



Board of Commissioners
Regular Meeting Agenda
Thursday, November 16, 2023, 5:30 PM
City Hall, Lakeland, Tennessee 38002

- I. CALL TO ORDER BY MAYOR:
- II. INVOCATION:
- III. PLEDGE:
- IV. ROLL CALL BY RECORDER:
- V. PUBLIC HEARING:
 1. **Ordinance - Second and Final Reading** - amending ordinance O-7-2023 establishing sewer user rates and sewer charge adjustments.
Sponsored by Mayor Roman
- VI. TREASURER'S REPORT:
- VII. REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:
 - Sheriff's Report
 - a. October 2023 SCSO Crime Report
 - Commissioners' Reports
 - a. Lakeland Board of Education - *Vice-Mayor Wright*
 - b. Municipal Planning & Design Review Commission - *Commissioner Atkinson*
 - c. Parks and Recreation & Natural Resources Board - *Commissioner Dial*
- VIII. PUBLIC COMMENTS:
- IX. SEWERAGE COMMISSION BUSINESS:
- X. CONSENT AGENDA:
- XI. REGULAR AGENDA:
 1. **Approval of regular meeting minutes** - November 2, 2023

2. **Approval of beer board meeting minutes** - November 2, 2023
3. **Ordinance - Second and Final Reading** - amending ordinance O-7-2023 establishing sewer user rates and sewer charge adjustments. *Sponsored by Mayor Roman*
4. **Ordinance - First Reading** - replacing municipal code title 11, section 11-601 and adopting by reference the state criminal trespass statute.
5. **Ordinance - First Reading** - amending title 3 of the Lakeland municipal code to add a fee for the expungment of records by the Municipal Court.
6. **Ordinance - First Reading** - amending Title 15. Chapter 6. Section 15-604 and Chapter 7. Section 15-704 of the City of Lakeland Municipal Code in order to regulate illegal and unauthorized vehicle parking. *Sponsored by Mayor Roman*
7. **Resolution** - appointing a Municipal Court Clerk for the City of Lakeland.
8. **Resolution** - approving an agreement with Michael's Tree and Loader Service for emergency debris removal - cut and toss.
9. **Resolution** - authorizing the City Manager to seek funding from USDA Rural Development Community Facilities Loan Program for a Lakeland Community Center. *Sponsored by Mayor Roman*
10. **Resolution** - amending a development agreement between the Industrial Development Board of the City of Lakeland, Tennessee, and the City of Lakeland, Tennessee, for development of the Lakeland Gateway. *Sponsored by Mayor Roman*
11. **Discussion and Possible Action** - regarding a potential Lakeland Christmas Parade.
12. **Discussion and Possible Action** - regarding partial public use and access to Garner Lake via the Water's Edge property. *Sponsored by Vice-Mayor Wright*

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:

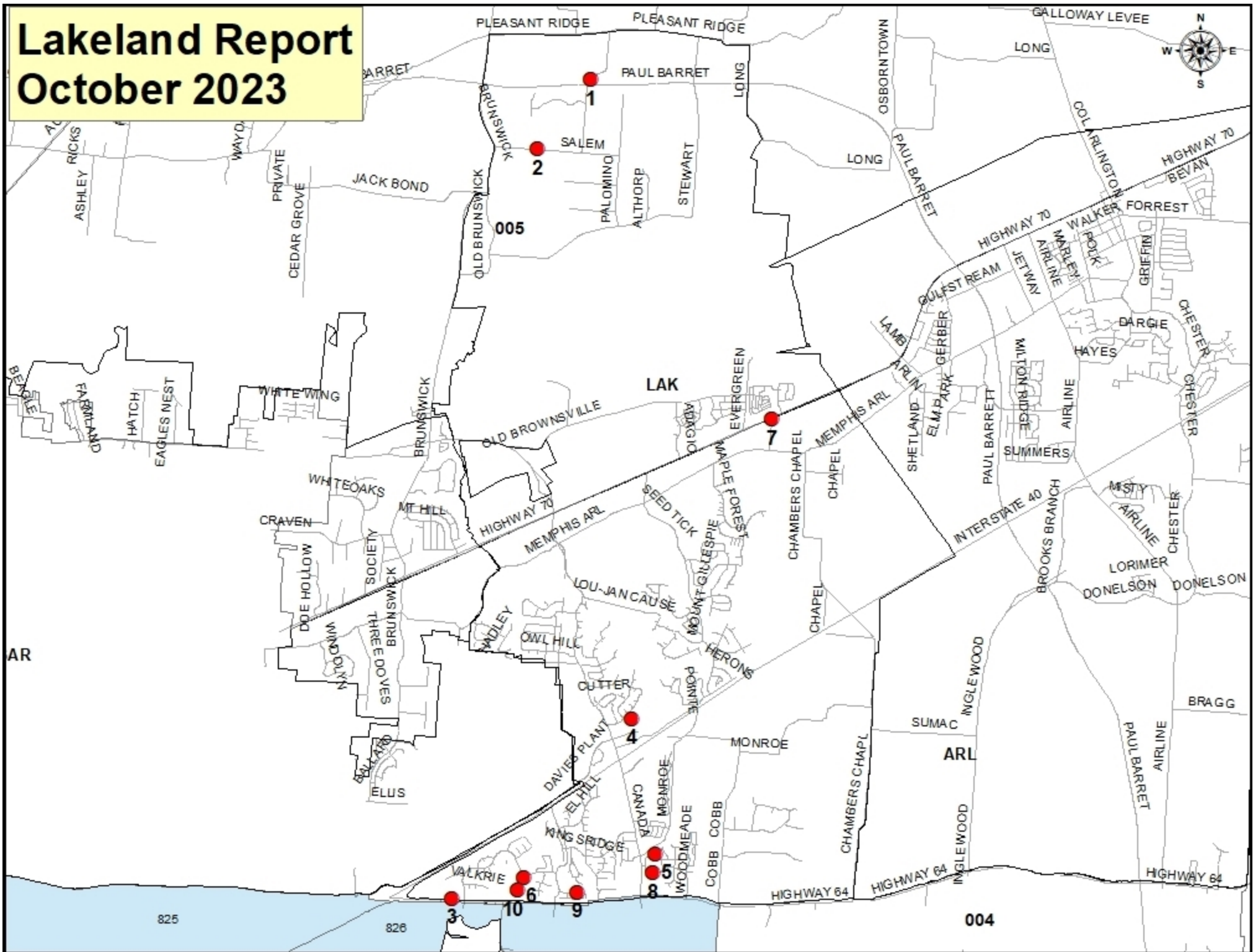
Shelby County Sheriff's Office



Crime Report

Lakeland
October 2023

Lakeland Report October 2023



Incident Table

ID #	CASE_NUMBER	DEPT. CODE	METHOD OF ENTRY	DATE OF REPORT
1	2310000116SH	Aggravated Assault		10/3/2023 8:36:00 AM
2	2310000048SH	Other Theft/Non-Specific		10/2/2023 9:54:00 AM
3	2310000700SH	Shoplifting/Felony	FRONT DOOR	10/14/2023 12:06:00 PM
4	2310000608SH	Theft from Motor Vehicle	BROKE	10/12/2023 12:04:00 PM
5	2310000521SH	Theft from Motor Vehicle	BROKE REAR WINDOW	10/11/2023 5:55:00 AM
6	2310000523SH	Theft from Motor Vehicle	FRONT DOOR	10/11/2023 7:41:00 AM
7	2310000539SH	Theft from Motor Vehicle	BROKE SIDE WINDOW	10/11/2023 11:37:00 AM
8	2310000714SH	Theft from Motor Vehicle	BROKE SIDE DOOR	10/14/2023 5:10:00 PM
9	2310000765SH	Theft from Motor Vehicle	FRONT DOOR THROUGH UNLOCKED DOOR	10/16/2023 8:55:00 AM
10	2310001459SH	MVT/Passenger Vehicle	BROKE SIDE WINDOW	10/29/2023 12:10:00 PM

All Incident Count

Incident 	Count
Aggravated Assault	1
Burglary/Non-residential	1
Intimidation	3
MVT/Passenger Vehicle	1
Other Theft/Non-Specific	1
Shoplifting/Felony	1
Simple Assault	1
Theft from Motor Vehicle	6
Wire Fraud	1
Grand Total	16

Tracked Count

Tracked Crimes	Oct-23	Sep-23	Oct-22
Agg Assault	1	0	0
Burg Bus	0	0	0
Burg Const	0	0	0
Burg Res	0	1	2
MVT	1	2	2
Other Lar	2	3	2
Robb Ind	0	0	0
Theft Fm Bldg	0	1	1
Theft fm Mot Veh	6	10	1
Vandalism	0	4	0
Totals	10	21	8

END OF PRESENTATION



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 2, 2023, 6:00 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002**

I. **CALL TO ORDER BY MAYOR:** The meeting was called to order by Mayor Josh Roman at 6:00 p.m. on Thursday, November 2, 2023.

II. **INVOCATION:** Offered by Mayor Josh Roman.

III. **PLEDGE:** Mayor Josh Roman led the pledge to the flag.

IV. **ROLL CALL BY RECORDER:** Mayor Josh Roman, Vice-Mayor Wesley Wright, Commissioner Jim Atkinson, Commissioner Michele Dial were present. Commissioner Connie McCarter was absent.

Staff personnel in attendance were City Manager Michael Walker, Planning Director Paul Luker, City Planner Alex Barthol, City Engineer Emily Harrell, Parks and Recreation Director Andrew Fisher, City Recorder Cheyenne Carter, and City Attorney Will Patterson.

V. **PUBLIC HEARING:**

VI. **TREASURER'S REPORT:**
No treasurer's report was presented.

VII. **REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:**

- City Manager's Report – City Manager Michael Walker:
 - October:
 - Provided departmental updates
 - Awarded Katrina Shields the October City Staff Superstar
 - November:
 - Awarded Sue Lipscomb the November City Staff Superstar
- Commissioner's Report:
 - Community Advisory Board – Commissioner Dial:
 - Prior to the CAB update, Commissioner Dial provided an update on the Parks and Recreation Board trip to the YMCA.
 - Commissioner Dial provided an update on the CAB meeting from October.
 - Mayor Roman suggested to consider allowing the CAB a budget for various projects needed in the community to bring to the next meeting.

VIII. **PUBLIC COMMENTS:**
No comments heard.

IX. **SEWERAGE COMMISSION BUSINESS:**

X. **CONSENT AGENDA:**



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 2, 2023, 6:00 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002**

For the record: The order of business was changed to combine regular agenda items number 1, 2 and 3 and to table regular agenda item number 5 with no objection.

XI. REGULAR AGENDA:

1. **Approval of regular meeting minutes – September 21, 2023**
2. **Approval of special called meeting minutes – September 29, 2023**
3. **Approval of regular meeting minutes – October 5, 2023**

Mayor Roman moved to bring this item to the floor seconded by Vice Mayor Wright.

When the question was called the minutes passed as presented, voice vote, 4 in favor 0 against (4-0).

4. **Resolution – authorizing the City Manager and City Attorney to draft an agreement for use of City property at 0 Huff N Puff Road by the Refuge Church**

Mayor Roman moved to bring this item to the floor, seconded by Vice Mayor Wright.

Discussion ensued.

The Board invited a representative from the church to speak on the need for the parking lot.

Discussion ensued.

For the record: Mayor Roman granted City Staff permission to work with the Refuge Church on a solution for use of the parking lot with no objections/ No vote taken.

6. **Resolution – approving the Equestria Planned Development outline plan.**

Mayor Roman moved to bring this item to the floor, seconded by Commissioner Atkinson.

Planning Director Paul Luker provided an overview of the outline plan.

Discussion ensued.

For the record: Public comment was heard with no objection from Michael Scott of the 4000 block of Maple Walk Drive.



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 2, 2023, 6:00 P.M.
CITY HALL. LAKE LAND. TENNESSEE 38002**

Discussion ensued.

The Equestria applicant provided additional information for the project.

Discussion ensued.

A resident from the existing neighborhood provided a viewpoint to the Board requested by Commissioner Atkinson.

Discussion ensued.

Mayor Roman motioned to defer this item to a later date, seconded by Commissioner Atkinson.

When the question was called the resolution was deferred, voice vote, 4 in favor 0 against (4-0).

7. **Discussion and Possible Action** - changing the effective date of the July 1, 2023 sewer rate increase.

Mayor Roman moved to bring this item to the floor seconded by Vice Mayor Wright.

City Manager Michael Walker provided an explanation on this item.

Discussion ensued.

For the record: Mayor Roman introduced an Ordinance for first reading without objection as follows:

- a. **Ordinance – First Reading** – amending ordinance O-7-2023 establishing sewer rates and sewer charge adjustments.

When the question was called the first reading of the ordinance passed, voice vote, 4 in favor 0 against (4-0).

8. **Resolution** – amending resolutions R-134-2022, R-25-2023, R-70-119-2023 and the calendar year 2023 City of Lakeland meeting calendar.

Mayor Roman moved to bring this item to the floor, seconded by Commissioner Atkinson.

Discussion ensued.

When the question was called the resolution passed as presented, voice vote, 4 in favor 0 against (4-0).



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, NOVEMBER 2, 2023, 6:00 P.M.
CITY HALL. LAKELAND. TENNESSEE 38002**

XII. ANNOUNCEMENTS: Lakeland Education Foundation representative Amy Foster extended an invitation to the Board and City Staff for their grant award ceremony.

XIII. ADJOURNMENT: There being no other business on which to act, the meeting was adjourned without objection at 7:13 p.m. on Thursday, November 2, 2023.

These minutes were approved on November 16, 2023.

Josh Roman
Mayor

ATTEST:

Cheyenne Carter
City Recorder



**BEER BOARD
SPECIAL MEETING MINUTES
THURSDAY, NOVEMBER 2, 2023, 5:45 P.M.
CITY HALL. LAKE LAND. TENNESSEE 38002**

- I. **CALL TO ORDER BY MAYOR:** The meeting was called to order by Mayor Josh Roman at 5:45 p.m. on Thursday, November 2, 2023.
- II. **INVOCATION:** Provided at the 6:00pm Board of Commissioners meeting.
- III. **PLEDGE:** Provided at the 6:00pm Board of Commissioners meeting.
- IV. **ROLL CALL BY RECORDER:** Mayor Josh Roman, Vice-Mayor Wesley Wright, Commissioner Michele Dial were present. Commissioner Jim Atkinson and Commissioner Connie McCarter were absent.

Staff personnel in attendance were City Manager Michael Walker, Planning Director Paul Luker, City Planner Alex Barthol, City Engineer Emily Harrell, Parks and Recreation Director Andrew Fisher, City Recorder Cheyenne Carter, and City Attorney Will Patterson.

- V. **PUBLIC COMMENTS:** None were heard.

VI. **REGULAR AGENDA:**

1. **Resolution – approving and on-premises beer permit for Portales Mexican Tapas & Tequila LLC located at 9845 Lake District Drive Suite 133.**

Commissioner Dial moved to bring this item to the floor, seconded by Vice Mayor Wright.

Discussion ensued.

When the question was called the resolution passed as presented, voice vote, 3 in favor 0 against (3-0).

VII. **ANNOUNCEMENTS:**

- VIII. **ADJOURNMENT:** There being no other business on which to act, the meeting was adjourned without objection at 5:48 p.m. on Thursday, November 2, 2023.

These minutes were approved on November 16, 2023.

Josh Roman
Mayor

ATTEST:

Cheyenne Carter
City Recorder

ORDINANCE O-15-2023

AMENDING ORDINANCE O-7-2023 ESTABLISHING SEWER USER RATES AND SEWER CHARGE ADJUSTMENTS

WHEREAS, Tennessee Code Annotated, § 7-35-414 provides that municipalities have authority by ordinance to adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of sanitary sewer fees for services:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that Ordinance O-7-2023 is hereby amended and that the proposed Lakeland Sewer User Rates are adopted as follows:

SECTION 1. Residential Sewer User Rate
Effective December 1, 2023
Minimum Bill \$28.77 plus Volumetric Rate \$2.08/ccf

SECTION 2. Commercial Sewer User Rate
Effective December 1, 2023
Minimum Bill (based on meter size) plus Volumetric Rate \$2.08/ccf

Commercial Rates (per Month)				
Meter Size (IN)	Maximum Flow Rate (GPM)	Multiplier	Minimum Bill (\$)	\$/ccf
5/8 & 3/4	20	1	28.77	2.08
1	50	2.5	71.93	2.08
1 1/2	100	5	143.85	2.08
2	160	8	230.16	2.08
3	500	25	719.25	2.08
4	1,000	50	1,438.50	2.08
6	1,600	80	2,301.60	2.08
8	2,800	140	4,027.80	2.08
10	4,400	220	6,329.40	2.08

ORDINANCE O-15-2023

AMENDING ORDINANCE O-7-2023 ESTABLISHING SEWER USER RATES AND SEWER CHARGE ADJUSTMENTS

- SECTION 3.** All sewer user rates shall have an automatic annual cost of living adjustment (COLA) based on the US Bureau of Labor and Statistics Consumer Price Index for the South Region.
- SECTION 4.** The City of Lakeland will make adjustments to customer sewer bills where said adjustment is necessary to correct billing errors, to correct errors due to equipment failure, or to fairly apply the rates and rules of the City. Where a customer experiences extraordinary water consumption during a billing period due to a break in customer owned plumbing, equipment malfunction, etc. and said water did not enter the sanitary sewer system, the City may adjust the sanitary sewer charge to an amount that is typical of customer's normal usage. A written request shall be submitted to the City within 60 days of the incident. The request shall state the account number, name of the account holder, service address, contact information, and reason for the adjustment. Supporting documentation shall accompany the request documenting the repair (i.e. receipt) and utility bills covering the previous 12-month period. The adjustment will cover no more than two (2) consecutive months. One (1) financial adjustment will be allowed every one (1) year. Adjustments will not be considered for normal outdoor water usage (i.e. irrigation, car washing, pressure washing, swimming pools, etc.).
- SECTION 5.** All ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.
- SECTION 6.** This ordinance shall take effect the latter of fifteen (15) days after first reading or immediately upon final passage, the public welfare requiring it.

First Reading: November 2, 2023
Public Hearing: November 16, 2023
Final Reading: November 16, 2023

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter
City Recorder

ORDINANCE O-17-2023

REPLACING MUNICIPAL CODE TITLE 11, SECTION 11-601 AND ADOPTING BY
REFERENCE THE STATE CRIMINAL TRESPASS STATUTE

WHEREAS, the Tennessee General Assembly amended the laws pertaining to adoption of state laws by municipalities by reference, by changing the statute under which such adoption is made, and by further specifying that only Class C misdemeanors may be adopted by municipalities and enforced as municipal ordinance violations; and,

WHEREAS, the Mayor and Board of Commissioners desire to adopt by reference the state criminal trespass statute in order to keep the City ordinance consistent with the state law as it is now written and may be, from time to time, modified by the General Assembly:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that this ordinance accomplishes what it says in the sections below followed by the words “as follows” and a colon as follows:

SECTION 1. Municipal Code §11-601 “Trespassing,” is repealed in its entirety.

SECTION 2. The following provision is added as the new §11-601 of the Municipal Code of the City of Lakeland:

11-601. Adoption of state criminal trespass statute. By the authority granted under Tenn. Code Ann. §16-18-302, the City of Lakeland adopts by reference, as if fully set forth in this section, “Criminal Trespass” as codified in Tenn. Code Ann. §39-14-405 at the time the violation occurs.

SECTION 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

SECTION 4. This ordinance shall take effect the latter of fifteen (15) days after first reading or immediately upon final passage, the public welfare requiring it.

First Reading: November 16, 2023

Public Hearing: December 7, 2023

Final Reading: December 7, 2023

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

ORDINANCE O-18-2023

AMENDING TITLE 3 OF THE LAKELAND MUNICIPAL CODE TO ADD A FEE FOR THE
EXPUNGEMENT OF RECORDS BY THE MUNICIPAL COURT

WHEREAS, Tenn. Code Ann. §16-18-302(a)(3)(A) grants the Lakeland Municipal Court jurisdiction over the expunction of a conviction for a violation of a municipal ordinance from a person's public record in the municipal court; and

WHEREAS, the Tennessee General Assembly amended the laws pertaining to municipal court jurisdiction under Tenn. Code Ann. §16-18-302(a)(3), granting a city the authority to set a fee for expunction of said municipal court records once a petition to do so is granted by the municipal judge; and,

WHEREAS, the Mayor and Board of Commissioners of the City of Lakeland, Tennessee desire to adopt a fee for the expungement of public records in municipal court:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that:

SECTION 1. Title 3, Chapter 2, of the municipal code is hereby amended, and a new chapter 2, Section 207 is added as follows:

Section 2-207. Fee for expunction of municipal court public records. By the authority granted under Tennessee Code Annotated, § 16-18-302(a)(3)(D), the City adopts a fee of \$100.00 to be collected by the Court Clerk for the expunction of eligible municipal court public records once the Municipal Judge has granted a petition requesting expungement.

SECTION 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

SECTION 3. This ordinance shall take effect the latter of fifteen (15) days after first reading or immediately upon final passage, the public welfare requiring it.

First Reading: November 16, 2023

Public Hearing: December 7, 2023

Final Reading: December 7, 2023

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

ORDINANCE O-16-2023

AMENDING TITLE 15. CHAPTER 6. SECTION 15-604. AND CHAPTER 7.
SECTION 15-704 OF THE CITY OF LAKELAND MUNICIPAL CODE IN ORDER TO
REGULATE ILLEGAL AND UNAUTHORIZED VEHICLE PARKING

WHEREAS, the City of Lakeland's Board of Commissioners has reviewed the following edits on November 16, 2023, and recommended said edits; and,

WHEREAS, in accordance with Tennessee Code Annotated, Section 13-7-203 the legislative body held a public hearing to obtain citizen input on said amendments; and,

WHEREAS, said public hearing notice was published in a newspaper of general circulation at least 15 days prior to the aforementioned public hearing:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, as follows:

SECTION 1. Title 15. Motor Vehicles, Traffic and Parking. Chapter 6. Parking. Section 15-604 Where Prohibited is hereby amended to add the following (11) On City owned property in accordance with posted signage.

SECTION 2. Title 15. Motor Vehicles, Traffic and Parking. Chapter 7. Enforcement. Section 15-704 Impoundment of Vehicles is hereby amended to read as follows: *Members of the City of Lakeland Code Enforcement and the Shelby County Sheriff's Department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets or City owned property and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction, prohibited parking or hazard to normal traffic. Any impounded vehicle shall be stored until the owner or other person entitled thereto, claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs, or until it is otherwise lawfully disposed of.*

SECTION 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed. Further, the provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application".

ORDINANCE O-16-2023

AMENDING TITLE 15. CHAPTER 6. SECTION 15-604. AND CHAPTER 7.
SECTION 15-704 OF THE CITY OF LAKE LAND MUNICIPAL CODE IN ORDER TO
REGULATE ILLEGAL AND UNAUTHORIZED VEHICLE PARKING

SECTION 4. This ordinance shall take effect immediately upon final passage, the public welfare requiring it.

First Reading: November 16, 2023
Public Hearing: December 7, 2023
Final Reading: December 7, 2023

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter
City Recorder

RESOLUTION R-142-2023

APPOINTING A MUNICIPAL COURT CLERK FOR THE CITY OF LAKE LAND

WHEREAS, the City of Lakeland, Tennessee, established a municipal court on December 14, 2017, through Ordinance 17-259; and,

WHEREAS, section 3-108 states that the Board of Commissioners shall appoint a person to serve as the municipal court clerk:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that Cheyenne Carter is hereby appointed Municipal Court Clerk of the City of Lakeland, Tennessee, and shall serve at the will and pleasure of the Board of Commissioners.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of November 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter
City Recorder



Board of Commissioners

Meeting Cycle: Thursday, November 16, 2023

Subject: **Resolution** - approving an agreement with Michael's Tree and Loader Service for emergency debris removal - cut and toss.

Staff Contact: Matthew Brown, Public Works Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve resolution R-141-2023.

BUDGET IMPACT

There is no budgetary impact related to this resolution.

DISCUSSION

This is the first response to clear our streets right of ways of debris after a disaster event. There will be no budget impact until and unless this service is needed to be used in response to a natural disaster event. This contract locks in the City's pricing for these services.

RESOLUTION R-141-2023

APPROVING AN AGREEMENT WITH MICHAEL'S TREE AND LOADER SERVICE
FOR EMERGENCY DEBRIS REMOVAL – CUT AND TOSS

WHEREAS, the City of Lakeland, Tennessee, (the “City”) desires to enter a contract with Michael's Tree and Loader Service for emergency debris removal – Cut and Toss; and,

WHEREAS, Michael's Tree and Loader Service was selected as the qualified bidder from sealed proposals received; and,

WHEREAS, Michael's Tree and Loader Service is willing and able to provide services as specified in the contract documents:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to execute, and the City Recorder attest an agreement with Michael's Tree and Loader Service for emergency debris removal – cut and toss in the amount not to exceed fifteen thousand dollars (\$15,000).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of November 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter
City Recorder

STANDARD FORM OF
AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is made between the City of Lakeland, hereinafter referred to as the "Owner," and Michael's Tree and Loader Service hereinafter referred to as the "Contractor."

WHEREAS, the City of Lakeland is desirous of debris removal from roadways in the event of a natural disaster; and,

WHEREAS, Michael's Tree and Loader Service is able and willing to provide those services to the City of Lakeland, Tennessee.

NOW, THEREFORE, it is hereby agreed as follows:

ARTICLE 1. WORK.

Contractor shall perform all the work required by the Contract documents for **Emergency Debris Removal – Cut and Toss**, Lakeland, Tennessee.

ARTICLE 2. ENGINEER.

The Project has been designed by the City of Lakeland Engineering Office, 10001 U.S. Highway 70, Lakeland, Tennessee, who is hereinafter referred to as the "Engineer" and who is to act as Owner's representative, assume all duties and responsibilities and have the rights and authority assigned to Engineer in the Contract documents.

ARTICLE 3. CONTRACT TIME.

- 3.1 The Contract time shall be November 16, 2023, to June 30, 2026. During the contract period the Contractor shall begin work within three hours of Owners request for services.
- 3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of the Agreement. Accordingly, Owner and Contractor agree that as liquidated damages for delay in services (but not as penalty) Contractor shall pay Owner Five Hundred Dollars per hour (\$500/hr) beginning after Owner notification not to exceed One Thousand Five Hundred Dollars per day (\$1,500/day).

ARTICLE 4. CONTRACT UNIT PRICE.

In Consideration of the performance of the work in accordance with the Contract documents for this Unit Price Contract, Owner shall pay Contractor in current funds for services actually performed based on the unit prices contained in the Bid Form and Itemized Bid Schedule, subject to additions and deductions by Change Order approved by the Owner.

ARTICLE 5. PAYMENT PROCEDURES.

Contractor shall submit Applications for Payment biweekly per event. The application for payment shall be in a format acceptable to the City of Lakeland and in accordance with federal, state and local rules, regulations and laws. Applications for payment shall include original receipts and all supporting documentation as required by the Federal Emergency Management Association (FEMA). Payment shall be made equal to work completed based on unit prices provided for on the Bid Schedule.

ARTICLE 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- 7.1 Contractor has familiarized himself with the nature and extent of the Contract documents, Work, locality, and with all local conditions and federal, state, and local Laws and Regulations that in any manner may affect cost, progress, or performance of the Work.
- 7.2 Contractor has given Engineer written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract documents and the written resolution thereof by Engineer is acceptable to Contractor.

ARTICLE 7. CONTRACT DOCUMENTS.

The Contract documents which comprise the entire agreement between Owner and Contractor are attached to this Agreement, made a part hereof and consist of the following:

- 8.1 This Agreement (Pages SFA-1 to SFA-5, inclusive).
- 8.2 Exhibit "A" - Bid Form and Bid Schedule.
- 8.3 Affidavit of Drug Free Work Program
- 8.4 Addenda
- 8.5 Performance Bond
- 8.6 Certificates of Insurance, of Workers' Compensation Coverage, and of Unemployment Insurance Coverage.
- 8.7 General Requirements, consisting of two (2) sections
- 8.8 Technical Specifications consisting of one (1) section
- 8.9 Notice of Award.
- 8.10 Minutes of the Pre-Bid Conference, if any.

8.11 Any modifications, amendments, and supplements on or after the effective date of this Agreement.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

9.1 The CONTRACTOR hereby agrees, warrants, and assures compliance with the provisions of Title VI and VII of the Civil Rights Act of 1964 and all other federal statutory laws which provide in whole or in part that no person shall be excluded from participation or be denied benefits of or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the CONTRACTOR on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee State Constitutional or statutory law. The CONTRACTOR shall upon request show proof of such non-discrimination and shall post in conspicuous places available to all employees and applicants notices of non-discrimination.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in one (1) original copy on the day and year first above written.

APPROVED AS TO FORM:

(PROJECT: Emergency Debris Removal – Cut and Toss)

DATED this _____ day of _____, 2023.

CONTRACTOR:

ATTEST:

By: _____

By: _____

Title: _____

Title: _____

OWNER:
CITY OF LAKELAND, TENNESSEE
A Municipal Corporation

ATTEST:

By: _____

By: _____

Cheyenne Carter

Josh Roman

Title: City Recorder

Title: Mayor

SFA-4

RESOLUTION R-140-2023

AUTHORIZING THE CITY MANAGER TO SEEK FUNDING FROM USDA RURAL
DEVELOPMENT COMMUNITY FACILITIES LOAN PROGRAM FOR A LAKELAND
COMMUNITY CENTER

WHEREAS, the Board of Commissioners for the City of Lakeland, Tennessee (the “Board”) passed Resolution R-60-2023 authorizing the City Manager to negotiate for the acquisition of parcels within the Lakeland Gateway TIF District; and,

WHEREAS, the Board later passed Resolution R-65-2023 authorizing the condemnation of a parcel of land within the Lakeland Gateway TIF District for public use; and,

WHEREAS, the Board desires to provide adequate facilities to be used for the City’s growing Parks and Recreation Department that also serves as Lakeland’s Community Center; and,

WHEREAS, the Board desires to authorize the City Manager to seek funding from the USDA Rural Development Community Facilities Loan Program for the proposed Community Center; and,

WHEREAS, the Board recognizes that the application does not obligate the City of Lakeland in any way without additional specific resolution approved by the Board of Commissioners:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the Board of Commissioners hereby authorizes the City Manager to seek funding from the USDA Rural Development Community Facilities Loan Program for the proposed Community Center.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 16th day of November 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter
City Recorder

RESOLUTION R-143-2023

AMENDING A DEVELOPMENT AGREEMENT BETWEEN
THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF LAKELAND,
TENNESSEE, AND THE CITY OF LAKELAND, TENNESSEE,
FOR DEVELOPMENT OF THE LAKELAND GATEWAY

WHEREAS, on February 16, 2023, the Industrial Development Board of the City of Lakeland, Tennessee (the “Lakeland IDB”) approved an Economic Impact Plan to establish the Lakeland Gateway Tax Increment Financing (“TIF”) project area through its resolution R-26-2023; and,

WHEREAS, on February 16, 2023, the Board of Commissioners of the City of Lakeland, Tennessee (the “Board”) approved an Economic Impact Plan to establish the Lakeland Gateway TIF project area through its resolution R-27-2023; and,

WHEREAS, on June 1, 2023, the Lakeland IDB approved a Development Agreement between the Lakeland IDB and the City of Lakeland (the “Agreement”) for development of the Lakeland Gateway through its resolution R-71-2023; and,

WHEREAS, on June 15, 2023, the Board adopted resolution R-75-2023 approving the Agreement; and,

WHEREAS, the Board desires to amend said development agreement with the Lakeland IDB as outlined in Exhibit A to this resolution:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the Amendment to the Development Agreement included herein as Exhibit A is hereby adopted and the Mayor is hereby authorized to execute said Development Agreement, to be presented for and become effective upon final approval by the Industrial Development Board of the City of Lakeland, Tennessee.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of November 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Cheyenne Carter, *City Recorder*

**AMENDMENT TO THE
DEVELOPMENT AGREEMENT
(Lakeland Gateway)**

THIS AMENDMENT TO THE DEVELOPMENT AGREEMENT (this “Amendment”) is entered into effective as of November ____, 2023 (the “Amendment Effective Date”), by and between THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF LAKELAND, TENNESSEE, a public nonprofit corporation organized under Tenn. Code Ann. §§ 7-53-101, et. seq. (the “Board”) and The City of Lakeland, Tennessee, a municipal corporation organized under the laws of the State of Tennessee (the “City”). Capitalized terms used in this Amendment and not otherwise defined have the respective meanings set forth in the Development Agreement.

RECITALS:

WHEREAS, the Board and the City are parties to that certain Development Agreement, dated as of June 15, 2023, including all amendments, modifications and changes thereto (collectively, the “Development Agreement”); and

WHEREAS, pursuant to the terms and conditions of the Development Agreement, the parties now desire to amend the Development Agreement as more particularly set forth below.

NOW, THEREFORE, in consideration of the agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Amendment to the Definition of Ashmont Interests.** Section 1(g) of the Development Agreement is hereby deleted in its entirety and replaced with the following:

g. “Ashmont Interests” means (i) a portion of the Tax Increment Revenues equal to 49.5% of the excess of property taxes over the Total Base Amount generated by the Property, less the County Trustee Fee (defined below) applicable to the property taxes from the Property, (ii) all of the City’s other right, title, and interest under this Agreement with respect to the Property other than the remaining Tax Increment Revenues not described in (i) above, and (iii) all obligations of the City under this Agreement with respect to the Property.

Notwithstanding the foregoing, in the event that the Allocation Period is extended to a 30 year period (as set forth in Section 2 of this Amendment), the “Ashmont Interests” shall be defined as (i) a portion of the Tax Increment Revenues equal to 41.25% of the excess of property taxes over the Total Base Amount generated by the Property, less the County Trustee Fee (defined below) applicable to the property taxes from the Property, (ii) all of the City’s other right, title, and interest under this Agreement with respect to the Property other than the remaining Tax Increment Revenues not described in (i) above, and (iii) all obligations of the City under this Agreement with respect to the Property.

2. **Extension of the Allocation Period.** The parties agree that the Allocation Period shall not be changed, altered, amended or modified without the prior written consent of the parties and the prior written consent of Ashmont.

3. **Miscellaneous.** The terms and conditions in this Amendment shall supersede, control, and govern over any contrary or inconsistent terms or conditions in the Development Agreement. The parties agree to cooperate, and to execute and deliver in a timely fashion any and all additional documents necessary to effectuate the purposes of this Amendment and the Development Agreement. From and after the Amendment Effective Date, all references to the “Development Agreement” shall mean the Development Agreement as amended by this Amendment. This Amendment contains all of the terms, covenants, conditions, and agreements between the parties that pertain or relate to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties. This Amendment may be executed in counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same document. Counterparts to this Amendment may be delivered electronically. This Amendment shall be construed without regard to any presumption or other rule of construction against the drafting party.

[signatures on the following page]

IN WITNESS WHEREOF, the parties have executed and delivered this Amendment, or have caused this Amendment to be executed and delivered by their duly authorized representatives, effective as of the Amendment Effective Date.

BOARD:

The Industrial Development Board of the City of Lakeland, Tennessee, a public nonprofit corporation organized under Tenn. Code Ann. §§ 7-53-101, *et. seq.*

By: _____
Name: _____
Title: _____

ATTEST:

Secretary

CITY:

The City of Lakeland, Tennessee, a municipal corporation organized under the laws of the State of Tennessee

By: _____
Name: _____
Title: _____

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Board of Commissioners

Meeting Cycle: Thursday, November 16, 2023

Subject: **Discussion and Possible Action** - regarding a potential Lakeland Christmas Parade.

Staff Contact: Michael Walker, City Manager

STAFF RECOMMENDATION

There is no recommendation related to this item, as it is for discussion between the Board of Commissioners and City Staff.

BUDGET IMPACT

There is no budgetary impact related to this discussion item at this time.

DISCUSSION

The City of Lakeland has, at times, held a Christmas parade event; however, it seems the last event was in 2020. This topic has been brought up by multiple members of the Board of Commissioners, and is therefore presented at this meeting for open discussion, support, direction, and feedback.