

REGULAR MEETING OF
THE HARTSVILLE/TROUSDALE COUNTY COMMISSION

<i>Jack McCall</i> <i>Chairman</i>	<i>Beverly Atwood</i> <i>Tommy Belcher</i>	<i>Brian Crook</i> <i>Will Dennis</i>	<i>Richard Johnson</i> <i>Judy Kerr</i>	<i>Amber Russell</i> <i>Lonnie Taylor</i>
<i>T. Bubba Gregory</i> <i>Pro Tempore</i>	<i>Shane Burton</i> <i>Alan Carman</i>	<i>Jerry Ford</i> <i>Chris Gregory</i>	<i>David Nollner</i> <i>Lesley Overman</i>	<i>David Thomas</i> <i>Steve Whittaker</i>
	<i>Grant Cothron</i>	<i>Landon Gulley</i>	<i>Mark Presley</i>	

MONDAY, MARCH 27, 2023 | 7:00 P.M. | TC COMMUNITY CENTER

*Work Session **Monday, March 20, 2023** | 7:00PM | TC Community Center*

AGENDA

- 1. Open Court**
- 2. Invocation** – Alan Carman
- 3. Pledge to the American Flag** – Amber Russell
- 4. Roll Call** – Rita Crowder, *County Clerk*
- 5. Approval of Minutes**
The minutes of the February 27, 2023 Commission meeting have been distributed.
- 6. Announcements**
- 7. Approval / Amendments to the Agenda**
- 8. Citizens’ Response to Agenda Items**
If you wish to speak to the Commission about a matter on this month’s agenda, please sign in at the podium. You will be called to address the Commission at the proper time.
- 9. County Mayor Report** – Jack McCall
- 10. Committee/Board Reports**
 - A. Executive – March 9
 - B. Audit – March 16
 - C. Codes & Zoning – March 15
 - D. Emergency Services – March 8
 - E. Finance Committee – March 20
 - F. Personnel – March 16
 - G. Public Works – March 9
 - H. Planning Commission – March 13
 - I. *Other Reports*
- 11. Active Business**
 - A. Acknowledgements**
 - 1) Letter from County Attorney
 - B. Appointments**
 - 1) ~~Board of Zoning Appeals~~
 - 2) Planning Commission
 - C. Resolutions**
 - 1) **Resolution 2023-03-772** Support of Ridgeline Expansion in Site C (*Postponed from February 2023*)
 - 2) **Resolution 2023-08-777** Support of TDOT Consultant Selection Policy
 - 3) **Resolution 2023-09-778** Opioid Abatement Agreement – 2nd Wave

11. Active Business – Continued

D. Ordinances

PUBLIC HEARING & SECOND READING

- 1) **Ordinance 272-2023-09** Rezoning A1 to R1 (Hawkins Branch)
- 2) **Ordinance 273-2023-10** Rezoning A1 to R1 (Lattie Reese)
- 3) **Ordinance 274-2023-11** Amend Zoning Res of Trousdale – Campgrounds

FIRST READING

- 4) **Ordinance 275-2023-12** Rezoning A1 to R1 (*Hwy 10 – Tax Map 013 Parcel 032.05*)
- 5) **Ordinance 276-2023-13** Rezoning A1 to C1 (*Halltown – Tax Map 019 Parcel 010.00*)
- 6) **Ordinance 277-2023-14** Rezoning R1 to C2 (*Hwy 25 – Tax Map 019M Group C Parcel 017.30*)
- 7) **Ordinance 278-2023-15** Rezoning A1 to R1 (*Skillet Creek – Tax Map 004 Parcel 015.02*)
- 8) **Ordinance 279-2023-16** Repeal ORD 66-2012-02 Department Head Authority
- 9) **Ordinance 280-2023-17** Amend Zoning Ordinance – Add Section 4.140 Design Guidelines
- 10) **Ordinance 281-2023-18** Amend Zoning Ordinance – Add Section 4.141 Tree Preservation
- 11) **Ordinance 282-2023-19** Amend Zoning Ordinance - Add Section 4.142 ADA Parking
- 12) **Ordinance 283-2023-20** Amend Personnel Policy – Section VII Item H and Section V Item F

E. Budget Amendments

FUND 111 – URBAN SERVICES

111-01FB	Traffic Lights	\$	97,000
----------	----------------	----	--------

FUND 141 – SCHOOLS

141-05	Youth Risk Behavior Participation	\$	500
141-06	Supporting Access in Rural Funding		95,158

F. Notaries

- *County Clerk will present names at Commission meeting.*
Notary applications are due by noon on the 4th Monday of each month.

12. Other Business

13. Public Comment

14. Adjourn

MINUTES

FEBRUARY 27, 2023 - HARTSVILLE/TROUSDALE COUNTY COMMISSION MEETING

BE IT REMEMBERED, That the Hartsville/Trousdale County Commission met pursuant to adjournment with the Honorable Mayor Jack McCall, Commission Chairman presiding and the following commissioners present to wit: Beverly Atwood, Tommy Belcher, Shane Burton, Alan Carman, Grant Cothron, Brian Crook, Will Dennis, Jerry Ford, Chris Gregory, T. "Bubba" Gregory, Landon Gulley, Richard Johnson, Judy Kerr, David Nollner, Lesley Overman, Mark Presley, Amber Russell, Lonnie Taylor, David Thomas, and Steve Whittaker.

1. **Open Court** - Sheriff Ray Russell

2. **Invocation** - Will Dennis

3. **Pledge to the American Flag** - Lesley Overman

4. **Roll Call** - Rita Crowder, County Clerk - **20 PRESENT, 0 ABSENT**

5. **Approval of Minutes**

Motion this court approve the minutes as presented.

Motion by Jerry Ford, Second by Steve Whittaker

MOTION CARRIED

6. **Announcements**

Condolences to Comm. Brian Crook on the passing of his father and to Comm. Grant Cothron on the passing of his grandfather.

There will be a special commission work session on March 7th @ 6:00 pm. Mr. Art Haskins, with Enbridge will be there to discuss the proposed Ridgeline Expansion Project.

7. **Approval / Amendments to Agenda Items**

- Add Appointment of Interim Fire Chief

- Add Resolution 2023-07-776 Support Resolution of the EMS Color Scheme

8. **Citizens' Response to Agenda Items** - None presented.

9. **County Mayor Report** - Jack McCall

- Park Grant - bids will go out soon for the playground equipment. There are still some questions with the Corps of Engineers and the State concerning boundary lines. Amy is working on those.

- Brush truck - estimates are continuing to flow in for the repairs due to the previous accident. Still trying to decide whether to repair or total the vehicle.

- Fire Chief - Jay Woodard has resigned his position as Fire Chief.

10. **Committee Board/Board Reports**

A. Executive - Feb 7

B. Finance Committee - Feb 21

C. Codes & Zoning - Feb 6

D. Emergency Services - Feb 8

E. Public Works - Feb 9

F. Planning Commission - Feb 13

G. Other Reports

11. Active Business

A. Acknowledgements

- 1) **Certificate of Compliance** - Hartsville Liquors

*This Acknowledgement will be spread across the official county minutes.

B. Appointments

- 1) **Board of Equalization (2 YEAR TERMS)**

Ashley Scott - assuming Shelby Lee's seat | term ending August 2024

- 2) **Interim Fire Chief**

Mark Beeler (60 days)

Motion this court approve these appointments.

Motion by Bubba Gregory, Second by Lonnie Taylor

MOTION CARRIED

C. Resolutions

- 1) **Resolution 2023-03-772** Support of Ridgeline Expansion in Site C

Motion this court amend the language to change any reference from alternative to read preferred.

Motion by Lesley Overman, Second by Beverly Atwood

ROLL CALL, BOOK 3, PAGE 216 - 10 YES, 10 NO, 0 ABSENT

MOTION FAILED

Mr. Art Haskins, Enbridge representative, spoke to the commission and fielded some questions from the commission. He did say that he and a few others from Enbridge will meet with the commission in a called work session to be held on March 7th. They will be on hand to address some of the concerns pertaining to the proposed Solar Farm.

Motion this court postpone this Resolution until next month.

Motion by Chris Gregory, Second by Bubba Gregory

MOTION CARRIED

- 2) **Resolution 2023-04-773** Authorizing Private Consultant Contract

Motion this court approve this Resolution.

Motion by Jerry Ford, Second by Lesley Overman

MOTION CARRIED

- 3) **Resolution 2023-05-774** EMS Billing Waiver Policy

Motion this court approve this Resolution.

Motion by David Thomas, Second by Amber Russell

MOTION CARRIED

- 4) **Resolution 2023-06-775** ECD Road Names

Motion this court approve this Resolution.

Motion by Brian Crook, Second by David Thomas

MOTION CARRIED

- 5) **Resolution 2023-07-776** Support Resolution of the EMS Color Scheme

Motion this court approve this Resolution.

Motion by Chris Gregory, Second by Brian Crook

ROLL CALL, BOOK 3, PAGE 216 - 8 YES, 12 NO, 0 ABSENT

MOTION FAILED

D. **Ordinances**

PUBLIC HEARING

Ordinance 264-2023-01 Rezoning R2 to R3 (W Main)

Ordinance 265-2023-02 Rezoning A1 to R1 (Rankin Road)

Ordinance 266-2023-03 Rezoning A1 to R1 (Honeysuckle Road)

Ordinance 267-2023-04 Amend Zoning Res. of Trousdale - Solar Energy Facility

Ordinance 268-2023-05 Amend Zoning Ord. of Hartsville - Solar Energy Facility

Ordinance 269-2023-06 Planning and Zoning Application Fee Schedule

Ordinance 270-2023-07 Amend Zoning Res. of Trousdale - Land Use Definitions

Ordinance 271-2023-08 Amend Zoning Ord. of Hartsville - Land Use Definitions

Motion this court close this Public Hearing on all Ordinances listed above.

Motion by David Thomas, Second by Lonnie Taylor

MOTION CARRIED

SECOND READING

1) **Ordinance 264-2023-01** Rezoning R2 to R3 (W Main)

Motion this Court approve this Ordinance - **2nd Reading**

Motion by Bubba Gregory, Second by Landon Gulley

MOTION CARRIED

2) **Ordinance 265-2023-02** Rezoning A1 to R1 (Rankin Road)

Motion this court approve this Ordinance - **2nd Reading**

Motion by Landon Gulley, Second by Chris Gregory

MOTION CARRIED

3) **Ordinance 266-2023-03** Rezoning A1 to R1 (Honeysuckle Road)

Motion this court approve this Ordinance - **2nd Reading**

Motion by Lesley Overman, Second by Lonnie Taylor

MOTION CARRIED

4) **Ordinance 267-2023-04** Amend Zoning Res. of Trousdale - Solar Energy Facility

5) **Ordinance 268-2023-05** Amend Zoning Ord. of Hartsville - Solar Energy Facility

Motion this court approve both Ordinances 267-2023-04 and 268-2023-05 - **2nd Reading**

Motion by Beverly Atwood, Second by Lesley Overman

MOTION CARRIED

6) **Ordinance 269-2023-06** Planning and Zoning Application Fee Schedule

Motion this court Amend this Resolution to show an effective date of May 1, 2023.

Motion by David Thomas, Second by Bubba Gregory

MOTION CARRIED

Motion this court approve this Ordinance as amended.

Motion by Beverly Atwood, Second by David Thomas

MOTION CARRIED

7) **Ordinance 270-2023-07** Amend Zoning Res. of Trousdale - Land Use Definitions

8) **Ordinance 271-2023-08** Amend Zoning Ord. of Hartsville - Land Use Definitions

Motion this court approve both Ordinances 270-2023-07 and 271-2023-08 - **2nd Reading**
Motion by Chris Gregory, Second Beverly Atwood **MOTION CARRIED**

FIRST READING

- 9) **Ordinance 272-2023-09** Rezoning A1 to R1 (Hawkins Branch)
Motion this court approve this Ordinance - **1st Reading**
Motion by Landon Gulley, Second by Lonnie Taylor **MOTION CARRIED**
- 10) **Ordinance 273-2023-10** Rezoning A1 to R1 (Lattie Reese)
Motion this court approve this Ordinance - **1st Reading**
Motion by Bubba Gregory, Second by David Thomas **MOTION CARRIED**
- 11) **Ordinance 273-2023-11** Amend Zoning Res of Trousdale - Campgrounds
Motion this court approve this Ordinance - **1st Reading**
Motion by Lesley Overman, Second by Landon Gulley **MOTION CARRIED**

E. Budget Amendments

FUND 101 - COUNTY GENERAL

101-12FB Redundant Phone Server - Sheriff \$ 12,180
Motion this court approve this Budget Amendment.
Motion by Landon Gulley, Second by Jerry Ford
ROLL CALL, BOOK PAGE 216 - 20 YES, 0 NO, 0 ABSENT **MOTION CARRIED**

101-13FB Insurance Premium Increase 10,921
Motion this court approve this Budget Amendment.
Motion by Jerry Ford, Second by Landon Gulley
ROLL CALL, BOOK 3, PAGE 216 - 20 YES, 0 NO, 0 ABSENT **MOTION CARRIED**

101-14 Zoning Codes Consulting Services 11,000
Motion this court approve this Budget Amendment.
Motion by Lesley Overman, Second by David Thomas **MOTION CARRIED**

101-15R Senior Center Reserves 7,000
Motion this court approve this Budget Amendment
Motion by Beverly Atwood, Second by Mark Presley **MOTION CARRIED**

101-16 Elections Offices 4,046
Motion this court approve this Budget Amendment.
Motion by Beverly Atwood, Second by Grant Cothron **MOTION CARRIED**

101-17 County Clerk - Chairs 897
Motion this court approve this Budget Amendment.
Motion by Beverly Atwood, Second by Grant Cothron **MOTION CARRIED**

FUND 118 - AMBULANCE SERVICES

118-01 Overtime \$ 27,776
Motion this court approve this Budget Amendment.
Motion by Brian Crook, Second by Mark Presley **MOTION CARRIED**

FUND 131 - HIGHWAY

131-02 Line Items \$ 40,749

COMMITTEE MINUTES

Hartsville/Trousdale Executive Committee Regular Meeting

Meeting Minutes

February 07, 2023 - 6:00 P.M. – Trousdale County Mayor's Office

Present: T. Bubba Gregory, Landon Gulley, Beverly Atwood, Jack McCall, Will Dennis, Shane Burton, Lesley Overman

Absent: David Thomas - absent

1. Meeting Called to order by Jack McCall, Chair.

2. Approval of Minutes

Motion by Gregory and 2nd by Burton to approve January 3, 2023, minutes.

MOTION CARRIED

3. Discussion Items:

A. **Audit:** Atwood – no meeting

B. **Codes and Zoning:** Thomas absent; Overman – things went well.

C. **Emergency Services:** Overman – meeting tomorrow, Wednesday 02/08/23. Proposed resolution to change wording regarding write offs. Still needing help. Don't believe they are fully staffed, they had 2 exit interviews.

D. **Finance:** Gulley – no meeting since January; Finances- looking at budget, not ready to hit the table yet. The sheriff is asking for more staff.

E. **Law Enforcement:** Burton - Nothing new, nothing called – Will get with Sherriff on staffing. Looking over the pieces regarding the new jail. The meeting lasted about 3 hours. Looking at the approach of what do we have to have. Gave architect strong comments of what we needed. He will come back to us with some options of what we can and can't do. We will have to be creative on budgeting this.

With more inmate's money is being made at \$41 a day. What does it cost to house an inmate? Approximately \$80 a day. Have 17 state inmates right now. So, to house state inmates we are losing money. If you are decertified possibly must move them too somewhere else.

Ray – Looking at Programming for Re-entry.

F. Personal: Dennis – Met February 2nd

- 7-H of personnel policy use of local Volunteer drivers in emergency situations. Mr. Bellar states volunteer drives are covered by insurance policy states.
- Volunteer Fire and Emergency squad, trained to drive?
- No add – CDL license, possibility cost of training.
- EMS been through VSNK.
- How often does this happen? 7th bullet is only volunteers to be used in Emergency situations. Identify what a volunteer is.
- Other discussion – exit interviews and the why's? Some are due to family issues and living outside of town.
- One EMS doesn't work here because of the pay. The benefits package is not good. May need to look at Co-Op with another county or maybe even the school system?

G. Public Works: T. Gregory

- Scheduled Thursday at 6pm
- Pool – lifeguards, managers – believe we need an adult Manager!
- Park – Kimley and Horn waiting for equipment design RFQ for the park. Bids are due March 3. Should move quickly once it arrives.
- The lights at the ballpark are bright.

- Cameras are in the process will know more after the meeting.
- Gate at park – Mayor is going talk with Stanley Holder to see if this might be possible.

4. Items to be reviewed.

A. Resolution – support of site C of Ridgeline expansion

Requesting site C not site A as a commission not that we are against it would just like the support to be on Cite C. Thirty years from now the funding of taking away from what could be more stores, etc. Don't feel the best utilize of the land.

Property taxes are being paid by TVA.

A gas line is being put in to supply East TN pumping station.

We are asking as an entity to put it on TVA, however, they may take it on another farm across the county line. This would cause us to lose revenue.

TVA needs gas.

B. Resolution: consolidating the Zoning Codes.

A contract with Rick Gregory (formerly with GNRC) to work with the Codes and Zoning Committee is being proposed; money will come from an obsolete project sitting in accounts payable (no new funding). The current contract with GNRC only covers 2 meetings. The GNRC strategic planning project is not complete and the contract has expired.

C. Brush Truck

Repair: \$144,844.52 ACV \$205,333 Retain Salvage \$30,800 Deductible \$500 They take \$204,833 we keep \$174,033

Motion to send to Emergency Services Committee and to Budget and Finance second by Dennis take \$174,033 and retain salvage at \$30,800.

MOTION CARRIED

D. Budget Season

Wesley – states currently good on budget million 6 on finances.

E. Other Discussion

- The public works director moved to the old Health Department.
- Hired a new HR – Guiselle Quiel Scott
- Most of the grant administration will fall on Amy for the building addition at the health department. Hwy Dept – signed over any acreage for health department.
- Asking the Highway Department to use the budgeted funding in Urban Services for the sealing of Senior Center and the back parking lot of Donoho and Taylor. Cars have been moved off the edge of the streets.
- Codes and zoning need to look at condemning some old homes that are run down. Mayor is willing to ride along to show some of these. Some may have asbestos shingles so we will have to watch this closely.
- Resale of the land who is on this committee as most of the commissioners are no longer commissioners. Will check with Shelley on county properties.

Motion to adjourn by Overman, 2nd Gregory.

MOTION CARRIED

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

PERSONNEL COMMITTEE

FEBRUARY 2, 2023 | 6:00PM | MAYOR'S OFFICE

MINUTES

Members Present: 5/6

Will Dennis, *Chair*

Alan Carman, *Secretary*

Grant Cothron

Steve Whittaker, *Vice Chair*

Shane Burton

Members Absent: Brian Crook, Mayor McCall

Others Present:

Guiselle Scott (HR), Branden Bellar, Amy Thomas

Chairman Will Dennis called the meeting to order at 6pm and opened with an invocation. A quorum was determined with five members present.

Minutes from the November 7, 2022 meeting were reviewed.

Motion to accept as presented by Cothron; second by Burton.

MOTION APPROVED

Discussion Items

Review Personnel Policy Section VII, Item H Use of Government Vehicles and Equipment

to potentially add language to allow volunteers as drivers for the ambulance service. Attorney Bellar spoke with Tom Montgomery of TN Risk Management Trust to clarify the insurance policy language; policy allows coverage if the volunteer is within the scope of their duties and if they are a permissive user. The County's personnel policy only refers to employees when addressing operators for County owned vehicles. It was suggested to add "volunteers or authorized drivers" to the personnel policy language. It was further discussed to tie the definition of volunteer to Section II Item E.

The question was by Commissioner Cothron asked if the volunteers would fall under the Vanessa K Free Act and take EVOC (Emergency Vehicle Operator Course) training. CDLs are not a requirement for any of the EMS or volunteer positions; but it was unknown if any other driver training was provided.

This idea is not a daily mindset, but one that may arise in dire situations. Adding language to the effect of "volunteers should only be used in dire situations or as a secondary option when the primary driver is unavailable.

Committee was also reminded that any required training by the County would also need to be paid by the County. Cothron stated he does both virtual and physical training and will check into the costs associated with both. The trainings sessions would be treated as a call out / per diem for the volunteers so they would be paid for their time. Committee will also seek the answer to how often a volunteer is asked to drive the ambulance in emergency situations and who decides which volunteer personnel is chosen for the responsibility.

Cothron made the motion to postpone this discussion to the next Personnel Committee meeting; second by Whittaker.

MOTION APPROVED

Introduction of HR Coordinator Guiselle Scott has been hired as the new HR Coordinator in the Mayor's office.

Notary Bond for employee Commissioner Burton asked about reimbursement for an employee who paid for his notary bond out of pocket. Ms. Thomas asked if he applied for the notary due to responsibilities in the Sheriff's office. Burton acknowledged that it was. Sheriff will need to write a letter to request reimbursement and the accounting office will take care of it.

Part time employee benefits Commissioner Whittaker asked about benefits for part time employees. Due to most part time employees not having guaranteed hours in the court system, it makes their situation more unique than other departments. Suggestion was to assess the classification of the Grade/Step assignment for those positions or to implement a longevity bonus towards part time workers to show appreciation at certain marks of employment (i.e., 5 years, 10 years, etc.). The average courtroom security officer works 12 hours a week with a minimum 2-hour shift.

Online paystubs Commissioner Burton asked about online paystubs. Ms. Thomas said they are online now. Still learning the system before announcing to employees. Some have already found the feature when using MyBenefitsChannel.com. Currently the January pay stubs are available as well as the 2022 W2 forms.

Employee Retention Commissioner Carman asked how to improve employee retention, especially in the EMS department. Many believe that it is market driven, but we do need to implement exit interviews to learn the reasons why some move on to other entities. The County does have an education program for employees who wish to obtain their EMT certification; there is a clause to keep employment with HTC for 3 years. Two employees recently completed this and have been reassigned as EMTs in the EMS department.

Public Comment – none presented.

Meeting adjourned at 6:47pm with a motion from Grant Cothron; second by Alan Carman.

*Minutes submitted by
Amy Thomas, CCFO*

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

CODES AND ZONING COMMITTEE

JANUARY 5, 2023 | 7:00PM | MAYOR'S OFFICE

MINUTES

Members Present: 6/6

David Thomas, *Chairman*

Lesley Overman, *Sec*

Tommy Belcher

David Nollner

Lonnie Taylor, *Vice Chair*

Sam Edwards

Others Present: Johnny Kerr, Rosalie Myhan

Chairman David Thomas called meeting to order at 7:00.

A quorum was determined with the members present.

Motion to approve minutes from January 2023 meeting made by Nollner, seconded by Belcher,

MOTION CARRIED

Old Business

Campground amendment to go to Planning and then Commission this month.

New business

- **Resolution to contract with Rick Gregory for consulting with unification coding ordinances.**
 - Rick Gregory is familiar with Trousdale county codes and is very willing to help and will come to meetings of planning commission and codes and zoning committee.
 - Money coming from GNRC line item for master planning budget not new money.
 - Rick not interested in coming on as full-time planning consultant and has no recommendation to replace GNRC because there is no other firm. More than likely, it won't be the \$11K.
- **Proposal for Grass amendment: if you are in a subdivision you have to maintain your property to 1ft or shorter of grass he wants to change it to only 25ft needs to be cut to fit regulation.**
 - Does not apply to A1 or anyone outside of a "subdivision"
 - Is this worth addressing? Sam believes this is valid point, this is meant to make subdivision developers maintain properties that aren't yet built on. Fines are already in place but must go to court to collect those fees. Could be included in new resolution or ordinance.
 - David would like to include more authority in new codes so that fees can be collected without going to court. Sam says other counties have codes enforcement officers who work for sheriff and can cite property owners who don't comply.
 - Motion to send to planning for GNRC to research by Nollner second by Taylor

MOTION CARRIED

Discussion

- Commercial Building Regulation: can't limit business material but you can limit how much of the building is made up of certain materials on façade 70%. Architectural style consistent. At planning commission and will be brought back here from planning commission for us to review. No more pole barns like the DG at Hickory Ridge. New construction only unless major remodel is done. Major remodel is adding 40% value to existing building. Just a way to manage growth. A way to address issues before a problem occurs.

- Thomas stated for clarification purposes the impact fees go directly to the 101 fund not to the schools.
 - Impact fee possibility to raise it. Flood plan impact fee. CTAS suggests State Laws have changed the way impact fees can be enacted. Have Bellar and or Budget committee discuss impact fee and updating it to a more current rate.
 - Rosalie-planning has received more info on the commercial business from GNRC
- Junkyards must be approved through the BZA. Not allowed anywhere.
 - Complaints remain anonymous. Sam cannot investigate until receives citizen complaint.
 - Sam suggests county needs to look for more industrial property.
 - Sam suggests ordinances be presented with at least 30-day notice and he must be consulted on resolutions.

Meeting adjourned with a motion by Nollner, second by Taylor

Minutes submitted by Lesley Overman

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

EMERGENCY SERVICES COMMITTEE MEETING MINUTES FEBRUARY 15, 2023

MEMBERS PRESENT

LESLEY OVERMAN, CHAIR DAVID NOLLNER
RICHARD JOHNSON AMBER RUSSELL

MEMBERS ABSENT

DAVID THOMAS BRIAN CROOK

EX-OFFICIO MEMBERS BY POSITION, NON-VOTING PRESENT

MATT BATEY DANIEL HARRIS

OTHERS IN ATTENDANCE

Commissioner Landon Gulley, Commissioner Will Dennis, Ken Buckmaster, Chris Franklin, Casey Higgins, Mark Beeler, Kirk Sutherland

Meeting was opened by Chairman Lesley Overman

Minutes from the January 18, 2023 meeting had been passed out prior to meeting and were reviewed for corrections or amendments.

Motion by Amber Russell to approve minutes as presented; Seconded by David Nollner.

MOTION APPROVED

1. **EMA.** Chief Batey gave a brief report. No major concerns in EMA.
2. **EMS.** Overman reviewed the monthly reports supplied by Chief Batey. In January 2023, EMS had 119 calls (87 911 emergencies / 32 non emergencies); transported 94 individuals; and an average response time of 7.2 minutes. Of the transports, 11 were to Trousdale Medical and 87 were to other facilities. Chairman Overman asked why more were transported out of the County. Batey answered that is dependent on the level of care needed for the patients. The EMS financials were reviewed by the Committee. Overman questioned the resolution that was cited for the write offs (RES 2016-18-553). This resolution pertains to the process of billing exemptions and what is an allowable event. EMS uses Fox Collections for outstanding billing. Fox will take 30% of what they collect. They have been able to recoup 7% on average. May need to research to find another collection agency. An updated resolution is being proposed which would have the write offs come before the Committee.

Ambulance color design. A petition has been posted online to support the darker color scheme of the ambulance. Mayor stated that during his campaign, he had several citizens complain about the dark color scheme. After obtaining the office, Mayor contacted the state to inquire about the color scheme. The state has granted permission to go back to the original white/orange design. Mayor did learn that the remaining fleet will need to be designed/wrapped/painted in the same fashion. He is still researching this thought. Mayor wants to ensure that the citizens are able to recognize an emergency vehicle and is working with the state EMS board to answer questions that have arisen. The look of the ambulance is evolving nationally, but there are still regulations to be followed. The original design was to be a medium gray and not the black as it was received. Chief accepted the ambulance on delivery.

EMS Payroll/OT. As of the end of January, the overtime line item is at 78.9% of its budget. There are records that show current battalion chiefs are working over 130 hours of overtime per pay period. At the previous meeting it was stated that EMS was fully staffed. However, shortly after the January meeting, 2 members resigned; a paramedic and an EMT. Even with new hires, the EMS is still short staffed. Chief Batey has had a few more responses on his ad and will be reaching out in the next week. Another option is to look into hiring PRN positions to fill in the gaps. Batey believes there are several in the area who would be interested.

Volunteers as EMS Driver Policy. Commissioner Will Dennis gave a brief overview of the discussion from the Personnel Committee. Concerns were raised over any needed training and liability. The use of volunteers for EMS driving is rare but if it is happening more than once every six months an update to the policy may be needed. Reason for the need of a volunteer to drive is when both EMS personnel are needed in the back of the ambulance enroute. Every attempt will be made to have another employee drive the vehicle, but in the rare instances a volunteer may be needed. The definition of volunteer would need to be updated to reflect that insurance will cover registered Rescue and Fire members but not a unaffiliated person.

Training. Russell asked for a training schedule. Batey stated that their training is online including CEUs.

3. **Fire Dept** Effective February 14, 2023 Fire Chief Jay Woodard resigned. An interim chief will be appointed in the coming weeks. Mayor wishes to speak to the members of the department for their input on who should be considered.

Brush Truck. We have offers from the insurance company on whether to repair or total the vehicle. Mayor is still collecting estimates and appraisals before making a final decision. It has been suggested to ask the insurance company to reevaluate their estimates and speak with another company concerning repairs. It is felt that some of the rates and prices are underestimated.

Combing Rescue and Fire. More discussion needs to be done as far as bylaws, Charter compliance, and Commission approval for a smooth transition. Volunteer Casey Higgins spoke about the division within departments and low morale. He believes there are several trust and communication issues that need to be resolved before combining the two groups.

4. **Rescue Squad.** Harris gave a brief overview of their vehicles. Rescue #4 is the only running vehicle. Needing to consider purchasing vehicles to have a working and reliable fleet. Has reached out to Wilson County Motors for pricing. Maintenance needs to be done to the auxiliary equipment, but they are in working conditions. It is possible to use unused funding from EMA salaries or the Rescue per diem lines to buy vehicles. Harris is going through the EMR certification and hopes to be able to bring a class or training to HTC to train others.
5. **Discussion.**
 - Last year, Commission approved funding from the American Rescue Act (ARPA) for classes for employees of the county for EMT certification. This did not apply to volunteers. Several feel it would be beneficial to open other educational opportunities for volunteers to further training for the community.
 - Fundraisers for the rescue and fire groups.

Motion to adjourn made by Amber Russell; second by David Nollner.

PUBLIC WORKS COMMITTEE MINUTES

Meeting Date: February 9, 2023, 6 p.m., mayor's office

Present: Bubba Gregory, Chris Gregory, Landon Gulley, Lonnie Taylor, Mark Presley, Alan Carman, Richard Johnson, Public Works Director Cliff Sallee, Mayor Jack McCall

Others Present: Stephen Byrd representing Hartsville Little League, Joe Slagle from Public Works

Chairman Bubba Gregory called the meeting to order once a quorum was established.

Minutes of the January 2023 meeting were reviewed, with Landon Gulley requesting addition on reason for park survey. Motion to approve as amended by Lonnie Taylor, second by Gulley. Motion approved.

Cliff Sallee presented update on work at Little League ballfields. Public Works is trenching lines, probably 25-30% done as of meeting date. PW plans to run new water lines and hopes to have done by the end of next week. Rewiring ballfields could take as much as a mile's worth of wiring but PW is trying to save where possible. Stephen Byrd said Little League plans to start practice on March 6. Sallee said fields will be playable by that date even if work is not all done. Byrd asked if light switch could be moved to limit access. Sallee indicated that committee had preferred to leave as is. Alan Carman asked about timer.

Bubba Gregory said Executive Committee has inquired about gating the park to limit access after closing. Sallee said gate wouldn't stop people from getting into the park.

Mayor Jack McCall said county may start requiring permits to use Court Street by courthouse and that similar option could be possible for using park lights on special occasions. Mayor also asked about getting keypad access to light switch. Sallee indicated several options are available.

Motion by Gulley to leave switch as is for now, with option to change it later, second by Mark Presley. Motion approved.

Byrd asked if Little League could rent port-a-pottys for use until park bathrooms are turned on. Sallee said bathrooms can be turned on at any time, but the only concern is flooding. Taylor noted that having bathrooms now would be convenient for LL parents and kids. Gulley asked who had liability if port-a-pottys are used. Byrd indicated that was a question for whatever company provided them. Sallee said bathrooms would be turned on as soon as weather conditions allowed.

Sallee provided update on new cameras for park. Purchase order has been sent. Waiting for the company to come out and review, no timeframe for completion yet.

Discussion turned to 2023 pool season.

Cliff has sent pricing requests for chemicals, will have by next meeting.

Some applications in, Amy has submitted proposed pay scale of \$10/hr for lifeguards, \$12 for assistant managers, \$15 for manager, \$11 for security, \$12 for laborers (total estimated cost \$44,912), with no bonus. Gulley noted that he thought pool lost about \$20K last year but that he felt the increased pay rate would make positions more attractive. Bubba Gregory said loss was \$14,674 based on previous committee minutes. Sallee said one person has expressed interest in manager position and has prior experience. Gulley said he knew teachers who had expressed interest as well.

Sallee said flyers have been sent to high school. Taylor said we could examine bonus possibility later on. Sallee said some counties make kids pay own certification costs and reimburse, while Trousdale pays up front. That has been problem in the past and TC might consider other model. Chris Gregory asked if kids could afford cost of certification (roughly \$200) and if we had tried sending applications to surrounding counties. Sallee said we could try that. Gulley asked if PW is comfortable with pay scale numbers. Sallee said yes. Paying for lifeguard training to be decided later.

Motion to approve pay scale by Lonnie Taylor, second by Mark Presley. Motion approved.

Discussion turned to length of pool season. Taylor said he is asked consistently about staying open even on weekends in August. Bubba Gregory said it's hard to get help once school starts. Sallee said the expenses wouldn't be justified, as chemicals would have to run all week long, running the pump. Sallee said people ask every few years it seems like. Extracurricular activities make it hard to get help as well.

Discussion turned to pool menu. Sallee wants to get rid of hot food and go to prepackaged, would save county having to get food permit and prevent waste. Taylor asked about getting microwave and adding frozen pizza sticks. Bubba Gregory asked if permit would be needed for microwaveable items. Sallee didn't think so, will check on pricing of microwaveable items and report back in March. Presley asked about allowing food trailers, was told that will kill pool sales.

Discussion turned to pool fees. Sallee said Lafayette has gone to \$6.50 admission and proposed that Trousdale move to \$6, with 2-under still free. Cost of season passes were discussed with proposal to raise individual to \$80, family to \$225 with \$10 first-day discount. Parties would increase to \$125 for 2-hour w/ less than 50, \$190 for 2-hour w/ over 50, \$225 for 3-hour. Chris Gregory asked about changing hours of operation from 10-5 to noon-7, would still allow for parties after closing. Chris felt this would encourage more adults and families to attend later in the day. Sallee said pool parties were booked solid last year and were moneymaker for pool. Will provide report on number of pool parties at March meeting, and check with other pools to see what they do in terms of hours/parties.

Motion to approve fees as discussed by Chris Gregory, second by Alan Carman. Motion approved.

Committee will decide on pool hours/schedule at March meeting.

Discussion turned to work at courthouse. Sallee said duct work has been done over last two weeks, electricians have been inside working but no outside units arrived yet. Was supposed to be 30-45 day turnkey project when contract was signed, but "shocking" damage has been done to building. Some commissioners have done walkthrough and observed damage. Company is supposed to fix damage. Sallee is worried company will leave damage in county's hands if not held to count. Chris Gregory asked if county attorney has sent letter to Trane. Mayor indicated he believed so. Gulley asked if old boiler was being removed, Sallee said in phases.

Taylor asked if county could ask for reduction in costs due to delays and damage. Mayor asked if county has had Trane higher-ups out to examine building. Sallee said not yet.

Gulley said county needs to put pressure on company. Said he believes no permits pulled for work, no state inspection, and no Tri-County inspection. Bubba Gregory asked who at Trane is ultimately over project. Sallee said Matt (no last name). Sallee said with no permit, county could be liable in the end.

Sallee provided update on Masonic bell. USS original estimate was \$4,000, jumped up to \$10,300. Public Works has done work itself, paid \$700 to Johnny Hawkins for concrete pad. Total cost may be \$1,200 because of damage to adjoining sidewalk.

Bubba Gregory asked about Public Works staffing needs. Sallee said close to hiring three new staff. Odell is out of hours to clean county buildings and county-paid service doesn't cover all buildings.

Gulley asked about status of new trash truck. Sallee said should be here in May.

Next meeting was scheduled for Tuesday, March 7 at 7 p.m. at Community Center following Executive Committee meeting.

Motion to adjourn by Lonnie Taylor, second by Landon Gulley. Motion approved.

Minutes presented by Chris Gregory

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

FINANCE COMMITTEE

FEBRUARY 21, 2023 | 6:00PM | TC COMMUNITY CENTER

MINUTES

Members Present: 5/5

Landon Gulley, Chair

Beverly Atwood

Jerry Ford

Bubba Gregory, Vice Chair

Will Dennis

Others Present: Amy Thomas – Secretary, Mayor Jack McCall, Hon. Branden Bellar, Comm. David Thomas, Comm. Lesley Overman, Comm Chris Gregory, Comm Richard Johnson

1. The meeting was called to order at 6:00 pm by Chairman Gulley. Quorum was determined with all 5 members present.
2. Minutes from the January 17, 2023 regular meeting were reviewed.

Motion to accept the minutes as presented by Atwood; second by Gregory.

Minutes accepted as presented.

3. Financial Statements

A. **Trustee Cash Balance | January 2023** Committee Reviewed the January Statement

B. **January 2023 Financial Summaries**

Question was raised over the revenue item 101-43140 Zoning Studies. *Post-meeting it was found that there have been several zoning requests made from the Planning office. This is the line item that receives those fees.* It was also asked what made up the revenue item 101-48130 Contributions. This line item is budgeted to receive the ARPA funding. The \$1,097,000 amount holds the \$600,000 revenue loss and \$477,000 a portion of the LPRF grant match for the park. This line item also receives the fine collection from the library.

In Fund 118 Ambulance, a discussion was had over the 187 overtime. As of January, the line was at 88%. A budget amendment is being proposed, but it will not be enough to cover the rest of the fiscal year. EMS employees are budgeted for 56 hours of overtime per pay period. There have been employees that turn in 208 hours for one pay period. The EMS director is aware of the situation and has said that he is working on a resolution. The use of PRNs is being considered. In surrounding counties, the max pay for an experienced paramedic is \$78K. We have at least two that have already exceeded that amount at midyear.

For the Debt Services fund 151, expenses looked higher due to one-time payments made earlier in the year. The interest expenses are being watched as they were budgeted at 3%, but the actual is averaging 3.363%.

Funds 111, 116, 121, 122, 131, and 141 No concerns noted.

4. Budget Amendments

2023-101-12FB Redundant Phone Server – Sheriff	\$	12,180
---	-----------	---------------

Due to outages at the Administration Building without adequate power backups, it is being requested to have a redundant phone server installed at the Sheriff's Department.

Motion to recommend BA 101-12FB to the full Commission by Atwood; second by B Gregory

MOTION APPROVED

2023-101-13FB Insurance Premiums and Enrollment **\$ 10,921**

Health Insurance Premiums increased January 1, 2023 from \$527/mo to \$588/mo. After open enrollment, need to adjust budget to reflect the increase and newly enrolled employees..

Motion to recommend BA 101-13FB to the full Commission by Gregory; second by Atwood.

MOTION APPROVED
voice vote w/o opposition

2023-101-14 Planning Consultant Services **\$ 11,000**

Commissioner David Thomas – Chair of the Codes & Zoning Committee addressed the Finance Committee for his request to fund a contract with Rick Gregory for consulting services to assist in the combining of the local zoning codes. The funds will come from an expired contract with GNRC to do the strategic plan. Mr. Gregory worked with GNRC for several years and is now a private contractor working with entities to clean up their codes.

Motion to recommend BA 101-14 to the full Commission by Atwood; second by Dennis

MOTION APPROVED
voice vote w/o opposition

2023-101-15R Senior Center Reserves **\$ 7,000**

Senior Center Director is requesting a draw from her reserves to fund the additional costs for flooring, installing cubicles in the office area, and a side step for the center’s van.

Motion to recommend BA 101-15R to the full Commission by Gregory; second by Dennis

MOTION APPROVED
voice vote w/o opposition

2023-101-16 Election Offices **\$ 4,046**

Media publication costs are still increasing, and more funding is needed for legal notices. Also to prepare for the upcoming relocation to the Courthouse, additional Deputy hours will be required.

Motion to recommend BA 101-16 to the full Commission by Ford; second by Gregory

MOTION APPROVED
voice vote w/o opposition

2023-101-17 County Clerk – Chairs **\$ 897**

Tall task chairs for the County Clerk staff when they move over to the former water department area.

Motion to recommend BA 101-17 to the full Commission by Atwood; second by Ford

MOTION APPROVED
voice vote w/o opposition

2023-118-01 EMS Overtime and Contracts \$ 27,776

Requested by Chief Batey: The two drivers have passed their EMT certifications and will now be paid from line item 131 Medical Personnel. The remaining amount in the 147 Driver line is being moved to cover 187 Overtime and 312 Contracted Services. The contracted services include the Vanderbilt Medical Director contract, credit card processing, and the EMS software.

Motion to recommend BA 118-01 to the full Commission by Ford; second by Gregory

MOTION APPROVED
voice vote w/ hesitation

2023-131-02 Highway Clean Up Items \$ 40,749

Midyear correction on line items.

Motion to recommend BA 131-02 to the full Commission by Ford; second by Atwood

MOTION APPROVED
voice vote w/o opposition

2023-141-03 uTRUST Program \$ 10,500

UTRUST: \$10,500 Revenue donation from uTRUST budgeted to the Office of the Principal to provide \$700 to Imagination Library and \$9,800 for summer camp field trip and student incentives.

2023-141-04 Compensation Bonuses to Teachers \$ 32,971

141-71100 Regular Instruction Program - transfer of \$32,971.20 to multiple teacher line items to fund teacher strategic compensation bonus payments.

Motion to recommend BA 141-03 and 141-04 to the full Commission by Atwood; second by Gregory

MOTION APPROVED
voice vote w/o opposition

5. Other Discussion

- A. ARPA Balances – A statement was provided on the approved spending of the American Rescue Plan Act funding. Unappropriated funding is \$1,681,206

6. Adjourn: With no further business, a motion to adjourn the meeting was made by Ford; seconded by Atwood.

Adjourned at 6:51 pm

*Minutes submitted by
Amy Thomas*

Bellar & Bellar

216 Main Street North ♦ P.O. Box 192
Carthage, Tennessee 37030
Office (615) 588-1605
Fax (615) 588-1604

Branden Bellar
branden@brandenbellar.com

March 1, 2023

Kara Everett Bellar
kara@bellarlaw.com

Mayor Jack McCall and
County Commission Members
328 Broadway, Room 6- 10
Hartsville, TN 37074

Dear Mayor and County Commission Members,

On February 27, 2023, I gave erroneous advice to the Mayor and Commission. I erroneously advised the mayor could not be a tie breaking vote while sitting as Chairman. This was incorrect. Specifically, Article 2.03 of the Charter states, the mayor may be the tie breaker as Mayor or as Chair.

Again, it was my error and I accept full responsibility for the consequences. I apologize for the oversight.

Respectfully,



Branden Bellar

BB: jsb

APPOINTMENTS

MARCH 2023

BOARD OF ZONING APPEALS (4 YEAR TERMS)

PLANNING COMMISSION (4 YEAR TERMS)

Amanda Carman, assuming Mark Swaffer's seat | term ending May 2025

Motion to approve appointments as presented.

Motion to approve: _____

Second motion: _____

VOICE VOTE

Absent _____

RESOLUTIONS

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

RESOLUTION #2023-03-772

**RESOLUTION TO SUPPORT COMPRESSOR STATION ALTERNATIVE SITE C
IN EAST TENNESSEE NATURAL GAS, LLC PROPOSED RIDGELINE EXPANSION PROJECT –
FERC DOCKET No Pf22-7-000**

WHEREAS, Hartsville-Trousdale County Metropolitan Government Supports the Ridgeline Expansion Project and the new electric powered Hartsville Compressor Station; however, the Hartsville/Trousdale County Commission acting on behalf of the local citizens express the following concerns:

WHEREAS, The Hartsville/Trousdale County Commission does not support the addition of solar as part of the Natural Gas Act. The county has zoning regulations and East Tennessee Natural Gas should not be allowed to avoid those regulations.

WHEREAS, The Hartsville/Trousdale County Commission does not support the Compressor Station Alternative A site. This site is surrounded by residential properties that will be directly and adversely impacted by locating a compressor station on this property. In addition, future growth of the urban services district is likely to be in this area. While the Compressor Station Alternative A site is not zoned for a compressor station or solar farm.

WHEREAS, The Compressor Station Alternate C site, also known as the TVA site, has met all state and federal regulations, and is zoned to accommodate both a compressor station and solar farm. According to Enbridge Draft Report 10 - Alternatives: Compressor Station Alternative C is located at MP 10.8 adjacent to East Tennessee’s existing Dixon Springs Compressor Station (Figure 10.6-4). The 100-acre parcel is an excellent location for this type of project.

WHEREAS, According to Enbridge Draft Report 10 - the station layout would include noise emitting and gas containing components which further justifies the facility being located at the Compressor Station Alternative Site C (TVA site), which is already approved for such use.

NOW THEREFORE BE IT RESOLVED THAT, The Hartsville/Trousdale County Commission on this date, does hereby oppose the Ridgeline Expansion Project Compressor Station Alternative Site A and endorse and support Alternative Site C as the preferred location of the necessary compressor station.

Motion to approve: _____

Voice Vote

Second motion: _____

ABSENT _____

APPROVED:

ATTEST:

Jack McCall
Commission Chair

Rita Crowder
County Clerk

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

RESOLUTION # 2023-08-777

**A RESOLUTION TO ADOPT THE TENNESSEE DEPARTMENT OF TRANSPORTATION
CONSULTANT SELECTION POLICY FOR THE 2022 MULTIMODAL ACCESS GRANT PROJECT**

WHEREAS, the Hartsville/Trousdale County Commission approved Resolution 2021-23-727 in Support of applying for the 2022 2022 TDOT Multimodal Access Grant (MMAG) in order to re-constructing existing sidewalks and the construction of new sidewalks from the intersection of Broadway (State Route 141) and White Oak Street, north to the intersection of SR 141 and SR 25 in Hartsville; and

WHEREAS, Hartsville/Trousdale County was awarded the 2022 MMAG funding in November 2022; and

WHEREAS, in accordance with the grant administration, the County is asked to adopt the TDOT Consultant Selection Policy to reference during the MMAG project.

NOW, THEREFORE, BE IT RESOLVED by the Hartsville/Trousdale County Commission, meeting in regular session, that the TDOT Consultant Selection Policy be adopted for the 2022 MMAG project and other future projects as applicable to and funded by the TN Department of Transportation.

See Attachment A

Motion to approve: _____

Voice Vote

Second motion: _____

Absent _____

APPROVED:

ATTEST:

Jack McCall
Commission Chair

Rita Crowder
County Clerk

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

Consultant Selection Policy for Projects Funded in Whole or in Part with Funds Provided by the Federal Highway Administration or the Tennessee Department of Transportation

AUTHORITY: T.C.A. § 12-4-107. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

PURPOSE: To prescribe the policy of the Hartsville/Trousdale County Government, hereinafter referred to as the Agency, applicable to the procurement, management and administration of consultant services for architectural, engineering, and right-of-way services for projects.

APPLICATION:

A. Engineering and Design Related Services

This policy is to include all engineering and design related services described in T.C.A. §12-4-107, 40 U.S.C. Chapter 11, 23 U.S.C. §112 (b)(2), 23 CFR Part 172, and 2 CFR 200.317.

B. Right-of-Way Acquisition Services

This policy also includes right-of-way acquisition services for required projects. These services include contracts for appraisal, acquisition, or relocation services related to the acquisition of land entered into by the Agency for the purpose of acquiring right-of-way. Since compensation for these services is not paid pursuant to federal regulation, the terms of this policy regarding methodology of compensation are not applicable.

DEFINITIONS:

A. *Competitive Negotiation* means a qualifications-based selection procurement procedure complying with 40 U.S.C. §§1101–1104, commonly referred to as the Brooks Act.

B. *Engineering and Design Related Services* means –

1. Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project or projects; and
2. Professional services of an architectural or engineering nature, as defined by Tennessee law, including T.C.A. §12-4-107, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide architectural or engineering services.

Examples of services within the scope of this policy include, without limitation, project planning, environmental studies, context sensitive solution/design services, cultural resources studies, geotechnical studies, historic studies, archeological studies, socio-economic and environmental justice analyses, drainage studies, inspection services, intelligent transportation system design and development, traffic control systems design and development, roadway design services, including surveying and mapping, structural design services, materials inspection and testing, value engineering, utility relocation/coordination, and utility analysis/design services with respect to a highway construction project or projects.

C. *Fixed fee* means a dollar amount established to cover the consultant's profit and other business expenses not allowable or otherwise included as a direct or indirect cost.

D. *One-year applicable accounting period* means the annual accounting period for which financial statements are regularly prepared by the consultant.

E. *Scope of work* means all services, work activities, and actions required of the consultant by the

obligations of the contract.

- F. *Technical Services* means specialized testing or other paraprofessional services that provide test results, data, or information in support of engineering services, including such services as laboratory testing, core borings, and material sampling.

PROCUREMENT METHODS:

- A. *Competitive Negotiation* - Competitive negotiation is the preferred method of procurement for engineering related services. These contracts use qualifications-based selection procedures in the manner of a contract for architectural and engineering services under the "Brooks Act" provisions contained in Title 40 U.S.C. Chapter 11. The proposal solicitation process is by public announcement and provides qualified in-state and out-of-state consultants a fair opportunity to be considered for award of the contract. Price is not used as a factor in the evaluation and selection phases.
- B. *Small Purchases* - Small purchase procedures are relatively simple and informal procurement methods where an adequate number of qualified sources are reviewed and the total contract costs do not exceed the simplified acquisition threshold as defined in 48 CFR §2.101 (currently \$150,000). Competitive negotiation in the manner of a "Brooks Act" qualifications-based selection procedure is not required.
- C. *Noncompetitive Negotiation* – Noncompetitive negotiation is used to procure engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procedures. Circumstances which may justify a noncompetitive negotiation include when the service is available only from a single source, there is an emergency which will not permit the time necessary to conduct competitive negotiations, or after solicitation of a number of sources competition is determined to be inadequate.

TYPES OF CONTRACTS:

- A. *Project Specific Contract* – A project specific contract provides for all the work associated with a specific project or projects that is to be performed by the consultant firm and requires a detailed scope of services. These contracts may provide for all work to be placed under contract at the same time depending on availability of funds. A project specific contract is the traditional type of consultant contract between the Agency and a consultant for the performance of a fixed scope of work related to a specific project or projects.
- B. *Multiphase Contract* – A multiphase contract is similar to a project-specific contract except that the work is divided into phases such as survey, environmental or design. The consultant contract is based on a general scope of work with a maximum contract ceiling. Individual phases are negotiated, and the work authorized while future phases may wait until later in the contract period before completing negotiation and authorization. Multiphase contracts are helpful for complex projects where the scope of a future phase is not well defined. Multiphase contracts may be terminated at the end of a phase. A multiphase contract incorporates the work order concept for a specific project.
- C. *General Engineering Related Contract* – General engineering related contracts are for engineering and design related services related to transportation planning, design, or program management for use on multiple projects. Examples include the development of design standards and technical manuals, and the development of comprehensive transportation program management manuals. These services may be performed on a project specific or on-call basis.

POLICY:

I. CONSULTANT EVALUATION COMMITTEE

- A. Establishment of a Consultant Evaluation Committee: The Agency's legally designated selection authority shall designate the members of the Consultant Evaluation Committee (CEC), which shall at a minimum be composed of professional employees of the Agency capable of providing a review of the technical

qualifications of the consultant to perform the job(s) in question. The Agency's legally designated selection authority must approve any substitutions. The CEC membership may vary depending on the type of service being procured.

- B. Role: The CEC shall have the responsibility of submitting to the Agency's legally designated selection authority a recommended list of at least three of the most highly qualified firms if one firm is to be selected. If more than one firm is to be selected from a single solicitation, the CEC's recommended list of the most highly qualified firms shall include at least two more firms than the number of selections to be made.
- C. Record of Proceedings: The CEC shall designate either a member or staff person to create and maintain a record of proceedings before the CEC, which shall include information submitted to the CEC for consideration, summary minutes of meetings, findings and/or recommendations to the Agency's legally designated selection authority.

II. **PREQUALIFICATION OF CONSULTANTS**

- A. All firms, including any public or private universities, shall have a current prequalification status which can be found on the Tennessee Department of Transportation's website.
- B. Firms and their employees must comply with the applicable state licensing law requirements including but not limited to Tennessee Code Annotated Title 62, Chapter 2 (Architects, Engineers, and Landscape Architects), Title 62, Chapter 39 (Real Estate Appraisers), Title 62, Chapter 18 (Land Surveyors), and Title 62, Chapter 36 (Geologists).
- C. Firms prequalified by the Tennessee Department of Transportation for engineering and design related services shall have either an "Unlimited" or "Limited" prequalification status as described below:
 - 1. Unlimited Prequalification: This level of prequalification allows consulting firms to compete for any projects for which they are professionally and financially pre-qualified with the Tennessee Department of Transportation. Continued prequalification at this level requires submittal of the prequalification form every three years.
 - 2. Limited Prequalification: This level of prequalification allows firms seeking prequalification for engineering and design related services to:
 - a) Compete for projects with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract (see Section VI), or
 - b) Work as a sub-consultant or as contract labor with fees estimated to be less than the "Small Purchase Maximum Contract Value" per contract.
- C. Expiration or termination of a consultant's prequalification status may be cause for the Agency to terminate any contract with a consultant.
- D. A name change, merger, buy out or other similar change in status shall cause a termination of the existing prequalification and necessitate the submittal of a new prequalification form to the Tennessee Department of Transportation.
- E. A firm's prequalification status shall be terminated if the firm is included on the Federal Excluded Parties List or if it has been suspended or debarred by the Tennessee Department of Transportation or any other agency of the State of Tennessee.

III. **COMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE**

- A. Confidentiality of Data and Records Retention
 - 1. To the extent allowed by applicable State law, all documents relating to the evaluation and selection of consultants, and negotiations with selected consultants, shall remain confidential

until selection is complete and a contract is awarded.

2. Audit information shall not be provided to other consultants or any other government agency not sharing the cost data, or to any firm or government agency for purposes other than complying with the Agency's acceptance of a consultant's indirect cost rates pursuant to 23 U.S.C. § 112 and 23 CFR Part 172 without the written permission of the affected consultants. If prohibited by law, such cost and rate data shall not be disclosed under any circumstance; however, should a release be required by law or court order, such release shall make note of the confidential nature of the data.
3. In accordance with 23 CFR 172.7 and the provisions of 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report. The only exceptions are the following:
 - a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
 - b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.
 - c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.
 - d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity

B. Solicitation

The Agency shall seek Letters of Interest from pre-qualified firms by public announcement through its internet website and by any other means of advertisement that may be required by law. Solicitations shall be reviewed and approved by the Local Programs Development Office before publishing.

1. For **all** contract types, the solicitation shall address:
 - a) Contact information at the Agency for project specific questions;
 - b) The specific location where the Letters of Interest should be mailed or e- mailed;
 - c) The deadline for submittals of Letter of Interest (not less than 14 days from the date of the solicitation);
 - d) A statement that all firms must be pre-qualified or have a completed prequalification form filed with the Tennessee Department of Transportation by the deadline for the Letters of Interest; and
 - e) Disadvantaged Business Enterprise (DBE) and Small Business encouragements.
2. The solicitation shall provide at a minimum, the following:
 - a) A detailed scope of work, including:
 - i. The purpose and description of the project;
 - ii. The services to be performed;
 - iii. The deliverables to be provided;
 - iv. The estimated schedule for performance of the work; and

- b) The technical requirements of consultants required including the applicable standards, specifications, and policies;
 - c) The qualifications of consultants needed for the services to be rendered;
 - d) Any requirements for interviews or other types of discussions that may be conducted with the most highly qualified firms in Phase II of the selection of process;
 - e) The evaluation criteria to be used in Phases I and II of the selection process, including the relative weight of importance of the factors to be considered in evaluating the interested firms that submit proposals in Phase II of the selection process;
 - f) Any approved non-qualifications based evaluation criteria to be considered in Phase II of the evaluation process;
 - g) The contract type and method of payment; and
 - h) Any special provisions or contract requirements associated with the solicited services.
3. For mid-range and large size projects, the CEI consultant shall not be associated with any other aspect of the project as described in Attachment A. The Agency must advertise separately for design and CEI services for mid- range and large projects, OR the Agency must separate the project into phases on one advertisement and require the consultant to indicate to which phase they are responding.

C. Consultant Evaluation Criteria

1. The qualifications-based selection criteria used for evaluation, ranking, and selection of consultants to perform engineering and design related services may include, but are not limited to, technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.
- a) For Phase I evaluation, the qualifications-based evaluation criteria may include, but are not limited to, the following:
 - i. Work experience in the required disciplines with TDOT, the Agency, and/or other clients;
 - ii. Specialized expertise;
 - iii. Professional licensure;
 - iv. Staff capabilities of prime consultant;
 - v. Size of project and limited or unlimited prequalification status; and,
 - b) For firms submitting proposals during Phase II evaluation, the following additional evaluation criteria may also be included:
 - i. Workload capacity; including amount of work under contract with the Agency, if applicable
 - ii. Past performance on Agency Projects;
 - iii. Technical approach (e.g., project understanding, innovative concepts or alternatives, quality control procedures);
 - iv. Other factors including interviews and demonstrations, as approved by the Agency; and
 - v. Any approved non-qualifications based evaluation criteria, as provided in paragraph C.2. below.

2. If approved by the Agency's legally designated selection authority and the Department's Local Programs Office, the following non-qualifications based criteria are permitted, provided the combined total of these factors does not exceed a nominal value of ten percent (10%) of the total evaluation criteria:
 - a) For contracts with Federal-aid funding, participation of qualified and certified Disadvantaged Business Enterprise (DBE) sub-consultants; and/or
 - b) For any contracts a local presence may be used as a nominal evaluation factor where appropriate; provided, that this factor shall not be based on political or jurisdictional boundaries, and provided further that this factor may be applied only on a project-by-project basis for contracts where:
 - i. A need has been established for a consultant to provide a local presence;
 - ii. A local presence will add value to the quality and efficiency of the project; and
 - iii. Application of this factor leaves an appropriate number of qualified consultants, given the nature and size of the project.
 - iv. If a consultant from outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.
3. For contracts or projects with Federal-aid funding, the Agency may set DBE goals, in which case the selected consultant must either meet the goal or show good faith efforts to meet the goal, consistent with the DBE program regulations at 49 CFR Part 26, to be considered for selection.

D. Evaluation, Ranking and Selection

1. Phase I Evaluation

- a) Using the evaluation criteria identified in the public solicitation, the Agency advertising for engineering related services shall evaluate current statements of qualification and performance data from those firms submitting Letters of Interest.
- b) Unless specifically stated otherwise in the solicitation, the evaluation of a firm's qualification during Phase I evaluation shall be limited to the prime consulting firm only.
- c) Evaluations shall be presented to the CEC for review. The CEC shall choose at least three of the most highly qualified consultants who would make viable candidates and who will be invited to submit a proposal.
- d) The Agency shall issue a list of firms chosen to submit proposals and notify the firms that were not selected. The firms selected in Phase I shall be requested to submit a proposal for the work. Proposal format requirements, delivery address and deadlines shall be included in the notification sent to the selected firms. Electronic delivery and receipt of the proposal may be permitted.

2. Phase II Evaluation

- a) The Agency shall evaluate the proposals of firms selected in Phase I using the Phase II evaluation criteria identified in the public solicitation.
- b) A consultant firm that has been short-listed for a project and asked to submit a proposal shall specifically identify any sub-consultant(s) required to complete the project team. Identified sub-consultants will be evaluated using the criteria identified in the public solicitation. All sub-consultants identified on the submittal must be pre-qualified by the Tennessee Department of Transportation to perform the required tasks or have an application pending prior to submittal of the proposal. It shall be the responsibility of the prime consultant to include a signed statement from each sub-consultant on their own letterhead confirming that they have the staff available

and agree to provide the necessary services for the specific item/project listed in the prime consultant's proposal. Failure to meet these requirements will void the submittal.

- c) Separate formal interviews, if approved as an evaluation criteria, shall be structured and conducted with a specified time limit. Competing consultants may be asked to bring additional information or examples of their work to the interviews if such information will contribute to the evaluation process. Specific questions may be asked of each consultant to clarify qualifications, written proposals, or oral presentations.
- d) The Agency shall present the evaluation of proposals received from firms selected in Phase I to the CEC for review. The CEC shall rank the firms based on the established and published criteria, or the CEC shall submit to the legally designated selection authority a list of the firms deemed most highly qualified to provide the services required. The list shall contain no fewer than three firms. In instances where only two qualified consultants respond with proposals, the Agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements that arbitrarily limited competition.

3. Phase III Evaluation, Ranking, Selection and Notification

- a) If the CEC does not make the final ranking of the most highly qualified firms, the Agency's legally designated selection authority shall rank the firms in order of preference.
- b) Notification must be provided to responding consultants of the final ranking of the three most highly qualified consultants.
- c) The Agency will negotiate with the three consultant firm(s) deemed to be most highly qualified in rank order.

E. Negotiation of Contract

The following shall apply to all negotiations of scope and cost for contracts, work orders, and supplemental agreements.

- 1. Determination of Contract Amount: The Agency shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work. The independent estimate, which shall serve as the basis for negotiation, will be based on the following:
 - a) Relative difficulty of the proposed assignment or project, size of project, details required, and the period of performance; and,
 - b) A comparison with the experience record for similar work performed both by Agency personnel and previously negotiated consultant contracts.

This estimate shall be done independently, prior to negotiation, and shall remain confidential to the extent allowed by applicable law.

- 2. Scope of Work Meeting with Selected Firm: The Agency will negotiate with the selected firm and may arrange a conference with the prospective consultant where the parties must come to a mutual understanding of the scope of work and all technical and administrative requirements of the proposed undertaking. In lieu of a conference, this may be done by phone or correspondence. The prospective consulting firm may be represented as it wishes; however, a project manager and accounting representative are recommended.
- 3. Cost Proposal: The prospective consulting firm will be invited to submit a cost proposal for the project. This cost proposal is to be broken down by the various items of work as requested and supported by estimated labor requirements. Instructions shall be given regarding the method of compensation and the documentation needed to justify the proposed compensation.

In evaluating the consultant's cost proposal(s), the Agency shall judge the reasonableness of the proposed compensation and anticipated labor and equipment requirements by the following and other appropriate considerations:

- a) The proposed compensation should be comparable to that of other projects of similar nature and complexity, including as applicable salaries and man-hours to accomplish the work, and allocation of labor within the man-hour estimates.
 - b) The Agency will assess the fairness of the proposed fixed fee based on the scope, complexity, contract duration, degree of risk borne by the consultant, amount of subcontracting, and professional nature of the services as well as the size and type of contract. Fixed fee is calculated using the following formula: Fixed Fee = 2.35 x Direct Salary x Allowed Fixed Fee Rate. Unless a higher fixed fee rate is expressly approved by the Agency, the maximum allowable fixed fee rate is 13% (See Appendix 1 for fixed fee rate determination).
 - c) The proposed compensation shall be studied for reasonableness and to assure sufficient compensation to cover the professional quality of the work items desired.
4. Contract Negotiations: If the consultant's first cost proposal is rejected by the Agency, the negotiating parties shall hold a second conference to discuss those points of the cost proposal which are considered unsatisfactory. The consultant shall submit a second cost proposal based upon this second conference. If the Agency rejects the consultant's second cost proposal, negotiations shall be formally terminated and commence with the second most qualified firm. If like negotiations are unsuccessful with the second most qualified firm, the Agency will undertake negotiations with the third most qualified firm and any others on the selected list in sequential order. With the concurrence of the legally designated selection authority, the Agency may, at any time, in lieu of continuing negotiations, elect to redefine the scope of the project and resolicit proposals pursuant to "POLICY", Section III, B, "Solicitation".
5. The Agency shall maintain a record of the negotiations and all required approvals and shall retain these records for 36 months following final payment in accordance with Item A.3. of this section and as provided in 23 CFR § 172.7 and 2 CFR § 200.333.
- F. Contract Development and Execution
1. In the event the parties reach agreement, the legally designated selection authority shall approve the preparation of a contract.
 2. The contract will include a clause requiring the consultant to perform such additional work as may be necessary to correct errors in the work required under the contract without undue delays and without additional cost to Agency.
 3. The contract shall contain a clause whereby the consultant must report at least quarterly all amounts paid to any DBE sub-consultants and to any Minority Business Enterprise (MBE) and/or Woman Owned Business Enterprise (WBE) sub-consultants.
 4. Method of Payment: The method of payment to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. The methods of payment shall be: Lump sum, cost plus fixed fee, cost per unit of work, or specific rates of compensation. A single contract may contain different payment methods as appropriate for compensation of different elements of work.
 5. Suspension and Debarment: Prior to contract execution, the Agency shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants in accordance with 2 CFR Part 1200 and 2 CFR Part 180.
 6. The Agency shall maintain a record of the negotiations and all required approvals.

7. Prior to approval of the contract, the Agency must have on file a contract specific Certificate of Insurance for the consultant. It shall confirm that the firm has professional liability insurance for errors and omissions in the amount of

\$1,000,000, as a minimum, and the policy shall be maintained for the life of the contract. Consultants responsible for the disbursement of Agency funds shall be required to provide evidence of a Fidelity Bond in the amount of

\$250,000 maintained for the life of the contract.

G. Contract Administration

1. Once a contract has been awarded, the consultant may negotiate directly with sub-consultants. A change in sub-consultants must be approved by the Agency. A written request must be submitted to the Agency to initiate the change. This request must include an explanation of the need to change sub-consultants and the impact on the project schedule and financial elements of the contract. The substitute sub-consultant must be pre-qualified at the appropriate level (unlimited or limited) by the Department of Transportation to perform the required tasks. After consideration of all factors of the request, the Agency will respond to the request in writing.

2. After the contract has been approved, a work order issued, and productive work on the consultant's assignment has begun, the Agency shall periodically review and document the consultant's progress. Said monitoring reviews shall be directed toward assurance that the consultant's assignment is being performed as specified in the agreement, that an adequate staff has been assigned to the work, that project development is commensurate with project billings, and that work does not deviate from the contracted assignment.

Should conditions warrant, these reviews may consist only of an appropriate exchange of correspondence. These reviews shall determine, among other matters, if any changes or supplemental agreements are required for the completion of the consultant's work.

3. A full-time employee of the Agency shall be responsible for each contract or project. Annually and/or at project close, the assigned employee will prepare a performance evaluation report covering such items as timely completion of work, conformance with contract cost, quality of work, and whether the consultant performed the work efficiently. A copy of this report will be furnished to the firm for its review and comments.

H. Contract Modifications

1. A contract modification, in the form of an executed supplemental agreement or amendment, is required whenever there is a change in the terms of the existing contract, including a change in the cost of the contract; a significant change in the character, scope, complexity, or duration of the work; or a significant change in the conditions under which the work is required to be performed. Contract modifications shall be negotiated using the same procedures as the negotiation of the original contract. The executed supplemental agreement or amendment shall clearly define and document the changes made in the contract and establish the method of payment for any adjustment in contract costs.

2. No contract may be supplemented to add work outside the scope of the project or the general scope of services the consultant was initially evaluated to perform. For example, a roadway design contract may be supplemented to add work related to additional phases of project design (e.g. preliminary engineering with related technical services such as survey or geotechnical work, preparation of right-of-way plans, or preparation of final construction plans); however, a project specific or multiphase contract for roadway design shall not be supplemented to add a new project or to add a different type of service, such as construction engineering and inspection, beyond the type of services solicited in the original solicitation.

3. Overruns in the costs of the work shall not automatically warrant an increase in the fixed fee portion of a cost plus fixed fee reimbursed contract. Permitted changes to the scope of work or duration may warrant consideration for adjustment of the fixed fee portion of cost plus fixed fee or lump sum reimbursed contracts.

- I. Contract Accounting Policies

1. Indirect Cost Rate – Basic Agreement or Contract

- a) **Federally funded projects:** The indirect cost rate, effective for contracts advertised on or after December 1, 2005, shall be the actual rate as determined in compliance with Federal Acquisition Regulation Standards and approved by the cognizant agency as defined by 23 CFR § 172.3. The cognizant agency is the home state transportation department, a federal agency, or TDOT in the absence of any of the other. A Certified Public Accountant (CPA) may perform the audit, but the audit work papers may be reviewed by the governmental agency. Further;

- i. The indirect cost rate for firms with multiple offices shall be a combined rate for all offices.
- ii. The approved rate shall be utilized for the purposes of contract estimation, negotiation, administration, reporting, and contract payment for a twelve month period beginning the seventh month after the firm's Fiscal Year End.
- iii. If the indirect cost rate expires during the contract period an extension may be considered on a case-by-case basis in accordance with 23 CFR § 172.11(b)(1)(vi). In any event, no new contracts will be considered for any firm without an approved indirect cost rate.

- b) **State funded projects:** Pursuant to T.C.A. § 54-1-130, the indirect cost rate cannot exceed a maximum of 145%.

2. Travel: Travel and subsistence charges shall be in conformance with the State of Tennessee Comprehensive Travel regulations. Air travel shall be pre- approved by the Agency. Actual expenses, not to exceed the commercial rate, for the use of company owned airplanes are allowable as a direct charge.

3. Fixed Fee Payment:

- a) For cost plus fixed fee contracts, payments of fixed fee shall be based on the actual labor costs not to exceed the total approved fixed fee.
- b) The fixed fee for each progress billing shall be determined using the consultant's actual direct labor for the specific billing period multiplied by 2.35 times the negotiated fixed fee percent.
- c) With the exception of Construction Engineering and Inspection Contracts, the firm may invoice for the balance of any unbilled fixed fee upon successful completion of the contract.

4. Contract and Project Closing: The Agency is responsible for keeping up with contract costs and knowing when a contract is complete. The Agency is also responsible for closing the contract in a timely manner. By letter to the consultant, the Agency shall affirm that the contract or work order has been satisfactorily completed. In the event that additional services are required within the original scope of the project, the contract or work order may be re- opened. All terms and conditions of the contract shall remain the same.

5. Retainage shall not be required for new Engineering and Technical Services Contracts.

6. Audit Requirements:

- a) Pre-award audits consist of a review of a proposed indirect cost rate based upon historical data, review of the consultant's job cost accounting system, and review of project man-day or unit price proposals.

- b) Awarded contracts are subject to interim and final audits. The audits consist of determining the accuracy of invoice charges by reviewing time sheets, payroll registers, travel documents, etc. Charges that cannot be supported will be billed back to the consultant. Firms will be selected for contract compliance audits using a risk analysis utilizing primarily the firm's total contract exposure with the Agency and the time elapsed since the last compliance audit.
 - c) Annual approval of the indirect cost rate for non-fixed indirect cost rate contracts will be required and adjustments to the invoiced billing rate may be necessary based on audit results. The determination of whether to perform a desk review or full field audit of the indirect cost schedule is made utilizing a risk analysis created in accordance with the guidelines proscribed in the AASHTO Uniform Audit & Accounting Guide.
7. Computer Aided Drafting and Design (CADD) Expenditures: All CADD equipment and software expenditures are to be treated as part of indirect cost. CADD expense will not be allowed as a direct expenditure based on an allocation rate.
8. Facilities Capital Cost of Money (FCCM) Rate: FCCM referenced in 48 CFR § 31.205-10 shall be allowed as part of indirect cost and applied to direct labor.
9. Direct Costs
- a) Include job related expenses that are required directly in the performance of project services such as travel, subsistence, long distance telephone, reproduction, printing, etc. These should be itemized as to quantities and unit costs in arriving at the total cost for the expense.
 - b) The proposed direct cost shall not exceed the Tennessee Department of Transportation's maximum allowable rate when a rate for such cost is specified. All direct costs must show supporting documentation for auditing purposes. Documentation for proposed rates should show how they were developed including historical in-house cost data or names and phone numbers of vendors that supplied price quotes along with receipts, invoices, etc., if available.
 - c) Electronic equipment, such as personal computers, cameras, and cellular phones, shall be included in the consultant's indirect cost.
 - d) The cost of the use of the consultant's vehicle(s) to the Agency's project shall be paid for according to Attachment B, Schedule of Vehicle Reimbursements.
10. Collection of Funds Due as Result of Contract Audit: Once an audit is completed and the consultant is found to owe the Agency, the Auditor will notify the Agency's Finance Director in writing, with a copy to the Department's Local Programs Office. The Agency will contact the consultant in writing about the indebtedness and request payment within 30 days from the date of the letter. If after 30 days payment is not received, the consultant will then be notified that any funds owed to the consultant under other agreements will be used to satisfy the indebtedness. If funds or payables to the consultant in the Agency's possession are in excess of the indebtedness, anything owed the consultant will be remitted under normal payment procedures. If the funds in the Agency's possession are not sufficient to satisfy the indebtedness, the Agency will take appropriate action.

J. Geotechnical Contracts

Contracts for geotechnical services are considered separately because they may involve a mixture of two types of services, i.e., geotechnical studies (engineering services) and subsurface exploration/drilling and/or laboratory testing (technical services). Additionally, some firms offer one or the other of these services, others offer both, and others offer some combination as well as other services, e.g., design. Firms offering both services must, for accounting purposes, separate the two operations. Cost of equipment, supplies, etc., used in technical services may not be applied towards indirect cost computations for engineering services.

Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing services shall be procured as noted in "POLICY", Section III, Competitive Negotiation Procurement Procedure. The technical services costs shall be negotiated by the Agency based on usual industry standards.

K. Sub-consultants for Engineering Services

1. Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing within another Engineering Services Firm: These services may be procured as part of the larger contract, e.g., roadway design. Payment for subsurface exploration/drilling shall be invoiced as a direct cost. Geotechnical studies shall be invoiced as other engineering services.
2. Geotechnical Studies Firms as Sub-Consultants
 - a) Geotechnical Studies Only: The services of these firms may be procured by negotiation with the prime consultant as described previously herein.
 - b) Geotechnical Studies and/or Subsurface Exploration/Drilling and/or Laboratory Testing Firms as Sub-Consultants: The services of these firms shall be procured by negotiation with the prime consultant. However, costs associated with subsurface exploration/drilling and/or laboratory testing shall be negotiated by the Agency.

L. Sub-consultants Not Covered Under Engineering Services

In the event a sub-consultant is required whose hiring process, as a prime, would not be governed by Competitive Negotiation under this Policy, that sub-consultant shall be retained by the same method as the Agency would use to procure the same type of services under the Agency's local law or other applicable state law.

1. Example: Design consultants are occasionally asked to provide laboratory testing services under their design contract. The design consultant shall use, and document, the applicable procedures identified by the Agency.
2. The Agency should monitor the hiring and documentation of sub-consultants by the prime. Documentation should detail the method used and should be satisfactory for a final project audit.

IV. NONCOMPETITIVE NEGOTIATION PROCUREMENT PROCEDURE

The following procedures shall be used by the Agency, subject to the Tennessee Department of Transportation's prior approval, in those circumstances where there exists only one viable source for the desired services, when competition among available sources is determined to be inadequate after solicitation of a number of sources, or in emergencies when adherence to normal competitive negotiation procedures will entail undue delays for projects requiring urgent completion.

Upon determination of a need for this type of procurement, the Agency shall request an estimate from the qualified firm for the accomplishment of the desired assignment. The request for an estimate shall define the full scope of the desired services, together with minimum performance specifications and standards, the date materials and services are to be provided by the consultant to the Agency, and the required assignment completion schedule. Response to the request for an estimate shall be evaluated, giving due consideration to such matters as a firm's professional integrity, compliance with public policies, records or past performances, financial and technical resources, and requested compensation for the assignment. Before using this form of contracting, the Agency shall submit justification to and obtain approval from the Department; provided, however, that for Federal-aid contracts, the Department shall also submit the request to FHWA for approval in accordance with 23 CFR § 172.7(a)(3)(ii).

V. SMALL PURCHASE PROCUREMENT PROCEDURE

When the contract cost of the services does not exceed the simplified acquisition threshold as defined in 48 CFR § 2.101 of the Federal Acquisition Regulations (FAR), which is currently \$150,000, small purchase

procedures may be used. The scope of work, project phases and contract requirements shall not be broken down into smaller components merely to permit the use of small purchase procedures. Further, a contract obtained under small purchase procedures shall not be modified to exceed the simplified acquisition threshold.

Proposals will be obtained from an adequate number of qualified sources with a minimum of three. In instances where only two qualified consultants respond to the solicitation, the Agency may proceed with evaluation, ranking and selection if it is determined that the solicitation did not contain conditions or requirements which arbitrarily limited competition. Awards will be made to the responsible firm whose proposal is most advantageous to the program.

VI. TECHNICAL SERVICE PROCUREMENT PROCEDURE

The Agency shall use the procurement process it would use for the same type of service under applicable state or local law; provided, that on Federal-aid projects the procurement process shall be consistent with competitive procurement requirements under 2 CFR Part 200.

ATTACHMENT A – Consultant Selection for Locally Managed Projects

Size of Project	Type of Project	Procurement Requirements
<p>SMALL projects</p> <ul style="list-style-type: none"> • Must have a full-time employee on staff with experience managing transportation projects. • Must hire consultants for all phases of the project from TDOT’s approved list if the Local Government has not been approved by TDOT to use their own forces. The consultants must be qualified in the required area of expertise. 	<ul style="list-style-type: none"> • Transportation Alternatives • intersection improvements without significant ROW (under one acre of disturbance) • Safe Routes to School • resurfacing • striping • signing • guardrail installation • signalization • some bridge replacement projects (under one acre of disturbance) • non-construction/service contracts (as listed in Chapter 10 of the LGG) • low-risk and exempt ITS 	<ul style="list-style-type: none"> • Local Government can use the same consultant for the entire project (planning, preliminary engineering and CEI)
<p>MID-RANGE projects</p> <ul style="list-style-type: none"> • Must have a qualified, full- time professional engineer on staff. • Must hire consultants for all phases of the project from TDOT’s approved list. The consultants must be qualified in the required area of expertise. 	<ul style="list-style-type: none"> • roadway widening • realignment of existing roadway • signalization projects with the addition of turn lanes • intersection improvements with significant ROW (over one acre of disturbance) • bridge replacement projects requiring significant land acquisition (over one acre of disturbance) • projects with environmental requirements greater than a categorical exclusion but lesser than an EIS • high-risk ITS 	<ul style="list-style-type: none"> • The selected CEI consultant shall not be associated with any other aspect of the project.
<p>LARGE projects</p> <ul style="list-style-type: none"> • Must have a qualified, full- time professional engineer on staff with extensive experience working with federally-funded transportation projects. • Must hire consultants for all phases of the project from TDOT’s approved list. The consultants must be qualified in the required area of expertise. 	<ul style="list-style-type: none"> • construction of new facilities • widening of existing roadways • realignment of existing roadways that require significant land acquisition (over 10 acres) • environmental clearances that require an EIS 	<ul style="list-style-type: none"> • The selected CEI consultant shall not be associated with any other aspect of the project. •

ATTACHMENT B – Policy for Standard Procurement of Engineering and Technical Services

Vehicle Reimbursement Schedule

For all projects except Construction Engineering and Inspection (CEI), the consultant shall be reimbursed at the rate specified in the State of Tennessee Comprehensive Travel Regulations in effect at the time the cost was incurred.

For CEI projects, the consultant shall be reimbursed at the rate of \$27.00 per day for compact pick-up trucks used on the Agency’s projects. For full size pick-up trucks used on the Agency projects, the consultant shall be reimbursed at the rate of \$30.25 per day

Rate changes are approved: _____

AGENCY HEAD

DATE

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

RESOLUTION # 2023-09-778

A RESOLUTION AUTHORIZING HARTSVILLE/TROUSDALE COUNTY TO JOIN THE STATE OF TENNESSEE AND OTHER LOCAL GOVERNMENTS IN AMENDING THE TENNESSEE STATE-SUBDIVISION OPIOID ABATEMENT AGREEMENT AND APPROVING THE RELATED SETTLEMENT AGREEMENTS

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Tennessee, and Hartsville/Trousdale County, Tennessee.

WHEREAS, Hartsville/Trousdale County has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Tennessee and some Tennessee local governments have filed lawsuits against opioid manufacturers, distributors, and retailers, including many federal lawsuits by Tennessee counties and cities that are pending in the litigation captioned In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the MDL case is referred to as the "Opioid Litigation");

WHEREAS, Hartsville/Trousdale County has previously joined settlements with three pharmaceutical distributors and a manufacturer;

WHEREAS, certain pharmaceutical manufacturers and retail pharmacy chains have proposed settlements that __ Hartsville/Trousdale County finds acceptable and in the best interest of the community;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain opioid litigation settlements;

WHEREAS, there is currently proposed legislation that would apply the statutory provisions passed in 2021 to the new manufacturer and retail pharmacy chain settlements;

WHEREAS, the State of Tennessee, non-litigating counties, and representatives of various local governments involved in the Opioid Litigation have adopted a unified plan for the allocation and use of certain prospective settlement and bankruptcy funds from opioid related litigation ("Settlement Funds");

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement (the "Tennessee Plan"), attached hereto as "Exhibit A," sets forth the framework of a unified plan for the proposed allocation and use of the Settlement Funds;

WHEREAS, amendments to the Tennessee Plan, attached hereto as "Exhibit B," would extend its terms to the proposed settlements, streamline accounting for certain settlement funds, and address the allocation of certain funds from a manufacturer in bankruptcy; and

WHEREAS, participation in the settlements by a large majority of Tennessee cities and counties will materially increase the amount of settlement funds that Tennessee will receive from pending proposed opioid settlements;

NOW, THEREFORE, BE IT RESOLVED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

Section 1. That Hartsville/Trousdale County finds that the amendments to the Tennessee Plan are in the best interest of Hartsville/Trousdale County and its citizens because they would ensure

an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That Hartsville/Trousdale County hereby expresses its support for a unified plan for the allocation and use of Settlement Funds as generally described in the Tennessee Plan.

Section 3. That the Hartsville/Trousdale County Mayor is hereby expressly authorized to execute the amendments to the Tennessee Plan in substantially the form attached as Exhibit "B" and the Hartsville/Trousdale County Mayor is hereby authorized to execute any formal agreements necessary to implement a unified plan for the allocation and use of Settlement Funds that is substantially consistent with the Tennessee Plan and this Resolution.

Section 4. That the Hartsville/Trousdale County Mayor is hereby expressly authorized to execute any formal agreement and related documents evidencing Hartsville/Trousdale County's agreement to the settlement of claims [and litigation] specifically related to Teva Pharmaceutical Industries, Ltd., Allergan Finance, LLC, CVS Health Corporation, Walgreen Co., Walmart, Inc., and any other settlement of opioid-related claims that Tennessee has joined.

Section 5. That the Hartsville/Trousdale County Mayor is authorized to take such other action as necessary and appropriate to effectuate Hartsville/Trousdale County's participation in the Tennessee Plan and these settlements.

Section 6. This Resolution is effective upon adoption, the welfare of Hartsville/Trousdale County, Tennessee requiring it.

Motion to approve: _____

Voice Vote

Second motion: _____

Absent _____

APPROVED:

ATTEST:

Jack McCall
Commission Chair

Rita Crowder
County Clerk

Reference RES 2021-37-741

Tennessee State-Subdivision Opioid Abatement Agreement

I. Definitions

For all sections of this Agreement, the definitions for terms set out in this Section I apply. The Agreement also uses additional terms that are defined in the Distributor/J&J Settlements and other agreements. In such instances, which are clearly stated, those terms are defined by those agreements.

A. “2021 Legislation.” Public Chapter No. 491 passed during the 2021 Regular Session of the 112th Tennessee General Assembly and signed into law by Governor Bill Lee on May 24, 2021. For ease of reference purposes only, a copy of Public Chapter No. 491 is attached.

B. “Agreement.” This document, the Tennessee State-Subdivision Opioid Abatement Agreement, a “state-subdivision opioid abatement agreement” as defined in the 2021 Legislation, Section 5(7) and Section 13(6). This Agreement is also a “State-Subdivision Agreement” as defined in the Distributor/J&J Settlement Agreements and a “Statewide Abatement Agreement” as defined in the Purdue Pharma L.P. and Mallinckrodt PLC bankruptcy plans.

C. “Distributor/J&J Settlements.” The settlements consisting of the joint settlement agreement with distributors McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and their subsidiaries and other related entities and the settlement agreement with manufacturer Johnson & Johnson, its Janssen subsidiaries and other subsidiaries and related entities. Both settlements qualify as Statewide Opioid Settlement Agreements.

D. “Joint Abatement Bankruptcy Plan.” A plan confirmed in federal bankruptcy court under Title 11 of the United States Code that resolves state and subdivision claims related to the manufacture, marketing, distribution, dispensing, or sale of opioids in a manner that allocates funds for abatement jointly to the state and its subdivisions. The plans in the Purdue Pharma L.P. and Mallinckrodt PLC bankruptcy cases are examples of Joint Abatement Bankruptcy Plans.

E. “Opioid Abatement Council.” The council created by the 2021 Legislation, Sections 3-9.

F. “Relevant Funds.” Funds that, pursuant to a Joint Abatement Bankruptcy Plan, are allocated to the State for the claims of the State and its Subdivisions and that must be dedicated to opioid abatement programs.

G. “State.” The State of Tennessee.

H. “State-Only Opioid Settlement Agreement.” A settlement agreement entered into by the State and one or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which there are not provisions for Subdivision joinder.

I. “State Opioid Judgment.” A judgment obtained by the State against one or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids.

J. “Statewide Opioid Settlement Agreement.” A settlement agreement entered into by the State and one or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which subdivision claims are addressed.

K. “Statutory Bar.” A law barring all subdivisions (not limited to counties and municipalities) in the state from maintaining released claims against released entities, either through a direct bar or through a grant of authority to release claims. The 2021 Legislation, Sections 10-19 establishes a grant of authority process for a statutory bar to be enacted for the entities addressed in the Distributor/J&J Settlements.

L. “Subdivision.” A Tennessee county or municipality.

M. “Subdivision-Only Opioid Settlement Agreement” A settlement agreement between one or more Subdivisions and one or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids that does not include the State as a party.

N. “Subdivision Opioid Judgment.” A judgment obtained by one or more Subdivisions against one or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids.

O. “Tennessee Opioid Abatement Fund.” The opioid abatement trust fund established by the 2021 Legislation, Sections 1-2.

II. Interaction of this Agreement with Settlements, Bankruptcy Plans and Legislation

This Agreement replaces certain default provisions in specified State Opioid Settlement Agreements and Joint Abatement Bankruptcy Plans. Certain default provisions are also replaced by the 2021 Legislation and consent judgments will be filed for State Opioid Settlement Agreements. Thus, there will be multiple sources of authority for the application of each settlement agreement or bankruptcy plan. While parts of the 2021 Legislation are described in this Agreement, such descriptions do not supersede the statutory language, which is controlling.

III. Allocation of Funds in the Distributor/J&J Settlements

The Distributor/J&J Settlements allow for payment and allocation default provisions to be replaced by state-subdivision agreements, by statute, and other means. As referenced below, the 2021 Legislation addressed some of the default provisions in these settlements. This Agreement makes a few additional changes to the default provisions. As described below, some default provisions remain in place.

A. Allocation among three sub-funds. The Distributor/J&J Settlements initially allocate the vast majority of settlement funds among three sub-funds for each state: the “State Fund,” the “Abatement Accounts Fund,” and the “Subdivision Fund.”¹ Subject to the terms of the specific settlement agreements and assuming full subdivision participation and maximum payments, allocation among the three Tennessee sub-funds shall remain the same as with the default provision: 15% to the State Fund, 70% to the Abatement Accounts Fund, and 15% to the Subdivision Fund.

B. Use of funds. The Distributor/J&J Settlements have provisions concerning the use of funds and those are controlling.² Generally they require that money from all three sub-funds be used for “Opioid Remediation” as that term is defined in those agreements. Such definitions include restitution for past abatement within the definition of remediation.

C. State Fund. The 15% State Fund shall be directed to the State’s general fund unless directed to the Tennessee Opioid Abatement Fund by future legislation.

D. Abatement Accounts Fund.

1. The 70% Abatement Accounts Fund shall be directed to the Tennessee Opioid Abatement Fund.

2. The 2021 Legislation fully replaces the default provisions for the Abatement Accounts Fund.³ Among the legislative provisions is the requirement that for the Distributor/J&J Settlements funds deposited into the Tennessee Opioid Abatement Fund, the Opioid Abatement Council shall disburse 35% of these proceeds to counties that join the settlements to be spent on opioid abatement and remediation pursuant to Subsections 6(q)-(s). 2021 Legislation Section 6(p).

3. The 2021 Legislation allows for a state-subdivision agreement to determine the metrics used in allocating certain funds among participating counties. 2021 Legislation, Section (6)(q). It is agreed that the allocation formula shall use data for fatal and non-fatal opioid overdoses, opioid sales measured by morphine milligram equivalents, and population. Details and agreed terms regarding the metrics, the updating of allocation percentages, and the initial allocation percentages for each county is set out in Exhibit A.

E. Subdivision Fund.

1. The 15% Subdivision Fund shall generally be directed to the Subdivisions participating in the Distributor/J&J Settlements pursuant to the default provisions of those agreements, including the allocation of funds for non-litigating municipalities with populations under 10,000 to their respective counties.

¹ “State Fund,” Abatement Accounts Fund,” and “Subdivision Fund” are all defined terms in the Distributor/J&J Settlement agreements. They are sub-funds of the settlements’ “Settlement Fund” into which the companies make base and incentive payments pursuant to the settlement agreements.

² Some examples are distributor agreement Subsections V.B.1-2 and J&J agreement Subsections VI.B. 1-2.

³ These are mainly found in distributor agreement Section V.E and J&J agreement Section VI.E.

2. The default provisions are adjusted for non-litigating municipalities in participating counties that both (1) have populations of 10,000 to 30,000 per the 2019 U.S. Census estimate and (2) have a Subdivision Fund allocation percentage less than 0.5%.⁴ The allocations for such municipalities shall be directed to their respective counties if the county is a participating subdivision. (If the county is not a participating subdivision, the funds are not redirected to the county.) The reallocation for such municipalities located in multiple counties will be divided among those counties pursuant to the data used in Exhibit G of the Distributor/J&J Settlements. These redirected funds to certain counties shall be spent on future opioid abatement and shall be subject to the same statutory requirements as the Abatement Accounts Fund money the county receives from the Tennessee Opioid Abatement Fund. These redirected funds to certain counties are in addition to the funds allocated to participating counties pursuant to 2021 Legislation Section 6(p) and should not be included in calculating or disbursing the 35% amount allocated to participating counties. Such redirected funds should also not be viewed as an additional recovery by the county for purposes of calculating any contingency fees agreements.

F. Attorneys' fees and costs. The Distributor/J&J Settlements have provisions for funds dedicated to or related to attorneys' fees, costs, and/or expenses. There are also funds for states without outside counsel, identified as "Additional Restitution Funds." Such funds shall be allocated pursuant to such agreements and are not addressed by this Agreement.

IV. Allocation of Funds for other Statewide Opioid Settlement Agreements

A. Application to future settlements. To the extent allowed by such agreement and subject to IV.B.2 of this Agreement, the provisions in Section III above shall replace default provisions in, and apply to, any future Statewide Opioid Settlement Agreement in which Tennessee counties and municipalities are able to join and receive benefits, either directly or indirectly, in exchange for a release of claims.⁵ Not all municipalities need to be eligible to join such a settlement for the provisions of this Section IV to apply. Indirect benefits include funds being allocated to counties and/or the Tennessee Opioid Abatement Fund.

B. Exceptions. The application of Section IV.A. is limited, as follows:

1. The directing of 35% of Abatement Funds to the counties pursuant to the 2021 Legislation Section 6(p) shall not apply to any Statewide Opioid Settlement Agreement that includes an incentive or other benefit for a Statutory Bar unless (a) Section 19 of the 2021 Legislation is amended to specifically allow a Statewide Opioid Settlement Agreement release for the settling entity or entities or (b) another statute that qualifies as a Statutory Bar for such settlement is enacted. Should such settlement become effective prior

⁴ For the avoidance of doubt, a non-litigating municipality with a population between 10,000 and 30,000 that has a Subdivision Fund allocation percentage of 0.5% or greater is not affected by this subsection and receives its direct allocation from the Subdivision Fund.

⁵ For the avoidance of doubt, the Section III provisions include the 15%/70%/15% allocation of settlement funds among the three sub-funds.

to the enactment of a Statutory Bar addressing claims against the settling entity or entities, 35% of the funds directed to the Tennessee Opioid Abatement Fund shall be withheld and not allocated until the earlier of (1) the enactment of such a Statutory Bar or (2) a full regular session of the Tennessee General Assembly has occurred.

2. Section IV.A shall not apply to any Statewide Opioid Settlement Agreement unless the application of this Agreement to such settlement is approved by a majority of (a) counties and (b) municipalities having a population over 30,000 after such settlement is negotiated and provided to such subdivisions. Whether there is majority approval shall be measured by population of the relevant subdivisions. Population figures shall be from the most recently published U.S. Census population figures (actual count or estimate) for a year for which data is available for both counties and municipalities.

3. Section IV.A shall not apply to any Statewide Opioid Settlement Agreement with Endo International plc. or its subsidiaries.

C. Statutory provisions. The language in this section does not address or control whether any default provisions in a Statewide Opioid Settlement Agreement are replaced by the 2021 Legislation or any other statutory provision if Section IV.A does not apply to such settlement.

V. Allocation of Funds for Opioid-Related Claims in Joint Abatement Bankruptcy Plans

A. Relevant Funds. Multiple opioid manufacturers have filed for bankruptcy in actions for which the State and many Subdivisions are creditors for opioid-related claims. These companies include Purdue and Mallinckrodt. It is anticipated that other entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids may also file for bankruptcy and that the State and one or more Subdivisions will pursue opioid-related claims in those actions. Funds allocated to the State and Subdivisions for such claims shall be disbursed pursuant to the confirmed bankruptcy plan for the relevant entity, including requirements for funds to be used for future abatement. It is anticipated that one or more of such plans shall include the allocation of Relevant Funds that must be dedicated to opioid abatement programs. All Relevant Funds shall be placed in the Tennessee Opioid Abatement Fund and allocated pursuant to Sections V.B. Relevant Funds do not include funds disbursed through bankruptcy plans that are not restricted to abatement or that are disbursed for claims that are unrelated to the opioid crisis.

B. Allocation of Relevant Funds. To the extent permissible under the subject bankruptcy plan, Relevant Funds from Joint Abatement Bankruptcy Plans shall be allocated in the same manner as the Abatement Account Funds from the Distributor/J&J Settlements are disbursed under Section III.D and the 2021 Legislation. Thus, the Opioid Abatement Council shall disburse 35% of the proceeds from such bankruptcy plans to the counties subject to 2021 Legislation

Subsections 6(q)-(s). All default provisions related to Relevant Funds in such bankruptcy plans are replaced by this Agreement.⁶

C. Exception. Section V shall not apply to any bankruptcy plan for Endo International plc. or its subsidiaries.

D. Statutory provisions. The language in this section does not address or control whether any default provisions in a Joint Abatement Bankruptcy Plan are replaced by the 2021 Legislation or any other statutory provision if Sections V.A-B do not apply to such bankruptcy plans.

VI. No Application to Other Funds

A. State-Only Opioid Settlement Agreements and State Opioid Judgments. The Attorney General may direct funds from a State-Only Opioid Settlement Agreement or a State Opioid Judgment to the Tennessee Opioid Abatement Fund. Subject to the terms of specific agreements and any conditions placed on the funds prior to their being placed in the Tennessee Opioid Abatement Fund, the funds shall be allocated by the Opioid Abatement Council pursuant to the 2021 Legislation. The allocation and other provisions in this Agreement that apply to certain Statewide Opioid Settlement Agreements and to certain funds from Joint Abatement Bankruptcy Plans do not apply to funds from State-Only Opioid Settlement Agreements or State Opioid Judgments.

B. Subdivision-Only Settlement Agreements and Subdivision Judgments. The allocation and other provisions in this Agreement that apply to certain Statewide Opioid Settlement Agreements and to certain funds from Joint Abatement Bankruptcy Plans do not apply to funds from Subdivision-Only Opioid Settlement Agreements or Subdivision Opioid Judgments.

VII. Adoption and Amendment of Agreement

A. Controlling Authority. For this Agreement to replace default provisions in the Distributor/J&J Settlements, it must be adopted by statute or approved by the State and a sufficient number of Subdivisions as set forth in Exhibit O of those settlements. For this Agreement to replace default provisions in the Purdue and other bankruptcy plans, it is anticipated that it will need to be approved by the State and a sufficient number of Subdivisions as set forth in the specific bankruptcy plans. There are similar requirements for amending state-subdivision agreements such as this Agreement. It is understood that the approval process and participation requirements set out in this Section VII meet the requirements of these settlement agreements and anticipated bankruptcy plans. For any settlement agreement or bankruptcy plan that allows for a state-subdivision agreement to determine the requirements for amendment of a state-subdivision

⁶ For example, the provisions related to the default “Government Participation Mechanism” in the Purdue bankruptcy plan are not applicable with the adoption of this Agreement (which incorporates the Opioid Abatement Council).

agreement, the approval process and participation requirements set out in this Section VII for an amended agreement shall control. Similarly, if this Agreement is adopted by statute, the approval process and participation requirements set out in this Section VII for an amended agreement shall control.

B. Adoption of Agreement. This Agreement is adopted if it is approved by the Attorney General, on behalf of the State, and either (1) Subdivisions whose aggregate “Population Percentages,” determined as set forth below, total more than 60%, or (2) Subdivisions whose aggregate Population Percentages total more than 50%, provided that these Subdivisions also represent 15% or more of the counties, by number.

C. Population Percentage Calculation. Population Percentages shall be determined as follows: The Population Percentage of each county shall be deemed to be equal to (1) (a) 200% of the population of such county minus (b) the aggregate population of all Primary Municipalities located in such county, divided by (2) 200% of the state’s population. A Primary Municipality means a municipality with a population of at least 25,000. The Population Percentage of each Primary Municipality shall be equal to its population divided by 200% of the state’s population. (The result of these calculations is that every person is counted twice: everyone in a Primary Municipality is counted once for that municipality; everyone is counted at least once for their county; and those not in a Primary Municipality are counted a second time for their county.) Except as required by a specific settlement agreement or bankruptcy plan, the population figures for these calculations shall be the 2020 U.S. Census counts for the initial adoption of the Agreement and, for adoption of an amended agreement, the most recently published U.S. Census population figures (actual count or estimate) for a year for which data is available for both counties and municipalities.

D. Amendment of Agreement. This Agreement may be amended if that amended agreement is approved by the Attorney General, on behalf of the State, and either (1) Subdivisions whose aggregate Population Percentages, determined as set forth above, total more than 60%, or (2) Subdivisions whose aggregate Population Percentages total more than 50% provided that these Subdivisions also represent 15% or more of the counties, by number.

VIII. Effect of Agreement

Nothing in this Agreement is intended to abridge or enlarge the authority of the Attorney General, the State, or the subdivisions, except as expressly stated herein.

Exhibit A: County Allocation for Opioid Abatement Fund

Certain abatement funds are allocated by county pursuant to the 2021 Legislation and/or the provisions of this Agreement. The allocations shall be set consistent with the 2021 Legislation and as set forth below.

A. County Allocation Data. The following data shall be used in the county allocation calculations:

1. Fatal opioid overdose data collected by the Tennessee Department of Health. The aggregate figures for the most recent three years of available data shall be used when allocation calculations are performed.

2. Non-fatal opioid overdose data collected by the Tennessee Department of Health. The aggregate figures for the most recent three years of available data shall be used when allocation calculations are performed.

3. Opioid sales as measured by morphine milligram equivalents (“MME”). The aggregate figures for the most recent three years of available data shall be used when allocation calculations are performed.

4. County population. The 2020 U.S. Census counts will be used for the initial allocations. For future allocation calculations, the most recent population estimate or actual count data published by the U.S. Census shall be used.

B. Weighting of Data. In calculating the county allocation percentages, the data shall be weighted as follows:

1. Fatal opioid overdose data shall be weighted at 12.5%.
2. Non-fatal opioid overdose data shall be weighted at 12.5%.
3. Opioid sales as measured by MME shall be weighted at 25%.
4. Population shall be weighted at 50%.

C. Updating of Allocations. The county allocations shall be updated pursuant to statute. The 2021 Legislation requires updating every four years and addresses what happens if a data set used in the initial allocations is unavailable.

D. Allocation Process. The State shall make the initial data and allocable share calculations available to the counties to review for 30 days in order to identify and correct any mathematical or data entry errors. The Opioid Abatement Council will allow for similar review for future reallocations.

E. Holdback Share. It is recognized that, particularly for some very small counties, there could be limits on the ability of the data to capture the scope of the opioid crisis in the county. For example, a large segment of a county’s population may fill prescriptions in a neighboring county, resulting in MME data that dramatically underrepresents the level of opioids prescribed to the residents of the county. To address limited situations such as this, 2% of the abatement funds

allocated to counties shall be initially held back until the Opioid Abatement Council can consider county requests for adjustments to their allocation percentages due to such data issues. However, such requests will only be granted when there is a finding that the data limitations substantially affected the county's overall allocation. The Council may only adjust allocation percentages upwards through the use of the 2% holdback fund and may find that no adjustments are needed. Any portion of the 2% holdback fund not used to adjust county allocations pursuant to this process will be released to the counties pursuant to their allocations, including any adjusted allocation percentages.

F. Initial County Allocation Percentages.

[TABLE TO BE INSERTED ONCE UPDATED DATA AVAILABLE]

**Summary of 2023 Amendments
to Tennessee State-Subdivision Opioid Abatement Agreement**

In addition to being asked to join five new settlements, Tennessee local governments are also being asked to approve amendments to the Tennessee State-Subdivision Opioid Abatement Agreement. There are three proposed amendments, which are summarized below. The settlement participation packet being sent to counties and qualifying municipalities by the national administrator will also include a form to approve the three amendments. The full text of the proposed amendments can be found on the following page.

Summary of Amendment 1:

This amendment simply applies the terms of the State-Subdivision Agreement to the five new settlements with Allergan, Teva, CVS, Walgreens, and Walmart. This will ensure that the structure and procedures that apply to the prior settlements with the three national pharmaceutical distributors and Johnson & Johnson will be the same for the new settlements. For example, the formula for using overdose and other data to allocate funds among the counties would be the same for the new agreements as with the existing ones.

Summary of Amendment 2:

Under the State-Subdivision Agreement, Subdivision Fund allocations for non-litigating municipalities with populations under 30,000 are directed to the counties. Consequently, these municipalities do not receive direct payments, but the money stays with the community. (This provision would continue to apply with the new settlements.) The current language of the provision also places a restriction on the use of the redirected funds, treating the redirected funds like money from the trust fund and unlike the other Subdivision Fund direct payments the county is receiving from the national administrator. This restriction would require a substantial amount of special accounting for a small amount of money. The amendment removes that requirement to streamline accounting for the counties.

Summary of Amendment 3:

The third amendment applies the State-Subdivision Agreement to funds from the Endo International PLC bankruptcy. Since the Agreement was first negotiated, a group of East Tennessee counties and municipalities reached a settlement with the company, which later filed for bankruptcy. The amendment applies the bankruptcy provisions of the Agreement to Endo funds paid into the State's trust fund, including the provision to direct 35% of the funds to the counties. However, as the previously settling counties have had a substantial recovery from Endo, the amendment does not provide those nine counties a direct allocation. The amendment makes clear that the nine counties would be eligible to receive some of the remaining Endo funds as well as funds from other settlements.

Following Page: Text of Amendments

On the next page is the text of the amendments, which are set out as they should appear in the settlement packets from the national administrator.

Tennessee State-Subdivision Opioid Abatement Agreement- 2023 Amendments

The Tennessee State-Subdivision Opioid Abatement Agreement is amended as follows:

Amendment 1:

Pursuant to Section IV.A, this Agreement shall apply to the following Statewide Opioid Settlement Agreements, should they become effective:

- A. Allergan Public Global Opioid Settlement Agreement
- B. CVS Settlement Agreement
- C. Teva Global Opioid Settlement Agreement
- D. Walgreens Settlement Agreement
- E. Walmart Settlement Agreement

Amendment 2:

To allow for efficiency and more streamlined accounting, the fifth sentence in Section III.E.2 of the Agreement ("These redirected funds to certain counties shall be spent on future opioid abatement and shall be subject to the same statutory requirements as the Abatement Accounts Fund money the county receives from the Tennessee Opioid Abatement Fund.") shall be considered deleted and given no effect.

Amendment 3:

Notwithstanding the exception provisions in Section IV.B.3 and Section V.C. of the Agreement, Section V shall apply to funds from the Endo International plc bankruptcy (*In re Endo international plc, et al., U.S. Bankruptcy Court, S.O.N.Y, No. 22-22549*). As they have received funds from a prior settlement with Endo, the following counties shall not receive a share of the 35% of proceeds directed to counties pursuant to Section V.B: Carter, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington. However, nothing in this agreement shall limit the Opioid Abatement Council's discretion in whether or not to approve any requested allocation from the remaining Endo proceeds or other funds to these counties or the municipalities participating in that prior settlement.

Note on adoption of amendments:

Amendment 1 shall be effective if approved as set forth in Section IV.B.2 of the Agreement. Amendments 2 and 3 shall be effective if approved as set forth in Section VII.D of the Agreement.

ORDINANCES

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #272-2023-09

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING TAX MAP 006 PARCEL 004.03
FROM A1 TO R1**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a parcel from A-1 Agricultural to R-1 Residential identified as follows:

Trousdale County Tax Map 006 Parcel 004.03;

This being a total of 5.01 acres located at 665 Hawkins Branch Road, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission February 13, 2023
Public Hearing to be held on March 27, 2023 if passed at 1st reading*

	1M	<u>Landon Gulley</u>		Voice Vote			
First Reading:	<u>February 27, 2023</u>	2m	<u>Lonnie Taylor</u>	<i>Approved w/o opposition</i>	<i>Absent</i>	<u>0</u>	PASSED
	1M	_____		Voice Vote			
Second Reading:	<u>March 27, 2023</u>	2m	_____		<i>Absent</i>	_____	_____

Approved:

Attest:

Commission Chairman

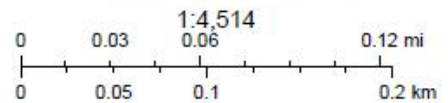
County Clerk

Trousdale County - Parcel: 006 004.03



Date: February 6, 2023

County: Trousdale
Owner: FERGUSON WILLIAM ETUX TONYA B FERGUSON
Address: HAWKINS BR RD 665
Parcel Number: 006 004.03
Deeded Acreage: 5.01
Calculated Acreage: 0
Date of TDOT Imagery: 2017
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, TDOT, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

HARTSVILLE/TROUSDALE COUNTY
Sam Edwards | Zoning & Building Inspector
328 Broadway, Room 1 | Hartsville, TN 37074
office (615) 374-1125 | fax (615) 374-0558

ZONING CHANGE

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1 Reason match zoning of adjacent parcel
Property Owner William and Tonya Fergusson Phone _____
Property Address 665 Hawkins Branch RD Bethpage TN 37022
Lot Size 5.01 acres Road Frontage _____ ft. Easements _____ ft
Tax Map Number 06 Group _____ Parcel 004.03 Record/Deed Book _____
Subdivision Name _____ Phase _____ Lot # _____
Water Source city Sewer or Septic septic

APPLICANT INFORMATION

Applicant Name William Fergusson Phone _____
Mailing Address _____ TN 37022
Email: _____

IMPACT INFORMATION

Zoning of Surrounding Properties A-1, R-1
Names of Surrounding Property Owners William Fergusson, Braydon Satterfield
Billy Oglesby Jr, Joe Fergusson,
Affected Roads Hawkins Branch Rd
Schools Affected _____
Public Utilities Castalian Springs/Bethpage Water; Tri County Electric

ACTION TAKEN

Reviewed by Planning Commission _____ Action _____
Reviewed by BZA _____ Action _____
Zoning Ordinance at County Commission
1st Reading _____ Action _____
Public Hearing _____ Action _____
2nd Reading _____ Action _____
Passed _____ Failed, state reason _____

W. Fergusson
Applicant Signature

1/25/23
Date Submitted

\$100 Application fee



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION
328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay	Thomas Harper	David Nollner	Mark Swaffer
Mitch Gregory	Rhonda Keisling	Carol Pruitt	David Thomas

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on February 13, 2023, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1
 Tax Map Number 006 Group _____ Parcel 4.03
 Reason Match adjacent zoning
 Property Owner William Fergusson
 Property Address 665 Hawkins Branch Rd, Bethpage TN 37022

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The property surrounding the parcel are zoned R-1 and A-1.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.

John Kerr
Chairman

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #273-2023-10

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING TAX MAP 026 PARCEL 058.00
FROM A1 TO R1**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a parcel from A-1 Agricultural to R-1 Residential identified as follows:

Trousdale County Tax Map 026 Parcel 058.00;

This being a total of 3.95 acres located at 185 Lattie Reese Road, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission February 13, 2023
Public Hearing to be held on March 27, 2023 if passed at 1st reading*

	1M	<u>T. Bubba Gregory</u>	Voice Vote			
First Reading:	<u>February 27, 2023</u>	2m <u>David Thomas</u>	<i>Approved w/o opposition</i>	<i>Absent</i>	<u>0</u>	PASSED
	1M	_____	Voice Vote			
Second Reading:	<u>March 27, 2023</u>	2m _____		<i>Absent</i>	_____	_____

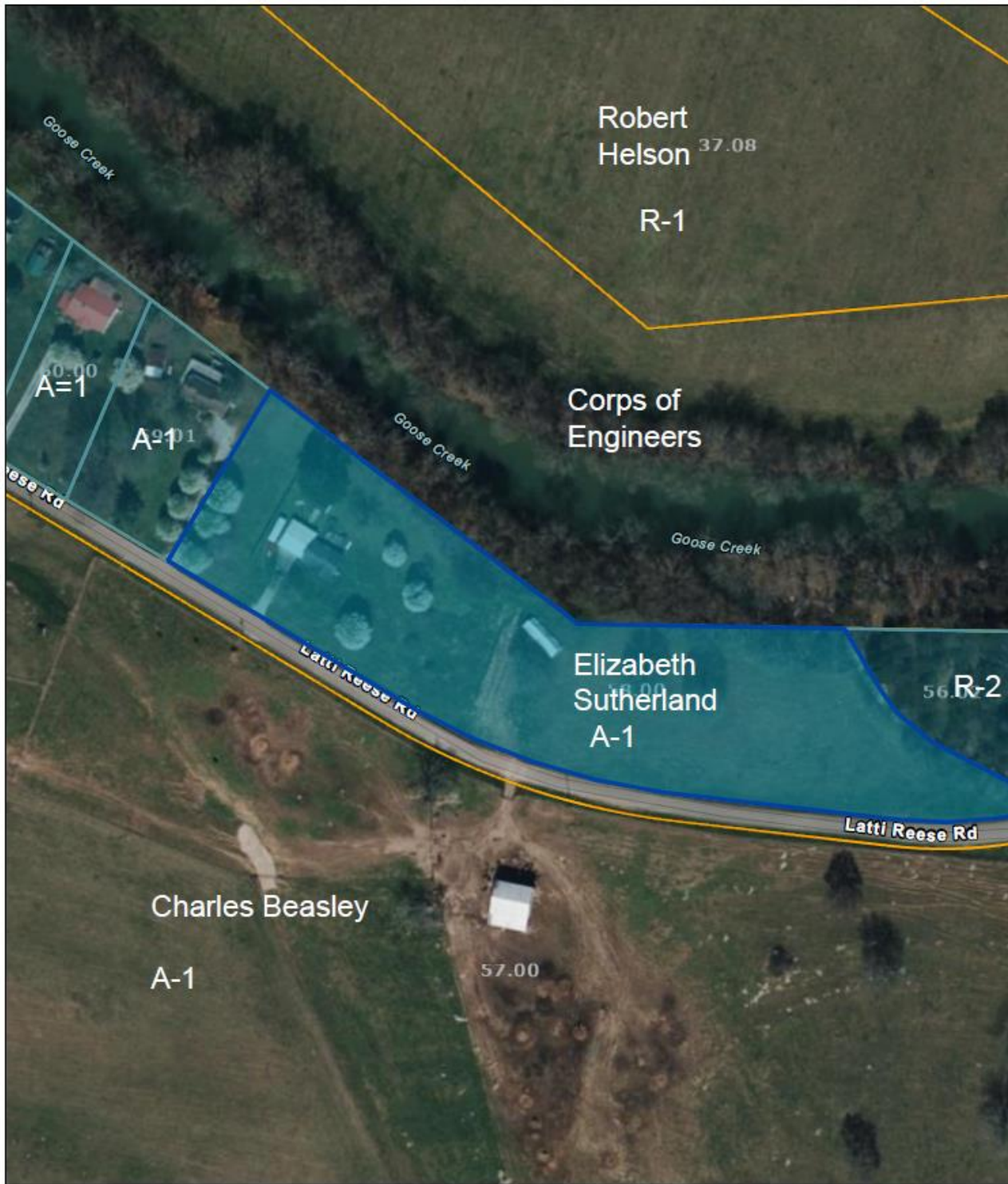
Approved:

Attest:

Commission Chairman

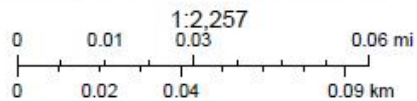
County Clerk

Trousdale County - Parcel: 026 058.00



Date: February 6, 2023

County: Trousdale
 Owner: BEASLEY CHARLES ETUX
 Address: LATTIE REESE RD 185
 Parcel Number: 026 058.00
 Deeded Acreage: 3.95
 Calculated Acreage: 0
 Date of TDOT Imagery: 2017
 Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, TDOT, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

HARTSVILLE/TROUSDALE COUNTY
Sam Edwards | Zoning & Building Inspector
328 Broadway, Room 1 | Hartsville, TN 37074
office (615) 374-1125 | fax (615) 374-0558

ZONING CHANGE

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1 Reason BUILD HOUSE
Property Owner ELIZABETH SUTHERLAND Phone _____
Property Address 185 LATTIE REESE RD HARTSVILLE TN 37074
Lot Size 3.95 ACRES Road Frontage _____ ft. Easements _____ ft
Tax Map Number 026 Group _____ Parcel 058.00 Record/Deed Book W PG 26 LOT 32-
Subdivision Name _____ Phase _____ Lot # _____
Water Source CITY Sewer or Septic septic

APPLICANT INFORMATION

Applicant Name ELIZABETH SUTHERLAND Phone _____
Mailing Address _____ E _____ TN 37074
Email: _____

IMPACT INFORMATION

Zoning of Surrounding Properties R-1, A-1, R-2
Names of Surrounding Property Owners CORD of ENGINEERS, Robert HELSON, FRANK Sutherland, Charles Beasley, Dennis Denham, DEAN Ward
Affected Roads Lattie REESE Rd
Schools Affected _____
Public Utilities Hartsville Water, Tri County Electric

ACTION TAKEN

Reviewed by Planning Commission _____ Action _____
Reviewed by BZA _____ Action _____
Zoning Ordinance at County Commission
1st Reading _____ Action _____
Public Hearing _____ Action _____
2nd Reading _____ Action _____
Passed _____ Failed, state reason _____

Elizabeth Sutherland

Applicant Signature

Date Submitted

\$100 Application fee



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION
328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay	Thomas Harper	David Nollner	Mark Swaffer
Mitch Gregory	Rhonda Keisling	Carol Pruitt	David Thomas

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on February 13, 2023, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1

Tax Map Number 026 Group _____ Parcel 058.00

Reason Separate 1 acre to build a house

Property Owner Elizabeth Sutherland

Property Address 185 Lattie Reese RD Hartsville TN 37074

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The property surrounding the parcel are zoned R-1, R-2, and A-1.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.

John Kerr
Chairman

ORDINANCE #274-2023-11

ORDINANCE TO AMEND THE TROUSDALE COUNTY ZONING RESOLUTION

ARTICLE VI, SECTION 4.110 DEVELOPMENT STANDARDS FOR PRIVATE CAMPGROUNDS AND THE HARTSVILLE ZONING ORDINANCE ARTICLE VII, SECTION 7.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended this amendment to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

Section 1: That Article IV of the Zoning Resolution of Trousdale County, Tennessee be amended by removing the word "exclusively" from Section 4.110.B Development Standards for Private Campgrounds, as read as follows:

B. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designated, and intended to serve ~~exclusively~~ the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller.

Section 2: That Article VII of the Zoning Ordinance of Hartsville, Tennessee be amended by removing the word "exclusively" from Section 7.070.H.1.f.ii Special Conditions for Group Assembly Activities, as read as follows:

H.1.f.ii The campground may include convenience commercial establishments such as camp stores and laundry facilities; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed, and intended to ~~exclusively~~ serve the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

Recommended by Codes & Zoning Committee January 5, 2023

Recommended by Planning Commission through favorable discussion February 13, 2023

Public Hearing to be held on March 27, 2023 if passed at 1st reading

		1M <u>Lesley Overman</u>		Voice Vote			
First Reading:	<u>February 27, 2023</u>	2m <u>Landon Gulley</u>	<i>Approved w/o opposition</i>	<i>Absent</i>	<u>0</u>	PASSED	
		1M _____		Voice Vote			
Second Reading:	<u>March 27, 2023</u>	2m _____		<i>Absent</i>	_____	_____	

Approved:

Attest:

Commission Chairman

County Clerk

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #275-2023-12

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING A PORTION OF TAX MAP 013 PARCEL 032.05
FROM A1 TO R1**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a portion of a parcel from A-1 Agricultural to R-1 Residential identified as follows:

Trousdale County Tax Map 013 Parcel 032.05;

The portion to total of 2 acres located on Highway 10, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission March 13, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

First Reading:	<u>March 27, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____
Second Reading:	<u>April 24, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____

Approved:

Attest:

Commission Chairman

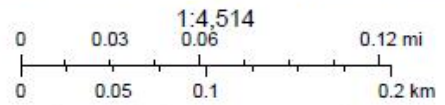
County Clerk

Trousdale County - Parcel: 013 032.05



Date: February 6, 2023

County: Trousdale
Owner: CLARIDY DANNY
Address: HWY 10
Parcel Number: 013 032.05
Deeded Acreage: 5.01
Calculated Acreage: 0
Date of TDOT Imagery: 2017
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, TDOT, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

HARTSVILLE/TROUSDALE COUNTY
Sam Edwards | Zoning & Building Inspector
328 Broadway, Room 1 | Hartsville, TN 37074
office (615) 374-1125 | fax (615) 374-0558

1/27/23
MR#1940

ZONING CHANGE

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1 Reason split into two lots
Property Owner Mary Lynn Claridy Phone [redacted]
Property Address Hwy 10 Hartsville [redacted] 37074
Lot Size 5.01 acres Road Frontage _____ ft. Easements _____ ft
Tax Map Number 013 Group _____ Parcel 32.05 Record/Deed Book _____
Subdivision Name _____ Phase _____ Lot # _____
Water Source city Sewer or Septic septic

APPLICANT INFORMATION

Applicant Name Mary Lynn Claridy Phone (615) [redacted]
Mailing Address Hwy 10 Hartsville [redacted] 37074
Email: [redacted]

IMPACT INFORMATION

Zoning of Surrounding Properties A-1, C-1
Names of Surrounding Property Owners Danny Claridy, KEVIN RIVERS,
BYRON GRAVES JR, ROGER JONES, JERRY FORD
Affected Roads Hwy 10
Schools Affected _____
Public Utilities Hartsville Water, Tri-County Electric

ACTION TAKEN

Reviewed by Planning Commission _____ Action _____
Reviewed by BZA _____ Action _____
Zoning Ordinance at County Commission
1st Reading _____ Action _____
Public Hearing _____ Action _____
2nd Reading _____ Action _____
Passed _____ Failed, state reason _____

Mary S Claridy
Applicant Signature

1/27/2023

Date Submitted

\$100 Application fee

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #276-2023-13

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING A PORTION OF TAX MAP 019 PARCEL 010.00
FROM A1 TO C1**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a parcel from A-1 Agricultural to C-1 Commercial identified as follows:

Trousdale County Tax Map 019 Parcel 010.00;

This being a portion of 5.13 acres of the total 212 acres located on Halltown Road, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission March 13, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

First Reading:	<u>March 27, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____
Second Reading:	<u>April 24, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____

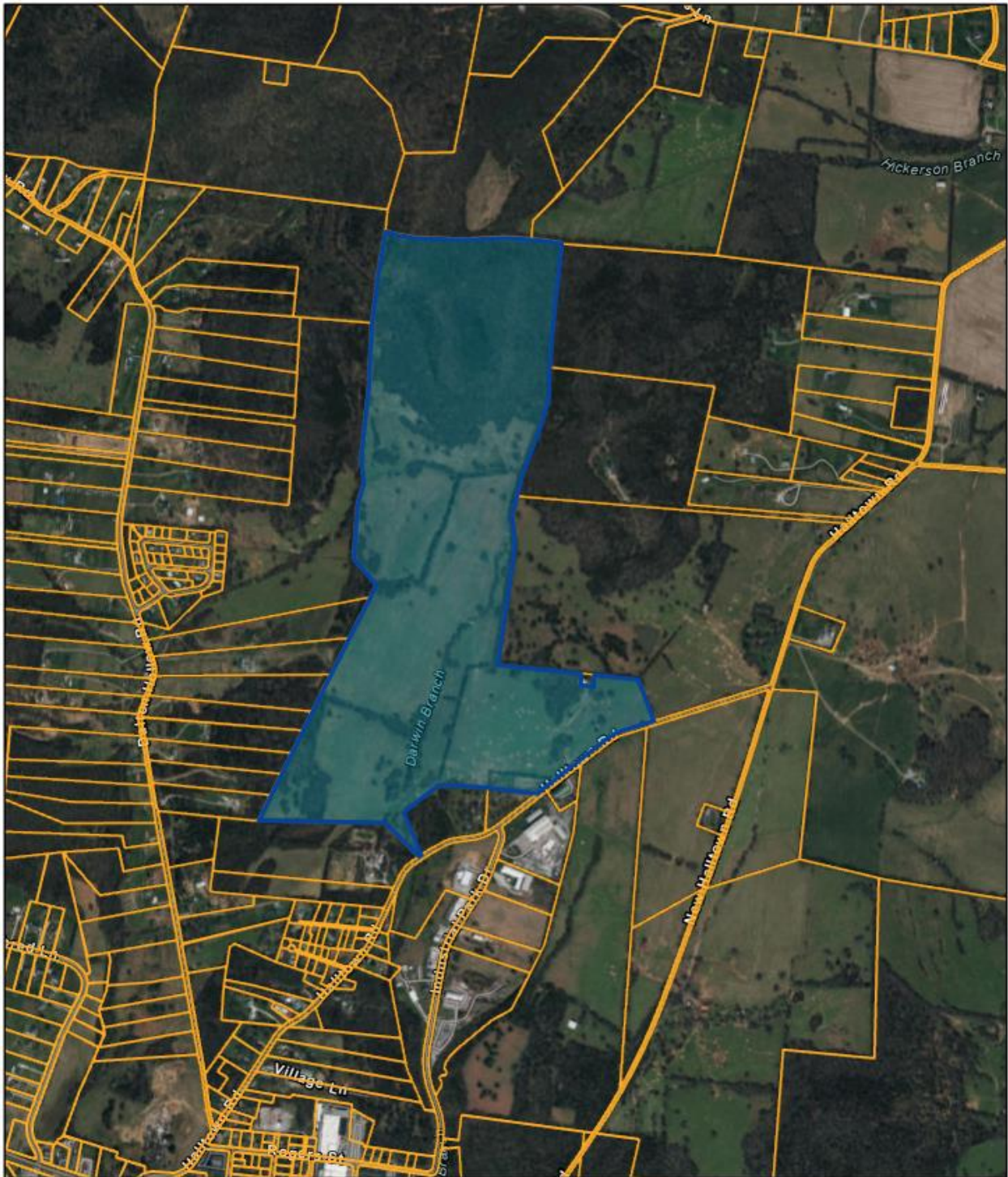
Approved:

Attest:

Commission Chairman

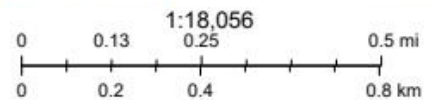
County Clerk

Trousdale County - Parcel: 019 010.00



Date: March 13, 2023

County: Trousdale
Owner: NATALE REALTY GROUP LLC
Address: HALLTOWN RD
Parcel Number: 019 010.00
Deeded Acreage: 212.16
Calculated Acreage: 0
Date of TDOT Imagery: 2021
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

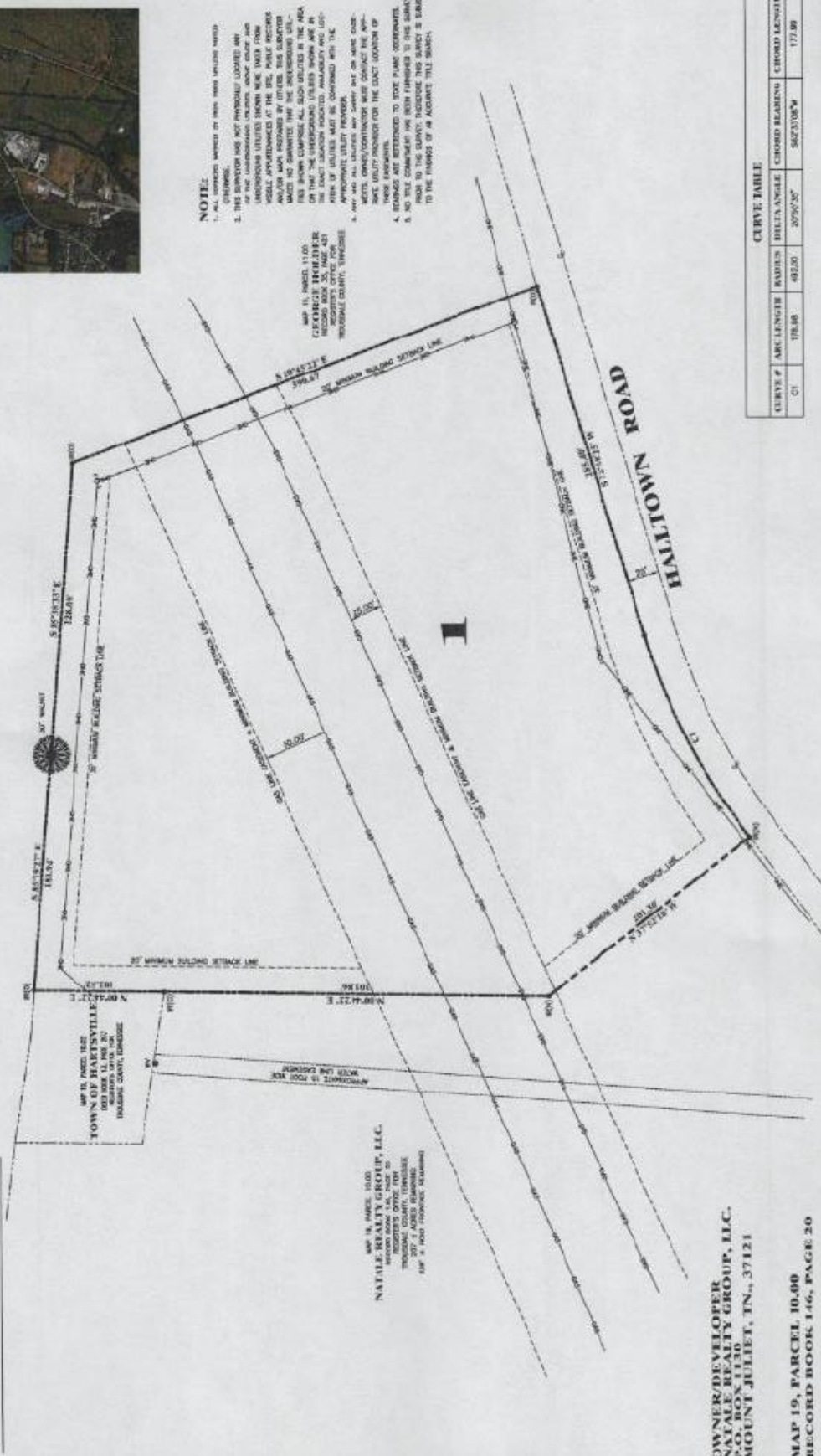
The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



CERTIFICATE OF ACCURACY:
 I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY WITH AN UNADJUSTED CLOSURE RATIO OF AT LEAST 1:10,000 AND WAS DONE USING THE LATEST RECORDED BEEDS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



MAP 19, PARCEL 11.00
 GEORGE HOLLIDAY
 RECORD BOOK 25, PAGE 471
 TROUBLESHOOT COUNTY, TENNESSEE



NOTE:
 1. ALL CURVES SHOWN ON THIS PLAN WERE FIELD MEASURED.
 2. THE CURVE DATA WAS NOT INDEPENDENTLY CHECKED BY AN INDEPENDENT SURVEYOR. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE.
 3. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE.
 4. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE.
 5. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE. THE CURVE DATA WAS OBTAINED FROM THE RECORDS OF THE TROUBLESHOOT COUNTY, TENNESSEE.

MAP 19, PARCEL 11.00
 GEORGE HOLLIDAY
 RECORD BOOK 25, PAGE 471
 TROUBLESHOOT COUNTY, TENNESSEE

MAP 19, PARCEL 10.00
 NATALE REALTY GROUP, LLC.
 RECORD BOOK 146, PAGE 20
 TROUBLESHOOT COUNTY, TENNESSEE

OWNER/DEVELOPER
 NATALE REALTY GROUP, LLC.
 P.O. BOX 1130
 MOUNT JULIET, TN., 37121

MAP 19, PARCEL 10.00
 RECORD BOOK 146, PAGE 20

**BOUNDARY SURVEY OF A PORTION OF THE
 NATALE REALTY GROUP, LLC. PROPERTY**

7TH CIVIL DISTRICT OF TROUBLESHOOT COUNTY, TENNESSEE



SCALE: 1" = 50'
 DATE: FEBRUARY 13, 2023
 JOB NO.: 22-1152-WC

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	178.68	492.00	207°52'50"	S 62°23'08"W	177.89



427 PARK AVENUE
 LOT 152, 144-1-2023
 DICKSONVILLE (SOUTH) UNIT
 SURVEY, LUMP PLANNED

TOTAL AREA: 5.13 ± ACRES

RHARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #277-2023-14

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING TAX MAP 019M GROUP C PARCEL 017.30
FROM R1 TO C2**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a parcel from R-1 Residential to C-2 Commercial identified as follows:

Trousdale County Tax Map 019M Group C Parcel 017.30;

The parcel totaling 0.91 acres located on Highway 25, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission March 13, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

First Reading:	<u>March 27, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____
Second Reading:	<u>April 24, 2023</u>	1M _____ 2m _____	Voice Vote	Absent _____

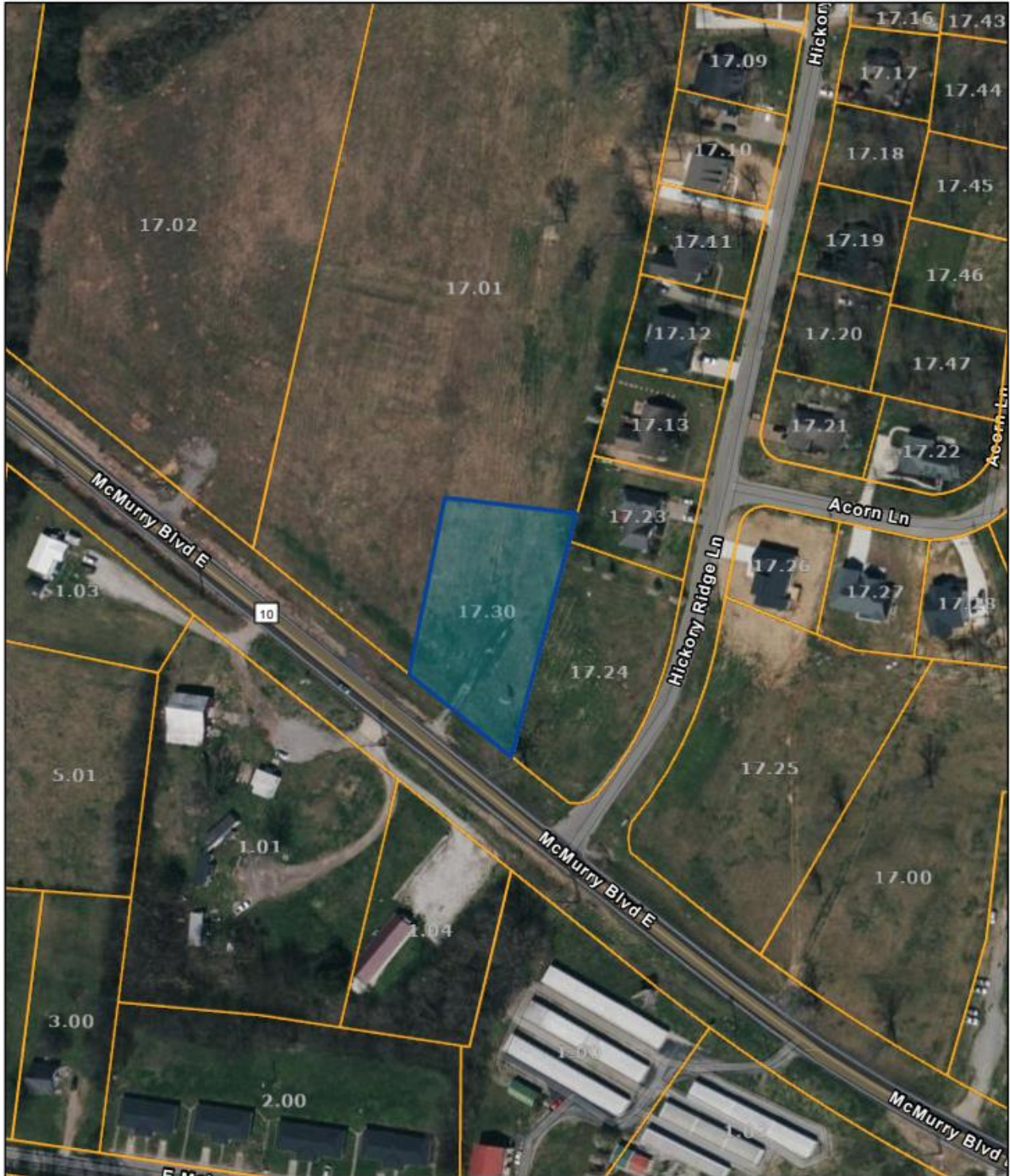
Approved:

Attest:

Commission Chairman

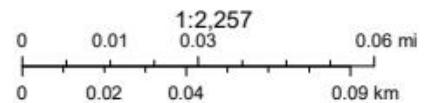
County Clerk

Trousdale County - Parcel: 019M C 017.30



Date: March 13, 2023

County: Trousdale
Owner: CARMAN MATTHEW
Address: MCMURRY BLVD E
Parcel Number: 019M C 017.30
Deeded Acreage: 0.91
Calculated Acreage: 0
Date of TDOT Imagery: 2021
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION
328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay
Rhonda Keisling

David Nollner
Carol Pruitt

David Thomas

Thomas Harper

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on March 13, 2023, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION

Current Zoning	<u>R-1</u>	Requested Zoning	<u>C-2</u>
Tax Map Number	<u>019M</u>	Group	<u>C</u>
		Parcel	<u>17.30</u>
Reason	<u>Matching zoning along Hwy 25 Urban plan</u>		
Property Owner	<u>Matthew and Betsy Carman</u>		
Property Address	<u>Hwy 25 Hartsville TN</u>		

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The rezoning of this parcel will match the zoning plan for the Urban District of Hartsville with C-2 zoning along Hwy 25.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.

John Kerr
Chairman

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #278-2023-15

**AN ORDINANCE TO AMEND ARTICLE V, SECTION 5.020 OF THE
ZONING RESOLUTION OF HARTSVILLE, TENNESSEE AND THE
ZONING ORDINANCE OF TROUSDALE COUNTY, TENNESSEE,
BY REZONING A PORTION OF TAX MAP 004 PARCEL 015.02
FROM A1 TO R1**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the location and boundaries of the zoning districts established by this resolution and ordinance, are bounded, and defined as shown on the official zoning map, entitled Zoning Map of Trousdale County, Tennessee, and any amendment thereto; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing prior to the second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That the Zoning Map of Hartsville/Trousdale County, Tennessee be amended by the rezoning of a portion of a parcel from A-1 Agricultural to R-1 Residential identified as follows:

Trousdale County Tax Map 004 Parcel 015.02;

This being a 1.00 acre portion of 3.01 acres located on Skillet Creek Road, Hartsville, TN; and

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*This Rezoning request has a **favorable** recommendation by Planning Commission March 13, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

First Reading:	<u>March 27, 2023</u>	1M _____ 2m _____	Voice Vote Absent _____
Second Reading:	<u>April 24, 2023</u>	1M _____ 2m _____	Voice Vote Absent _____

Approved:

Attest:

Commission Chairman

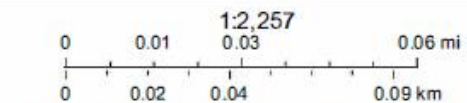
County Clerk

Trousdale County - Parcel: 004 015.02



Date: February 27, 2023

County: Trousdale
Owner: CROOK BRIAN DANIEL
Address: SKILLET CREEK RD 1575
Parcel Number: 004 015.02
Deeded Acreage: 3.01
Calculated Acreage: 0
Date of TDOT Imagery: 2021
Date of Vexcel Imagery: 2021



Est Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury, Office of Local Government (OLG)

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

MP# 2164
2-23-23

(R)

HARTSVILLE/TROUSDALE COUNTY
Sam Edwards | Zoning & Building Inspector
328 Broadway, Room 1 | Hartsville, TN 37074
office (615) 374-1125 | fax (615) 374-0558

Read
\$12000
EVM

1100 @
CASH (R)

ZONING CHANGE

PARCEL INFORMATION

Current Zoning A1 Requested Zoning R1 Reason SELL HOUSE/KEEP LAND
Property Owner BRIAN CROOK Phone (_____) _____
Property Address 1575 SKILLET CREEK RD HARTSVILLE, TN 37074
Lot Size 3.01 ACRES Road Frontage _____ ft. Easements _____ ft
Tax Map Number 004 Group _____ Parcel 015.02 Record/Deed Book _____
Subdivision Name _____ Phase _____ Lot # _____
Water Source CITY Sewer or Septic SEPTIC

APPLICANT INFORMATION

Applicant Name BRIAN CROOK Phone (_____) _____
Mailing Address 1575 SKILLET CREEK RD TN 37074
Email: (_____) _____

IMPACT INFORMATION

Zoning of Surrounding Properties A-1
Names of Surrounding Property Owners RALPH + YVONNE CROOK, JERRY + STEPHANIE GORR
JEAN QUINN, MIRANDA BARBER
Affected Roads SKILLET CREEK RD
Schools Affected _____
Public Utilities TRI COUNTY ELECTRIC,

ACTION TAKEN

Reviewed by Planning Commission _____ Action _____
Reviewed by BZA _____ Action _____
Zoning Ordinance at County Commission
1st Reading _____ Action _____
Public Hearing _____ Action _____
2nd Reading _____ Action _____
Passed _____ Failed, state reason _____

[Signature]

02/22/2023



HARTSVILLE/TROUSDALE COUNTY
PLANNING COMMISSION
328 BROADWAY, RM 1 | HARTSVILLE, TN 37074

JOHN KERR, CHAIRMAN

Heather Bay David Nollner David Thomas Thomas Harper
Rhonda Keisling Carol Pruitt

STATEMENT OF RECOMMENDATION

At its regular monthly meeting held on March 13, 2023, the Planning Commission of Hartsville/Trousdale County reviewed the following Zoning Change Application.

PARCEL INFORMATION

Current Zoning A-1 Requested Zoning R-1
Tax Map Number 004 Group Parcel 15.02
Reason Separate 1 acre and house to sell
Property Owner Brian Crook
Property Address 1575 Skillet Creek RD Hartsville TN

After reviewing the required information and consulting the Hartsville/Trousdale County Zoning Resolution and Ordinances, the Planning Commission states the following the Zoning Application:

The HTC Planning Commission has voted to RECOMMENDED NOT RECOMMENDED based on the following information:

The separation of 1 acre with the house based on the survey given meets the requirements for the R-1 zoning in the Trousdale County Zoning Ordinance. The remainder of the property will be added the family land behind the parcel.

This statement is to be submitted to the Hartsville/Trousdale County Commission before the First Reading of the requested Zoning Ordinance.

John Kerr
Chairman

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
ORDINANCE #279-2023-16

AN ORDINANCE REPEALING ORDINANCE 66-2012-02 (AN ORDINANCE DEFINING THE DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS, DIRECTORS, AND SUPERVISORS OPERATING WITHIN THE HARTSVILLE/TROUSDALE COUNTY GOVERNMENT)

WHEREAS, the Hartsville/Trousdale County Metropolitan Charter (Section 4.01) gives the Commission the authority to amend the plan of administrative organization at any time by passage of an ordinance; and

WHEREAS, the Hartsville/Trousdale County Government utilizes Department Heads, Directors, Boards, Committees, and Commissions to direct the employees and operations of the various budgeted departments as outlined in the Hartsville/Trousdale Metropolitan Charter, Article 4; and

WHEREAS, The County Executive/Mayor shall have the authority to recruit, interview, and nominate individuals for Department Head/Director/Administrator positions subject to the approval of the County Commission; and

WHEREAS, The County Executive/Mayor shall have the authority to remove a Department Head/Director/Administrator from that administrative position; and

WHEREAS, the adoption of the Personnel Policy also known as the Hartsville/Trousdale County Employee Handbook in August 2022 addresses responsibilities of the Department Heads, Directors, and Supervisors throughout its pages.

NOW, THEREFORE, BE IT ORDAINED by the Hartsville/Trousdale County Commission meeting in regular session, that Ordinance 66-2012-02 be repealed in its entirety; and

BE IT FURTHER ORDAINED, that any other prior ordinance that contains language that is inconsistent or in contradiction to the 2022 Personnel Policy is hereby repealed.

This ordinance shall be adopted and effective upon passage of the second reading, the public welfare requiring it.

Public Hearing to be held on February 27, 2023 if passed at 1st reading

First Reading:	1M _____ 2m _____	Voice Vote	Absent _____
Second Reading:	1M _____ 2m _____	Voice Vote	Absent _____

Approved:

Attest:

Commission Chairman

County Clerk

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #280-2023-17

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HARTSVILLE, TENNESSEE
ARTICLE IV, BY ADDING SECTION 4.140 COMMERCIAL AND INDUSTRIAL DESIGN GUIDELINES**

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

WHEREAS, for the purpose of creating a cohesive design aesthetic within all commercial and industrial zoning districts in order to control and preserve the character of Hartsville the Hartsville/Trousdale County Regional Planning Commission has recommended the creation of Commercial and Industrial Design Guidelines; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION:

That Article IV of The Zoning Ordinance of Hartsville, Tennessee be amended by the addition of "Section 4.140 Commercial and Industrial Design Guidelines", which reads as attached:

See 'ATTACHMENT, Section 1'

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*Recommended by Planning Commission March 13, 2023
Reviewed by Codes & Zoning Committee March 15, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

		1M _____	Voice Vote	
First Reading:	March 27, 2023	2m _____		Absent _____
		1M _____	Voice Vote	
Second Reading:	April 24, 2023	2m _____		Absent _____

Approved:

Attest:

Commission Chairman

County Clerk

'ATTACHMENT, Section 1'

Language Pending

*****Note** This ordinance creates section header 4.140 for the Urban Services Zoning Ordinance. Specific language pertaining to the scope of the header will be added at a later meeting. By creating the header, specified guidelines can be created under this section.***

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #281-2023-18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HARTSVILLE, TENNESSEE ARTICLE IV BY ADDING SECTION 4.141 TREE PRESERVATION AND MAINTENANCE REQUIREMENTS

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

WHEREAS, the preservation of existing trees is deemed essential to softening the design of commercial and industrial development and promoting the health and welfare of residents the Hartsville/Trousdale County Regional Planning Commission has recommended the creation of Tree Preservation and Maintenance Requirements; and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION that the following sections be added under Section 4.140 Commercial and Industrial Design Guidelines:

Section 1. That Article IV of The Zoning Ordinance of Hartsville, Tennessee be amended by the addition of Section 4.141 Tree Preservation and Maintenance Requirements, which reads as attached:

See 'ATTACHMENT, Section 1'

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*Recommended by Planning Commission March 14, 2023
Reviewed by Codes & Zoning Committee March 15, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

		1M _____	Voice Vote	
First Reading:	March 27, 2023	2m _____		Absent _____
		1M _____	Voice Vote	
Second Reading:	April 24, 2023	2m _____		Absent _____

Approved:

Attest:

Commission Chairman

County Clerk

'ATTACHMENT, Section 1'

4.140 COMMERCIAL AND INDUSTRIAL GUIDELINES

4.141 TREE PRESERVATION AND MAINTENANCE REQUIREMENTS

A. Applicability

Tree Preservation and Maintenance Requirements are applicable to all development within the any commercial or industrial zoning district.

B. Tree Preservation Standards

Within all industrial and commercial zoning districts trees shall be reserved in the following ways;

1. All 4"-7" caliper trees removed must be replaced at 25% caliper ratio;
2. 8"-23" caliper trees in good condition shall be preserved;
3. All 24" or greater caliper "heritage trees" shall be preserved.

Deviation from these standards requires a variance be granted by the Board of Zoning Appeals following proof that the condition or location of the tree would create an undue burden on the development of the lot. In granting the variance the Board of Zoning Appeals may require that trees greater than 8" shall be replaced at an equivalent caliper ratio elsewhere on the property.

C. Existing Vegetation in Buffer Yards

Existing trees within the required buffer yards may be counted towards a maximum of 50% of the required shrubs and/or trees; credit preference given to "stands" of trees (5 or more clustered together) or trees of significant size (10" or greater). When existing vegetation is used to meet a portion of the buffer yard landscaping requirements, all planted landscaping must be located so that the combination of existing vegetation and landscaping creates a continuous buffer within all requires buffer yards.

D. Existing Tree Preservation Plan

To receive credit for existing trees counted towards the buffer yard landscaping requirements, a tree preservation plan shall be submitted as part of the landscape plan. A certified arborist shall review the tree preservation plan and shall visit the site to confirm the accuracy of the tree survey. The certified arborist shall provide documentation regarding the health and survivability of existing vegetation and establish the critical root zone for each tree or grove of trees. The Enforcing Officer may waive the requirement for a certified arborist if the disturbed area is at least 20 feet away from the existing canopy drip line and the existing vegetation on site creates an opaque screen from the adjacent property.

E. Tree Protection During Construction

Protective barricades shall be placed around the critical root zone of all trees designated in the tree preservation plan prior to the start of development activities and shall remain in place until development activities are complete.

1. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the County.
2. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading or dumping trash, oil, paint, or other materials detrimental to plant health.
3. Failure to comply with these requirements will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #281-2023-18

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HARTSVILLE, TENNESSEE ARTICLE IV BY ADDING SECTION 4.142 ADA ACCESSIBLE PARKING LOT DESIGN REQUIREMENTS

WHEREAS, the land use controls of Hartsville/Trousdale County, Tennessee have been adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

WHEREAS, the Americans with Disabilities Act (ADA) requires that all state or local governments, businesses and non-profit organizations provide accessible parking spaces complying with the Americans with Disabilities Act (ADA); and

WHEREAS, the Hartsville/Trousdale County Regional Planning Commission has duly reviewed and recommended these requests to the County Commission; and

WHEREAS, the County Commission has reviewed such recommendation and has conducted a public hearing thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE HARTSVILLE/TROUSDALE COUNTY COMMISSION that the following sections be added under Section 4.140 Commercial and Industrial Design Guidelines:

Section 2. That Article IV of The Zoning Ordinance of Hartsville, Tennessee be amended by the addition of Section 4.142 ADA Accessible Parking Lot Design Requirements, which reads as attached:

See 'ATTACHMENT, Section 1'

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

*Recommended by Planning Commission March 14, 2023
Reviewed by Codes & Zoning Committee March 15, 2023
Public Hearing to be held on April 24, 2023 if passed at 1st reading*

		1M _____	Voice Vote	
First Reading:	March 27, 2023	2m _____		Absent _____
		1M _____	Voice Vote	
Second Reading:	April 24, 2023	2m _____		Absent _____

Approved:

Attest:

Commission Chairman

County Clerk

'ATTACHMENT, Section 1'**4.140 COMMERCIAL AND INDUSTRIAL GUIDELINES****4.142 ADA Accessible Parking Lot Design Requirements**A. Minimum number of Accessible Parking Spaces:**Minimum Number of Accessible Parking Spaces Table**

Parking Facility Total	Minimum Standard	Number of Van Spaces	Accessible Spaces Total <i>(Standard + Total)</i>
1 to 25	0	1	1
26 to 50	1	1	2
51 to 75	2	1	3
76 to 100	3	1	4
101 to 150	4	1	5
151 to 200	5	1	6
201 to 300	5	2	7
301 to 400	6	2	8
401 to 500	7	2	9
501 to 550	9	2	11**

* In general; 1 van accessible space is required for each 6 accessible spaces

** For facilities with more than 550 parking spaces 2% of all parking spaces are required to be ADA accessible.

B. Parking Stall Size:

- i. Standard Accessible Parking Space
 1. Minimum Parking stall: 96" wide x 18' long
 2. Minimum Aisle: 60" wide x length of adjacent parking stall
 3. Two ADA parking spaces may share an accessible aisle between them.
- ii. Van Accessible Parking Space
 1. Minimum Parking stall: 96" wide x 18' long
 2. Minimum Aisle: 96" wide x length of adjacent parking stall
 3. Two ADA van accessible parking spaces may share an accessible aisle between them.

C. Location:

- i. Where parking serves multiple entrances to a facility, accessible spaces must be dispersed among accessible entrances. (If the number of accessible entrances exceeds the number of accessible spaces, additional accessible spaces are not required). Accessible parking spaces must be located on the shortest accessible route to an accessible entrance, relative to other spaces in the same parking facility. A maximum travel distance is not specified in the Standards.
- ii. Accessible spaces required for one parking facility can be located in another if doing so results in substantially equal or better access in terms of travel distance to an accessible entrance, parking fee, or user conveniences such as protection from weather, better security and lighting. The minimum number must still be determined separately for each parking facility. Locating accessible spaces required for a parking structure in a surface lot often will not qualify for this exception because such a location typically offers less convenience, security, and protection from the elements.

D. Required Public Sidewalks

- i. All required public sidewalks associated with a development shall meet the requirements outlined in Section 4-108 of the Hartsville-Trousdale Subdivision Regulations.

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

ORDINANCE #283-2022-20

**AN ORDINANCE TO AMEND THE PERSONNEL POLICY/EMPLOYEE HANDBOOK FOR
HARTSVILLE/TROUSDALE COUNTY GOVERNMENT**

WHEREAS, the Hartsville/Trousdale County Government is required to develop its own personnel and office policies; and

WHEREAS, our current Personnel Policies were passed by this body in August 2022; and

WHEREAS, these policies should be periodically reviewed, updated, and changed when necessary; and

WHEREAS, it is the desire of the Hartsville/Trousdale County Commission to present an updated version of the Personnel Policies for the employees of Hartsville/Trousdale County Government except those employees working for the School System and County Highway Department. These departments currently have their own personnel policies; and

WHEREAS, the policies have been reviewed and presented by the Personnel Committee.

NOW THEREFORE BE IT ORDAINED by the Hartsville/Trousdale County Commission meeting in regular session that the following sections be amended:

Section 1: Section VII, Item H shall be amended by adding the language of "and volunteer(s)" where "employee" is referenced.

See 'ATTACHMENT, Section 1'

Section 2: Section VII, Item H shall be amended by adding Item 7 to state "County Employees are to be the primary drivers of County owned ambulances; however, volunteers can be used as a secondary option in unforeseen events at the authority of the on scene chief(s)."

See 'ATTACHMENT, Section 2'

Section 3: Section V, Item F shall be amended by aligning the end date with federal regulations to end the COVID-19 Sick Leave Policy on May 11, 2023.

See 'ATTACHMENT, Section 3'

BE IT ENACTED that this ordinance shall take effect from and after its adoption, the public welfare requiring it.

Recommended by the Personnel Committee March 16, 2023 .

Public Hearing to be held on April 24, 2023

1M _____ **Voice Vote**
First Reading: March 27, 2023 2m _____ Yes ___ No ___ Abstain ___ Absent _____

1M _____ **Voice Vote**
Second Reading: April 24, 2023 2m _____ Yes ___ No ___ Abstain ___ Absent _____

Approved:

Attest:

Jack McCall, Commission Chairman

Rita Crowder, County Clerk

'ATTACHMENT, Section 1'

Section VII – Miscellaneous Personnel Policies

H. USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT

1. Hartsville / Trousdale Metropolitan Government is committed to promoting safe and responsible driving for all of its employees **and volunteers**. To ensure that this commitment is followed through, the County has adopted a vehicle and equipment policy that requires all employees **and volunteers** who operate County owned vehicles or equipment during the performance of their duties, to do so in a lawful and safe manner. An employee **or volunteer** who, at the County's request and through the County's authorization, is asked to operate a County vehicle/equipment or rented vehicle/equipment will do so for County business use only and will not be considered available for personal use in any way. No unauthorized persons will be permitted to operate a County vehicle or equipment.

2. The County has the sole discretion in determining who may operate County or County-sponsored vehicles or equipment, therefore, the County has the right to review any appropriate documents including but not limited to driving records, proof of a valid license, and automobile insurance information.

3. Employees **and volunteers** must be 18 years of age to operate a County vehicle or equipment.

4. Employees **and volunteers** are expected to take all steps necessary to avoid endangering themselves and others while operating County or County-sponsored vehicles or equipment on County business. To ensure this, employees **and volunteers** authorized to operate County/County-sponsored vehicles or equipment are expected to ensure that all occupants wear safety belts when the vehicle or equipment is in operations and that the vehicle/equipment to which the employee **or volunteer** is assigned is maintained in a safe driving/operating condition. Employees **or volunteers** driving county owned or rented vehicles/equipment would comply with respective laws governing motor vehicle/equipment operations.

5. Employees **and volunteers** will not use cellular telephones (unless they are equipped with hands-free operations) while operating county vehicles or equipment and refrain from conducting any other activities which may impede the driver's ability to focus on safely operating the vehicle/equipment while it is in motion.

6. Any individual who is in violation with the safety expectations listed above may be subject to potential disciplinary action by the County up to and including termination.

'ATTACHMENT, Section 2'

Section VII – Miscellaneous Personnel Policies

H. USE OF LOCAL GOVERNMENT VEHICLES AND EQUIPMENT

7. County Employees are to be the primary drivers of County owned emergency vehicles; however, **volunteers may be used as a secondary option in unforeseen events at the authority of the chief(s) on scene.**

'ATTACHMENT, Section 3'

Section V - Benefits

F. COVID-19 SICK LEAVE POLICY

1. **Eligibility.** All current full and part-time employees scheduled but unable to work (or telework) between the dates of January 1, 2021 and **May 11, 2023** due to one of the following reasons are eligible for COVID-19 sick leave...

BUDGET AMENDMENTS

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

111-01 TRAFFIC SIGNAL - ANDREWS

**| BUDGET AMENDMENT
2023-111-01**

Request is hereby made to amend **Fund 111 Urban Services** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
111-39000	Fund Balance	\$ 97,000	
111-58400-728	Other Charges:Traffic Control Equipment		\$ 97,000
TOTAL		\$ 97,000	\$ 97,000

Purpose: Andrews & McMurry intersection: Traffic lights - Installation of new pole mounted cabinet with new controller and equipment, new electrical service, new signal cable, new left turn loop, relocating signal heads from Broadway. \$56,840
Battery Backups for both Broadway and Andrews \$40,000

Budget Amendment Total **\$ 97,000** **\$ 97,000**

As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Second: _____ **Voice Vote** Absent _____

Budget Amendment 2023-111-01 **approved by Commission on** _____

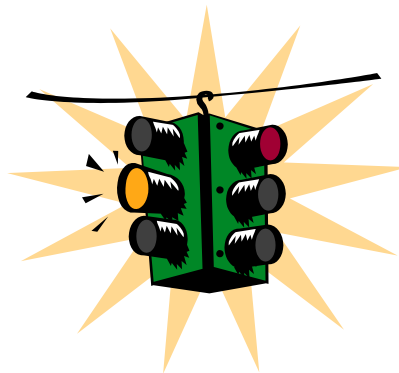
APPROVED:

ATTEST:

JACK MCCALL
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

S&W CONTRACTING COMPANY, INC.
ELECTRICAL CONTRACTORS - TRAFFIC DIVISION
952 NEW SALEM ROAD
MURFREESBORO, TENNESSEE 37129
OFFICE: (615) 893-2511 FAX: (615) 895-2030



BID PROPOSAL

TO: Trousdale County

ATTN: Cliff Sallee

RE: McMurry Blvd @ Andrews Ave Signal Modification

DATE: 3/7/23

FAX: EMAIL: cliff.sallee@trousdalecountytn.gov

FROM: Scott Williamson

S&W Estimate No.: S-3-7-23-2

S&W Contracting Company, Inc. is pleased to offer the following Proposal for the Equipment, Labor, and Materials necessary to perform the Electrical Work associated with the above referenced Project.

Our Bid in the amount of: \$56,840.00

Includes: Installation of new pole mounted cabinet with new controller and equipment, new electrical service, new signal cable, new left turn loop, relocating signal heads from Broadway and traffic control.

Excludes: **Bond, Electrical Design, Engineering & Layout, Pavement Marking, Easements, Utility Fees Sidewalk Repair, Street Repair, Field Repair, Roadway Permits, Rock**

Acceptance of Proposal - You are authorized to do the work as specified:

Signature: _____ **Signature:** _____

Date of Acceptance: _____

Thank you for considering S&W Contracting Company, Inc. in the work. Should you have any questions, please do not hesitate to call me at any time. This proposal may be withdrawn by us if not accepted within **10** days.

Authorized Signature: *Scott Williamson*

Scott Williamson
Project Manager/Estimator, Traffic Division
Mobile: (615) 207-4422
Office: (615) 893-2511
Email: swilliamson@sandwcontracting.com

State of Tennessee License
ID Number: 18759
Exp. Date: 05/31/23
Class: MC-A,C; E-B,C; BC; CE-B; CE; HRA-E(1);
UNLIMITED

"SUPPORT OUR TROOPS - GOD BLESS AMERICA"

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

141-05 YOUTH RISK BEHAVIOR

| BUDGET AMENDMENT

36

2023-141-05

Request is hereby made to amend **Fund 141 General Purpose Schools** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
141-46980	Other State Contracts	\$ 500	
141-72410-599	Office of the Principal: Other Charges		\$ 500
TOTAL		\$ 500	\$ 500

Purpose: 141-72410 Office of the Principal - \$500. Revenue from TN Department of Education for completing Youth Risk Behavior Survey (YRBS) at Trousdale County High School.

Budget Amendment Total

\$ 500

\$ 500

As recommended by the Board of Education February 16, 2023

As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Second: _____

Voice Vote Absent _____

Budget Amendment 2023-141-05 approved by Commission on _____

APPROVED:

ATTEST:

JACK MCCALL
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT

141-06 SPARC Grant

| BUDGET AMENDMENT

40

2023-141-06

Request is hereby made to amend **Fund 141 General Purpose Schools** budget as follows:

		<u>DEBIT:</u>	<u>CREDIT:</u>
141-46590-SPARC	Other State Education Funds	\$ 95,158	
141-71300-116-SPARC	Voc Edu Prog: Teachers		\$ 32,928
141-71300-201-SPARC	Voc Edu Prog: Social Security		2,040
141-71300-204-SPARC	Voc Edu Prog: State Retirement		2,964
141-71300-212-SPARC	Voc Edu Prog: Medicare		478
141-71300-429-SPARC	Voc Edu Prog: Instructional Supplies & Materials		10,000
141-71300-449-SPARC	Voc Edu Prog: Textbooks		46,748
TOTAL		<u>\$ 95,158</u>	<u>\$ 95,158</u>

Purpose: 141-71300 Vocational Education Program - \$95,158.00. Revenue from Supporting Postsecondary Access in Rural Communities (SPARC) grant to support TCAT summer bridge program

Budget Amendment Total

\$ 95,158

\$ 95,158

As recommended by the Board of Education February 16, 2023

As recommended by the Budget & Finance Committee _____

Motion to approve: _____

Second: _____

Voice Vote

Absent _____

Budget Amendment 2023-141-06 **approved by Commission on** _____

APPROVED:

ATTEST:

JACK MCCALL
COMMISSION CHAIRMAN

RITA CROWDER
COUNTY CLERK