



Board of Commissioners

February 9, 2017

6:30 PM

City Hall – Massie Chambers

Agenda:

1. Call to order by the Mayor.

Prayer

Pledge of Allegiance

2. Roll call by the Recorder.
3. Reading of the minutes of the January 26, 2017 regular meeting of the Board of Commissioners by the Recorder for approval or correction.
4. Comments from citizens.
5. Comments of the City Manager and staff.
6. Reports and comments from committees, members of the Board of Commissioners and other officers.
7. Old Business.
8. New Business.
 - a. Consider Ordinance 17-887, an ordinance amending Ordinance 13-804 further establishing procedures for public inspection, access to and duplication of public records under the Tennessee Public Records Act (T.C.A. 10-7-504). **FIRST READING**
 - b. Consider Resolution 17-722, a resolution declaring certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by online auction or any other reasonable manner.
 - c. Consider Resolution 17-723, a resolution to support the adoption of legislation during the 110th Session of the Tennessee General Assembly that would allow for the long term adequate funding for construction, maintenance of all state highways and would further financially assist all municipalities in the maintenance of streets and highways.
 - d. Consider Resolution 17-724, a resolution authorizing the procurement method of Competitive Sealed Proposals in procuring sanitation and recycling services.
 - e. Consider Resolution 17-725, a resolution authorizing the execution of a Right-of-Way Encroachment License between the City of Goodlettsville and American Home Realty, LLC.

9. Adjournment.

For more information regarding this agenda, please contact the city recorder by email
at: abaker@goodlettsville.gov

*A government committed to operating with efficiency and integrity in all we do as we strive to enhance the quality of life
for the community we serve.*

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2200
www.goodlettsville.gov

ORDINANCE NO. 17-887

AN ORDINANCE TO AMEND ORDINANCE 13-804 FURTHER ESTABLISHING PROCEDURES FOR PUBLIC INSPECTION OF, ACCESS TO AND DUPLICATION OF PUBLIC RECORDS UNDER THE TENNESSEE PUBLIC RECORDS ACT (T.C.A. § 10-7-504, *et seq.*)

WHEREAS, it has been determined that it is in the best interest for the City of Goodlettsville to adopt procedures for public inspection of, access to and to duplication of records under the Tennessee Public Records Act as an Ordinance;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE FOLLOWING IS HEREBY ADOPTED AS THE PUBLIC RECORDS POLICY FOR THE CITY OF GOODLETTSVILLE, TENNESSEE.

I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503 (a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee or via online submission in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally at Goodlettsville City Hall at 105 S. Main Street, Goodlettsville, TN 37072. Requests for inspection may also be made in writing

using the attached Form 1. This form may be mailed to 105 S. Main Street, Goodlettsville, TN 37072 or emailed to abaker@goodlettsville.gov.

- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form 1 at Goodlettsville City Hall 105 S. Main Street, Goodlettsville, TN 37072 or by emailing the form to abaker@goodlettsville.gov.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.
- F. Public notices, meeting agendas, resolutions and ordinances to be considered, and minutes for policy setting boards are available at www.goodlettsville.gov. Inspection and/or copies of these records may be requested by following points C and D.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Governmental Entity is the custodian of the records.
2. The PRRC shall acknowledge the receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees, if applicable; and
 - iv. Aggregation of multiple and frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.

- ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA.
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in the City of Goodlettsville.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC's are:

- a. Allison Baker, City Recorder **(Primary)**
105 S. Main Street
Goodlettsville, TN 37072
Office: 615-851-2234 Fax: 615-851-2212
abaker@goodlettsville.gov
- b. Elizabeth Simpson, City Clerk
105 South Main Street
Goodlettsville, TN 37072
Office: 615-851-2209 Fax: 615-851-2212
esimpson@goodlettsville.gov

B. Records Custodian

- 1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
- 2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of request, send the requestor a completed Public Records Request Response Form which is attached as Form 2, based on the form developed by the OORC.

3. If a records custodian denies a public records request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission as produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of the City of Goodlettsville should be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

A. Fees and charges for copies of public records should not be used to hinder access to public records.

B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

C. When fees for copies and labor do not exceed \$3.00, the fees may be waived.

D. Fees and charges for copies are as follows:

1. \$0.15 per page for letter- and legal-size black and white copies.

2. \$0.50 per page for letter- and legal-size color copies.

3. \$0.15 per copy for accident reports (\$0.50 maximum)

4. Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

5. Labor when time exceeds 1 hour.

E. Payment is to be made in cash, check, or by credit card payable to the City of Goodlettsville.

F. Payment in advance will be required when costs are estimated to exceed \$50.00.

G. Aggregation of Frequent and Multiple Requests

1. The City of Goodlettsville will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

a. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

b. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: minutes from policy setting boards, resolutions and ordinances, and meeting agendas.

This ordinance shall take effect fifteen days after its final adoption, the welfare of the City of Goodlettsville requiring it.

MAYOR

PASSED 1ST READING: _____

PASSED 2ND READING: _____

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

RESOLUTION NO. 17-722

A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS TO THE NEEDS OF THE CITY OF GOODLETTSVILLE AND CALLING FOR ITS DISPOSAL BY ONLINE AUCTION OR ANY OTHER REASONABLE MANNER.

WHEREAS, occasionally, the City of Goodlettsville owns property that is no longer of use or has value for its intended use; and,

WHEREAS, The City of Goodlettsville foresees no future need or use of said property; and,

WHEREAS, The City of Goodlettsville desires to dispose of said property;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE THAT PROPERTY LISTED IN EXHIBIT 1 OF THIS RESOLUTION IS DECLARED TO BE SURPLUS PROPERTY.

BE IT FURTHER RESOLVED THAT SAID PROPERTY SHALL BE DISPOSED OF BY ONLINE AUCTION OR ANY OTHER MEANS IN ACCORDANCE WITH STATE LAW AND THE CITY'S PURCHASING POLICY.

THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

Adopted: February 9, 2017

MAYOR

CITY RECORDER

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

EXHIBIT 1

SURPLUS PROPERTY (RESOLUTION 17-722)

ITEM

1. Metal dog kennel
2. Minolta 5000 Maxxum camera 35mm
3. ProSpec Macro Zoom Lens
4. 16 wooden top picnic tables

RESOLUTION 17-723

A RESOLUTION TO SUPPORT THE ADOPTION OF LEGISLATION DURING THE 110TH SESSION OF THE TENNESSEE GENERAL ASSEMBLY THAT WOULD CREATE A LONG TERM FUNDING SOURCE FOR THE CONSTRUCTION AND MAINTENANCE OF ALL STATE HIGHWAYS AND WOULD FURTHER FINANCIALLY ASSIST ALL MUNICIPALITIES IN THE MAINTENANCE OF STREETS AND HIGHWAYS.

WHEREAS, the State of Tennessee has a long history of providing top class highway systems and the maintenance thereof, and

WHEREAS, over the past decades the adequate funding of the state highway system has diminished, and

WHEREAS, the need to create a new long term adequate funding source for the construction and maintenance of state highways, as well as, further assist municipalities with additional state street aid funds, and

WHEREAS, legislation has been introduced that would create such a long term adequate funding source for the maintenance and construction of state highways;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE THAT THE BOARD EXPRESSES ITS SUPPORT TO THE PASSAGE OF LEGISLATION THAT WOULD CREATE AN ADEQUATE LONG TERM FUNDING SOURCE FOR THE MAINTENANCE AND CONSTRUCTION OF STATE HIGHWAYS, AS WELL AS, ADDITIONAL MUNICIPAL STATE STREET AID FUNDS AND ENCOURAGES ITS STATE LEGISLATIVE REPRESENTATIVES TO SUPPORT THE PASSAGE OF SAID LEGISLATION.

THIS ACTION IS EFFECTIVE UPON PASSAGE BY THE BOARD OF COMMISSIONERS.

Mayor

City Recorder

Approved as to form and legality

City Attorney

Passed February 9, 2017

RESOLUTION NO. 17-724

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AUTHORIZING THE PROCUREMENT METHOD OF COMPETITIVE SEALED PROPOSALS IN PROCURING SOLID WASTE COLLECTION SERVICES.

WHEREAS, Tennessee Code Annotated, Title 12, Chapter 3, Part 10, allows municipalities to use a competitive sealed proposal process for the procurement of various items and services; and

WHEREAS, Ordinance 11-754 was approved by the Board of Commissioners which established Sealed Competitive Proposals as a procurement means within the Goodlettsville Purchasing Policy; and

WHEREAS, it has been determined that the use of Competitive Sealed Proposals would be in the best interest of the City as it relates to the procurement of solid waste collection and recycling services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE:

Section 1. That it authorizes:

- (1) The use of the competitive sealed proposal method for the procurement of services as it relates to solid waste collection;
- (2) Consideration of the following evaluation components in determining the most qualified firm;

I. Technical and Financial Requirements

Contractors must meet all items as specified in Section II and Section III of this document

II. Qualifications of the Contractor

- A. History and years of experience of the firm
- B. Specific experience of Personnel assigned to project
- C. Project examples that show past experience similar to the project.
- D. Reference review of the firm and project.
- E. Satisfactory performance on similar projects.
- F. Effective customer service program.

III. Approach and Understanding of the Project

- A. The proposed scope of services is comprehensive.
- B. The proposed scope of services meets the needs of the City's request.
- C. The approach to the project shows that the Contractor understands the

project; and

- (3) Revisions to the competitive sealed proposals after the submission of the responses to the proposals and before the award of the contract to obtain best and final offers.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS EFFECTIVE UPON ADOPTION, THE WELFARE OF THE CITIZENS OF GOODLETTSVILLE REQUIRING IT.

Passed: February 9, 2017

Mayor

Attest:

City Recorder

Approved as to form and legality

City Attorney

Resolution 17-725

A RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY ENCROACHMENT LICENSE BETWEEN THE CITY OF GOODLETTSVILLE AND AMERICAN HOME REALTY, LLC

WHEREAS, It has been determined that a right-of-way encroachment exists; and

WHEREAS, the City of Goodlettsville permits Right-of-way encroachments on certain city owned right-of-way; and

WHEREAS, an encroachment upon city owned right-of-way is permitted by a license; and

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Goodlettsville, Tennessee hereby authorizes the execution of a right-of-way encroachment license between the City of Goodlettsville and American Home Realty, LLC. Herein referenced as Exhibit I.

THIS ACTION IS EFFECTIVE UPON PASSAGE BY THE BOARD OF COMMISSIONERS.

Mayor

City Recorder

Approved as to form and legality

City Attorney

Passed February 9, 2017

**LICENSE AGREEMENT FOR PRIVATE ENCROACHMENTS
INTO THE PUBLIC RIGHT OF WAY**

I / We, American Home Realty, LLC., in consideration of the Resolution No. 17-725, to construct, maintain, install and/or operate an encroachment into, onto, over, or under the public right of way located at in Goodlettsville, Tennessee, do hereby, for myself, my agents, customers, and assigns, waive, and release and hold harmless The Government of the City of Goodlettsville, Tennessee, its agents, employees, and assigns from any and all claims, rights, or demands for damages that may arise from my / our use, construction and/or maintenance of the encroachment, to wit: (SEE ATTACHED DESCRIPTION OF ENCROACHMENT). I / We hereby certify to the City of Goodlettsville, Tennessee that I / We have executed a bond or liability insurance policy in such amount as agreed upon by the City Manager and the City Attorney, and in the form approved by the City Attorney which operates to indemnify and save The Government of the City of Goodlettsville, Tennessee harmless from all claims or demands that may result to persons or property by reason of the construction, operations or maintenance of the encroachment. I / We further agree that my / our obligations hereunder may not be assigned except upon approval of the City Manager. I / We further acknowledge that any action that results in a failure to maintain said bond or liability insurance for the protection of The City of Goodlettsville, Tennessee shall operate to the granting of a lien to The City of Goodlettsville, Tennessee in the amount of the last effective bond/insurance policy. Said insurance or bond may not be cancelable or expirable except on 30 days notice to the City Manager.

I / We further recognize that the license granted hereby is revocable by the City of Goodlettsville Board of Commissioners upon recommendation of the City Manager and approval by resolution of the City of Goodlettsville Board of Commissioners if it is determined to be necessary to the public welfare and convenience. In the event the City of Goodlettsville revokes this license as contemplated by this paragraph, licensee will not be entitled to any compensation of any kind. This license shall also be strictly subject to the right of way easement owned by The City of Goodlettsville, Tennessee. I/ We agree to maintain, construct and use the encroachment in such a way as will not interfere with the rights and duties of the City of Goodlettsville as owner of the right of way. Said interference shall be additional grounds for revocation of the license for encroachment. I / We agree to pay the cost of construction, maintenance, use, as well as relocations cost

of said encroachment. Licensee's failure to complete construction of the contemplated encroachment within 36 months of the date of approval by the City of Goodlettsville Board of Commissioners will cause this license to terminate automatically. In the event the encroachment contemplated by this license is substantially destroyed, this license shall terminate unless fully restored by licensee within 36 months from the date of such destruction. In the event this license is revoked or terminated for any reason, licensee shall restore all public property to the condition obtaining at the time the license became effective at licensee's sole cost and expense.

DATE: _____

(Owner of Property)

(Address of Property)

(City and State)

STATE OF TENNESSEE)

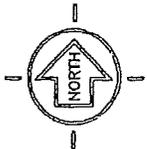
COUNTY OF DAVIDSON)

Sworn to and subscribed before

Me this ____ day of, 20____.

(NOTARY PUBLIC)

My Commission Expires: _____



SCALE: 1"=50'

EXHIBIT "A"

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	14°36'03"	765.38	98.05	195.04	S21°03'46"E	194.52
C2	26°00'25"	472.40	109.09	214.43	N21°25'12"W	212.59

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N81°34'43"E	45.39'
L2	S28°21'48"E	7.63'
L3	S68°12'05"W	43.94'

SECTION EIGHT
NORTHGATE PARK
Plat Book 5200, Page 512,
R.O.D.C., Tennessee

(EXCEPTION 11)
Permanent Drainage Easement
Per R.O.W. Plans, Project No.
STP-M-4451(1), Sheet No. 8B
Recorded by Instrument No.
20001108-0111052
And Shown On Plat Of Record
In Instrument No. 20010620-0065591,
R.O.D.C., Tennessee

SECTION 13
NORTHGATE PARK
Instrument No. 20010620-0065591,
R.O.D.C., Tennessee

20' Public Utilities & Drainage Easement
Instrument No. 20010620-0065591, R.O.D.C., Tennessee
568°12'05"W 307.68'

SECTION 13
NORTHGATE PARK
Instrument No. 20010620-0065591,
R.O.D.C., Tennessee

Area of ROW Abandonment
9,962 Sq. Ft. or 0.23 acres ±

LEGEND

- | | | | |
|----------|--|-------|---|
| ○(R)(O) | IRON ROD (OLD) | ∅ | UTILITY POLE |
| ●(R)(N) | IRON ROD (NEW)
(5/8" x 18" W/Cap Stamped
"Ragan Smith & Associates") | ⊕ | UTILITY POLE W/ ANCHOR |
| ⊙ | FIRE HYDRANT | ⊖ | UTILITY POLE W/ LIGHT |
| ⊗ | WATER VALVE | -P/T- | OVERHEAD ELECTRIC POWER
& TELEPHONE LINE |
| ⊠ | WATER METER | -UGT- | UNDERGROUND TELEPHONE LINE |
| ⊡ | ELECTRIC METER | ▨ | CONCRETE SURFACE |
| ⊢ | CATCH BASIN | -SA- | SANITARY SEWER LINE |
| ⊙ | SANITARY SEWER MANHOLE | ☀ | LIGHT STANDARD |
| ▨ | ROW ABANDONMENT | -W- | WATER LINE |
| -Gas- | GAS LINE | -RCP- | REINFORCED CONCRETE PIPE |
| R.O.D.C. | REGISTER'S OFFICE FOR
DAVIDSON COUNTY | | |

