



Board of Commissioners
Regular Meeting Agenda
Thursday, April 6, 2023, 6:00 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 section 5-101 of the City of Lakeland municipal code to provide for official depositories for city accounts, as amended by ordinances 03-23, 08-124, and O-11-2021.
- VI. TREASURER'S REPORT:
- VII. REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:
 - Commissioners' Reports
 - a. Municipal Planning & Design Review Commission Meeting 3.16.2023 - *Commissioner Atkinson*
 - b. Parks and Recreation & Natural Resources Board Meeting 3.21.2023 - *Commissioner Dial*
 - c. Industrial Development Board Meeting 3.23.2023 - *Vice-Mayor Wright*
 - d. Lakeland Board of Education Meeting 4.3.2023 - *Vice-Mayor Wright*
- VIII. PUBLIC COMMENTS:
- IX. SEWERAGE COMMISSION BUSINESS:
- X. CONSENT AGENDA:
 1. Approval of Meeting Minutes from Previous Meetings:

- a. Beer Board Meeting Minutes - March 09, 2023
- b. Regular Meeting Minutes - March 09, 2023

XI. REGULAR AGENDA:

1. **Ordinance - Second and Final Reading** - amending section 5-101 of the City of Lakeland municipal code to provide for official depositories for city accounts, as amended by ordinances 03-23, 08-124, and O-11-2021.
2. **Ordinance - First Reading** - amending certain portions of Title 18 (Water and Sewers) Chapter 2 (Sewer) of the City of Lakeland's Municipal Code pertaining to Section 18-211.
3. **Resolution** - approving Change Order #1 for the City Hall ADA Exterior Improvement project.
4. **Resolution** - approving the purchase of a mastic melting machine from KM International from Sourcewell contract #080521
5. **Resolution** - approving the purchase of an Exten-A-Kut II shoulder mower from CMI Equipment sales from Sourcewell contract #070821-AGI
6. **Resolution** - approving an agreement with Ensco, LLC for Fiscal Year 2023 Sanitary Sewer Improvements.
7. **Resolution** - approving Amendment #5 to the professional services agreement with Buehler Horn, Inc. for the Clear Creek Interceptor Phase A Project.
8. **Resolution** - approving the City of Lakeland Neighborhood Watch Funds Reimbursement Policy. *Sponsored by Commissioner McCarter*
9. **Resolution** - approving a moratorium on new commercial development along Canada Road in the City of Lakeland, Tennessee, for a period of one year (twelve months). *Sponsored by Vice-Mayor Wright*
10. **Resolution** - authorizing the Mayor to sign a proclamation designating April 14, 2023 as Blue & Green Day Mid-South. *Sponsored by Commissioner McCarter*

11. **Resolution** - authorizing disaster relief donations to the City of Covington, Tennessee, and the City of Wynne, Arkansas. *Sponsored by Mayor Roman*

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:



**Lakeland Beer Board
Special Meeting Minutes
Thursday, March 09, 2023, 5:15 PM
City Hall, Lakeland, Tennessee 38002**

DRAFT

- I. **CALL TO ORDER BY MAYOR:** The meeting was called to order by Mayor Josh Roman 5:15 p.m. on Thursday, March 09, 2023.
- II. **INVOCATION:** The invocation was offered by Mayor Roman.
- III. **PLEDGE:** Mayor Roman led in the Pledge to the Flag.
- IV. **ROLL CALL BY RECORDER:** Mayor Josh Roman, Vice Mayor Wesley Wright, Commissioner Jim Atkinson were present. Commissioner Michele Dial and Commissioner Connie McCarter were absent.

Staff personnel in attendance were City Manager Michael Walker, City Engineer Emily Harrell, Planning Director Paul Luker, Finance Director Carlin Stuart, Park & Recreation Director Patrick O'Mara, City Recorder Debra Murrell and City Attorney Will Patterson.

V. **PUBLIC COMMENTS:**

VI. **REGULAR AGENDA:**

1. **Resolution – approving an off-premises beer application for San Kirillus Inc. located at 4915 Seed Tick Road.**

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

Discussion ensued.

For the record: Comments were heard from the applicant, Ehab Abdelmelek.

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

Vice Mayor Wright	Yea
Commissioner Atkinson	Yea
Mayor Roman	Yea

2. **Resolution – approving an off-premises beer application for 64 Express located at 9108 US Highway 64.**

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

Discussion ensued.



**Lakeland Beer Board
Special Meeting Minutes
Thursday, March 09, 2023, 5:15 PM
City Hall, Lakeland, Tennessee 38002**

DRAFT

For the record: Comments were heard from the applicant, Md Sakhawat Hossain.

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

Vice Mayor Wright	Yea
Commissioner Atkinson	Yea
Mayor Roman	Yea

VII. ANNOUNCEMENTS:

VIII. ADJOURNMENT: There being no other business on which to take action, the meeting was adjourned without objection at 5:30 p.m. on Thursday, March 09, 2023.

These minutes were approved on April 06, 2023.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002**

DRAFT

- I. **CALL TO ORDER BY MAYOR:** The meeting was called to order by Mayor Josh Roman at 5:30 p.m. on Thursday, March 09, 2023.
- II. **INVOCATION:** Offered by Mayor Roman.
- III. **PLEDGE:** Mayor Roman led the pledge to the flag.
- IV. **ROLL CALL BY RECORDER:** Mayor Josh Roman, Vice-Mayor Wesley Wright, Commissioner Jim Atkinson, and Commissioner Michele Dial were present. Commissioner Connie McCarter was present at 5:35 p.m.

Staff personnel in attendance were City Manager Michael Walker, City Engineer Emily Harrell, Planning Director Paul Luker, Parks & Recreation Director Patrick O'Mara, Finance Director Carlin Stuart, City Recorder Debra Murrell and City Attorney Will Patterson.

V. **PUBLIC HEARING:**

1. **Ordinance – Second and Final Reading – amending Article III. Section 14 of the Lakeland Land Development Regulations in order to regulate the placement of wireless transmission facilities.**
2. **Ordinance – Second and Final Reading – amending the fiscal year 2023 annual budget, passed by ordinance O-10-2022, as amended by ordinances O-12-2022 and O-13-2022.**

For the record:

- No comments were heard at the public hearing.
- Without objection, the order of business was changed to move the Sheriff's Report up on the agenda.

Sheriff's Report: Summary report for the month of February (*Given by Sheriff's Department Representative*)

PUBLIC COMMENTS: (*Moved up on the agenda*)

For the record: Comments were heard from the following:

Lew Wardlaw, Attorney representing SGA Communications – Opposition to amending cell tower ordinance.

Richard Gonzales – 5000 block of Conifer View – Hwy 70 Development

REGULAR AGENDA: (*Taken out of order without objection*)

1. **Ordinance – First Reading – amending Ordinance O-8-2022 establishing sewer user rates and sewer charge adjustments.** (*Previously item # 3*)
Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Wright.



BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002

DRAFT

Discussion ensued.

For the record: Comments were heard from the following:
John Clarkson – MTAS Representative

When the question was called the first reading of the ordinance passed, as presented, roll call vote, 4 in favor 1 against (4-1).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Yea
Mayor Roman	Nay

2. Ordinance – Second and Final Reading – amending Article III. Section 14 of the Lakeland Land Development Regulations in order to regulate the placement of wireless transmission facilities. (Previously item # 1)

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

Discussion ensued.

Commissioner McCarter moved to amend Section 2 of Ordinance O-4-2023 to state “Notwithstanding the foregoing, the MPC may approve a lower minimum distance, in any district, so long as the applicant’s engineer can demonstrate that the minimum distance per code is unnecessary pursuant to the national standards recognized by the American National Standards Institute (ANSI)”, seconded by Commissioner Atkinson.

When the question was called the motion to amend the resolution carried, roll call vote, 4 in favor 1 against (4-1).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Yea
Mayor Roman	Nay

Commissioner Atkinson moved to amend the amendment to ordinance to state “any commercial district”, seconded by Vice-Mayor Wright.

When the question was called the motion to amend the amendment carried, roll call vote, 5 in favor 0 against (5-0).

For the record: Comments were heard from the following:
Lew Wardlaw, Attorney representing SGA Communications



BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002

DRAFT

When the question was called the second and final reading of the ordinance passed as amended, roll call vote, 5 in favor 0 against (5-0).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Yea
Mayor Roman	Yea

3. **Resolution** – authorizing the engagement of Watkins Uiberall PLLC to audit the City of Lakeland financial activities for the fiscal year ending June 30, 2023. (Originally item # 5)

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

Discussion ensued.

For the record: Comments were heard from the following:
Trey Watkins – Uiberall PLLC

When the question was called the resolution passed, as presented, roll call vote, 5 in favor 0 against (5-0).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Yea
Mayor Roman	Yea

4. **Resolution** – approving an agreement with Ensco, LLC for International Harvester Managerial Park Parking Improvements. (Originally item # 6)

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

Discussion ensued.

For the record: Comments were heard from the following:
Jeff Smith – Ensco, LLC

When the question was called the resolution passed, as presented, roll call vote, 5 in favor 0 against (5-0).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Yea
Mayor Roman	Yea



**BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKELAND, TENNESSEE 38002**

DRAFT

For the record: The meeting was back to regular order.

VI. TREASURER'S REPORT:

February 2023 – Presented by Finance Director Carlin Stuart

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

- Sheriff's Report: *(Moved up - Taken out of order)*
- City Manager's Report: City Manager Michael Walker offered a report.

For the record: Without objection an additional item was added to the agenda under regular business item # 9 as "Discussion and possible action on adding lights to the Memphis-Arlington Sport Fields".

- Commissioners' Reports:
 - a. Industrial Development Board Special Meeting – Mayor Roman offered a report.
 - b. Lakeland P.U.L.S.E. Comprehensive Plan Public Engagement Workshop – Commissioner McCarter offered a report.
 - c. Lakeland School System Board of Education – Vice Mayor Wright offered a report.
 - d. Municipal Planning & Design Review Commission – Commission Atkinson offered a report.
 - e. Parks and Recreation & Natural Resources Board – Commissioner Dial offered a report.

VIII. PUBLIC COMMENTS:

For the record: No comments were heard at this time.

IX. SEWERAGE COMMISSION BUSINESS:

X. CONSENT AGENDA:

1. Approval of Meeting Minutes from Previous Meetings:

- a. Corrected – Special Meeting Minutes – January 24, 2023
- b. Special Meeting Minutes – February 07, 2023
- c. Regular Meeting Minutes – February 09, 2023
- d. Special Meeting Minutes – February 16, 2023

- 2. **Ordinance – First Reading** – amending section 5-101 pf the City of Lakeland municipal code to provide for official depositories for city accounts, as amended by ordinance O-8-2022 establishing sewer user rates and sewer charge adjustments.



BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKE LAND, TENNESSEE 38002

DRAFT

3. ~~Resolution – approving an agreement with Tri-State Guardrail & Sign Co., Inc for the Fiscal Year 2023 Guardrail Installation Project.~~
(Removed from the consent agenda without objection)
4. Resolution – approving an agreement with Kimley Horn for the development of an update to the Land Development Regulations.
5. Resolution – approving an authorized user agreement with Verizon Wireless through State of Tennessee Statewide Contract #32110-32711.
6. Resolution – tentatively approving a contract with Eutaw Construction Company for the Clear Creek Interceptor – Sanitary Sewer Phase A.
7. Resolution – accepting dedication of public improvements in Winstead Farms Planned Development Lot A and authorizing the reduction of security for public and common improvements in Winstead Farms Planned Development Areas 1 & 2 Phase 1, Area 2 Phase 2, and Lot A.
8. Resolution – authorizing the City Manager to engage in real estate and/or financial advisory services in support of economic development within the Lakeland Gateway TIF District.

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

For the record: Corrections were made to minutes of January 24, 2023, that were previously approved on February 9, 2023.

When the question was called the consent agenda was approved, voice vote, 5 in favor 0 against (5-0).

XI. **REGULAR AGENDA:** *(Continued)*

5. Ordinance – Second and Final Reading – amending the fiscal year 2023 annual budget, passed by ordinance O-10-2022, as amended by ordinances O-12-2022 and O-13-2022. *(Previously item # 2)*

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

When the question was called the second and final reading of the ordinance passed as presented, voice vote, 5 in favor 0 against (5-0).

6. Resolution – amending Resolutions R-134-2022 and R-135-2022 and calendar year 2023 City of Lakeland meeting calendar. *(Previously item # 4)*



BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL, LAKELAND, TENNESSEE 38002

DRAFT

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

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against (5-0).

7. Resolution – amending Resolutions R-101-2022 to approve an agreement with Blue Siren for Sanitary Sewer Flow Monitoring.

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

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against (5-0).

8. Resolution – supporting the Mayor to develop strategies and pursue necessary legislative charges for the elimination of cashless bonds and enhancement of consequences for repeat offenders, including juveniles.

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

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against (5-0).

9. Discussion and Possible action on adding lights to the Memphis-Arlington Sport Fields.

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

Discussion ensued.

Mayor Roman moved approve a resolution assigning fund balance of the general fund for lighting existing field at the Lakeland Athletic Complex in the amount of \$400,000, seconded by Vice-Mayor Wright.

For the record: Under relaxed rules the paving and road conditions were discussed.

When the question was called the resolution passed as presented, roll call, 4 in favor 1 against (4-1).

Vice-Mayor Wright	Yea
Commissioner Atkinson	Yea
Commissioner Dial	Yea
Commissioner McCarter	Nay
Mayor Roman	Yea



BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
THURSDAY, MARCH 09, 2023, 5:30 P.M.
CITY HALL. LAKE LAND. TENNESSEE 38002

DRAFT

10. **Resolution** – approving an agreement with Tri-State Guardrail & Sign Co., Inc for the Fiscal Year 2023 Guardrail Installation Project. *(Previously item # 3 on the consent agenda)*

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

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against (5-0).

XII. ANNOUNCEMENTS:

- XIII. ADJOURNMENT:** There being no other business on which to act, the meeting was adjourned at 8:29 p.m. on Thursday, March 09, 2023.

These minutes were approved on April 06, 2023.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

Meeting Cycle: Thursday, April 6, 2023

Subject: **Ordinance - Second and Final Reading** - amending section 5-101 of the City of Lakeland municipal code to provide for official depositories for city accounts, as amended by ordinances 03-23, 08-124, and O-11-2021.

Staff Contact: Carlin Stuart, Finance Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Ordinance O-6-2023.

BUDGET IMPACT

There is no budgetary impact related to this ordinance.

DISCUSSION

This ordinance enables for greater flexibility in treasury management for the City of Lakeland. It updates our municipal code to better align with T.C.A. changes in recent years, and sets the stage for a more frequent review (at least every four years) of official depositories, which going forward would be set via Resolution as allowed in the updated T.C.A. guidance.

The reason for the change now is that it would enable final passage in April, concurrent with the timing of when several of the City's certificates of deposit are up for renewal. With over \$1 million currently invested in CD's, it would enable the Finance Director to shop the best interest rate proposals for presentation of a Resolution in April authorizing any additional financial institutions that comply with State law but are currently not listed in the ordinance.

ORDINANCE O-6-2023

AMENDING SECTION 5-101 OF THE CITY OF LAKELAND MUNICIPAL CODE TO PROVIDE FOR OFFICIAL DEPOSITORIES FOR CITY ACCOUNTS, AS AMENDED BY ORDINANCES 03-23, 08-124, AND O-11-2021

- WHEREAS,** the City of Lakeland (the “City”) established authorized financial institutions in the 1989 Code, Section 5-101; and,
- WHEREAS,** the City of Lakeland Board of Commissioners (the “Board”) adopted Ordinance 03-23 on February 6, 2003, amending Section 5-101; and,
- WHEREAS,** the Board adopted Ordinance 08-124 on November 6, 2008, further amending Section 5-101; and,
- WHEREAS,** the Board adopted Ordinance O-11-2021 on September 9, 2021, further amending Section 5-101; and,
- WHEREAS,** the Board seeks to further revise Section 5-101 to better align the City’s Code with Tennessee Code Annotated (“T.C.A.”) § 6-22-120:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that changes be made to the City of Lakeland, Tennessee, Municipal Code as follows:

SECTION 1. Section 5-101 is amended to read as follows:

Section 5-101. The current official depositories for City accounts and investments include the following: Trustmark National Bank and First Citizens National Bank. Additionally, City funds may be deposited with the State of Tennessee Department of Treasury Local Government Investment Pool (“LGIP”). At least once every four (4) years, the Board of Commissioners shall reevaluate the contracts with any bank or banks serving as an official depository of municipal funds and thereafter adopt a resolution in conformance with Tenn. Code Ann. § 6-22-120.

SECTION 2. 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”.

SECTION 3. This ordinance shall take effect immediately upon final passage, the public welfare requiring it.

ORDINANCE O-6-2023

AMENDING SECTION 5-101 OF THE CITY OF LAKE LAND MUNICIPAL CODE
TO PROVIDE FOR OFFICIAL DEPOSITORIES FOR CITY ACCOUNTS,
AS AMENDED BY ORDINANCES 03-23, 08-124, AND O-11-2021

First Reading: March 9, 2023
Public Hearing: April 6, 2023
Final Reading: April 6, 2023

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder



Board of Commissioners

Meeting Cycle: Thursday, April 6, 2023

Subject: **Ordinance - First Reading** - amending certain portions of Title 18 (Water and Sewers) Chapter 2 (Sewer) of the City of Lakeland's Municipal Code pertaining to Section 18-211.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City staff recommends the Board of Commissioners approve Ordinance O-8-2023.

BUDGET IMPACT

There is no budget impact from this Ordinance.

DISCUSSION

The new Interjurisdiction Agreement between the City of Memphis and City of Lakeland for treatment of wastewater in southwest Lakeland was executed on April 18, 2022. This revision proposes to update language in the City's Municipal Code Title 18 Water and Sewer, Chapter 2 Sewer, Section 18-211 with the current agreement date.

ORDINANCE O-8-2023

AMENDING CERTAIN PORTIONS OF TITLE 18 (WATER AND SEWERS) CHAPTER 2
(SEWER) OF THE CITY OF LAKELAND'S MUNICIPAL CODE PERTAINING TO
SECTION 18-211

- WHEREAS,** the new Interjurisdictional Agreement between the City of Lakeland and City of Memphis was executed on April 18, 2022; and,
- WHEREAS,** the City's Municipal Code Title 18 Chapter 2 Section 18-211 references the date of the expired agreement; and,
- WHEREAS,** the proposed changes update City's Municipal Code Title 18 Chapter 2 Section 18-211 with the date of the current Interjurisdictional Agreement:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that Title 18 Chapter 2 Section 18-211 of the City of Lakeland's Municipal Code is amended as follows:

SECTION 1. The City of Lakeland Municipal Code Section 18-211, City of Memphis sewer regulations apply, is hereby amended to add the following text:

...the City of Memphis Sewer Use Ordinance and Agreement dated April 18, 2022, and

SECTION 2. 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.

SECTION 3. This ordinance shall take effect immediately upon final passage, the public welfare requiring it.

First Reading: April 6, 2023
Public Hearing: April 20, 2023
Final Reading: April 20, 2023

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

a sewer extension, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the commission.

(2) When a sewer extension is constructed to serve land development projects and subdivision developments, the developer shall pay all costs and expenses incurred. Said payments are not subject to refund. (1989 Code, § 13-408)

18-209. Water service and provisions to apply to sewer service.

Insofar as practical, the various policies and provisions set forth by the appropriate water system authority providing water services as outlined in chapter 1 of this title shall apply to sewer service for the following:

- (1) Obtaining service.
- (2) Application and contract for service.
- (3) Temporary service.
- (4) Multiple services through a single meter.
- (5) Billing.
- (6) Discontinuance or refusal of service.
- (7) Reconnection charge.
- (8) Access to customer's premises.
- (9) Inspections.
- (10) Customer's responsibility for system's property.
- (11) Customer's responsibility for violations.
- (12) Supply and resale of water (sewer service).
- (13) Interruption of service. (1989 Code, § 13-409)

18-210. Sewer system expansion or improvement fee. When a system extension is constructed in connection with a project or subdivision development, the city may require the developer to pay an amount not to exceed an amount equal to thirty-five (35) percent of the total cost of the sewer extension as a sewer system expansion or improvement fee. This amount may be required in addition to those charges prescribed in §§ 18-204 and 18-207. (1989 Code, § 13-410)

18-211. City of Memphis sewer regulations apply. City sewer users shall comply with all provisions of the City of Memphis ordinances pertaining to sewer use, charges, billing and practices, in accordance with the **City of Memphis Sewer Use Ordinance and Agreement dated April 18, 2022**, and any other amendments thereto, by and between the City of Lakeland and the City of Memphis. It is stipulated that the Board of Commissioners, by appropriate administrative ordinance or resolution, may from time to time establish connection and privilege charges, sewer service charges, or establish rules and regulations that may be in excess of or more stringent than the requirements of the City of Memphis Ordinances. (1989 Code, § 13-411)

Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving Change Order #1 for the City Hall ADA Exterior Improvement project.

Staff Contact: Kieraa Belcher, Staff Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-41-2023.

BUDGET IMPACT

This expenditure is not appropriated in the original budget for the General Fund as part of the FY2023 Annual Budget, however the additional expense will be covered through budget transfers.

DISCUSSION

City Hall ADA Exterior Improvement project includes removal and replacement of the concrete sidewalk, overlay of handicap parking, and removal and replacement of the handicap ramp and handrails. The existing concrete around the building has two different finishes; washed and broomed. The City proposes to place back all broomed finished concrete. There are two areas of concrete that were planned to remain, however they are a washed finish. Replacing the section nearest the front door will also allow the contractor access to run the wire underground for the automated door. The two sections of concrete will increase the quantity of concrete by 4 cubic yards, totaling six thousand dollars (\$6,000). Change Order #1 will increase the total contract amount to ninety-two thousand five hundred thirty-three dollars (\$92,533).

RESOLUTION R-41-2023

APPROVING CHANGE ORDER #1 FOR THE CITY HALL ADA EXTERIOR
IMPROVEMENT PROJECT

WHEREAS, Wagner General Contractors, Inc. is under contract for the City Hall ADA Exterior Improvements project; and,

WHEREAS, the City desires to increase the quantity concrete sidewalk to provide a consistent finish around City Hall; and,

WHEREAS, Change Order #1 will increase the contract amount six thousand dollars (\$6,000) to ninety-two thousand five hundred thirty-three dollars (\$92,533); and,

WHEREAS, funding for Change Order #1 will be appropriated through budget transfers in the FY2023 Annual Budget for the General Fund:

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 Change Order #1 with Wagner General Contractors, Inc. for the City Hall ADA Exterior Improvement project in the amount of six thousand dollars (\$6,000).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

Date of Issuance:
Owner: City of Lakeland
Contractor: Wagner General Contractors
Engineer: City of Lakeland
Project: City Hall ADA Exterior
Improvements

Effective Date:
Owner's Contract No.:
Contractor's Project No.:
Engineer's Project No.:
Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Change order #1 will increase the total amount to ninety-two thousand five hundred thirty-three dollars (\$92,533).

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 86,533	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ 86,533	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] of this Change Order: \$ 6,000	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ 92,533	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (if required)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____

CLEARING NOTES:

1. VERIFY LOCATIONS OF EQUIPMENT, TRAILER TOILETS, AND STOCKPILED MATERIALS WITH CITY'S REPRESENTATIVE PRIOR TO MOBILIZATION.
2. NO CONSTRUCTION MATERIALS, EQUIPMENT, OR VEHICLES TO BE PARKED BENEATH THE DRIP LINE OF ANY TREES.
3. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DAMAGES OR WOUNDS CAUSED TO ANY TREE. ALL SUCH DAMAGES SHOULD BE TREATED IN A MANNER DIRECTED BY A LICENSED LANDSCAPE ARCHITECT OR ARBORIST AT NO EXTRA COST TO THE OWNER.
4. ALL VEGETATION, TOPSOIL, ANY SOFT, SUPERFICIAL SOILS AND ANY OTHER DELETERIOUS MATERIALS ENCOUNTERED WITHIN THE PROPOSED CONSTRUCTION AREAS MUST BE REMOVED. STRIPPING OPERATIONS SHOULD EXTEND A MINIMUM OF 5 FEET BEYOND THE LIMITS OF PROPOSED PAVEMENTS. IF IT APPEARS THIS MAY NEGATIVELY IMPACT NATURAL FEATURES OR TREES DESIGNATED TO REMAIN, THE CONTRACTOR SHALL CONTACT THE CITY'S REPRESENTATIVE PRIOR TO PROCEEDING WITH STRIPPING OPERATIONS.
5. ADDITIONAL AREA MAY NEED TO BE CLEARED AND GRUBBED OTHER THAN THE AREAS INDICATED IN ORDER FOR THE CONTRACTOR TO PERFORM HIS WORK. CITY'S REPRESENTATIVE SHOULD BE NOTIFIED PRIOR TO CLEARING.
6. TREES ARE NOT SHOWN ON THE PLAN. NO TREES SHALL BE REMOVED. INSTALL TREE PROTECTION FENCING PRIOR TO SITE CLEARING.

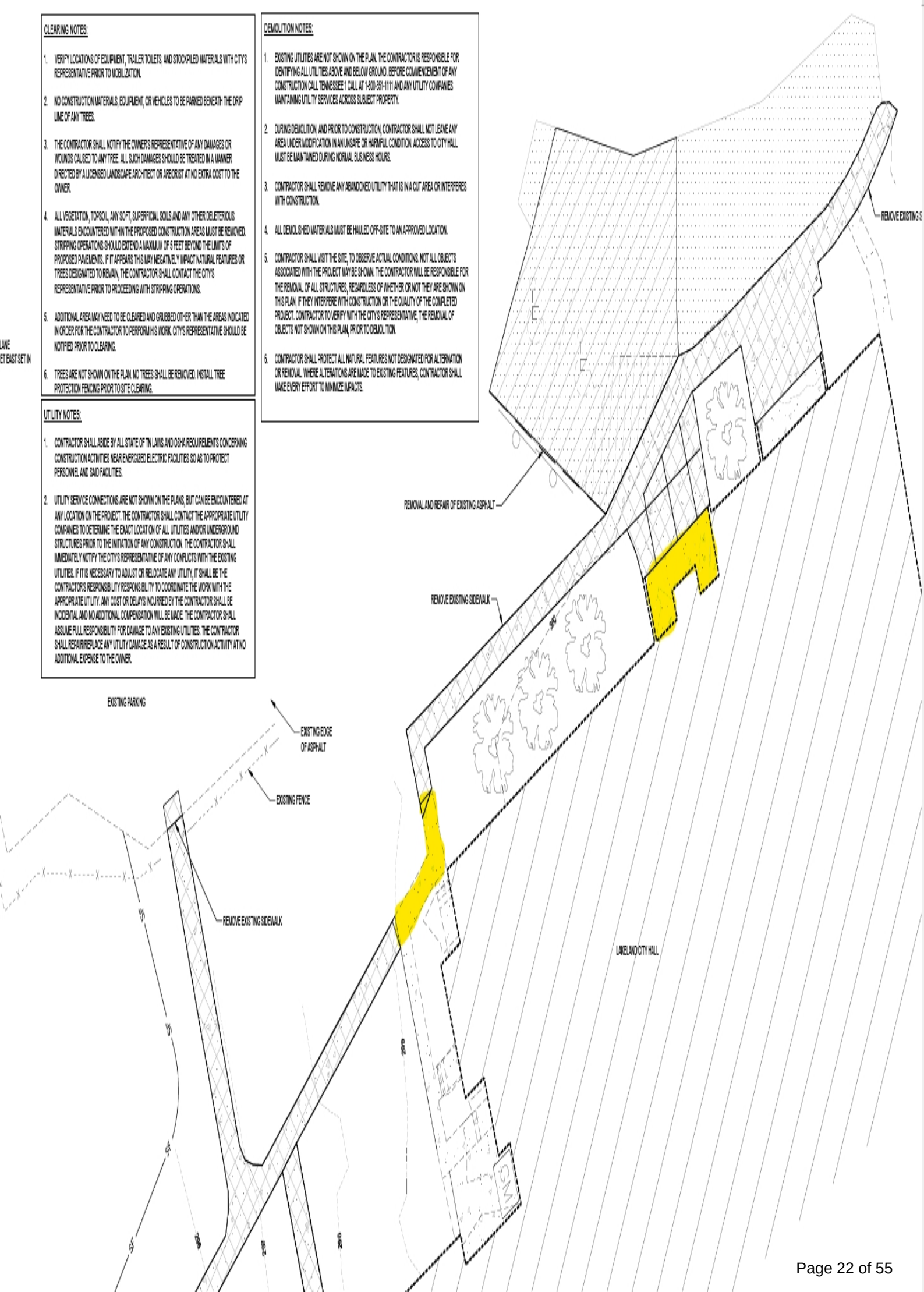
UTILITY NOTES:

1. CONTRACTOR SHALL ABIDE BY ALL STATE OF TN LAWS AND OSHA REQUIREMENTS CONCERNING CONSTRUCTION ACTIVITIES NEAR ENERGIZED ELECTRIC FACILITIES SO AS TO PROTECT PERSONNEL AND SAID FACILITIES.
2. UTILITY SERVICE CONNECTIONS ARE NOT SHOWN ON THE PLANS, BUT CAN BE ENCOUNTERED AT ANY LOCATION ON THE PROJECT. THE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES TO DETERMINE THE EXACT LOCATION OF ALL UTILITIES AND/OR UNDERGROUND STRUCTURES PRIOR TO THE INITIATION OF ANY CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE CITY'S REPRESENTATIVE OF ANY CONFLICTS WITH THE EXISTING UTILITIES. IF IT IS NECESSARY TO ADJUST OR RELOCATE ANY UTILITY, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE THE WORK WITH THE APPROPRIATE UTILITY. ANY COST OR DELAYS INCURRED BY THE CONTRACTOR SHALL BE INCIDENTAL AND NO ADDITIONAL COMPENSATION WILL BE MADE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE TO ANY EXISTING UTILITIES. THE CONTRACTOR SHALL REPAIR/REPLACE ANY UTILITY DAMAGE AS A RESULT OF CONSTRUCTION ACTIVITY AT NO ADDITIONAL EXPENSE TO THE OWNER.

DEMOLITION NOTES:

1. EXISTING UTILITIES ARE NOT SHOWN ON THE PLAN. THE CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING ALL UTILITIES ABOVE AND BELOW GROUND. BEFORE COMMENCEMENT OF ANY CONSTRUCTION CALL TENNESSEE 1 CALL AT 1-800-361-1111 AND ANY UTILITY COMPANIES MAINTAINING UTILITY SERVICES ACROSS SUBJECT PROPERTY.
2. DURING DEMOLITION, AND PRIOR TO CONSTRUCTION, CONTRACTOR SHALL NOT LEAVE ANY AREA UNDER MODIFICATION IN AN UNSAFE OR HARMFUL CONDITION. ACCESS TO CITY HALL MUST BE MAINTAINED DURING NORMAL BUSINESS HOURS.
3. CONTRACTOR SHALL REMOVE ANY ABANDONED UTILITY THAT IS IN A CUT AREA OR INTERFERES WITH CONSTRUCTION.
4. ALL DEMOLISHED MATERIALS MUST BE HAULED OFF-SITE TO AN APPROVED LOCATION.
5. CONTRACTOR SHALL VISIT THE SITE, TO OBSERVE ACTUAL CONDITIONS. NOT ALL OBJECTS ASSOCIATED WITH THE PROJECT MAY BE SHOWN. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE REMOVAL OF ALL STRUCTURES, REGARDLESS OF WHETHER OR NOT THEY ARE SHOWN ON THIS PLAN, IF THEY INTERFERE WITH CONSTRUCTION OR THE QUALITY OF THE COMPLETED PROJECT. CONTRACTOR TO VERIFY WITH THE CITY'S REPRESENTATIVE, THE REMOVAL OF OBJECTS NOT SHOWN ON THIS PLAN, PRIOR TO DEMOLITION.
6. CONTRACTOR SHALL PROTECT ALL NATURAL FEATURES NOT DESIGNATED FOR ALTERNATION OR REMOVAL. WHERE ALTERATIONS ARE MADE TO EXISTING FEATURES, CONTRACTOR SHALL MAKE EVERY EFFORT TO MINIMIZE IMPACTS.

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Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving the purchase of a mastic melting machine from KM International from Sourcewell contract #080521

Staff Contact: Daniel Lovett, Public Works Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-42-2023.

BUDGET IMPACT

The purchase will be made using funds from the street fund. This purchase was not budgeted for in the 22-23 budget. Funds were saved in the budgeted equipment purchases, allowing the purchase of equipment originally planned for the 23-24 budget.

DISCUSSION

This equipment will allow staff to repair large cracks in asphalt typically too large for standard crack sealing equipment.

RESOLUTION R-42-2023

APPROVING THE PURCHASE OF A MASTIC MELTING MACHINE FROM KM
INTERNATIONAL FROM SOURCEWELL CONTRACT #080521

WHEREAS, the City desires to purchase a mastic melting machine to be used for street and stormwater repair for the Public Works Department; and,

WHEREAS, the machine is available for order and purchase from KM International through Sourcewell Contract #080521; and,

WHEREAS, funding for this purchase is available in the Fiscal Year 2023 Annual Budget for the State Street Aid Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to purchase a new 2023 mastic melting machine in the amount of twelve thousand, dollars (\$12,000).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

SOURCEWELL PRICE GUIDE- INFRARED ASPHALT RECYCLERS, HOTBOXES, & CRACK MAINT.

PRICES EFFECTIVE FEBRUARY 1, 2023
F.O.B. NORTH BRANCH, MICHIGAN - PREPAID & ADDED
PRICING IS SUBJECT TO CHANGE WITHOUT NOTICE



Sourcewell Contract Contract #080521-KMI

MODEL	DESCRIPTION	MSRP PRICE	Sourcewell Price
INFRARED ASPHALT RECYCLERS			
LB 2-16	Infrared Asphalt Recycler (4' x 4') – 16 Sq. Ft Heating Area	\$ 11,490.00	\$ 9,765.00
KM 2-18X	Infrared Asphalt Recycler (3.5' x 6.5') – 22.75 Sq. Ft. Heating Area	\$ 13,150.00	\$11,180.00
KM 4-40	Infrared Asphalt Recycler (5' x 8') – 40 Sq. Ft. Heating Area	\$ 25,055.00	\$ 21,295.00
KM 4-48	Infrared Asphalt Recycler (6' x 8') – 48 Sq. Ft. Heating Area	\$ 26,990.00	\$ 22,940.00
ASPHALT HOTBOXES – SKID MOUNTED UNITS			
KM 4000SXPX	2 Ton Skid Mount – Propane	\$ 14,095.00	\$ 11,985.00
KM 4000SDX	2 Ton Skid Mount – Diesel	\$ 19,650.00	\$ 16,700.00
KM 8000SXPX	4 Ton Skid Mount – Propane	\$ 21,500.00	\$ 18,275.00
KM 8000SDX	4 Ton Skid Mount – Diesel	\$ 26,335.00	\$ 22,385.00
KM 1000 SXPX	½ Ton Skid Mount - Propane	\$ 9,830.00	\$ 8,355.00
CRACK MAINTENANCE EQUIPMENT			
Crack Jet II	Heat Lance - Crack Preparation Tool	\$ 5,505.00	\$ 4,680.00
KM 55 Rubber Melter	55 Gallon Melting Kettle	\$ 6,775.00	\$5,760.00
Pro Patch 55	55 Gallon Mastic Melter: Engine Driven Agitation	\$13,800.00	\$ 12,000.00
Mastic Applicator	15 Gallon Mastic Applicator	\$ 3,380.00	\$ 2,940.00
MA -10	10 Gallon Melter - Applicator	\$ 11,330.00	\$ 1,130.00
Crack Maintenance Trailer Package	Single axle trailer, CJ II, KM 55, and MA 10	\$ 20,325.00	\$ 17,275.00

**Click on the Model to View Picture of the Unit*



Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving the purchase of an Exten-A-Kut II shoulder mower from CMI Equipment sales from Sourcewell contract #070821-AGI

Staff Contact: Daniel Lovett, Public Works Director

STAFF RECOMMENDATION

City staff recommends approval of the shoulder mower purchase.

BUDGET IMPACT

The purchase will be made using funds from the street fund. This purchase was not budgeted for in the 22-23 budget. Funds were saved in the budgeted equipment purchases, allowing the purchase of equipment originally planned for the 23-24 budget.

DISCUSSION

The shoulder mower will allow staff to keep the vegetation cut back from the roads on the rural areas of the city.

RESOLUTION R-44-2023

APPROVING THE PURCHASE OF AN EXTEN-A-KUTII SHOULDER MOWER
FROM CMI EQUIPMENT SALES FROM SOURCEWELL CONTRACT #070821-AGI

WHEREAS, the City desires to purchase a mastic melting machine to be used for street and stormwater repair for the Public Works Department; and,

WHEREAS, the machine is available for order and purchase from KM International through Sourcewell Contract #080521; and,

WHEREAS, funding for this purchase is available in the Fiscal Year 2023 Annual Budget for the State Street Aid Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to purchase a new Exten-A-Kut II shoulder mower in the amount of twenty four thousand, one hundred ninety-two dollars and eighty five cents (\$24,192.85).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder



CMI Equipment Sales, Inc.
P.O. Box 1528
Goodlettsville, TN 37070
www.cmiequip.com 615-227-7800

QUOTE - DO NOT PAY

Quote: 01-4231
Date: 3/22/2023

PO:
CustId: C/ LAKELAND

Cust Email:
Phone: (901) 267-9007
Salesperson: NickC
User: KenE

Bill To:

City of Lakeland
10001 Highway 70
Lakeland, TN 38002 US

Ship To:

City of Lakeland

Sourcewell #070821-AGI
Current Lead Time: 120-150 Days ARO

Item	Type	Description	Qty	Tax	Price	Discount	Net Price
Exten-A-Kut II	QU	Alamo Exten-A-Kut II	1.0000		\$24,192.85		
		ALM - Blade Bar					
		: Double Chain Guard					
		: Tail Wheel Kit					
		: RH Side Gauge Wheel Kit					
		: Freight Included					
Total Exten-A-Kut II							\$24,192.85
Total:							\$24,192.85

Totals					Sub Total:	\$24,192.85
					Total Tax:	\$0.00
					Invoice Total:	\$24,192.85





Board of Commissioners

Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving an agreement with Ensco, LLC for Fiscal Year 2023 Sanitary Sewer Improvements.

Staff Contact: Luis Camarillo Hernandez, Staff Engineer

STAFF RECOMMENDATION

City staff recommends the Board of Commissioners approve Resolution R-45-2023.

BUDGET IMPACT

Funding for this work will be appropriated from the Fiscal Year 2023 and Fiscal Year 2024 Sewer Fund annual spending plans.

DISCUSSION

The Fiscal Year 2023 Sanitary Sewer Improvements project proposes to make three point repairs to the sewer system, rehabilitate one manhole and demolish the old Lift Station 21 wet well. The City received one bid on March 22, 2023 from Ensco, LLC for a total bid amount of one hundred one thousand dollars (\$101,000.00). The City has reviewed the bid and recommends awarding the agreement to Ensco, LLC

RESOLUTION R-45-2023

APPROVING AN AGREEMENT WITH ENSCOR, LLC FOR FISCAL YEAR 2023
SANITARY SEWER IMPROVEMENTS

WHEREAS, the City desires to make improvements to the cities sanitary sewer system; and,

WHEREAS, Encsor, LLC was the lowest qualified bidder on March 22, 2023, for the Fiscal Year 2023 Sanitary Sewer Improvements Project; and,

WHEREAS, Encsor, LLC is willing and able to provide these services as specified in the Contract documents; and,

WHEREAS, Funding for this work will be appropriated from the FY2023 Annual Budget for Sanitary Funds:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City Manager is hereby authorized and directed to execute, and the City Recorder attest, a contract with Encsor, LLC for the Fiscal Year 23 Sanitary Sewer Improvements project in the amount of one hundred and one thousand dollars (\$101,000).

BE IT FURTHER RESOLVED, that the Board of Commissioners authorize an additional fifteen thousand dollars (\$15,000) for a construction contingency fund to be used to pay for items that may arise outside of the unit bid prices and for unforeseen work and that the City Manager is hereby authorized to make verified partial payments when necessary throughout the project to a total fixed cost amount of one hundred and sixteen thousand dollars (\$116,000).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

FY23 SANITARY SEWER IMPROVEMENTS

POINT REPAIRS

No.	LOCATION	TYPE OF REPAIR	APPROX. LENGTH (ft)	DEPTH (ft)
1	9200 Fletcher Trace	Hole in pipe allowing for roots.	10	9
2	9074 Valkrie Lane	Pipe separated at service connection.	10	17
3	9922 Woodland Bend Drive	Root in pipe causing intrusion	10	8

MANHOLE REHABILITATION

No.	LOCATION	TYPE OF REPAIR
1	1000 Woodland Bend Cove	Regrouting of pipe and invert, and 6-inch riser

LIFT STATION DEMOLITION

No.	LOCATION	TYPE OF REPAIR
1	4820 Maple Walk Drive	Remove and disposal of Lift Station

FY23 Sanitary Sewer Improvements

City of Lakeland



Point Repair 2

Point Repair 1

Valkrie Ln

Valkrie Ln

Fletcher Trace Pkwy

Hepplewhite Cove

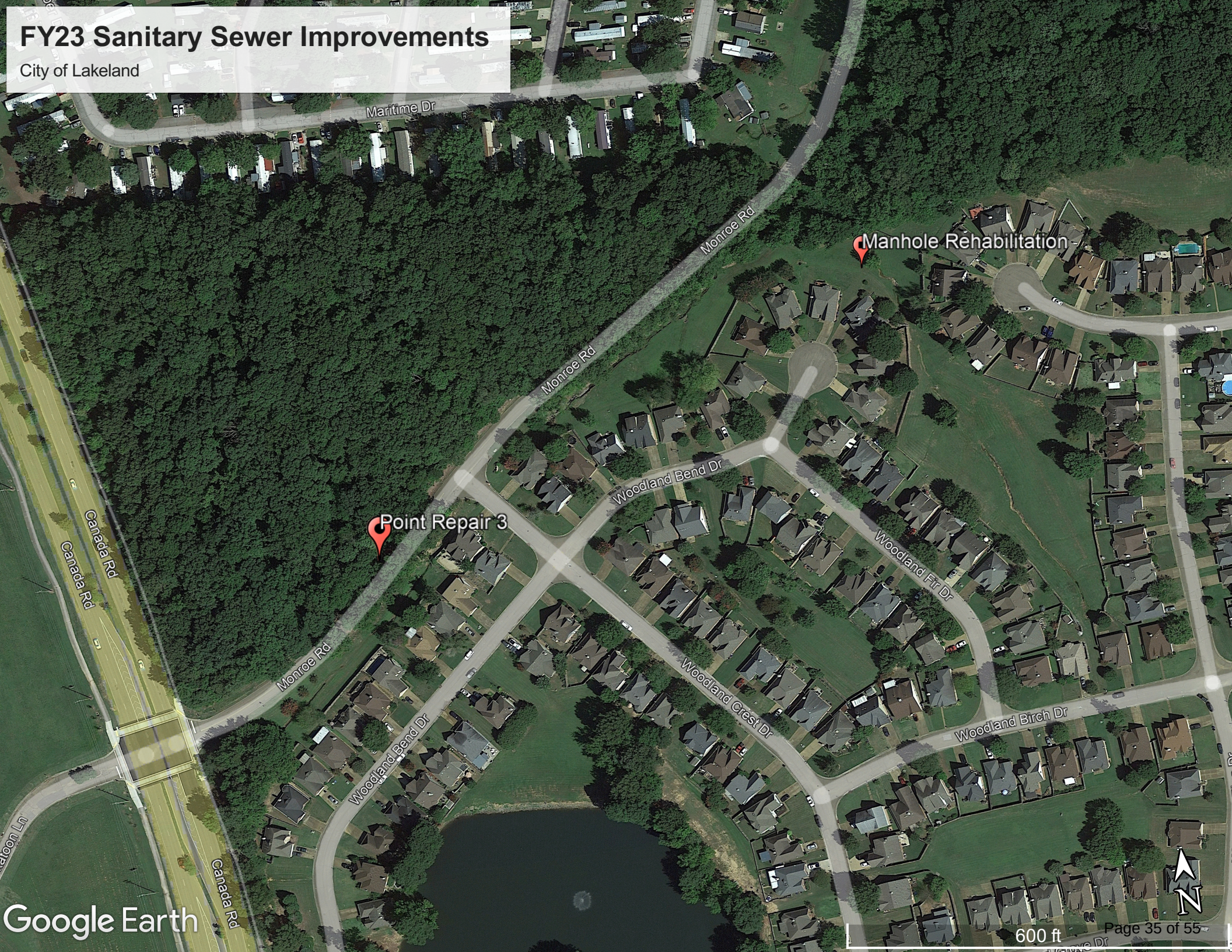
Gainsborough Dr

ridge Cove



FY23 Sanitary Sewer Improvements

City of Lakeland

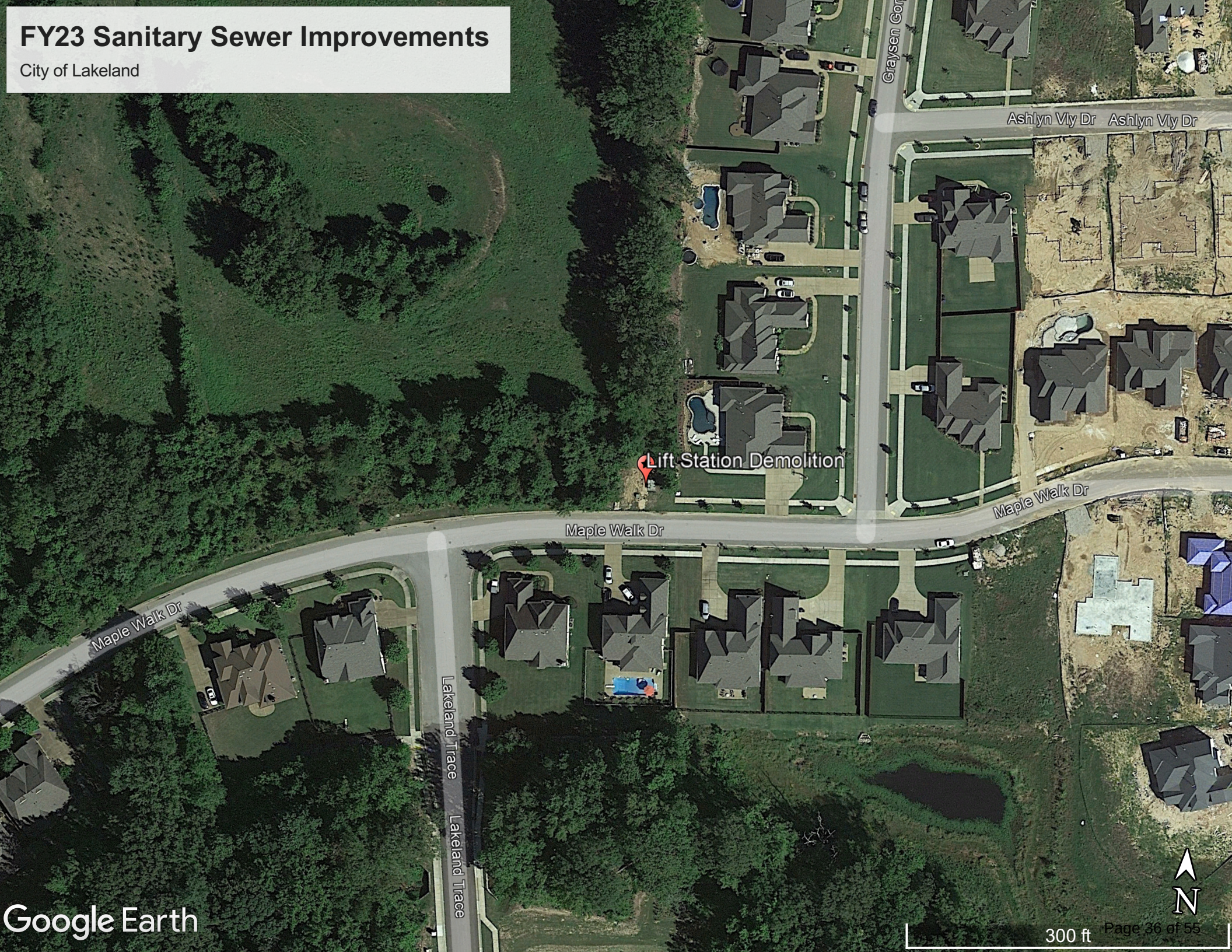


Point Repair 3

Manhole Rehabilitation

FY23 Sanitary Sewer Improvements

City of Lakeland



Lift Station Demolition

Maple Walk Dr

Maple Walk Dr

Ashlyn Vly Dr Ashlyn Vly Dr

Maple Walk Dr

Lakeland Trace Lakeland Trace



STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is made between the City of Lakeland, hereinafter referred to as the "Owner," and Encor, LLC hereinafter referred to as the "Contractor."

WHEREAS, the City of Lakeland is desirous of sanitary sewer improvements; and,

WHEREAS, Encor, LLC, 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 the FY23 Sanitary Sewer Improvements, 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 in connection with completion of the Work in accordance with the Contract documents.

ARTICLE 3. CONTRACT TIME.

- 3.1 The Work will be substantially completed by July 21, 2023 and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions by July 28, 2023.
- 3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not substantially completed by the time specified in Paragraph 3.1 above, plus any extension thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not substantially completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner one Hundred Dollars (\$100.00) for each day that expires after the time specified in Paragraph 3.1 for substantial completion. After Substantial Completion, if the Contractor shall neglect, refuse, or fail to complete the remaining work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by Owner, Contractor shall pay Owner One Hundred Dollars (\$100.00)

for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment. It is further agreed that such liquidated damages are not a penalty, but represent the parties' best estimate of actual damages.

ARTICLE 4. CONTRACT 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 a not-to-exceed total contract price of One Hundred and One Thousand Dollars (\$101,000), subject to additions and deductions by Change Order approved by the Owner. The contract fee shall be based on materials actually furnished and installed and services actually provided based on the unit prices contained in the Bid Form and Itemized Bid Schedule, included as Exhibit "A" (pages BF-1 -- BS-1) and by this reference made a part of this Agreement.

ARTICLE 5. PAYMENT PROCEDURES.

Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed through the Engineer as provided in the General Conditions.

- 5.1 Progress Payments. Owner shall make progress payments on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 25th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the Schedule of Values provided for in Paragraph 14 of the General Conditions, subject to the cutoff and submittal dates provided in the General Provisions.
 - 5.1.1 During the course of the Contract progress payments will be made in an amount equal to 95% of the Work completed, less in each case the aggregate of payments previously made.
 - 5.1.2 In the event the Contractor makes only one application for payment upon substantially completing the Work, progress payment will be made in an amount equal to 95% of the Work completed. Owner shall withhold five percent (5%) of the work completed as retainage, said retainage to be paid in accordance with the provisions of Paragraph 5.2, Final Payment.
- 5.2 Final Payment. Upon final completion and acceptance of the Work in accordance with Paragraph 14.13 of the General Conditions, Engineer shall recommend payment and present Contractor's Final Application for Payment to the City in accordance with Tennessee Statutes 54-5-122. Before final acceptance of the project as having been finally completed, the contractor shall furnish evidence of payment in full for materials and labor to the City in accordance with Tennessee 54-5-122. When this is done, full settlement may be made with the contractor, but not until thirty (30) day's notice is some newspaper published in the county where the work is done, if there is a newspaper there, and if not, in a newspaper in an adjoining county that settlement is about to be made and notifying all claimants to file notice of their claims with the

officials and the period for filing shall not be less than thirty (30) days after the last published notice. In the event claims are filed, the officials shall withhold a sufficient sum to pay the claims in the same way and manner as is provided for claimants making claims against contractors dealing with the Department of Transportation in accordance with Statutes 54-5-123, and claimants may bring suits against contractors in the way and manner provided in 54-5-124, as suits are brought against contractors dealing with the department. Where claims are allowed by the Courts, Statutes 54-5-125 and 54-5-127 shall be applicable.

ARTICLE 6. WITHHELD FUNDS.

Pursuant to Tennessee Statutes Section 66-11-104 et seq., withheld percentages for Contracts exceeding \$500,000.00 will be retained in an account in the name of the Contractor (except when specifically waived in writing by Contractor) which has been assigned to the Owner until the Contract is completely, satisfactorily, and finally accepted by the Owner. Unless a depository is designated by the Contractor in a written attachment hereto, the Contractor's signature hereon shall act as authority for the Owner to designate a retainage depository on behalf of the Contractor, for the purposes specified in Tennessee Statutes Section 66-11-104. The Contractor's signature hereon shall act as an assignment of the depository account to the Owner, as provided by Tennessee Statutes Section 66-11-104 et seq., whether the depository is designated by the Contractor or by the Owner.

ARTICLE 7. 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 studied carefully all reports of investigations and test of subsurface and latent physical conditions at the site or otherwise affecting cost, progress, or performance of the Work which were relied upon by Engineer in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 Contractor has made or caused to be made examinations, investigations, and test and studies as he deems necessary for the performance of the Work at the Contract price, within the Contract Time, and in accordance with the other terms and conditions of the Contract documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by Contractor for such purposes.
- 7.4 Contractor has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the terms and conditions of the Contract documents.

- 7.5 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 8. 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 Joint Account Agreement or Letter of Forfeiture waiving same (if applicable)
- 8.3 Exhibit "A" - Bid Form and Bid Schedule.
- 8.4 Affidavit of Drug Free Work Program
- 8.5 No Addenda
- 8.6 Performance & Payment Bonds
- 8.7 Certificates of Insurance, of Workers' Compensation Coverage, and of Unemployment Insurance Coverage.
- 8.8 2013 Standard General Conditions of the Construction Contract (Pages i to 62, inclusive).
- 8.8 Standard Supplementary Conditions (Pages SSC-1 to SSC-16, inclusive).
- 8.9 General Requirements
- 8.10 Special Provisions (Section 01810)
- 8.11 Technical Specifications
- 8.12 Notice of Award.
- 8.13 Notice to Proceed.
- 8.14 Minutes of the Pre-Bid- Conference, if any.
- 8.15 Shop Drawings and other Submittals furnished by Contractor during performance of the Work and accepted by the Owner.

- 8.16 Any modifications, amendments, and supplements, including Change Orders, issued pursuant to Paragraphs 3.4 and 3.5 of the General Conditions, on or after the effective date of this Agreement.
- 8.17 Notice of Substantial Completion.

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.

Terms used in this Agreement, which are defined in the General Conditions, shall have the meanings designated in those conditions.

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: _____)

DATED this _____ day of _____, 2023

ATTEST:

CONTRACTOR:

Name: _____

Address: _____

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

By: _____
Debra Murrell
Title: City Recorder

OWNER:
CITY OF LAKELAND, TENNESSEE
A Municipal Corporation

By: _____
Michael Walker
Title: City Manager

Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving Amendment #5 to the professional services agreement with Buchart Horn, Inc. for the Clear Creek Interceptor Phase A Project.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-46-2023.

BUDGET IMPACT

This expenditure will not impact the FY2023 Sewer Fund spending plan. Annual costs of this multi-year contract will be included in the respective years' spending plans during the budget adoption.

DISCUSSION

The Board of Commissioners approved Amendment #4 to the professional services agreement with Buchart Horn in April 2021, adding construction engineering and inspection services to the scope of the agreement. Due to the amount of time that has lapsed between the original proposal, Buchart Horn requests an additional one hundred twenty-eight thousand five hundred eighty dollars (\$128,580.00) be added to the agreement. The requested increase will compensate for increases in salary and expense costs over the last two years.

RESOLUTION R-46-2023

APPROVING AMENDMENT #5 TO THE PROFESSIONAL SERVICES AGREEMENT WITH BUCHART HORN, INC. FOR THE CLEAR CREEK INTERCEPTOR PHASE A PROJECT

- WHEREAS,** the City entered into a contract in May 2017 with Buchart Horn, Inc. for the design of the Clear Creek Interceptor Phase A; and,
- WHEREAS,** the Board of Commissioners approved Amendment #4 in April 2021 adding construction engineering and inspection (“CEI”) services to the scope of services in the agreement; and,
- WHEREAS,** due to the amount of time that has lapsed since the approval of the CEI services, Buchart Horn requests additional funds to cover the increases in salary and expense cost; and,
- WHEREAS,** Funding for this work will be appropriated in the Fiscal Year 2024 Sewer Fund annual spending plan:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City Manager is hereby authorized and directed to execute, and the City Recorder attest, Amendment #5 to the professional services contract with Buchart Horn, Inc. for the Clear Creek Interceptor Phase A project in the amount of one hundred twenty-eight thousand five hundred eighty dollars (\$128,580.00).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

February 23, 2023

Emily Harrell, PE, CPESC, City Engineer
 City of Lakeland
 10001 US Highway 70
 Lakeland, TN 38002-9756

**RE: City of Lakeland Clear Creek Sanitary Sewer Interceptor Phase A, SRF 2022-476
 Supplemental Fee Request - Bid and Construction Phase Services**

Dear Ms. Harrell,

On April 8, 2021, the City of Lakeland approved amendment #4 of Buchart Horn's (BH) engineering services agreement. Amendment #4 consisted of a budget increase for design phase services in the amount of \$68,000 and a new budget for bid and construction phase services in the amount of \$1,172,800 for a total increase of \$1,240,800. Since that time, BH has completed the design phase services and provided general support to the City while Revolving Loan Funds (SRF) were pursued to finance the project. With the time that has lapsed since the approval of our construction phase services budget, we respectfully request a budget increase in the amount of \$128,580 to compensate for increases in budget costs due to the increase in salary and expense costs.

The table below reflects the allocation of this additional budget:

Task	Original Approved Budget	Additional Budget Requested	New Total
Design Phase Supplement	\$68,000	\$0	\$68,000
Bid and Construction Phase Budget			
Bid Phase Services	\$ 25,500	\$2,800	\$28,300
Construction Administration and Close-Out Services	\$ 562,000	\$65,000	\$627,000
Resident Project Representative at \$99 per hour (3900 hours, incl. 400 hours OT at time and 1/2, plus travel) – Increase Billing Rate to \$110 per hour	\$ 426,200	\$49,800	\$476,000
EPSC Inspection at \$107 per hour (1,220 hours plus travel) Increase Billing Rate to \$112 per hour	\$ 138,600	\$8,400	\$147,000
Geotechnical Engineer Consulting Services (Per rates in updated subconsultant proposal (Attachment A) + 10%)	\$ 20,500	\$2,580	\$23,080
Subtotal Bid and Construction Phase	\$1,172,800	\$128,580	\$1,301,380
Total	\$1,240,800		\$1,369,380

Please indicate your acceptance of this proposal by signing in the box below. If you have any questions, please contact me. Thank you for this opportunity to serve the City of Lakeland.

Sincerely,

BUCHART HORN, INC.



Diane C. Vesely, PE
 AVP Water Resources
 (901) 619-6177 (cell)

Attachment A

The additional work as described in this proposal letter dated February 23, 2023 is approved by the City of Lakeland.

 Signature

 Date



Via email: DVesely@bucharthorn.com

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January 23, 2023

Ms. Diane Vesely, P.E.
Buchart Horn, Inc.
3150 Lenox Park Boulevard, Suite 300
Memphis, Tennessee 38115

Re: Proposal for Geotechnical Consulting Services
City of Lakeland
Clear Creek Interceptor, Sanitary Sewer, Phase A
Lakeland, Tennessee
Geotechnology Proposal No. P028447.02

Dear Ms. Vesely:

We understand the City of Lakeland plans to advertise the Clear Creek Sanitary Sewer, Phase A construction project this summer, expecting to begin construction in the summer of 2023. Geotechnology prepared geotechnical data¹ and geotechnical interpretative² reports for the project. This proposal offers our professional geotechnical engineering services to assist Buchart Horn during their Engineer administration of the construction contract on behalf of the City of Lakeland.

As we have discussed, the following is our anticipated scope:

1. Site Visits:
 - a. Work at WWTP (2 visits)
 - b. Work under Texas Gas Pipelines – (Four pipe lines; 2 visits)
 - c. Work at RR crossing (2 visits)
 - d. Work at deep bore and jack (2 visits)
 - e. One site visit as requested by the Engineer

¹ *Geotechnical Data Report, City of Lakeland, Clear Creek Interceptor, Sanitary Sewer Phase A, Lakeland, Tennessee.* Prepared for Buchart Horn; Geotechnology, Inc. report numbered J028447.01 and dated May 9, 2019.

² *Geotechnical Interpretive Report, City of Lakeland, Clear Creek Interceptor Sanitary Sewer Phase A, Lakeland, Tennessee.* Prepared for Buchart Horn; Geotechnology, Inc. report numbered J028447.01 and dated May 9, 2019.



2. Submittal Reviews - review Contractor's work plans for the following activities:
 - a. Work at WWTP
 - b. Work under Texas Gas Pipelines – (4 pipe lines) - one work plan for all
 - c. Work at RR crossing
 - d. Work at deep bore and jack
3. Project meetings – attendance at 5 project meetings
4. General consultation for project duration (20 months)

Table 1: Summary of Anticipated Cost

Item	Quantity	Unit Rate	Extended
Principal	60	\$205.00	\$12,300.00
Project engineer	72	\$110.00	\$7,9200.00
Vehicle for site visits	840	\$0.90	\$756.00
Total			\$20,976.00

Geotechnology is pleased to submit this proposal, and we invite you to review the proposal and contact us with any questions about the scope of work or estimated fee.

* * * * *

If this proposal, including the contractual terms, is acceptable, please sign in the space provided below. Our services will be provided in accordance with the existing Subconsultant Agreement between our firms dated March 15, 2018. We appreciate the opportunity to submit this proposal for the referenced project and look forward to hearing from you soon. If you have any questions or comments concerning this proposal, or if we may be of any other service to you, please do not hesitate to contact us.

Very truly yours
GEOTECHNOLOGY, INC.

Dale M. Smith, P.E.
Geotechnical Manager

DMS/ABM:dms

_____(Signature) Position: _____

By: _____(Print Name) Date: _____

Meeting Cycle: Thursday, April 6, 2023

Subject: **Resolution** - approving the City of Lakeland Neighborhood Watch Funds Reimbursement Policy. *Sponsored by Commissioner McCarter*

Staff Contact: Michael Walker, City Manager

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-47-2023.

BUDGET IMPACT

The Fiscal Year 2023 Annual Budget included \$12,000 in the original budget appropriations for Neighborhood Watch funds.

DISCUSSION

Neighborhood Watch funds were first established in the Fiscal Year 2021 Annual Budget. At the time, the funds were discussed by the Board as discussion items, a formal policy was not adopted via resolution, and then funds were appropriated in the Annual Budget. This resolution is designed to establish the policy through which City Staff can execute procedures for reimbursement of funds to registered and certified Neighborhood Watch programs.

RESOLUTION R-47-2023

APPROVING THE CITY OF LAKELAND NEIGHBORHOOD WATCH FUNDS
REIMBURSEMENT POLICY

WHEREAS, the Board of Commissioners of the City of Lakeland, Tennessee, (the “Board”) has set public safety as one of the top priorities for Lakeland; and,

WHEREAS, the Board has appropriated certain funds in the annual budget to support the establishment and maintenance of Neighborhood Watch programs; and,

WHEREAS, the Board desires to set the policy through which registered and certified Neighborhood Watch programs may receive reimbursement for allowable costs:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the attached Neighborhood Watch Funds Reimbursement Policy is hereby approved.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 6TH day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder



Neighborhood Watch Funds Reimbursement Policy

The City of Lakeland Board of Commissioners has appropriated funds for reimbursement of certain costs incurred by Lakeland subdivisions for the establishment of registered and certified Neighborhood Watch programs through the Shelby County Sheriff's Office (SCSO).

Each registered and certified Neighborhood Watch program is eligible to receive up to \$1,000 each calendar year, in the aggregate, as reimbursement of Allowable Expenses incurred to establish or maintain the Neighborhood Watch program. Reimbursement will be contingent upon 1) documentation of program certification and 2) expense receipt submittal. The City of Lakeland Finance Department will process documentation and reimbursement.

Allowable Expenses (limited to \$1,000 per calendar year per neighborhood) include:

- The cost of food and beverages for the program's initial Neighborhood Watch party (upon completion of all requirements established by the SCSO)
- The cost of food and beverages for subsequent Neighborhood Watch parties and events
- Any cost related to the printing of flyers and other promotional materials for Neighborhood Watch programs and events
- The cost of Neighborhood Watch signs to be placed in the neighborhood, to the extent not provided by the SCSO
- Other costs incurred that are directly related to establishing and maintaining the Neighborhood Watch program may be reimbursed with City Manager approval, up to the annual limit established above

Alcohol should not be served at Neighborhood Watch events, and in no case will be reimbursed. Additionally, Neighborhood Watch events may be held without charge at the International Harvester Clubhouse based upon available times, to be coordinated with the Lakeland Parks and Recreation Director.

RESOLUTION R-49-2023

APPROVING A MORATORIUM ON NEW COMMERCIAL DEVELOPMENT ALONG CANADA ROAD IN THE CITY OF LAKELAND, TENNESSEE, FOR A PERIOD OF ONE YEAR (TWELVE MONTHS)

- WHEREAS,** the City of Lakeland, Tennessee (“City”), a Tennessee municipal corporation, has been vested with substantial power to regulate the use and zoning of real property for the purposes of maintaining the health, morals, safety, security, peace, and general public welfare of the City and its residents, which includes the governmental purpose of implementing moratoria for the reasons stated herein; and,
- WHEREAS,** the Board of Commissioners for the City of Lakeland, Tennessee (“Board”) considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and City residents; and,
- WHEREAS,** the concept of general public welfare is broad and inclusive and it is within the power and prerogative of the Board to determine and ensure that development be implemented in the best interests of the City as whole; and,
- WHEREAS,** the Board, accordingly, established the Lakeland PULSE Comprehensive Plan Advisory Committee to engage Lakeland residents and formulate an updated Comprehensive Plan that recognizes the Board’s vision for the future of Lakeland and establishes steps necessary to implement that vision; and,
- WHEREAS,** the Lakeland PULSE Comprehensive Plan Advisory Committee, with the assistance of Kimley Horn, will review and make recommendations to update land use strategies related to economic development, housing, natural resources, public health, education, parks, recreation, open space, public services, utilities, transportation, and mobility; and,
- WHEREAS,** the Lakeland PULSE Comprehensive Plan Advisory Committee first met in June 2022 and expects the Comprehensive Plan process to last approximately 15 months; and,
- WHEREAS,** the Board has expressed interest in taking steps to revise the current Zoning Ordinances to align new commercial development along Highway 70 with the results of the Lakeland PULSE Comprehensive Plan update; and,
- WHEREAS,** the Board has determined it to be in the best interests of the City and its residents to impose a twelve (12) month moratorium, as set forth in more detail below, temporarily halting the acceptance of new applications for commercial development along Canada Road between Interstate 40 and Highway 64 as well as the consideration of any pending application for new commercial development along the same. Excepted from the moratorium are any commercial uses that are located within a previously approved planned development; and,

RESOLUTION R-49-2023

APPROVING A MORATORIUM ON NEW COMMERCIAL DEVELOPMENT
ALONG CANADA ROAD IN THE CITY OF LAKELAND, TENNESSEE,
FOR A PERIOD OF ONE YEAR (TWELVE MONTHS)

WHEREAS, the purpose of the temporary moratorium is to allow the City an opportunity to study, research, analyze and/or assess the likely impacts and nature of any future commercial development along the aforementioned portion of Canada Road, including, without limitation and as the City deems appropriate, development and demographic trends, aesthetic qualities, burdens upon and access to City services, resources, infrastructure, utilities, traffic congestion, public safety, and neighborhood characteristics. Furthermore, so the City can develop and implement new zoning amendments in accordance with this study; and,

WHEREAS, said moratorium is in the best interests of the health, welfare, and safety of the City and its residents, and also wholly consistent with the police and other powers vested in the City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that, except as otherwise provided herein, a twelve (12) month moratorium is hereby imposed, effective upon the adoption of this resolution, to temporarily halt the acceptance of new applications for commercial development along Canada Road between Interstate 40 and Highway 64, as well as the consideration of any pending application for new commercial development along the same.

BE IT FURTHER RESOLVED, that, notwithstanding the foregoing, this moratorium shall not apply to any commercial development located within The Lake District planned development or such development designated as public use. However, said commercial development remains subject to all existing approval requirements of the City.

BE IT FURTHER RESOLVED, that, unless further extended, this moratorium shall expire on April 6, 2024, and that this Resolution shall become effective immediately upon its adoption, the public welfare requiring it.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

RESOLUTION R-51-2023

AUTHORIZING THE MAYOR TO SIGN A PROCLAMATION DESIGNATING
APRIL 14, 2023 AS BLUE & GREEN DAY MID-SOUTH

WHEREAS, the City of Lakeland and the Board of Commissioners desire to promote the observance of Blue & Green Day Mid-South in the City of Lakeland:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the Mayor is hereby authorized and directed to sign a Proclamation honoring April 14, 2023, as the City of Lakeland Blue & Green Day Mid-South.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 6TH day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder

CITY OF
LAKE LAND
TENNESSEE
PROCLAMATION

WHEREAS, Every year, National Donate Life observes Blue & Green Day to amplify the importance of registering as an organ and tissue donor, and encourage the public to wear blue and green to raise awareness; and,

WHEREAS, More than 100,000 Americans, including 4,000 in the Mid-South area, are currently on the national transplant waiting list; and,

WHEREAS, Another person is added to the waiting list every nine minutes, and on average, seventeen people die every day because the organs they need are not donated in time; and,

WHEREAS, We can all do our part to save lives by educating and encouraging our peers and loved ones to register as an organ and tissue donor; and,

WHEREAS, The City of Lakeland, TN supports National Donate Life and Mid-South Transplant Foundation and its efforts to bring new life to men, women and children in need of lifesaving organ and tissue transplants; and,

WHEREAS, We hold those that have saved lives through the gift of donation in the highest regard and are grateful for their selflessness.

NOW, THEREFORE, I, Josh Roman, Mayor of the City of Lakeland, Tennessee, do hereby proclaim the 14th day of April 2023 in honor of Blue & Green Day Mid-South in the City of Lakeland, and thus encourage all residents to promote the importance of organ and tissue donation.

Josh Roman, *Mayor*
City of Lakeland, Tennessee

RESOLUTION R-52-2023

AUTHORIZING DISASTER RELIEF DONATIONS
TO THE CITY OF COVINGTON, TENNESSEE,
AND THE CITY OF WYNNE, ARKANSAS

WHEREAS, neighboring communities of Covington, Tennessee, and Wynne, Arkansas, sustained extensive damage from the tornados of March 31, 2023 to April 1, 2023; and,

WHEREAS, the Board of Commissioners of the City of Lakeland, Tennessee, (the "Board") desires to aid in the disaster relief efforts underway in these communities; and,

WHEREAS, funding for these donations are appropriated in the General Fund via budgetary transfers:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to issue a donation of two thousand dollars (\$2,000) to the City of Covington, Tennessee, and a donation of one thousand dollars (\$1,000) to the City of Wynne, Arkansas, to aid in disaster relief efforts.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 6th day of April 2023, the public welfare requiring it.

Josh Roman, *Mayor*

ATTEST:

Debra Murrell
City Recorder