

**WORK SESSION AGENDA
FEBRUARY 5, 2019
4:00 p.m.**

1. **Agenda Review**

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
FEBRUARY 5, 2019 – 5:00 P.M.**

1. **CALL TO ORDER**

Mayor Gary Chesney

2. **INVOCATION**

Mark Campbell, Chaplain, Morristown Police Department

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

5. **APPROVAL OF MINUTES**

1. January 16, 2019

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. 3611.03

An Ordinance to Amend Ordinance Number 3611, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2018-2019 and to re-allocate funds totaling \$80,000 necessary to cover the costs of purchasing a New Holland Tractor for the Public Works Department.

9. NEW BUSINESS

9-a. Resolutions

1. Resolution No. _____
A Resolution of the City of Morristown, Tennessee, Directing Payment of Electric Tax Equivalent.
2. Resolution No. _____
A Resolution of the City of Morristown, Tennessee, Directing Payment of Wastewater Tax Equivalent.

9-b. Introduction and First Reading of Ordinances

1. Ordinance No. _____
An Ordinance of the City Council of Morristown, Tennessee, Amending Both the Text and Boundary of Title 14 (Zoning and Land Use Control), Chapter 35 (Regional Gateway Commercial District) of the Morristown Municipal Code.
{Public Hearing Date February 19, 2019}
2. Ordinance No. _____
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 14 (Zoning and Land Use Control), Chapter 16 (Tourist Accommodation District) of the Morristown Municipal Code.
{Public Hearing Date February 19, 2019}
3. Ordinance No. _____
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 14 (Zoning and Land Use Control), Chapter 29 (Sign Regulations) of the Morristown Municipal Code.
{Public Hearing Date February 19, 2019}

9-c. Awarding of Bids/Contracts

1. Approval of Three (3) Year Audit Contract with BrownEdwards for fiscal years ending June 30, 2019, 2020, and 2021.
2. Approval of Recommendation from Lose Design to reject all bids related to the Local Park Recreation Fund Grant.
3. Approval of Recommendation from Lose Design to return grant funds awarded to the City of Morristown from the Local Park Recreation Fund Grant back to the Tennessee Department of Environment & Conservation

and to redesign park improvements with the \$800,000 previously appropriated for the LPRF project.

4. Approval of Request for Qualifications (RFQ) for Engineering Services for Central Church Road and allow the City Administrator to negotiate a contract with Michael Baker International based on the terms presented in the RFQ.
5. Approval to increase Purchase Order #19000439-01 with LD&A by an additional \$20,000 for services related to storm water consulting.
6. Approval of Amendment No. 3 of Contract with Design Innovation Architects, Inc. (DIA) for: Bidding Services related to the Morristown City Center Plaza in the amount of \$9,975.00; Amendment No. 2 of Professional Services Agreement to decrease Schematic Design from \$10,000 to \$817.50 and increase approval to \$21,182.50 for Re-roof of Station #5 and #6.
7. Approval of Alternate Bid, as recommended from the Morristown Airport Commission and Michael Baker International from Stansell Electric Company in the amount of \$26,500.00 for the replacement of the Runway End Identification Lights (REILS).
8. Approval of Request for Proposals (RFP) – Tree Grant Related to Heritage Park to East Tennessee Turf & Landscape and for the City Administrator to negotiate a contract on the terms presented in the RFP.
9. Approval of Change Order No. 3 with Summers-Taylor, Inc. to extend the number days by 60 days related to the Freddie Kyle Greenway project. This change order does not change costs of the project.
10. Approval of Inspection and Maintenance Agreement (I&M) between the City of Morristown and Michael John Raedeke (Texas Roadhouse).

9-d. Board/Commission Appointments

1. Mayor appointment or re-appointment to the Morristown-Hamblen Housing Authority for a term to expire on February 15, 2024; term expiring Jerry Isaacs.

9-e. New Issues

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

Feb. 19, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Feb. 19, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Mar. 5, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Mar. 5, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Mar. 19, 2019	(Tues) 3:45 p.m.	Finance Committee Meeting
Mar. 19, 2019	(Tues) 4:15 p.m.	Work Session – Council Agenda Review
Mar. 19, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Apr. 2, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Apr. 2, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Apr. 16, 2019	(Tues) 4:00 p.m.	Work Session – Council Agenda Review
Apr. 16, 2019	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Apr. 19, 2019	Friday	City Employee's Holiday Good Friday

**WORK SESSION AGENDA
FEBRUARY 5, 2019**

1. Update - TCAT
2. Storm Water
3. Project Update – McGill & Associates

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
JANUARY 16, 2019**

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., Wednesday, January 16, 2019, 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.

Robert Montgomery, Chaplain, Morristown Fire Department led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Senter made a motion to approve the January 2, 2019, minutes as circulated. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

Councilmember Senter made a motion to approve Ordinance No. 3611.03 on first reading and schedule a public hearing relative to final passage of said ordinance for February 5, 2019. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Ordinance No. 3611.03

An Ordinance to Amend Ordinance Number 3611, the City of Morristown, Tennessee Annual Budget for the Fiscal Year 2018-2019 and to re-allocate funds totaling \$80,000 necessary to cover the costs of purchasing a New Holland Tractor for the Public Works Department.

Councilmember Smith made a motion to approve the Bid for Refuse and Recycle Carts in the amount of \$52.70 per cart. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve the purchase of a New Holland Tractor for the Public Works Department in the amount of \$79,599.34 from Maury County Equipment via Statewide Contract #242. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember Alvis made a motion to approve the contract in lieu of performance bonds for the Hamblen County City of Morristown Sanitary Landfill, Permit #'s SNL320000152 Original, SNL320000152 Expansion and SWP320000235 as required by the Regulations of the Division of Solid Waste Management. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember Garrett made a motion to re-appoint Keith Jackson to the Solid Waste Board for a term to expire on October 17, 2022. Councilmember Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the promotions of David Large and Shane Kyle to Battalion Chiefs with the Morristown Fire Department. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the promotions of Scott Kimbrough and Billy Hale to Captains with the Morristown Fire Department. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the promotions of Brandon Williams and Doug Lephew to Lieutenants with the Morristown Fire Department. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember Senter made a motion to approve the promotions of Chris Hurst and Greg Yount to Driver with the Morristown Fire Department. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Alvis made a motion to approve the hiring of Jonathan Sams, Isaac Woody, Joseph Shipley, and Brad Lakins as Entry-Level Firefighters with the Morristown Fire Department. Councilmember Bivens seconded the motion and upon roll call; all voted “aye”.

Councilmember Bivens made a motion to approve the hiring of Kadron Bullington, Glenn Tucker, and Devon Gillett as Entry-Level Police Officers with the Morristown Police Department. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Mayor Chesney adjourned the January 16, 2019, City Council meeting at 5:20 p.m.

MAYOR

ATTEST:

CITY ADMINISTRATOR

APPROPRIATION ORDINANCE

Ordinance Number: **3611.03**

TO AMEND ORDINANCE NUMBER 3611, THE CITY OF MORRISTOWN, TENNESSEE ANNUAL BUDGET FOR FISCAL YEAR 2018-2019 AND TO RE-ALLOCATE FUNDS TOTALING \$80,000; NECESSARY TO COVER THE COSTS OF PURCHASING A NEW HOLLAND TRACTOR FOR PUBLIC WORKS.

Be it ordained by the Council of the City of Morristown Tennessee that Ordinance Number 3611 identifying the revenue and expenditure accounts of the City of Morristown contained in the annual budget for the fiscal year 2018-2019 is hereby amended and funds are herewith appropriated or adjusted as presented.

FUND	DEPARTMENT	CODE	ACCOUNT DESCRIPTION	RESERVES		EXPENDITURES	
				Increase	Decrease	Increase	Decrease
General (#110)	Street Repairs & Maintenance	43140.960	Machinery & Equipment			\$ 80,000	
General (#110)	Buildings & Grounds	43120.999	Other Capital Outlay				\$ 80,000
			Totals	\$ -	\$ -	\$ 80,000	\$ 80,000

PASSED ON FIRST READING THIS 16th Day of January 2019

ATTEST:

Mayor

City Administrator

PASSED ON SECOND READING THIS 5th Day of February 2019

ATTEST:

Mayor

City Administrator

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF MORRISTOWN, DIRECTING
PAYMENT OF ELECTRIC TAX EQUIVALENT.

WHEREAS, Chapter 84, Public Acts of 1987, Tennessee Code Annotated, empowers the City Council to be paid revenues in lieu of taxes by the Morristown Utility Commission; and

WHEREAS, these bodies will consult regarding the amount of tax equivalents to be paid to taxing jurisdictions in the service areas of the electric system; and

WHEREAS, necessary data have been supplied by The Morristown Utility Commission and calculations of tax equivalents payable have been made in accordance with the provisions of Chapter 84, Public Acts of 1987, the TVA Power Contract with the City of Morristown and other relevant contracts between the taxing jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Morristown, Tennessee that the Morristown utility Commission is hereby directed to pay the following amount of tax equivalents to the respective taxing jurisdictions for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Jurisdiction	Amount
City of Morristown	\$1,291,721.93 (77.5%)
Hamblen County	<u>\$ 375,016.05</u> (22.5%)
Total In-Lieu Tax Payable	\$1,666,737.98

Adopted this the 5th day of February 2019.

MAYOR

ATTEST:

CITY ADMINISTRATOR

MORRISTOWN UTILITIES COMMISSION

441 West Main Street

P.O. Box 667

Morristown, Tennessee 37815

Phone: (423) 586-4121 Fax: (423) 587-6590

www.musfiber.net

January 18, 2019

Mr. Tony Cox
City of Morristown Administrator
P. O. Box 1499
Morristown, TN 37815

Dear Sir,

Please let this letter serve as a request to place the enclosed resolution regarding tax equivalent payments for fiscal 2019 on the next available City Council meeting agenda. Copies of the resolution passed November 27, 2018 by the Utility Board of Commissioners as well as a proposed resolution for the City are enclosed.

The tax equivalent amounts for the upcoming year are based on fiscal 2018 revenues and plant additions. The formulas and methods of calculation are those set forth by the State of Tennessee. TVA auditors have audited all calculations.

If there are any questions, feel free to contact me at the numbers listed on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Rucker', with a long horizontal flourish extending to the right.

Clark Rucker
Assistant General Manager

RESOLUTION 2018-11-02

DIRECTING PAYMENT OF TAX EQUIVALENT

WHEREAS, Chapter 84, Public Acts of 1987, Tennessee Code Annotated, empowers the City Council to be paid revenues in lieu of taxes by The Morristown Utility Commission; and

WHEREAS, these bodies will consult regarding the amounts of tax equivalents to be paid to taxing jurisdictions in the service areas of the electric system; and

WHEREAS, necessary data has been supplied by The Morristown Utility Commission and calculations of tax equivalents payable have been made in accordance with the provisions of Chapter 84, Public acts of 1987, the TVA Power Contract with the City of Morristown and other relevant contracts between the taxing jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, by The Morristown Utility Commission that the Morristown Utility Commission hereby agrees to pay the following amounts of tax equivalents to the respective taxing jurisdictions for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

Jurisdiction	Amount
City of Morristown	\$1,291,721.93 (77.5%)
Hamblen County	<u>\$ 375,016.05</u> (22.5%)
Total In-Lieu Tax Payable	<u>\$1,666,737.98</u>

PASSED this 27 day of November, 2018.


George B. McGuffin, Chairman


Harold L. Nichols, Secretary

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF MORRISTOWN, DIRECTING
PAYMENT OF WASTEWATER TAX EQUIVALENT.

BE IT RESOLVED by the Morristown Utility Commission that the Morristown Utility Commission hereby agrees to pay the following amount of wastewater tax equivalents to the City of Morristown for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

Total In-Lieu Tax Payable	\$679,457
---------------------------	-----------

Adopted this the 5th day of February 2019.

MAYOR

ATTEST:

CITY ADMINISTRATOR

MORRISTOWN UTILITIES COMMISSION

441 West Main Street

P.O. Box 667

Morristown, Tennessee 37815

Phone: (423) 586-4121 Fax: (423) 587-6590

www.musfiber.net

January 18, 2019

Mr. Tony Cox
City of Morristown Administrator
P. O. Box 1499
Morristown, TN 37815

Dear Sir,

Please let this letter serve as a request to place the enclosed resolution regarding wastewater tax equivalent payments for fiscal 2019 on the next available City Council meeting agenda. Copies of the resolution passed November 27, 2018 by the Utility Board of Commissioners as well as a proposed resolution for the City are enclosed.

The tax equivalent amounts for the upcoming year are based on fiscal 2018 plant assets. The formulas and methods of calculation are those set forth by the State of Tennessee.

If there are any questions, feel free to contact me at the numbers listed on the letterhead.

Sincerely,



Clark Rucker
Assistant General Manager

RESOLUTION 2018-11-03

**DIRECTING PAYMENT OF TAX EQUIVALENT
WASTEWATER**

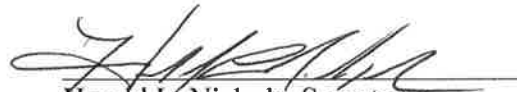
BE IT RESOLVED by The Morristown Utility Commission that the Morristown Utility Commission hereby agrees to pay the following amount of wastewater tax equivalents to the City of Morristown for the fiscal year beginning July 1, 2018 and ending June 30, 2019:

FY 2018 In-Lieu Tax Payable

\$ 679,457

PASSED this 27 day of November, 2018.


George B. McGuffin, Chairman


Harold L. Nichols, Secretary

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: City Council
FROM: Lori Matthews, Senior Planner
DATE: February 5th, 2019
SUBJECT: Proposed Revisions to Chapter 35 Regional Gateway Commercial District

SUBMITTAL:

Recent developments impacting Progress Parkway/ETPP combined with possible TDOT revisions to the area have prompted Staff, in their continuing efforts to update City Zoning Code, to better clarify Chapter 35, the Regional Gateway Commercial District. This district was created in 2012 to ensure future development around this important interstate interchange was held to a higher standard. However, language used did not make clear that it was to be an 'overlay' to the underlying districts. In addition, some language was found to be in conflict with other regulations so Staff set upon clarifying this section of code.

While Staff is in agreement with the intent and focus of the overlay district, it was felt the northern limits of its boundary included property(s) far north of the interstate interchange so a revised boundary has been proposed which will end at Old Witt Road as opposed to Benton Hale Road. Other proposed changes include an allowance of taller signage (35 feet) for the entire district which currently is capped at only 25 feet. The area closest to the interstate will be allowed taller signage (capped at 85 feet) to provide more visibility for those interstate travellers. This is a change from the existing language which allows all properties within the overlay (1) 125 foot tall free standing sign. Minor changes to building aesthetics and landscaping have also been proposed. Language which has been deleted from this section was simply redundant of underlying code(s).

The following is that section of code with the preferred changes made by Staff – red underlined denotes language added: red text with a strikethrough represents language to omit. (The last pages of this memo feature the newly proposed section written in ordinance format which may provide some clarification)

Chapter 35
~~(RGC) Regional Gateway Commercial District~~
Gateway Overlay District
(3450-09/04/2012)

14-3501. PURPOSE

~~The Regional Gateway Commercial District provides a higher standard of appearance for transportation corridors that serve as the main entrances to the community. The purpose of this district is to distinguish the entry points into the city from other areas, enhance the visual appearance to motorists, tourists, visitors, and prospective investors and citizens of the natural and built environment. The City takes pride in being a community in control of its future. The city affirms that the quality of the physical environment has a direct bearing on its livability and its economic prosperity. Design elements along Davy Crockett Highway should promote a positive experience for those entering the City from Interstate 81/Exit 8 by elevating standards for development while providing some flexibility for developers along this scenic byway. Properties within this overlay are required to meet all underlying zoning standards in addition to those applicable under this chapter. All new construction must receive approval from the Morristown Regional Planning Commission prior to construction. A site plan and elevation plan of the development are to be submitted to City Staff a minimum of 20 days prior to the scheduled Planning Commission meeting in order to be placed on the agenda. The Planning Commission will decide if the development is compatible with the overall district and if it meets the intent of the overlay district when giving their approval.~~

14-3502. PERMITTED USES

Permitted uses are limited to those in the underlying zoning districts.

The following uses shall be prohibited within the Regional Gateway District:

1. Adult Entertainment
2. Automobile Salvage Yards
3. Incinerators
4. Junkyards
5. Methadone Treatment Facilities
6. Pain Clinics
7. Recycling Facilities
8. Sanitary Landfills
9. Automobile Repair and Sales

~~14-3503. LOT REQUIREMENTS AND SETBACKS:~~

~~The following minimum requirements shall apply in the Gateway Overlay district. Additional requirements, exceptions and modifications are set forth in this title for the underlying districts; the more restrictive shall apply.~~

~~A. Lot Area: Requirements specified in the underlying district shall apply.~~

~~B. Lot Width: Requirements specified in the underlying district shall apply.~~

~~C. Setbacks: No commercial or industrial building or structure (excluding permitted signage) may be constructed, placed, or erected on any Lot nearer than fifty feet (50 ft.) to the right-of-way line of any Street that is classified as an arterial street in the City of Morristown Major Thoroughfare Plan; or nearer than thirty feet (30 ft.) to any property line, and no parking lot shall be constructed nearer than five feet (5 ft.) to the right-of-way line of any street or property line except where access to public streets or adjoining properties is proposed. Lots under 200 feet in depth shall meet the setback requirements of the underlying zoning district (3459-12/04/2012). Residential and Mixed Use buildings and structures shall follow the requirements specified in the underlying district.~~

14-3504. SITE AND BUILDING REQUIREMENTS

~~Multi-family, commercial and industrial properties abutting gateways or their frontage road shall meet the following site standards:~~

- a. A. Buildings & Similar Structures: The exterior solid wall of all buildings and similar structures constructed, placed or erected on the land shall be composed of face brick, stone, masonry material or stucco to finish grade, vinyl, ~~metal siding~~, wood or fabricated wood. A building elevation plan shall be submitted as part of the site plan approval process. All HVAC or other equipment located on the roof of any building, or other equipment affixed to, or located on the ground, shall be landscaped or screened from public view. Designers are encouraged to vary materials from building to building while limiting the number of different materials to three (3) on any individual structure. In general, neutral or muted tones should be used. All development designs are to be consistent or compatible within a development in terms of architectural design, exterior building materials, colors and/or arrangement of buildings.

B. Signage: ~~Signage allowed in the underlying district shall apply. However, No Temporary signage shall be allowed within the rights-of-ways. In addition to the signs allowed within that district, Planned Commercial Developments and Industrial Uses with a combined retail use shall be permitted one Highway Identification Sign. A "Highway Identification Sign" shall be oriented towards the major highway (Interstate 81). The "Highway Identification Sign" may be permitted up to one hundred twenty five (125) feet in height, and four hundred (400) square feet per sign face with a maximum of two sign faces. If the visibility is such that a sign less than one hundred twenty five (125) feet in height or four hundred (400) square feet can be identified 1,275 feet from the exit ramp, the Planning Commission may direct the sign height and dimensions be less than stated. An elevation plan of the proposed signage shall be submitted as part of the site plan. In addition to those underlying provisions as provided for by Chapter 29, Sign Regulations, free-standing signs within this overlay~~

district shall be permitted to increase the overall height (from finished grade) to thirty-five (35) feet and not more than two-hundred (200) square feet in sign face size. Those properties located on the south side of Progress Parkway and Thoroughbred Run Road and/or east of Twin Spires Lane within this overlay district shall be permitted to increase the overall height of their free-standing sign to eighty-five (85) feet (from finished grade) and the sign face shall not exceed four hundred (400) square feet in size.

- C. Landscaping and Buffer yards: Plantings used to fulfill the requirements of the City guidelines shall be grouped for visual impact from the gateways, located to accentuate the building and maximize environmental benefits. Each lot shall contain a minimum of two (2) trees for each forty (40) feet of frontage. Each tree shall be at least three inches (3") in caliper when planted. ~~50% of the total amount of required Trees shall be evergreen. A Landscaping plan illustrating these requirements shall be submitted as part of the site plan approval process. All landscaping required on any lot shall be completed within sixty days of substantial completion of construction, or within schedules set forth in the approved plans.~~
- D. ~~Lighting: Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets and shall only illuminate the ground or building. This section shall not apply to sports stadiums and athletic fields or to public recreational facilities.~~
- E. Storage and Display shall not be stored in the open or exposed to public view or view from the Adjacent Land or any improvements. Any storage shall be fenced with a screening fence of permanent construction designed of materials used in the principal structure. No screening or fencing shall be less than eight feet (8 ft.) in height. All storage shall be limited to the rear of any building improvements and in no event shall any materials or equipment be stored closer than ten feet (10 ft.) to any side or rear property line. Dumpster's must be screened on all sides with one of the following: Brick, stone or masonry walls, picket fence style gate or solid metal gate, or evergreen trees.

~~14-3504. — VIEW FROM GATEWAYS~~

~~Development plans for property adjacent to gateways or their frontage roads shall include both building elevation and vista drawings. Context and compatibility with neighboring buildings shall be considered in the plan review.~~

~~14-3505. — REVIEW AND APPROVAL~~

~~All development plans, site plans, landscaping and lighting plans herein described shall be approved by the Morristown Regional Planning commission prior to the issuance of a building permit to begin construction.~~

RECOMMENDATION:

The Morristown Regional Planning Commission recommended approval of the text changes at their January 8th 2019 meeting. Staff would ask that City Council approve the text changes as submitted by Staff.

Chapter 35
Gateway Overlay District
(xxxx – 1/1/2019)

14-3501. PURPOSE

The City of Morristown feels design elements along Davy Crockett Highway should promote a positive experience for those entering the City from Interstate 81/Exit 8 by elevating standards for development while providing some flexibility for developers along this scenic byway. Properties within this district are required to meet all underlying zoning standards in addition to those applicable under this chapter. All new construction must receive approval from the Morristown Regional Planning Commission prior to construction. A site plan and elevation plan of the development are to be submitted to City Staff a minimum of 20 days prior to the scheduled Planning Commission meeting in order to be placed on the agenda. The Planning Commission will decide if the development is compatible with the overall district and if it meets the intent of the overlay district when giving their approval.

14-3502. UNPERMITTED USES

The following uses shall be prohibited within the Regional Gateway District:

1. Adult Entertainment
2. Automobile Salvage Yards
3. Incinerators
4. Junkyards
5. Methadone Treatment Facilities
6. Pain Clinics
7. Recycling Facilities
8. Sanitary Landfills
9. Automobile Repair and Sales

14-3503. SITE AND BUILDING REQUIREMENTS

- A. Buildings & Similar Structures: The exterior solid wall of all buildings and similar structures constructed, placed or erected on the land shall be composed of face brick, stone, masonry material or stucco to finish grade, vinyl, wood or fabricated wood. A building elevation plan shall be submitted as part of the site plan approval process. All HVAC or other equipment located on the roof of any building, or other equipment affixed to, or located on the ground, shall be landscaped or screened from public view. Designers are encouraged to vary materials from building to building while limiting the number of different materials to three (3) on any individual structure. In general, neutral or muted tones should be used. All development designs are to be consistent or compatible within a development in terms of architectural design, exterior building materials, colors and/or arrangement of buildings.
- B. Signage: In addition to those underlying provisions as provided for by Chapter 29, Sign Regulations, free-standing signs within this overlay district shall be permitted to increase their overall height (from finished grade) to 35 feet with the sign facing not to exceed 200 square feet. Those properties located on the south side of Progress Parkway and Thoroughbred Run Road, east of Twin Spires Lane within this overlay district shall be permitted to increase the overall height of their free-standing sign to 85 feet (from finished grade) and the sign face shall not exceed 400 square feet in size.
- C. Landscaping and Buffer yards: Plantings used to fulfill the requirements of the City guidelines shall be grouped for visual impact from the gateways, located to accentuate the building and maximize environmental benefits. Each lot shall contain a minimum of two (2) trees for each forty (40) feet of frontage. Each tree shall be at least three inches (3") in caliper when planted. All landscaping required on any lot shall be completed within sixty days of substantial completion of construction, or within schedules set forth in the approved plans.
- D. Storage and Display shall not be stored in the open or exposed to public view or view from the Adjacent Land or any improvements. Any storage shall be fenced with a screening fence of permanent construction designed of materials used in the principal structure. No screening or fencing shall be less than eight feet (8 ft.) in height. All storage shall be limited to the rear of any building improvements

and in no event shall any materials or equipment be stored closer than ten feet (10 ft.) to any side or rear property line. Dumpster's must be screened on all sides with one of the following: Brick, stone or masonry walls, picket fence style gate or solid metal gate, or evergreen trees.

Boundary Description

Starting at the point of intersection of the north right-of-way line of Interstate 81 with the western right-of-way line of Old White Pine Road, follow the western right-of-way line of Old White Pine Road north to its intersection with the centerline of Old Witt Road; thence following the centerline of Old Witt Road approximately 1840 feet to its intersection with Witt Road, follow the southwest right of way of Witt Road approximately 985 feet to its intersection with the Norfolk-Southern Railway rights-of-way; thence following the Norfolk -Southern eastern right of way line 2868 feet to its intersection with Progress Parkway, thence travelling south 102 feet across Progress Parkway to re-connect to the eastern right-of-way of the Norfolk-Southern Railway, following this right-of-way south for approximately 1921 feet to its intersection with the rights-of-way of Interstate 81; thence following the north right of way of Interstate 81 approximately 840 feet to its intersection with the rights-of-way of South Davy Crockett Highway, thence travelling northeast across South Davy Crockett highway approximately 416 feet to re-connect to the north Interstate 81 rights-of-way line traveling east approximately 2175 feet to the point of beginning

ORDINANCE NO. ____

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING BOTH THE TEXT AND BOUNDARY OF TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 35 (REGIONAL GATEWAY COMMERCIAL DISTRICT) OF THE MORRISTOWN MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the property as described below and as shown on the attachment will serve as the boundary limits for the overlay district described in Title 14, Chapter 35 of the Morristown Municipal Code;

Starting at the point of intersection of the north right-of-way line of Interstate 81 with the western right-of-way line of Old White Pine Road, follow the western right-of-way line of Old White Pine Road north to its intersection with the centerline of Old Witt Road; thence following the centerline of Old Witt Road approximately 1840 feet to its intersection with Witt Road, follow the southwest right of way of Witt Road approximately 985 feet to its intersection with the Norfolk-Southern Railway rights-of-way; thence following the Norfolk -Southern eastern right of way line 2868 feet to its intersection with Progress Parkway,thence travelling south 102 feet across Progress Parkway to re-connect to the eastern right-of-way of the Norfolk-Southern Railway, following this right-of-way south for approximately 1921 feet to its intersection with the rights-of-way of Interstate 81; thence following the north right of way of Interstate 81 approximatley 840 feet to its intersection with the rights-of-way of South Davy Crockett Highway, thence travelling northeast across South Davy Crockett highway approximately 416 feet to re-connect to the north Interstate 81 rights-of-way line traveling east approximately 2175 feet to the point of beginning

AND BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 14 (Zoning and Land Use Control), Chapter 35 (RGC) Regional Gateway Commercial District be approved as follows:

Chapter 35
Gateway Overlay District
(3450-09/04/2012)

14-3501. PURPOSE

Design elements along Davy Crockett Highway should promote a positive experience for those entering the City from Interstate 81/Exit 8 by elevating standards for development while providing some flexibility for developers along this scenic byway. Properties within this overlay are required to meet all underlying zoning standards in addition to those applicable under this chapter. All new construction must receive approval from the Morristown Regional Planning Commission prior to construction. A site plan and elevation plan of the development are to be submitted to City Staff a minimum of 20 days prior to the scheduled Planning Commission meeting in order to be placed on the agenda. The Planning Commission will decide if the development is compatible with the overall district and if it meets the intent of the overlay district when giving their approval.

14-3502. PERMITTED USES

Permitted uses are limited to those in the underlying zoning districts.

The following uses shall be prohibited within the Regional Gateway District:

1. Adult Entertainment
2. Automobile Salvage Yards
3. Incinerators
4. Junkyards
5. Methadone Treatment Facilities
6. Pain Clinics
7. Recycling Facilities
8. Sanitary Landfills
9. Automobile Repair and Sales

14-3503. SITE AND BUILDING REQUIREMENTS

A. Buildings & Similar Structures: The exterior solid wall of all buildings and similar structures constructed, placed or erected on the land shall be composed of face brick, stone, masonry material or stucco to finish grade, vinyl, wood or fabricated wood. A building elevation plan shall be submitted as part of the site plan approval process. All HVAC or other equipment located on the roof of any building, or other equipment affixed to, or located on the ground, shall be landscaped or screened from public view. Designers are encouraged to vary materials from building to building while limiting the number of different materials to three (3) on any individual structure. In general, neutral or muted tones should be used. All development designs are to be consistent or compatible within a development in terms of architectural design, exterior building materials, colors and/or arrangement of buildings.

B. Signage: In addition to those underlying provisions as provided for by Chapter 29, Sign Regulations, free-standing signs within this overlay district shall be permitted to increase the overall height (from finished grade) to thirty-five (35) feet and not more than two-hundred (200) square feet in sign face size. Those properties located on the south side of Progress Parkway and Thoroughbred Run Road and/or east of Twin Spires Lane within this overlay district shall be permitted to increase the overall height of their free-standing sign to eighty-five (85) feet (from finished grade) and the sign face shall not exceed four hundred (400) square feet in size.

C. Landscaping and Buffer yards: Plantings used to fulfill the requirements of the City guidelines shall be grouped for visual impact from the gateways, located to accentuate the building and maximize environmental benefits. Each lot shall contain a minimum of two (2) trees for each forty feet (40 ft.) of frontage. Each tree shall be at least three inches (3") in caliper when planted. All landscaping required on any lot shall be completed within sixty days of substantial completion of construction, or within schedules set forth in the approved plans.

D. Storage and Display shall not be stored in the open or exposed to public view or view from the Adjacent Land or any improvements. Any storage shall be fenced with a screening fence of permanent construction designed of materials used in the principal structure. No screening or fencing shall be less than eight feet (8 ft.) in height. All storage shall be limited to the rear of any building improvements and in no event shall any materials or equipment be stored closer than ten feet (10 ft.) to any side or rear property line. Dumpster's must be screened on all sides with one of the following: Brick, stone or masonry walls, picket fence style gate or solid metal gate, or evergreen trees.

Passed on first reading this the ____ day of _____ 2019.

ATTEST:

Passed on second and final reading this the _____ day of _____ 2019.

ATTEST:

[Return to Agenda](#)

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: City Council
FROM: Lori Matthews, Senior Planner
DATE: February 5th, 2019
SUBJECT: Proposed Revisions to Chapter 16 Tourist Accommodation District (TA)

SUBMITTAL:

Recent developments impacting areas along South Davy Crockett Parkway at Exit 8 has prompted Staff to clarify language in Chapter 35, Tourist Accommodation District (TA). This district was created in 1995 as a highway oriented commercial district serving those interstate travellers entering and exiting the City along South Davy Crockett Highway (Exit 8).

Staff is proposing changes to include updated uses and omitting that passage dedicated to outdoor advertising which is in conflict with other City code requirements. As currently written, the TA district allows each development two (2) free-standing signs, one being up to 30 feet in height and 100 square feet in size, the second may be up to 125 feet in height and 400 square feet in size – however, it provides the Planning Commission the authority to limit the height. This is the only zoning designation that has written into it sign requirements, the whole of which is in direct conflict with other zoning code requirements. Staff wishes to omit the entire passage and handle advertising requirements the same as we do with all other zoning district. In addition, Staff has proposed some changes to uses permitted as shown below – strikethrough red text is to be omitted; red underlined text indicates new text. (Last page is Ordinance in final form.)

14-1601. TA TOURIST ACCOMMODATION DISTRICT

This district provides the traveling public with convenient services, but only adjacent to major highway interchanges.

14-1602. USES PERMITTED (3591-11/07/2017)

- ~~1. Automobile Service Stations~~
2. Business, Professional or Governmental Offices
3. Church, school, college or trade school
- ~~4. Convalescent home, nursing home, retirement home or sanitarium~~
5. Convenient store
- ~~6. Gift shops~~
7. Governmental uses.
- ~~8. Hospital or Medical Campus~~
9. Hotel or Motel
10. Limited Service Restaurant (3591-11/07/2017).
- ~~11. Lounges~~
12. Microbreweries (3591-11/07/2017).
- ~~13. Mortuary or Funeral Parlor~~
- ~~14. Public Parks~~
15. Residential (Single Family, two family and multi-family)
16. Retail Establishments
17. Restaurants
18. Utilities to service development

14-1603. USES PERMITTED ON REVIEW (3451-09/04/2012)

- ~~1. Automobile Sales and repairs~~
- ~~2. Farm, Garden, Lawn Supplies and Equipment Sales—this is still retail~~
- ~~3. Hotel Apartments—what is this?~~
4. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
- ~~5. Nursery, gardening center or produce market~~
- ~~6. Overnight camping/trailer facilities~~
- ~~7. Places of Assembly~~
- ~~8. Research and Development Facilities~~

14-1604. DEPTH OF FRONT YARD

Any principal building shall be located no nearer than thirty-five (35) feet to the front lot line.

14-1605. DEPTH OF REAR YARD

Any principal building shall be located no nearer than thirty (30) feet to the rear lot line.

14-1606. DEPTH OF SIDE YARDS

Any principal building shall on any lot shall be located no nearer than twenty (20) feet to any side lot line.

14-1607. BUILDING AREA

The principal building and all accessory buildings shall cover no more than thirty-five (35) percent of the total lot area.

14-1608. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

~~14-1609. SIGNS~~

~~Signs permitted in the Tourist Accommodation (TA) District:~~

- ~~—— a. No more than two (2) freestanding signs per lot provided:~~
 - ~~—— 1. The lot meets or exceeds the minimum requirements of the Zoning District and the lot frontage is on an arterial or collector street.~~
 - ~~—— 2. One (1) sign shall be designated as a “Highway Identification Sign” and shall be oriented towards the major highway (Interstate 81). The secondary sign shall be for identification on the arterial or collector street the lot fronts.~~
 - ~~—— 3. The “Highway Identification Sign” may be permitted up to one hundred twenty-five (125) feet in height, and four hundred (400) square feet per sign face with a maximum of two sign faces. If the visibility is such that a sign less than one hundred twenty-five (125) feet in height or four~~

hundred (400) square feet can be identified 1,275 feet from the exit ramp, the Planning Commission may direct the sign height and dimensions be less than stated.

4. The secondary freestanding sign shall not exceed one (1) square foot per one (1) linear foot of road frontage with a maximum of one hundred (100) square feet per sign face, or two hundred (200) square feet total for all sides. The maximum height limit shall not exceed thirty (30) feet.

b. Wall Signs may be located anywhere on the surface of the building, but shall not project into any required yard, nor beyond a property line; and no wall sign shall extend beyond the building envelope in any direction or the roof line (see section 2905-1-d).

Tourist Accommodation Zoned Areas in Yellow



14-1601. TA TOURIST ACCOMMODATION DISTRICT

This district provides the traveling public with convenient services, but only adjacent to major highway interchanges.

14-1602. USES PERMITTED (3591-11/07/2017)

1. Business, Professional or Governmental Offices
2. Church, school, college or trade school.
3. Convenient store.
4. Governmental uses.
5. Hotel or Motel.
6. Limited Service Restaurant. (3591-11/07/2017).
7. Microbrewery. (3591-11/07/2017).
8. Residential. (Single Family, two family and multi-family)
9. Retail Establishments.
10. Restaurants.
11. Utilities to service development.

14-1603. USES PERMITTED ON REVIEW (3451-09/04/2012)

1. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - b. Meet all conditions under 14-228.4

14-1604. DEPTH OF FRONT YARD

Any principal building shall be located no nearer than thirty-five (35) feet to the front lot line.

14-1605. DEPTH OF REAR YARD

Any principal building shall be located no nearer than thirty (30) feet to the rear lot line.

14-1606. DEPTH OF SIDE YARDS

Any principal building shall on any lot shall be located no nearer than twenty (20) feet to any side lot line.

14-1607. BUILDING AREA

The principal building and all accessory buildings shall cover no more than thirty-five (35) percent of the total lot area.

14-1608. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

ORDINANCE NO. ____

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 16 (TOURIST ACCOMMODATION DISTRICT) 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 16 be approved as follows:

14-1601. TA TOURIST ACCOMMODATION DISTRICT

This district provides the traveling public with convenient services, but only adjacent to major highway interchanges.

14-1602. USES PERMITTED (3591-11/07/2017)

1. Business, Professional or Governmental Offices
2. Church, school, college or trade school.
3. Convenient store.
4. Governmental uses.
5. Hotel or Motel.
6. Limited Service Restaurant. (3591-11/07/2017).
7. Microbrewerie. (3591-11/07/2017).
8. Residential. (Single Family, two family and multi-family)
9. Retail Establishments.
10. Restaurants.
11. Utilities to service development.

14-1603. USES PERMITTED ON REVIEW (3451-09/04/2012)

1. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4

14-1604. DEPTH OF FRONT YARD

Any principal building shall be located no nearer than thirty-five (35) feet to the front lot line.

14-1605. DEPTH OF REAR YARD

Any principal building shall be located no nearer than thirty (30) feet to the rear lot line.

14-1606. DEPTH OF SIDE YARDS

Any principal building shall on any lot shall be located no nearer than twenty (20) feet to any side lot line.

14-1607. BUILDING AREA

The principal building and all accessory buildings shall cover no more than thirty-five (35) percent of the total lot area.

14-1608. BUILDING HEIGHT

Buildings shall not exceed three (3) stores or thirty-five (35) feet in height.

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 this the ____ day of _____ 2019.

Mayor

ATTEST:

City Administrator

Passed on second and final reading this the _____ day of _____ 2019.

Mayor

ATTEST:

City Administrator

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: City Council
FROM: Lori Matthews, Senior Planner
DATE: February 5th, 2018
SUBJECT: Proposed Revisions to Chapter 29 Outdoor Advertising

SUBMITTAL:

Recent proposed impacts to South Davy Crockett Highway/25 E have prompted Staff to clarify language in the City's Zoning Ordinance to include Chapter 29 Sign Regulations. Staff initiated changes to this section of Code include omitting that entire passage devoted to Tourist Accommodation (TA) signs, (shown immediately below) and adding the zoning designation of 'Tourist Accommodation (TA)' to that passage already devoted to most commercial districts. By adding 'TA' to the existing commercial sign code, it allows properties zoned TA the same signage as those properties zoned IB (Intermediate Business), PCD (Planned Commercial District) and HI/LI (Heavy or Light Industrial) which includes the ability to have shorter monument signs along with taller free standing signs.

The following is that section of code, Chapter 29, with the preferred changes made by Staff – red underlined denotes language added; text with a strikethrough represents language was omitted.

e. 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 300-350 nits.

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 sign 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.

- e. **Signs allowed in Intermediate Business District (IBD), Planned Commercial District (PCD), Light Industrial (LI), Airport Light Industrial (ALI), and Heavy Industrial Districts (HID), and Tourist Accommodation (TA) 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 300-350 nits.
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 3526-11/03/05)**. 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.

RECOMMENDATION:

The Morristown Regional Planning Commission recommended approval of the text changes at their January 8th 2019 meeting. Staff would ask that City Council approve the text changes as submitted by Staff.

ORDINANCE NO. ____

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE AMENDING TITLE 14 (ZONING AND LAND USE CONTROL), CHAPTER 29 (SIGN REGULATIONS) 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 29 be approved as follows:

14-2903 DEFINITIONS

e. Signs allowed in Intermediate Business District (IBD), Planned Commercial District (PCD), Light Industrial (LI), Airport Light Industrial (ALI), and Heavy Industrial Districts (HID), and Tourist Accommodation (TA) 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 300-350 nits
 - g. Electronic Message Centers shall not be located any closer than 50 feet from any intersecting right-of-ways. 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 3526-11/03/05)**. 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.

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 this the ____ day of _____ 2019.

Mayor

ATTEST:

City Administrator

Passed on second and final reading this the _____ day of _____ 2019.

Mayor

ATTEST:_____
City Administrator

Agreement for Audit

This agreement is made the 31st of January, 2019 between The City of Morristown (the "City"), whose business is at 100 West First North Street, Morristown, TN and Brown, Edwards & Company, LLC (Brown Edwards), whose business address is at 513 State Street, Bristol, VA.

The City of Morristown has agreed to contract with Brown, Edwards & Company, a public accounting firm for the annual audit of the Comprehensive Annual Financial Report for the years ending June 30, 2019, 2020 and 2021. The City, at its sole option, may extend the term of the services for additional three year term(s). The City will notify Brown, Edwards regarding the requested extension by April 1 of the corresponding year and a fee structure will be negotiated by the parties with a final decision by May 1.

Responsibilities of Brown, Edwards:

- Brown Edwards will audit the financial statements of the governmental activities, the business-type activities (except for the Morristown Utilities Commission which is audited by other auditors), each major fund (except for funds of the Morristown Utilities Commission), and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City for each year ended as described above. The audit will be conducted in accordance with the auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States and requirements prescribed by the Comptroller of the Treasury, State of Tennessee as detailed in the *Audit Manual*.
- Brown Edwards will complete compliance reviews in accordance with the audit requirements for local governments, which receive federal awards as established by the Federal OMB Uniform Guidance and prepare the Data Collection Form and complete the auditor's portion.
- The audit will be completed and reports issued by October 31 of each year unless there are delays in receiving information from the City.
- Brown Edwards will issue the following reports on:
- Whether your basic financial statements are fairly presented (with the exception of the Utilities Commission), in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information when considered in relation to the financial statements as a whole.
- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the OMB Uniform Guidance.
- If the City requests services of Brown Edwards to prepare the financial statements and related footnotes, the City will notify Brown Edwards by July 31 of each year. Brown Edwards will prepare the financial statements utilizing information to be provided by the City at an agreed upon date.
- If any disputes arise under the terms of this agreement, the laws of Tennessee shall govern and venue will lie in Hamblen County.

Responsibilities of the City:

- The City will have closed and balanced all accounts for all funds by August 31 of each year in preparation for the audit.

- The City will have prepared financial statements available to be examined by the auditor no later than September 30 of each year (unless the City has notified Brown Edwards of required services to prepare the financial statements by July 31 of each year).
- The City will provide timely access to all documentation supporting the financial statements, including footnotes and documentation requested by Brown Edwards for compliance testing.
- If the City requests financial statement preparation services, the City will designate an employee with specialized skills and knowledge of financial reporting to review and accept responsibility for the financial statements.

The City and Brown Edwards will also execute the annual contract for audit required to be submitted to the State of Tennessee Division of Local Government Audit and the standard audit engagement letter to be prepared by Brown Edwards each year before beginning the audit process. These documents will fully detail the terms and responsibilities inherent in the audit engagement addressed in this agreement and will become part of this agreement once executed.

The fees for the above audit services are as follows:

	<u>June 30, 2019</u>	<u>June 30, 2020</u>	<u>June 30, 2021</u>
Financial Audit	\$ 45,000	\$ 46,500	\$ 48,000
Single Audit	\$ 3,700	\$ 3,850	\$4,100
Alternative #1 (optional):			
Preparation of Financial Statements	\$ 3,700	\$ 4,100	\$ 4,400

The City of Morristown, Tennessee

Signed: _____

By: _____

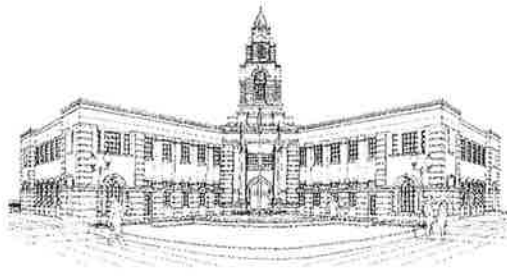
Date: _____

Brown, Edwards & Company, LLP

Signed:  _____

By: CHRISTOPHER A BANTA

Date: 1/31/19



Morristown City Council Agenda Item Summary

Date: January 29, 2019

Agenda Item: Approval of Bid – LPRF Multi-Park Improvements Bid

Prepared by: Joey Barnard, Assistant City Administrator

Subject: LPRF Multi-Park Improvements Bid

Background/History: The City of Morristown recently sought bids for construction of multiple park improvements consisting of bringing each park up to current ADA standards through pavement and striping improvements, installation of playground pieces, erosion control measures, grading and drainage improvements, and landscaping and seeding through a grant provided by the Local Parks and Recreation Fund.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on November 30, 2018 and on December 2, 2018. Additionally, the bid was posted to the City of Morristown's website; through Vendor Registry, an on-line bid facilitation website; and shared with plan rooms. The submission deadline was Wednesday, December 20, 2018 at 2:00 P. M. We received three (3) responses.

Financial Impact: Council originally approved application of the grant including the 50% match of \$500,000. During design, Lose Design determined that the items presented in the grant application would exceed the \$1 million total grant amount (\$500,000 grant funds and \$500,000 local match). The Tennessee Department of Environment and Conversation was asked if the scope could be reduced to stay within the budget. TDEC informed the City of Morristown that everything detailed in the grant application had to be completed. The City of Morristown had two options: a) turn the grant back into TDEC, or b) provide necessary funds to complete all items detailed in the grant. Council appropriated an additional \$300,000. However, the recent bids received are not within the amount appropriated and exceed available funds by approximately \$670,000.

Action options/Recommendations: As was presented to Council at its January 25, 2019, Retreat by Lose Design and per attached letter, it is recommended by Lose Design to reject all bids, return the LPRF match funds, and value-engineer the construction set to fit within the City's budget of \$800,000.00.

Attachments: Recommendation Letter and Bid Tabulation



January 29, 2019

Ms. Ashley Ahl
Purchasing Assistant
City of Morristown
100 West First North Street
Morristown, TN 37814

**RE: Morristown Multi-Park Improvements Project – Bid Recommendation
LA#16236**

Dear Ms. Ahl,

Lose Design has reviewed the bids for the Morristown Multi-Park Improvements project, which were received, opened, and read aloud publicly at 2:01 PM at the Morristown City Center on December 20, 2018.

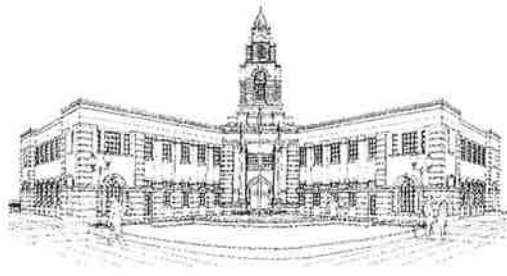
A total of three (3) bids were received with proper paperwork. Skilled Services Quality Construction, LLC was the low bidder with a base bid of \$1,969,740.00. This bid amount is not within the allotted City budget for the project.

Lose Design recommends rejecting all bids, returning the LPRF match funds and value-engineering the construction set to fit within the City's funding of \$800,000.00 for the project.

Sincerely,

LOSE DESIGN

April Andersen, PLA
Project Manager



Morristown City Council Agenda Item Summary

Date: January 29, 2019

Agenda Item: Approval of Bid – LPRF Multi-Park Improvements Bid

Prepared by: Joey Barnard, Assistant City Administrator

Subject: LPRF Multi-Park Improvements Bid

Background/History: The City of Morristown recently sought bids for construction of multiple park improvements consisting of bringing each park up to current ADA standards through pavement and striping improvements, installation of playground pieces, erosion control measures, grading and drainage improvements, and landscaping and seeding through a grant provided by the Local Parks and Recreation Fund.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on November 30, 2018 and on December 2, 2018. Additionally, the bid was posted to the City of Morristown's website; through Vendor Registry, an on-line bid facilitation website; and shared with plan rooms. The submission deadline was Wednesday, December 20, 2018 at 2:00 P. M. We received three (3) responses.

Financial Impact: Council originally approved application of the grant including the 50% match of \$500,000. During design, Lose Design determined that the items presented in the grant application would exceed the \$1 million total grant amount (\$500,000 grant funds and \$500,000 local match). The Tennessee Department of Environment and Conversation was asked if the scope could be reduced to stay within the budget. TDEC informed the City of Morristown that everything detailed in the grant application had to be completed. The City of Morristown had two options: a) turn the grant back into TDEC, or b) provide necessary funds to complete all items detailed in the grant. Council appropriated an additional \$300,000. However, the recent bids received are not within the amount appropriated and exceed available funds by approximately \$670,000.

Action options/Recommendations: As was presented to Council at its January 25, 2019, Retreat by Lose Design and per attached letter, it is recommended by Lose Design to reject all bids, return the LPRF match funds, and value-engineer the construction set to fit within the City's budget of \$800,000.00.

Attachments: Recommendation Letter and Bid Tabulation



January 29, 2019

Ms. Ashley Ahl
Purchasing Assistant
City of Morristown
100 West First North Street
Morristown, TN 37814

**RE: Morristown Multi-Park Improvements Project – Bid Recommendation
LA#16236**

Dear Ms. Ahl,

Lose Design has reviewed the bids for the Morristown Multi-Park Improvements project, which were received, opened, and read aloud publicly at 2:01 PM at the Morristown City Center on December 20, 2018.

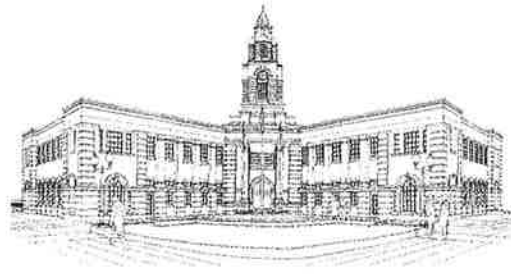
A total of three (3) bids were received with proper paperwork. Skilled Services Quality Construction, LLC was the low bidder with a base bid of \$1,969,740.00. This bid amount is not within the allotted City budget for the project.

Lose Design recommends rejecting all bids, returning the LPRF match funds and value-engineering the construction set to fit within the City's funding of \$800,000.00 for the project.

Sincerely,

LOSE DESIGN

April Andersen, PLA
Project Manager



Morristown City Council Agenda Item Summary

Date: January 30, 2019

Agenda Item: Approval of Request for Qualifications – Central Church Road Improvements

Prepared by: Joey Barnard, Assistant City Administrator

Subject: Central Church Road Improvements RFQ

Background/History: The City of Morristown has identified the need to perform road improvements from West Andrew Johnson Highway (US 11E, SR 34) to Connie Street. The proposed work will include the installation of the following: additional lane(s) to approximately 1,000 feet of an exiting City street, ADA compliant sidewalks with ped-head signalization, traffic signal to be provided include staking of rights-of-way, bidding services, and additional design services required during construction, excluding CEI services as defined by TDOT. Utility relocation and ROW acquisition will likely also be required.

Findings/Current Activity: The RFQ was advertised in the *Citizen Tribune* on November 16, 2018, and on November 18, 2018, in the Knoxville News Sentinel on November 16, 2018. Additionally, the bid was posted to the City of Morristown's website, TDOT's website, and through Vendor Registry, an on-line bid facilitation website. The submission deadline was 2:00 PM on Thursday, December 13, 2018. We received seven (7) responses.

Financial Impact: This project is funded with federal, state and local funds. Local funds have been appropriated in the 2018-19 fiscal year for the consulting services.

Action options/Recommendations: The selection committee recommends Michael Baker International for approval as the City's engineering consultant for the Central Church Road Improvements project. Council's approval is sought to allow Tony Cox, City Administrator to negotiate a contract with Michael Baker International based on the terms presented in the Request for Qualifications.

Attachments: Ranking Sheet.

CITY OF MORRISTOWN

OFFICE OF FINANCE AND PURCHASING

RFQ: CENTRAL CHURCH ROAD IMPROVEMENTS PROJECT

SUMMARY: FIRM RANKINGS

RANKING	ENTITY
1	Michael Baker International
2	A. Morton & Thomas
3	Mattern & Craig



Morristown City Council Agenda Item Summary

Date: February 5, 2019

Agenda Item: Professional Services with LDA Engineering

Prepared by: Larry Clark

Subject: LDA Engineering

Background / History: In 2011, the City entered into an agreement with LDA Engineering for professional services for Storm Water. This was done via a RFQ process. At the beginning of the year, a General Services Purchase Order was approved for \$20,000.

Findings / Current Activity: This is to approve additional professional services for the FY 2019 year for Storm Water items in the amount of \$20,000. This will allow work on items mentioned during the Council workshop.

Financial Impact: Amount not to exceed \$20,000.

Action options / Recommendations: Approval of Purchase Order.

Attachments: Purchase Order.



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 2019

Page 1

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

Purchase Order # **19000439-01**

Retain this purchase order for proof of tax exemption.

Tax Exempt #62-6000369

**V
e
n
d
o
r**

LAMAR DUNN & ASSOCIATES INC
110 TYSON BLVD

ALCOA, TN 37701

**S
h
i
p
T
o**

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

Vendor Phone Number 000-000-0000		Vendor Fax Number 000-000-0000		Requisition Number 19000467		Delivery Reference/Contact ASHLEY AHL			
Date Ordered 08/10/18		Vendor Number 006373		Date Required		Interoffice Delivery		Department/Location 41610	
Item#	Description/Part No.				Qty/Unit	Cost Each		Extended Price	
001	PROFESSIONAL SERVICES AGREEMENT FOR STORM WATER ITEMS NO TO EXCEED AMOUNT OF \$20,000.00				1.00 EACH	20000.00000		20,000.00	
	COUNCIL APPROVED 8/7/18								
	43292-399				20,000.00				
002	ADDITIONAL \$20,000 FOR PROFESSIONAL SERVICES FOR STORM WATER ITEMS				1.00 EACH	20000.00000		20,000.00	
	COUNCIL APPROVED FEBRUARY 6, 2019								
	43292-399				20,000.00				
						PO Total		40,000.00	

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

Authorized Signature

Date

VENDOR COPY

Authorized Signature

Date

[Return to Agenda](#)



LDA ENGINEERING

January 31, 2019

Mr. Anthony Cox
City Administrator
City of Morristown
PO Box 1499
Morristown, TN 37816-1499

Reference: City of Morristown
Professional Services Agreement
Stormwater Program

Mr. Cox:

LDA Engineering appreciates the opportunity for continuing to provide Engineering Services to the City of Morristown stormwater program. We understand that the City of Morristown will continue to engage in multiple stormwater capital improvement projects. The major elements of the projects will be, but not limited to:

- Project controls and reporting
- Hydrologic and hydraulic analysis
- Design, surveying and permitting
- Prepare construction plans and specifications
- Easement and right-of-way document preparation
- Project construction contract administration
- Project construction observation
- Provide record documents, including information suitable for input to the City of Morristown Geographic Information System (GIS) database.
- Assist the City of Morristown in obtaining regulatory permits.

LDA Engineering proposes to provide the additional services for an hourly budget of \$20,000 based on our current hourly rates within the Engineers Joint Contract Documents Committee (EJCDC) Master Agreement.

We are available to begin immediately upon written authorization. If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Greg Jones, P.E.
Vice President

The City Council has approved the proposal
And LDA Engineering is authorized to proceed.

Anthony Cox, City Administrator

Date

**AIA**[®]**Document G802[™] – 2017*****Amendment to the Professional Services Agreement*****PROJECT:** *(name and address)*
Morristown City Center Plaza
Morristown, TN**AGREEMENT INFORMATION:**
Date: 2018-04-03**AMENDMENT INFORMATION:**
Amendment Number: 03
Date: 2019-01-15**OWNER:** *(name and address)*
City of Morristown
100 West First North Street
Morristown, TN 37902**ARCHITECT:** *(name and address)*
Design Innovation Architects, Inc.
402 S Gay Street #201
Knoxville, TN 37902

The Owner and Architect amend the Agreement as follows:
Modify AIA B102 - 2017 fully executed agreement to add the following Scope of Services for Phase 3: Bidding Services.

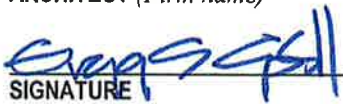
The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Design services as outlined above and reimbursable expenses shall be a Lump-Sum fee of Nine Thousand Seven Hundred Seventy-Five Dollars & 00/100 (\$9,975.00). Permitting fees and associated costs as well as unforeseen expenses are specifically excluded from this fee.

Schedule Adjustment:

To be determined

SIGNATURES:Design Innovation Architects, Inc.
ARCHITECT *(Firm name)*
SIGNATURE
Gregory S Campbell, Vice President
of Operations
PRINTED NAME AND TITLE2019-01-15
DATECity of Morristown**OWNER** *(Firm name)***SIGNATURE**Gary Chesney, Mayor
PRINTED NAME AND TITLE**DATE**

Amendment to the Professional Services Agreement:

Special Services

This amendment is made as of the Twenty-Fifth day of January in the year Two Thousand and Nineteen between

Owner:

City of Morristown

Attn: Joey Barnard
100 West First North Street
Morristown, TN 37814

Architect:

Design Innovations Architects, Inc.

402 S. Gay Street #201
Knoxville, TN 37902

Project Number: 18133

For the following project:

Increase the scope of the project to incorporate Construction Documents, Procurement and Construction Administration phase services for the re-roofing of Fire Stations No. 5 and 6 in Morristown, Tennessee.

Authorization is requested for:

- ☒ to proceed with Additional Services.
☐ to incur additional Reimbursable Expenses.

The following adjustments shall be made to the compensation.

Compensation:

Decrease previously approved Schematic Design phase fee from Hourly Not To Exceed \$10,000 to Hourly Not To Exceed \$817.50.

Increase the scope to incorporate Construction Documents, Procurement and Construction Administration services and expenses for a revised fee for the remaining phases of Hourly Not To Exceed \$21,182.50.

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

AGREED TO:

(Signature)

(Date)

(Printed Name and Title)

Excellence through service and design

SUBMITTED BY:



2019-01-25

(Signature)

(Date)

Gregory S Campbell, AIA, LEED® AP
Vice President of Operations

(Printed Name and Title)

Version: 2018
Page 1 of 1

January 7th, 2019

Mr. Joey Barnard, Finance Director
City of Morristown
100 West First North Street
Morristown, TN 37814

RE: Letter of Contractor Recommendation
REILS Replacement Project
TAD No. 32-555-0162-19

Dear Mr. Barnard:

This letter shall serve to document that Michael Baker International has reviewed the bids submitted on January 4th, 2019 for the above referenced project. Contractors submitting bids included Precision Approach, Guardian Electric Corp., and Stansell Electric Co. Each bid was opened publicly and read aloud. The bid amounts are as follows:

Contractor	Base Bid	Alternate Bid
Stansell Electric Co.	\$30,500.00	\$26,500.00
Guardian Electric Corp.	\$45,200.00	\$42,000.00
Precision Approach, LLC	\$54,965.00	\$52,163.00

Each bid was reviewed to determine the responsiveness of the contractor. Our conclusion is as follows:

The lowest bid by Stansell Electric Co. was complete. No errors were found in unit pricing and extended totals. Baker has verified their license to contract in the State of Tennessee.

We hereby recommend that The City of Morristown award the construction contract Alternate Bid to Stansell Electric Co. in the amount of \$26,500.00.

We will begin contract preparation and distribution after the award of the contract is verified.

Sincerely,



Jason D. Bennett, P.E.
Project Manager
Michael Baker International

**MORRISTOWN REGIONAL AIRPORT
REILS REPLACEMENT
TAD NO. 32-555-0162-19**

4-Jan-19
JDB

BID TABULATION

ITEM	SPEC.	DESCRIPTION	UNIT	PLANS QUANTITY	ENGINEER'S ESTIMATE		STANSELL ELECTRIC CO.		GUARDIAN ELECTRIC CORP.		PRECISION APPROACH	
					UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL	UNIT PRICE	EXTENDED TOTAL
1	1000	Mobilization	LS	1	\$5,000.00	\$5,000.00	\$1,300.00	\$1,300.00	\$3,500.00	\$3,500.00	\$17,255.00	\$17,255.00
2	E-100-1	REIL Unit – Incandescent (Installed Complete)	EA	2	\$17,500.00	\$35,000.00	\$14,600.00	\$29,200.00	\$20,850.00	\$41,700.00	\$18,855.00	\$37,710.00
3	E-100-1A	REIL Unit ALTERNATE – LED (Installed Complete)	EA	2	\$16,000.00	\$32,000.00	\$12,600.00	\$25,200.00	\$19,250.00	\$38,500.00	\$17,454.00	\$34,908.00
TOTAL BASE BID						\$40,000.00		\$30,500.00		\$45,200.00		\$54,965.00
TOTAL ALT BID (LED)						\$37,000.00		\$26,500.00		\$42,000.00		\$52,163.00
BID FORMS COMPLETE							YES		YES		YES	

Michael Baker
INTERNATIONAL



Morristown City Council Agenda Item Summary

Date: January 29, 2019

Agenda Item: Approval of Request for Proposal – Heritage Park Arboretum

Prepared by: Joey Barnard, Assistant City Administrator

Subject: Heritage Park Arboretum

Background/History: The City of Morristown recently sought Request for Proposals from qualified professionals for the purchase and planting of a variety of tree species to be located at Heritage Park. It is the City's desire to increase the tree resources to improve air quality in the area and to provide additional shading throughout the park. Additionally, this will become the City's newest arboretum. All tree species will be provided from a Tennessee Nursery. Partial funding for this project will be provided from a Forestry Grant as approved by City Council under the Tennessee Department of Agriculture.

Findings/Current Activity: The Request for Proposal was advertised in the *Citizen Tribune* on December 27, 2018 and on December 30, 2018. Additionally, the Request for Proposal was posted to the City of Morristown's website and through Vendor Registry, an on-line facilitation website. The submission deadline was 3:00 PM on Thursday, January 17, 2019. We received two (2) responses.

Financial Impact: Funds for this service have been appropriated in the 2018-19 fiscal year budget. As previously stated, partial funding will be provided under a Forestry Grant from the Tennessee Department of Agriculture.

Action options/Recommendations: It is staffs' recommendation to approve The Request for Proposal submitted by East Tennessee Turf & Landscape and to allow Tony Cox, City Administrator to enter into contract negotiations. The proposal includes the total project amount of \$39,700.00.

Attachments: Ranking Sheet.

CITY OF MORRISTOWN
OFFICE OF FINANCE AND PURCHASING
RFP: HERITAGE PARK ARBORETUM
SUMMARY: FIRM RANKINGS

RANKING	ENTITY
1	East Tennessee Turf & Landscape
2	Promier Landscapes Inc



CITY OF MORRIS TOWN
200 West Center Street, Suite 100
Lawrenceville, Georgia 30046
(770) 962-2200
www.morristownga.gov

PROJECT INFORMATION
PROJECT NO. 2023-001
PROJECT NAME: HERITAGE PARK - PHASE I
PROJECT LOCATION: 1000 N. Daisey St., Lawrenceville, GA 30046

DESIGNER INFORMATION
DESIGNER: [Firm Name]
DESIGNER ADDRESS: [Address]
DESIGNER PHONE: [Phone Number]
DESIGNER FAX: [Fax Number]
DESIGNER EMAIL: [Email Address]

DATE
DATE: 08/15/2023

SCALE
SCALE: 1" = 40'

PROJECT TITLE
PROJECT TITLE: LANDSCAPE PLAN

PROJECT NO.
PROJECT NO. 2023-001

PROJECT NAME
PROJECT NAME: HERITAGE PARK - PHASE I

PROJECT LOCATION
PROJECT LOCATION: 1000 N. Daisey St., Lawrenceville, GA 30046

PROJECT DESCRIPTION
PROJECT DESCRIPTION: [Description]

PROJECT STATUS
PROJECT STATUS: [Status]

PROJECT OWNER
PROJECT OWNER: [Owner Name]

PROJECT CONTACT
PROJECT CONTACT: [Contact Name]

PROJECT PHONE
PROJECT PHONE: [Phone Number]

PROJECT FAX
PROJECT FAX: [Fax Number]

PROJECT EMAIL
PROJECT EMAIL: [Email Address]

PROJECT WEBSITE
PROJECT WEBSITE: [Website URL]

PROJECT ADDRESS
PROJECT ADDRESS: [Address]

PROJECT CITY
PROJECT CITY: [City Name]

PROJECT STATE
PROJECT STATE: [State Name]

PROJECT ZIP
PROJECT ZIP: [ZIP Code]

PROJECT COUNTY
PROJECT COUNTY: [County Name]

PROJECT COUNTRY
PROJECT COUNTRY: [Country Name]

PROJECT REGION
PROJECT REGION: [Region Name]

PROJECT CLIMATE
PROJECT CLIMATE: [Climate Type]

PROJECT SOIL
PROJECT SOIL: [Soil Type]

PROJECT VEGETATION
PROJECT VEGETATION: [Vegetation Type]

PROJECT ANIMALS
PROJECT ANIMALS: [Animal Type]

PROJECT PLANTS
PROJECT PLANTS: [Plant Type]

PROJECT TREES
PROJECT TREES: [Tree Type]

PROJECT SHRUBS
PROJECT SHRUBS: [Shrub Type]

PROJECT FLOWERS
PROJECT FLOWERS: [Flower Type]

PROJECT FRUIT
PROJECT FRUIT: [Fruit Type]

PROJECT SEEDS
PROJECT SEEDS: [Seed Type]

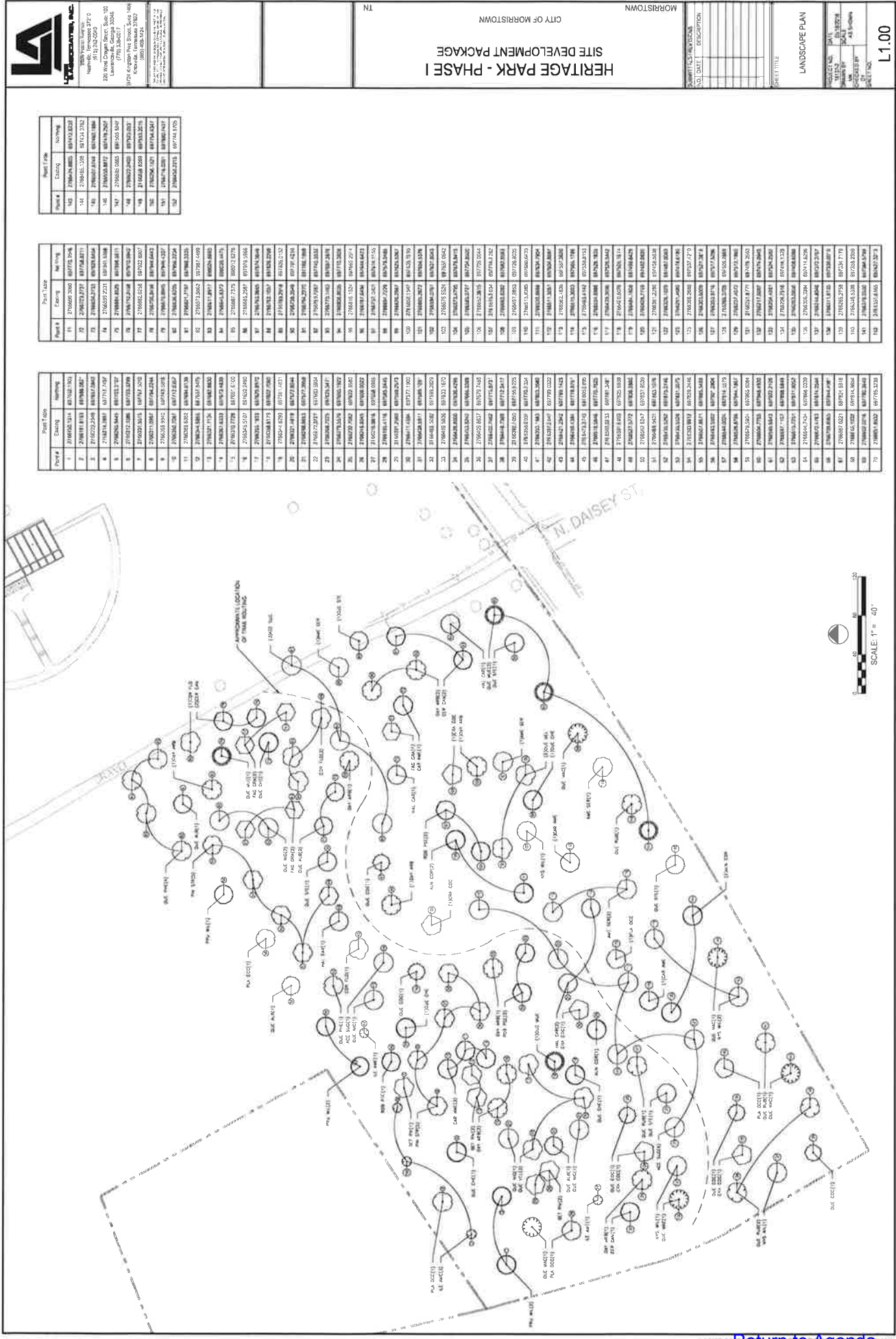
PROJECT BARK
PROJECT BARK: [Bark Type]

PROJECT LEAVES
PROJECT LEAVES: [Leaf Type]

PROJECT ROOTS
PROJECT ROOTS: [Root Type]

PROJECT STEMS
PROJECT STEMS: [Stem Type]

PROJECT TWIGS
PROJECT TWIGS: [Twig Type]



Plant List			
Plant #	Plant Name	Plant #	Plant Name
101	2000000000	111	2000000000
102	2000000000	112	2000000000
103	2000000000	113	2000000000
104	2000000000	114	2000000000
105	2000000000	115	2000000000
106	2000000000	116	2000000000
107	2000000000	117	2000000000
108	2000000000	118	2000000000
109	2000000000	119	2000000000
110	2000000000	120	2000000000
111	2000000000	121	2000000000
112	2000000000	122	2000000000
113	2000000000	123	2000000000
114	2000000000	124	2000000000
115	2000000000	125	2000000000
116	2000000000	126	2000000000
117	2000000000	127	2000000000
118	2000000000	128	2000000000
119	2000000000	129	2000000000
120	2000000000	130	2000000000
121	2000000000	131	2000000000
122	2000000000	132	2000000000
123	2000000000	133	2000000000
124	2000000000	134	2000000000
125	2000000000	135	2000000000
126	2000000000	136	2000000000
127	2000000000	137	2000000000
128	2000000000	138	2000000000
129	2000000000	139	2000000000
130	2000000000	140	2000000000
131	2000000000	141	2000000000
132	2000000000	142	2000000000
133	2000000000	143	2000000000
134	2000000000	144	2000000000
135	2000000000	145	2000000000
136	2000000000	146	2000000000
137	2000000000	147	2000000000
138	2000000000	148	2000000000
139	2000000000	149	2000000000
140	2000000000	150	2000000000
141	2000000000	151	2000000000
142	2000000000	152	2000000000
143	2000000000	153	2000000000
144	2000000000	154	2000000000
145	2000000000	155	2000000000
146	2000000000	156	2000000000
147	2000000000	157	2000000000
148	2000000000	158	2000000000
149	2000000000	159	2000000000
150	2000000000	160	2000000000

Supplemental Agreement and/or Request for Construction Change Change Order Request #3

Project Title/Termini:	<u>Freddie Kyle Greenway</u>		
Owner:	<u>City of Morristown</u>	PIN:	<u>118523.01</u>
Address:	<u>100 W. 1st North Street</u>	State Project No.:	<u>32LPLM-F3-048</u>
	<u>Morristown, TN 37814</u>	Federal Project No.:	<u>TAP-9113(21)</u>
		Contract No.:	<u>140126</u>
County:	<u>Hamblen</u>		

Whereas, we Summers-Taylor, Inc. with Fidelity and Deposit Company of Maryland, as a Surety, entered into a contract with City of Morristown, on October 12, 2018, for the construction by said Contractor of the above designated contract; and Whereas, certain items of construction encountered, are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the Owner at the price(s) scheduled therefore below:

The purpose of this Change Order is to:

Add contract time to account for delays due to wet and cold weather, as well as allow for warmer spring temperatures for sod placement and asphalt coating application.

As a result of this Change Order, contract time shall:

☐ Not Change, ☒ Increase by 60 days, ☐ Decrease by _____ days

Original Construction Completion Time: 90 days (Date: 1-13-19)

Original Contract Amount: \$656,057.75

Approved Change Orders: \$129,390.50

Current Change Order: \$_____

Pending Change Orders: \$_____

Total Change Orders: \$129,390.50

Contract Completion Time with Change Orders: 180 days (Date: 4-10-19)

**Supplemental Agreement and/or Request for Construction Change
Change Order Request # 3**

Unit prices listed below include labor, materials, profit, overhead, and incidentals necessary to complete this work. A separate attached spreadsheet with the same information may be used in lieu of the table below.

[illegible]

Now, Therefore, We, Summers-Taylor, Inc. Contractors, and Fidelity and Deposit Company of Maryland, Surety, hereby agree to the Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except insofar as specifically modified by this Supplemental Agreement.

Recommended for Approval

Jim R. Jones, P.E.

1/31/19

Engineer/CEI (Signature)

Date _____

Approved

By:

Contractor (Signature)

Date _____

By:

Surety (Signature)

Date _____

By:

Owner (Signature)

Date _____

**Approved for
Eligibility**

By:

Local Programs (Signature)

Date _____

Inspection and Maintenance Agreement

(I&M Agreement)

City of Morristown, TN
100 West 1st North Street
Morristown, TN 37814
(423) 581-0100

Inspection and Maintenance Agreement (I&M Agreement)

THIS AGREEMENT, made and entered into this 22 day of December, 2018, by and between MICHAEL JOHN RAEDEKE 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 LOT 2 OF THE SHOPS AT MERCHANTS
AS SHOWN ON PLOT OF RECORD IN PLAT 1, BOOK 1 (TENNIS RANCHHOUSE RESTAURANT)
GREENE PAGE 99, 4332 ERICA GREENE CIRCLE as recorded by deed in the last land records of
(Insert Hamblen County Tax & Parcel Number)

Hamblen County, TN, Deed Book 1 Page 99, hereafter called the "Property".

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

WHEREAS, the Site Plan/Subdivision known as THE SHOPS AT MERCHANTS GREENE
(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 an easement 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 two hundred percent (200%) of all actual costs incurred by the City hereunder.
8. If the Landowner fails to pay the City for two hundred percent (200%) 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 two hundred percent (200%) 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 interest.

WITNESS the following signatures and seals:

JWR LIVING TRUST DATED Feb 12, 2005
Company/Corporation/Partnership Name (Seal)

By: Michael John Raedcke, TRUSTEE

MICHAEL JOHN RAEDCKE
(Type Name)

TRUSTEE
(Type Title)

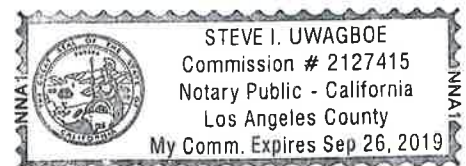
State of California

County of Los Angeles

The foregoing Agreement was acknowledged before me this 22nd day of December 2018

by Michael J. Raedcke

Steve I. Uwagboe
Notary Public STEVE I. UWAGBOE
My Commission Expires 9/26/2019



Approved as to form:

John A. Gomez 1-10-19
City Attorney Date

Approved by the City:

Mayor

Date