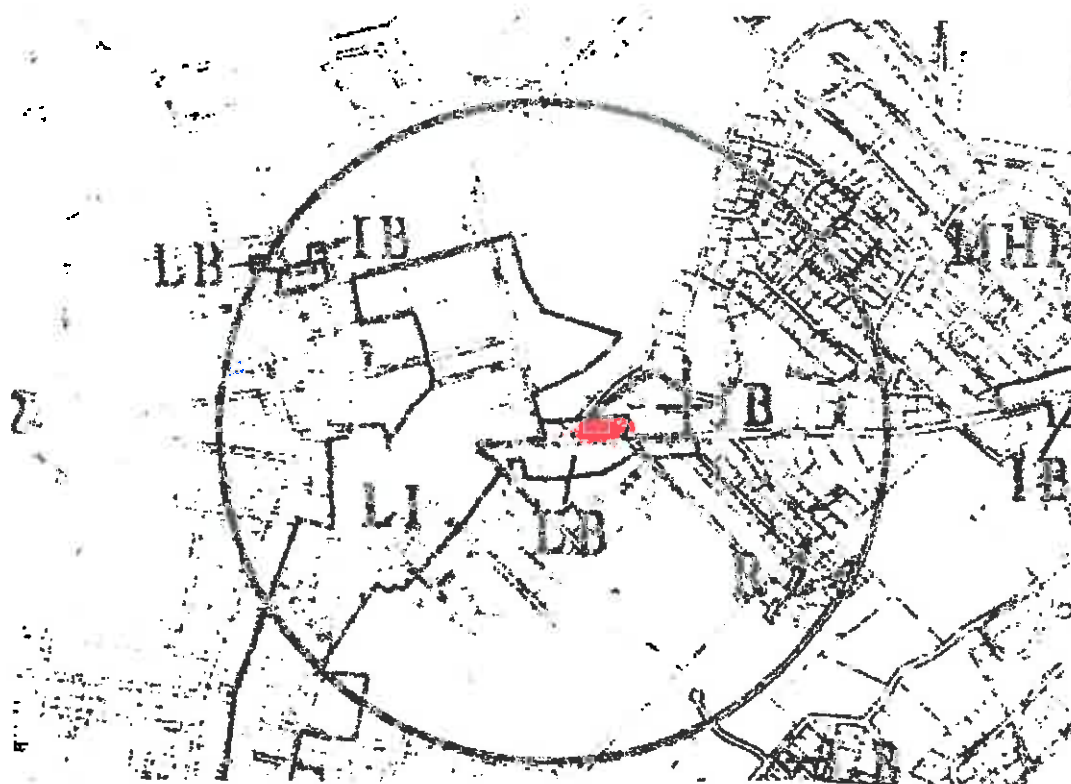
To summarize, all lands surrounding this site are zoned commercially though not all are of the same zoning designation. Under Local Business (LB) district guidelines, automotive sales or repair is not an allowed use. This district, in broader terms, is indicative of more pedestrian friendly type commercial land uses, those traditionally found along the fringes of residential neighborhoods.

IB or Intermediate Business districts are generally located on heavier traveled roads and tend to have heavier impacts (traffic, noise, light) to surrounding properties because of its permitted uses which are predominantly larger scale commercial businesses which generate more vehicular traffic.

Zoning within this region has not changed since 1975 as is shown on the graphic on the accompanying page though the corporate limits have increased in that region of the City by more than 2000 acres since that date. Traffic volume data from 2010 - 2015 shows consistent traffic counts along this portion of Buffalo Trail averaging 14000 trips per day.

Staff sees IB (Intermediate Business) as the most appropriate designation for this property if not for most of the existing businesses which front Buffalo Trail today. Staff would also recommend a study of this area be conducted in order to help guide development along this important north/south corridor.





1975 Zoning Map

The Regional Planning Commission voted to forward this rezoning request on to City Council for approval at their August 9th, 2016 meeting.

CITY COUNCIL OPTIONS:

1. Approve rezoning request as submitted;
2. Approve rezoning request with conditions;
3. Table rezoning request;
4. Deny rezoning request

ORDINANCE NO. 3564

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF MORRISTOWN TENNESSEE, APPENDIX B AND OFFICIAL ZONING MAP. (Rezoning of property currently addressed as *1211 Buffalo Trail* from *Local Business (LB)* to *Intermediate Business (IB)* in the First Civil District of Hamblen County.)

BE IT ORDAINED BY THE CITY OF MORRISTOWN AS FOLLOWS:

SECTION I. WHEREAS, the Morristown Regional Planning Commission has recommended to the City Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT RESOLVED by the City Council of the City of Morristown that Ordinance No. 2092 be and the same hereby is amended so as to provide that the following described real estate be rezoned from Local Business District (LB) to Intermediate Business District (IB).

That same parcel of land currently having been assigned as 1211 Buffalo Trail and having Hamblen County Tax Map ID # 032033D J 0110 containing 0.63 +/- acres;

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be changed so as to effect the amendment as herein provided, to the extent that the area herein above described shall be permitted to be used for Intermediate Business (IB).

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date of its publication and final passage, the public welfare requiring it.

Passed on first reading this the 16th day of August, 2016.

ATTEST:

MAYOR

CITY ADMINISTRATOR

Passed on second and final reading this the 6th day of September, 2016.

ATTEST:

MAYOR

CITY ADMINISTRATOR

TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: August 16th, 2016
SUBJECT: Rezoning Request
E. Main Street

REQUEST -

A rezoning request was received by the Planning Department by owner Mr. John Hale for his properties located at the southwest intersection of E. Main Street and N. Liberty Hill Road behind the Popkin Field Food City. Addresses contained within these two parcels include 1156/1202/1204/1216 E. Main Street. Mr. Hale is seeking IB (Intermediate Business) zoning approval for both properties which are currently zoned R-2 (Medium Density Residential). Mr. Paul Lebel will be representing the property owner.

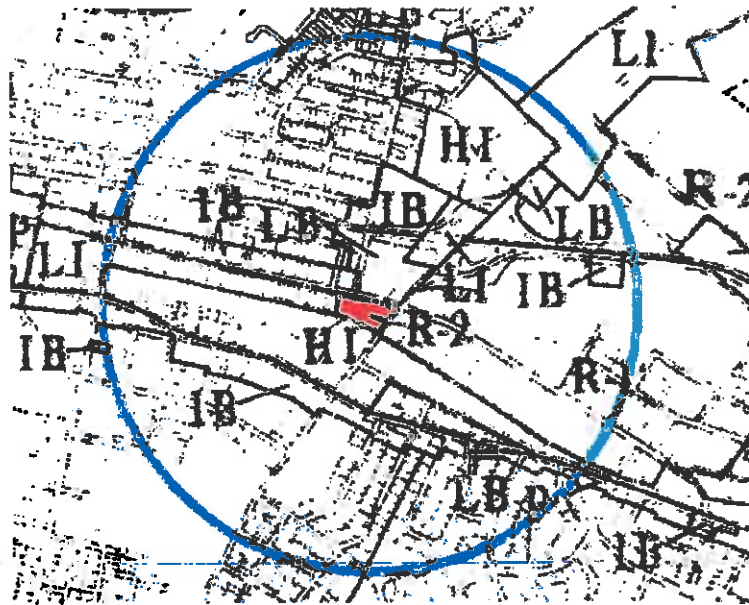
The smaller of the two lots, (1156 E. Main) is 0.5 acres in size with an existing contractor's truck repair facility and office located on site. The larger parcel to the east is 1.5 acres in size and features two structures, one small office building (1,000 square feet) and a larger commercial building which is around 9,000 square feet in size. Both lots have access off of E. Main Street with the larger lot having access from N. Liberty Trail as well.





The properties are bounded by single family residences and zoning across S. Liberty Hill Road to the east and by the Norfolk Southern Railroad and recently constructed Popkin Field Food City which is zoned Planned Commercial District to the south. To the north across E. Main is located a self-serve car washing station and an array of small apartment complexes along both sides of King Street, zoned for light commercial and multi-family uses respectfully. Travelling west, the majority of properties to the north are zoned heavy commercial (IB) and to the south lies LI (Light Industrial). A patchwork of residential uses and small businesses exist to the west, the majority of which seem to be in stable condition.





Zoning Map 1975

As shown on the above graphic, these properties have been zoned for residential use (R-2) since 1975, a use which has never occupied either site. The site has been home to a truck repair shop, grocery store and furniture store, the latter two uses no longer considered to be 'grandfathered' as they have been vacated for longer than a year, this being the impetus to rezone the property as the owner is wishing to sell. Local Business (LB) zoning would under normal circumstances be the preferred designation for these properties due to their proximity to surrounding residential neighborhoods and adjacency to the downtown area. Staff feels that the size of the site itself will dictate future commercial uses with regard to both building size and parking and that IB (Intermediate Business) land uses would offer more flexibility when developing the site.

Staff recommends rezoning of these two properties from R-2 (Moderate Residential) to IB (Intermediate Business) and would also recommend a land use and/or zoning study be conducted in this neighborhood. If approved, this will be the second zoning change within this area in as many months. (Evans Street Rezoning (R-2 to LB) approved by City Council this past month)

CITY COUNCIL OPTIONS:

1. Approve rezoning request:
2. Approve rezoning request with conditions:
3. Deny rezoning request;
4. Table rezoning request.



ORDINANCE NO. 3565

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF MORRISTOWN TENNESSEE, APPENDIX B AND OFFICIAL ZONING MAP. (Rezoning of property currently containing the following addresses *1156, 1202, 1204, and 1216 E. Main Street* from *Medium Residential (R-2)* to *Intermediate Business (IB)* in the *First Civil District of Hamblen County*.)

BE IT ORDAINED BY THE CITY OF MORRISTOWN AS FOLLOWS:

SECTION I. WHEREAS, the Morristown Regional Planning Commission has recommended to the City Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT RESOLVED by the City Council of the City of Morristown that Ordinance No. 2092 be and the same hereby is amended so as to provide that the following described real estate be rezoned from R-2, Medium Residential to IB, Intermediate Business District.

Those parcels of land currently having been assigned as 1156, 1202, 1204, and 1216 E. Main Street and having Hamblen County Tax Map ID # 032034J A 02301 and Hamblen County Tax Map ID # 032034J A 02300 containing 2 +/- acres;

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be changed so as to effect the amendment as herein provided, to the extent that the area herein above described shall be permitted to be used for Intermediate Business (IB).

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date of its publication and final passage, the public welfare requiring it.

Passed on first reading this the 16th day of August, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Passed on second and final reading this the 6th day of September, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR



Department of Community Development
West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown City Council
FROM: Logan Engle, Planner
DATE: August 16, 2016
SUBJECT: Zoning Text Amendment of Chapter 29, Section 14-2905 & 14-2906

BACKGROUND:

Chapter 29 (Sign Regulations) of the City of Morristown Zoning Ordinance contains many definitions and regulations relating to a variety of types of both temporary and permanent signage. These regulations are primarily categorized in regard to zoning districts. Since the most recent ordinance has been in place, a variety of concerns have arisen in regard to administration and enforcement of the ordinance.

As a result, staff has researched and is recommending a few proposed alterations to the sign ordinance in order to ensure more accurate administration and enforcement. These alterations are as follows and are highlighted in detail in the attached copy of the sign ordinance:

1. **Subdivision Temporary Development Signs** – To allow parcels greater than ten (10) acres in size subdivision temporary development signage not to exceed two hundred (200) square feet of said signage across no more than five (5) signs per public street frontage. (14-2906-b-3)
2. **Central Business District**
 - a. To allow parcels greater than three (3) acres in size Electronic Message Center (EMC) signs on monuments in the Central Business (CB) zone. These monuments may not exceed 40 square feet in sign face area, must be ground-mounted, have a maximum height of 6 feet, and any EMC contained within shall not exceed 20 square feet. Also requires these types of monuments to match the architectural style and construction materials of the principal structure. EMC regulations regarding luminance levels and timing have also been included in this section from existing regulations within the sign ordinance. (14-2906-d-3)
 - b. To allow parcels greater than three (3) acres in size secondary access signs, similar to what is allowed in other commercial zones. These signs are regulated in regard to their location from secondary access points or drives. They may not exceed 40 square feet in sign area or 6 feet in height. They may contain an EMC up to 20 square feet of the sign face only IF an EMC is not already present on the primary monument sign. Two monument signs with two EMCs will not be permitted. (14-2906-d-12)
 - c. To allow parcels greater than three (3) acres in size wall signage, limited to 10% of the measurement of the front wall, from ground to roof, multiplied by the length of wall, measured end to end, per road frontage not to exceed four hundred (400) square feet in total and having a maximum of three (3) wall signs per public street frontage. (14-2906-6)
3. **Shopping Center Signage** – Delete a sentence from the passage discussing shopping center signage minimum height clearance. This passage is no longer relevant due to sight distance triangle requirements and building code requirements.

RECOMMENDATION:

Staff proposes that the Morristown Regional Planning Commission recommend this text amendment be added to the zoning ordinance request to City Council for approval.

MRPC RECOMMENDATION:

At the August 9, 2016 meeting of the Morristown Regional Planning Commission, the MRPC voted to recommend approval of the proposed changes to the Morristown City Council.

ORDINANCE NO. 3566

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 2 (ZONING ORDINANCE), SECTIONS 14-2905, 14-2906-b, 14-2906-c, 14-2906-d, AND, 14-2906-e, 14-2906-f OF THE MORRISTOWN MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 14 (Zoning and Land Use Control), Chapter 2 (Zoning Ordinance) , Sections 14-2905 and 14-2906 of the Morristown Municipal Code are hereby amended by deleting the language in the current sections and replacing it with the following language:

CHAPTER 29 SIGN REGULATIONS

14-2905. PROHIBITED SIGNS.

Except as may be authorized by this article, the following signs shall be prohibited in all zoning districts, and may neither be erected nor maintained.

- a. Abandoned or dilapidated signs.
- b. Projecting signs extending more than 12 inches from the surface of the structure, including the roof line, or extending beyond the property line, unless specifically permitted by provisions herein.
- c. Roof signs.
- d. Portable signs.
- e. Any internally illuminated sign, unless allowed within a commercial district.
- f. Any commercial sign located in a residential district not otherwise provided for in this article.
- g. Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
- h. Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority. To those ends, no sign shall use the words, "slow", "stop", "caution", "yield", "danger", "warning" or "go" in a manner that misleads, confuses or distracts a vehicle driver.
- i. Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
- j. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- k. Any other sign not specified in this chapter which is not a lawful nonconforming sign.
- l. Electronic Message Center display signs as defined herein, except as provided for in the Central Business District (CBD), Intermediate Business (IB), Planned Commercial District (PCB), Light Industrial (LI), Airpark Light Industrial (ALI), Heavy Industrial (HI), and in the Tourist Accommodation (TA) District.
- m. Signs posted on elevated walkways in the City.
- n. Marquee signs.

- o. Signs in the median of any public right-of-way.

14-2906. ALLOWABLE SIGNS BY ZONING DISTRICT

b. Signs permitted in residential districts (R-1, RP-1, RD-1, R-2, R-3 and MHP):

1. Signs listed in Section 14-2906(a) herein.
2. Permanent Multi-Family or Planned Residential Development Signs. Such signs shall be located at the primary entrance(s) to a development as identified on a final site development plan approved by the planning commission. The signs shall be located on private property and may be within any platted sign and/or landscape easement or within the common open space and approved by the planning commission. Such signs shall be maintained by an established property owners' association.
Specifications : Sign area - 80 square feet per sign maximum per entrance, which may be divided among not more than two freestanding sign faces (no single sign face shall exceed 40 square feet); with a maximum placement at three entrances per development; sign height - six (6) feet, maximum; setback - ten (10) feet, minimum.
3. Subdivision Temporary Development Sign. One such sign may be erected on-site for the purpose of advertising the development of a subdivision or planned residential development, and the sale of included lots. The sign may remain until sale of 80% of the subdivision lots is completed. No other temporary development signs shall be allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign. *Specifications*: Sign area - 32 square feet per sign, maximum, one sign face, maximum; sign height - six (6) feet, maximum.
 - a. Parcels greater than ten (10) acres in size shall be allowed subdivision temporary development signage not to exceed two hundred (200) square feet of subdivision temporary development signage across no more than 5 signs per public street frontage.
4. Permanent planned residential development informational sign. One such sign may be erected by the homeowners' association for the purpose of displaying information regarding the association. The sign shall be located on dedicated common open space or private property only and maintained by a private homeowners' association.
Specifications: Sign area - 20 square feet, maximum, which may be divided by two sign faces; sign height - six feet, maximum.
5. Bed and breakfast sign. One permanent identification sign may be erected at the entrance to a permitted bed and breakfast lodge for the purpose of identifying the use. The sign shall be compatible in design with the historic elements of the site and shall not be internally or externally illuminated.
Specifications: Sign area - Eight square feet total, to be contained on a maximum of two sign faces, no one sign face containing more than four square feet; sign height - six feet, maximum.
6. Residential personal identification signs. One personal identification sign per residence not to exceed two square feet shall be allowed; except that residential tracts of ten acres or more shall be allowed two such sign faces not to exceed 10 square feet per face.
7. Signs for community facilities located in residential districts shall conform to the provisions applicable to the Permanent Residential Subdivision Signs, provided for in (2) above.
8. Retail or office uses located inside multiple family residential buildings may display one

identification wall sign on the exterior of the home/building.

Specifications: Maximum sign face area, four (4) square feet, to be contained on a maximum of one sign face per lot per street, and may extend no more than 1 foot from the building. No illumination is to be used on said signs.

9. A home occupation shall be limited to one wall mounted sign, mounted flat against the structure.

Specifications: Maximum sign face area, two (2) square feet. No illumination, flash, glimmer, flutter, or movement by electronic, wind or other means on said signs.

10. **Temporary Signs.** In addition to the other signs identified in this subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time. This category includes, but is not limited to: real estate signs; political preference signs; garage sale signs; non-commercial baby announcements; lost pet signs; social/special event announcements; or any other non-commercial messages. Any such signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications:

- a. Sign area for lots of five acres or less - 20 square feet, maximum, which may be divided into a maximum of five (5) signs, provided that no single sign may exceed eight (8) square feet in area.
- b. Sign area for lots exceeding five acres - 32 square feet, maximum, which may be contained on one sign or multiple signs not to exceed ten (10); sign height for all lots - six (6) feet, maximum.
- c. Where a temporary sign contains two back-to-back sign faces, the sign area shall be computed using only one of the sign faces.
- d. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle.
- e. No temporary signs shall be permitted within any median which is within a public right-of-way.

c. Signs allowed in Office, Medical Professional-Restricted (OMP-R), Office Medical and Professional (OMP), Local Business (LB) Districts, and Mixed Use District (MUD):

1. Signs listed in Section 14-2906(a) herein.
2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).
3. In addition to those listed above, all Professional Offices, Medical and/or Commercial Uses are allowed one (1) permanent freestanding monument sign or ground mounted sign with a sign face not to exceed forty (40) square feet for each sign face with a maximum of two sign faces and which MAY NOT BE animated or include an Electronic Message Center. The maximum height for the freestanding sign is six (6) feet.
4. All residential property in these districts may post temporary signs in the size and number as is provided in Section 14-2906(b)(10) above.
5. All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right of way, as follows: Temporary freestanding signs shall be limited to two per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, real estate signs, and social/special event

announcements. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

6. Wall signs. All professional offices, medical and/or commercial uses may post up to three wall signs, mounted in a flat fashion, which are limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated BUT NOT ANIMATED OR INCLUDE AN ELECTRONIC MESSAGE CENTER.

Specifications: Sign area - Each sign area is limited to 40 square feet per street frontage, having a maximum of three (3) wall signs. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area.

7. Gasoline trade signs.

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.
Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

- b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area of the principal structure. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

8. Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curb-side service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
- b. Restaurants providing drive-through but not curb-side service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size.
- c. Restaurants providing curb-side service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

d. Signs allowed in Central Business District (CB):

1. Signs listed in Section 14-2906(a) herein.
2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).

3. In addition to those listed above, all Professional Offices, Medical and/or Commercial Uses are allowed one (1) permanent freestanding monument sign or ground mounted sign with a sign face not to exceed forty (40) square feet for each sign face with a maximum of two sign faces and which MAY NOT BE animated or include an Electronic Message Center. Parcels greater than three (3) acres in size may be allowed an Electronic Message Center (EMC), as defined in this article, on a monument sign or ground mounted sign so long as the EMC portion of the total sign area does not exceed twenty (20) square feet. All monument signs constructed, containing EMCs on said parcels greater than 3 acres, shall match the architectural style and construction materials of the principal structure. The maximum height for the freestanding sign is six (6) feet.
 - a. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message:
 1. Shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds;
 2. Video, continuous scrolling messages and animation are prohibited; in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended.
 - b. The area surrounding the sign base shall be landscaped with appropriate planting materials.
 - c. Electronic Message Center Luminance Levels shall not exceed the following standards:
 1. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
 2. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).
 - a. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
 - b. Incremental luminance limits between the nighttime limit and the full

sunlight limit may also be specified for overcast or foggy days, or for dusk; or

- c. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
3. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
4. Outdoor signage shall obey light trespass regulations.
 - a. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
 - b. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 foot-candles or less at the property line.
 - c. The above light trespass limits are based on considerations of "light trespass," as developed in a report (*IESNA TM-11-00 Light Trespass: Research, Results and Recommendations*), wherein a recommended "brightness" limit and measurement technique is presented.
 - d. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
 - e. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is at an acceptable level.
 - f. This method effectively limits the luminance of signage to 300-350nits.
5. Electronic Message Centers shall not be located any closer than 50 feet from any intersecting right-of-ways.
 1. All monument sign structures including Electronic Message Centers must be reviewed by the building codes official and the applicant advised of conformance prior to construction.
1. All residential property in these districts may post temporary signs in the size and number as is provided in Section 14-2906(b)(10) above.
2. All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right of way, as follows: Temporary freestanding signs shall be limited to two per lot at any given time. Such signs include but are not limited to

construction signs, political preference signs, real estate signs, and social/special event announcements. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

3. Wall signs. All professional offices, medical and/or commercial uses may post up to three wall signs, mounted in a flat fashion, which are limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated BUT NOT ANIMATED OR INCLUDE AN ELECTRONIC MESSAGE CENTER.

Specifications: Sign area - Each sign area is limited to 40 square feet per street frontage, having a maximum of three (3) wall signs. Parcels greater than three (3) acres in size shall be allowed wall signage, limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by the length of wall, measured end to end, per road frontage not to exceed four hundred (400) square feet in total and having a maximum of three (3) wall signs per public street frontage. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area.

4. Gasoline trade signs.

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

- b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area of the principal structure. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

5. Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curb-side service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
 - b. Restaurants providing drive-through but not curb-side service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size.
 - c. Restaurants providing curb-side service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

6. In lieu of a permanent freestanding monument sign, a property in the Central Business District may display one projecting sign, per front facade, not to project more than 3 feet, 6 inches from the building.
Specifications: Sign Area - Maximum of six (6) square feet per sign face, with a two sign faces, two face maximum. Bottom of sign shall be no less than 7 feet, 6 inches above the sidewalk.
7. One (1) Sandwich Board sign per front facade.
Specifications: Sign Area - Maximum of six (6) square feet per sign face, with a two face maximum, and a maximum width of thirty (30) inches. Maximum height of 4 (four) feet. There shall be a minimum distance of five (5) feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.
8. One (1) sign suspended underneath the overhead sidewalk per building façade not to exceed two (2) square feet, having a minimum of ten (10) feet of ground clearance and shall not project beyond the limits of the overhead sidewalk structure.
9. Secondary Access Signs. One such sign shall be allowed for each parcel exceeding three (3) acres in total size.
 - a. Within twenty-five (25) feet of the driveway entrance from a public street.
 - b. At least fifty (50) feet from the nearest street or highway intersection.
 - c. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the Planning Commission prior to construction.
Specifications: Sign area = forty (40) square feet maximum, sign height – six (6) feet maximum; may contain an EMC not to exceed twenty (20) square feet only IF an EMC is not already present on the primary monument sign. Two monument signs with two EMCs will not be permitted.
- e. **Signs allowed in Intermediate Business District (IBD), Planned Commercial District (PCD), Light Industrial (LI), Airport Light Industrial (ALI), and Heavy Industrial Districts (HID), for land uses permitted in those particular zoning districts:** It is the intent of this Section to permit businesses on parcels having more than one (1) public street frontage in these commercial zoning districts to place monument signs as *secondary access signs* in addition to the one freestanding sign that is permitted in these zoning districts. A Secondary Access Sign must be situated within twenty- five (25) feet of the secondary street driveway access and at least fifty (50) feet from the nearest street or highway intersection.
 1. Signs listed in Section 14-2906(a) herein.
 2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).
 3. Signs listed in Section 14-2906(c)(4), (7), and (8).
 4. In addition to those listed above, the following freestanding signs are allowed in these zoning districts:
 - a. One (1) freestanding Development Complex Sign at each primary entrance to a Development Complex (maximum of (3) entrances), and shall be located upon private property or within the common open space. Each sign face shall not exceed forty (40) square feet, with a maximum of two sign faces. The maximum height for the freestanding sign is six (6) feet. The sign shall be maintained by a private owner or entity. A

Development Complex Sign shall be situated within twenty-five (25) feet of the driveway access and at least fifty (50) feet from the nearest street or highway intersection.

No permanent freestanding development complex sign is allowed if a "shopping center sign" as provided below exists and is approved by the Building Inspections Department.

- b. Professional Offices, Medical, Commercial (other than shopping centers) and Industrial Uses are allowed:

1. one freestanding pole sign

Specifications: The sign face is not to exceed one (1) square foot per linear street frontage for the first 100 linear feet of street frontage, plus one (1) square foot of sign area for each 10 linear feet over 100 feet of frontage, not to exceed 200 square feet in area per sign face, with a maximum of two sign faces, back to back. Maximum height of the freestanding sign shall be no greater than twenty-five (25) feet.

OR

2. one monument ground sign

Specifications: The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

- c. Shopping Centers as defined herein are allowed to erect one of the following freestanding permanent sign arrangements (provided that no development complex sign exists or is approved by the Building Inspections Department):

- 1.a. One freestanding sign may be located within the development. The sign shall be located on private property or within the common open space as approved by the Planning Commission. The size of the shopping center sign per sign face shall not exceed one (1) square foot of area per linear street frontage; and no such sign shall exceed 300 square feet per sign face. The maximum height of the sign, above grade, shall not exceed 25 feet; and

- b. Each parcel shall be allowed one monument sign on such parcel. The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

OR

- 2.a. A monument sign located within twenty-five (25) feet of each driveway access and at least fifty (50) feet from the nearest street intersection. The total sign area per sign face for each monument sign at each main entrance shall not exceed forty-eight (48) square feet. The maximum height for any monument sign is six (6) feet; and

- b. Each parcel shall be allowed one monument sign. The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. Such monument sign shall be

located within twenty-five (25) feet of the driveway access and at least fifty (50) feet from the nearest street intersection. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

5. An Electronic Message Center must meet the following requirements for display in these zoning districts:
 - a. They shall be permissible only in monument or ground signs as allowed in this ordinance. Existing freestanding pole or pylon signs that are remodeled or modified to accommodate an Electronic Message Center must be reduced in height and size to meet the standards included herein (i.e. reformed to monument-type ground signs not exceeding six (6) feet in height. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.
 - b. The electronically activated message section (Electronic Message Center) of the sign shall not exceed twenty-four (24) square feet in area.
 - c. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message:
 1. Shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds;
 2. Video, continuous scrolling messages and animation are prohibited; in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended.
 - d. The area surrounding the sign base shall be landscaped with appropriate planting materials.
 - e. Electronic Message Center Luminance Levels shall not exceed the following standards:
 1. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
 2. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity

limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).

- a. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
 - b. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or
 - c. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
3. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
4. Outdoor signage shall obey light trespass regulations.
 - a. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
 - b. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 footcandles or less at the property line.
 - c. The above light trespass limits are based on considerations of "light trespass," as developed in a report (*IESNA TM-11-00 Light Trespass: Research, Results and Recommendations*), wherein a recommended "brightness" limit and measurement technique is presented.
 - d. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
 - e. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is at an acceptable level.
 - f. This method effectively limits the luminance of signage to 300-350nits.
5. Electronic Message Centers shall not be located any closer than 50 feet from any intersecting right-of-ways.
6. All monument sign structures including Electronic Message Centers must be reviewed

by the building codes official and the applicant advised of conformance prior to construction.

6. Secondary Access signs. Such signs shall be located:
 - a. Within twenty-five (25) feet of the driveway entrance from a public street.
 - b. At least fifty (50) feet from the nearest street or highway intersection.
 - c. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the planning commission prior to construction.

Specifications: Sign area = forty-eight (48) square feet maximum, sign height - six (6) feet maximum.

7. Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum (Ordinance 3526-11/03/2015)**. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

8. Wall signs. One (1) wall sign per road frontage shall be mounted in a flat fashion, which is limited to ten percent 10% of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated but not be animated or include an Electronic Message Center.

9. Commercial flags/non-governmental flags.

Specifications: Sign area - No flag shall exceed 24 square feet per face; flag pole height - 30 feet, maximum.

10. Directory signs located on private property not exceeding 48 square feet nor six (6) feet in height, providing orientation within a planned residential development, development complex, shopping center, mixed use development, or medical park listing such information as on-site businesses and other tenants and their respective activities.

f. Signs Allowed in Tourist Accommodation (TA) District.

1. Signs listed in Section 14-2906(a) herein.
2. Each lot which meets or exceeds the minimum requirements of the Zoning District may erect two freestanding permanent signs, as follows:
 - a. One designated "Interstate Highway Identification Sign" which shall be placed so as to display towards the major highway (Interstate 81). This primary sign has a maximum height of one hundred twenty-five (125) feet and a maximum sign face area of 400 square

feet per sign face with a maximum of two sign faces. An Electronic Message Center (EMC), as defined in this article, may be used on the primary sign, but the EMC must be included in the 400 square foot maximum area sign face and shall not exceed 50% of the total sign face.

- b. One secondary which shall be placed so as to display towards an arterial or collector street. The secondary sign has a maximum height of twenty-five (25) feet, and a maximum sign face area of one (1) square foot per one (1) linear foot of road frontage with a maximum sign face area of one hundred (100) square feet per sign face, with a maximum of two sign faces. An Electronic Message Center, as defined in this article, may be used on the secondary sign, but it must meet the following provisions:
 1. The electronically activated message section (EMC) shall not exceed 50 percent of the permitted sign area nor be located above fifty percent (50%) of the permitted sign height.
 2. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds; video, continuous scrolling messages and animation are prohibited in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended.
 3. The area surrounding the sign base of a highway identification sign and a secondary access sign shall be landscaped with appropriate planting materials.
 4. Electronic Message Center Luminance Levels shall not exceed the following standards:
 - a. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
 - b. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).
 1. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
 2. Incremental luminance limits between the nighttime limit and the full sunlight limit

may also be specified for overcast or foggy days, or for dusk; or

3. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
 - c. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
 - d. Outdoor signage shall obey light trespass regulations.
 1. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
 2. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 footcandles or less at the property line.
 3. The above light trespass limits are based on considerations of "light trespass," as developed in a report (IESNA TM-11-00 Light Trespass: Research, Results and Recommendations), wherein a recommended "brightness" limit and measurement technique is presented.
 4. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
 5. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is at an acceptable level.
 6. This method effectively limits the luminance of signage to 300-350nits.
 - e. Electronic Message Centers shall not be located any closer than 50 feet from any intersecting right-of-ways.
 - f. All monument sign structures including Electronic Message Centers must be reviewed by the building codes official and the applicant advised of conformance prior to construction.
3. One wall sign per roadway frontage that is mounted in a flat fashion and not to exceed ten percent 10% of the measurement of the front wall, (measuring from ground to roof, multiplied by length of wall, measured end to end, per road frontage), and which may be illuminated but not animated nor include an Electronic Message Center may be located on the surface of any building up to 1/3 of the total front wall area.
4. Gasoline trade signs.

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign. *Specifications:* Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.
 - b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area
5. Menu Boards, as defined herein, may be used in conjunction with a restaurant providing drive-through or curb-side service, provided that:
- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site;
 - b. Restaurants providing drive-through but not curb-side service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size; and
 - c. Restaurants providing curb-side service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.
6. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height – six (6) feet, maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum (Ordinance 3526-11/03/2015)**. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage, the public welfare requiring it.

Passed on first reading the _____ day of _____, 2016.

Mayor

ATTEST:

City Administrator

Passed on second and final reading the ____ day of _____, 2016.

Mayor

ATTEST:

City Administrator



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: September 6th 2016
SUBJECT: Dedication and Acceptance of Streets, Rights of Way and Street Names

Due to changes made to the Subdivision Regulations in October of 2014, infrastructure to include streets, rights-of-way and street names which are to be made public, will require not only final plat dedication but also confirmation by City Council via a resolution to be accepted by the City of Morristown. Acceptance on behalf of the City of Morristown can take place only with a final plat being approved by the Regional Planning Commission and all bonds being released in full.

The combination plat for the Walmart Neighborhood Market located off of Buffalo Trail (9 parcels into 1 lot) has been recorded and all bonds released, therefore, Staff would ask that the right of way as shown on the accompanying graphic be accepted by the City of Morristown.

CITY COUNCIL OPTIONS:

1. Accept infrastructure as shown on record plat:
2. Deny infrastructure.

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT AND DEDICATE PUBLIC
STREETS, RIGHTS OF WAY AND STREET NAMES LOCATED
WITHIN THE CITY OF MORRISTOWN, TENNESSEE,
{POLESTAR MORRISTOWN, BUFFALO TRAIL}.**

WHEREAS, Polestar Morristown (Buffalo Trail) Inc., a Tennessee corporation, has built, or has caused to be built, an addition to that street currently known as Buffalo Trail (State Highway 343) to be dedicated as shown on the attached Exhibit A; and,

WHEREAS, final plat, entitled Lots 1-8, Snowden-Bunch Property and 1907 Buffalo Trail, has been filed with the Morristown Regional Planning Commission; and recorded in Hamblen County Tennessee under Plat Book Kplat, page 181;

WHEREAS, Tennessee Code Annotated 13-4-305 states that the approval of a subdivision plat by the Morristown Regional Planning Commission does not constitute an acceptance by the municipality of the dedication of any street, and;

WHEREAS, said road has been built in conformity with the City of Morristown, Tennessee standards and acceptable engineering standards of practice; and,

WHEREAS, final plat of Lots 1-8, Snowden-Bunch Property and 1907 Buffalo Trail evidences the intent of the owner to dedicate said road and certain associated right-of-way permanently to the City of Morristown, Tennessee; and

WHEREAS, acceptance of said road and associated right-of-way is in the best interests of the City of Morristown, Tennessee.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE, that the property as evidenced to be dedicated on the above described recorded subdivision plat is hereby accepted as being compliant with the 2010 City of Morristown Transportation Plan.

Approved this the 6th day of September, 2016.

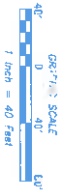
MAYOR

ATTEST:

CITY ADMINISTRATOR



MITCHELL LONDON EDITION 1954 2734



GRID NORTH
(TN SINGLE)
(SURVEY NOTE 6)

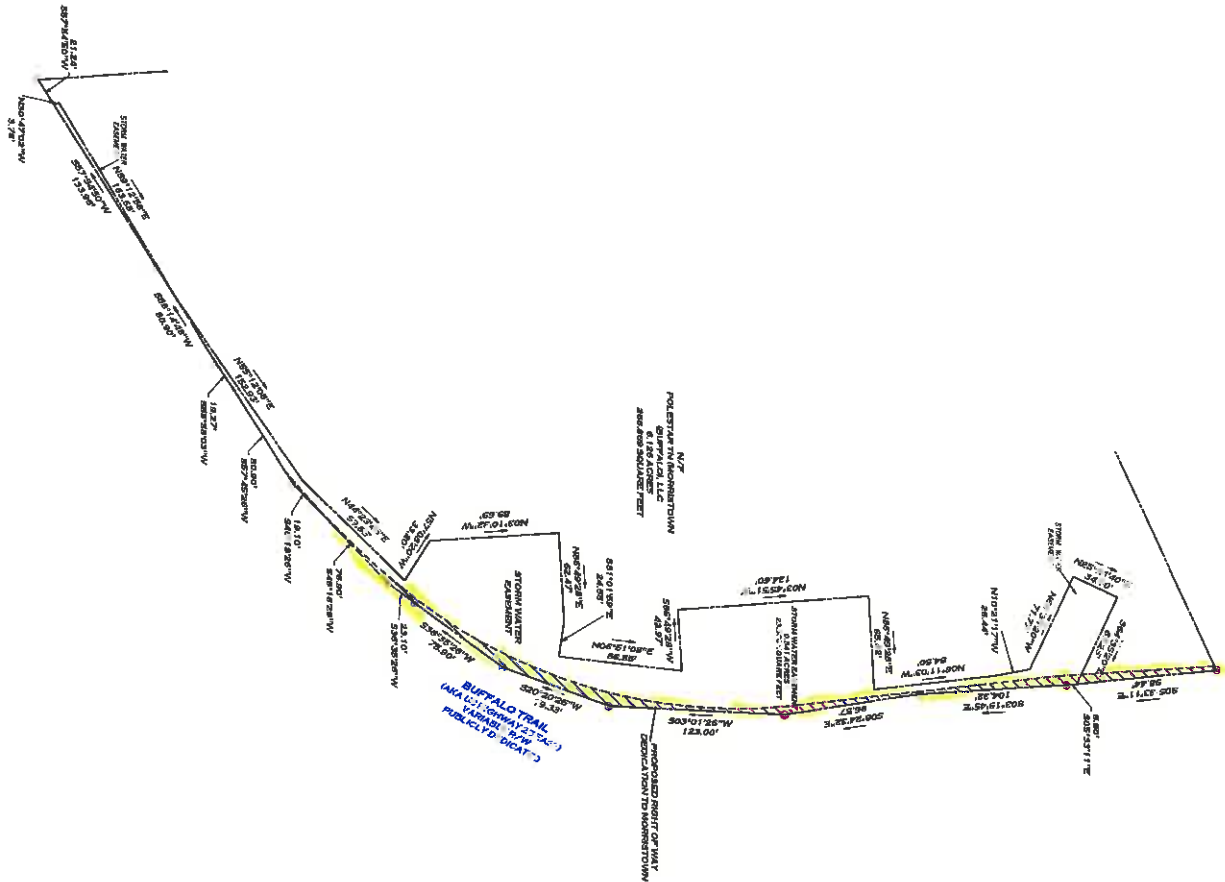
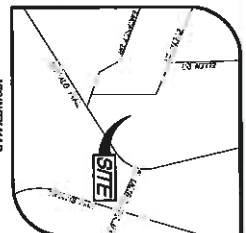


EXHIBIT A



VACINITY MAP


SURVIVY NOTE

[illegible]

LEARNING OBJECTIVES

After studying this chapter, you should be able to:

- identify the various types of costs and their classification;
- explain the difference between direct and indirect costs;
- explain the difference between variable and fixed costs;
- explain the difference between short-run and long-run costs;
- explain the difference between marginal and average costs;
- explain the difference between explicit and implicit costs;
- explain the difference between sunk and non-sunk costs;
- explain the difference between opportunity and explicit costs;
- explain the difference between explicit and implicit costs;
- explain the difference between explicit and implicit costs;



Lowery & Associates
LAND SURVEYING, LLC

RECORDING	
DATE	DESCRIPTION
STATE: TENNESSEE	COUNTY: HAMBLIN
1ST CIVIL DISTRICT	

AS-BUILT SURVEY OF:
BUFFALO TRAIL W/ALMART
NEIGHBORHOOD MARKET

PREPARED FOR:
POLYSTIM TRADING COMPANY, LLC
PRINCIPLE BANK & TRUST SERVICES BANK
FIRST AMERICAN TITLE INSURANCE COMPANY
WAL-MART STORES, INC., WAL-MART STORES, EAST, L.P. WAL-MART STORES
ESTATE PHARMACY TRUST, AND THEIR AFFILIATES

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 48, SUITE 104
CARTERSVILLE, GA 30082
770-304-8186
WWW.LOWERYLANDSURVEYS.COM
HES@LOWERYLANDSURVEYS.COM
FLORIDA C.O.#5500192

[Return to Agenda](#)



Department of Community Development
100 West 1st North Street
Morristown, TN 37814
(423)585-4620

TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: September 6th 2016
SUBJECT: Dedication and Acceptance of Streets, Rights of Way and Street Names

Due to changes made to the Subdivision Regulations in October of 2014, infrastructure to include streets, rights-of-way and street names which are to be made public, will require not only final plat dedication but also confirmation by City Council via a resolution to be accepted by the City of Morristown. Acceptance on behalf of the City of Morristown can take place only with a final plat being approved by the Regional Planning Commission and all bonds being released in full.

The Cherokee Crossing Development of Lots 1-6 has been recorded and all bonds released, therefore, Staff would ask that the streets, rights of way and street names as shown on the final plat and accompanying graphic be accepted by the City of Morristown.

CITY COUNCIL OPTIONS:

1. Accept infrastructure as shown on record plat:
2. Deny infrastructure.

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT AND DEDICATE PUBLIC
STREETS, RIGHTS OF WAY AND STREET NAMES LOCATED
WITHIN THE CITY OF MORRISTOWN, TENNESSEE,
{CHEROKEE INVESTMENTS, INC., W. PIN LANE, WINKLER
AVE. AND HATFIELD DRIVE}.**

WHEREAS, Cherokee Investments, Inc., a Tennessee corporation, has built, or has caused to be built public rights-of-way having the following street naming conventions: West Pin Lane (50 foot rights of way with sidewalk), Winkler Avenue (60 foot rights of way with sidewalk), and Hatfield Drive (50 foot public rights of way with sidewalk); and

WHEREAS, final plat, Cherokee Crossing Development Lots 1-6, showing all the above referenced rights of ways has been filed with the Morristown Regional Planning Commission; and recorded in Hamblen County, Tennessee, under Plat Book Kplat, page 158, a copy of which is attached as Exhibit A; and

WHEREAS, Tennessee Code Annotated 13-4-305 states that the approval of a subdivision plat by the Morristown Regional Planning Commission does not constitute an acceptance by the municipality of the dedication of any street; and

WHEREAS, said street(s) have been built in conformity with the City of Morristown, Tennessee, standards and acceptable engineering standards of practice; and

WHEREAS, final plat of Cherokee Crossing Development Lots 1-6 evidences the intent of the owner to dedicate said road and certain associated right-of-way permanently to the City of Morristown, Tennessee; and

WHEREAS, acceptance of said street(s) and associated right-of-way is in the best interests of the City of Morristown, Tennessee.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE, that the property as evidenced to be dedicated on the above described recorded subdivision plat is hereby accepted as being compliant with the 2010 City of Morristown Transportation Plan.

Approved this the 6th day of September, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY OF MORRISTOWN
TO PARTICIPATE IN THE POOL'S JAMES L. RICHARDSON
"DRIVER SAFETY" MATCHING GRANT PROGRAM.**

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

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

WHEREAS, The Pool seeks to encourage the establishment of a safe workplace and driving practices by offering a *"Driver Safety" Matching Grant Program*; and

WHEREAS, the City of Morristown now seeks to participate in this program.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
CITY OF MORRISTOWN, TENNESSEE** the following:

SECTION 1. That the City of Morristown is hereby authorized to submit application for a *"Driver Safety" Matching Grant Program* through The Pool.

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

Resolved this the 6th day of September, 2016.

MAYOR

ATTEST:

CITY ADMINISTRATOR



AVIATION SUPPORT AND MAINTENANCE SERVICES Order and Pricing Schedule

DBT Transportation Services 2655 Crescent Drive, Ste A-1 Lafayette, Colorado 80026 Email: CS@DBTtranServ.com	Customer: Moore-Murrell Airport (MOR) 5233 Old 11E Hwy. Morristown, TN 37816 Email: bfielder@mymorristown.com
--	---

This Order and Pricing Schedule is incorporated by reference into the Agreement for Transportation Services and Maintenance between the parties, and the Statement of Work, and made a part thereof.

The Effective Date of this Agreement is August 1, 20 16.

The Term of this Agreement shall be for a period of 1 Month year(s) from the Effective Date.

Services (check as applicable)	Parts Excluded
<input checked="" type="checkbox"/> Periodic/Pre-Season Maintenance	
<input type="checkbox"/> Equipment Restoration	
<input type="checkbox"/> Data Service – NADIN Service	

Equipment	Manufacturer/Model	Equipment	Manufacturer/Model
<input type="checkbox"/> VOR		<input type="checkbox"/> RWIS	
<input checked="" type="checkbox"/> DME	ASI-1118	<input type="checkbox"/> RWIS Runway	
<input checked="" type="checkbox"/> LOC	MK-1F	<input checked="" type="checkbox"/> NDB	785D
<input type="checkbox"/> GS		<input type="checkbox"/> Control Tower	
<input type="checkbox"/> AWOS		<input type="checkbox"/> Markers	
<input type="checkbox"/> RVR		<input type="checkbox"/> Other	

Fees		Contract Total: \$
Annual Fee	\$ 1900.00	Invoiced Monthly
Unplanned Outage Fee	\$ 1500.00	per day (ex. lightning strike, bird strike)
Facility Visit Fee	\$ 1500.00	per day (ex. flight check)
Holiday Fee	\$ 500.00	per day additional
Cancellation/Delay Fee	\$ 500.00	per day

Statement of Work and Additional Terms

Attachment 1: Terms and Conditions

Attachment 2: Statement of Work - Navaid Maintenance

Invoice Contact (Accts. Payable):

Name: _____

Address: _____

Phone: _____

Email: _____

Airport Manager/Authority:

Name: Buddy Fielder

Address: 5233 Old 11E Hwy
Morristown, TN 37816

Phone: 423-581-0100

Email: bfielder@mymorristown.com

Invoice Instructions: _____

Accepted and agreed to by the duly authorized signatories below.

DBT Transportation Services

By: *Dana A. Thomson*

Title: EVP of Sales

Date: 8/14/2016

Moore-Murrell Airport

By: _____

Title: _____

Date: _____

Debra Stamey

From: Buddy Fielder
Sent: Thursday, August 18, 2016 3:27 PM
To: Debra Stamey
Cc: Larry Clark; Tony Cox
Subject: FW: DBT agreement - navaid maintenance
Attachments: Scanned-image_08-16-2016-124527.pdf

Debbie,

The vendor providing maintenance of NAV AIDS at the airport has been purchased. An updated contract for these services is attached. I will need it placed on the next council agenda.

Buddy

From: Nancy Thomsen - DBT [<mailto:nthomsen@dbttranserv.com>]
Sent: Tuesday, August 16, 2016 2:49 PM
To: Buddy Fielder
Subject: DBT agreement - navaid maintenance

Buddy:

Per our conversation today, please find attached a new version of the agreement with a month to month option.

Please let me know if you have any questions.

Thank you,
Nancy



Nancy Thomsen

EVP of Sales & Operations

T 844.3GetDBT | O 970.237.3521 | C 720.626.3542 | F 970.237.3524

2655 Crescent Drive, Suite A-1 | Lafayette, CO 80026

NThomsen@DBTTranServ.com | www.DBTTranServ.com





U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 23, 2016

Mr. Anthony W. Cox
City of Morristown
100 West 1st North Street
Morristown, TN 37816

Dear Mr. Cox:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 16 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$13,098 for City of Morristown.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Kandia Conaway, Program Manager at (202) 514-9205; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell
Director

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690
TTY: (202) 307-2027
E-mail: askOCR@usdoj.gov
Website: www.ojp.usdoj.gov/ocr

August 23, 2016

Mr. Anthony W. Cox
City of Morristown
100 West 1st North Street
Morristown, TN 37816

Dear Mr. Cox:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <http://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://www.ojp.usdoj.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEO (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than \$25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and receives an award of \$25,000 or more, but less than \$500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

If your organization is a government agency or private business and has received an award for \$500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at <http://www.ojp.usdoj.gov/about/ocr/eeop.htm>. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOSubmission@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see http://www.ojp.usdoj.gov/funding/other_requirements.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2016-DJ-BX-0912

PAGE 1 OF 1

This project is supported under FY16(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Kandia Conaway
(202) 514-9205

2. PROJECT DIRECTOR (Name, address & telephone number)

Michelle Jones
Major
P.O. Box 1283
100 West 1st North Street
Morristown, TN 37816-1283
(423) 585-4633

3a. TITLE OF THE PROGRAM

2016 Edward Byrne Memorial Justice Assistance Grant Program

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

Individual Officer Belt-Carry Flashlight Program

5. NAME & ADDRESS OF GRANTEE

City of Morristown
100 West 1st North Street
Morristown, TN 37816

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2015 TO: 09/30/2017

8. BUDGET PERIOD

FROM: 10/01/2015 TO: 09/30/2017

9. AMOUNT OF AWARD

\$ 13,098

10. DATE OF AWARD

08/23/2016

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

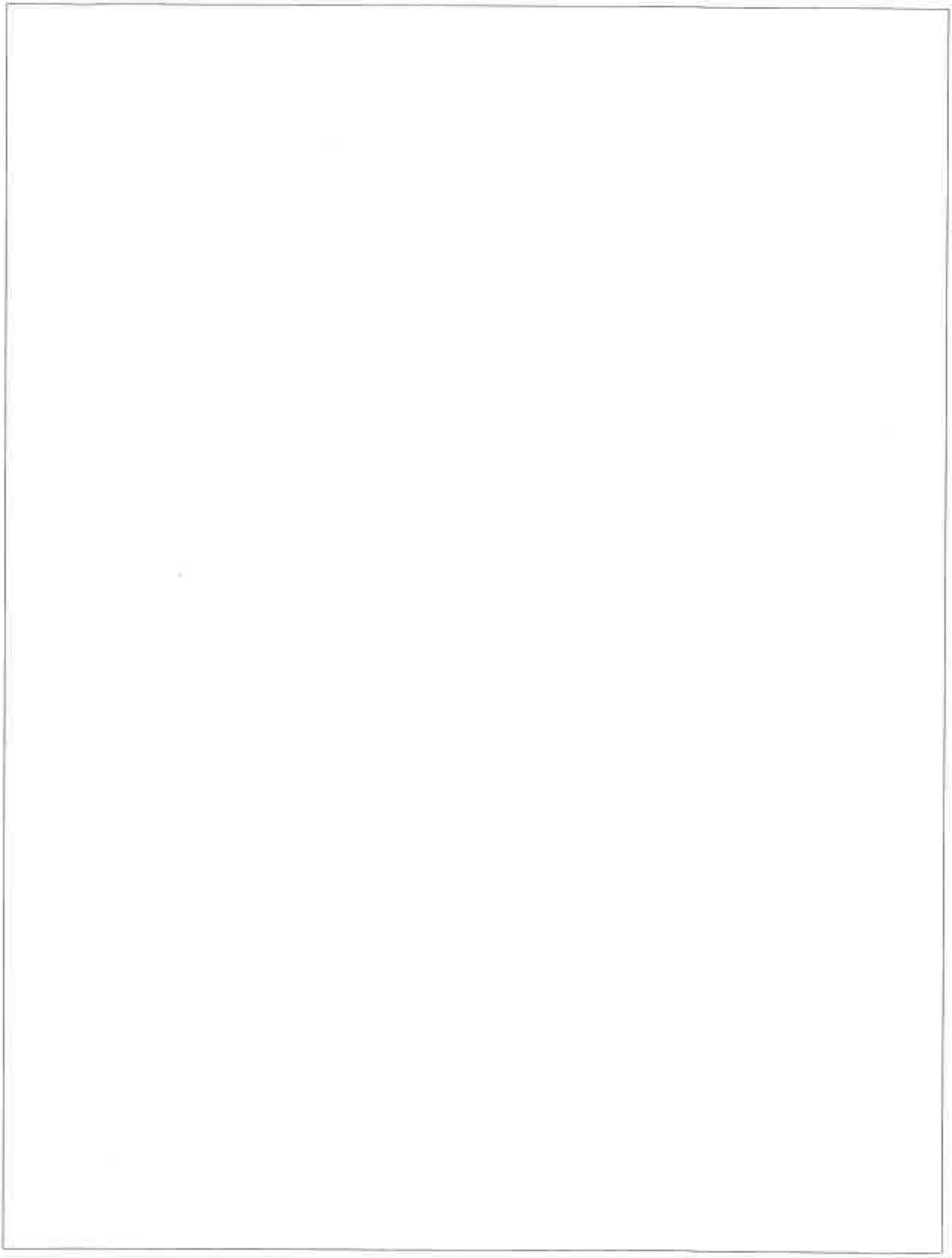
13. THIRD YEAR'S BUDGET PERIOD



14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions will utilize this JAG award to purchase flashlights for law enforcement officers. The project goal is to enhance officer safety. NCA/NCF



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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Morristown 100 West 1st North Street Morristown, TN 37816		4. AWARD NUMBER: 2016-DJ-BX-0912																			
		5. PROJECT PERIOD: FROM 10/01/2015 TO 09/30/2017 BUDGET PERIOD: FROM 10/01/2015 TO 09/30/2017																			
		6. AWARD DATE 08/23/2016		7. ACTION Initial																	
2a. GRANTEE IRS/VENDOR NO. 026000369		8. SUPPLEMENT NUMBER 00																			
2b. GRANTEE DUNS NO. 079026779		9. PREVIOUS AWARD AMOUNT \$ 0																			
3. PROJECT TITLE Individual Officer Belt-Carry Flashlight Program		10. AMOUNT OF THIS AWARD \$ 13,098																			
		11. TOTAL AWARD \$ 13,098																			
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																					
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY16(BJA - JAG) 42 USC 3750, et seq.																					
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program																					
15. METHOD OF PAYMENT GPRS																					
AGENCY APPROVAL		GRANTEE ACCEPTANCE																			
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Anthony W. Cox City Administrator																			
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE																	
AGENCY USE ONLY																					
20. ACCOUNTING CLASSIFICATION CODES <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>13098</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		13098	21. RDJUGT0547			
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT														
X	B	DJ	80	00	00		13098														

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

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SPECIAL CONDITIONS

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2016 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

3. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <http://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.



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4. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

5. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

6. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://www.sam.gov>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

7. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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SPECIAL CONDITIONS

8. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

9. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

10. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

11. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

12. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.



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13. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

14. The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

15. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

17. Restrictions on "lobbying"

Federal funds may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

Should any question arise as to whether a particular use of Federal funds by a recipient (or subrecipient) would or might fall within the scope of this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.



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SPECIAL CONDITIONS

18. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2016)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2016, are set out at <http://ojp.gov/funding/Explore/FY2016-AppropriationsLawRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

19. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.



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SPECIAL CONDITIONS

20. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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21. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

22. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

23. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

24. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

25. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

26. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.



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27. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
28. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
29. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
30. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
31. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
32. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
33. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



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34. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

35. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.
36. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
37. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 11 OF 13

PROJECT NUMBER 2016-DJ-BX-0912

AWARD DATE 08/23/2016

SPECIAL CONDITIONS

38. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
39. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the DOJ Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
40. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
41. Award recipients must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
42. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
43. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
44. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2016-DJ-BX-0012

AWARD DATE 08/23/2016

SPECIAL CONDITIONS

45. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
46. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf
47. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
48. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
49. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
 - a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
 - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
 - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
50. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 13 OF 13

PROJECT NUMBER 2016-DJ-BX-0912

AWARD DATE 08/23/2016

SPECIAL CONDITIONS

51. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the signed Memorandum of Understanding (MOU) between the disparate jurisdictions and has issued a Grant Adjustment Notice (GAN) releasing this special condition.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Morristown

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

OMB No. 1510-0056

This form is for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this for completion.

PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR210. This information will be used by the Treasury Department to transmit payment data, by electric means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

AGENCY INFORMATION

FEDERAL PROGRAM AGENCY Office of Justice Programs		OJP Grant Number/s: 2016-DJ-BX-0912
AGENCY IDENTIFIER OJP	AGENCY LOCATION CODE (ALC): 15-04-0001	
ADDRESS 810 Seventh Street, NW Attn: Office of the Chief Financial Officer, Control Desk Washington D.C. 20531		
CONTACT PERSON NAME Office of the Chief Financial Officer, Customer Service Center		TELEPHONE NUMBER (800) 458-0786
ADDITIONAL INFORMATION		

PAYEE/COMPANY INFORMATION

NAME:	OJP Vendor Number:
ADDRESS:	
CONTACT PERSON NAME:	TELEPHONE NUMBER:

FINANCIAL INSTITUTION INFORMATION

NAME:	
ADDRESS:	
ACH COORDINATOR NAME:	TELEPHONE NUMBER:
NINE-DIGIT ROUTING TRANSIT NUMBER:	
DEPOSITOR ACCOUNT TITLE:	
DEPOSITOR ACCOUNT NUMBER:	LOCKBOX NUMBER:
TYPE OF ACCOUNT: <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX	
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL: (Could be the same as ACH Coordinator)	TELEPHONE NUMBER:

NSN 7540-01-274-9925

388110

AGENCY COPY

SF3881 (Rev. 1290)
Prescribed by Department of
Treasury

[Return to Agenda](#)

INTERLOCAL COOPERATION AGREEMENT FOR LONG REEL TRACK

This Interlocal Cooperation Agreement (“Agreement”) is entered into this ____ day of _____ 2016 by and between **THE CITY OF MORRISTOWN, TENNESSEE** (“City”) and **HAMBLEN COUNTY BOARD OF EDUCATION** (“Board”).

WITNESSETH

Whereas, *Tennessee Code Annotated* §12-9-104 authorizes public agencies to exercise and enjoy jointly with other public agencies of the State, any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State; and

Whereas, the City owns and maintains approximately 4.5 acres of property located at 506 Inman Street in Morristown, Tennessee, consisting of a football field, running track, parking lot and restroom facilities, said property known in the community as Long-Reel Track; and

Whereas, the City does intend to sell Long-Reel Track to the Board and the Board does intend to purchase Long-Reel Track from the City in the near future; and

Whereas, the Board does currently use Long-Reel Track for school-related and other events; and

Whereas, the City and the Board desire to enter into an agreement whereby the Board will take over complete maintenance, excluding the cleaning and up-keep of the restroom facilities, of Long-Reel Track until the Board also takes ownership of the property; and

Whereas, to achieve this plan, the City and the Board hereby enter into this Interlocal Cooperation Agreement for the purpose of the Board’s maintenance of Long-Reel Track.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The City shall continue to be the legal owner of the approximately 4.5 acres located at 506 Inman Street in Morristown, Tennessee, known as Long-Reel Track, until such time as the Board has the authority and ability to purchase said property.
2. The Board shall maintain all the facilities and items on the Long-Reel Track property, including, but not limited to, the football field, running track and parking

lot. The City agrees to continue to maintain and clean the restroom facilities until actual ownership of the property changes hands.

3. The Board shall not deny access to the general public of its use of the Long-Reel Track as a public park, except that the Board may regulate the access and entry during school events.
4. On a monthly basis, the Board shall notify the Parks and Recreation Director and the Assistant City Administrator of any planned projects for the property and provide a description of any and all maintenance that has been performed or is scheduled to be performed on the property.
5. The Board shall designate a specific contact person and provide that person's name and telephone number to the City upon approval of this Agreement. The Board shall immediately notify the City of any change in said contact person.
6. The term of this Agreement shall commence upon the adoption and approval by both the City Council and the School Board and shall continue for a period of one (1) year. This Agreement shall automatically renew each year, unless either party desires not to renew the Agreement and provides written notice of same to the other party no less than sixty (60) days prior to the end of the initial term or any extended term(s).
7. This Agreement shall take effect upon its adoption and approval by the governing bodies of both parties hereto and shall be binding upon the undersigned, their successors and assigns unless modified by an agreement in writing executed by the parties hereto.

Witness the day and year first above written.

City of Morristown, Tennessee

Hamblen County Board of Education

By: _____

By: _____

Adopted: _____

Adopted: _____



Morristown City Council Agenda Item Summary

Date: August 31, 2016

Agenda Item: Approval of Bid – Overseeding

Prepared by: Joey Barnard

Subject: Overseeding Bid

Background/History: Vacant property within the East Tennessee Progress Center is in need of attention. The property known as the Freedom Energy Site is in need of redistribution of topsoil and establishment of vegetation. Topsoil will be distributed over the estimated 50 acres as well as seeding, fertilizing, and maintaining the area until healthy vegetation is achieved. Healthy vegetation of this location will result in a more manageable and desirable property for the City of Morristown.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on August 3, 2016 and on August 10, 2016. Additionally, the bid was posted to the City of Morristown's website and through Vendor Registry, an on-line bid facilitation website. The submission deadline was 10:00 a.m. on Wednesday, August 17, 2016. We received two (2) responses.

Financial Impact: The bids received included all labor and materials to redistribute topsoil, seed, fertilize and maintain the estimated 50 acres of land at the former Freedom Energy Site until healthy vegetation is achieved. The total financial impact from the recommended vendor is \$149,984. Funds have been appropriated in the current budget to address this issue. Additionally, the City of Morristown is working with the Tennessee Valley Authority to secure grant funding to help offset some of the costs.

Action options/Recommendations: It is staffs' recommendation to accept the best and lowest bid submitted by Erosion Solutions.

Attachments: Bid Tabulation.



Morristown City Council Agenda Item Summary

Date: August 31, 2016

Agenda Item: Approval of Request for Qualifications – Architect/Engineering Services – Community Center and Park Development

Prepared by: Joey Barnard

Subject: Architect/Engineering Services – Community Center and Park Development

Background/History: The City of Morristown continues to strive to fulfill the needs of its citizenry. Whereas, there has been much discussion in recent years as to the need of a community center, the City of Morristown desires to take the opportunity to explore the possibility of addressing this need. Based on feedback received from the National Citizen Survey, which is a collaborative effort between National Research Center, Inc. and the International City/County Management Association to provide a statistically valid survey of resident opinions about communities and the services provided by local governments, the citizenry desires more recreational options including a community center and additional passive park space. Whereby the City of Morristown lacks the staff and expertise to thoroughly evaluate community center needs, it is necessary to contract with an architectural/engineering firm. To clarify, this is only for the planning phase and does not obligate the City of Morristown to design and/or construction. The selection criteria was established to ensure that all interested parties would be able to submit and be objectively evaluated based on their submittal. The proposals were evaluated by a five-member committee. Each member evaluated each proposal independently. The scores of each committee member were averaged to rank.

Findings/Current Activity: The Request for Qualifications was advertised in multiple publications. Those dates and publications were as follows: the *Citizen Tribune* on July 15, 2016 and on July 22, 2016; the *Knoxville-News Sentinel* on July 15, 2016 and July 22, 2016; the *Johnson City Press* on July 19, 2016 and July 24, 2016. Additionally, the Request for Qualifications was posted to the City of Morristown's website and through Vendor Registry, an on-line facilitation website. The Request for Proposal was remitted directly to current brokers and to brokers that had previously contacted the City of Morristown and expressed interest conducting business with the City. Additionally, the addenda was remitted directly

to current firms and to firms that had previously contacted the City of Morristown and expressed interest conducting business with the City. The submission deadline was 11:00 AM on Friday, August 1, 2016. We received eleven (11) responses.

Financial Impact: The overall financial impact of the approval of the Request for Proposal cannot be determined at this time. The selection of the right respondent will have a positive impact on the City of Morristown by providing proper planning that ensures the needs of the citizens are met.

Action options/Recommendations: It is staff's recommendation to approve Tony Cox, City Administrator to enter into contract negotiations with Lose & Associates, Inc. Upon Mr. Cox's successful negotiations, he will return a proposed contract to city council for approval.

Attachments: None.

Memorandum

To: Morristown City Council

From: Richard DesGroseilliers, GISP

Date: August 18, 2016

Subject: Contract Amendment for the 2040 Long Range Transportation Plan

The Lakeway Area Metropolitan Transportation Planning Organization (LAMTPO) Executive Board unanimously approved the contract amendment for an additional amount of \$3,200.00. The work that is needed is for additional safety data analysis reporting.

The new total amount for the contract is \$148,874.00. The breakdown of local funds by the various agencies is shown below.

	total	federal (80%)	local (20%)	Morristown (49%)	Hamblen Co (34%)	Jefferson City (13%)	Jefferson Co (4%)
L RTP Project	\$148,874.00	\$119,099.20	\$29,774.80	\$14,589.65	\$10,123.43	\$3,870.72	\$1,190.99

LAMTPO staff recommends this contract amendment as submitted.

If there are any questions or comments concerning this document, please feel free to contact me:

Rich DesGroseilliers, GISP, MTPO Coordinator
100 W 1st N St
Morristown, TN 37816-1499
richd@mymorristown.com

Thank you for your time and cooperation.

Amendment Number 1 Agreement for 2040 LRTP Update

This Amendment to the original Agreement is made and entered into this ___ day of _____, 2016, by and between the City of Morristown on behalf of the Lakeway Area Metropolitan Transportation Planning Organization (LAMTPO), (hereinafter called the "Client") and Parsons Brinckerhoff, Inc. (hereinafter called "PB") for the preparation and development of an updated Long Range Transportation Plan (hereinafter called LRTP or "Project") for the LAMTPO Study Area. The original agreement was entered into on September 24, 2015.

Attachment A, **Scope of Services**, in the original Agreement is hereby amended to include the following language:

The PB team will review the most recent five years of available motorized and non-motorized crash data to analyze the LAMTPO area's transportation safety performance according to the following federally required measures:

1. Number of fatalities
2. Rate of fatalities per 100 million vehicle-miles traveled
3. Number of serious injuries
4. Rate of serious injuries per 100 million vehicle-miles traveled
5. Number of non-motorized user fatalities and serious injuries

Section III, Part 1 in the original Agreement is hereby replaced in its entirety with the following:

1. Consultant agrees to provide those services, as described in the Scope of Services. For satisfactory performance of the services contained in this Agreement, the Client shall pay Consultant in accordance with the Scope of Services. Total lump sum compensation for this project, including labor, overhead, travel, printing, copying and other services and expenses shall equal ONE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED SEVENTY-FOUR DOLLARS AND NO CENTS (\$148,874.00).

This Agreement entered into as of the day and year first written above.

CITY OF MORRISTOWN

CONSULTANT

Gary Chesney
Mayor

Brad S. Winkler
Vice President

Legal Review:

Richard C. Jessee
City Attorney

August 5, 2016

Mr. Rich DesGroseilliers, GISP
Transportation Planning Coordinator
Lakeway Area Metropolitan Transportation Planning Organization
100 W 1st N Street
P.O. Box 1499
Morristown, TN 37816-1499

Dear Mr. DesGroseilliers:

This letter is in response to our discussion of the newly issued federal transportation planning performance measures regarding safety, and how to incorporate those requirements into the 2040 Long Range Transportation Plan currently under development.

As you know, the regional safety analysis was performed with the most recent three years of crash data, which has been typical of other plans of this nature. However, the newly published federal requirements specify that the most recent five years of data must be used.

Per your request, we have reviewed the supplemental work needed to meet the requirement and developed a cost estimate. Our team can perform the additional analysis for \$3,200.

If any further information or discussion is needed, please do not hesitate to let me know. We appreciate the opportunity to continue assisting the MTPO.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Jeanne Stevens'.

Jeanne Stevens, AICP
Senior Supervising Planner



CITY OF MORRISTOWN
PURCHASING DIRECTOR

P.O. Box 1499
Morristown, TN 37815-0647
Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2017

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS

Purchase Order # **17000764-00**

Retain this purchase order for proof of tax exemption.

Tax Exempt #62-6000369

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TT OF F MURFREESBORO INC
FORD OF MURFREESBORO
1550 NW BROAD STREET
MURFREESBORO, TN 37129-1709

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City of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Public Works

Vendor Phone Number		Vendor Fax Number	Requisition Number	Delivery Reference/Contact	
615-631-1248		615-896-7857	17000798	CASEY CUMMINGS	
Date Ordered	Vendor Number	Date Required	Introffice Delivery		Department/Location
08/29/16	005990				43140
Item#	Description/Part No		Qty/Unit	Cost Each	Extended Price
001	ORIGINAL		1.00 EACH	42822.00000	36,094.00
	2017 F-550 CHASSIS, SD CREW CAB PER				
	QUOTE - SWC				
	*Amount reflects \$6,728.00 credit due				
	43140-971	36,094.00			
002	6.8L 3 VALVE ENGINE		1.00 EACH	0.00000	0.00
	43140-971	.00			
003	TORQSHIFT 6-SPEED AUTOMATIC		1.00 EACH	0.00000	0.00
	TRANSMISSION				
	43140-971	.00			
004	LIMITED SLIP WITH 4.88 AXLE RATIO		1.00 EACH	332.00000	332.00
	43140-971	332.00			
005	225/70R X 19.5G BSW AS TIRES		1.00 EACH	0.00000	0.00
	43140-971	.00			
006	19.5" ARGENT PAINTED STEEL WHEELS		1.00 EACH	0.00000	0.00
	43140-971	.00			
007			1.00	323.00000	323.00

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA

Authorized Signature

Date

VENDOR COPY

Authorized Signature

Date

[Return to Agenda](#)



CITY OF MORRISTOWN
PURCHASING DIRECTOR

P.O. Box 1499
Morristown, TN 37815-0647
Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2017

Page 2

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.

Purchase Order # **17000764-00**

Retain this purchase order for proof of tax exemption.

Tax Exempt #62-6000369

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TT OF F MURFREESBORO INC
FORD OF MURFREESBORO
1550 NW BROAD STREET
MURFREESBORO, TN 37129-1709

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City of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Vendor Phone Number		Vendor Fax Number	Requisition Number	Delivery Reference/Contact	
615-631-1248		615-896-7857	17000798	CASEY CUMMINGS	
Date Ordered	Vendor Number	Date Required	Interoffice Delivery		Department/Location
08/29/16	005990				43140
Item#	Description/Part No.		Qty/Unit	Cost Each	Extended Price
008	SPARE TIRE, WHEEL AND JACK		EACH		
	43140-971	323.00	1.00	0.00000	0.00
009	HD VINYL 40/20/40 SPLIT BENCH SEAT		EACH		
	43140-971	.00	1.00	1035.00000	1,035.00
010	POWER EQUIPMENT GROUP ACCESSORY DISPLAY TRAILER TOW AND HEATED MIRRORS ANTI THEFT ALARM POWER WINDOWS POWER LOCKS KEYLESS ENTRY		EACH		
	43140-971	1,035.00	1.00	79.00000	79.00
011	SNOW PLOW PREP PACKAGE		EACH		
	43140-971	79.00	1.00	92.00000	92.00
012	TRANSFER CASE SKID PLATES		EACH		
	43140-971	92.00	1.00	272.00000	272.00
013	UPFITTER INTERFACE MODULE		EACH		
	43140-971	272.00	1.00	249.00000	249.00

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA

VENDOR COPY

Authorized Signature

Date

Authorized Signature

Date

[Return to Agenda](#)

**CITY OF MORRISTOWN**

PURCHASING DIRECTOR

P.O. Box 1499

Morristown, TN 37815-0647

Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2017

Page 3

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.Purchase
Order #**17000764-00***Retain this purchase order for proof of tax exemption.***Tax Exempt #62-6000369****V
e
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r**TT OF F MURFREESBORO INC
FORD OF MURFREESBORO
1550 NW BROAD STREET
MURFREESBORO, TN 37129-1709**S
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T
o**City of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Vendor Phone Number		Vendor Fax Number		Requisition Number	Delivery Reference/Contact	
615-631-1248		615-896-7857		17000798	CASEY CUMMINGS	
Date Ordered	Vendor Number	Date Required	Interoffice Delivery		Department/Location	
08/29/16	005990				43140	
Item#	Description/Part No		Qty/Unit	Cost Each	Extended Price	
			EACH			
014	TRAILER BRAKE CONTROLLER 43140-971		249.00			
			1.00	341.00000	341.00	
			EACH			
	PLATFORM RUNNING BOARDS 43140-971		341.00			
015			1.00	69.00000	69.00	
			EACH			
	110V/400W OUTLET 43140-971		69.00			
016			1.00	0.00000	0.00	
			EACH			
	RADIO AM/FM STEREO 43140-971		.00			
017			1.00	128.00000	128.00	
			EACH			
	EXTERIOR BACK UP ALARM 43140-971		128.00			
018			1.00	1195.00000	1,195.00	
			EACH			
	DESTINATION CHARGE 43140-971		1,195.00			
019			1.00	5.00000	5.00	
			EACH			
	TIRE ENVIRONMENTAL FEE 43140-971		5.00			
020			1.00	11921.82000	11,921.82	
			EACH			
	KNAPHEIDE 6108D54J SERVICE BODY AND					

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA

Authorized Signature

Date

VENDOR COPY

Authorized Signature

Date

[Return to Agenda](#)



CITY OF MORRISTOWN
PURCHASING DIRECTOR

P.O. Box 1499
Morristown, TN 37815-0647
Phone: (423) 585-4822 Fax: (423) 585-4887

Purchase Order

Fiscal Year 2017

Page 4

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.

Purchase
Order #

17000764-00

Retain this purchase order for proof of tax exemption.

Tax Exempt #62-6000369

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FORD OF MURFREESBORO
1550 NW BROAD STREET
MURFREESBORO, TN 37129-1709

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City of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Vendor Phone Number 615-631-1248		Vendor Fax Number 615-896-7857		Requisition Number 17000798		Delivery Reference/Contact CASEY CUMMINGS			
Date Ordered 08/29/16		Vendor Number 005990		Date Required		Interoffice Delivery		Department/Location 43140	
Item#	Description/Part No.				Qty/Unit	Cost Each	Extended Price		
021	SERVICE FEE PER QUOTE 43140-971				11,921.82	1.00 EACH	25.88000	25.88	
	FUEL AND INVOICE CHARGES 43140-971				25.88				
						PO Total	52,161.70		

The City of Morristown is an equal
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employer EOE / AA

Authorized Signature

Date

VENDOR COPY

Authorized Signature

Date

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CITY OF MORRISTOWN
PURCHASING DIRECTOR

P.O. Box 1499
Morristown, TN 37816-0647
Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2017

Page 1

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS

Purchase Order # **17000680-00**

Retain this purchase order for proof of tax exemption.

Tax Exempt #62-6000369

V
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TT OF COLUMBIA
106 S. JAMES CAMPBELL

COLUMBIA, TN 38401

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City of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Inspection

Vendor Phone Number		Vendor Fax Number	Requisition Number	Delivery Reference/Contact	
877-349-9378 ext 00		865-684-4911	17000796	CASEY CUMMINGS	
Date Ordered	Vendor Number	Date Required	Interoffice Delivery		Department/Location
08/22/16	006927				42400
Item#	Description/Part No	Qty/Unit	Cost Each	Extended Price	
001	ORIGINAL	1.00 EACH	22481.00000	22,481.00	
	1500 TRADESMAN REG CAB 4X4				
	V8 GASOLINE ENGINE WITH AUTO TRANSMISSION PACKAGE				
002	42400-971	22,481.00	1.00 EACH	0.00000	0.00
	HD VINYL 40/20/40 SPLIT BENCH SEAT/BLACK/ DIESEL GRAY				
003	42400-971	.00	1.00 EACH	500.00000	500.00
	TRI-FOLD TONNEAU COVER				
004	42400-971	500.00	1.00 EACH	735.00000	735.00
	POWER AND REMOTE ENTRY GROUP PER QUOTE TO INCLUDE: PREM VINYL DOOR TRIM POWER HEATED MIRRORS REMOTE KEYLESS ENTRY POWER WINDOWS POWER LOCKS				
005	42400-971	735.00	1.00 EACH	0.00000	0.00

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA

VENDOR COPY

Authorized Signature

Date

Authorized Signature

Date

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**CITY OF MORRISTOWN**

PURCHASING DIRECTOR

P.O. Box 1499

Morristown, TN 37815-0647

Phone: (423) 585-4622 Fax: (423) 585-4687

Purchase Order

Fiscal Year 2017

Page 2

THIS NUMBER MUST APPEAR ON ALL INVOICES,
PACKAGES AND SHIPPING PAPERS.Purchase
Order #**17000680-00***Retain this purchase order for proof of tax exemption.***Tax Exempt #62-6000369**V
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106 S. JAMES CAMPBELL

COLUMBIA, TN 38401S
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oCity of Morristown
400 Dice Street
ccummings@mymorristown.com
Morristown, TN 37813

Vendor Phone Number 877-349-9378 ext 00		Vendor Fax Number 865-684-4911		Fquisition Number 17000796		Delivery Reference/Contact CASEY CUMMINGS			
Date Ordered 08/22/16		Vendor Number 006927		Date Required		Interoffice Delivery		Department/Location 42400	
Item#	Description/Part No.				Qty/Unit	Cost Each		Extended Price	
006	P265/70R17 BSW ALL SEASON TIRES 42400-971				.00				
					1.00 EACH	495.00000		495.00	
	EXTERIOR APPEARANCE GROUP BRIGHT FRONT BUMPER BRIGHT GRILLE BRIGHT REAR BUMPER 17*7 ALUMINUM WHEELS 42400-971				495.00				
007					1.00 EACH	0.00000		0.00	
	BRIGHT WHITE CLEAR COAT 42400-971				.00				
						PO Total		24,211.00	

The City of Morristown is an equal
employment / affirmative action
employer EOE / AA

Authorized Signature

Date

VENDOR COPY

Authorized Signature

Date

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STORMWATER MANAGEMENT / BMP FACILITIES MAINTENANCE AGREEMENT

City of Morristown, TN

Engineering Department

(423) 585-4620

STORMWATER MANAGEMENT/BMP FACILITIES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 26th day of August, 2016, by and between Living Promise Evangelical Lutheran Church hereinafter called the "Landowner", and
(Insert Full Name of Owner)
the City of Morristown, TN hereinafter called "City".

WITNESSETH, that

WHEREAS, the Landowner is the owner of certain property described as Map 48
Parcel 044.010 as recorded by deed in the last land records of
(Insert Hamblen County Tax & Parcel Number)
Hamblen County, TN, Deed Book 1271 Page 596, hereafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision known as Living Promise Evangelical Lutheran Church
(Name of Plan/Development)

hereafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for management of stormwater within the confines of the property; and

WHEREAS, the City and the Landowner, its successors and assigns, agree that the health, safety and welfare of the residents of the City of Morristown, Tennessee, require that on-site stormwater management/BMP facilities be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site stormwater management/BMP facilities, as shown on the Plan,
be constructed and adequately maintained by the Landowner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management/BMP facilities shall be constructed by the Landowner, its successors, and assigns, in accordance with the plans and specifications identified in the Plan and shall, upon construction completion, be certified as such by the Plan's Engineer of Record.
2. The Landowner, its successors, and assigns, shall adequately maintain the stormwater management/BMP facilities as outlined in the Plan and contained within the Landowner's property. This includes all pipes and channels built to convey stormwater to and from the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition, so that these facilities

are performing their design functions. Those maintenance procedures outlined in the Plan and the City's approved BMP guidelines shall be practiced at a minimum. Common maintenance shall include the removal of debris (leaves, lawn clippings, sticks, etc.) and trash after rainfall events, checking outlet structures for clogging and cleaning, as necessary, repairing erosive areas promptly upon observation, and removing accumulated sediment.

3. The Landowner, its successors, and assigns, shall inspect the stormwater management/BMP facility and report to the City Engineer if any major repairs (i.e. structural) are necessary. The purpose of the inspection and reporting is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc and shall be performed at such times and such manner as to accomplish these objectives.
4. The Landowner, its successors, and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans or in the City's BMP guidelines, the Landowner, its successors, and assigns, shall adhere to the schedule.
5. The Landowner, its successors, and assigns, hereby grant permission to the City, its authorized agents, and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the City deems necessary. The purpose of inspection may be to check the facility for proper functioning, to follow-up on reported deficiencies or repairs, to respond to citizen complaints, and/or to check for any other reasons the City deems necessary. If problems are observed, the City shall provide the Landowner, its successors, and assigns, copies of the inspection findings and a directive to commence with the repairs within a specified timeframe.
6. In the event the Landowner, its successors, and assigns, fails to maintain the stormwater management/BMP facilities in good working condition acceptable to the City, the City may enter upon the Property and take the steps necessary to correct deficiencies identified in the inspection report. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Landowner, outside of the easement, for the stormwater management/BMP facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.
7. In the event the City, pursuant to this Agreement, performs work of any nature or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors, and assigns, shall reimburse the City upon demand, within sixty (60) days of receipt thereof, for one hundred fifty percent (150%) of all actual costs incurred by the City hereunder.
8. If the Landowner fails to pay the City for one hundred fifty percent (150%) of their incurred expenses within sixty (60) days of receipt of written notice, the Landowner authorizes the City to place a lien against the property in an amount equal to one hundred fifty percent (150%) of said expenses.
9. If the Landowner fails to reimburse the City, as described above, the Landowner further authorizes the City to collect said expenses from the Landowner through other appropriate legal action, with the Landowner to be liable for the reasonable costs of collection, court costs, and attorney fees.

10. This Agreement imposes no liability of any kind whatsoever on the City, and the Landowner agrees to hold the City harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.
11. This Agreement shall be recorded among the land records of Hamblen County, Tennessee, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests.

WITNESS the following signatures and seals:

Living Promise Evangelical Lutheran Church
Company/Corporation/Partnership Name (Seal)

By: [Signature]

Matthew P. Westra
(Type Name)

Pastor
(Type Title)

State of Tennessee

County of Hamblen

The foregoing Agreement was acknowledged before me this 26th day of August, 2016.

by [Signature]

Notary Public

My Commission Expires 8/27/19



Approved as to form:

[Signature] 8/29/16
City Attorney Date



From the Desk of

Debbie Stamey
Deputy Clerk/Executive Assistant
(423) 585-4603
e-mail dstamey@mymorristown.com

TO: Mayor and City Council

RE: CITY COUNCIL APPOINTMENT OR RE-APPOINTMENT OF
CITY JUDGE

DATE: September 2, 2016

The term of the City Judge will expire on September 15, 2016. This is a City council appointment, or re-appointment, scheduled for the September 6, 2016, City Council meeting.

City Judge

Term Expiring: Matt Sexton

This appointment is for a four (4) year term that will expire on September 15, 2020.

Mr. Sexton has indicated his willingness to serve another term.



From the Desk of

Debbie Stamey
Deputy Clerk/Executive Assistant
(423) 585-4603
e-mail dstamey@mymorristown.com

TO: Mayor and City Council

RE: MAYOR NOMINATION AND CITY COUNCIL APPROVAL OF AN
APPOINTMENT OR RE-APPOINTMENT OF BOARD/COMMISSION
MEMBER

DATE: September 2, 2016

The following Board/Commission Member's term will expire on September 18, 2016. This is a Mayor nomination and City Council approval appointment, or re-appointment, scheduled for the September 6, 2016, City Council meeting.

Tree Board

Term Expiring: Sylvia Hinsley

(Who is currently filling the remainder of Britney Holberts term who was filling the remainder of Sara Turks term)

This appointment is for a three (3) year term that will expire on September 18, 2019.

The above listed member has been contacted by city staff and indicated her willingness to serve another term.

City of Morristown

Incorporated 1855

MORRISTOWN FIRE DEPARTMENT



MEMO

To: Mayor and Council *BH*
From: Bill Honeycutt, Fire Chief
Date: August 29, 2016
RE: Fire Department Promotion

Due to a recent resignation, the fire department currently has a vacancy at the Driver/Engineer position. I'm requesting the Mayor and Council to take appropriate action in appointing a qualified candidate to the position during their meeting on September 6, 2016.

For their consideration, I'll include a copy of the certified roster for the Driver/Engineer rank in the Council's informational packet. From that roster, the Council may consider the top three (3) names for the appointment of one (1) individual. I'm prepared to make a recommendation if so requested.

Because of the resignation and anticipated promotion, the department will be one employee short at the entry-level firefighter position for the foreseeable future. It's all a matter of timing and the timing is this; there is not an available basic firefighter school before the spring of 2017. As you may recall, the Mayor and Council just appointed a new FD employee in July, who's currently in the second week of the summer/fall recruit class.

CIVIL SERVICE BOARD

P. O. Box 1499 • MORRISTOWN, TN 37816

Fire Department Driver/Engineer Roster

Revised on July 12, 2016 to Reflect Testing, Promotions and /or Corrections

	<u>RANK AND NAME</u>	<u>EXPIRES</u>
1	Jason Felknor	31-Jan-18
2	Mike Simerly	31-Jan-18
3	Branden Snyder	31-Jan-18
4	John Heatherly	31-Jan-18
5	Nathan Best	31-Jan-18
6	Preston Mayes	31-Jan-18
7	Jeramy Shope	31-Jan-18
8	Scott Seal	31-Jan-18
9	Chris Hurst	31-Jan-17
10	Greg Yount	31-Jan-18
11	Lisa Kirkpatrick	31-Jan-17
12	Kevin Brown	31-Jan-18
13	Brian Williams	31-Jan-18

Civil Service Board


Lee Parker, Chairman

7-12-16
Date