

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
MAY 2, 2017 – 5:00 P.M.**

1. **CALL TO ORDER**
Mayor Gary Chesney
2. **INVOCATION**
Dr. Gary Brewster, Chaplain Unit Squad Leader, Morristown Police Department
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
April 18, 2017
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. 3576
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 18 (Water and Sewers) Chapter 1 (Sewage and Human Excreta Disposal) of the Morristown Municipal Code.
 2. Ordinance No. 3577
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 18 (Water and Sewers) Chapter 3 (Sewer Charges) of the Morristown Municipal Code.
 3. Ordinance No. 3578
An Ordinance of the City Council of Morristown, Tennessee, Amending Title 18 (Water and Sewers) Chapter 4 (Water Pollution Control) of the Morristown Municipal Code.

4. Public Hearing on the adoption of a Plan of Services for:
 - a. Resolution No. _____
A Resolution Adopting a Plan of Services for the Annexation of Property located along North Bellwood Road within the City's Urban Growth Boundary.
5. Ordinance No. 3579
Entitled an Ordinance to Annex Certain Territory and to Incorporate Same within the Corporate Boundaries of the City of Morristown, Tennessee. Annexation of property located along West Andrew Johnson Highway having Hamblen County Tax Parcel ID# 032047 07200 with the Zoning Designation of Single Family Residential District, R-2.

9. NEW BUSINESS

9-a. Resolutions

9-b. Introduction and First Reading of Ordinances

9-c. Awarding of Bids/Contracts

1. Approval of Modification of joint agreement with U.S. Geological Survey.
2. Approval of agreement for Employee Assistance Program with One America.
3. Approval of changing phone systems at Public Works Department to Morristown Utility Systems (MUS) with option to purchase equipment in the amount of \$6,341.31 and monthly rate of \$838.94.
4. Approval of Bid for Fire Department Turnout Gear to Municipal Emergency Services (MES) in the amount of \$2,270.
5. Approval of Task Order from Strategic Services Company, LLC (SSC) for Boiler and Chiller at City Hall in the lump sum fee of the following: Scope #1 \$17,700, Scope #2 \$5,000 and Scope #3 \$5,000.
6. Approval of Letter of Map Revision (LOMR) for Vantage View Project with LDA Engineering in the not to exceed amount of \$22,500.
7. Approval of Other Post Employment Benefits (OPEB) Actuarial Study from USI Consulting Group in the not to exceed amount of \$5,500.

8. Approval of the 2017-14th Plan Year – Community Development Block Grant Action Plan – Activities Summaries 7-1-17 to 6-30-18.

9-d. Board/Commission Appointments

1. Appointment or re-appointment to the Construction Board of Adjustments, Appeals, and Examiners; terms expiring Tim Dyke, Jerry Burke and Kevin Rogers. The appointment or re-appointments will be for a three (3) year term expiring May 1, 2020.

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

May 8, 2017	(Monday) 5:00 p.m.	Sine Die City Council Meeting
May 9, 2017	(Tues) 1:00 p.m.	Call City Council Work Session
May 11, 2017	(Thurs) 7:00 p.m.	City Council Roundtable, Venture Place, Downtown
May 12, 2017	(Friday) 8:30 a.m.	City Administrator's Budget Presentation to City Council Foundation Room, Walters State Community College
May 16, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
May 16, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
May 29, 2017	(Monday)	City Employee's Holiday Memorial Day
June 6, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
June 20, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
June 20, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
July 4, 2017	(Tuesday)	City Employee's Holiday, Independence Day (No City Council Meeting due to Holiday)
July 18, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
July 18, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Aug 1, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session
Aug 11-12, 2017	(Fri. & Sat)	City Council Annual Planning Work Session Meadowview Conference Center, Kingsport, TN
Aug 15, 2017	(Tues) 4:00 p.m.	Finance Committee Meeting
Aug 15, 2017	(Tues) 5:00 p.m.	Regular City Council Meeting with Work Session

WORK SESSION AGENDA
May 2, 2017 5:00 p.m.

No Work Session

**STATE OF TENNESSEE
COUNTY OF HAMBLLEN
CORPORATION OF MORRISTOWN
APRIL 18, 2017**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 5:00 p.m., Tuesday, April 18, 2017, with the Honorable Mayor Gary Chesney, presiding and the following Councilmembers present; Bob Garrett, Chris Bivens, Kay Senter, Dennis Alvis, Ken Smith and Tommy Pedigo.

Dr. Chris Dotson, Chaplain, Unit Coordinator, Morristown Police Department, led in the invocation and Councilmember Alvis led in the "Pledge of Allegiance".

Councilmember Alvis made a motion to approve the April 4, 2017, minutes as circulated. Councilmember Smith seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held pertaining to Ordinance No. 3575.

Councilmember Senter made a motion to approve Ordinance No. 3575 on second and final reading. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3575
Being an Ordinance of the City Council of Morristown,
Tennessee, Amending Title 15 (Motor Vehicles, Traffic and
Parking).**

Councilmember Pedigo made a motion to approve Ordinance No. 3579 on first reading and schedule a public hearing relative to final passage of said ordinance for May 2, 2017. Councilmember Alvis seconded the motion and upon roll call; all voted "aye".

**Ordinance No. 3579
Entitled an Ordinance to Annex Certain Territory and to
Incorporate Same within the Corporate Boundaries of the City of
Morristown, Tennessee. Annexation of property located along West
Andrew Johnson Highway having Hamblen County Tax Parcel ID#
032047 07200 with the Zoning Designation of Single Family
Residential District, R-2.**

Councilmember Smith made a motion to approve the following five (5) Change Orders to close out specific projects. (1) Change Order #2 to decrease the contract with Stansell Electric by \$82,202.61 (from \$1,286,140.66 to \$1,203,938.05) for the SR-34 ITS Traffic Signal Coordination Project. This change order will adjust the bid quantities to reflect actual quantities installed; (2) Change Order #2 to decrease the contract with Summers-Taylor, Inc. by \$14,825.58 (from \$524,630 to \$509,806.42) for the Transportation Planning Study of Hospital Access Improvements to the Morristown Medical District Project. This change order will adjust the bid quantities to reflect actual quantities installed; (3) Change Order #2 to decrease the contract with Stansell Electric by \$2,578.20 (from \$127,634.96 to \$125,056.76) for the Signalization of the intersection of West 1st North St. and Jackson Ave. This change order will adjust the bid quantities to reflect actual quantities installed; (4) Change Order #1 to decrease the contract with Duracap Asphalt by \$166,258.10 (from \$414,078.16 to \$247,820.06) for the Rehab of East 2nd North St. from Anderson St. to King Ave. This change order will adjust the bid quantities to reflect actual quantities installed; (5) Change Order #2 to decrease the contract with Stansell Electric by \$22,381 (from \$164,498.78 to \$142,117.78) for the SR-66, West 1st North St. and High St. Signalization Improvements Project. This change order will adjust the bid quantities to reflect actual quantities installed. Councilmember Alvis seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo reported to Council the recommendations from the Community Care Task Force.

Mayor Chesney adjourned the April 18, 2017, City Council meeting at 5:42 p.m.

MAYOR

ATTEST:

CITY ADMINISTRATOR

ORDINANCE NO. 3576
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 1
(SEWAGE AND HUMAN EXCRETA DISPOSAL)

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 1 (Sewer and Human Excreta Disposal) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 18
WATER AND SEWERS¹

CHAPTER

1. SEWAGE AND HUMAN EXCRETA DISPOSAL.

SECTION

- 18-101. Definitions.
- 18-102. Sanitary method for disposal of sewage, etc., required.
- 18-103. Required sewer connections.
- 18-104. Septic tanks required for water-carried sewage facilities where accessible sewer does not exist.
- 18-105. Use of sanitary pit privies or other approved methods of disposal.
- 18-106. Permit and approval of health officer required for septic tanks, privies, etc.
- 18-107. Duty of occupants, tenants, etc., to maintain sewage disposal facilities.
- 18-108. Registration of persons operating equipment for cleaning of septic tanks, privies, etc.
- 18-109. Discharge of sewage, etc., into watercourses.
- 18-110. Discharge of sewage, etc., into wells, crevices, etc., which may pollute ground water.
- 18-111. Requirements for carnivals, circuses, etc.
- 18-112. Inspection of sewage disposal methods by health officer; notice to correct violations of chapter.

18-101. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of such property, measured along the shortest available right-of-way.

"Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

Tennessee Department of Public Health. A minimum liquid depth of four (4) feet shall be provided, with a minimum depth of air space above the liquid of one foot (1'). The septic tank dimensions shall be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth shall not exceed five feet (5'). The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer, as determined by acceptable soil percolation data.

"Authority." The entity responsible for operation and maintenance of the sanitary sewer system under this Ordinance is the Morristown Utilities Commission (MUC).

"Human excreta." The bowel and kidney discharges of human beings.

"Inspections department." The inspections department of the City of Morristown.

"Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device other than a sanitary sewer, septic tank, or sanitary pit privy, the type, location, and construction of which have been approved by the health officer.

"Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

"Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.

"Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1979 Code, § 8-301)

18-102. Sanitary method for disposal of sewage, etc. required.

1. Every residence, building, or place where human beings reside, assemble or are employed within the city or within the jurisdiction of the county health department shall have a sanitary method for disposal of sewage and human excreta.
2. It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by this section or the agent of the owner to provide such facilities.
3. No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of except by a sanitary method of disposal specified in this chapter. (1979 Code, § 8-302)

18-103. Required sewer connections.²

Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged

² Charter reference authorizing the city to require connections with sanitary sewers: § 5(27).

through a connection to such sewer made in compliance with the requirements of the controlling authority. On any lot or premise accessible to the sewer, no other method of sewage disposal shall be employed. (1979 Code, § 8-303)

18-104. Septic tanks required for water-carried sewerage facilities where accessible sewer does not exist.

1. Wherever water-carried sewage facilities are installed and their use is permitted by the inspections department, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.
2. No septic tank or other water-carried sewage disposal system, except a connection to a public sewer shall be installed without the approval of the inspections department. The design, layout, and construction of such systems shall be in accordance with specifications approved by the inspections department and the installation shall be under the general supervision of the inspections department. (1979 Code. § 8-304)

18-105. Use of sanitary pit privy or other approved methods of disposal.

Wherever a sanitary method of human excreta disposal is required under § 18-102 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1979 Code, § 8-305)

18-106. Permit and approval of inspections department required for septic tanks, privies, etc.

Any person proposing to construct a septic tank system, privy, or other sewage disposal facility requiring the approval of the inspections department under this chapter, shall before the initiation of construction obtain the approval of the inspections department for the design and location of the system and secure a permit from the inspections department for such system. (1979 Code, § 8-306)

18-107. Duty of occupants, tenants, etc. to maintain sewage disposal facilities.

It shall be the duty of the occupant, tenant, lessee, or other person in charge of any building or premises to maintain the facilities for sewage disposal in a clean and sanitary condition at all times. No refuse or other material which may unduly fill-up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1979 Code, § 8-307)

18-108. Registration of persons operating equipment for cleaning of septic tanks, privies, etc.

Every person who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property shall register with the inspections department and furnish such records of work done within the city limits as may be deemed necessary by the inspections department. (1979 Code. § 8-308)

18-109. Discharge of sewage, etc., into watercourses.

No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the inspections department and specifically authorized by the Tennessee Department of Environment and Conservation. (1979 Code, § 8-309)

18-110. Discharge of sewer, etc. into wells, etc. which may pollute ground water prohibited.

No sewage effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1979 Code, § 8-310)

18-111. Requirements for carnivals, circuses etc.

Whenever carnivals, circuses, or other transient groups of persons come within the city such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the inspections department shall constitute a violation of this section. In these cases, the violator shall not be entitled to the notice of thirty (30) days provided for in § 18-112. (1979 Code, § 8-311)

18-112. Enforcement of chapter.

It shall be the duty of the inspections department to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation of this chapter shall be given by the inspections department to the person responsible under this chapter for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the inspections department shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, but such person shall be allowed thirty (30) days within which to make permanent correction. Penalty for violation of the foregoing provision shall accrue as provided in the general penalty clause for this code for each day subsequent to the allowed thirty days provided an extension has not been granted by the inspections department for just cause only. (1979 Code, § 8-312)

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2nd DAY OF MAY, 2017.

MAYOR

ATTEST:

ORDINANCE NO. 3577
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 3
(SEWER CHARGES)

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 3(Sewer Charges) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 18
WATER AND SEWERS¹

CHAPTER 3. SEWER CHARGES

(1) The Morristown Utilities Commission (MUC) has the authority to operate and maintain the sewer system within the area governed by this ordinance. As such it shall establish rates and fees for various services with adjustments as shall be approved by the Commissioners from time to time.

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2nd DAY OF MAY, 2017.

MAYOR

ATTEST:

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

CITY ADMINISTRATOR

ORDINANCE NO. 3578
BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN,
TENNESSEE, AMENDING TITLE 18 (WATER AND SEWERS) CHAPTER 4
(WATER POLLUTION CONTROL)

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown that the text of Title 18 (Water and Sewers) Chapter 4(Water Pollution Control) of the Morristown Municipal Code is deleted in its entirety and substituted therefore is the following:

TITLE 18
WATER AND SEWERS¹

CHAPTER 4. WATER POLLUTION CONTROL

SECTION

18-401 Purpose and objectives.

18-402 Scope and administration.

18-403 Abbreviations and definitions.

18-404 General provisions.

18-405 Prohibitions and limitations on wastewater discharge.

18-406 Inspections and monitoring.

18-407 Enforcement provisions.

18-401. Purpose and objectives.

1. Purpose. The purpose of this chapter is to provide for the regulation of direct and indirect discharges into municipal waters and public sewer systems. This chapter sets forth uniform requirements for all direct and indirect discharges into the waters of the City of Morristown, Tennessee. This chapter further authorizes Morristown Utilities Commission (MUC) also known as Morristown Utility System (MUS) to regulate the direct and indirect discharge into its sewer system. This chapter enables both the City of Morristown and MUC to comply with all applicable state laws, the Clean Water Act (33U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR part403) as amended.
2. Objectives. The objectives of this chapter include but are not limited to the following:
 - (a) To protect the employees and agents of the City of Morristown, MUC, the general public, and the local environment from potential hazards to human health associated with pollutants which may or could be discharged into the POTW or a receiving stream;
 - (b) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the system, including interference with its use, or disposal of the resulting

¹ Municipal code references-- Building, utility and housing codes: title 12. Refuse disposal: title 17. Electric light and waterworks commissioners: § 2-401. Charter references-- Extension of water facilities: § 21. Sewer connections: § 5(27). Waterworks system: § 20A.

biosolids; or which will pass through the system into receiving waters or the atmosphere or otherwise be detrimental to the system or the environment;

- (c) To improve the opportunity to recycle and reclaim municipal and industrial wastewaters and biosolids from the system;
- (d) To allow for equitable distribution of the capital, operating and maintenance costs of the MUC wastewater system to the uses of the system;
- (e) To provide for the development of effluent limitations and other discharge criteria, and to provide that certain users shall pretreat wastes to prevent the introduction of pollutants into the POTW or the local environment;
- (f) To provide for the assessment of penalties against any person for violations of any provisions set forth in the articles or sections contained herein or as authorized under state laws or federal regulations;
- (g) To enable MUC to comply with its NPDES permit conditions, biosolids use and disposal requirements, and any other federal or state laws. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003.)
- (h) To authorize MUC to adopt Rates, Policies, Rules and Regulations as it deems necessary to meet the intent of this Ordinance as they apply to the sewer collection and treatment system within their authority.

18-402. Scope and administration.

1. Scope. The scope of this chapter includes but is not limited to the following:

- (a) All individuals, corporations and other organizations situated or operating inside the corporate boundaries of the City of Morristown, Tennessee, and to individuals, corporations and other organizations outside the corporate limits of the City of Morristown who are, by contract or agreement with the MUC, users of the MUC POTW or who discharge into the waters of the city.
- (b) All domestic and non-domestic sources which are transported by truck or rail or otherwise introduced into the POTW or local environment.

2. Administration.

- (a) Except as otherwise provided herein, the City Administrator of the City of Morristown, Tennessee, or his designated agent, shall administer, implement and enforce the provisions of this chapter.
- (b) It is further provided that the Morristown Utilities Commission, (MUC) has been authorized and is the city administrator's designated agent to adopt various policies, rules and regulations to ensure proper operation and maintenance of its systems. These include but are not limited to: Rates, Fats Oil and Grease (FOG) Management; Industrial Pretreatment; sewer lateral maintenance and repair; and other similar rules and regulations as may deemed necessary to achieve the objectives of this Ordinance.

- (c) In all cases in this chapter, the use of the term "shall" indicates the specified action is mandatory and must be done, while the term "may" is permissive and indicates that the specified action is optional.
- (d) In all cases in this chapter, the use of the term "he," "she," "them," "they," "their" or similar terms shall not be specific, but the masculine gender shall include the feminine, and the singular shall include the plural. (Ord. #2745, Jan. 1995, as replaced by Ord. #3140, July 2003.)

18-403. Abbreviations and definitions.

1. Abbreviations. The following abbreviations shall have the designated meanings:

ASTM:	American Society for Testing and Materials
BMP:	Best Management Practices
BOD:	Biochemical Oxygen Demand
CAA:	Clean Air Act
CFR:	Code of Federal Regulations
CERCLA:	Comprehensive Environmental Response and Liability Act
COD:	Chemical Oxygen Demand
EPA:	Environmental Protection Agency
FOG:	Fats, Oils and Grease
FR:	Federal Register
GPD:	Gallons per Day
IU:	Industrial User
MGD:	Million Gallons per Day
mg/L:	Milligrams per Liter
MUC:	Morristown Utilities Commission
NPDES:	National Pollution Discharge Elimination System
POTW:	Publicly Owned Treatment Works
RCRA:	Resource Conservation and Recovery Act
SARA:	Superfund Amendments and Re-authorization Act
SDWA:	Safe Drinking Water Act
SIC:	Standard Industrial Classification
SWDA:	Solid Waste Disposal Act
TSS:	Total Suspended Solids
USC:	United States Code
WEF:	Water Environment Federation

2. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter and all applicable MUC Rules, Regulations and Policies, shall have the meaning hereinafter designated:

"Act" or "The Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.).

"Approval authority." The director in an NPDES state with an approved state pretreatment program or the administrator of the EPA in a non- NPDES state or NPDES state without an approved state pretreatment program.

"Approved POTW pretreatment program." A program administered by MUC that meets the criteria established by regulation in 40 CFR Part 403.8 and 403.9 and which has been approved by a regional administrator or state director in accordance with 403.11 of that regulation.

"Authorized representative of IU." An authorized representative of an IU may be an individual or person having overall responsibility for environmental matters for the organization as defined in Tennessee Rule 0400-40-14-.12(12).

"Baseline monitoring report (BMR)." A comprehensive analytical laboratory test performed on a discharge which establishes specific pollutant contributions to the POTW together with any other information required by the control authority or as stated in 403.12(b).

"Best Management Practices." A schedule of activities, prohibitions of practice, maintenance procedures and other management practices to implement the prohibitions listed in Tennessee Rule 1200-4-14-05(1)(a) and (2).

"Biochemical oxygen demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

"Building drain." The part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Building sewer." The extension from the building drain to the public sewer or other place of disposal (also known as a lateral).

"Categorical standards." Any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR chapter 1, subchapter N, parts 405-471.

"City." The City of Morristown, Tennessee.

"City administrator." The duly authorized representative of the City of Morristown charged with overall daily administration of the general municipal functions of the City of Morristown.

"City engineer." The duly authorized representative of the City of Morristown charged with administration of the engineering functions of the City of Morristown.

"City plumbing inspector." The duly authorized representative of the City of Morristown charged with inspections and approvals of plumbing.

"Color." The optical density at the visual wave length of maximum absorption relative to distilled water.

"Combined sewer." A sewer receiving both surface water runoff and sewage.

"Commercial user." Any person or property occupied by a non-residential establishment not within the definition of an industrial user and which discharges into the POTW.

"Compatible pollutant." Pollutants which the POTW is designed to treat and remove to a substantial degree, including BOD, TSS, FOG, pH and fecal coliform bacteria.

"Composite sample." The sample resulting from the combination of individual wastewater samples collected at selected intervals based on an increment of either time or flow.

"Control authority." The City of Morristown which has authorized the Morristown Utilities Commission (MUC) dba Morristown Utility Systems (MUS) to act on its behalf as the Control Authority or any authorized person acting on their behalf.

"Conventional pollutants." Those pollutants normally found in domestic wastewater including, but not limited to, BOD, TSS, FOG, fecal coliform and pH and other pollutants as designated by the EPA. The thermal component of any discharge shall not be identified as a conventional pollutant.

"Cooling tower." A device that aids in heat removal from water used as a coolant.

"Cooling water." Uncontaminated (Non-contact) – Water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the total intake water.

Contaminated (Contact) – Water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

"Direct discharge." The discharge of treated or untreated water directly to the waters of the city or state.

"Discharge." To discard, deposit, inject, dump, spill, pump, pour, leak, drain, emit, empty or otherwise allow the escape or release of pollutants by a person, either intentionally or unintentionally.

"Environmental Protection Agency (EPA)." The United States EPA, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

"Existing source." Any source of discharge that is not a "New Source".

"Garbage." Any animal and vegetable wastes and residual solid wastes from the domestic and commercial preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products or produce.

"General Manager." The duly authorized representative of MUC charged with the administration of the POTW functions of the Morristown Utilities Commission.

"Grab sample." A sample which is taken from a waste stream without consideration of the flow rate of the waste stream, which is collected over a period of time not exceeding 15 minutes. Grab sampling should be employed where the pollutants being evaluated are those, such as heat, pH, cyanide, total phenols, oil and grease, sulfide and volatile organics, which may not be held for an extended period because of biological, chemical or physical interactions which take place after sample collection that may affect analyses.

"Grease." A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty materials commonly found in wastewater.

"Hazardous waste." A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or that may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Heavy metals." Metallic elements like arsenic, cadmium, chromium, lead and mercury with high molecular weights.

"Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum- pump tank trucks.

"Illicit discharge." Any discharge to a separate storm sewer or receiving stream that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from firefighting activities.

"Incompatible pollutants." All pollutants other than compatible pollutants and conventional pollutants as defined herein.

"Indirect discharge." The introduction of pollutants into a POTW from any non-domestic source regulated under section 307 (b), (c), or (d) of the Act, (33 U.S.C. 1317). This includes holding tank wastes discharged into the system for treatment before direct discharge to waters of the state.

"Industrial pretreatment." Any necessary treatment processes performed on the industrial wastes by the industrial user prior to discharge into the public sewers in accordance with federal, state or local regulations.

"Industrial surcharge." A cost recovery system establishing a fee to be collected from industrial and commercial users that contribute excessive amounts of compatible pollutants into the POTW.

"Industrial user (IU)." Any non-residential user of the POTW that is a source of indirect discharge, including but not limited to divisions A, B, D, or E of the SIC manual. Also includes any user that discharges wastewater containing toxic or poisonous substances, as defined in sections 307 and 502 of the CWA, or any substance(s) causing interference with the POTW.

"Industrial wastes." Liquid wastes from manufacturing processes, trade or business as distinct from sanitary or normal domestic wastewaters.

"Infectious waste." Any solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease.

"Inhibitor." Any substance which might impair, effectively reduce or terminate the biological process and/or biological operation of the POTW.

"Interference." A discharge, which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use or disposal, or exceeds the design capacity of the treatment works or the collection system.

"Jurisdiction." All areas within or outside the corporate limits of the City of Morristown, Tennessee, served by the sewers of the POTW.

"Licensed plumber." Any person skilled in the installation of plumbing and licensed by the City of Morristown.

"Mass emission rate." The weight of material discharged during a given time interval. Unless otherwise specified, the mass emission rate shall be measured in pounds per day.

"Maximum allowable instantaneous discharge limit." The maximum concentration of any pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the flow rate or the duration of the sampling event.

"Medical wastes." Isolation wastes, infectious agents, human blood or blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

"Milligrams per liter (mg/L)." A phrase used interchangeable with the phrase "parts per million," and is a metric weight-to-volume ratio. The mg/l value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water or wastewater.

"Monitoring." Any method of sampling and analyzing waste streams employed by the city to enforce provisions of this chapter.

"National pollution discharge elimination system permit (NPDES Permit)." A permit issued pursuant to section 402 of the Act.

"National pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

"Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"New source."

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

- a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or
(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment;
or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Normal domestic wastewater." Wastewater, excluding industrial wastewater, discharged into the sanitary sewers and in which the average concentration of total suspended solids (TSS) does not exceed 250 mg/L, and biochemical oxygen demand (BOD) does not exceed 250 mg/L, and grease (FOG) does not exceed 100 mg/L.

"Pass through." A discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

"pH." The logarithm (base 10) of the reciprocal of the concentration of the hydrogen ions expressed in grams per liter (g/L).

"Point source." Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

"Pollutant." Any dredged spoil, solid wastes, hazardous or infectious wastes, incinerator residue, sewage, garbage, sewage biosolids, munitions, chemical wastes, biological materials, radioactive materials, landfill leachate, petroleum residuals, heat, color, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, commercial, municipal and agricultural waste discharged into water.

"Pollution." The man-made or man-induced alteration of the chemical, physical, or biological properties of water, including but not limited to increased carcinogenicity, teratogenicity, mutagenicity, toxicity, radioactivity or changes in temperature, anesthetics and usability.

"POTW treatment plant." That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

"Pretreatment." The reduction, elimination or alteration of pollutants prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. Pretreatment may be by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR section 403.6(d).

"Pretreatment coordinator." The person designated by MUC who is charged with certain duties and responsibilities regarding pretreatment of discharges set forth in this chapter and adopted MUC Industrial Pretreatment Policy, or his duly authorized representative.

"Pretreatment program." The rules and regulations of MUC regulating the discharge and treatment of industrial waste which complies with Tennessee Code Annotated, title 69, chapter 3, part 1, 33 U.S.C. section 1251 et. seq., and 40 CFR section 403.1 et seq.

"Pretreatment requirements." Any substantive or procedural requirement imposed by MUC related to pretreatment, other than a National Pretreatment Standard.

"Pretreatment standards." Prohibitive discharge standards, categorical pretreatment standards and local limits.

"Priority pollutants." Any of the priority pollutants as defined by the Act, which are known to be present in point source effluents, in the aquatic environment, in fish and in drinking water.

"Private disposal system." A facility owned, operated and maintained by any person, individual, firm, company, association, society, corporation or group for the purpose of collecting and disposing of sewage within the property owned, occupied or used by said person.

"Prohibited damage." Absolute prohibition against the discharge of certain substances.

"Properly shredded garbage." Wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Publicly Owned Treatment Works (POTW)." A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by MUC. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances connected to a facility providing treatment. The term also means the public authority which has jurisdiction over the indirect discharges to and the discharges from such a treatment works

"Public sewer." A sewer which is controlled by public authority and to which the public may have access under the terms and conditions established by the authority.

"Receiving stream." The natural stream or watercourse that accepts any liquid discharge.

"Sanitary sewer." A sewer which carries normal sewage as defined below and to which storm, surface and ground waters are not intentionally admitted.

"Separate storm sewer." A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, owned or operated by the state or city or other public body having jurisdiction over storm water or other wastes that discharge into waters of the United States which are designed or used for collecting or conveying storm water, and which are not combined sewers and are not part of the POTW.

"Septic tank waters." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

"Sewage." A combination of the water-carried wastes from residential, business and commercial buildings, institutions and industrial establishments.

"Significant industrial user (SIU)."

1. Except as provided in 40 CFR 403.3(v)(2) and paragraph 2 below, the term significant industrial user means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and any other industrial user that is designated as such by MUC. A significant industrial user shall be any user that:

- (a) Discharges 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
- (b) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant(s); or
- (c) Is designated as such by MUC on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

2. MUC may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user (NSCIU) rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- i. The industrial user, prior to MUC's finding, has consistently complied with all applicable categorical pretreatment standards and requirements
- ii. The industrial user annually submits the certification statement required in paragraph (17) of Rule 0400-40-14-.12 together with any additional information necessary to support the certification statement

- iii. The industrial user never discharges any untreated concentrated wastewater.

"Significant noncompliance." Any single or continued violation of the provisions of this chapter as determined by MUC, and the MUC Industrial Pretreatment Policy. Any user meeting any one of the conditions listed in § 18-407, Enforcement provisions, shall be considered to be in significant noncompliance.

"Slug Discharge." Any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow which could cause violation, or discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

"Solid waste." Any garbage, refuse, biosolids from waste treatment, water supply treatment or air pollution control facilities and other discarded material, including solid, liquid, semisolid, or contained gaseous materials. Under RCRA, if a business generates any material that is discarded or disposed of, it must determine if that material is a "solid waste" according to the regulatory definition.

"Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget.

"State." The State of Tennessee.

"Storm drains (also known as storm sewers)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Storm water." Any runoff, snow melt runoff, surface runoff and drainage flow occurring during or following any form of natural precipitation.

"Substantial change." Any increase or decrease of twenty percent (20%) or more in permitted average monthly flow, BOD, TSS or any other permitted constituent of the waste stream. This includes the addition or removal of waste streams to the permitted streams, or the addition or removal of waste constituents. A substantial change is of a planned continuous nature, and this definition does not apply to normal instantaneous variations.

"Surcharge." See industrial surcharge.

"Suspended solids (also known as total suspended solids)." The total suspended matter that floats on the surface of or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

"Total toxic organics (TTO)." The sum of the masses or concentrations of specific toxic organic compounds found in any discharge at a concentration greater than .01 mg/l. Each

categorical pretreatment standard lists the specific toxic pollutants that are to be included in the summation to define TTO for the category. MUC may require that all priority pollutants be included in this summation.

"Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations published by the administrator of the EPA under the provision of CWA 307 (33 USC 1317) or other Acts.

"Twenty-four hour, flow proportional composite sample." A sample consisting of several effluent portions collected during a 24-hour period in which the portions of the sample are proportional to the flow and combined to form a representative sample.

"Unpolluted wastewater." Water containing no free or emulsified grease or oils, no acids or alkalis, no phenols or other substances in suspension, colloidal state or solution, no noxious or other obnoxious gases, and insignificant amounts TSS and BOD as determined by approved analytical methods

"Used oil." Any oil that has been refined from crude oil, used and, as a result of such use, contaminated by physical or chemical impurities. Used oil includes spent automotive lubricating oils, transmission fluid, brake fluid and off-road engine oil; spent industrial oils, including compressor, turbine and cleaning oils, hydraulic oils, metal working oils, gear oil, electrical oils, refrigerator oils and railroad drainage or spent industrial process oils.

"User." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

"Wastewater." See sewage.

"Wastewater constituents and characteristics." The individual chemical, physical, biological, or radiological parameters, including temperature and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater and the potential effect of the POTW.

"Wastewater permit." Written consent of MUC to discharge wastewater into POTW as set forth in certain article(s) and/or section(s) of this chapter and the MUC Industrial Pretreatment Policy.

"Water course." See receiving stream.

"Waters of the state or city." All creeks, streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Tennessee or the City of Morristown or any portion thereof. (Ord. #2715, Jan. 1995, as replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006.)

18-404. General provisions.

Connection to public sewers.

- (a) Unless specifically authorized otherwise by this chapter, the State of Tennessee, or regulations of the United States of America, it shall be unlawful for any person to place, deposit, or permit to be deposited or discharged in any manner on public or private property within the boundaries of the city, or in any area of jurisdiction of the city, any waste products, including but not *limited* to wastewater, industrial waste or other polluted liquids, any human or animal excrement, garbage, or other pollutant or objectionable substance. Nor shall the activity described in this paragraph take place into or adjacent to any natural outlet, watercourse, storm sewer or other area within the jurisdiction of the city.
- (b) Discharges into the city waters, MUC sewers or the POTW are not authorized unless approved by the controlling authority (i.e. City or MUC) in accordance with specific articles and provisions of this chapter and adopted rules, regulations and policies.
- (c) All houses, buildings, structures or properties of any type used for human occupancy, employment, recreation or other purposes, situated within the city or within an area where sanitary sewer service is available, and abutting on any street, alley, easement or right-of-way in which there is now located a public sanitary sewer, is hereby required to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the rules and regulations of MUC and the provisions of this chapter.
- (d) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage or other wastewater if public sewer is available. The disposal of wastewater by means other than the use of a sanitary sewage system shall be in accordance with applicable local, county, state and federal laws, rules and regulations. The disposal of wastewater by private disposal systems shall be permissible only in those instances where service from the public sanitary sewer system is not available.
- (e) MUC may desire to extend sewer service for the purpose of connection of residential, commercial, and industrial users. Such extensions shall be in accordance with the MUC's adopted rules and regulations.
- (f) A separate and independent building sewer shall be provided for every building or structure, except when one building or structure stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except when monitoring is required. In such case, both building discharges must be monitored separately. Both buildings must have common ownership.
- (g) Existing building sewers may be reused in connection with new buildings or structures only when they are found, on examination and test, to meet all requirements of this chapter, applicable plumbing codes and MUC rules, regulations and policies.
- (h) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, back-filling the

trench and connection to the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules, regulations and policies of the city, MUC or the procedures set forth by ASTM and the WPCF manual of practice No. 9. All such connections shall be made gas-tight and watertight.

- (i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the public sewer at the owner's expense.
- (j) The applicant for the building sewer permit shall notify the city plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city plumbing inspector. No work shall be covered until this inspection is made and the work is approved by the City.
- (k) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exceptions may be made only if such connection is approved by MUC for purpose of disposal of polluted surface drainage or groundwater. Such connections, if approved, will require a wastewater discharge permit.
- (l) The owner of any building or buildings which are connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations and the rules and regulations of MUC, at no expense to the city or MUC. All costs and expense incident to the installation and construction of the building sewer shall be borne by the owner. The owner shall indemnify the city and MUC from any loss or damage that may directly or indirectly be occasioned by the installation, operation, or maintenance of the building sewer.
- (m) No person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining authorization from MUC and the City Plumbing Inspector.
- (n) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the State of Tennessee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the State of Tennessee, to a storm sewer, or natural outlet.
- (o) It shall be unlawful to discharge to any natural outlet within the boundaries of the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment approved by the appropriate governmental agencies has been provided in accordance with the provisions of this chapter and the rules and regulations established by the State of Tennessee and the United States of America.
- (p) MUC shall monitor the POTW influent in accordance with its current NPDES permit and shall regulate discharges in accordance with the adopted MUC Industrial

Pretreatment Policy, FOG Management Policy and other policies as it deems necessary to comply with its permit.

18-405. Prohibitions and limitations on wastewater discharge.

1. Requirement for wastewater permits. No person shall discharge or cause to be discharged into the POTW any wastewater other than domestic sewage resulting from normal human habitation, including food preparation activities, unless he holds a wastewater discharge permit except as outlined in paragraph 2 below. MUC shall be responsible for developing and implementing a discharge permit program. Failure to maintain a valid discharge permit shall be a violation of this ordinance subject to enforcement by MUC and the City.
2. MUC may exempt a user from the permitting requirement based on documentation submitted by the user that the user has minimal or no discharge of industrial wastewater. For purposes of this section, MUC shall make the determination of minimal discharge on a case by case basis and MUC may re-evaluate this determination at any time at its sole discretion. This exemption and documentation shall remain in the MUC files and must be renewed by the user every three years.
3. Prohibited Discharges. MUC shall develop criteria restricting discharges to its POTW to ensure compliance with its NPDES permit and protect the local environment. Failure of a discharge to adhere to these criteria will be considered a violation of this ordinance subject to enforcement by MUC and the City.

18-406. Inspections and monitoring.

Inspection.

1. The City Administrator, the MUC General Manager, the City Plumbing Inspector and other duly authorized employees of the city, MUC, state or the EPA bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of surveillance, inspection, observation, measurement, sampling and testing in accordance with the provisions contained herein.
2. While performing the necessary work on private properties, all duly authorized agents or employees of the city, and MUC shall observe all safety rules applicable to the premises established by the company. The city shall indemnify the company against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company as a result of the required city operation, except as such may be caused by negligence or failure of the company to maintain safe conditions. MUC shall do likewise for their employees.

18-407. Enforcement provisions.

This section establishes procedures for enforcement of the various provisions contained within this chapter. The specific procedures established by MUC in their pretreatment policy, their FOG Management Policy and other policies as may be deemed necessary, are subject to change as necessary to enable MUC to provide efficient wastewater treatment to protect public health and environment, and to enable MUC to meet requirements contained in its National Pollutant

Discharge Elimination System (NPDES) permit and any other state law or federal regulations concerning the discharge of pollutants.

1. Violations. Any user who violates any of the conditions of this chapter, the MUC Industrial Pretreatment Policy, the MUC FOG Management Policy or applicable state and federal regulations, is subject to the enforcement procedures of the applicable policy and this chapter. Violations shall include, but not be limited to those identified in the applicable policy.
2. Significant noncompliance. Any user meeting one or more of the following conditions shall be considered to be in significant noncompliance.
 - (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a pretreatment standard or requirement as defined herein (daily maximum, long-term average, instantaneous limit, or narrative standard) that MUC determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in MUC's exercise of its emergency authority to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation(s), which may include a violation of pollution prevention alternatives, which MUC determines will adversely affect the operation or implementation of the local pretreatment program.
3. Notice of violation.
 - (a) Any person or user violating any provision of this chapter shall be served by authorized MUC representatives or the City Administrator with a written notice of violation

(NOV) stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

- (b) Any person or user violating any of the provisions of this chapter including MUC policies shall become liable to MUC and/or the City for any expense, loss or damage occasioned MUC and/or the City by reason of such violation.

4. Consent/Compliance orders.

- (a) Any person or user who continues to violate any provision of this chapter or the MUC Pretreatment Policy after being served with a notice of violation shall be given the opportunity to enter into a Consent Order agreeing to stipulated corrective measures with specific time frames for compliance.
- (b) Any person failing to execute the Consent Order or to gain compliance within the specified time frames therein shall be served by certified mail with a Compliance Order from MUC stating the nature of the violation and ordering an immediate cessation of any and all activities that are not in compliance with the provisions of this chapter.
- (c) Failure by any person or user to comply with the terms of a duly issued written Compliance Order shall make the user subject to termination of service or appropriate penalties to be determined in an administrative hearing.

5. Show cause hearing.

- (a) The city administrator or authorized MUC representatives may order any person or user who continues to cause or allow an unauthorized discharge to enter the POTW, sewage collection systems, the waters of the city, or to continue to violate any provision of this chapter, to show cause why the proper enforcement action required after being duly served with a notice of violation and compliance order to cease the violation should not be taken.
- (b) Hearing procedures shall be as outlined in the MUC pretreatment policy.

6. Penalties.

- (a) Any person, including but not limited to industrial users, who violates any provision of this chapter, the MUC Industrial Pretreatment Policy and/or the MUC FOG Management Policy shall be subject to a civil penalty of up to ten thousand (\$10,000) per day for each day during which the act or omission continues or occurs.
- (b) Any septic tank pumping vehicle and/or driver discharging into any manhole in the sanitary sewer collection system without prior approval of MUS shall be penalized a minimum of \$500.00 and the permit shall be revoked on that vehicle. The permit may then be renewed only upon approval of MUS after any and all penalties imposed have been paid in full. In the event of a second offense involving either the vehicle or the driver, both the driver and his firm shall be penalized a minimum of \$2,500.00 each, plus the payment of any environmental cleanup costs if applicable, and the vehicle permit shall be permanently terminated.
- (c) Any person or party who uncovers, makes any connections with or openings into, uses, alters or disturbs any public sewer or appurtenance thereof without first obtaining a

written permit from MUS shall be penalized a minimum of \$500.00 and shall be liable to MUC and the City for any expense, loss or damage occasioned reason of such violation.

7. Suspension of service. MUS may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of MUS, in order to stop an actual substantial endangerment to the health or welfare of persons, to the environment, cause interference to the POTW or cause MUS to violate any condition of its NPDES permit. Suspension of a wastewater contribution or permit shall require suspension of the water supply to the same property.
8. Appeals. The hearing of an appeal of any enforcement action taken by MUC may be conducted by the City Administrator and the City Attorney. Appeal of any final administrative order entered pursuant to this chapter, the MUC Industrial Pretreatment Policy and/or the MUC FOG Management Policy, may be taken in accordance with applicable state and local laws.
9. Legal action.
 - (a) If any person discharges sewage, industrial wastes or other wastes into the POTW or the local environment contrary to the provisions of this chapter, the MUC Industrial Pretreatment Policy, the MUC FOG Management Policy, federal or state pretreatment requirements, or any order of the City or MUC, the City attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court having jurisdiction.
 - (b) In addition to the other remedies for enforcement provided herein, the City and/or MUC may petition the appropriate court to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal laws.
 - (c) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person violating this provision shall be subject to fines and penalties specified in this chapter, and shall not be released from any civil liability for damages and costs incident to replacement of the facilities.
10. Remedies nonexclusive. The remedies provided in this chapter are not exclusive. The City and/or MUC may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in conformance with the enforcement response plan, but the City and/or MUC may take other action against any user when conditions warrant. The City and/or MUC may also take more than one simultaneous enforcement action against any noncompliant user. (Ord. #2715, Jan. 1995, as amended by Ord. #3005, Sept. 1999, replaced by Ord. #3140, July 2003, and amended by Ord. #3254, June 2006)

PASSED ON FIRST READING THIS THE 4TH DAY OF APRIL, 2017.

ATTEST:

MAYOR

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2nd DAY OF MAY, 2017.

ATTEST:

MAYOR

CITY ADMINISTRATOR

City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



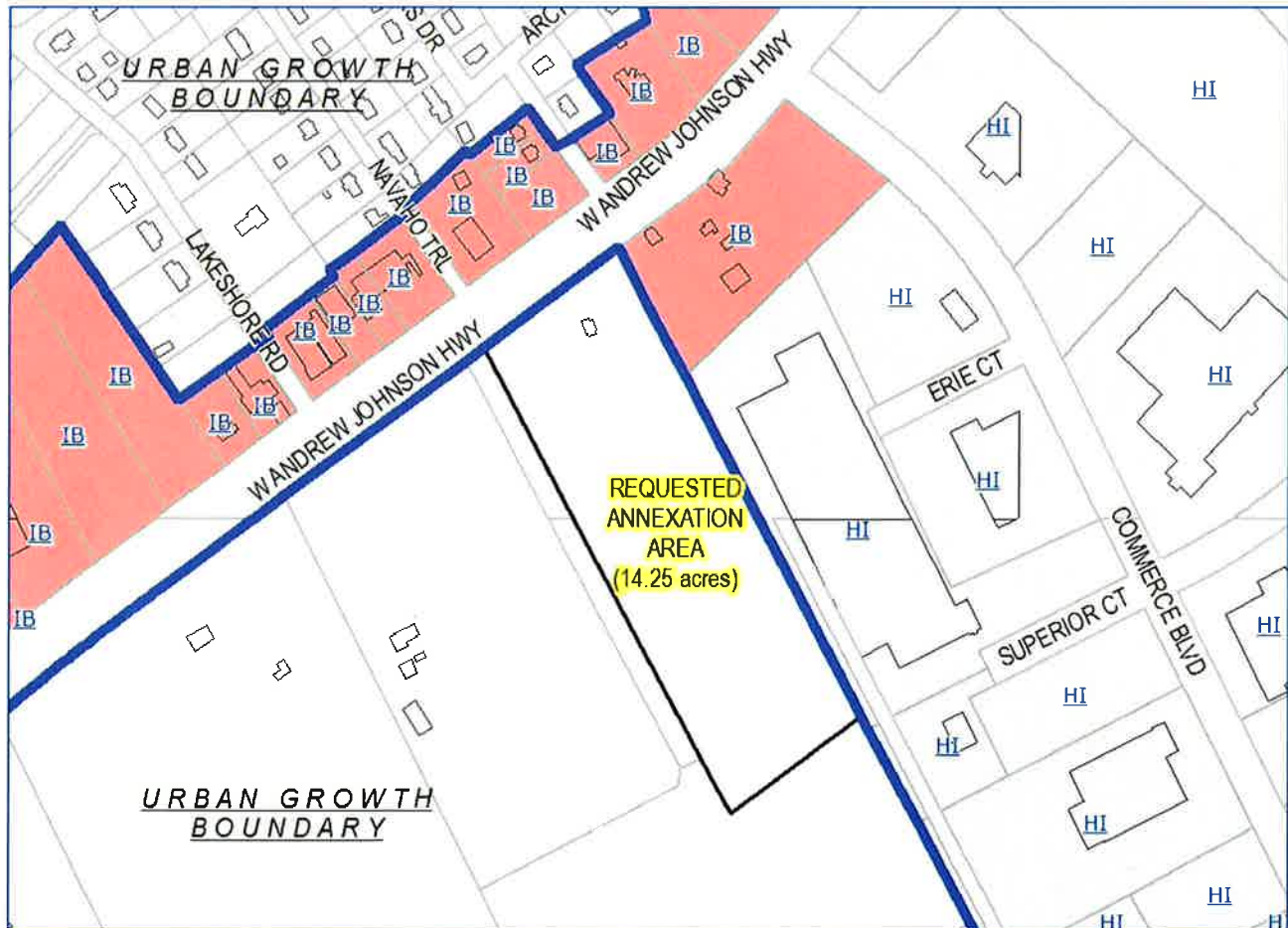
TO: Morristown City Council
FROM: Lori Matthews, Senior Planner *LM*
DATE: April 18th, 2017
SUBJECT: Annexation Request

BACKGROUND:

This is a request from Mr. Phillip Carlyle for property he owns located along W. Andrew Johnson Highway just west of Commerce Drive and MAID. (Morristown Airport Industrial District) The parcel, (Hamblen County Tax ID # 032047 07200), is 14+/-acres in size and predominantly vacant. Zoned agriculturally (A-1) by Hamblen County, it is within the City of Morristown Urban Growth Boundary Region.

Mr. Carlyle has requested the City of Morristown annex the above described property into its corporate limits with a zoning designation of R-2 (Medium Residential Density) which would allow for either single or multi-family development. The applicant's request letter (attached to this memo) anticipates future use of the subject property as well as the easterly adjoining property (already in the City limits) will be for either single family or multi-family use.

A Plan of Services has been attached to this memorandum which includes utility servicing and standard City services. No additional Fire or Police personnel will be required at the time of incorporation. No streets or public right of way's are included with this annexation request. Water service will be provided by Alpha Talbott Utilities; all other utilities (sanitary sewer / fibernet / electrical) will be provided by Morristown Utilities Commission.



[Return to Agenda](#)

2-28-17

To Whom It May Concern,

Please accept this letter of request for the

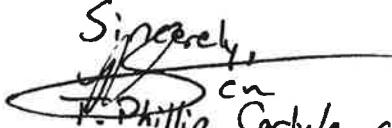
annexation of my property located at 6663 + 6655 A.V. Hwy. This

property is on the corner of A.V. Hwy & Commerce in two tracts consisting of

20.1 +/- acres. I do not have any plans for it at this time

but hope to within the next 12-18 months. I would like to request R-2

Zoning. Thank you for your time.

Sincerely,

R. Phillip Carlyle, cm
P&C Holdings



PLANNING COMMISSION:

At the regular April 11th 2017 meeting, the Regional Planning Commission voted unanimously to approve the Plan of Services and to forward the annexation as submitted to City Council for approval.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE
ANNEXATION OF PROPERTY LOCATED ALONG NORTH BELLWOOD
ROAD WITHIN THE CITY'S URBAN GROWTH BOUNDARY.**

PLAN OF SERVICES

**WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS
AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE
GOVERNING BODY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND
COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:**

*Property identified as Hamblen County Tax Parcel ID# 032047 07200,
which includes 14.5+/- acres as shown in Deedbook 319, page 438 (as
attached to this document), approximately 600 feet west of the
intersection of Commerce Boulevard with West Andrew Johnson
Highway.*

Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.

Police Protection

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided upon the effective date of annexation.

Fire Protection

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Alpha-Talbott Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capabilities to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Alpha-Talbott Utility Commission policies shall be at the expense of the property owner or developer.

Water Service

Water for potable use will be provided in accordance with current policies of Alpha-Talbott Utilities Commission.

Sanitary Sewer Service

Any extension of said shall be at the expense of the property owner or property developer.

Electrical Service

Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

Refuse Collection

The same regular refuse collection service now provided within the City will be extended to the annexed area sixty days following the effective date of annexation.

Streets

Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards. Street name signs where needed will be installed as new street construction requires.

Inspection Services

Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin upon the effective date of annexation.

Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning

Commission recommended the zoning designation of R-2, Medium Residential Density.

Street Lighting

Street lights will be installed in accordance to City policies.

Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

Miscellaneous

Fibernet will be installed per the current Morristown Utility System policy.

Section II. This Resolution shall become effective from and after its adoption.

PASSED THIS THE 2ND DAY OF MAY, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

ORDINANCE NO. 3579

ENTITLED AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MORRISTOWN TENNESSEE.

Annexation of property located along West Andrew Johnson Highway having Hamblen County Tax Parcel ID# 032047 07200 with the Zoning Designation of Single Family Residential District, R-2;

Section I. **WHEREAS**, it now appears that the prosperity of the City and of the territory herein described shall be materially retarded and the safety and welfare of inhabitants and property owners thereof endangered if such territory is not annexed; and

Section II. **WHEREAS**, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the City as a whole;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN;

(1) PURSUANT to authority conferred by Section 6-15:102 of the Tennessee Code Annotated, there is hereby annexed to the City of Morristown Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Said property being located along the southern rights-of-way of West Andrew Johnson Highway (State Route 11E) approximately 600 feet west of its intersection with Commerce Boulevard, said property being within the Urban Growth Boundary Region to include 14.5+/- acres of land as described in Deedbook 319, page 438 (Exhibit A) and shown on the attached map (Exhibit B),

(2) Single family residential zoning shall be applied upon adoption of the annexation area.

(3) This Ordinance shall become operative thirty days after its passage or as otherwise provided for in Chapter 113, Public Acts of Tennessee, 1955.

(4) This Ordinance shall become effective from and after its passage, the public welfare requiring it.

PASSED ON FIRST READING THIS THE 18th DAY OF APRIL, 2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

PASSED ON SECOND AND FINAL READING THIS THE 2ND DAY OF MAY,
2017.

MAYOR

ATTEST:

CITY ADMINISTRATOR

ASSESSOR OF PROPERTY
Jim R. Phillips
 DIST. 5 MAP 47 GR PCL 12

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, we, the undersigned, SAID MUBARAK and wife, MARIAM S. MUBARAK, have this day bargained and sold, and by these presents do hereby bargain, sell, grant, transfer and convey unto TED R. HARRELL and wife, VIRGINIA S. HARRELL, as tenants by the entirety, their heirs and assigns, the following described real estate, situate in the Second Civil District of Hamblen County, Tennessee, and being more particularly described as follows:

BEGINNING at a concrete monument in the southern margin of U. S. Highway 11-E, corner with Graham; thence with the line of Graham South 23° 00' East 1414.27 feet to a post; thence South 58° 11' West 448.74 feet to a post, corner with City of Morristown Industrial Park Property; thence with the line of the Industrial Park and continuing along the line of Ted Harrell North 23° 09' West 1422.12 feet to a concrete monument in the southern margin of U. S. Highway 11-E; thence South 57° 06' West 446.25 feet to the point of BEGINNING, containing 14.37 acres, more or less, according to survey prepared by Murrell Weems, Surveyor, dated February 13, 1979.

BEING the same real estate conveyed to Said Mubarak and wife, Mariam S. Mubarak, by deed from Earl F. Morgan and wife, Evelyn S. Morgan, dated October 24, 1980, and of record in the Register's Office for Hamblen County, Tennessee in Warranty Deed Book 307, Page 663.

TO HAVE AND TO HOLD unto the said TED R. HARRELL and wife, VIRGINIA S. HARRELL, as tenants by the entirety, their heirs and assigns, the above described real estate, together with all the hereditaments and appurtenances thereunto belonging, as an estate in fee simple forever.

AND WE DO COVENANT with the said TED R. HARRELL and wife, VIRGINIA S. HARRELL, their heirs and assigns, that we are lawfully seized and possessed of the subject real estate; that we have a good and lawful right to sell and convey the same; that the same is unencumbered, except as herein set out; and that we will warrant and forever defend the title thereto against the lawful claims of all persons whomsoever.

PREPARATION OF THIS DEED DOES NOT
 IMPLY ANY REPRESENTATION CONCERNING
 THE TITLE TO THE DESCRIBED REALTY.

Capps, Foutch & Cantwell

HAMILTON BANK BUILDING MORRISTOWN, TENNESSEE

Book W319 Page 438

FAILURE TO PROMPTLY RECORD THIS
 INSTRUMENT IN THE PROPER REGISTER'S
 OFFICE MAY JEOPARDIZE YOUR RIGHTS.

This Instrument Was Prepared By:
 CAPPS, FOUTCH & CANTWELL
 ATTORNEYS AT LAW
 HAMILTON BANK BUILDING
 MORRISTOWN, TENNESSEE

Return to Agenda

This the 27th day of September, 1982.

Said Mubarak
SAID MUBARAK

Mariam S. Mubarak
MARIAM S. MUBARAK

STATE OF TENNESSEE

COUNTY OF HAMBLIN

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, SAID MUBARAK and wife, MARIAM S. MUBARAK, the within named bargainors, with whom I am personally acquainted, and who acknowledged that they executed the foregoing instrument for the purposes therein contained and expressed.

WITNESS my hand and official seal this the 27th day of September, 1982.

Bruce Danell
NOTARY PUBLIC
My commission expires: 4-24-85

I hereby swear or affirm that the actual consideration for this transfer, or the value of the property transferred, which-ever is greater, is \$ 57,750.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Bruce Danell
AFFIANT

Sworn to and Subscribed before me this the 27 day of September, 1982.

James C. Campbell
NOTARY PUBLIC

My commission expires: 7-30-85

Person or agency responsible for payment of real property taxes:

NAME

ADDRESS

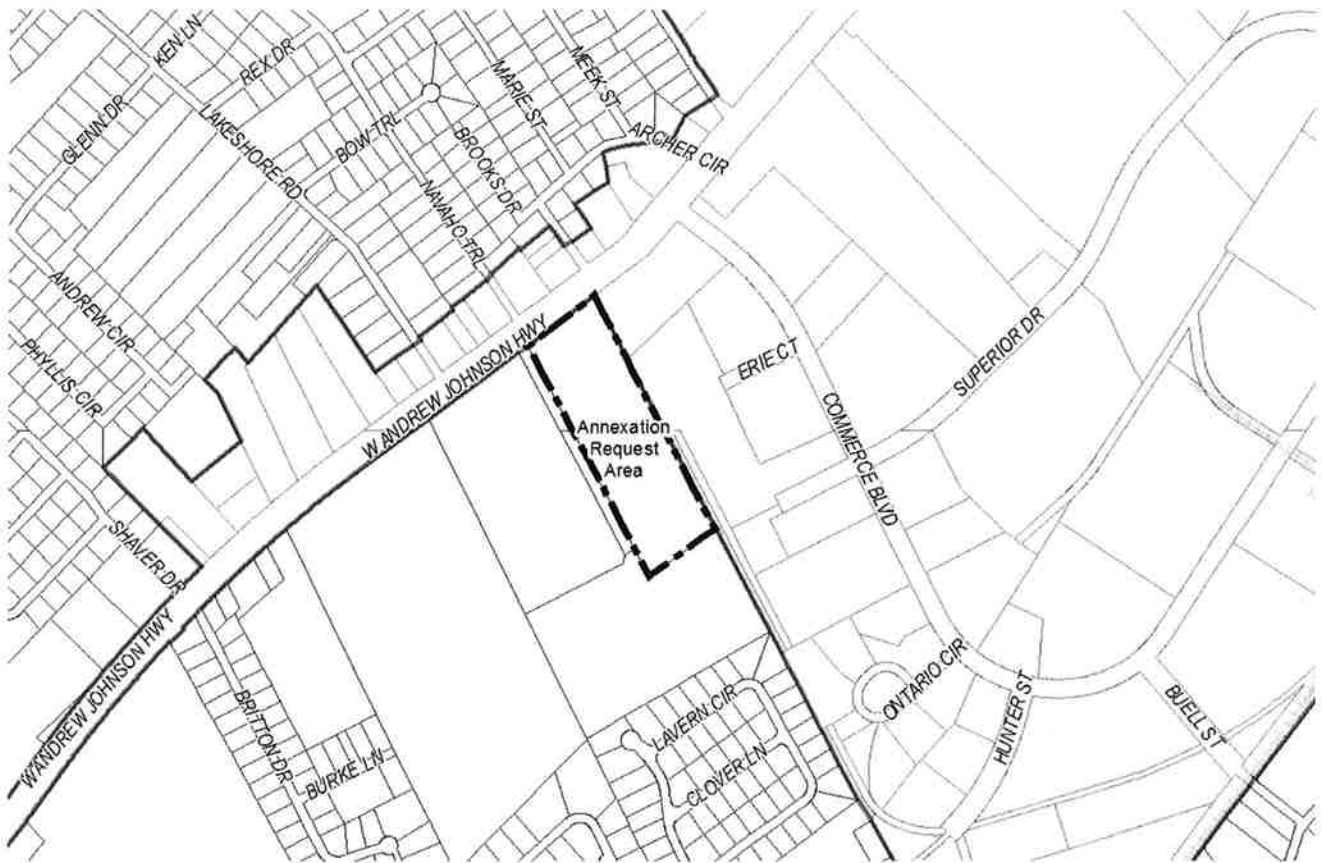
TED R. HARRELL

R-3 - Box 285 - Talbott, TN.
37877

STATE OF TENNESSEE-HAMBLIN COUNTY

RECEIVED FOR RECORD THE 6th DAY OF October 19 82
AT 10:50A M. NOTED IN NOTE BOOK M PAGE 43
AND RECORDED IN War BOOK 319 PAGE 438
STATE TAX \$ 150.15 REC'D FEE 6.00 REG. FEE .50 TOTAL 156.65
RECEIPT NO. 5334 Mary H. Hays REGISTERED

EXHIBIT B -





Morristown City Council Agenda Item Summary

Date: May 2, 2017

Agenda Item:

Prepared by: Larry Clark

Subject: Modification of joint agreement with U.S. Geological Survey

Background / History: In November 2015, City of Morristown entered an agreement with U.S. Geological Survey to conduct a flyover to collect information for GIS. This information includes LIDAR, which is 3-d imaging. This project is a joint project with other entities including Appalachian Electric.

Findings / Current Activity: This project is on-going and requires time extension for completion.

Financial Impact: None

Action options / Recommendations: Approval of modification

Attachments: Modification language



United States Department of the Interior

National Geospatial Technical Operations Center

U.S. Geological Survey
1400 Independence Road
Rolla, MO 65401

U.S. Geological Survey
Box 25046 MS 510
Denver, Colorado 80225

AMENDMENT #1 TO JOINT FUNDING AGREEMENT 16H5TN002

April 10, 2017

Michael Hamrick, GISP
100 West First North Street
Morristown, TN 37814

Mr. Hamrick,

This letter is to modify the Joint Funding Agreement (JFA) #16H5TN002 dated November 9, 2015, between Morristown-Hamblen GIS Group and the U.S. Geological Survey for a program to acquire and process Lidar. The agreement is currently expired however the work is still ongoing and final invoicing has not been completed.

The purpose of this amendment is for a no-cost time-extension to the period of performance (only) in order to allow the JFA to remain in force.

Accordingly, paragraph 2 of the agreement is hereby modified to read as follows:

2 (a). \$0.00 by the party of the first part during the period February 1, 2016 to **September 30, 2017.**

2 (b). \$33,642.39 by the party of the second part during the period February 1, 2016 to **September 30, 2017.**

This amendment does not affect any of the other terms of the agreement.

Please have the approving official sign this amendment and return a fully executed copy to the following address:

Leslie Burns
USGS, National Geospatial Technical Operations Center (NGTOC)
1400 Independence Road, MS 662
Rolla, MO 65401
Phone: (573) 308-3666.

It would also be acceptable if you should choose to return a PDF of the fully executed amendment to the following E-Mail address: lburns@usgs.gov.

If you have questions or need additional information, please contact Leslie Burns as shown above. Thank you for your participation in this cooperative effort.

U.S. GEOLOGICAL SURVEY,
NATIONAL GEOSPATIAL TECHNICAL
OPERATIONS CENTER (NGTOC)

**KARI
CRAUN**

Digitally signed by KARI CRAUN
DN: c=US, o=U.S. Government,
ou=Department of the Interior,
ou=Geological Survey, cn=KARI
CRAUN,
0.9.2342.19200300.100.1.1=140010
00295101
Date: 2017.04.11 13:12:59 -05'00'

(Signature)

Kari J. Craun
Director, NGTOC

Date 4/11/2017

MORRISTOWN-HAMBLEN
GIS GROUP

(Signature)

Anthony Cox
Morristown City Administrator

Date _____



Morristown City Council Agenda Item Summary

Date: May 2, 2017

Agenda Item:

Prepared by: Larry Clark

Subject: EAP Program Services

Background / History: Currently the City is paying \$8,500 for EAP services.

Findings / Current Activity: Based on usage, the attached proposal is at no cost for the first three visits. Anything over three would be charged. The last three years use varies between 10 to 20 people. The current plan includes 5 visits at the above cost.

Financial Impact: Savings of current contract amount. Any visits above the three will be \$250.00 per hour.

Action options / Recommendations:

Attachments:



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Call: 855.387.9727

Go online: guidanceresources.com

TDD: 800.697.0353

Your company Web ID: **ONEAMERICA3**

Personal issues, planning for life events or simply managing daily life can affect your work, health and family. Your GuidanceResources program provides support, resources and information for personal and work-life issues. The program is company-sponsored, confidential and provided at no charge to you and your dependents. This flyer explains how GuidanceResources can help you and your family deal with everyday challenges.

Confidential Counseling

3 Session Plan

This no-cost counseling service helps you address stress, relationship and other personal issues you and your family may face. It is staffed by GuidanceConsultantsSM—highly trained master's and doctoral level clinicians who will listen to your concerns and quickly refer you to in-person counseling (up to 3 sessions per issue per year) and other resources for:

- › Stress, anxiety and depression
- › Relationship/marital conflicts
- › Problems with children
- › Job pressures
- › Grief and loss
- › Substance abuse

Financial Information and Resources

Discover your best options.

Speak by phone with our Certified Public Accountants and Certified Financial Planners on a wide range of financial issues, including:

- › Getting out of debt
- › Credit card or loan problems
- › Tax questions
- › Retirement planning
- › Estate planning
- › Saving for college

Legal Support and Resources

Expert info when you need it.

Talk to our attorneys by phone. If you require representation, we'll refer you to a qualified attorney in your area for a free 30-minute consultation with a 25% reduction in customary legal fees thereafter. Call about:

- › Divorce and family law
- › Debt and bankruptcy
- › Landlord/tenant issues
- › Real estate transactions
- › Civil and criminal actions
- › Contracts

Work-Life Solutions

Delegate your "to-do" list.

Our Work-Life specialists will do the research for you, providing qualified referrals and customized resources for:

- › Child and elder care
- › Moving and relocation
- › Making major purchases
- › College planning
- › Pet care
- › Home repair

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- › Name an executor to manage your estate
- › Choose a guardian for your children
- › Specify your wishes for your property
- › Provide funeral and burial instructions



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Employee Assistance Program Services Election Form

American United Life Insurance Company®
a ONEAMERICA® company
One American Square, P.O. Box 6123
Indianapolis, IN 46206-6123
1-800-553-5318
www.oneamerica.com



In addition to insurance benefits provided by American United Life Insurance Company® (AUL), the employer has the option to elect an Employee Assistance Program (EAP). Employee Assistance Program (EAP) services are provided by ComPsych Corporation (ComPsych), an independent contractor located at NBC Tower, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5322.

An EAP is a confidential worksite based program designed to assist both employers and employees. An EAP provides assessment, counseling and referral for employees with personal problems as well as employer consultation on issues such as workplace violence, organizational change, critical incidents and conflict resolution. In addition, the EAP provides consultation and referral services for work-life issues including elder care, child care, legal and financial matters.

Policyholder Information

Company Name: City of Morristown Aliases: _____
Mailing Address: 100 W. 1st North Street
City: Morristown State: TN Zip Code: 37814

Total Number of Employees: _____

Other zip codes where company offices are located: _____

(Note: For employers with multiple locations, please note number of employees located at each additional office location, i.e., 46206 (20 employees), etc.)

Contact Information

Billing Contact: Deana Williamson Phone Number: 423-585-4618
Email Address: dwilliamson@mymorristown.com Fax Number: 423-317-1631
Human Resources Contact: Deana Williamson Title: Human Resource Coordinator
Phone Number: 423-585-4618 Email Address: dwilliamson@mymorristown.com

EAP Service Election (check only one plan):

- ☒ Free standard 3-session (must have at least 1 traditional and 1 other coverage, traditional or voluntary)
☐ Buy-up standard 3-session (must have at least 1 coverage, traditional or voluntary)
☐ Buy-up enhanced 6-session (must have at least 1 coverage, traditional or voluntary)

The employer agrees to:

1. Be responsible for the EAP service fees and remit those fees to AUL along with the insurance premium for a 3- or 6-session buy-up plan;
2. Be responsible for the payment of EAP service fees for the 3- or 6-session buy-up plan during any insurance policy grace period for which the Employer may be entitled;
3. Indemnify, defend, and hold harmless AUL, its officers, agents, and employees from all claims, damages and expenses arising from the employer's failure to carry out their responsibilities associated with its election of EAP services and any failure of ComPsych in carrying out their services;
4. Cover 100% of all employees employed by the employer and understand that EAP services under the 3- or 6-session buy-up plan are employer-paid.
5. Upon periodic renewal, provide an updated number of eligible employees under the employer group, understanding that their future billing will reflect this new employee count.

EAP services will terminate the earlier of:

1. The end of the coverage month for which the last fee payment is made for the EAP services for the 3- or 6-session buy-up plan;
2. The date the employer ceases active business operations or is placed in bankruptcy or receivership;
3. The end of the coverage month provided AUL has given at least 31 days prior written notice; or
4. The end of the coverage month provided the employer has given AUL at least 31 days prior written notice.

The employer's representative declares by his/her signature that he/she accepts and understands the provisions of this EAP program and that all information provided is true and correct to the best of his/her knowledge, and that he/she has the legal authority to sign this agreement on behalf of the employer.

Date: _____ Signature of Employer's Representative: _____

AUL Use Only

Policyholder Number: _____ Effective Date: _____
RGO/Account Manager: _____ RGO/Sales Representative: _____
RGO: _____



Morristown City Council Agenda Item Summary

Date: May 2, 2017

Agenda Item:

Prepared by: Larry Clark, Paul Brown, Pavel Plasencia

Subject: Changing phone systems at Public Works

Background / History: Currently, the phone system at Public Works is dated and has issues of bleed over in lines. It does not have a voice mail system and limited capabilities of being able to transfer calls to other employees.

Findings / Current Activity: To help improve customer service, a new phone system was being explored for installation. It was decided that being able to use MUS services will provide that improvement. This system also has plug n play capability allowing it to be moved to a different facility. Also an additional internet drop will be used by the new traffic signal system.

Financial Impact: Since the enhancements being requested is more than currently in place, costs will be more than currently. These costs will be budgeted. The additional costs are approximately \$3,000.

Action options / Recommendations: Approval of option to purchase equipment \$6,341.31 and monthly rate of \$838.94.

Attachments:



FiberNET Sales Order

MUC FiberNET
P. O. Box 667
Morristown, TN 37815

Option 1-Purchase-Revised 4/07/2017

City of Morristown-Public Works
Service Address: 400 Dice Street
Billing Address: Attn: Debbie P.O. Box 1499
Morristown, TN 37816
Contact: Paul Brown or Steve Peoples
Contact #: 423-273-3519 / speoples@mymorristown.com

504873

4/7/2017

MUC Sales Rep Stan Greene
(423) 317-6277

Video Service	Rate	Outlets	Monthly
Limited Basic (Channels 2 - 22)	\$0.00	1	\$0.00
Video Services Sub-Total			\$0.00

Equipment Charges	Rate	Quantity	Monthly
No Equipment Charges			\$0.00

Internet and Data Services Charges	Rate	Quantity	Monthly
50M Download / 50M Upload (separate connection)	\$49.95	1	\$49.95
Internet and Data Services Charges Sub-Total			\$49.95

Telephone Charges	Rate	Quantity	Monthly
Hosted Phone Service(20 Lines and Handsets, installation, labor and wiring)	\$630.36	1	\$630.36
No Feature Line (Fax, elevator, security, etc., LD @ \$0.05 per minute)	\$19.95	1	\$19.95
Basic Business Line (with features, LD @ \$0.05 per minute)to be used for backup.	\$25.95	1	\$25.95
Telephone Services Charges Sub-Total			\$676.26

Services Total \$726.21
Estimated Taxes and Fees \$112.73
Bundle Discount \$0.00
Estimated Monthly Total \$838.94

NOTES: 36 mo. agreement for Hosted VoIP service (4-VVX300's,13-VVX400's,3-VVX500 Polycom VOIP Phones), 2 Polycom Side Cars, 2-Cordless Phones for the Garage, ,1-POE-28 Port Switch, 1 Router,Cat6 Wiring from Phone switch to all handset locations, Installation, labor, labeling, and configuration. 1-Analog Fax line, 1-back-up Analog line, 50Mbps separate Internet service for Red Light Signaling, Broadcast Basic Cable service for conference room. The Hosted Phone Service reduced rate includes the monthly line charge and service only. The handsets, equipment, installation, and materials are a 1 time purchase of \$6,341.31

I hereby acknowledge the fact that Morristown Utilities Commission (MUC) FiberNet provides service to a demarcation point. I also acknowledge that I will have to have my/a phone system vendor or person and/or IT vendor or person present at the time my services are switched to connect my systems to the MUC FiberNet network.

My signature on this form releases MUC from the responsibility of resolving internal telephone, fax, network data or issues related to ATM, Credit card machines or alarm panels in the event my phone system, data support or IT vendor is not present at the time of install.

X

Company Representative Signature

Title

Date

Taxes and fees are additional.
This quote is good for 30 days.

Revised 4/27/16

[Return to Agenda](#)



Morristown City Council Agenda Item Summary

Date: April 26, 2017

Agenda Item: Approval of Bid – Turnout Gear for Fire Department

Prepared by: Joey Barnard

Subject: Turnout Gear

Background/History: A necessity for the Morristown Fire is turnout gear. This specialized gear gives the City of Morristown firefighters essential equipment to perform their job. This gear provides protection to the lower and upper body against adverse environmental effects during structural firefighting. Due to wear-and-tear and turnover in employees, it becomes necessary to replace and purchase new turnout gear.

Findings/Current Activity: The bid was advertised in the *Citizen Tribune* on March 27, 2017 and on April 10, 2017. Additionally, the bid was posted to the City of Morristown's website and through Vendor Registry, an on-line bid facilitation website. The submission deadline was 10:00 AM on Monday, April 24, 2017. We received two (2) responses.

Financial Impact: Funds have been appropriated for this turnout gear in the Fire Department's budget. The terms of the bid are good through June 30, 2019. The bid by Municipal Emergency Services (MES) meets the specifications in the bid.

Action options/Recommendations: It is staffs' recommendation to accept the lowest and best bid submitted by MES detailed in the bid tabulation.

Attachments: Copy of Bid Tabulation

City of Morristown
Protective Jacket & Pants for Structural Firefighting
Monday, April 24, 2017 10:00 a.m.

Bidder	NAFECO	MES
Jacket	\$ 1,495.00	\$ 1,335.00
Pants	\$ 965.00	\$ 935.00
TOTAL	\$ 2,460.00	\$ 2,270.00



April 26, 2017

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

Re: Engineering Services Relative to the Boiler and Chiller at City Hall

Dear Mr. Barnard,

In 2015, the SSC team evaluated numerous City buildings including the City Hall. That report addressed the units being considered in this project. It states that the existing units will need to be replaced in the short term. The units identified in your email of February 11, 2017 are covered in this proposal for professional services.

The team for the project is the same as for the evaluation (SSC and Facility Systems Consultants, LLC). The bidding documents will include all the requirements of the program. SSC is the prime consultant in this proposal with FSC as our sub-consultant. The proposal covers three areas of service.

Service Scope # 1 – Development of Construction Documents

This scope includes the necessary site visit to collect measurements and other data to develop the drawings and technical specifications. It also includes the Advertisement for Bids, Instructions to Bidders, General Conditions, Bond Forms and Construction Contract.

- The deliverable is detailed drawings and specifications adequate to receive competitive bids and guide the construction.
- The project includes the replacement of closed circuit cooling tower and boilers located at City Hall including screen reconfiguration design as required for the cooling tower.
- The project manual (specifications) will include the necessary technical specifications for the mechanical equipment and its installation as well as the other related material such as:
 - Advertisement for Bids
 - Instructions to Bidders
 - Contract Form
 - General Conditions
 - Special Conditions
 - Contractual documents and requirements such as:
 - o Payment application, change order documents, shop drawing requirements, etc.
- The design team has up to two site/design meetings. These visits will include refining the desired scope, preferred vendors and collecting detailed measurement for developing the design documents (drawings).

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ldunn@ssc-mgt.com

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- Submitting the documents to authorities having jurisdiction for construction permitting and resolution of any comments including resubmittal. Any review fees are not included.
- General program administration and communication between the City and design team for proper coordination.
- The lump sum fee includes all travel cost, communication with potential equipment vendors and associated printing.

Service Scope # 2 – Services During Bidding

This scope includes conducting a Pre-bid Conference to review with prospective bidders the scope of the project. It also includes attending the bid opening and a recommendation of an award of a construction contract.

Service Scope # 3 – Services during the Construction Phase

This scope includes:

- Attendance at a Pre-construction Conference
- Two site visits during construction
- Responding to Contractor questions
- Shop drawing review

This scope does not include daily construction surveillance services.

These proposed services would be provided under Section VII of the May 19, 2015 Agreement between the City and SSC. Each area of service would require a separate authorization under Section X of the Agreement.

It is proposed to provide Scope # 1, # 2 and # 3 with a lump sum fee, each, as follows:

Scope # 1	\$17,700.00
Scope # 2	\$ 5,000.00
Scope # 3	\$ 5,000.00

We are pleased to have the opportunity to provide this proposal. If you have questions, please feel free to call.

Sincerely,



Lamar Dunn, P.E., FACEC
President
Strategic Services Company, LLC



WATER
WASTEWATER
STORMWATER
PUBLIC WORKS

April 25, 2017

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

Reference: City of Morristown
Vantage View Project

Mr. Cox:

We appreciated the opportunity to meet with you to discuss the Letter of Map Revision (LOMR) for the referenced project in accordance with our Stormwater Agreement dated December 14, 2012. The LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications.

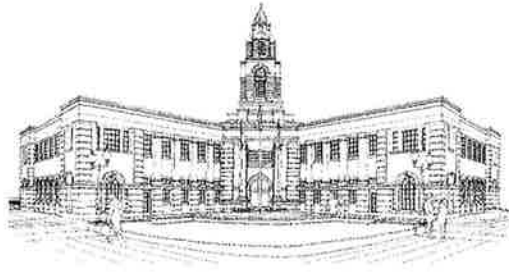
LDA will prepare the LOMR and complete the as-built survey on an hourly basis for a not to exceed budget of \$22,500. We are prepared to begin these services immediately upon written authorization. If you have questions or comments, please do not hesitate to contact us.

A handwritten signature in blue ink, appearing to read 'Greg Jones'.

Greg Jones, P.E.
Vice President

GJ:mrc

Authorization: By: _____ Date: _____



Morristown City Council Agenda Item Summary

Date: April 26, 2017

Agenda Item: Actuarial Valuation

Prepared by: Joey Barnard, Finance Director

Subject: Contract – USI Consulting

The City of Morristown provides post-employment health benefits for retired employees through a single-employer defined benefits plan. These benefits include health, dental, and vision insurances to retirees and their spouses. Employees and their spouses are eligible upon retirement of the employee at age 60 with at least 10 years of service until the employee is Medicare eligible.

In compliance with Governmental Accounting Standards, these postemployment benefits other than pensions (OPEB) are required to be reported in the financial statements of the City of Morristown. To determine the amounts that are to be reported, an actuarial valuation is necessary. The City of Morristown has contracted in years past with USI Consulting Group. It is recommended that the City of Morristown once again contract with USI Consulting Group for an actuarial valuation for an amount not to exceed \$5,500. The proposal from USI is included herein for council consideration.

Timetable & Professional Fees

Below is an estimate of the time frame to perform your valuation. This time frame is our standard schedule. We can generally be flexible in our scheduling to meet your specific needs.

Description of Service	Time Frame
Step 1: Collection of data. Determine, with management, assumptions appropriate for the projection of the liability.	2-6 weeks
Step 2: Actuarial projection of future liabilities for current and future retirees. Evaluation of the impact of GASB requirements on the company's financial statements. Analysis of plan design alternatives.	4 weeks upon receipt of all necessary data
Step 3: Preparation of the report	2 weeks
Step 4: Formal presentation of the Study at a meeting with your management, upon request.	TBD

The costs associated with the valuation reflect the number of participants involved and the complexity of the plans. Based on the project described in this proposal, our fees are estimated below. However, if the scope of the project is expanded, we will provide fee estimates before we continue. Our standard policy requires that 50% of the estimated fee is payable at the start of the project and the balance upon completion. We would be happy to discuss alternative billing arrangements to suit your needs. The fees set forth are good for a 60-day period.

Service	Set-Up Fees	Fees	Other Charges
Actuarial Valuation	Waived	Time & expense not to exceed \$5,500	N/A



Proposal Acceptance

We appreciate the opportunity to submit this proposal to provide City of Morristown with our Postretirement Health and Welfare Benefit Services. If you would like clarification on any point in this proposal or have any questions, we would welcome the opportunity to be of assistance. If you agree with the terms of this proposal, please sign and return a copy of this page to USI Consulting Group.

USI Consulting Group

City of Morristown

2017-14th Plan Year-Community Development Block Grant Action Plan - Activities Summaries 7-1-17 to 6-30-18

The Consolidated Plan for Housing and Community Development is a requirement of the 1990 National Affordable Housing Act and the Community Development Plan, for the U.S. Department of Housing and Urban Development (HUD). A local Consolidated Plan is required of Entitlement Communities receiving Community Development Block Grant (CDBG) Funds under HUD's housing and service programs related to the needs of low to moderate income persons. The City of Morristown's third five year Consolidated Plan was developed in 2014.

Each year Entitlement Communities, as designated by HUD, must submit an Annual Action Plan to HUD at least 45 days prior to the beginning of the new fiscal year. The Citizen's Participation Plan assures that citizens have adequate time to review and comment upon funding proposals within the Action Plan. Any information received during the comment periods or the public hearings will be attached to the Action plan prior to submittal to HUD.

The Annual Action Plan is a document that describes the City of Morristown's HUD funded projects and community development related activities that are planned to be conducted within the community in the upcoming fiscal year. These activities must be consistent with the City's 5 year Consolidated Plan. Each year the CDBG program and the proposed allocation of funds are presented during public meetings to allow community members input prior to completion, approval, and submission of the Action Plan.

The initial Public Hearings to solicit input regarding community needs for this Action Plan were held on Jan 27, 2017 and Feb 1, 2017. A draft of the proposed Action Plan was made available to the public April 4, 2017, beginning the final comment period. Two Public hearings were held to solicit comments on the draft Action Plan. The first was on April 6, 2017 and the second was on April 20, 2017. The final public hearing for City Council to review the Action Plan will be held on May 2, 2017. A final comment period will be allowed prior to final submission to HUD on May 15, 2017. All comments to date have been requests for funding and general support for the program.

All programs funded by the City of Morristown with CDBG entitlement funds will be in accordance with HUD regulations. The City of Morristown's FY 2017 funding represents the 14th year of receiving entitlement grant funds. The amount of funding for FY 2017 is estimated to be \$245,000.

The Action Plan for 2017 will fund the following funding;	
Homeowner rehab/Emergency Assistance	\$ 76,585.60
Rose Center	\$ 50,000.00
MATS	\$ 5,000.00
MHCS Homeless prevention program	\$ 10,000.00
TVCH CoC HUD HMIS Program	\$ 5,000.00
Façade Economic Development Program	\$ 50,000.00
Administration (20%)	<u>\$ 48,414.40</u>
TOTAL	\$245,000.00



From the Desk of

Debbie Stamey

Deputy Clerk/Executive Assistant

(423) 585-4603

e-mail dstamey@mymorristown.com

TO: Mayor and City Council

RE: CITY COUNCIL APPOINTMENT OR RE-APPOINTMENT OF
BOARD/COMMISSION MEMBER(s)

DATE: April 13, 2017

The following Board/Commission Member's terms will expire on May 1, 2017.
This is a City council appointment, or re-appointment, scheduled for the April 18,
2017, City Council meeting.

Construction Board of Adjustments, Appeals, and Examiners

Terms Expiring: Tim Dyke, Jerry Burke and Kevin Rogers

These appointments or re-appointments are for three (3) year terms that will
expire on May 1, 2020.

The above listed members have been contacted by staff and are willing to serve
another term.