City of Lebanon Tennessee

CITY OF LEBANON

Office of the Mayor

200 North Castle Heights Avenue
Lebanon, TN 37087
philipcraighead@lebanontn.org

Philip Craighead
Mayor

615-443-2839
Fax 443-2851

WORK SESSION – AUGUST 16, 2016 - 5:00 P.M.

TOWN MEETING HALL, ADMINISTRATION BUILDING

1) Planning Department Review of Planning Items
2) Federal Family Medical Leave Act (FMLA) Policy and Procedure Updates
3) Fire Truck Purchase

PUBLIC HEARING - AUGUST 16, 2016 - 5:55 P.M.

TOWN MEETING HALL, ADMINISTRATION BUILDING

1) To abandon the City of Lebanon's interest in Martha Circle (in Ward 6 between Powell Grove Road and the Nashville and Eastern Railroad), by Paul Corder, Planning Director. (Request by Paul Crockett) (Planning Commission recommended approval 7-0 on 5/28/13; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5246)

2) Adopting a Plan of Services for the annexation at 1035 Maple Hill Road (11.66 acres; Tax Map 46, Parcel 9.08) to be added to Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Resolution No. 16-1952)

3) Annexing property at 1035 Maple Hill Road, also identified as Tax Map 46, Parcel 9.08, containing 11.66 acres in the records of the Wilson County Assessor of Property, to be added to Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Resolution No. 16-1953)

4) Requesting zoning approval of 11.66 acres at 1035 Maple Hill Road (Tax Map 46, Parcel 9.08) to RS20 in Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5269)

5) To amend the Future Land Use Plan of the City of Lebanon, Tennessee, by changing 1501 Hunters Point Pike from MDR (Medium Density Residential) to HDR (High Density Residential) (162 acres; Tax Map 58, Parcel 68), by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 8-1 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5270)

6) Changing 1501 Hunters Point Pike from CG (Commercial General), RD9 (Medium Density Residential), and RM6 (High Density Multi-Family Residential with a Planned Unit Development Overlay) to RS6 (High Density Single Family Residential) in Ward 1 (162 acres, Tax Map 58, Parcel 68), by Paul Corder, Planning Director. (Request by David Reisen) (Planning Commission recommended approval 8-1 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5271)

7) To amend Title 14, Chapter 8, Section 14.802 Off-Street Parking and Loading Requirements, A. General Provisions, E. Off-Street Loading and Unloading Requirements, and F. Variance from Required Parking, and Appendix D: Off-Street Parking Requirements to amend the requirement to round the number of parking spaces up, to amend the Off-Street Loading and Unloading Requirements by half, to add a formal process for requesting a Parking Variance and to amend the Minimum Parking Standards by half of the current standard, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5273)

8) To amend Title 20, Lebanon Sign Regulations, Chapter 1, Section 20-103 (CCCC) "Yard Sign," and Section 20-125 "Temporary Signs" to amend the definition of a Yard Sign and regulate Temporary Signs, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16) (Reference Ordinance No. 16-5274)

REGULAR CALLED CITY COUNCIL MEETING

AGENDA - AUGUST 16, 2016 - 6:00 P.M.

TOWN MEETING HALL, ADMINISTRATION BUILDING

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE TO FLAG

4. ROLL CALL

5. APPROVAL OF MINUTES:

August 2, 2016 - Regular Called City Council Meeting

6. COMMUNICATION FROM CITIZENS:

1) Comments from Cumberland University President Paul Stumb

7. COMMUNICATION FROM MAYOR:

1) Appointment of Ensley Hagan to replace Rick Bell on the Lebanon Municipal Planning Commission

8. REPORTS FROM MAYOR PRO TEM / COMMITTEES / ALDERMEN / OFFICERS:

9. CONSENT AGENDA:

1. **Ordinance No. 16-5279**, second reading, to approve the Disposal Agreement with Republic Services (Agreement Extension), by Jeff Baines, Commissioner of Public Works.

Budget Amendment - Before the Fact:

2. **Ordinance No. 16-5280**, second reading, to authorize a Budget Amendment for the Police Department – Drug Fund to appropriate funds not used in previous fiscal year, by Mike Justice, Police Chief, and Robert Springer, Commissioner of Finance and Revenue.

Budget Amendment – Before the Fact:

3. **Ordinance No. 16-5282**, second reading, to authorize a budget amendment for the Community Park to appropriate funds not used in previous fiscal year (for the Fitness Court; project was not completed by the end of Fiscal Year 2015-16), by William Porter, Parks & Recreation Director, and Robert Springer, Commissioner of Finance and Revenue.

Budget Amendment – Before the Fact:

4. **Ordinance No. 16-5283**, second reading, to authorize the purchase of a new sanitation automated truck, the conversion of one sanitation rear loader truck to a third knuckleboom truck, and related budget amendments, by Jeff Baines, Commissioner of Public Works, and Lisa Lane, Purchasing Agent.

10. OLD BUSINESS:

1. **Ordinance No. 16-5246**, second reading, to abandon the City of Lebanon's interest in Martha Circle (in Ward 6 between Powell Grove Road and the Nashville and Eastern Railroad), by Paul Corder, Planning Director. (Request by Paul Crockett) (Planning Commission recommended approval 7-0 on 5/28/13; Passed 1st Reading by City Council on 7/19/16)

2. **Resolution No. 16-1952**, adopting a Plan of Services for the annexation at 1035 Maple Hill Road (11.66 acres; Tax Map 46, Parcel 9.08) to be added to Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens)) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

3. **Resolution No. 16-1953**, annexing property at 1035 Maple Hill Road, also identified as Tax Map 46, Parcel 9.08, containing 11.66 acres in the records of the Wilson County Assessor of Property, to be added to Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

4. **Ordinance No. 16-5269**, second reading, requesting zoning approval of 11.66 acres at 1035 Maple Hill Road (Tax Map 46, Parcel 9.08) to RS20 in Ward 1, by Paul Corder, Planning Director. (Request by Sue Siens) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

5. **Ordinance No. 16-5270**, second reading, to amend the Future Land Use Plan of the City of Lebanon, Tennessee, by changing 1501 Hunters Point Pike from MDR (Medium Density Residential) to HDR (High Density Residential) (162 acres; Tax Map 58, Parcel 68), by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 8-1 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

6. **Ordinance No. 16-5271**, second reading, changing 1501 Hunters Point Pike from CG (Commercial General), RD9 (Medium Density Residential), and RM6 (High Density Multi-Family Residential with a Planned Unit Development Overlay) to RS6 (High Density Single Family Residential) in Ward 1 (162 acres, Tax Map 58, Parcel 68), by Paul Corder, Planning Director. (Request by David Reisen) (Planning Commission recommended approval 8-1 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

7. **Ordinance No. 16-5272**, first reading, changing unaddressed property on Leeville Pike from RR (Rural Residential Agricultural) to R9 (Medium Density Single Family Residential 9,000) in Ward 4 (19.92 acres, Tax Map 80, Parcel 6), by Paul Corder, Planning Director. (Request by Fleming Homes) (Planning Commission recommended approval 7-2 on 6/28/16; 7/19/16 City Council deferred to the 8/16/16 Agenda)

8. **Ordinance No. 16-5273**, second reading, to amend Title 14, Chapter 8, Section 14.802 Off-Street Parking and Loading Requirements, A. General Provisions, E. Off-Street Loading and Unloading Requirements, and F. Variance from Required Parking, and Appendix D: Off-Street Parking Requirements to amend the requirement to round the number of parking spaces up, to amend the Off-Street Loading and Unloading Requirements by half, to add a formal process for requesting a Parking Variance and to amend the Minimum Parking Standards by half of the current standard, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

9. **Ordinance No. 16-5274**, second reading, to amend Title 20, Lebanon Sign Regulations, Chapter 1, Section 20-103 (CCCC) "Yard Sign," and Section 20-125 "Temporary Signs" to amend the definition of a Yard Sign and regulate Temporary Signs, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval 9-0 on 6/28/16; Passed 1st Reading by City Council on 7/19/16)

11. NEW BUSINESS:

Budget Amendment – Before the Fact:

1. **Ordinance No. 16-5284**, first reading, to authorize a budget amendment for the Police Department to appropriate funds not used in previous fiscal year (for completion of equipment installed on two vehicles in Police Department), by Mike Justice, Police Chief, and Lisa Lane, Purchasing Agent.

Budget Amendment – Before the Fact:

2. **Ordinance No. 16-5285**, first reading, to authorize a budget amendment for the Street Department to appropriate funds not used in previous fiscal year (purchase a truck), by Jeff Baines, Commissioner of Public Works, and Lisa Lane, Purchasing Agent.

Budget Amendment – Before the Fact:

3. **Ordinance No. 16-5286**, first reading, to authorize a budget amendment for the Police Department to appropriate funds not used in previous fiscal year (to purchase two motorcycles), by Mike Justice, Police Chief, and Lisa Lane, Purchasing Agent.

4. **Ordinance No. 16-5289**, first reading, to amend the Future Land Use Plan of the City of Lebanon, Tennessee, by changing unaddressed Cainsville Road and 1528, 1532 and unaddressed Sparta Pike from MDR (Medium Density Residential) and CO (Commercial/Office) to IC (Industrial/Commercial), by Paul Corder, Planning Director. (339.34 acres in Ward 3) (Tax Map 82, Parcels 115.03, 116, and 164; and Tax Map 91, Parcels 5 and 26.02) (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

5. **Resolution No. 16-1964**, adopting a Plan of Services for the annexation of property at 1528, 1532, and unaddressed Sparta Pike (Tax Map 82, Parcel 115.03, 116 and part of Parcel 164 and Tax Map 91, Parcels 5 and 26.02) (124.01 acres) to be added to Ward 3, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

6. **Resolution No. 16-1965**, annexing property at 1528, 1532 and unaddressed Sparta Pike, also identified as Tax Map 82, Parcels 115.03, 116 and part of Parcel 164 and Tax Map 91, Parcels 5 and 26.02, containing 124.01 acres in the records of the Wilson County Assessor of Property, to be added to Ward 3, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

7. **Ordinance No. 16-5291**, first reading, requesting zoning approval of 124.01 acres at 1528, 1532 and unaddressed property on Sparta Pike (Tax Map 82, Parcel 115.03, 116 and part of Parcel 164, and Tax Map 91, Parcels 5 and 26.02) to IP (Planned Business/Industrial Park) in Ward 3, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

8. **Ordinance No. 16-5290**, first reading, changing unaddressed Cainsville Road and 1528, 1532 and unaddressed Sparta Pike from RD9 (Medium Density Residential) to IP (Planned Business/Industrial Park) 215.33 acres in Ward 3, by Paul Corder, Planning Director. (Request by Staff) (Tax Map 82, part of Parcel 164) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

9. **Ordinance No. 16-5292**, first reading, to amend the Major Thoroughfare Plan of the City of Lebanon, Tennessee, by amending Project #22 Hartmann Drive Extension Two to add a frontage road parallel to Sparta Pike, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 5-3 on 7/26/16)

10. **Ordinance No. 16-5287**, first reading, changing 125 and 129 Blair Lane from RS20 (Low Density Residential District) to RS9 (Medium Density Single Family Residential 9,000) and RD9 (Medium Density Residential District) (9.67 acres) in Ward 5, by Paul Corder, Planning Director. (Request by Margie Harris and Sally Cotton) (Tax Map 69, Parcel 24; Tax Map 69D, Group A, Parcel 30; Tax Map 57, Parcel 91.02; Tax Map 69D, Group A, part of Parcel 6) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

11. **Ordinance No. 16-5293**, first reading, to amend the Major Thoroughfare Plan of the City of Lebanon, Tennessee, by amending Project #27 Safari Camp Road Improvements to close Safari Camp Road at State Route 109 and reroute Safari Camp Road through the Wilson Farms Development, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

12. **Resolution No. 16-1966**, to close Safari Camp Road access to Highway 109 and reroute traffic through the Wilson Farms Development, by Paul Corder, Planning Director. (Request by Carroll Homes) (Ward 4) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

13. **Ordinance No. 16-5294**, first reading, to amend Title 14, Chapter 6, Section 14.602, D. CG – Commercial General, and Appendix B: Land Use Activity Classification Table to remove transport & warehousing from the allowed conditional uses, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

14. **Ordinance No. 16-5295**, first reading, to amend Title 14, Chapter 6, Section 14.602, D. CG – Commercial General and Appendix B: Land Use Activity Classification Table to add Financial, Consultative and Administrative Uses to the permitted uses, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

15. **Ordinance No. 16-5296**, first reading, to amend Title 14, Chapter 8, Section 14.801, D. Principal Building Limitations and Appendix A: Rules for Construction of Language and Definitions, to amend the definition of Dwelling, Multi-Family, by Paul Corder, Planning Director. (Request by Staff) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

16. **Resolution No. 16-1967**, to purchase a generator for City Hall (funds appropriated in the 2016-2017 Fiscal Year Budget), by Mike Collinsworth, MIS Director, and Lisa Lane, Purchasing Agent.

17. **Ordinance No. 16-5297**, first reading, changing unaddressed Franklin Road from RM6 (High Density Residential District) to CG (Commercial General) 2.19 acres in Ward 3, by Paul Corder, Planning Director. (Tax Map 81, Parcel 120.11) (Request by Gross Builders) (Planning Commission recommended approval by a vote of 8-0 on 7/26/16)

18. **Resolution No. 16-1969**, to accept bids for the HVAC Service Agreement for the Jimmy Floyd Family Center (three year agreement), by Tim Hill, Floyd Center Director, and Lisa Lane, Purchasing Agent.

19. **Resolution No. 16-1970**, to adopt the City of Lebanon Personnel Rules and Regulations Policy revision relative to Rule XIV: Safety Program to add Section 2 addressing Motor Vehicle Records and Driving, by Sylvia Reichle, Human Resources Director.

20. **Ordinance No. 16-5298**, first reading, to accept an approximately 15 acre land donation from Hamilton Springs, LLC, by Mayor Philip Craighead, Councilor Rob Cesternino, Councilor Fred Burton, Councilor Tick Bryan, and Councilor Rick Bell.

Budget Amendment – Before the Fact:

21. **Ordinance No. 16-5299**, first reading, to authorize a contribution to the Regional Transportation Authority (RTA) to assist with infrastructure improvements in the City, by Mayor Philip Craighead, Councilor Rob Cesternino, Councilor Fred Burton, Councilor Tick Bryan, and Councilor Rick Bell.

22. **Resolution No. 16-1971**, authorizing the issuance, sale, and payment of Water-Sewer Fund Interfund Loan Capital Outlay Notes not to exceed $750,000, by Mayor Philip Craighead, Councilor Rob Cesternino, Councilor Fred Burton, Councilor Tick Bryan, and Councilor Rick Bell.

23. **Resolution No. 16-1972**, in support of an application for a State Industrial Access (SIA) Grant for the construction of the extension of Genesco Parkway for an industrial access road to serve Project DeLorean, by Jeff Baines, Commissioner of Public Works.

24. **Resolution No. 16-1973**, to approve Lease Rates for Rooms/Office 210 and 212 in the new Terminal Building at the Lebanon Municipal Airport (recommended by the Lebanon Airport Commission), by T.O. Cragwall, Airport Commission Chairman, and Jeff Baines, Commissioner of Public Works.

25. **Ordinance No. 16-5300**, first reading, to approve the waiver of fees for the expansion of the New Leash on Life facility on Jim Draper Boulevard, by Mayor Philip Craighead, and Councilor Rob Cesternino.

12. ADJOURNMENT

CITY COUNCIL MEETING

August 2, 2016

The City Council met in regular session in the Town Meeting Hall of the City of Lebanon Administration Building at Castle Heights.

****

A Public Hearing was held at 5:56 p.m. for:

Commissioner of Finance and Revenue Robert Springer read the three items on the Public Hearing prior to letting citizens address the Adopting a Plan of Services, Annexation and Zoning of the unaddressed property on US Highway 231/Hunters Point Pike.

1) Adopting a Plan of Services for the annexation of unaddressed property on US Highway 231/Hunters Point Pike (Tax Map 45, Parcels 26 and 26.04) to be added to Ward 1 (107.48 acres), by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed on 1st Reading by City Council 7/05/16) (Reference Resolution No. 15-1892)

2) Annexing unaddressed property on US Highway 231/Hunters Point Pike, also identified as Tax Map 45, Parcels 26 and 26.04, containing 107.48 acres in the records of the Wilson County Assessor of Property, to be added to Ward 1, by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed 1st Reading by City Council on 7/05/16) (Reference Resolution 15-1889)

3) Zoning unaddressed property on US Highway 231/Hunters Point Pike (106.14 acres; Tax Map 45, Parcels 26 and 26.04) as RS20 (Low Density Single Family District) in Ward 1, by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed 1st Reading by City Council on 7/05/16) (Reference Ordinance 15-5038)

The following citizens addressed the Council regarding the above Public Hearing issues:

1) Scott Denuys, of 2571 Hunters Point Pike, spoke in opposition of the Plan of Services, annexation and zoning of the unaddressed property on US Highway 231/Hunters Point Pike. Mr. Denuys has many concerns regarding the properties that serve as the buffer along this highway. Issues that have not been addressed, range from traffic to the fact that there is only one ingress and/or egress. There is no shoulder on this road; with 5-10 years of construction for the development of this project there will be more accidents. Mr. Denuys reminded the Council, Hunters Point Pike has continuously had various watershed problems. With the Tennessee Department of Transportation not planning to do anything with this road anytime soon, who will be responsible for the safety of those driving this road?

Mr. Denuys also questioned the acreage of the proposed development and asked if this included the Gibbs property, which is up for sale. Planning Director Paul Corder advised the proposal includes 107.48 acres including some of the right-of-way. The Gibbs have asked to be part of the annexation and are included in the annexation; however, an official application of what the development is going to look like has not been submitted; therefore, it would be premature to include their property as part of the development.

2) Stan Rothermich, of 2680 Hunters Point Pike, also voiced his opposition of the Plan of Services, annexation and zoning of the unaddressed property on US Highway 231/Hunters Point Pike. Mr. Rothermich has been vocal at several meetings and noted the traffic situation and the fact there is no shoulder on this road and the basis for his opposition. Mr. Rothermich does not want to see houses crammed into small lots, which means there would be a possibility of boats and cars parked on the street. He does not think this annexation and rezoning should proceed any further.

3) John Fitzstevens, of 2644 Hunters Point Pike, addressed the safety issue of traffic when the highway will be moved to right in front of his yard. Mr. Fitzstevens has three small children who like to play in the front yard. This makes for it a safety issue to his family. If a turning lane is installed, people will hit it wide open to pass other cars, causing more dangerous conditions. He has personally seen several accidents just recently. Mr. Fitzstevens emphasized he is totally against this development. If approved, Mr. Fitzstevens asked each Council member to explain to his children they cannot play in the front yard, "Because, it is on ya'lls head, not me. If ya'll do approve this, by all means Wilson County buy me out and put green land right there and I will move somewhere else."

4) Jeff Susan, of Chapman Drive, spoke in opposition to the Adopting a Plan of Services, Annexation and Zoning of the unaddressed property on US Highway 231/Hunters Point Pike. He believes this has been rejected numerous times by the Planning Commission and brought back in various forms, without addressing the issue that there in only one way in and one way out. He stated the rezoning issue has been kept in play by the Mayor, claiming that there was a material change in rezoning. That rezoning request was due to the addition of 6 acres of property. He asked if this was lawful, fair and trustworthy to the citizens of this town. Mr. Susan asked, "Can people just keep changing the plan to give them another chance at rezoning?"

5) Sharon Kriener, of 2631 Hunters Point Place is against any development of this area, due to the traffic and safety issues. There is just too much traffic coming down Hwy 231 at high speeds already, and this is a dangerous situation. Ms. Kriener is disabled and her son has difficulty even getting out on the highway from her driveway to get to her doctor appointments. With the trailers, the semi-trucks and cars speeding excessively it makes it too dangerous to add more traffic to an already bad situation.

6) Penny Harrell, lives at 393 Rutledge Lane, and she has not received any personal communication regarding this annexation and rezoning. She, too, is concerned about the dangerous traffic situation this development will create. As a lifelong resident of the community, she has witnessed a lot of growth in the Hunters Point area. She has seen housing developments in varying stages go up with the inclusion of 20,000 square foot homes. She is disappointed to see that there will be a development with this size of home adjacent to her personal family farm. The most important point she would like to make this evening is her concern for traffic flow and the lack of a TDOT study in preparation for continued growth. She understands growth is coming--and she has no problem with that. She just thinks that we should do better regarding due diligence and planning for the traffic flow associated with the influx of growth in residential areas.

Another problem, noted Ms. Harrell pertains to the new Wilson County Emergency Management (WEMA) station at the end of her lane. Ambulances and fire trucks have difficulties at times pulling in and out to Highway 231. She is concerned that she has difficulty leaving her house in the mornings to go to work and coming home in the evening. Ms. Harrell doesn't think Wilson County or the City of Lebanon has made enough arrangements for preparation for the excessive flow of high density construction trucks, concrete trucks and the regular tractor trailer traffic on Highway 231. Once construction begins, there will also be increased traffic on Rutledge Lane which is a very narrow county road. She has witnessed this first hand. She urged the Council to defer this until a traffic flow analysis can be done.

7) Jim Harrison, with Civil Site Design Group, addressed the Council and citizens. Civil Site Design Group is the engineer and representative for the proposed developers of Hunter's Point, as well as the Marlin and Gibbs properties. Civil Site Design Group presented this to the Planning Commission and had a unanimous recommendation for approval of the annexation and rezoning. The developers plan to do a very nice boulevard coming off of Highway 231; and are going to do the traffic improvements that are required, as part of any impact that the development has. The developers are also going to do additional traffic studies and have coordinated with staff to provide the layout for that.

Mr. Harrison stated that the developers were at the TDOT meeting and they have listened very closely. They will get properly permitted from TDOT, as well as getting properly permitted from the City of Lebanon. There is room and ample open space within the scope of the project to provide adequate detention, in fact, above what is required or needed. So, as to make sure they are over detaining. As part of the design, this developer has been very conscientious about what they plan to do. There will be a boulevard entrance; and the homes on the boulevard entrance will have alley loading. In other words the driveways will come from the back entrance.

Mr. Harrison stated, "We look forward and we are very excited about bringing this project to the City of Lebanon. We know that it will be a positive and a very nice development for that side of town. We appreciate your consideration. Again, I am available if you have any questions."

8) Walter Lackey, of 3510 Hunters Point, asked how far this development will reach. The Mayor informed Mr. Lackey it is only including the property owner who has made a request to be annexed into the City of Lebanon.

The Public Hearing was adjourned at 6:19 p.m.

****

Prior to calling the Regular Called City Council Meeting to order, Mayor Craighead announced there will be a drop-in of Resolution No. 16-1968, regarding the approval of a Hold Harmless Agreement with The Traditions of Hamilton Springs, on tonight's agenda.

****

Mayor Craighead called the Regular Called City Council Meeting to order at 6:20 p.m.

****

Invocation was given by Tim Hill, Director of the Floyd Family Center.

****

Mayor Philip Craighead led the Pledge of Allegiance to the United States Flag.

****

Council members present: Lanny Jewell, Fred Burton, Rob Cesternino, Bernie Ash, Tick Bryan and Rick Bell. Also present were Robert D. Springer, Commissioner of Finance and Revenue; Andy Wright, City Attorney; and Jaci Diebner, Secretary.

****

Approval of Minutes:

Motion was made by Councilor Burton, seconded by Councilor Bryan, to approve the minutes of the July 19, 2016, Regular Called City Council Meeting. Motion carried unanimously. Minutes were approved.

****

Comments from Citizens:

No citizens chose to address the Mayor or City Council at this time.

****

Communication from the Mayor:

Mayor Craighead requested Commissioner Baines give everyone at update on the Meeting with the Tennessee Department of Transportation (TDOT); advising Commissioner Baines take the time to do so during Officers Comments. An update would be appreciated not just for the project on Highway 231, but, also on all of the projects they will be working on in our area. According to TDOT, it is not just about road and safety; but, about the economic standpoint of where they are putting their money. The Mayor would appreciate Commissioner Baines comments on that.

Mayor Craighead has recently had a partial knee replacement. Today is the third day and it is rough.

****

Reports from Committees / Aldermen / Officers:

1) Councilor Lanny Jewell has a question and he is not sure who to direct it to. He has recently been bringing up the issue of citizens parking in the streets. Councilor Jewell asked City Attorney Andy Wright who residents could go to if they believed that there is more than one family living in a single family residence. Attorney Wright replied, "*It is not a unique question. A lot of cities have battled with the definition of family, especially in today's world. Extended, multigenerational homes of the same family are quite common these days. So, it would be a Codes issue if we thought we had a single family house, that was actually subdivided and housing more than one family. But, as far as a single family house with a lot of people in it, defining what is and what is not a family is fairly difficult these days.*" Councilor Jewell asked Attorney Wright to get with him to discuss his options; because, he has a lot of people discussing this; and he cannot decide if it is a parking issue or how to handle it. He would like some guidance for those in his ward who are having problems due to this.

2) Councilor Fred Burton notified Commissioner Baines that the residents in Johnson Heights are concerned about the mosquito problem in their area. Commissioner Baines replied staff would begin spraying on Thursday night. Other areas that need spraying are Beard Avenue, Peyton Road, and the Seniors home over there. Councilor Burton advised that the creek that runs behind Peyton Road, is a mosquito trap. He questioned if there were a type of pellet that could be put in the creek to inhibit the mosquito growth. Commissioner Baines stated if we start putting pellets down, that might be more than we can get into. Everybody in their own neighborhood should start taking care of their own backyard. Commissioner Baines replied there is currently no program to put pellets in every creek in town; and he doesn't believe it would be wise to start doing that.

Councilor Burton requested Commissioner Baines ride by that lot on Park Avenue, where the doctor who owned it has moved out of the City. It is getting in bad shape.

Councilor Burton requested legal proceedings be started on taking down the Barry Building. It is such an eyesore. What is it going to take to get that building down? Attorney Wright said, "*Well, it is going to have to proceed through the usual proceedings, Codes, Inspection and Condemnation proceedings before you can just tell somebody they have got to tear a building down. You have got to have the legal right to do it.*" Councilor Burton believes he already has a demolition permit; but, he has yet to do anything. Attorney Wright replied he doesn't know anything about whether he has one or not, but added, *"I will certainly talk to the people in the chain about it."*

3) Councilor Rob Cesternino advised that school is back in session and suggested we all watch our speed with children out and about for school and buses.

Councilor Cesternino made a point to tell everyone that Pokemon is on the Town Square; so, let's be aware of our speed. Councilor Burton responded, "They need to get that Pokemon off the Square before somebody gets killed."

4) Councilor Bernie Ash thanked Commissioner Baines for the paving that is going on around town..

5) Councilor Tick Bryan has also been noticing the paving that is going on around town, and pointed out, "That is always good isn't it?"

6) Councilor Rick Bell asked Planning Director Paul Corder to come forward and explain the notification process for zoning and annexations.

Relative to Councilor Bell's request, Mr. Corder stated simply, "*Whenever we have a City Council Public Hearing, we send out a notification to all the property owners that touch the property on all sides. We use the tax data that we have for addresses. This last month we sent out well over 100 letters. It is quite an effort to get it all out. Also for annexations and zonings, we put out signs, so that people can see them. For annexations, we also post the Plan of Service on the property in at least three locations . Then we have the obvious notifications in the paper and we advertise every single meeting, public hearing in the newspaper at stated in the State Code fifteen days in advance.*"

8) Commissioner of Public Works Jeff Baines updated everyone on the Tennessee Department of Transportation meeting that was held a couple weeks ago. The TDOT plan for the widening or any type of major improvements of Hunters Point Pike is at least 10-15 years out. They mentioned that their policies and procedures indicate the traffic count for that road would have to be at least 18,000 cars per day driving on that road, before they would even consider widening that road. We currently have less than half of that. Where we are as a city and community, we have to work with new developments, and our resources here. Possibly we could use some funds here, called safety funds. There are some actual things like intersection improvements by the developers and by working with the state. Being realistic, the best we can offer is to try to do something with the intersections. But, as far as widening of the road, we are years away from that. In the meantime, we need to try to work together to make it safer.

Councilor Rick Bell reiterated that according to the State of Tennessee the traffic would have to double before they would consider widening it.

****

Consent Agenda:

Commissioner of Finance and Revenue Robert Springer read the items for the Consent Agenda, asking if there was any discussion on each item. There was none.

Motion was made by Councilor Fred Burton, seconded by Councilor Rob Cesternino, to accept the consent agenda. Motion carried unanimously. Consent Agenda was accepted and all Ordinances were read and passed on second/final reading

Ordinance No. 16-5275, second reading, to accept the proposal from Main Street Landscaping for annual maintenance of Town Square landscaping (2016-2017 Fiscal Year Budget), by Randy Laine, Engineering Director of Capital Projects, and Robert Springer, Commissioner of Finance and Revenue. *(Budget Amendment – Before the Fact)*

PASSED SECOND/FINAL READING NO OBJECTIONS

Ordinance No. 16-5276, second reading, to approve the waiver of fees for Hamilton Springs Station for the Regional Transportation Authority (2016-2017 Fiscal Year Budget), by Mayor Philip Craighead.

PASSED SECOND/FINAL READING NO OBJECTIONS

Ordinance No. 16-5277, second reading, to accept by Quitclaim Deed a conveyance of Lot 20 of the Eastgate Business Park, and other contiguous tracts, from Eastgate Commercial, Inc., by Chris Dowell, Fire Chief.

PASSED SECOND/FINAL READING NO OBJECTIONS

Ordinance No. 16-5278, second reading, to convey by Quitclaim Deed all rights and interests in Lot 6 of the Eastgate Business Park to Eastgate Commercial, Inc., by Chris Dowell, Fire Chief.

PASSED SECOND/FINAL READING NO OBJECTIONS

****

Old Business:

Resolution No. 15-1892, adopting a Plan of Services for the annexation of unaddressed property on US Highway 231/Hunters Point Pike (Tax Map 45, Parcels 26 and 26.04) to be added to Ward 1 (107.48 acres), by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed on 1st Reading by City Council 7/05/16)

Motion was made by Councilor Bryan, seconded by Councilor Cesternino, to pass said Resolution.

Councilors voted as follows:

Jewell:		no
Burton:	yes	
Cesternino:	yes	
Ash:		no
Bryan:	yes	
Bell:	yes	

Motion passed with a majority vote of 4 yes and 2 no. Resolution was read and passed.

****

Resolution 15-1889, annexing unaddressed property on US Highway 231/Hunters Point Pike, also identified as Tax Map 45, Parcels 26 and 26.04, containing 107.48 acres in the records of the Wilson County Assessor of Property, to be added to Ward 1, by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed 1st Reading by City Council on 7/05/16)

Motion was made by Councilor Cesternino, seconded by Councilor Bryan, to pass said Resolution.

Councilors voted as follows:

Jewell:		no
Burton:	yes	
Cesternino:	yes	
Ash:		no
Bryan:	yes	
Bell:	yes	

Motion passed with a majority vote of 4 yes and 2 no. Resolution was read and passed.

****

Ordinance 15-5038, second reading, zoning unaddressed property on US Highway 231/Hunters Point Pike (106.14 acres; Tax Map 45, Parcels 26 and 26.04) as RS20 (Low Density Single Family District) in Ward 1, by Paul Corder, Planning Director. (Request by Jerry Earwood) (Planning Commission recommended approval 8-0 on 5/24/16; Passed 1st Reading by City Council on 7/05/16)

Motion was made by Councilor Bryan, seconded by Councilor Cesternino, to pass said Ordinance on second/final reading.

Councilors voted as follows:

Jewell:		no
Burton:	yes	
Cesternino:	yes	
Ash:		no
Bryan:	yes	
Bell:	yes	

Motion passed with a majority vote of 4 yes and 2 no. Ordinance was read and passed on second/final reading.

****

New Business:

Ordinance No. 16-5279, first reading, to approve the Disposal Agreement with Republic Services (Agreement Extension), by Jeff Baines, Commissioner of Public Works.

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

****

Ordinance No. 16-5280, first reading, to authorize a Budget Amendment for the Police Department – Drug Fund (2016-2017 Fiscal Year Budget), by Mike Justice, Police Chief, and Robert Springer, Commissioner of Finance and Revenue. *(Budget Amendment - Before the Fact)*

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Ordinance on first reading.

Commissioner Springer noted the dollars were appropriated but not spent in the last Fiscal Year. This is for construction and an addition to the Police Department Task Force.

Motion carried unanimously. Ordinance was read and passed on first reading.

****

Ordinance No. 16-5282, first reading, to authorize a budget amendment for the Community Park (to appropriate unused funds from Fiscal Year 2015-16 to Fiscal Year 2016-17 for the Fitness Court; project was not completed by the end of Fiscal Year 2015-16), by William Porter, Parks & Recreation Director, and Robert Springer, Commissioner of Finance and Revenue. *(Budget Amendment – Before the Fact)*

Motion was made by Councilor Jewell, seconded by Councilor Bell, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

****

Ordinance No. 16-5283, first reading, to authorize the purchase of a new sanitation automated truck, the conversion of one sanitation rear loader truck to a third knuckleboom truck, and related budget amendments (2016-2017 Fiscal Year Budget), by Jeff Baines, Commissioner of Public Works, and Lisa Lane, Purchasing Agent. (*Budget Amendment – Before the Fact)*

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Ordinance on first reading. Motion carried unanimously. Ordinance was read and passed on first reading.

****

Resolution No. 16-1957, to approve a Water Purchase Agreement with the LaGuardo Utility District of Wilson County, by Jeff Baines, Commissioner of Public Works.

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Resolution. Motion carried unanimously. Resolution was read and passed.

****

Resolution No. 16-1968, to approve a Hold Harmless Agreement with the Traditions at Hamilton Springs, LLC relative to a sign being in the City of Lebanon public right-of-way, by Jeff Baines, Commissioner of Public Works.

Motion was made by Councilor Burton, seconded by Councilor Cesternino, to pass said Resolution. Motion carried unanimously. Resolution was read and passed.

****

The Regular City Council Meeting of August 2, 2016 adjourned at 6:35 p.m.

****

Attest:

Approved:

Robert D. Springer
Commissioner of Finance & Revenue

Philip Craighead
Mayor

Secretary:

Jaci Diebner

REVISED

RESOLUTION NO. 16-1968

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO APPROVE A HOLD HARMLESS AGREEMENT WITH THE TRADITIONS AT HAMILTON SPRINGS, LLC RELATIVE TO A SIGN BEING IN THE CITY OF LEBANON PUBLIC RIGHT-OF-WAY

WHEREAS, The Traditions at Hamilton Springs, LLC at 14300 Ridge Road, North Royalton, OH 44133 desires to install a wayfinding sign within the right of way of Hamilton Station Boulevard; and

WHEREAS, Mr. Tony Stevenson, representative of Traditions at Hamilton Springs, LLC, presented the City of Lebanon with a site plan for their development, known as the Traditions at Hamilton Springs, which is located at Hamilton Station Boulevard; and

WHEREAS, the City's engineering department has determined that the proposed wayfinding sign will not be located over existing or proposed utilities and that adequate space will remain to allow the City to maintain proposed utilities; and

WHEREAS, the City is willing to enter into an agreement with Traditions at Hamilton Springs, LLC that would allow the wayfinding sign to be placed in the City's right of way, but absolves the City from any monetary, damage, liability, installation, razing or reinstallation issues associated with the wayfinding sign and landscaping.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to enter into and execute an agreement with The Traditions at Hamilton Springs, LLC at 14300 Ridge Road, North Royalton, OH 44133 relative to the wayfinding sign that will be placed in the City's right of way. The agreement shall be attached to this ordinance and incorporated by reference as if appearing herein verbatim.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to form:

_____
City Attorney

Passed: _____

REVISED

AGREEMENT

This Agreement, made on the ____ day of _____, 2016, by and between the City of Lebanon, Tennessee, a public body and political subdivision of the State of Tennessee, together with any successor public body or officer designated by law, hereinafter "City," having its office located at 200 North Castle Heights Ave., Lebanon, Tennessee 37087, and The Traditions at Hamilton Springs, LLC hereinafter "The Traditions", having a mailing address of 14300 Ridge Road, North Royalton, OH 44133.

WITNESSETH

WHEREAS, The Traditions is the owner of property located on Hamilton Station Boulevard in the City of Lebanon, Tennessee, known as "Traditions at Hamilton Springs"; and

WHEREAS, The Traditions wishes to construct a sign identifying their business in Hamilton Springs Transit Oriented Development that is to be located within the City's public right-of-way of Hamilton Station Boulevard; and

WHEREAS, plans for the Traditions at Hamilton Springs showed the wayfinding sign inside of the City's public right-of-way were approved by City officials; and

WHEREAS, The Traditions is requesting that the City enter into an agreement relative to any monetary, damage, liability, installation, razing or reinstallation issues associated with the wayfinding sign.

NOW, THEREFORE, for and in consideration of the terms and conditions as stated herein, the City and The Traditions agree as follows:

1. The Traditions agrees that the wayfinding sign for the Traditions at Hamilton Springs installed within the City's right of way shall be subject to the specific provisions of this Agreement.

2. With the exception of being located in the City's right-of-way, the wayfinding sign will otherwise meet all provisions, restrictions and requirements of the Hamilton Springs Specific Plan and will be approved by the City's Building Inspection Department prior to installation.

3. The Traditions agrees to be solely responsible for any and all repairs, replacement or maintenance of the wayfinding sign, and any other costs associated with the wayfinding sign, including, but not limited to, damage from any acts of nature or any third parties.

4. Except for any provisions or restrictions set forth in paragraph number six (6) of this Agreement, nothing contained herein shall be construed to require any expenditures by or costs to the City of Lebanon.

5. The parties agree that The Traditions shall hold harmless and indemnify the City of Lebanon for any claims of property or monetary damage or personal injury arising from the installation of the wayfinding sign in the City's public right-of-way by any parties other than the City of Lebanon itself.

6. Nothing in this Agreement shall be construed so as to prevent the City of Lebanon

REVISED

from exercising a right of demolition over the wayfinding sign in the event it is necessary to do so for the installation, replacement, repair of any utilities, drainage, or other valid governmental purpose, and said demolition shall be at no cost to the City of Lebanon. The City of Lebanon herein agrees that it will only exercise such right to demolition of the wayfinding sign as a matter of last resort.

7. Should the City of Lebanon be required to exercise its right of demolition of the wayfinding sign set forth in paragraph six (6), the City herein agrees to provide The Traditions with reasonable written notice that such demolition is required and in no instance shall such notice be less than thirty (30) days, except in case of imminent risk of personal injury or property damage and the necessary demolition constitutes an emergency, the City may remove the wayfinding sign.

8. As of the execution date of this Agreement, the City of Lebanon has no known or contemplated installation, replacement or repair plans related to any utility or drainage projects that would require the City to exercise its right of demolition of the wayfinding sign as set forth in paragraph six (6), or otherwise disturb the wayfinding sign.

9. As evidence by the signatures below, the signatories covenant and warrant that they have the power and authority to bind their respective entities and have the power and authority to execute this Agreement.

10. This Agreement shall become effective and binding only upon the passage of City of Lebanon Municipal Resolution No. 16-1968.

WITNESS OUR HANDS this _____ day of _____.

Approved:

_____
Mayor Philip Craighead
City of Lebanon, Tennessee

Approved:

By: _____
Harley I. Gross, President
Traditions at Hamilton Springs, LLC

Attest:

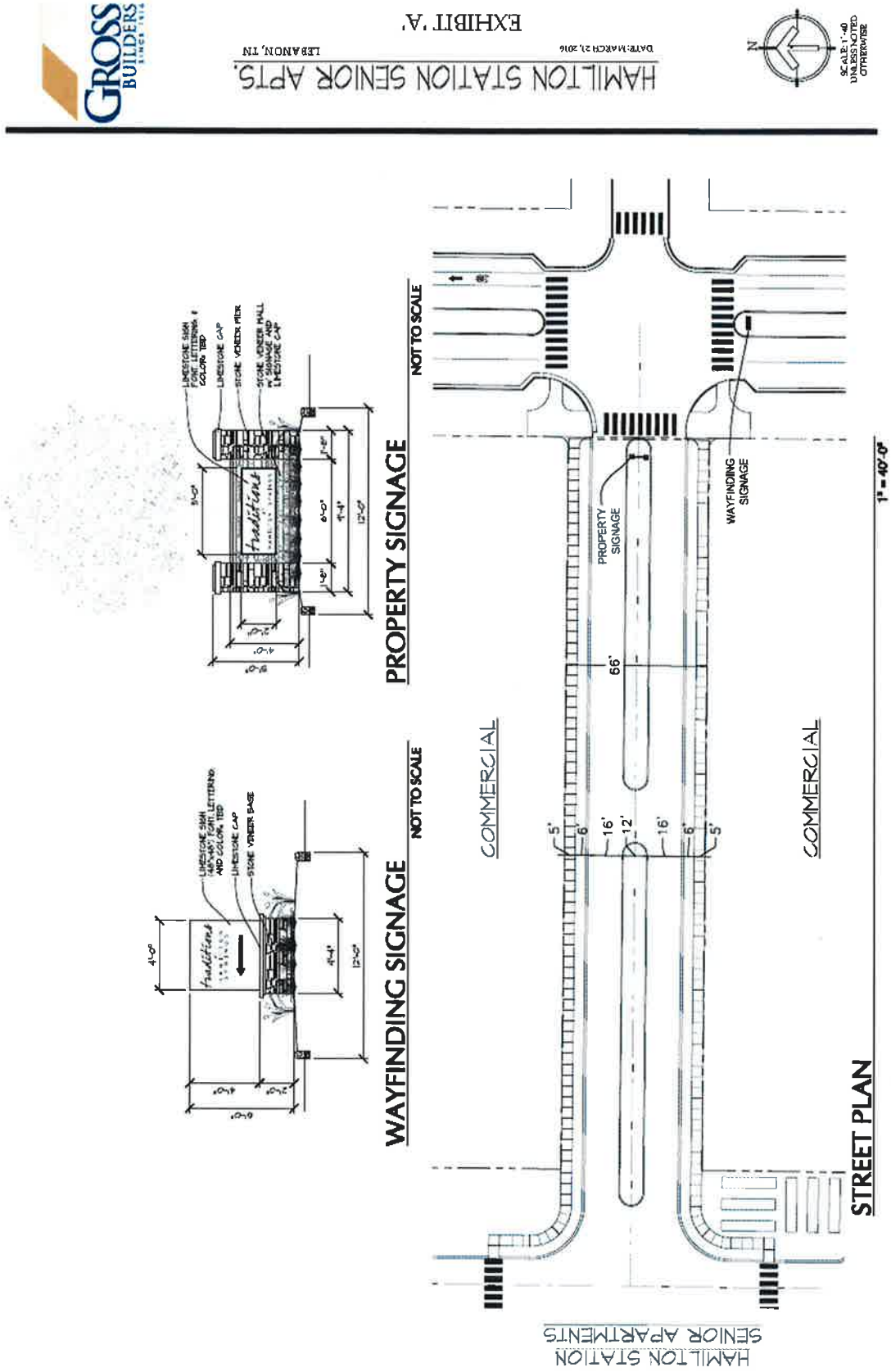
_____
Robert Springer, Commissioner of Finance
City of Lebanon, Tennessee

Approved As To Form:

_____
Andy Wright, City Attorney
City of Lebanon, Tennessee

Resolution No. 16-1968

REVISED


GROSS BUILDERS
EXHIBIT 'A'
HAMILTON STATION SENIOR APTS.
LEBANON, TN
DATE: MARCH 21, 2016
SCALE 1"=40' UNLESS NOTED OTHERWISE
N
WAYFINDING SIGNAGE
NOT TO SCALE
PROPERTY SIGNAGE
NOT TO SCALE
COMMERCIAL
COMMERCIAL
PROPERTY SIGNAGE
WAYFINDING SIGNAGE
66'
5'
6'
16'
12'
16'
6'
5'
1" = 40'-0"
STREET PLAN
HAMILTON STATION
SENIOR APARTMENTS

City of
Lebanon
Tennessee

PHILIP CRAIGHEAD, Mayor

JEFF BAINES, P.E.
Commissioner of Public Works
200 North Castle Heights Avenue
Suite 300
Lebanon, Tennessee 37087
Phone: (615) 443-2824
Fax: (615) 444-1515

200 North Castle Heights Ave.
Lebanon, Tennessee 37087

MEMORANDUM

TO: Mayor Philip Craighead and City Council Members

FROM: Jeff Baines, P.E.
Commissioner of Public Works

DATE: August 2, 2016

RE: **US 231 N Traffic Concerns**

Per meeting with TDOT officials on July 21:

- TDOT does not anticipate improvements to US 231 for an estimated 10 to 15 years.
- Lane capacity is generally not considered/added by TDOT until there are 18,000 to 20,000 vehicle trips per day. Currently US 231 near Lealand Lane is 9936 average (2013 thru 2015).
- City should perform or request counts just south of Rutledge Lane.
- New development shall be required to make incremental improvements for capacity and safety including left turn and deceleration (right turn) lanes as necessary per project specific traffic engineering studies.
- City should consider partnering with new developments and TDOT to extend left turn lanes near the Kontiki subdivision entrances. TDOT is reviewing accident data to determine if the area would be eligible for any safety funds.
- City needs to be sure new developments are set back away from existing right-of-way as necessary for future road improvements.

This institution is an equal opportunity provider and employer.

ORDINANCE NO. 16-5279

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE THE DISPOSAL AGREEMENT WITH REPUBLIC SERVICES

WHEREAS, it is necessary to extend the waste disposal agreement with Republic Services, Inc. in order to better serve and protect the health, safety, and welfare of the citizens of Lebanon; and

WHEREAS, such Disposal Agreement will take effect March 1, 2017; and

WHEREAS, the Disposal Agreement is attached hereto by reference as if appearing verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to execute the Disposal Agreement with Republic Services, Inc., attached hereto by reference as if appearing verbatim herein.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

_____
Commissioner of Finance & Revenue

_____
Mayor

Approved as to form:

_____
City Attorney

Passed first reading: 8/02/16

Passed second reading: _____

REPUBLIC SERVICES, INC.

Republic Services Disposal Agreement

(Not for Special Waste)

Customer Name : City of Lebanon, TN
Address : 410 Park Drive
City, St, & Zip : Lebanon, TN 37087
Contact Name : _____ Phone Number : 615-444-0825
FED ID # : _____ PO Number/Job # : _____

Republic Services Landfill Name : Middle Point Landfill
Address : 750 E Jefferson Pike
City, St, & Zip : Murfreesboro, TN 37130
Contact Name : Terri Young Phone Number : (615) 895-3556

Contract Effective Date : March 1, 2017. 5 year Contract, with 5, one (1) year renewals, mutually agreed upon by both parties with 60 day notice.

Waste Types : Municipal Solid Waste

Unit of Measure for Billing : Yards

Disposal Fee : $11.61 yd., Annual increase of CPI Water/Sewer/Trash, 3% Max, on anniversary date starting 3/1/17.
Taxes/Host Fee/Charges : $1.25 State of TN/$1.20 Host Fee. State of TN charge subject to change
Administrative Fee : None
Environmental Fee : None
Fuel Recovery Fee : None
Other Fees (ADEM Fee) : None

Invoice Period : Monthly (Weekly, Semi-Monthly, 3 Per Month)

All Payments Are Due Within 30 Days of Invoice Date

Minimum Volume : N/A / Unit of Measure Above / Month/Quarter/Year
Maximum Volume : N/A / Unit of Measure Above / Month/Quarter/Year

Special Instructions : _____

CUSTOMER AGREES TO THE TERMS CONTAINED IN THE ATTACHED "REPUBLIC SERVICES DISPOSAL AGREEMENT TERMS AND CONDITIONS"

BY: **City of Lebanon, TN**

_____ _____
Signature Date

_____
Printed Name

_____
Title

BY: **REPUBLIC SERVICES**

_____ _____
Signature Date

_____
Printed Name

_____
Title

REPUBLIC SERVICES DISPOSAL AGREEMENT

TERMS AND CONDITIONS

1. Delivery of Acceptable Waste. Hauler shall deliver at least the minimum volume of Acceptable Waste (as defined below) indicated on the cover of this Agreement (the "Minimum Volume") to the landfill indicated on the cover of this Agreement (the "Landfill"). Hauler shall not deliver in excess of the maximum volume of Acceptable Waste indicated on the cover of this Agreement to the Landfill.

2. Delivery Procedures; Operation of the Landfill.

(a) Acceptance of Acceptable Waste. Republic shall have the right in its sole discretion to reject delivery of any waste offered for acceptance by Hauler that does not constitute Acceptable Waste. "Acceptable Waste" means all waste that is authorized to be disposed of at the Landfill under then applicable federal, state and local laws, regulations, ordinances, rules, permits, licenses, and governmental orders or directives (collectively "Applicable Laws") and that is not Unacceptable Waste (as defined below).

(b) Operation of the Landfill/Procedures. Notwithstanding anything in this Agreement to the contrary, Republic Services shall have the right, in its sole discretion, to close the Landfill, in whole or in part, either temporarily or permanently, at any time for any reason. Upon any such permanent closure, Republic Services shall have the right to terminate this Agreement. Hauler's delivery of Acceptable Waste to the Landfill, which shall occur only during the Landfill's posted hours, shall be governed by the procedures applicable generally to haulers utilizing the Landfill as Republic Services may modify such procedures from time to time.

(c) Hauler's Compliance with Applicable Laws. Hauler shall collect, transport and deliver waste to the Landfill in compliance with all Applicable Laws and the procedures referenced in Section 2(b).

(d) Title to Waste. Hauler represents and warrants to Republic Services that either Hauler or its customer shall hold clear title, free of all liens, claims and encumbrances, to the waste delivered by Hauler to the Landfill. Title to, and risk of loss and responsibility for, Acceptable Waste delivered to the Landfill by Hauler shall pass at the time such Acceptable Waste is removed from the delivery vehicle at the Landfill. Title to Unacceptable Waste shall remain with Hauler or its customer and shall never be deemed to pass to Republic Services.

3. Term. Unless sooner terminated pursuant to Section 6, this Agreement shall commence as of the contract effective date indicated on the cover of this Agreement and shall remain in full force and effect for a period of two years. Upon expiration or termination of this Agreement, the obligations of Hauler to deliver and of Republic Services to accept Acceptable Waste shall terminate; provided, however, that all other rights and obligations of the parties under this Agreement (including those with respect to payment and indemnification) shall survive termination.

4. Disposal Fees.

(a) Fees. Hauler shall pay Republic Services a disposal fee (the "Disposal Fee") for all Acceptable Waste Hauler delivers to the Landfill as set forth on the cover of this Agreement. In addition to the Disposal Fee, Hauler shall pay such fees as Republic Services may impose from time to time by notice to Hauler (including, by way of example only, administrative fees and environmental fees), with Republic Services to determine the amounts of such fees in its discretion up to the maximum amount allowed by Applicable Law. Without limiting the foregoing, Hauler shall pay Republic Services a fuel recovery fee in the amount shown on each of Republic Services' invoices, which amount Republic Services may increase or decrease from time to time by showing the amount on the invoice. The initial fee amounts for administrative fees, environmental fees, fuel recovery fees and other fees are set forth on the cover of this Agreement, but are subject to change from time to time as described in this Section 4(a).

(b) Payment; Deposit. Republic Services shall transmit an itemized invoice to Hauler of all Disposal Fees and other charges under this Agreement on a periodic basis as indicated on the cover page of this Agreement. Hauler shall pay all invoices within 30 days after receipt of invoice. If Hauler does not make payment by such date, Hauler shall pay a late payment fee in an amount equal to the lesser of (i) the greater of $5 per month or 1.5% per month on the amount past due or (ii) the maximum amount allowed by Applicable Law. Hauler also shall pay a fee of $50 (which Republic Services may increase from time to time by notice to Hauler) for each check submitted by Hauler that is an insufficient funds check or is returned or dishonored. At any time after Republic Services becomes concerned about Hauler's creditworthiness or after Hauler has made any late payment, Republic Services may request, and if requested Hauler shall pay, a deposit in an amount equal to one month's charges under this Agreement.

(c) Taxes and Other Charges; Cost Increases. In addition to the Disposal Fee, Hauler shall pay all federal, state, local or other taxes, fees (including host fees), surcharges or similar charges related to the acceptance or disposal of Acceptable Waste or the operations or activities of the Landfill that are imposed by law, ordinance, regulation, agreement with a governmental authority, governmental audit or otherwise (collectively, "Taxes/Host Fees/Charges"). The initial amount of Taxes/Host Fees/Charges is set forth on the cover of this Agreement, but is subject to change from time to time pursuant to the preceding sentence. In addition, Republic Services shall have the right to increase the Disposal Fee from time to time by the pro rata amount (determined by relative tonnage of Acceptable Waste delivered by Hauler and accepted by Republic Services for processing at the Landfill divided by the total tonnage of waste processed at the Landfill) of any increase in operating costs or capital costs of the Landfill as a result of a change in Applicable Laws. Any such increase shall be effective immediately upon written notice by Republic Services to Hauler.

(d) CPI Adjustment. In addition to the adjustments described in Section 4(c), the Disposal Fee shall be increased on the first anniversary of this Agreement by the percentage increase, if any, in the December Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor, CPI-U, U.S. City Average, Water/Sewer/Trash, 1982-84 = 100 (the "Consumer Price Index"). If the Consumer Price Index ceases to be available, the parties shall use the most closely comparable index then available. The maximum increase annually is 3%.

(e) Shortfall Fee. At the end of each true-up period indicated on the cover of this Agreement (the "True-Up Period"), Republic Services shall determine the total volume of Acceptable Waste delivered by Hauler to the Landfill during such True-Up Period. If the total volume of Acceptable Waste delivered during such True-Up Period is less than the volume required to be delivered during such True-Up Period based on the Minimum Volume, Hauler shall pay Republic Services a fee (the "Shortfall Fee") equal to the Disposal Fee multiplied by the volume by which Hauler was deficient during the True-Up Period. Republic Services shall invoice Hauler for, and Hauler shall pay Republic Services, any Shortfall Fee in accordance with Section 4(b).

(f) Price Adjustments. In addition to any other price increases pursuant to this Section 4, Republic Services shall have the right to request an increase in the Disposal Fee, from time to time and for any reason, by giving written notice of the amount and effective date of the increase (the "Price Increase Notice") to Hauler at least 30 days before the effective date of the increase. If Hauler does not object in writing (the "Objection Notice") to the price increase within 30 days after the date of the Price Increase Notice or if Hauler accepts the price increase, the price increase shall go into effect on the date stated in the Price Increase Notice and this Agreement shall be deemed amended accordingly. If Hauler gives an Objection Notice within 30 days after the date of the Price Increase Notice, Republic Services shall have 15 days after receipt of the Objection Notice to determine whether to (i) drop its request for a price increase and have the Agreement continue in full force and effect or (ii) terminate this Agreement effective as of the proposed effective date of the price increase (or any later date specified by Republic Services). If Republic Services does not give notice of this determination within 15 days after receipt of the Objection Notice, Republic Services shall be deemed to have dropped its request for a price increase and the Agreement shall continue in full force and effect.

5. Unacceptable Waste.

(a) Delivery of Unacceptable Waste. Hauler agrees that it shall not deliver any Unacceptable Waste to the Landfill. If Hauler delivers waste that contains both Acceptable Waste and Unacceptable Waste, the entire delivery shall constitute Unacceptable Waste if the Unacceptable Waste cannot be separated from the Acceptable Waste through the reasonable efforts of Republic Services, as Hauler's agent to cause such separation, with the cost of such separation to be paid by Hauler.

(b) Weighing and Inspection of Waste by Republic Services. Republic Services shall weigh all waste at the Landfill and the weight so determined shall be final and conclusive on both Hauler and Republic Services. Republic Services shall have the right, but not the obligation, to inspect any of Hauler's trucks to determine whether the waste delivered is Acceptable Waste or Unacceptable Waste. Hauler acknowledges and agrees that any failure by Republic Services to perform any such inspection or to detect Unacceptable Waste despite such inspection shall in no way relieve Hauler from its obligation to deliver only Acceptable Waste or from its other obligations under this Section 5.

(c) Rejection of Unacceptable Waste. If Hauler delivers Unacceptable Waste to the Landfill, Republic Services may, in its sole discretion: (i) reject such Unacceptable Waste at Hauler's expense; or (ii) if Republic Services does not discover such Unacceptable Waste in time to reject and reload such Unacceptable Waste, after giving Hauler telephonic notice thereof and a reasonable opportunity to dispose of such Unacceptable Waste, Republic Services may, as Hauler's agent, dispose of such Unacceptable Waste at a location authorized to accept such Unacceptable Waste in accordance with all Applicable Laws and charge Hauler all direct and indirect costs incurred due to handling, delivery and disposal of such Unacceptable Waste, unless Hauler otherwise elects to arrange for disposal of the Unacceptable Waste. If Hauler elects to dispose of such Unacceptable Waste, it shall do so within such time period as Republic Services reasonably deems necessary or appropriate in connection with the operation of the Landfill, including the preservation of the health and safety of its employees. If after electing to do so Hauler does not dispose of the Unacceptable Waste within such time period, Republic Services may dispose of such Unacceptable Waste as Hauler's agent, without further notice to Hauler, and Hauler shall pay the direct and indirect costs set forth above. Notwithstanding the foregoing, no notice shall be required by Republic Services to Hauler for Republic Services to dispose of Unacceptable Waste as Hauler's agent in emergency situations where in Republic Services' reasonable judgment a delay in such disposal could constitute a hazard to the Landfill or any person on, about or near the premises.

(d) Definition of Unacceptable Waste. For the purposes of this Agreement, "Unacceptable Waste" means:: (i) any material that is not Acceptable Waste; (ii) any material that by reason of its composition, characteristics or quantity is defined as a "hazardous material," "hazardous waste," "hazardous substance," "extremely hazardous waste," "restricted hazardous waste," "toxic substance," "toxic waste," "toxic pollutant," "contaminant," "pollutant," "infectious waste," "medical waste," "radioactive waste," or "sewage sludge" under any Applicable Law; (iii) any material that requires other than normal handling, storage, management, transfer or disposal; or (iv) any other material that may present a substantial endangerment to public health or safety, may cause applicable air quality or water effluent standards to be violated by the normal operation of theLandfill, or because of its size, durability or composition cannot be disposed of at the Landfill or has a reasonable possibility of otherwise adversely affecting the operation or useful life of the Landfill.

6. Default.

(a) Events of Default. Each of the following shall be an event of default by Hauler under this Agreement: (i) Hauler fails to pay any amount due as and when the same becomes due under this Agreement; or (ii) Hauler fails to perform any other material term, covenant or agreement contained in this Agreement on its part to be performed and such failure continues for a period of 30 days after written notice to Hauler specifying the nature of such failure and requesting that it be remedied.

(b) Remedies on Default. Whenever any event of default by Hauler shall have occurred and be continuing, Republic Services shall have the following rights and remedies, which shall be in addition to any other remedies provided by Applicable Law or this Agreement: (i) upon the end of any applicable grace period in this Section 6, Republic Services shall have the option to immediately terminate this Agreement unless during such period Hauler has taken remedial steps the effect of which would be to enable Hauler to cure such event of default within an additional 15 day period following the expiration of such grace period; and (ii) if Hauler is then in default, Republic Services shall have the option, without terminating this Agreement, to stop accepting Acceptable Waste delivered by Hauler until such default is cured or this Agreement is terminated. If Republic Services stops accepting Acceptable Waste, Hauler shall pay Republic Services a service interruption fee in an amount determined by Republic Services in its discretion up to the maximum amount allowed by Applicable Law.

7. Indemnification. Hauler shall indemnify, defend (upon request by Republic Services) and hold harmless Republic Services and its shareholders, partners, officers, directors, divisions, subdivisions, affiliates, agents, employees, successors and assigns (the "Republic Services Indemnified Parties") from and against any and all liabilities, losses, assessments, fines, penalties, forfeitures, damages, costs, expenses and disbursements, including reasonable legal fees, expert witness fees, litigation related expenses, and court costs in any litigation, investigation or proceeding (collectively, "Losses"), whether arising out of a claim or loss of or damage to property or injury to or death of any person, including any Indemnified Party, or otherwise, caused by or arising out of (a) Hauler's breach of this Agreement, or (b) Hauler's negligence or willful misconduct.

8. Insurance. During the term of this Agreement, Hauler shall maintain the following insurance coverage's:

Workers' Compensation:	
Coverage A	Statutory
Coverage B – Employer's Liability	$1,000,000 each Bodily Injury by Accident $1,000,000 policy limit Bodily Injury by Disease $1,000,000 each occurrence Bodily Injury by Disease
Automobile Liability:	
Bodily Injury/Property Damage Combined – Single Limit	$2,000,000 Coverage applies to all owned, non-owned, hired and leased vehicles (including trailers)
Commercial General Liability:	
Bodily Injury/Property Damage Combined – Single Limit	$2,000,000 each occurrence $3,000,000 general aggregate
Pollution Legal Liability:	$1,000,000

The insurance carriers providing the coverage required by this Section 8 shall be rated at least A X by A.M. Best. Hauler shall deliver the Certificates of Insurance evidencing the foregoing policies to Republic Services before Hauler delivers any waste to the Landfill pursuant to this Agreement. The Certificates and the insurance policies required by this Section 8 shall contain a provision that provides that the insurance coverage afforded under the policies will not be canceled or allowed to expire until at least 30 days prior written notice has been given to Republic Services. With the exception of the workers' compensation policy, Republic Services and the Republic Services Indemnified Parties shall be shown as additional insureds under all of the insurance policies required by this Section 8. The policies required by this Section 8 shall be primary and the insurance providers shall agree to waive their rights of subrogation against Republic Services.

9. General.

(a) Independent Contractor. Hauler and Republic Services shall perform their obligations under this Agreement as independent contractors. Neither party nor any of its employees, agents or subcontractors shall be, purport to be, or be deemed, the agent of the other party.

(b) Assignment; Binding Effect. Hauler may not assign this Agreement without Republic Services' prior written consent, which Republic Services may grant or withhold in its sole discretion. Republic Services may assign this Agreement without the consent of Hauler, and Hauler acknowledges and agrees that any such assignment by Republic Services shall release Republic Services from any liability under this Agreement from and after the date of the assignment. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and permitted assignees.

(c) Entire Agreement. This Agreement supersedes all prior agreements, written or oral, with respect to the subject matter of this Agreement. Only a written instrument signed by both parties hereto may modify this Agreement.

(d) Severability. If any one or more of the provisions contained in this Agreement is, for any reason, held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, and all other provisions shall remain in full force and effect.

(e) Waiver. No delay or omission by a party in exercising any right under this Agreement will operate as a waiver of that or any other right. A waiver or consent given by a party on any occasion is effective only on that occasion and not any other.

(f) Waiver of Jury Trial; Attorneys' Fees. By execution and delivery of this Agreement, each of the parties knowingly, voluntarily and irrevocably: (i) waives any right to trial by jury; and (ii) agrees that any dispute arising out of this Agreement shall be decided by court trial without a jury. If any legal action or any other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which it may be entitled.

LANDFILL DISPOSAL SERVICES AGREEMENT

This Agreement is made and entered into as of this 25 day of February, 1997, by and between the **CITY OF LEBANON, TENNESSEE** (hereinafter referred to as the "City") and **BROWNING-FERRIS INDUSTRIES OF TENNESSEE, INC.** (hereinafter referred to as "BFI").

WHEREAS, the City requested proposals for municipal solid waste disposal services pursuant to the City's Request for Proposal dated November, 1996; and

WHEREAS, BFI submitted its Proposal dated December 20, 1996 for disposal of municipal solid waste and the City deems that it is in the best interest of its citizens to accept BFI's Proposal and to engage BFI to dispose of the City's municipal solid waste at the Middle Point Landfill as reflected by the City's ordinance to such effect a copy of which is attached as a part of Collective Exhibit A hereto, and BFI desires to provide such disposal services in accordance with and subject to the terms and conditions of this Agreement.

NOW, THEREFORE, the City and BFI agree as follows:

ARTICLE I

DEFINITIONS

1.01 RFP/Proposal Documents - The Request for Proposal for Disposal Services for Municipal Solid Waste and Special Waste, City of Lebanon, Tennessee, Department of Public Works, November, 1996, and BFI's Proposal Bid Rate and

FILE
ENG. DEPT.

Qualifications, a copy of which are attached as Collective Exhibit A hereto.

1.02 Hazardous Waste - Waste, in any amount, which is defined, listed, characterized or designated as hazardous by the United States Environmental Protection Agency or by any appropriate State agency pursuant to any federal law or regulations including, but not limited to, the Resource Conservation and Recovery Act of 1976, as amended, and including future amendments thereto, and applicable state law and regulations.

1.03 Middle Point Landfill - The Solid Waste disposal site located at 750 E. Jefferson Pike in Rutherford County, Tennessee.

1.04 Municipal Solid Waste - Any Solid Waste (excluding Special Waste and other Non-Conforming Wastes) generated within the corporate boundaries of the City.

1.05 Non-Conforming Waste - Any Hazardous Waste, Special Waste and Radioactive, volatile, highly flammable, explosive, toxic, infectious or pathological substances or materials.

1.06 Solid Waste - Any garbage, trash, rubbish, brush, and other waste material allowed to be accepted for disposal under the governmental licenses, permits and approvals issued for the operation of the Middle Point Landfill and in existence at execution of this Agreement, but excluding any Non-Conforming Waste.

1.07 Special Waste - Any Solid Waste which requires special processing, handling or disposal techniques which are different from the techniques normally utilized for handling or disposal or contains an added element of expense to transport or dispose of as determined by BFI or requires approval from any State agency and/or BFI. Examples of such Special Waste types may include, but are not limited to: dead animals, white goods consisting of refrigerators which are not CFC purged, mining wastes, fly ash, combustion ash, sludges, drill cuttings, asbestos, industrial wastes, pollution control residue, debris or contaminated soil.

1.08 Ton - 2,000 pounds.

ARTICLE II

SCOPE

BFI shall furnish all labor, equipment and machinery necessary to provide landfill disposal services at the Middle Point Landfill for the disposal of all of the City's Municipal Solid Waste collected by the City or its contractors or franchisees which shall be delivered by the City or its contractors or franchisees to the Middle Point Landfill in accordance with and subject to the terms and conditions of this Agreement. The scope of this Agreement does not include any Special Waste or any Non-Conforming Waste, (except for Special Wastes as described below) and, therefore, the City shall take all appropriate action to ensure that no Special

Waste or other Non-Conforming Waste is transferred or loaded into any of the City's collection vehicles hauling Municipal Solid Waste hereunder. In addition, BFI will accept for disposal at the Middle Point Landfill separate loads of dead animals delivered by the City and any separate loads of other Special Wastes generated within the City's corporate limits and delivered by the City with respect to which BFI and the City mutually agree upon the disposal rate therefor and such Special Waste has been approved by BFI and all applicable governmental agencies for disposal at Middle Point Landfill.

ARTICLE III

LANDFILL DISPOSAL SERVICES

(a) Disposal by BFI. From and after the Service Commencement Date (as hereinafter defined) and throughout the initial term and any renewal term of this Agreement, BFI shall dispose of all of the Municipal Solid Waste delivered by the City, or its contractors or franchisees, to the Middle Point Landfill for disposal in accordance with and subject to the terms and conditions of this Agreement.

(b) Title to MSW. Title to Municipal Solid Waste shall be transferred to BFI at the time the same is accepted by BFI at the Middle Point Landfill. BFI shall have the right to reject any loads containing any materials other than Municipal Solid Waste. The amount of Municipal Solid Waste disposed of by BFI hereunder

shall be determined by certified scales at the Middle Point Landfill.

(c) Holidays. BFI may decide to observe any or all of the following holidays by suspension of hauling and/or landfill disposal services on such holiday: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(d) Non-Exclusive Use by City. The City's use of the Middle Point Landfill hereunder shall be non-exclusive and, in addition to the City's Municipal Solid Waste, BFI shall have the absolute and unrestricted right to accept for disposal any other waste delivered to the Middle Point Landfill upon terms and conditions acceptable to BFI.

(e) Special Wastes. In the event the City and BFI agree upon the disposal of any Special Wastes at the Middle Point Landfill, then in addition to any label, marking, manifest or other such documentation required by any applicable law, regulation or permit, to provide to BFI, in advance of any shipment of Special Waste, a representative sample of the Special Waste to be disposed of by BFI, and a detailed written physical and chemical description or analysis of the Special Waste including, without limitation, a listing of unique characteristics and safety procedures, if such exists, that would be of significance to the handling of such Special Waste ("WCDS"). The City shall promptly furnish to BFI any information regarding known, suspected or planned changes in composition of any such Special Waste and the City shall accordingly update the WCDS. The City warrants that all Special

Waste specified in a WCDS and delivered to the Middle Point Landfill shall conform to the description set forth on the WCDS. Such Special Waste shall not be delivered to BFI for disposal until such WCDS and representative sampling are analyzed and approved by BFI. BFI shall have the right to reject loads of bulky Special Wastes if in BFI's judgment such loads would disrupt any normal operating procedures. BFI shall not be obligated to accept any white goods required to be CFC purged which are not tagged and certified as being CFC purged.

ARTICLE IV

MUNICIPAL SOLID WASTE COLLECTED BY OR ON BEHALF OF THE CITY

From and after the Service Commencement Date and throughout the initial term and any renewal term of this Agreement, the City shall deliver or cause to be delivered all Municipal Solid Waste collected by the City or its collection contractors or franchisees, as the case may be, to the Middle Point Landfill for disposal by BFI.

ARTICLE V

COMPLIANCE WITH LAWS

The City shall comply with all applicable federal, state and local laws and regulations pertaining to the collection and transportation of the Municipal Solid Waste. BFI shall comply with all applicable federal, state and local laws and regulations pertaining to the disposal of the Municipal Solid Waste at the Middle Point Landfill.

ARTICLE VI

CONTRACT RATE/ADJUSTMENTS/BILLING AND PAYMENT

(a) Base Contract Rate. The contract rate to be charged by BFI and paid by the City for the disposal services to be performed by BFI hereunder shall be eight dollars ($8.00) per cubic yard of Municipal Solid Waste (plus the State surcharge, currently $.85 per Ton, and any other adjustments as hereinafter provided).

(b) Adjustments. The contract rate, as may be adjusted from time to time, will be adjusted as follows:

(i) The contract rate, as adjusted, hereunder shall be adjusted upon the commencement of the second and each subsequent year after the date hereof during the initial and any renewal terms of this Agreement by the same percentage of increase in the Consumer Price Index for All Urban Consumers (All Items-South 1982 - 1984 = 100) as published by the U.S. Department of Labor, Bureau of Labor Statistics, ("CPI") as follows; provided, however, that such CPI increase shall be limited to no more than four percent (4%) per year commencing with respect to the fourth (4th) year of the initial term. The contract rate, as adjusted, to be charged during such second year and each subsequent year shall be an amount equal to the contract rate, as adjusted, being charged upon the expiration of the immediately preceding year increased by the same percentage increase in the CPI during the twelve (12)

month period ending on November 1st immediately preceding the commencement of such second year or subsequent year, as the case may be, subject to such four percent (4%) per year cap commencing with respect to such fourth (4th) year of the initial term.

(ii) The contract rate, as adjusted, hereunder shall be adjusted to reflect any tax, fee, levy, charge, surcharge and increases therein (including, without limitation, the surcharge of $.85 per Ton imposed by the State of Tennessee) imposed by any federal or state regulatory authority, agency or body on or with respect to any Municipal Solid Waste hauled or disposed of hereunder. For Example, upon the commencement of disposal services hereunder the billings to the City will reflect the contract rate of $8.00 per cubic yard plus the State surcharge of $.85 per Ton.

(c) Billing and Payment. BFI shall bill the City at the contract rate, as adjusted, and for the State surcharge and any other adjustments allowed under this Agreement on a monthly basis for the services rendered during the preceding calendar month and the City shall pay such billing without deduction or setoff within twenty (20) days after the City's receipt of BFI's invoice. BFI shall bill and the City shall pay based upon each collection vehicle's full rated waste volume capacity containing (regardless of whether or not any collection vehicle is only partially full). The City shall pay a late charge for all past due amounts for each

month or part thereof during which such invoiced amount remains unpaid at the rate of 1.5% per month or the maximum rate allowed by applicable law, whichever is less.

ARTICLE VII

TERM AND TERMINATION

(a) Term. This Agreement shall be for an initial term of ten (10) years from and after March 1, 1997 (the "Service Commencement Date") to and including February 28, 2007. This Agreement shall automatically renew upon the same terms and conditions in effect without any further action by the parties for up to two (2) five (5) year renewal terms unless the City or BFI gives the other party written notice of its election not to renew at least one hundred Sept 1, 2006 Sept 1, 2011 eighty (180) days prior to the expiration date of the initial term or any such renewal term, as the case may be.

(b) Termination of BFI Disposal Services by City. In the event that the City desires to utilize the Solid Waste landfill owned and operated by Wilson County, Tennessee exclusively for the disposal of all of the Municipal Solid Waste at any time after the Effective BFI Services Termination Date as defined below, then the City may elect to terminate the disposal services being provided by BFI hereunder by the City giving written notice of such election to terminate to BFI; provided, however, that such written notice of termination given by the City to BFI must be given at least twelve (12) months in advance of the date upon which the City desires to cease deliveries of Municipal Solid Waste to the Middle Point

Landfill and commence deliveries to such Wilson County Landfill (the "Effective BFI Services Termination Date") and provided further that the City may not give BFI such written notice of termination until after the expiration of the third (3rd) year of the initial term of this Agreement. In the event that the City elects to terminate BFI disposal services pursuant to this Article VII and thereafter the City ceases its use of the Wilson County Landfill at any time prior to the expiration of the initial term of this Agreement, then the City will resume deliveries of all of the Municipal Solid Waste to the Middle Point Landfill in accordance with the terms and provisions of this Agreement as if there had never been a termination of BFI disposal services hereunder.

(c) Additional Termination of this Agreement. In addition to the provisions of section VII(b) above, if BFI, or its assigns, fail to accept and dispose of Solid Municipal Waste under the terms of this Agreement for seven (7) consecutive working days of the City of Lebanon Sanitation Department, their contractors or franchisees, this contract shall be null and void at the option of the City of Lebanon, Tennessee.

ARTICLE VIII

INDEMNITY

(a) Indemnity by City. The City hereby agrees to indemnify and hold BFI harmless from and against any and all loss, damage, suits, liability and expenses (including, but not limited to, reasonable investigation and legal expenses) arising out of or

resulting from (a) any claim for loss of or damage to property, including BFI's property, and injuries to or death of persons, including City's or BFI's or their respective contractor's employees, to the extent caused by or resulting from the negligence or willful misconduct of the City or any of its agents or employees, subject to the limitations of the Governmental Tort Liability Act of Tennessee; (b) the violation of any federal, state or local laws or regulations by City or its employees or agents or the City's delivery to BFI of any Non-Conforming Waste and (c) the breach of this Agreement by the City.

(b) Indemnity by BFI. BFI hereby agrees to indemnify and hold the City harmless from and against any and all loss, damage, suits, liability or expenses (including, but not limited to, reasonable investigation and legal expenses) arising out of or resulting from (a) any claim for loss of or damage to property, including City's property, and injuries to or death of persons, including BFI's or City's employees, to the extent caused by or resulting from the negligence or willful misconduct of BFI, its employees or agents in the performance of services under this Agreement, (b) the violation of any federal, state or local laws or regulations by BFI or its employees or agents and (c) the breach of this Agreement by BFI.

(c) Survival. The indemnity agreements of the parties contained in this Article VIII shall survive the expiration or sooner termination of this Agreement.

ARTICLE IX

FORCE MAJEURE

BFI's performance hereunder shall be excused and BFI shall not be liable for its failure to perform hereunder due to any contingency beyond its reasonable control including, but not limited to, strikes, riots, war, fire, acts of God, compliance with any law, regulation, decree or order, whether valid or invalid, or any federal, state or local governmental or judicial body, agency or authority or any instrumentality thereof, whether now existing or hereafter created, or the revocation, suspension, denial or modification of any permit, license or approval regarding use, operation or closure of Middle Point Landfill.

ARTICLE X

DEFAULT

Except for any excused performance pursuant to Article IX hereof, (a) if either party breaches any of the material provisions of this Agreement and fails to cure such breach within a period of ten (10) days with respect to nonpayment by the City hereunder or within thirty (30) days with respect to any other breach hereunder after receiving written notice setting forth a detailed description of such breach from the other party, unless a longer period of time is required to cure such other nonmonetary breach and the party breaching shall have failed to commence to cure such other breach within said thirty (30) day period and pursue diligently to completion thereof, then the other party may terminate this Agreement, or (b) in the event BFI breaches this Agreement by

failing to accept all of the City's Municipal Solid Waste for a period of seven (7) consecutive days, then the City may terminate this Agreement by giving BFI written notice of such termination within ten (10) days following the expiration of such seven (7) day period.

ARTICLE XI

ASSIGNMENT/SUBCONTRACT

This Agreement shall be assignable by BFI only with the prior written consent of the City and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Such consent shall not be unreasonably withheld, nor required in the event of any assignment or delegation by BFI to any affiliate of BFI including, but not limited to, Jefferson Pike Landfill, Inc., however, under any assignment arrangement the disposal services described hereunder shall occur only at the Middle Point Landfill in Rutherford County, Tennessee.

ARTICLE XII

INDEPENDENT CONTRACTOR

BFI will act hereunder as an independent contractor and not as an agent, partner or joint venturer of the City. Similarly, the City is not an agent, partner or joint venturer of BFI or empowered or authorized to obligate BFI in any way.

ARTICLE XIII

SEVERABILITY

In the event that any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect or its inclusion shall result in the invalidity, illegality or unenforceability of this Agreement, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein; provided, however, that it is the intention of the parties hereto that in lieu of each term, clause, or provision that is held to be invalid, illegal or unenforceable there shall be added as a part of this Agreement, a term, clause or provision as similar in terms to such invalid, illegal or unenforceable term, clause or provision as may be possible and valid, illegal or enforceable.

ARTICLE XIV

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding between BFI and City, and cancels and supersedes all prior negotiations, representations, understandings or agreements, either written or oral, with respect to the subject matter hereof. No changes, alterations or modification to this Agreement will be effective unless in writing and signed by BFI and the City. Any conflict between the terms and provisions of this Agreement and the

RFP/Proposal Documents shall be resolved in favor of this Agreement.

IN WITNESS WHEREOF, the City and BFI have entered into this Agreement as of the day and year first above written.

CITY:

CITY OF LEBANON, TENNESSEE

By: _____
(signature)

Title: Mayor

Witness: _____

Title: Commissioner of Finance

Approved: Thomas S. Atchley

Title: Commissioner of Public Works

Approved as to form:

_____
City Attorney

BFI:

BROWNING-FERRIS INDUSTRIES, OF TENNESSEE, INC.

By: _____
(signature)

Title: Market Vice President

c:\city\bfi.agr

ORDINANCE NO. 16-5280

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE POLICE DEPARTMENT – DRUG FUND TO APPROPRIATE FUNDS NOT USED IN PREVIOUS FISCAL YEAR

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary for the Police Department – Drug Fund to appropriate unused funds from the 15 – 16 fiscal year to the 16 – 17 fiscal year for the addition to the ESU building which was authorized by Ord. No. 15-5090; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Police - Drug

From:	61990000-79000	Budget Fund Balance	$63,719.41
To:	61942100-79200	Buildings	$63,719.41

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

Commissioner of Finance & Revenue Mayor

Approved as to form:

City Attorney

Passed first reading: 8/02/16

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

2016/2017

FINANCE DEPT
2016 JUL 19 PM 2:49

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT Police- Drug

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
61990000-79000	BUDGET FUND BALANCE	$ 63,719.41	
	Total	$ 63,719.41	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
619-42100-79200	Buildings		$ 63,719.41
	Total		$ 63,719.41

REQUESTED BY WILLIAM GLOVER **DATE** 7/19/2016

DEPARTMENT HEAD **DATE** 7/19/16

COMM. OF FINANCE **DATE** 7/19/16

MAYOR **DATE**

REASON FOR THIS TRANSFER:

This is for the new drug building, it is the amount left over from 15/16 Budget year to complete building.

REVISED 10-8-2013

ORDINANCE NO. 15-5090

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE PURPOSE OF CONSTRUCTING AN ADDITION TO THE LEBANON ESU BUILDING

WHEREAS, a Wilson County multijurisdictional task force has a need for office space in a secure location; and

WHEREAS, the Lebanon ESU building is a secure facility onto which an addition can be constructed at minimal cost for such a purpose; and

WHEREAS, it is estimated that such an addition to the Lebanon ESU building would cost approximately $75,000.00; and

WHEREAS, the Wilson County Sheriff's Office will provide in kind labor for the construction of the addition; and

WHEREAS, the multijurisdictional task force shall lease such office space after its construction from the City of Lebanon at a rate to be determined at the appropriate time.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2015 - 2016 City of Lebanon budget in the following manner for the purpose of appropriating the funds for the construction of an addition to the Lebanon ESU building that will serve as office space for a Wilson County multijurisdictional task force benefitting all of the citizens of Wilson County:

Department: Drug Fund

From	**Account**	**Amount**
61990000-79000	Budget Fund Balance	($75,000.00)

To	**Department**	**Amount**
61942100-79200	Buildings	$75,000.00

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Commissioner of Finance & Revenue

Approved:

Mayor

Approved as to form:

City Attorney

Passed first reading: 12/01/15

Passed second reading: 12/07/15

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2015-2016

FINANCE DEPT

2015 DEC -1 AM 10 49

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT DRUG FUND

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
61990000-79000	BUDGET FUND BALANCE	$ 75,000.00	
	Total	$ 75,000.00	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
61942100-79200	BUILDINGS		$ 75,000.00
	Total		$ 75,000.00

REQUESTED BY _____ **DATE** _____

DEPARTMENT HEAD _____ **DATE** _____

COMM. OF FINANCE _____ **DATE** 12/1/15

MAYOR _____ **DATE** _____

REASON FOR THIS TRANSFER:

COVER COSTS OF EMERGENCY SERVICES BUILDING ADDITION FOR TASK FORCE

REVISED 10-8-2013

ORDINANCE NO. 16-5282

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE COMMUNITY PARK TO APPROPRIATE FUNDS NOT USED IN PREVIOUS FISCAL YEAR

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary for the Community Park to appropriate unused funds from the 15 – 16 fiscal year to the 16 – 17 fiscal year for the fitness court; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Community Park

From:	11090000-79000	Budget Fund Balance	$40,000.00
To:	11044420-79300	Improvements	$40,000.00

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Passed first reading: 8/02/16

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2016-2017

FINANCE DEPT
2016 JUL 21 AM 9:52

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT COMMUNITY PARK

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11090000-79000	BUDGET FUND BALANCE	$ 40,000.00	
	Total	$ 40,000.00	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11044420-79300	IMPROVEMENTS		$ 40,000.00
	Total		$ 40,000.00

REQUESTED BY _____ **DATE** _____

DEPARTMENT HEAD _____ **DATE** 7-21-16

COMM. OF FINANCE _____ **DATE** 7-21-16

MAYOR _____ **DATE** _____

REASON FOR THIS TRANSFER:

APPROPRIATE UNUSED FUNDS FROM FY 15-16 TO FY 16-17 FOR THE FITNESS COURT.

PROJECT WAS NOT COMPLETED IN FY 15-16.

REVISED 10-8-2013

ORDINANCE NO. 16-5283

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE THE PURCHASE OF A NEW SANITATION AUTOMATED TRUCK, THE CONVERSION OF ONE SANITATION REAR LOADER TRUCK TO A THIRD KNUCKLEBOOM TRUCK, AND RELATED BUDGET AMENDMENTS

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, it is now necessary to purchase a replacement truck and to convert an older rear loader to a third knuckleboom truck for the Sanitation and Street Departments; and

WHEREAS, budget amendments are required to cover the cost.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Sanitation

From:	11090000-79000	Budget Fund Balance	$280,000.00
To:	11043210-79440	Transportation Equipment	$280,000.00

Department: Street

From:	11090000-79000	Fund Balance	$65,000.00
To:	11043110-79490	Machinery & Equipment	$65,000.00

Section 2. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to purchase a replacement truck for the Sanitation Department, subject to adherence to City of Lebanon and State of Tennessee purchasing laws, in an amount not to exceed Two Hundred Eighty Thousand Dollars ($280,000.00).

Section 3. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to convert the older rear loader sanitation truck to a third knuckleboom truck, subject to adherence to City of Lebanon and State of Tennessee purchasing laws, in an amount not to exceed Sixty-five Thousand Dollars ($65,000.00).

Section 4. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

_____
Commissioner of Finance & Revenue

_____
Mayor

Approved as to form:

_____
City Attorney

Passed first reading: 8/02/16

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM FINANCE DEPT

FY 2016-2017

2016 JUL 22 AM 11:52

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT Sanitation

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-90000-79000	Fund Balance	$280,000.00	
	Total	$ 280,000-00	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110 43210-79440	Transportation Equipment		$280,000.00
	Total		$280,000-00

REQUESTED BY Lee Clark **DATE** 7/22/16

DEPARTMENT HEAD Jeff Brown **DATE** 7/22/16

COMM. OF FINANCE **DATE**

MAYOR **DATE**

REASON FOR THIS TRANSFER:

Purchase replacement ~~automated~~ truck. Replacing a rear loader with an automated truck, Rear loader to be converted to a third knuckleboom

REVISED 10-8-2013

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2016-2017

FINANCE DEPT
2016 JUL 22 AM 11:52

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT Street

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-90000-79000	Fund Balance	$65,000	
	Total	$ 65,000-00	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110 43110-79490	Machinery and Equipment		$65,000
	Total		$ 65,000.-00

REQUESTED BY Lee Clark **DATE** 7/22/16

DEPARTMENT HEAD Jeff Bauer **DATE** 7/22/16

COMM. OF FINANCE [signature] **DATE** 7/22/16

MAYOR **DATE**

REASON FOR THIS TRANSFER:

Convert older rear loader sanitation truck to a third knuckleboom truck. Recent storm damage and growth of the chipper service along with future Gasification needs support this request

REVISED 10-8-2013

City of
Lebanon
Tennessee

PHILIP CRAIGHEAD, Mayor

200 North Castle Heights Ave.
Lebanon, Tennessee 37087

JEFF BAINES, P.E.
Commissioner of Public Works
200 North Castle Heights Avenue
Suite 300
Lebanon, Tennessee 37087
Phone: (615) 443-2824
Fax: (615) 444-1515

MEMORANDUM

TO: Mayor Philip Craighead and City Council Members

FROM: Jeff Baines, P.E., Commissioner of Public Works
Lee Clark, General Services Administrator

DATE: August 1, 2016

RE: **Ordinance No. 16-5283 – Knuckleboom and Sanitation Trucks**

We have two knuckleboom trucks that serve multiple purposes for the street department.

Main purpose is the routine pickup of large brush piles, limbs, tree trunks, etc. Other important uses include flood and storm damage debris removal and transportation.

Historically we have taken rear loader sanitation vehicles and converted to knucklebooms once the sanitation vehicle's bed wore out.

A 1998 sanitation truck was converted to a knuckleboom in 2008. It has been down and in the shop at CMI Equipment for several weeks. Various issues with hydraulics, bed, transmission, etc. Estimated repair cost $29,000.

With the increased volume of debris we believe it is necessary to add the third knuckleboom to our fleet.

Options:

1. Purchase new knuckleboom at $130,000.00. Leaves an older rear loader truck in sanitation fleet that will need to be replaced with automated truck in one to two years at $280,000.00±.

   Total $410,000.00

2. Purchase new automated sanitation truck now at $280,000.00. Convert one of the remaining six rear loader trucks in sanitation to a knuckleboom at $65,000.00. Helps reduce need to hire additional full time sanitation crew workers.

   Total $345,000.00

Recommendation:

Option 2

- Moves toward elimination of rear loader trucks in sanitation.
- Safer for sanitation work force.
- Reduces need for additional full time sanitation crew workers (rear loader trucks require two additional employees at $47,000 each annually).
- Places a third knuckleboom truck in our fleet.

"This institution is an equal opportunity provider and employer."

ORDINANCE NO. 16-5246

AN ORDINANCE TO ABANDON THE CITY OF LEBANON'S INTEREST IN MARTHA CIRCLE (SHOWN ON THE ATTACHED MAP) WARD 6

WHEREAS, the properties on both side of the northern section to be abandoned have agreed to this request; and

WHEREAS, the property owner on the southwest side is not opposed to the abandonment of Martha Circle on the condition that access to the section of Martha Circle on the Nashville Eastern Property is left for the property; and

WHEREAS, the property owners are responsible for maintaining utility easements for all the existing utilities in this section of right-of-way; and

WHEREAS, the property owners are responsible for maintaining access for the fire department for all hydrants and sprinkler system connections; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this right-of-way abandonment to the Mayor and City Council by a vote of 7-0 at May 28, 2013 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The City of Lebanon's interest in the right-of-way (as shown on the attached map) is hereby abandoned to the property owners on both sides of the right-of-way on the condition that easements for utilities will be maintained in perpetuity.

Section 2. That the above referenced property shall be zoned CG – Commercial General.

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 4. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers August 16, 2016.

Attest: Approved:

_____ _____

16-5246

Commissioner of Finance & Revenue

Mayor

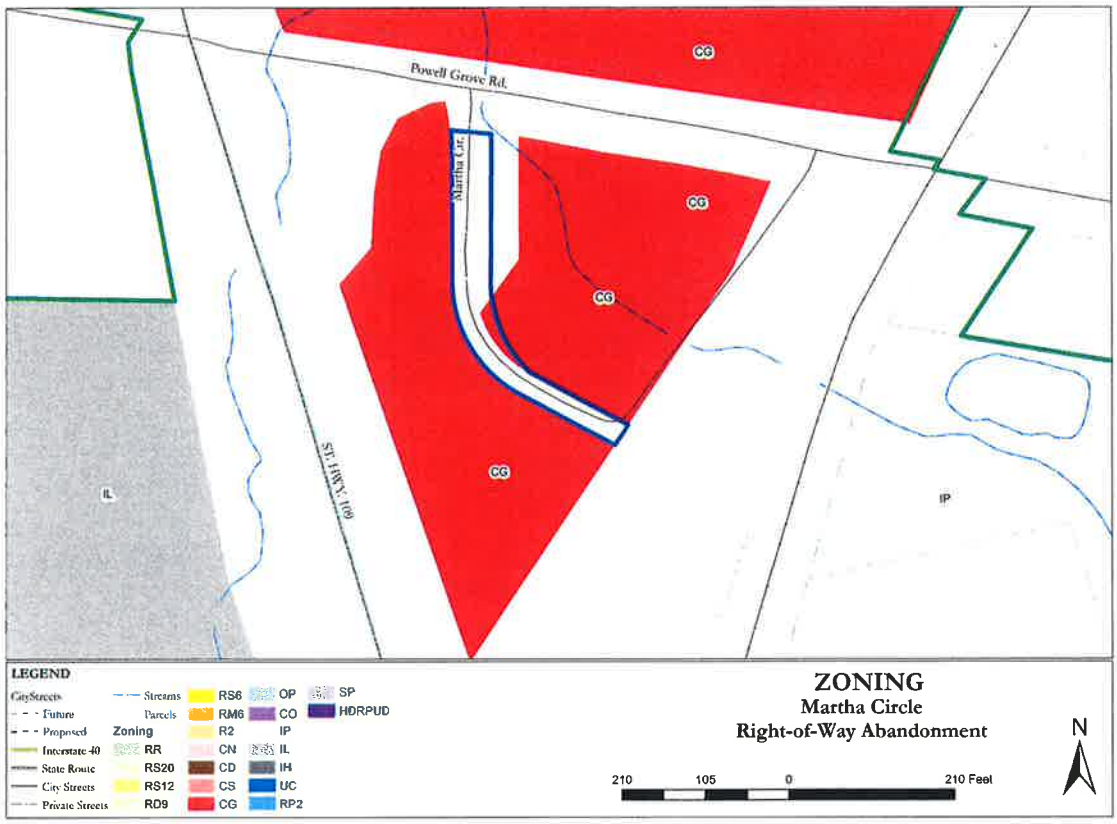
Approved as to Form:

Passed first reading: July 19, 2016

_____

City Attorney

Passed second reading: _____



CERTIFICATE OF OWNERSHIP AND DEDICATION

CERTIFICATE OF ACCURACY

CERTIFICATE OF APPROVAL OF SEWER SYSTEM

CERTIFICATE OF APPROVAL OF WATER SYSTEM

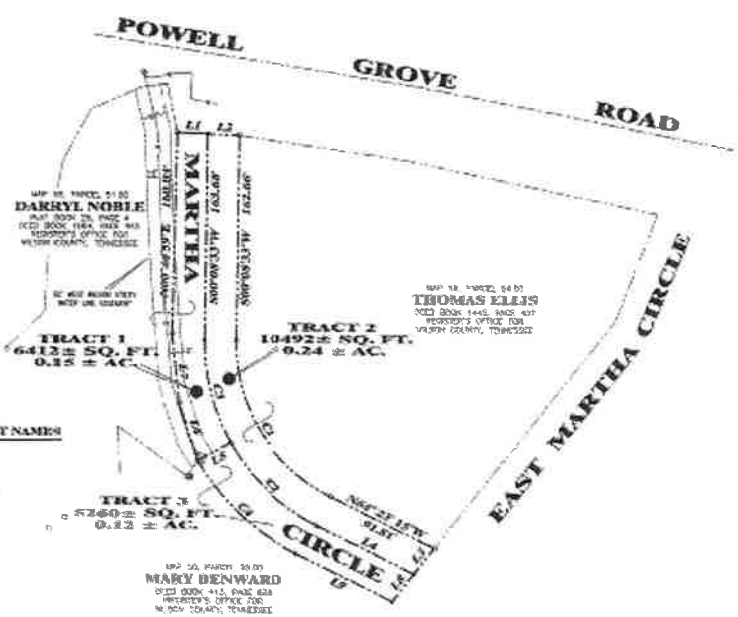
CERTIFICATE OF APPROVAL OF STREETS

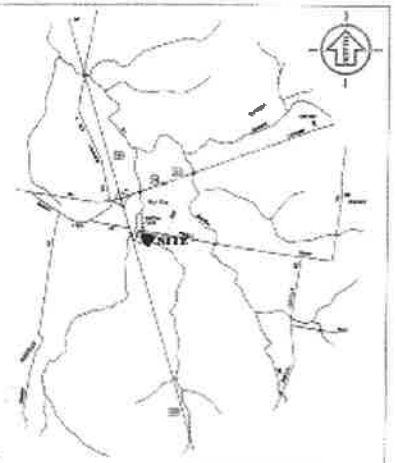
CERTIFICATE OF APPROVAL FOR RECORDING

CERTIFICATE OF PROPERTY NUMBERS AND STREET NAMES

NUMBER	DIRECTION	DISTANCE
L1	S 80°20'20" E	22.91'
L2	S 80°20'20" E	17.50'
L3	S 80°20'20" E	23.50'
L4	N 64°23'23" W	86.27'
L5	S 80°20'20" E	128.77'
L6	N 80°23'24" W	40.30'
L7	N 64°23'23" W	34.80'
L8	S 80°20'20" E	27.50'
L9	N 64°23'23" W	10.00'

NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	64°23'48"	130.00'	83.00'	139.62'	132.49'	S 32°31'25" E
C2	34°12'00"	240.00'	73.57'	143.23'	141.12'	N 47°26'47" W
C3	29°30'00"	140.00'	73.57'	72.08'	71.29'	N 64°23'23" W
C4	32°07'25"	180.00'	50.61'	100.00'	98.73'	N 48°26'24" W





LOCATION MAP
NOT TO SCALE

NOTE:

FEDERAL FLOOD NOTE:

ROAD ABANDONMENT OF MARTHA CIRCLE THE
CITY OF LEBANON PROPERTY
2ND CIVIL DISTRICT OF WILSON COUNTY, TN

SCALE: 1" = 50'
DATE: DECEMBER 16, 2015
JOB NO.: 15-021E-WC

TOTAL AREA: 0.51 ± ACRES

16-5246

RESOLUTION NO. 16-1952

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION AT 1035 MAPLE HILL ROAD (TAX MAP 46 PARCEL 9.08) TO BE ADDED TO WARD 1

WHEREAS, TCA 6-51-102, as amended, requires that a plan of services be adopted by the governing body prior to passage of an ordinance annexing any territory; and

WHEREAS, the plan of services shall be reasonable with respect to the scope of services to be provided and the timing of the services; and

WHEREAS, before the adoption of the plan of services, a municipality shall hold a public hearing; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this Plan of Services to the Mayor and City Council by a vote of 9-0 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted for the area bounded as described in the legal description section and attached maps of the plan of services:

June 24, 2016
PROPERTY AT 1035 MAPLE HILL ROAD
CITY OF LEBANON, TENNESSEE

The City of Lebanon, Tennessee, is pursuing the annexation of about 11.66 acres at 1035 Maple Hill Road as described in this report, along with a corresponding plan of services and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). This annexation is proposed to take place in 2016.

This report begins with a brief overview of the annexation process and the requests by the landowners for annexation. The report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive City services in accordance with the POS.

Introduction

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an Urban Growth Boundary (UGB) in which annexations could occur. Lebanon can annex property within its UGB by ordinance.

PC 1101 Section 19 requires a "Plan of Services" (POS) prior to annexation and a Plan of Services must include: police and fire protection; water, electrical, and sanitary sewer services;

solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The owner of the property at 1035 Maple Hill Road has asked the City of Lebanon to consider annexing their property.

CITY OF LEBANON, TENNESSEE
Planning Commission Application
Annexation & Zoning General Information and Checklist

City of Lebanon Tennessee

Title of Project: Siens Maple Hill Rd Annexation
Street Location: 1035 Maple Hill Rd Lebanon TN 37087
Tax Map/Group Number: 046 Parcel: 009.08
Total Acreage: 11.66

Approval Requested:

- ☐ Preliminary Subdivision _____ No. of Lots
- ☐ Final Subdivision _____ No. of Lots
- ☐ Non-Residential Site Plan _____ Bldg. Sq. Ft.
- ☐ Residential Site Plan _____ No. of Units
- X Annexation & Zoning 11.66 Acres/Zoning R5-20
- ☐ Rezoning _____ Acres/From ____ to ____
- ☐ Specific Plan District _____ Acres
- ☐ Other _____

Owner/Developer:
Name: Sue Siens
Address: 1033 Maple Hill Rd
Lebanon TN 37087
Telephone: 615-557-7838
Email: ssiens@realtracs.com

Surveyor/Engineer:
Name _____
Address _____
Telephone _____
Email _____

Information required for all applications:

- Cover Letter or Written Narrative Explaining the Purpose of the Request
- Fourteen (14) Folded Copies of all Required Information
- One (1) Digital Copy
- Non-refundable Application Fee (See current fee schedule)

Date Application Filed 5-24-16 Date of Requested Planning Commission Meeting: June 2016

200 North Castle Heights Avenue • Lebanon, TN 38087 • (615) 444-3647 • Fax (615) 444-1515

Revised 2/2016

Page 1 of 4

Legal Description

Beginning at a point in the southerly margin of Maple Hill Road, the same being the northeasterly comer of the tract herein described, and running thence South 7 deg. 57 min. 40 sec. West 50 feet;

Thence South 81 deg. 30 min. 45 sec. East 298.86 feet to a point;

Thence South 4 deg. 01 min. 35 sec. West 596.04 feet to an iron pin at a post;

Thence South 28 deg. 55 min. 10 sec. West 622.92 feet to an iron pin at metal post;

Thence North 85 deg. 33 min. 15 sec. West 267.68 feet to a point;

Thence North 8 deg. 07 min. 30 sec. East 1245.51 feet to a point in the southerly margin of Maple Hill Road;

Thence South 82 deg. 02 min. 20 sec. East 146.67 feet to the point of beginning, containing 11.66 acres, more or less, according to survey of Carroll Dean Carman, Tennessee No. 910, Route #1, Box 35-A, Hartsville, Tennessee 37074, dated March 4, 1991, plat of which is of record in Plat Book 19, Page 439, of said Register's Office.

Plan for Serving the Annexation Area

1. Police Protection

   Patrolling, radio response to calls, and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. Fire Protection
   Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.

   This annexation will not be within the preferred 2.5-mile road distance from a fire station but will be within the five (5) mile road distance for fire protection.

3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants
   a. Domestic Water – The City of Lebanon currently has a 6" water line on the south side of Maple Hill Road.

   b. Sanitary Sewer – Sewer will need to be extended by the applicant. The estimated cost will be **$76,973.**

   c. Fire Hydrants – If any new hydrants are needed the cost would be between **$2500 and $3000** each.

4. Electric Service and Street Lighting
   There are existing Middle Tennessee Electric power lines on this lot.

5. Public Works
   a. Stormwater – Stormwater services will be available to this property in the same manner they are available to the rest of the City.

   b. Sanitation – City sanitation services will be available at the time of annexation.

   c. Street and Right-of-Way Repair and Maintenance – This annexation will not include any right-of-way.

   d. The City and/or the County may require road improvements by the owner as this property develops.

6. Gas
   The City of Lebanon currently has a 4" gas line on the east side of Maple Hill Road.

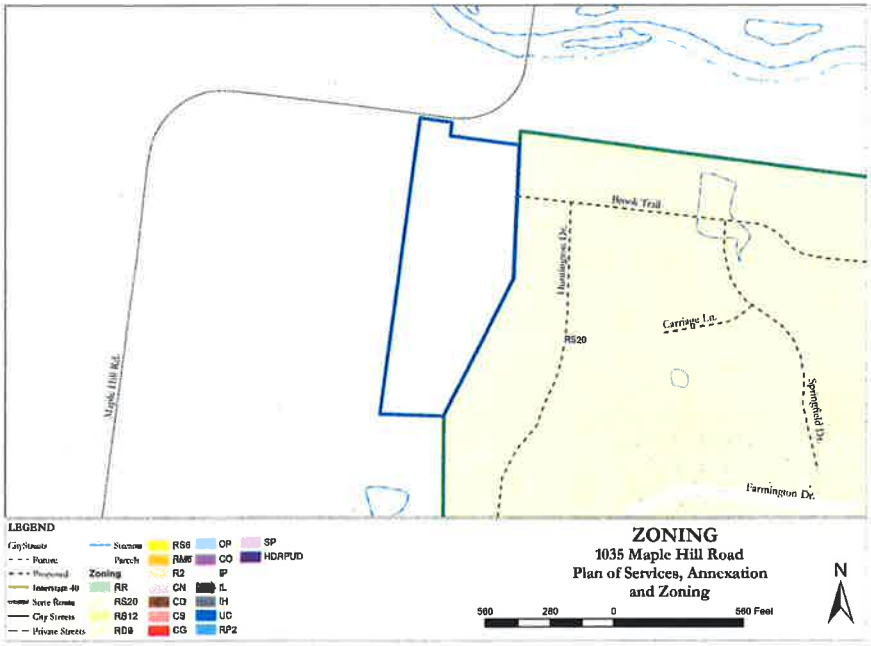
7. Schools
   Neither Wilson County Schools nor Lebanon Special Schools anticipate any noticeable effect from the annexation.

8. Inspection and Codes Enforcement
   All inspection and code enforcement programs existing within the City will be extended to the annexation areas on the effective date of the annexation.

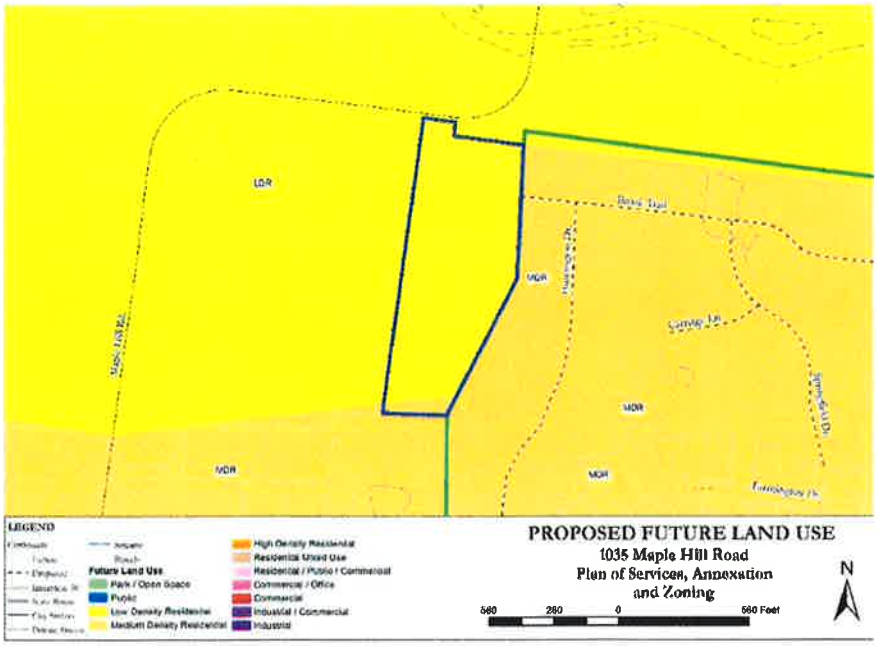
9. Planning and Zoning

The zoning jurisdiction of the City will extend to the annexation areas upon the effective date of the annexation and all municipal planning activities will encompass the needs of the annexed areas.

a. The requested zoning for the annexation is RS20 – Low Density Single Family



b. The current Future Land Use Plan classification for this area is Low Density Residential.



10. Animal Shelter
    The City operates a full-time animal control program including an animal shelter. The animal shelter is located on Park Drive. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

11. Voting Rights and City Elections
    a. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

    b. If an eligible voter is in the category of a property rights voter, then that voter must register at the Election Commission Office prior to voting in a City election.

Revenue

The total appraised property value for the parcel in the annexation area is about **$122,300**. This equals an assessed value of about **$30,575** for a residential property. The property tax generation from this property as a residential property in the City would be about **$185** per year. The estimate cost to serve this area is **$76,973.**

Section 2. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers on August 16, 2016.

Attest:

_____
Commissioner of Finance & Revenue

Approved as to Form:

_____
City Attorney

Approved:

_____
Mayor

Passed first reading: July 19, 2016.

Passed second reading:_____

Cost of Publication

$ 52.50

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Lisa Peters

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY, TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN –
3N1CB51D46L616093
08 KIA –

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5246, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed abandonment of the City of Lebanon's interest in right-of-way of Martha Circle between Powell Grove Road and Nashville & Eastern Railroad right-of-way in Ward 6. Copies of the map showing the right-of-way to be abandoned are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal process for requesting a parking variance and to amend the minimum

RESOLUTION NO. 16-1953

A RESOLUTION FOR ANNEXING PROPERTY AT 1035 MAPLE HILL ROAD, ALSO IDENTIFIED AS TAX MAP 46 PARCEL 9.08 CONTAINING 11.66 ACRES IN THE RECORDS OF THE WILSON COUNTY ASSESSOR OF PROPERTY (SHOWN ON THE ATTACHED MAP) TO BE ADDED TO WARD 1

WHEREAS, the owner has requested the annexation of this property; and

WHEREAS, the owner will be responsible for extending any utilities; and

WHEREAS, no right-of-way is being added to the City; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this annexation to the Mayor and City Council by a vote of 9-0 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. That Tennessee Code Annotated 6-51-102 authorizes the City of Lebanon to annex land at the request of the land owner when it appears that the prosperity of the municipality and the territory will be materially retarded and the welfare of the inhabitants and property endangered if the property is not annexed. The City of Lebanon hereby determines that the prosperity of the municipality and territory described herein will be materially retarded and the welfare of the inhabitants and property endangered if the property is not annexed.

Section 2. That pursuant to Section 6-51-101 through 6-51-114, Tennessee Code Annotated, the property (as shown on the attached map) is hereby annexed into the City of Lebanon, Wilson County, Tennessee, and incorporated within the corporate boundaries thereof.

Section 3. That this resolution takes effect 30 days from and after its final passage, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers on August 16, 2016.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to Form:

Passed first reading: July 19, 2016.

Passed second reading:_____.

_____
City Attorney

Cost of Publication

$ 52.50

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN –
3N1CB51D46L616093
09 KIA –

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5246, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed abandonment of the City of Lebanon's interest in right-of-way of Martha Circle between Powell Grove Road and Nashville & Eastern Railroad right-of-way in Ward 6. Copies of the map showing the right-of-way to be abandoned are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal process for requesting a parking variance and to amend the minimum

ZONING ORDINANCE NO. 16-5269

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY REQUESTING ZONING APPROVAL OF 11.66 ACRES AT 1035 MAPLE HILL ROAD (TAX MAP 46 PARCEL 9.08) TO RS20 IN WARD 1

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the City; and

WHEREAS, the property owners would like to use their property for residential uses; and

WHEREAS, the subject property is identified as Low Density Residential in the Future Land Use Plan; and

WHEREAS, the owner is asking for the RS20 zoning to continue the residential zoning on Carver Road and preserving the floodway with the residential zoning; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this zoning to the Mayor and City Council by a vote of 9-0 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, zoned RS20 – Low Density Single-Family Residential:

> Approximately 11.66 acres more or less, located at 1035 Maple Hill Road as shown on the attached map.
>
> For reference, see Deed Book 1222 Page 2201, in the Register's Office of Wilson County, Tennessee, Tax Map 46 Parcel 9.08, for Wilson County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers August 16, 2016.

Attest:

Approved:

Commissioner of Finance & Revenue

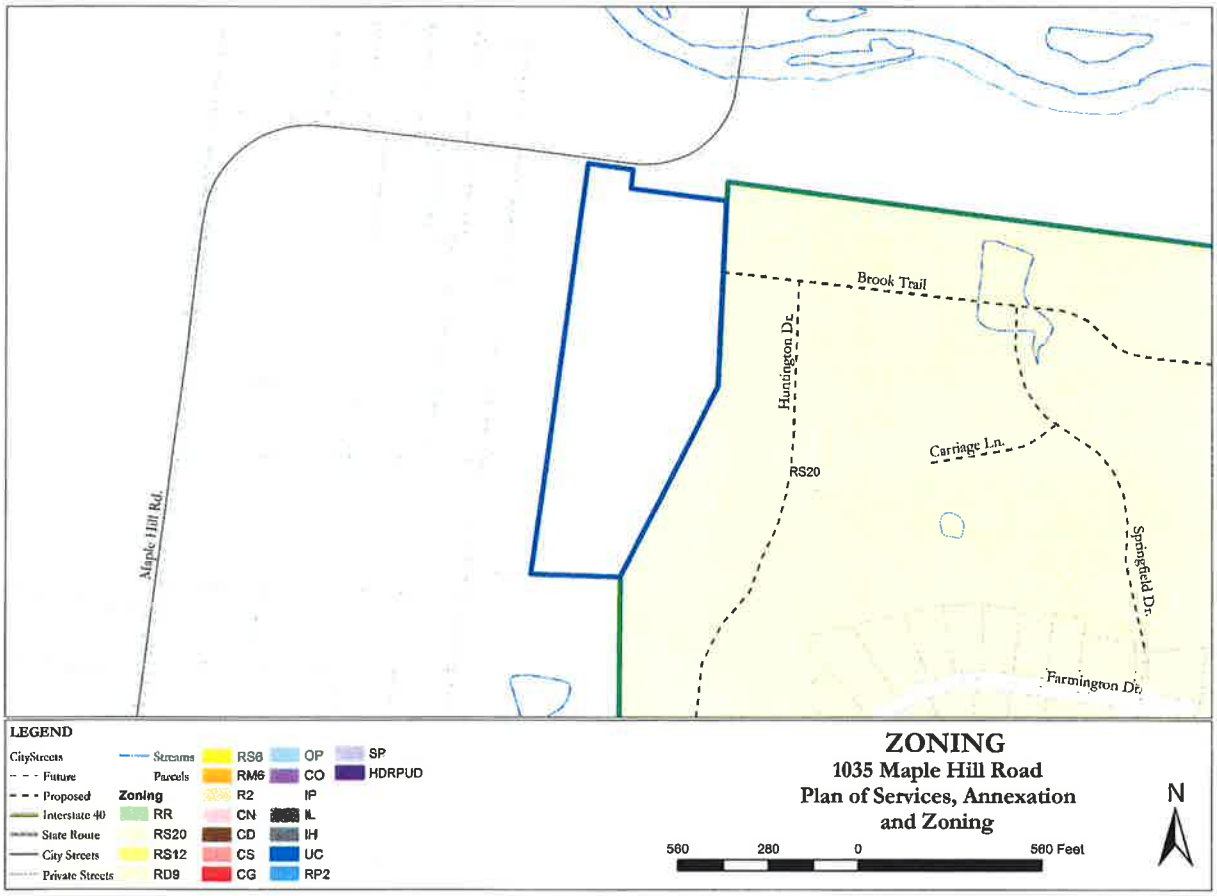
Mayor

Approved as to Form:

Passed first reading: July 19, 2016

Passed second reading: _____

City Attorney



Cost of Publication

$ 52.50

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Lisa Peters

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN –
3N1CB51D46L616093
08 KIA

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5246, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed abandonment of the City of Lebanon's interest in right-of-way of Martha Circle between Powell Grove Road and Nashville & Eastern Railroad right-of-way in Ward 6. Copies of the map showing the right-of-way to be abandoned are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal

ZONING ORDINANCE 16-5270

AN ORDINANCE TO AMEND THE FUTURE LAND USE PLAN OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING 1501 HUNTERS POINT PIKE FROM MDR – MEDIUM DENSITY RESIDENTIAL TO HDR – HIGH DENSITY RESIDENTIAL

WHEREAS, the City of Lebanon desires to amend the Future Land Use Plan of the city; and

WHEREAS, the subject area is has a classification of MDR – Medium Density Residential in the Future Land Use Plan; and

WHEREAS, the Owner of this property is requesting to be rezoned to RS6 zoning which is a High Density Residential zoning district: and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Future Land Use Plan to the Mayor and City Council by a vote of 8-1 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The area shown on the attached map consisting of about 162.00 acres at 1501 Hunters Point Pike is changed from MDR - Medium Density Residential to HDR – High Density Residential in the Future Land Use Plan for the City of Lebanon.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers August 16, 2016.

Attest: Approved:

_____ _____

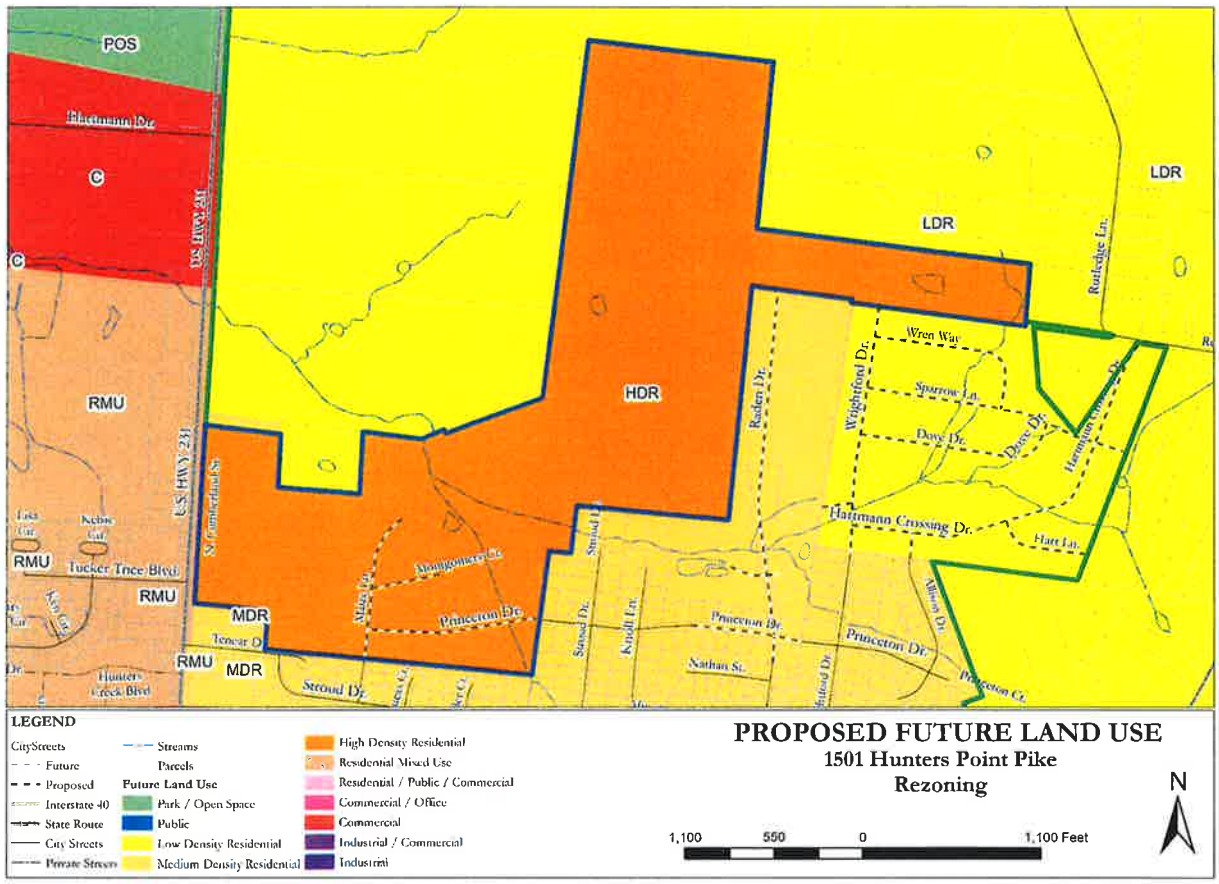
Commissioner of Finance & Revenue Mayor

Approved as to Form:

Passed first reading: July 19, 2016

_____
City Attorney

Passed second reading: _____



Cost of Publication

$ 63.00

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Lisa Pet

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY, TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN –
3N1CB51D46L616093

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5246, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed abandonment of the City of Lebanon's interest in right-of-way of Martha Circle between Powell Grove Road and Nashville & Eastern Railroad right-of-way in Ward 6. Copies of the map showing the right-of-way to be abandoned are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal

ZONING ORDINANCE 16-5271

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING 1501 HUNTERS POINT PIKE FROM CG – COMMERCIAL GENERAL, RD9 – MEDIUM DENSITY RESIDENTIAL AND RM6 – HIGH DENSITY MULTI-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY TO RS6 – HIGH DENSITY SINGLE FAMILY RESIDENTIAL IN WARD 1

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the city; and

WHEREAS, the subject properties are adjacent to an existing residential district; and

WHEREAS, the Planning Commission has recommended that the Future Land Use Plan be amended to identify the subject property as High Density Residential in the Future Land Use Plan; and

WHEREAS, the property owner is asking for the RS6 zoning to continue the residential zoning on Hunters Point Pike; and

WHEREAS, the property owner is asking for the Villages at Hunters Point Planned Unit Development to be repealed; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this rezoning to the Mayor and City Council by a vote of 8-1 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a Planned Unit Development Overlay to RS6 – High Density Single Family:

> Approximately 162.00 acres more or less, located at 1501 Hunters Point Pike as shown on the attached map.

For reference, see Deed Book 1438 Page 410 in the Register's Office of Wilson County, Tennessee, and being shown as Tax Map 58 Parcel 68, for Wilson County, Tennessee.

Section 2. That the Villages at Hunters Point Planned Unit Development approved by City Council in Ordnance Number 06-2875 be repealed.

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 4. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers August 16, 2016.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

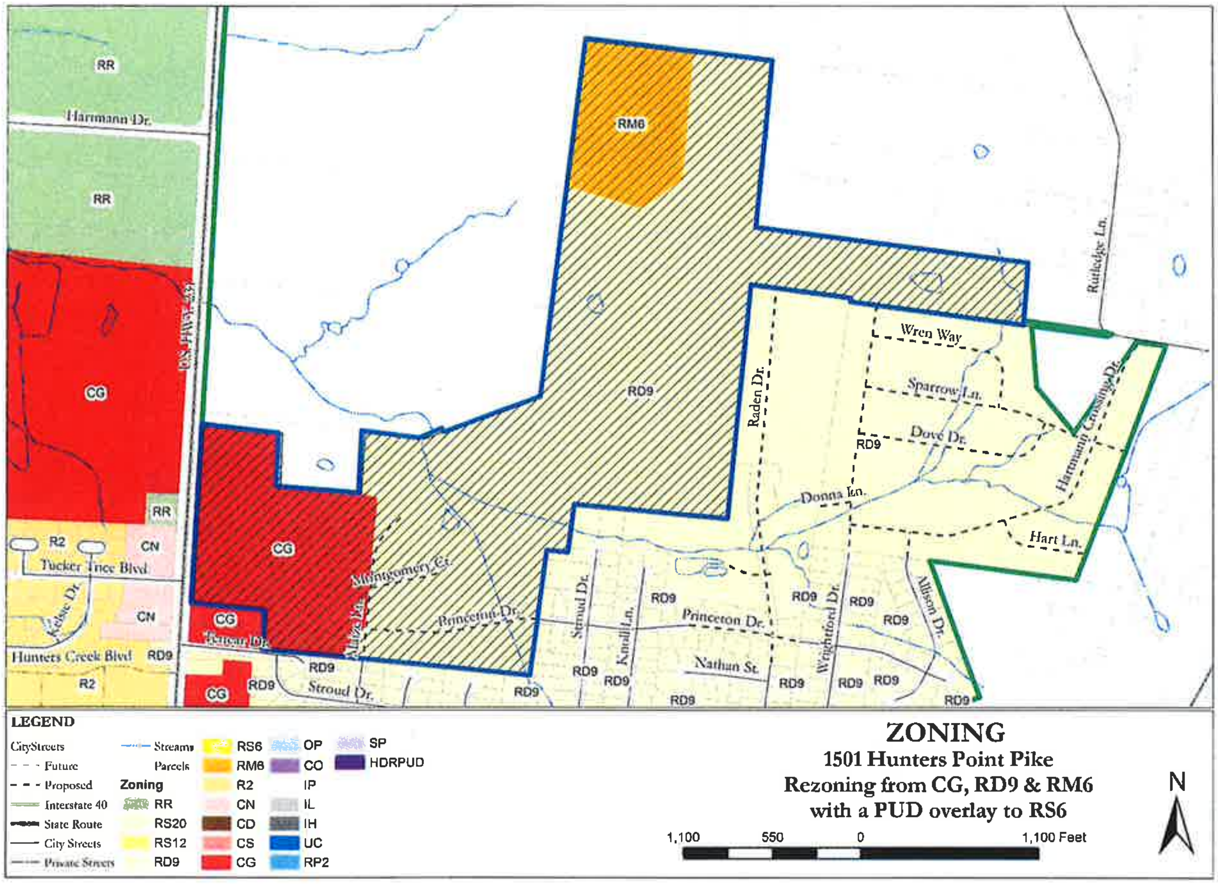
_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: July 19, 2016

Passed second reading: _____


ZONING
1501 Hunters Point Pike
Rezoning from CG, RD9 & RM6
with a PUD overlay to RS6
LEGEND
CityStreets
Future
Proposed
Interstate 40
State Route
City Streets
Private Streets
Streams
Parcels
Zoning
RR
RS20
RS12
RD9
RS6
RM6
R2
CN
CD
CS
CG
OP
CO
IP
IL
IH
UC
RP2
SP
HDRPUD
1,100
550
0
1,100 Feet
N
Harmann Dr.
Tucker Trice Blvd.
Hunters Creek Blvd
Stroud Dr.
Princeton Dr.
Montgomery Ct.
Nathan St.
Raden Dr.
Wren Way
Sparrow Ln.
Dove Dr.
Donna Ln.
Hart Ln.
Allison Dr.
Wrightford Dr.
Knoll Ln.
Rutledge Ln.
Hartmann Crossing Dr.

Cost of Publication

$ 63.00

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Lisa Peters

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed rezoning of property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) from CG – Commercial General, RD9 – Medium Density Residential and RM6 – High Density Multi-Family Residential with a PUD – Planned Unit Development overlay to RS6 – High Density Single Family Housing. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the map showing the proposed rezoning are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1952, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed Plan of Services (POS) for the annexation of approximately 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08). Copies of the Plan of Service (POS) for the proposed annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions may be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN –
3N1CB51D46L616093
06 KIA

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the zoning of property at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to RS20 - Low Density Single Family Residential in Ward 1 according to the Plan of Services. The public hearing for the proposed rezoning is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the zoning approval are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5246, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed abandonment of the City of Lebanon's interest in right-of-way of Martha Circle between Powell Grove Road and Nashville & Eastern Railroad right-of-way in Ward 6. Copies of the map showing the right-of-way to be abandoned are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of the Future Land Use Plan for property at 1501 Hunters Point Pike (Tax Map 58 Parcel 68) MDR – Medium Density Residential to HDR – High Density Residential. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the map showing the proposed Future Land Use Amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Resolution No. 16-1953, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the annexation of property at 11.66 acres at 1035 Maple Hill Road (Tax Map 46 Parcel 9.08) to be added to Ward 1 according to the Plan of Services. Copies of the annexation are available for inspection at the following locations: City of Lebanon Planning Office, Wilson County Planning Office and City of Lebanon Mayor's Office. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal

ZONING ORDINANCE 16-5272

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING UNADDRESSED PROPERTY ON LEEVILLE PIKE FROM RR – RURAL RESIDENTIAL AGRICULTURAL TO RS9 – MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL 9,000 IN WARD 4

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the city; and

WHEREAS, the subject properties are adjacent to an existing residential district; and

WHEREAS, the subject properties are identified as Residential Mix Use in the Future Land Use Plan; and

WHEREAS, the property owner is asking for the RS9 zoning to continue the residential zoning on Leeville Pike; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this rezoning to the Mayor and City Council by a vote of 7-2 at June 28, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from RR – Rural Residential Agricultural to RS9 – Medium Density Single Family Residential 9,000:

> Approximately 19.92 acres more or less, located on unaddressed property on Leeville Pike as shown on the attached map.
>
> For reference, see Deed Book 1686 Page 1394 in the Register's Office of Wilson County, Tennessee, and being shown as Tax Map 80 Parcel 6, for Wilson County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____

Attest:

_____
Commissioner of Finance & Revenue

Approved as to Form:

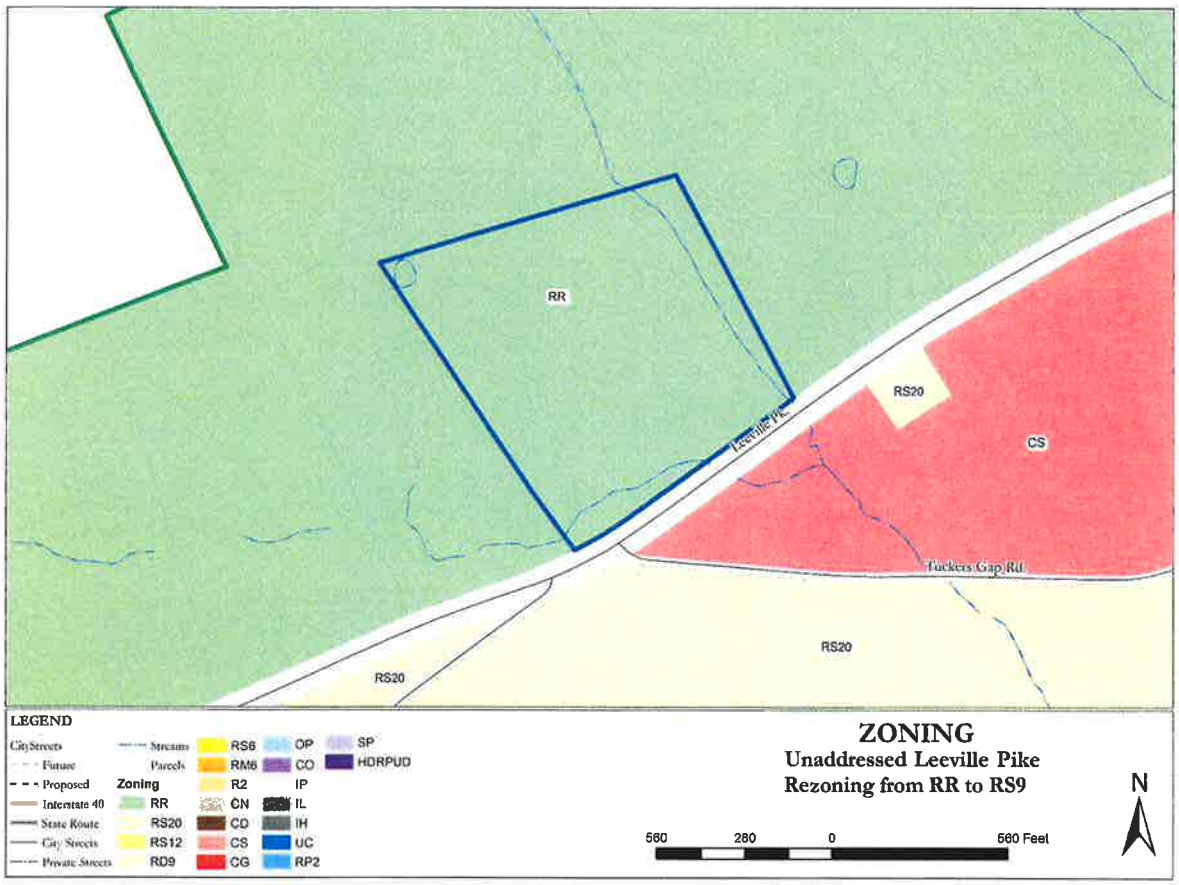
_____
City Attorney

Approved:

_____
Mayor

Passed first reading: _____.

Passed second reading:_____.



ORDINANCE NO. 16-5273

AN ORDINANCE TO AMEND TITLE 14 CHAPTER 8 SECTION 14.802 OFF-STREET PARKING AND LOADING REQUIREMENTS A. GENERAL PROVISIONS E. OFF-STREET LOADING AND UNLOADING REQUIREMENTS AND F. VARIANCE FROM REQUIRED PARKING AND APPENDIX D: OFF-STREET PARKING REQUIREMENTS TO AMEND THE REQUIREMENT TO ROUND THE NUMBER OF PARKING SPACES UP, TO AMEND THE OFF-STREET LOADING AND UNLOADING REQUIREMENTS BY HALF, TO ADD A FORMAL PROCESS FOR REQUESTING A PARKING VARIANCE AND TO AMEND THE MINIMUM PARKING STANDARDS BY HALF OF THE CURRENT STANDARD

WHEREAS, providing adequate off-street parking and loading areas is important; and

WHEREAS, the City of Lebanon has an interest in reducing the amount of unused impervious cover because of the City's history with flooding; and

WHEREAS, the City of Lebanon seeks to limit the creation of unused parking and loading areas; and

WHEREAS, the City of Lebanon Regional Planning Commission has identified an issue with the City's current off-street parking and off-street loading and unloading; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Zoning Ordinance to the Mayor and City Council by a vote of 9-0 at June 28, 2016 Meeting; and

WHEREAS, this amendment is essential for the health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE as follows:

Section 1. That the Lebanon Municipal Code, Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions by adding 14.802.A as follows:

A. General Provisions
A parking space is not required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

Section 2. That the Lebanon Municipal Code, Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. Off-Street Loading and Unloading Requirements by amending 14.802.E as follows:

E. Off-Street Loading and Unloading Requirements

TOTAL USABLE FLOOR AREA	SPACE REQUIRED
0 to 19,999 ~~9,999~~ sq. ft.	One (1) space
20,000 ~~10,000~~ to 24,999 ~~14,999~~ sq. ft.	Two (2) spaces
25,000 ~~15,000~~ to 29,999 ~~19,999~~ sq. ft.	Four (4) spaces
Over 30,000 ~~20,000~~ sq. ft.	Three (3) spaces, plus one (1) additional space for each additional 30,000 ~~20,000~~ sq. ft.

Section 3. That the Lebanon Municipal Code, Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements F. Variance from Required Parking by adding 14.802.F as follows:

F. Variance from Required Parking

Providing adequate parking is important but the City of Lebanon also has an interest in reducing the amount of unused impervious cover because of the City's history with flooding. To help limit the creation of unused parking areas, alternative parking solutions may be considered by the Planning Commission. The basis for an alternative parking solution could be (but is not limited to):

1. Parking demand on similar type developments
2. Availability of shared parking facilities
3. Availability of reasonable pedestrian and bicycle infrastructure
4. Proximity of mass transit (i.e. Music City Star Stations)
5. A general parking study
6. A site specific parking study
7. The level of risk for a negative impact on the normal flow of traffic if the number of parking spaces is not adequate
8. The availability of an area where parking could be expanded if the demand increased

Section 4. That the Lebanon Municipal Code, Title 14 Appendix D: Off-street Parking Requirements by amending Appendix D as follows:

APPENDIX D: OFF-STREET PARKING REQUIREMENTS

RESIDENTIAL ACTIVITIES

Permanent	
One-family detached dwellings	One ~~Two~~ spaces per dwelling unit
Two-Family detached dwellings	One ~~Two~~ spaces per dwelling unit
Three-family detached dwellings	One ~~Two~~ spaces per dwelling unit
Semi-detached dwellings	One ~~Two~~ spaces per dwelling unit
Town Homes	One ~~Two~~ spaces per dwelling unit
Multi-family dwellings	0.75 ~~1.5~~ spaces for a one bedroom unit 1 ~~1.75~~ spaces for two or more bedroom unit
Mobile Homes	1 ~~2~~ spaces per mobile home
Semi-Permanent	
Boarding or rooming house, apartment hotel	0.5 ~~1~~ space per unit
Dormitory	0.5 ~~1~~ space for each 4 beds

COMMUNITY FACILITY ACTIVITIES

Administrative	1 space for each 600 ~~300~~ sq. ft. of gross floor area
Community Assembly	1 space forr each 10 ~~5~~ seats or if no seats are used 5 for each 2,000 ~~1,000~~ sq ft
Religious Activities	1 space for each 12 ~~6~~ seats assembly halls
Community Education	
Kindergarten or Nursery	1 space for each 2 employees and 1 space of overflow parking (unpaved) for each 8 ~~4~~ students, teachers and employees~~, whichever is greater~~
Elementary & Middle Schools, grades 1-7	1 space for each 2 classrooms or 1 space for each 10 ~~5~~ seats in the auditorium and 1 space of overflow parking (unpaved) for each 8 ~~4~~ students, teachers and employees, whichever is least ~~greater~~
High School, grades 8-12	4 spaces for each 2 classrooms or 1 space for each 10 ~~5~~ seats in the auditorium or 1 space for each 8 ~~4~~ students, teachers and employees, whichever is least ~~greater~~
Vocational or Trade Schools	1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area plus ~~1~~ space for each 12 ~~6~~ seats in any auditorium
Cultural & Recreation Services	
Art Galleries, libraries, museums, zoological & botanic gardens, planetariums & Aquariums	1 space for each 1,600 ~~800~~ sq. ft. of gross floor area
Swimming pools	15 ~~30~~ percent of capacity
Parks, playgrounds & playfields	5 ~~10~~ spaces for each acre of land devoted to recreation, plus 1 space for each 8 ~~4~~ spectator seats
Recreation centers & Gymnasiums	25 ~~50~~ percent of the capacity, plus 1 space for each 4 ~~2~~ employees
Essential Services	1 ~~2 spaces~~ per facility

COMMUNITY FACILITIES ACTIVITIES (continued)

Extensive Impact	
Airports, Air Cargo Terminals, Helioports or Aeronautical Devices	1 space for each 4 ~~2~~ employees, plus 1 space for every 200 ~~100~~ sq. ft. of gross floor area
Correctional or Detention Institutions	1 space for each 40 ~~20~~ employees, plus 1 space for each 2 patrol cars
Electricity Transmitting Facilities, Communication Towers & Transmission Facilities	1 ~~2~~ spaces minimum~~, the board may require more based on operational characteristics~~
Railroad, Bus & Transit Terminals	1 space for each 200 ~~100~~ sq. ft. of waiting room area
Railroad Yards & Other Transportation Equipment Marshalling & Storage Yards	1 space for each 4 ~~2~~ employees
Stadiums, Sports Arenas, Auditoriums & Bandstands	1 space for each 10 ~~5~~ seats
Water & Sewage Treatment Plants	1 space for each 2 employees
All Other Activities	The board shall determine based upon the pertinent factors of the use
Health Care	
Centers for Observation, Rehabilitation, Convalescent Homes	1 space for each 8 ~~4~~ beds, plus 1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area
Hospitals	0.75 ~~1 & 1/2~~ spaces for each bed
Medical or Dental Clinics	1 space for each 400 ~~200~~ sq. ft.
Institutional Care	1 space for each 2 employees plus 1 space for each 6 ~~3~~ occupants
Intermediate Impact	
Colleges, Universities & Junior Colleges	1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area suited for academic purposes, plus 1 space for each 12 ~~6~~ seats in an arena, auditorium or stadium on the same lot
All Other Activities	The board shall determine based upon the pertinent factors of the use
Personal & Group Care	
Associations for Physically or Mentally Disabled	1 space for each 2 employees, plus 1 space for each 3 beds
Day Care Centers	1 space for each 2 employees, plus 1 space for each 5 children
Nursing Homes	1 space for each 2 employees, plus 1 space for each 3 patients
Senior Citizen Residential Centers	
High-rise Apartments	0.375 ~~0.5~~ spaces per unit
Detached or Low-rise Attached Units	0.5 ~~1~~ space for each unit
Religious Facilities	1 space for each 12 ~~6~~ seats in assembly rooms or halls

COMMERCIAL FACILITIES

Adult Oriented Activities	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Animal Care and Veterinarian Services	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Automotive Services & Repair	1 space for each 2 employees, plus 2 4 spaces for each service bay
Oil Change Shops	1 2 spaces for the use, plus 1 2 spaces per oil change bay
Building Materials & Farm Equipment	1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area, plus 1 space for each 2 employees
Consumer Repair Services	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Construction Sales & Services	1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area
Convenience Commercial	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Entertainment & Amusement Services	
Art Galleries	1 space for each 1,600 ~~800~~ sq. ft. of gross floor area
Batting & Golf Ranges	To be determined by the Board
Bowling Alley	10 ~~5~~ spaces for each alley or lane
Billiard Parlor	1 space for each 600 ~~300~~ sq. ft. of gross floor area
Coin Operated Amusement Arcades	1 space for each 400 ~~200~~ sq. ft. of gross floor area
Dance Halls, Studios, Schools & Skating Rinks	1 space for each 200 ~~100~~ sq. ft. of gross floor area
Entertainment & Amusement Services	
Exhibition Halls & Auditoriums	20 ~~40~~ percent of capacity
Motion Picture & Legitimate Theater	1 space for each~~10 5~~ seats
Financial, Consultive & Administrative Services	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Food and Beverage Services	1 space for each 4 2 seats
Food Service Drive-in or Drive-Thru	1 space for each 300 ~~150~~ sq. ft. of gross floor area
General Business & Communications Services	1 space for each 800 ~~400~~ sq. ft. of gross floor area
General Personal Services	
Funeral & Crematory Services	1 space for each 200 ~~100~~ sq. ft. of gross floor area
With an Associated Chapel	1 space for each 8 4 seats
Health Club	1 space for each 300 ~~150~~ sq. ft.
Self-Storage Facility	1 space for each 40 ~~20~~ storage stalls, plus 1 2 spaces per managers residence
All Others	1 space for each 800 ~~400~~ sq. ft. of gross floor area
General Retail Trade	1 space for each 500 ~~250~~ sq. ft. of gross floor area
Furniture Stores	1 space for each 1,000 ~~500~~ sq. ft. of gross floor area
Group Assembly	1 space for each 8 4 seats ~~or as determined by the Board~~
Medical & Professional Services	1 space for each 400 ~~200~~ sq. ft. of gross floor area
Transient Habitation	1 space for each 2 rental rooms, plus 1 space for each 4 2
Transportation & Warehousing	1 space for each 4,000 ~~2,000~~ sq. ft., plus 1 space for each sq. ft. 10,000 ~~5,000~~ sq. ft. of open storage area
Vehicular, Craft & Related Equipment	1 space for each 1,000 ~~500~~ sq. ft. of gross floor area
Wholesale Sales	1 space for each 2,000 ~~1,000~~ sq. ft. of gross floor area

COMMERCIAL FACILITIES (continued)	
Commercial Shopping Centers, Complexes and Malls	
0 - 400,000 sq. ft.	4 spaces for each 2,000 ~~1,000~~ sq. ft. of gross leasable area
400,001 - 1,000,000 sq. ft.	4.5 spaces for each 2,000 ~~1,000~~ sq. ft. of gross leasable area
Over 1,000,000 sq. ft.	5.0 spaces for each 2,000 ~~1,000~~ sq. ft. of gross leasable area

MANUFACTURING ACTIVITIES	
All Activities	1 space for each 3,000 ~~1,500~~ sq. ft. of gross floor area or 1 space 3 employees during the largest shift, ~~whichever is greater~~

AGRICULTURAL, RESOURCE PRODUCTION OR EXTRACTIVE ACTIVITIES	
Agricultural Services	1 space for each 2 employees
Veterinary Services	1 space for each 600 ~~300~~ sq. ft. of gross floor area
Confined Animal Feeding Operations	Determined by Board
Mining, Drilling & Quarrying	0.75 ~~1 & 1/2~~ spaces for each 2 employees
Plant & Forest Nurseries	2.5 ~~5~~ spaces, plus 1 space for each 2 employees and 1 space for each 10 ~~5~~ acres

Variance from Required Parking (Section 14.802F)
Providing adequate parking is important but the City of Lebanon also has an interest in reducing the amount of unused impervious cover because of the City's history with flooding. To help limit the creation of unused parking areas, alternative parking solutions may be considered by the Planning Commission. The bases for an alternative parking solution could be (but is not limited to):

1. Parking demand on similar type developments
2. Availability of shared parking facilities
3. Availability of reasonable pedestrian and bicycle infrastructure
4. Proximity of mass transit (i.e. Music City Star Stations)
5. A general parking study
6. A site specific parking study
7. The level of risk for a negative impact on the normal flow of traffic if the number of parking spaces is not adequate
8. The availability of an area were parking could be expanded if the demand increased

Note:
In all cases, the number of required parking spaces are to be rounded down when the calculations require a partial space.

Section 5. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 6. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on July 29, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers August 16, 2016.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: July 19, 2016

Passed second reading:_____

Cost of Publication

$ 63.00

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal process for requesting a parking variance and to amend the minimum parking standards by half of the current standards. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

07/29/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:
07/29.2016

Notary Public, Lisa D. Peters

My commission expires
July 23, 2017

LISA D. PETERS
NOTARY PUBLIC AT LARGE
SUMNER COUNTY TENNESSEE

PUBLIC NOTICE

PUBLIC NOTICE

In reference to Ordinance No. 16-5271, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5269, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

PUBLIC NOTICE

In reference to Ordinance No. 16-5270, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION
ED'S AUTO REPAIR & TOWING
108 NORTH MAPLE ST.
LEBANON, TN
AUCTION: 7/30/16 AT 9:30 A.M.
06 NISSAN – 3N1CB51D46L616093
08 KIA – KNAFE122185550268
06 KIA – KNAFE161765360957
04 KIA – KNAGD128045337351
96 TOYOTA - 1NXRA02E6TZ2496748

LIEN SALE
Auction Thursday,
August 4th at 8:00 a.m.
Rimes Towing
3231 Big Springs Rd.
Lebanon, TN 37090

1987 Honda Rebel VIN#
JH2MC1303HK201649

PUBLIC NOTICE

Historic Lebanon, as required by the application for a Tennessee Main Street Community Development Block Grant Commercial Façade Grant program, will hold a public meeting, Thursday, August 11, 8:00 am at the Lebanon/ Wilson County Chamber, 149 Public Square to discuss the grant opportunity for Lebanon Public Square property and business owners, to gauge interest in the program and to invite suggestions for the application and program. For more information contact Kim Parks, 615-547-9795.

PUBLIC NOTICE

In reference to Ordinance No. 16-5273, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 14 Chapter 8 Section 14.802 Off-Street Parking and Loading Requirements A. General Provisions and F. Variance from Required Parking and Appendix D: Off-street Parking Requirements to amend the requirement to round the number of parking spaces down, to add a formal process for requesting a parking variance and to amend the minimum parking standards by half of the current standards. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

EMPLOYMENT

achieve career goals, personal dreams, success with Amazon and beyond.

amazon

Now Hiring:
in Murfreesboro & Lebanon

Apply in person:
2020 Joe B Jackson PKWY
Murfreesboro, TN 37127
Mon-Fri 8AM-5PM

-Or-

500 Duke Drive
Lebanon, TN 37090
Mon-Fri 8AM-5PM

Career Choice

Paid time off

On-the-spot job offers!

Earn up to
$13/hr

Join the team! Apply now:

SERVICES

A-1 INTERLOCKS, INC.

ORDINANCE NO. 16-5274

AN ORDINANCE TO AMEND TITLE 20 LEBANON SIGN REGULATIONS CHAPTER 1 SECTION 20-103 (CCCC) "YARD SIGN" AND SECTION 20-125 "TEMPORARY SIGNS" TO AMEND THE DEFINITION OF A YARD SIGN AND REGULATE TEMPORARY SIGNS

WHEREAS, Staff has reviewed the regulations from neighboring communities and are recommending changes to the Lebanon Sign Regulation's section on temporary signs; and

Deleted: s

Deleted: r

WHEREAS, the City of Lebanon seeks to clarify the acceptable uses and locations of temporary signs; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Sign Regulations to the Mayor and City Council by a vote of 9-0 at June 28, 2016 Meeting, and

WHEREAS, this amendment is essential for the health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE as follows:

Section 1. That the Lebanon Municipal Code, Title 20 (Sign Regulations), be amended as highlighted in Exhibit A (starting on page 13), to amend the definition of a yard sign and regulate temporary signs:

Notice of the Public Hearing was published in the Wilson Post on August 5, 2016.

The Public Hearing was held at 5:55 PM in the City Council Chambers on August 16, 2016.

Attest:

_____
Commissioner of Finance & Revenue

Approved as to form:

_____
City Attorney

Approved:

_____
Mayor

Passed first reading: July 19, 2016.

Passed second reading: _____

EXHIBIT A

TITLE 20

LEBANON SIGN REGULATIONS

CHAPTER
1. CITY OF LEBANON SIGN ORDINANCE.

CHAPTER 1

CITY OF LEBANON SIGN ORDINANCE

SECTION
20-101. Intent and purpose.
20-102. Definitions.
20-103. Administration and enforcement.
20-104. Violations and penalties.
20-105. Appeals.
20-106. Variance condition.
20-107. Other remedies.
20-108. Conflicting codes & ordinances.
20-109 – 20-119. (reserved)
20-120. Sign permits and fees.
20-121. Districts and zoned districts defined: sign map adopted.
20-122. Computation of sign area and power line setbacks.
20-123. Exemptions.
20-124. Prohibited signs and other regulations.
20-125. Temporary Signs.
20-126. On-Site permanent sign requirements.
20-127. Off-Site permanent sign requirements.
20-128. Sign maintenance and other specifications for erection and maintenance of signs.
20-129. Non-conforming signs and other provisions.
20-130. Removal of certain signs.
20-131. Severability clause.
20-132. Exercise of Police Power.
20-133. Interpretation.

20-101. Intent and purpose. (1) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the city without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this chapter is enacted to establish regulations governing the display of signs which will:

Deleted: 20-3

Formatted

(a) Promote and protect the public health, safety, comfort, morals and convenience;

(b) Promote aesthetics in the city;

(c) Protect the environment;

(d) Enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;

(e) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision:

(f) Reduce conflict among signs and lights and between public and private information systems; and

(g) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.

(2) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(a) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area.

(b) The way in which the sign will be read, and whether its size, location, configuration and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.

(c) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element. (as added by Ord. #01-2271, April 2003)

20-102. Definitions. (1) Definitions. For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined in this section shall have the meanings stated within this chapter. Words not defined in this chapter shall have the meaning in Webster's Ninth New Collegiate Dictionary, as revised.

(a) "Abandoned sign, abandonment:" A sign which was erected off-site or on-site in conjunction with a particular use, that use having been subsequently discontinued, regardless of any intent to resume or not to abandoned such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign authorized by these regulations.

(b) "Animation:" A feature of a sign:

Deleted: 20-3

(i) Depicting movement, rotation, projection, or other electrical impulses portraying action or creating special effects or a scene; or

(ii) Including scrolling; or

(iii) Displaying video, including but not limited to, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holo-graphic displays, etc. Flashing shall not be considered animation. Signs exhibiting animation shall be permitted, legislated, administered and regulated in the same manner and in the same zoning districts in which electronic message center signs are permitted.

(c) "Attached sign:" An attached sign is a sign that is affixed or painted to a wall, building or canopy having a permanent or changeable copy face. Any measurement of frontage shall apply only to the frontage owned or leased and occupied by the applicant but shall not include a common area. However, the property owner of the property or the property owner's tenant designee may use the measurement of the common area for his/her/its attached sign to the exclusion of all other occupants. An attached sign must be attached to the area occupied by the applicant, except the name of the business, trademark, logo, and/or trade name may be on a sign no larger than two (2) square feet attached at or near the street or sidewalk public entrance when the applicant's space in the subject building does not front on the street or sidewalk used as a public entrance; and, provided further that when two (2) or more such tenants and/or businesses utilize this provision, the design and format for all such signs shall be compatible (size, style and color) so as to appear as a commercial complex sign.

(d) "Banners:" A temporary sign made of flexible material designed to attract attention bearing a legend or motto or advertising message.

(e) "Board of Appeals:" Board of Appeals as used in Title 20, Lebanon Sign Regulations, refers to the Lebanon Board of Zoning Appeals.

(f) "Beacon:" Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source: also, any light with one or more beams that rotate or move.

(g) "Building Marker:" Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(h) "Canopy sign:" A sign attached to a vertical side of a canopy. In order for a canopy to qualify for use of a canopy sign, a canopy must

(i) be a free standing canopy;

Deleted: 20-3

(ii) cover a minimum of 500 square feet;

(iii) the bottom of the canopy must be a minimum of 12 feet above the ground; and,

(iv) have sides which are substantially vertical to the ground.

A canopy sign must be attached to a side of a canopy and cannot be larger than 50 square feet.

(i) "Changeable copy sign:" A sign where the frame or face is permanently attached and the copy within the frame or on the face may be made different.

(j) "City:" The City of Lebanon, Wilson County, Tennessee.

(k) "City Council:" The City Council of the City of Lebanon, Wilson County, Tennessee.

(l) "Commercial, noncommercial or multitenant complex:" A building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two (2) or more occupancies.

(m) "Commercial, noncommercial or multitenant complex sign:" A ground sign identifying a commercial or noncommercial complex and/or its tenants.

(n) "Commercial sign:" Expression related solely to the economic interests of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

(o) "Convenience sign:" A sign not exceeding two and one-half (2 1/2) square feet in surface area.

(p) "Dilapidation:" When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty (50) per cent of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

(q) "Director:" The Planning Director of the city or his or her designee.

(r) "Directional sign:" A directional sign is a temporary sign located off-site which indicates the direction to a special event such as a program, auction, open house or sporting event.

(s) "Display surface area:" The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background and against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.

Deleted: 20-3

(t) "Districts and zone districts:" These are synonymous and are identified and defined in Title 14 of the Lebanon Municipal Code – Planning and Zoning – and referred to as the Lebanon Zoning Ordinance.

(u) "Electronic message center signs:" Any sign conveying computerized changeable messages including but not limited words, pictures, animation, video or designs. This definition includes television, plasma, digital, flat or LED screens, video boards, holographic or liquid crystal displays, fiber optic or other electronic media or technology.

(v) "Enter/Exit sign:" A sign not exceeding eight (8) square feet in surface area and having a maximum height of three (3) feet and a maximum width of four (4) feet directing traffic movement onto and from a zone lot.

(w) "Fence:" A structure functioning as a boundary or barrier usually made of posts, boards, wire or rails.

(x) "Flag signs:" A ground sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

(y) "Flashing:" An image, message frame or text not consistently displayed for four (4) seconds. Animation, which is considered a permitted feature in certain zoning districts, shall not be considered flashing. Scrolling, which is considered animation, shall not be considered flashing.

(z) "Freestanding wall sign:" Any self-supporting sign not attached to a building that is painted on, incorporated in or affixed to a freestanding masonry wall, used primarily as development identification signs containing only the name of the occupant or complex.

(aa) "Frontage:" All the building fronting on a street or sidewalk from which public ingress and egress to the building is available. A drive-in window for customers shall satisfy the public ingress and egress requirement. If the building is a commercial, noncommercial, or multi-tenant complex then frontage is measured from the side of the building affording ingress and egress to the public.

(bb) "Frontage Road:" A minor street, parallel to and adjacent to an arterial street, whose primary purpose is to provide access to abutting properties.

(cc) "Front of building:" Any portion of the building wall containing the main entrance.

(dd) "Governmental sign:" A sign erected and maintained by the federal, state, or local government or agency thereof for a governmental purpose. A governmental sign shall not exceed sixty (60) square feet, unless it is a traffic control sign. For the purpose of this chapter a "traffic control sign" is a sign for the purpose of regulating, warning, or guiding

Deleted: 20-3

traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

(ee) "Ground level:" The first floor above ground. The ground level floor in a building with two (2) or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in a building with only one (1) story excluding the basement, extends to the lowest point on the roof on the side to which the sign is attached. When a building is located on a sloping lot and has ground level street frontage on two or more streets, then the building may have two (2) ground level floors, but the ground level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

(ff) "Ground sign:" A sign which is supported by uprights or braces and permanently attached to the ground excluding a temporary pole sign.

(gg) "Height:" See sign height.

Deleted:

(hh) "Highest adjacent grade:" The highest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(ii) "Indirect illumination:" A source of light which is not seen directly.

(jj) "Inflatable signs:" A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

(i) An inflatable stationary sign is anchored in such a fashion that it does not allow it to move.

(ii) An inflatable mobile sign is one that is tethered so that it moves and free floats.

(kk) "Interstate on-site sign:" An on-site ground sign located within a Three Thousand Two Hundred (3,200) foot radius of the center of an interstate interchange or within One Thousand (1,000) feet of the interstate right-of-way. An interstate on-site sign must be a minimum of seventy-five (75) feet and a maximum of one hundred twenty (120) feet above the ground. Any other type of sign attached to the interstate on-site sign support which does not exceed the maximum height for its type of sign shall not be considered in calculating the signage of the interstate on-site sign, but it is subject to regulation by this sign ordinance. Should the applicant be entitled to two or more ground signs, the support of the interstate on-site sign may be used in lieu of a separate ground sign support.

(ll) "Lot:" Lot of record.

(mm) "Lot of record:" A tract of land whose existence, location, boundaries and dimensions have been legally recorded in a deed or plat and filed as a legal record and including any that is filed of record in the Register's Office of Wilson County, Tennessee. If a building sits on two

Deleted: 20-3

(2) or more lots, it is considered one (1) lot of record for purposes of this chapter.

(nn) "Lowest adjacent grade:" The lowest natural elevation of the ground surface, prior to construction, next to the proposed structure.

(oo) "Maintenance:" To keep in existing state of repair; preserve from decline; the upkeep of property.

(pp) "Marquee:" Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(qq) "Marquee Sign:" Any sign attached to, in any manner, or made a part of a marquee.

(rr) "Moving sign:" Signs which swing, undulate or otherwise attract attention through the movement of parts or through the impression of movement.

(ss) "Name plaques, address plaques and home occupation identification sign:" An attached sign, not exceeding three (3) square feet of surface area, indicating the name of the occupant, the address of the premises and identification of any legal single business or operation which may exist at the premises.

(tt) "Noncommercial sign:" Any sign that is not a commercial sign. If a sign could reasonably be construed as either commercial or noncommercial, this chapter shall be liberally construed in favor of free speech and the sign shall be construed as noncommercial.

(uu) "Nonconforming sign:" Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter).

(x) "Occupant:" "Occupant" as used herein in conjunction with a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) is for the purpose of distinguishing one business entity from another unrelated business entity. An "occupant" in a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) may not be related to another business entity which is also an "occupant", except for the fact each business entity is in the same commercial or noncommercial multi-tenant complex. A business entity shall not be considered an occupant for purposes of this sign ordinance when the location is classified commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) if:

(i) the business entity has common partners or ownership with another business entity at that location;

Deleted: 20-3

(ii) one business entity is a partner with another business entity at that location;

(iii) any officer or director of one business entity is common with any officer or director of another business entity at that location;

(iv) any officer or director of one business entity is a partner in another business entity at that location.

(ww) "Off-site sign:" An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the same lot of record. The term "off-site sign" shall not include an off-site permanent (billboard) sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate Section 20-124.

(xx) "Off-site permanent (billboard) sign:" A surface on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or zone lot on which the billboard is situated.

(yy) "Overlay district:" A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

(zz) "Parapet:" A vertical false front or wall extension above the roof-line.

(aaa) "Pennant:" A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag or drape, suspended or projecting from a private light pole, perimeter poles or dedicated poles.

(bbb) "Permanent structure:" A structure that is built of materials that would commonly be expected to remain useful for a substantial period of time.

(ccc) "Person:" Any individual, firm, partnership, corporation, company, association or joint stock association and includes any trustee, receiver, assignee or other similar representative thereof.

(ddd) "Pole sign:" A limited use on-site sign which is used for promotional-type advertising temporarily attached to perimeter poles, private light poles, canopy poles or other similar poles, but not including flag poles.

(eee) "Portable sign:" Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T- frames; balloons used as signs; umbrellas used for

Deleted:

Deleted: A- or

Deleted: ; menu and sandwich board signs

Deleted: 20-3

advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(fff) "Residential Sign:" Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

(ggg) "Right-of-way line:" The boundary line or margin of the area adjacent to public streets, roads and highways over which exists an easement or easements or other right to install and maintain public improvements including, but not limited to, over head and underground power lines, telephone lines, water lines, sewer lines, drainage facilities including open ditches and storm water sewers and culverts, regardless of whether the right to construct those public improvements in the area was acquired by grant, by prescription or by exercise of power of eminent domain. The right-of-way line will usually be parallel to the margin of the public street, road or highway but exceptions to this general rule may exist for each separate parcel of real property. This sign ordinance does not superseded any right-of-way requirement of the state.

(hhh) "Roof:" the exterior upper covering of the top of a building.

(iii) "Roof sign:" An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

(jjj) "R.O.W.:" Right-of-way line.

(kkk) "Setback:" The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly from the property line.

(lll) "Sign:" Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting (attached neon tubing), flashing lights, and chasing lights in commercial, industrial, and multi-family zones and/or uses are included in the definition of "sign".

(mmm) "Sign area:" The total number of signs and/or display surface areas on any one (1) premises or lot of record or commercial industrial developments and complexes.

Deleted: 20-10

Deleted:

(nnn) "Signable area:" The total number of signs and/or display surface areas permitted in this chapter on any one (1) premises or lot of record or commercial industrial developments or complexes.

(ooo) "Sign Height:" See Section 20-122(2)

(ppp) "Sign Structure:" The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or v-type or otherwise.

(qqq) "Size:" Refers to display surface area.

(rrr) "Streamer:" A series of long, narrow banners, flags or pennants attached to a cord.

(sss) "Street Frontage:" The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

(ttt) "String lighting:" String lighting of rigid or flexible construction used to outline a building structure and used to attract attention for commercial purposes.

(uuu) "Strip lighting:" Attached neon tubing that is of constant intensity which is placed on the exterior of a building for the purpose of attracting the attention of the general public to any place of business.

(vvv) "Subdivision, commercial, noncommercial, industrial, or multifamily development identification sign:" A sign located at the entrance utilized to designate a residential subdivision or commercial, noncommercial, industrial or multi-family development.

(www) "Temporary sign:" Any sign which is by reason of construction or purpose to be used for a limited period of time.

Deleted:

(xxx) "Temporary window sign:" A sign in contact with or within three (3) feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday sign painted on a window for thirty (30) days or less shall be treated as a temporary window sign.

(yyy) "Theater sign:" A ground sign used for the purpose of advertising motion pictures shown in a theater.

(zzz) "Traffic sign:" A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.

(aaaa) "Window:" An opening in a wall or door of a building for admission of light that is usually closed by casements or sashes containing transparent material (as glass).

Deleted:

(bbbb) "Window Sign:" Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside

Deleted:

Deleted: 20-14

Formatted

a window or upon the window panes or glass and is visible from the exterior of the window.

(cccc) "Yard Sign:" Small sign typically used for garage or yard sales. Not to exceed nine (9) square feet. Can be placed out two (2) days prior to event and removed the day following the event.

(dddd) "Zone Lot:" A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations. (as added by Ord. #01-2271, April 2003, as amended by Ord. #08-3396, Aug. 2008, and Ord. #08-3457, Nov. 2008)

Formatted: Justified, Indent: Left: 0.8", First line: 0.5", Right: 0.08", Line spacing: Exactly 14 pt

Deleted: ¶

20-103. Administration and enforcement. The chief building official is hereby designated as the enforcement officer for this chapter. In addition to all other authority conferred by statute, ordinance, or resolution, the chief building official and/or his authorized representative shall have the following duties and powers:

(1) Review and issue permits. Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this chapter.

(2) Conduct inspection. Conduct location, footing, and final construction inspections, and to conduct such other inspections of all permanent and temporary signs displayed in the city as necessary to require compliance with the provisions of this chapter.

(3) Issue notices of violation. Issue notices of violation or citation regarding any sign which is found to be in noncompliance with one (1) or more of the provisions of this chapter.

(4) Cause removal of certain signs. After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one (1) or more of the provisions of this chapter.

(5) Administrative interpretation. Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the city.

(6) Maintenance of records. Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variances and appeals. (as added by Ord. #01-2271, April 2003)

20-104. Violations and penalties. (1) Violation and penalty defined. Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation and subject to the penalties hereinafter provided, and each day that such violation continues shall constitute a separate and additional violation for each day. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a sum not to exceed fifty dollars ($50.00) for each violation.

Signs placed in the right-of-way. Signs that exist in a non- conforming status placed in the public right-of-way shall be immediately confiscated

Deleted: immediately

Deleted: ¶

Deleted: Section Break (Next Page)

Deleted: <#>¶

Deleted: 20-14

by the city and the owner or responsible party for the sign shall be fined twenty-five dollars ($25.00) for each sign in violation for the signs return, in addition to paragraph (1).

If the sign is not claimed within thirty (30) days, the city may consider it abandoned and destroy same.

(2) Persons subject to penalty. The owner, tenant and /or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided. (as added by Ord. #01-2271, April 2003)

20-105. Appeals. (1) Authority. An appeal may be taken to the Board of Appeals by any person aggrieved by an order, requirement, decision, determination or interpretation of the chief building official and/or his authorized representative acting within the authority of this chapter.

(2) Petition for appeal on decision. (a) Time limitation. An appeal shall be filed within thirty (30) days from the date of the alleged erroneous order, requirement, decision, determination or interpretation. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative bearing.

(b) Filing to be in writing accompanied by documentation. Such appeal shall be filed in writing with the chief building official and shall be accompanied by such documents and information as Board of Appeals may by rule require.

(c) Fee. Each appeal to the Board of Appeals shall be accompanied by a fifty dollar ($50.00) fee to be paid at the time of filing of the appeal.

(d) Transmittal of record. The chief building official shall, at the time of filing an appeal, forthwith transmit to the Board of Appeals all of the documents constituting a record upon which the action appealed from was taken.

(e) Information necessary for appeal. An appeal of alleged erroneous order, requirement, decision, determination or interpretation shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(ii) Decision being appealed.

(iii) Description of the requested appeal.

(iv) Questions to be raised on appeal.

(v) Justification of the requested appeal.

Deleted: 20-14

(vi) The location of the building, structure or zoning lot on which the sign is erected, to be erected or affixed.

(vii) If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon of the sign involved.

(viii) A blueprint, ink drawing or photograph of the sign involved.

(ix) Written consent of the owner of the building, structure or property on which the sign is erected or to be erected or affixed.

(x) Such other information as the chief building official may require to determine full compliance with his decision.

(f) Effect of appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the chief building official certifies to the Board of Appeals, after the appeal has been filed with the chief building official, that, by reason of the facts stated in the application, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.

(g) Board of Appeals, public hearing; timing and attendance. The appeal shall be filed forty-five (45) days prior to a public hearing by the Board of Appeals. The board shall set any such appeal for hearing, giving such notice to the public or to the persons concerned as the board deems advisable. The petitioner and chief building official and/or their authorized representatives shall attend those meetings of the Board of Appeals at which an appeal is to be heard.

(h) Board of Appeals determination. Following the hearing of any such appeal, the board may affirm, reverse or modify the action of the chief building official and/or his representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the board on any such appeal shall be final and conclusive.

(i) Effect of board denial. No appeal which has been denied wholly, or in part, by the Board of Appeals, in accordance with the provisions established herein, may be resubmitted for a period of one (1) year from the date of such denial, and then only if there has been significant change in the conditions on which the appeal is being sought and found to be valid by the board.

(j) Maintenance of records. The chief building official shall maintain complete records of all findings of fact and recommendations of the Board of Appeals and all determinations of the board relative to an appeal. All such records shall be open to the public for inspection. (as added by Ord. #01-2271, April 2003)

Deleted: 20-16
Formatted: Tabs: 6.39", Right
Deleted:
Formatted

20-106. Variance condition. (1) Authority to Grant. Where, by reason of extraordinary and exceptional situations or conditions of such parcel of real estate, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, the Board of Appeals may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided

(a) such relief may be granted without substantial detriment to the public good;

(b) such relief may be granted without substantially impairing the intent and purpose of the sign ordinance, zone plan, and zoning ordinance;

(c) all of the conditions set forth in subsection 20-106(4) "Standards for Variance" are satisfied;

(d) the resolution or motion of the Board of Appeals shall specifically address each of the conditions set forth in 20-106(4) (a) through (d), and explain how each condition was met or satisfied by the evidence. (The applicant has the burden of proof as to each condition);

(e) the provisions of subsection 20-106(2) have been substantially and materially satisfied by the applicant; and,

(f) the request of the applicant does not violate the limitations set forth in subsection 20-129(4).

(2) Petition of variance: (a) Standing. A petition for a variance from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variance is requested.

(b) Information necessary for variance. A variance request shall be filed in writing with the chief building official and shall include the following information:

(i) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(ii) A description of the requested variance.

(iii) Justification of the requested variance.

(iv) The location of the building, structure or zoning lot on which the sign is to be erected or affixed.

(v) If variance involves a ground sign, a site plan of the property involved, showing dimensions of the lot, improvements thereon, accurate placement thereon of the proposed sign.

(vi) A blueprint, ink drawing or photograph of the sign involved.

(vii) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.

Deleted: 20-16
Formatted: Tabs: 6.39", Right
Deleted:

(viii) Such other information as the chief building official may require to determine full compliance with this and other applicable ordinances of the city.

(c) Fee. Each variance request to the Board of Appeals shall be accompanied by a fifty dollar ($50.00) fee to be paid at the time of filing of the variance request.

(3) Board of Appeals' public hearing, timing and attendance. The Board of Appeals shall hold a public hearing on a variance request at the next regular meeting or special meeting called for such purpose following forty-five (45) days after the filing of an appeal thereof. The petitioner and chief building official and/or their authorized representatives shall attend those meetings of the Board of Appeals at which a variance is to be heard.

(4) Standards for variance. It is the intent of this chapter to use variances only to modify the application of any of the provisions of this chapter where there are practical difficulties or where unusual hardships may result. The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(a) The conditions upon which the petition for a variance is based would not be applicable generally to other property within the same district.

(b) If the condition complained of by the appellant is a general or widespread condition, then a variance shall not be permissible. Financial factors alone shall not be considered as a basis for granting a variance.

(c) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this chapter.

(d) The proposed variance will not increase the danger of fire or endanger the public safety.

(5) Board determination. The board may grant, deny, wholly, in part, or modify such variance request as it determines appropriate.

(6) Effect of denial. No requested variance which has been denied wholly or in part by the board in accordance with the provisions established herein may be resubmitted for a period of six (6) months from the date of such denial and then only when based on new evidence or proof of changed conditions found to be valid by the board.

(7) Board revocation. In any case, where a variance has been granted, and where no work pertinent thereto has been initiated within six (6) months from the date of the board approval of the requested variance, then, without further action by either the chief building official or Board of Appeals, such variance shall become null and void.

(8) Maintenance of records. The chief building official shall maintain complete records of all findings of fact and recommendations of the Board of Appeals and all determinations to the public for inspection.

Deleted: 20-16
Formatted: Tabs: 6.39", Right
Deleted:

(9) No appeal for prohibited signs. Notwithstanding any provision of this title to the contrary, no appeal shall be allowed and no variance shall be granted for the allowance of any sign otherwise prohibited by the provisions of this title. This section shall have no effect on preexisting signs as discussed in section 1 of ordinance No. 08-3396. (as added by Ord. #01-2271, April 2003, and amended by Ord. #08-3396, Aug. 2008)

20-107. Other remedies. In addition to all other remedies, the city may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter. (as added by Ord. #01-2271, April 2003)

20-108. Conflicting codes and ordinances. If any provision or requirement of this chapter is found to be in conflict with any other provision or requirement of this chapter or of any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the most restrictive shall in all cases apply. (as added by Ord. #01-2271, April 2003)

20-109 – 20-119. (Reserved). (as added by Ord. #01-2271, April 2003)

20-120. Sign permits and fees. (1) Permit and fee required. It shall be unlawful for any person, corporation or association to erect, prepare, alter, relocate or keep within the city any sign or other advertising structure, as defined in this chapter, on a lot of record without first obtaining a sign permit from the building inspections department and paying the permit fee required by this section.

(2) Application for sign permit. Application for a sign permit shall be made upon forms provided by the building inspections department and shall include required information as set forth below:

(a) Name, address and phone number of the owner.

(b) Name, address and phone number of the contractor.

(c) The proposed use of the sign.

(d) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(e) For attached signs a dimensional sketch showing the position of the sign in relation to the building or structure to which it will be attached. The linear footage of the building frontage and signs in existence at the time of the application shall be included. Roof signs shall submit plans to show compliance with the applicable provisions of the adopted Standard Building Code, as amended.

(f) For all ground signs the following information is required: Two (2) dimensional sketches showing the height, shape, and surface area display of the sign, two (2) dimensional sketches of the foundation and structural components (poles) for the sign and two (2) dimensional site plans, showing the location of the sign on the site plan.

Formatted

Deleted: <sp>

The setbacks from the property lines and power lines shall be included, as well as the spacing from other ground sign in existence at the time of application.

Height	Design Criteria/Inspection Required
0' to <24'	Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. No inspection of foundation required.
24' to ≤ 40'	Site plan to include note that foundation and structural components (poles) are adequate for local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.
>40'	Same as 24' to ≤40' with the additional requirement that all plans must be sealed by a registered Tennessee engineer certifying that the design is adequate for the local wind load and adopted Standard Building Code. Inspection required before foundation poured and/or poles set.

(g) For off-site ground sign scaled site plans showing the same as subsection (f), plus location plans showing spacing of existing off-site permanent ground signs within one thousand (1,000) feet on the same side of the street or interstate highway in both directions.

(h) Before any sign permit can be issued, a copy of the application requesting the electrical permit for the proposed sign must be obtained and filed with sign permit application and filed with the building inspector. A separate electrical permit will not be required if specifically included in any other electrical permit.

All electrical signs shall be manufactured to Underwriter Laboratory (UL) standards and feature the UL label. The UL number will be provided as part of the application information.

(3) Schedule of sign permit fees: (a) The fee for all signs not exempt from the fee shall be ten dollars ($10.00) plus fifty cents ($0.50) per square foot of surface display.

(b) The fee for strip lighting shall be ten dollars ($10.00) plus twenty-five cents ($0.25) per linear foot.

(c) For the relocation or moving of any sign or sign structure, the fee shall be fifteen dollars ($15.00), except that no fee shall be required if such move is being made in order to comply with this chapter

Deleted: <sp>

where prior to such move the sign was legally nonconforming. To relocate on a different lot of record the other provisions of this section shall apply.

(4) Location to be marked. Before any sign permit can be issued, the proposed location shall be marked by stake or chalk line or other similar manner for location inspection.

(5) Installation. All signs must be installed in compliance with the applicable provisions of the adopted Standard Building Code, as amended.

(6) Issuance of sign permit. It shall be the duty of the clerk and inspectors from the Chief Building Official's office, upon the filing of an application for a permit to erect a sign, to examine such plans and specifications and other data regarding the proposal to erect or maintain the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the city, the building inspections clerk shall then refer to the building inspector for location inspection. Upon approval of the building inspector of the application for sign permit, the building inspections clerk shall issue the permit.

If it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the city, he shall then be issued the sign permit within the next three (3) working days. If the applicant is not in compliance with this chapter, then within the next three (3) working days the building inspector shall state his refusal to the applicant.

Upon issuance of the sign permit, the building inspector will examine the premises for a footing inspection as indicated in Section 20-120(2)(f). It is the responsibility of the contractor to call the building inspections office at 444-3647 and request said inspection. Construction shall not proceed until inspection is made. Every effort shall be made to complete the inspection within one (1) working day of the request.

Final inspections are required to be done by the building inspector upon installation of the proposed sign. It is the responsibility of the contractor to call the building inspections office and request a final inspection for the sign. It is the responsibility of the contractor to call the State Electrical Inspector to request a final electrical inspection when applicable.

If work authorized under a permit to erect a sign has not been completed within six (6) months after the date of issuance, the permit shall become null and void. The issuance of a sign permit shall in no instance be construed as waiving any provisions of this chapter.

(7) Failure to obtain permit. Failure to obtain a permit prior to beginning construction shall automatically result in a penalty of double the permit fee. Failure to obtain an inspection shall automatically result in a penalty double the permit fee. No additional permits will be issued to an applicant who has any outstanding penalties.

Deleted: <sp>

(8) Labels to be affixed. If, upon examination, the building inspector's office determines that a sign has been installed in conformance with the provisions of this chapter, he shall cause a label to be issued bearing the number of the permit and further identifying specifically the sign which the permit authorizes. This label shall then be affixed to the sign by the permittee in a manner so that the permit will be readily visible for inspection purposes. Absence of such a label upon any sign constructed or installed within the municipal limits shall be prima facie evidence of failure to meet the requirements of this chapter.

(9) Permit revocation. Permits issued under this chapter shall be valid for the life of the sign approved. However, any permit may be revoked by the chief building official upon his determination that the sign is not in full compliance with the provisions of this chapter. (as added by Ord. #01-2271, April 2003)

20-121. Districts and zoned districts defined: sign map adopted. All signs permitted to be constructed, erected and maintained under this chapter shall be permitted only in the designated districts. "District" or "zone district", when used herein, shall be and mean those areas which are zoned as and identified as such in the Lebanon Zoning Ordinance as amended, and as may be amended hereafter. For further reference and for further identification of the "districts" and "zoned districts", the official zoning map (or sometimes referred to as the zoning atlas) of the city, as amended, and as may be amended hereafter, and which is a part of the Lebanon Zoning Ordinance, is incorporated and adopted herein by reference, as if set forth verbatim. The map or a copy of the same shall be on file for reference for the administration of this chapter in the building inspector's office. (as added by Ord. #01-2271, April 2003)

20-122. Computation of sign area and power line setbacks. (1) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(a) When two (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign. When two (2) signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, each such face shall be included in computing the total display surface area of the sign.

(b) The display surface area of an attached sign consisting of word(s), image(s), logo(s) or trademark(s) not enclosed by a box or outline shall be the sum of the area(s) within an imaginary rectangular box around each word, image, logo or trademark, with the size of the box being the area within same, calculated by multiplying the height by the width. The height of the box shall be the vertical distance between the tallest and lowest letter or image, logo, or word; or the distance between

Deleted: 20-20

the top and bottom of an image, logo, or trademark which is not part of a word. The width shall be the horizontal distance between the outermost distant letter(s), image(s), logo(s), trademark(s) or combination thereof within a word; or the horizontal distance between the outermost edge of any image, logo or trademark not a part of a word.

(c) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline of any kind shall be the total area of the sign including the background, box or outline.

Example:

```
+-----------------+
|    S I G N      |
+-----------------+
```

(d) The display surface area of a multifaced sign shall be one-half of the sum of all surface area forming a part of the display.

(2) Sign height measurement: Sign height shall be measured from the ground at the center of the sign to the highest point of the highest element of the sign, excluding any incidental structural element. Notwithstanding any other provision of this chapter, when a sign is located within two hundred (200) feet of a residential zone, the maximum height for the sign shall be sixteen (16) feet. Ground signs shall not exceed the height requirements as set forth in Section 20-126. However, when calculating the minimum height of a sign, the measurement is to the lowest part of the sign face; and, when calculating the minimum height of a canopy, the measurement is to the lowest part of the canopy that is not part of a support.

(3) Clearance from electrical power lines. The closest part of a sign shall not be any closer than eight (8) feet from the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight (8) feet from a conductor not attached to the sign.

As an exception to the foregoing, when the measurement is from the sign to an insulated secondary conductor not exceeding six hundred (600) volts, no portion of the sign may be within eight (8) feet of the insulated secondary conductor measured horizontally, vertically or diagonally.

(4) When

(a) a zone lot is adjacent to a frontage road satisfying the conditions herein, has a minimum of one hundred (100) feet frontage on the frontage road, and the principal entrance to the building faces the major thoroughfare;

(b) the permissible square footage of the signage varies based upon the distance from the street right-of-way;

(c) there is a frontage road substantially parallel to a major thoroughfare, which major thoroughfare is a minimum of four (4) lanes; and

(d) the frontage road right-of-way is adjacent to the major thoroughfare right-of-way, then for the purpose of measuring the distance from the street right-of-way in order to determine the maximum number

Deleted: 20-23

Formatted

of square feet of attached signage, the right-of-way of the major thoroughfare shall be used rather than the right-of-way of the frontage road. When the right-of-way between the frontage road and major thoroughfare is indistinguishable, then the frontage road shall be assumed to have a fifty (50) foot right-of-way and the centerline of the frontage road is presumed to be the center of the frontage road right-of-way for purposes of measurement. (as added by Ord. #01-2271, April 2003)

20-123. Exemptions. (1) Compliance with applicable provisions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. All signs within the city must comply with property line setbacks, electrical setbacks, maintenance provisions and electrical permits and inspections as required by Section 20-120, except for governmental signs which may be zero setback.

(2) Signs exempt from sign permit or permit fee requirements.

(a) Three (3) flags per zone lot;

(b) Enter/exit signs 3' high or less;

(c) Banners, except a permit without a fee is required for banners in the CD Central Business District;

(d) Convenience signs;

(e) Traffic signs;

(f) (reserved)

(g) (reserved)

(h) Pennants;

(i) (reserved)

(j) Noncommercial permanent signs not exceeding three and one-half (3½) square feet in surface area;

(k) (reserved)

(l) (reserved)

(m) Streamers;

(n) Temporary signs, except inflatable and portable signs;

(o) Vehicle signs, except as prohibited in Section 20-124.

(3) Nothing in this section shall favor a commercial sign over a noncommercial sign. A noncommercial message may be displayed on any of the signs or types of signs set forth in subsection (2). (as added by Ord. #01-2271, April 2003)

20-124. Prohibited signs and other regulations. (1) Prohibitions and restriction pertaining to signs, fixtures and supporting features. It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

Deleted: 20-23

(a) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.

(b) A sign or illumination that causes any direct glare into any building other than the building which the sign may be accessory.

(c) Flashing signs are prohibited in all zoning districts.

(d) Roof signs painted on the roof or which extend above the highest point of the roof, except inflatable signs.

(e) Signs placed on or affixed to vehicles and/or trailers which are parked on the R.O.W., public property or private property so as to be visible from a public R.O.W. where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motor vehicles where the sign is incidental to the primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or trailer sign as a sign in circumvention of this chapter.

(f) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.

(g) A sign placed in a R.O.W., except as required by appropriate federal, state, city or county governmental authorities.

(h) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving or fluttering devices. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty (30) days following the opening or start up of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.

(i) Signs which revolve or rotate or use revolving or rotating elements.

(j) Signs incorporating any noisy mechanical devices.

(k) String lighting in a commercial or industrial zone except as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.

(l) Signs displaying obscene matter.

(i) "Obscene" means:

Deleted: 20-23

(A) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest:

(B) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and,

(C) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(ii) "Community" means Wilson County, Tennessee.

(iii) "Matter" means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

(iv) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters.

(v) "Prurient interest" means a shameful or morbid interest in sex.

(vi) "Sexual conduct" means:

(A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

(B) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.

(m) Temporary signs which violate Section 20-125.

(n) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

(o) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electric Code, as amended.

(p) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, sidewalk or in any utility and drainage easement except as excluded.

(q) No advertising signs shall be allowed on trash receptacles or benches.

(r) No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached.

(s) The placing of banners across the street right-of-way will be allowed only by permission of the owner of the street right-of-way.

Deleted: 20-23

(t) Neon signs are prohibited in all residential zoning districts and on property used residentially, including RP2 and RR. Neon signs are also prohibited in the OP district.

(u) Electronic message center signs in any and all residential districts and the CN, CD, CO and OP commercial districts and the RR and UC special districts. In addition, it shall be unlawful for any existing, approved Planned Unit Development (PUD) with an overlay of CS zoning to contain any electronic message center signs unless the subject signs have been permitted by prior action.

(v) (reserved)

(w) Portable signs as defined in Section 20-102(1)

(x) Signs which contain false, misleading or deceptive information.

(y) Signs which are not expressly permitted by this chapter.

(z) Nothing herein shall prohibit non-commercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.

(2) Owner's consent. Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public R.O.W. without the consent of the public authority having jurisdiction over the property is prohibited.

(3) Obstructions. No signs nor any means of supporting or staying such signs shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

(4) Terminated activity. Conforming and non-conforming signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one-hundred eighty (180) days, such sign structure may remain in place for not more than two (2) years from the date the vacancy began.

Illegal signs shall be removed immediately.

(5) Unlawful cutting of trees and shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

(a) Within the R.O.W. of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.

(b) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing,

the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by his site plan without first obtaining approval of an amendment to the site plan by the Lebanon Municipal Regional Planning Commission.

(c) In any area where such trees or shrubs are required to remain under a permit issued under this or any other chapter of the Lebanon Municipal Code. (as added by Ord. #01-2271, April 2003; and amended by Ord. #04-2632, April 2005, and Ord. #08-3396, Aug. 2008)

20-125. Temporary Signs. The total combined use of the following temporary signs shall not exceed three (3) signs per lot at any given time. The maximum signable area shall not exceed the size set forth below herein. It shall be unlawful to erect or maintain temporary signs in violation of the following:

The Codes Director shall be authorized to notify property owners, tenants or appropriate individuals at any location regarding the need to repair or replace any temporary signs identified below. Reference Section 20-128.

No sign shall obstruct vision of any vehicles. No sign shall be placed within a public road right-of-way.

(1) Banners:

(a) Number - 2 per lot maximum on-site, except only one is permitted in the CD Commercial Downtown District.

(b) Size - 120 sq. ft. combined maximum area display.

(c) Setback - 5' property line, 8' power lines minimum.

(d) Height - N/A

(e) Timing - There shall be no banner displayed for more than forty-five (45) days in any calendar year.

(f) Permit/fee - Permit is required for all banners. Fee is $50.00 annually.

(g) Zone - All zones except residential/agricultural zones.

(2) Directional signs:

(a) Number - 6 per event off-site, 2 per lot.

(b) Size - 16 sq. ft. maximum.

(c) Setback - 5' property line

(d) Height - 3.5' maximum.

(e) Timing -

(i) Erection: 10 days before the event.

(ii) Removal: 2 days after the event.

(f) Permit fee - None.

(g) Zones - All.

(3) Inflatable signs - Stationary:

(a) Number - 1 per lot maximum on-site.

(b) Size - N/A

(c) Setback - 15' property line, 8' power lines minimum plus the distance to its inflated height minimum.

(d) Height - N/A

(e) Timing - 90 days per year maximum, 30 consecutive days

Deleted: 20-35

Formatted

Formatted: Font: Not Bold

Formatted: Font: Not Bold, Not Expanded by / Condensed by

Deleted: Central Business

Deleted: attached to a building

Deleted: N/A, except a p

Deleted: in the CD Central Business District, without any fee

Deleted: Method of display - Attached to building or canopy only.

Formatted: Indent: Left: 1.31", No bullets or numbering

Deleted: and PUD and OP districts

Deleted: 4

Formatted: Indent: First line: 0.5", Right: 0.08", Space Before: 0.4 pt, Line spacing: Exactly 14 pt, Outline numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 0.31" + Tab after: 0" + Indent at: 0.81", Tabs: 1.81", Left

allowed one time with a minimum of 30 consecutive days between flights/displays. Individual permit required for each flight/display.

(f) Permit/fee - Permit & $50.00 fee required annually.

(g) Zone –CG, IL and IH districts.

(4) Inflatable signs - Mobile:

(a) Number - 1 per lot maximum on-site.

(b) Size - N/A

(c) Setback - 15' property line, 8' power lines plus the distance to its extended height minimum.

(d) Height - 120 feet maximum.

(e) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights/displays.

(f) Permit/fee - Permit & $50.00 fee required annually. Individual permit required for each flight/display.

(g) Zone –CG, IL and IH.

(5) Pennants:

(a) Number - 1 every 50 feet of frontage.

(b) Size - 9 sq. ft. maximum.

(c) Setback - 5' property line, 8' power lines minimum.

(d) Height - 35' maximum.

(e) Timing - N/A

(f) Permit/fee – Permit & $50.00 fee required (per site) annually.

(g) Zone –CG, IL and IH districts.

(6) Pole signs:

(a) Number - 3 per lot maximum on-site.

(b) Size - 21 sq. ft. maximum.

(c) Setback - 5' property line, 8' power lines minimum.

(d) Height – 35' maximum.

(e) Timing - N/A

(f) Permit/fee – Permit & $50.00 fee required (per site) annually.

(g) Zone –C0, CN, CS, CG, IL and IH districts.

(7) Streamers:

(a) Number - On-site, 3 linear feet of streamers for every 1 of road frontage maximum.

(b) Size - N/A

(c) Setback - 5' property line, 8' power lines minimum.

(d) Height - 35' maximum.

(e) Timing - N/A

(f) Permit/fee – Permit & $50.00 fee required (per site) annually.

(g) Zone –CN, CS, CG, IL and IH districts.

(8) Consignment Sales

(a) Number - 6.

(b) Size – 20 sq. ft. maximum.

(c) Setback - 5' property line.

Deleted: 20-35

Deleted: ¶ <#>

Deleted: -

Deleted: N/A

Deleted: -

Deleted: N/A

Deleted: -

Deleted: N/A

Deleted: -

Deleted: N/A

Formatted: Indent: Left: 0.81", Hanging: 0.5", Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, … + Start at: 1 + Alignment: Left + Aligned at: -0.19" + Tab after: 0" + Indent at: 0.31"

Formatted: Indent: First line: 0"

(d) Height - 8' maximum.
(e) Timing – Place 14 days prior to event and remove within 3 days.
(f) Permit/fee — Permit & $25.00 fee required (per sign).
(g) Cannot obstruct visibility.

(9) A- or T-Frame Signs:
(a) Number – One per site.
(b) Size – 20 sq. ft. maximum.
(c) Locate minimum 5 ft. from curb and cannot obstruct visibility for vehicles.
(d) Setback – Meet ADA requirement of 32" clear path on sidewalk.
(e) Height - 4'.
(f) Timing – Place 14 days prior to event and remove within 3 days.
(g) Permit/fee – Permit & $50.00 fee required annually.
(g) Zone – N/A.

(10) Other temporary signs as determined by Chief Building Official:
(a) Number - 3 per lot maximum on-site.
(b) Size:
(i) CN, CS, CG, IP, IL, IH and Commercial PUD zones - 64 sq. ft. maximum.
(ii) Residential, Residential PUD's, UC, CO and RR- 16 sq. ft. maximum.
(c) Height:
(i) CN, CS, CG, IP, IL, IH and Commercial PUD zones - 12' maximum.
(ii) Residential, Residential PUD's, UC, CO and RR - 6' maximum.
(d) Setback - 5' property line
(e) Timing - Maximum 4 days.
(f) Permit/fee – Permit & $50.00 fee required (per site) (per event).

(11) Temporary Realty Signs. Temporary realty signs are limited in size, spacing and number of signs allowed. All Temporary Realty Signs shall be ground signs.
(a) Temporary On-Site Realty Signs
(i) Temporary Real Estate signs do not require a sign permit.
(ii) May be located adjacent to each separate street frontage of a lot plus one "Open House" sign, when appropriate.
(iii) Located entirely within the property to which the sign applies.
(iv) No illumination allowed.
(v) Removed within 7 days after deed has been recorded for sale, or a lease signed for the rental or lease of the property. Realtors shall provide copies of such documents to the building official if questions concerning these time frames arise.

Deleted: 20-35
Formatted: Indent: Left: 1.3", No bullets or numbering
Formatted: No underline
Comment [AF1]:
Formatted: Indent: Left: 1.3", No bullets or numbering
Formatted: No underline, Condensed by 0.1 pt
Formatted: Indent: Left: 1.31", First line: 0.5", Right: 0.08", Space Before: 0.4 pt, Line spacing: Exactly 14 pt, Tabs: 2.3", Left + 3.37", Left + 4.39", Left + 5.06", Left + 5.5", Left + 6.02", Left
Deleted: ¶
Deleted: Until 10 days following conclusion of the temporary purpose of which the sign was used.
Deleted:
Deleted: -
Deleted: None

Deleted: 20-35

(vi) Signage size is to be a maximum of no larger than fifty-two (52) inches in width and forth (40) inches from top of sign to the bottom of the sign or signs within a single sign frame. This represents size of sign only. This does not represent the height of the sign from the ground to the top of sign.

(vii) Not larger than 32-square feet and 7-feet high for all other properties, including residential properties larger than one acre, industrial and commercial properties.

(viii) Special request for signs larger than allowed in these standards may be made to the Board of Zoning Appeals if topographic or other similar considerations should make such allowance necessary.

(b) Temporary Directional Realty Signs

(i) Temporary directional signs saying "REALTY FOR SALE (OR LEASE)" "HOMES FOR SALE (OR LEASE)" or "LAND FOR SALE (OR LEASE)" shall not exceed 2-square feet in size and shall not exceed 3-feet in height from ground level to top of sign. These temporary directional signs shall only read as stated above and shall not contain realty firm promotional messages. They shall be printed in black or red letters on a white background.

Formatted: Justified, Indent: Left: 1.31", First line: 0.5", Right: 0.08", Space Before: 0.4 pt, Line spacing: Exactly 14 pt, Outline numbered + Level: 3 + Numbering Style: i, ii, iii, … + Start at: 1 + Alignment: Left + Aligned at: 2.3" + Tab after: 0" + Indent at: 2.8", Tabs: 2.31", Left

Deleted: ¶
<#>

(ii) Two signs will be allowed per intersection at as many intersections as needed to guide consumers to available realty in the community.

(iii) "Open House" signs will be allowed in addition to temporary directional signs, but can be placed no earlier than Wednesday at 12:00 PM and must be removed by Monday at 12:00 PM.

(c) Temporary Auction Realty Signs

(i) The maximum sign size on the property to be auctioned will be 45-square feet.

(ii) The sign shall be posted not more than 15 days prior to the event and removed by the day following the event.

(iii) There will be a limit of 5 directional signs allowed per event. Maximum size of said directional signs will be 32-square feet.

(iv) Signs shall be no higher than 7-feet from the ground level at any point.

(v) There may be an unlimited number of 2-square feet directional signs which shall not exceed 3-feet in height from ground level to top of sign allowed not more than 15 days prior to the event and removed by the day following the event.

(d) Prohibited Temporary Realty Signs

(i) No flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations shall be permitted.

(ii) No sign shall be posted on a utility pole, telephone pole, fence post, tree, rock or any other natural vegetative material. Exception is the placement of No Trespassing signs on

Formatted: Indent: Left: 1.31", First line: 0.5"

a fence. (as added by Ord. #01-2271, April 2003, and amended by Ord. #04-2632, April 2005)

Deleted: 20-35

Formatted: Indent: Left: 1.81", No bullets or numbering

(10) Handheld Signs. Handheld signs are illegal. Includes costumed characters flipping and holding signs.

COMMUNITY EVENT SIGNS/BANNERS, ETC.

No sign shall obstruct vision of any vehicle. No sign shall be placed within a public road right-of-way.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Definition:

Signs/banners which represent a community-wide event benefiting and involving the community as a whole. Community-wide event status determined by Chief Building Official and Planning Director. Commissioner of Public Works to be consulted if Chief Building Official and Planning Director do not agree.

Examples:

Wilson County Fair

Think Green, Think Clean

Whip Crackin' Rodeo

Best of the Best Awards presented by the Chamber of Commerce

Beautification Awards presented by the City of Lebanon Beautification Commission

Functions such as walks/runs to benefit organizations such as United Way, Sherry's Run, Relay for Life

Open-air events which invite all of community such as Movie in the Park presented by Wilson Bank & Trust, Tour of Homes, Oktoberfest, Halloween on the Square, etc.

Little League Baseball, Lebanon Girls Softball tryouts, etc.

Yard Signs – Maximum 9 sq. ft.

Banners – Maximum 120 sq. ft.

All Others – Maximum 32 sq. ft.

Setbacks: 5 ft from property line (placed out of the public right-of-way)

Rule of thumb: place behind utility poles. If there is not a utility pole on the side of the street where you are placing a sign, look across the street and use the same distance between the street and utility pole on the other side of the street as a guideline.

Application/Permit:

Application must be completed at City of Lebanon Building Inspection Office. No charge for permit.

Approval of Application based on:

(1) Application must be made with City of Lebanon Building Inspection Office no less than 10 days prior to scheduling event.

(2) Event is being held to benefit health and welfare of the

Deleted: 20-35

community.

(3) Event complies with City/State/Federal laws.

(4) Application is signed by authorized representative of event organization.

(5) Event representative signs to agree to follow all City guidelines regarding signage, safety, etc.

Timing:

(1) Signs, etc. announcing an upcoming event may be displayed up to 30 days prior to event and must be removed within 5 days after an event.

(2) "Award" signs such as Best of the Best or Beautification Award may be displayed up to 3 days from date of presentation.

POLITICAL CAMPAIGNS

Formatted: Font: Bold

- **Do Not Attach Any Type of Sign(s) or Flyer(s) to Utility Pole(s) and/or Traffic Sign(s).**
- **No sign shall obstruct vision of any vehicle(s).**
- **Do Not Place Any Sign(s) in the Public Right of Way (ROW). This includes grassed medians.**
- **"How can you identify or determine where is the ROW?"**

As a Rule of Thumb", and as a Visual Aid, follow guidelines below:

1. Place Sign(s) behind Utility Pole. (This is normally will be at least 5 feet behind the Road Side Ditch.

(a) If there is not a Utility Pole on the side of the street where you would like to place a sign, look across on the other side of the street and use the same measurement of distance between that Utility Pole and the street as a guide for your set back and placement of your sign(s).

(b) Place signs minimum 3 to 5 feet behind any "CURB".

- **Obtain permission from the Private Property Owner before you place any signs on their property.**
- **Contact Tennessee One Call 1-800-351-111 to locate existing utilities.**
- **Maximum size of signs allowed are 4 x 8.**
- **REMOVE ALL SIGNS WITHIN 14 DAYS AFTER ELECTION.**

Special Note:
Any sign determined to be creating a safety concern or hazard (such as obstruction of view), will be removed immediately by the City of Lebanon.

20-126. On-site permanent sign requirements. (1) Number, signable area of signs and construction. (a) Except as authorized by this section, it shall be unlawful to have more than one (1) ground sign on a zone lot of record or in violation of the regulations set forth herein.

(b) If the zone lot of record has at least one hundred (100) feet of frontage on each of two (2) or more public streets, then there shall be no more than one (1) ground sign along each side of the lot of record bordered by such streets.

(c) An interstate on-site sign is a special type of ground sign defined in section 20-102(1). Should the applicant be entitled to two (2) or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two (2) or more signs provided

Deleted: 20-35

(i) each sign is no larger than permitted,

(ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign;

(iii) no more than two (2) of the signs are above the minimum height for an interstate on-site sign; and,

(iv) no more than one (1) ground sign may be located below the maximum height for a ground sign.

(d) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.

(e) When the number of signs listed is greater than one (1), the size set forth shall be for each sign unless otherwise indicated.

(2) Spacing. There shall be fifty (50) feet minimum spacing on the same lot of record for ground signs.

(3) Permitted signs. The following signs shall be permitted in the districts hereafter set forth:

(a) Signs permitted in RR, RS20, RS12, RD9, RS6, RP2, R2, RM6 and Residential PUD's zoning districts (except as noted):

(i) Commercial (except home occupation) and tax-exempt organizations (except churches and schools):

(A) Type - Attached:
Number - 1 per lot maximum.
Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.
Setback - N/A
Height - Ground level floor.
Illumination - Not permitted.

Either (B) or (C) (But not both)

(B) Type - Ground:
Number - 1 per lot maximum.
Size - 40 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum.
Illumination - Not permitted.

(C) Type - Freestanding wall sign.
Number - 1 per entrance.
Size - Letters shall not exceed 24" in height.
Display surfaces - Shall not exceed 40 sq. ft.

Deleted: 20-38

Formatted

Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.

(ii) Home occupation:
Type - Attached.
Number - 1 per lot maximum.
Size - 3 sq. ft. maximum.
Setback - N/A
Height - Ground level floor.
Illumination - Not permitted.

(iii) Bed and breakfast homestay and bed and breakfast inn.

(A) Type - Attached.
Number - 1 per lot maximum.
Size - 3 sq. ft. maximum.
Setback - N/A
Height - Ground level floor.
Illumination - Not permitted.

Either (B) or (C) (But not both)

(B) Type - Ground.
Number - 1 per lot maximum.
Size - 3.5 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 4 feet maximum.
Illumination - Not permitted.

(C) Type - Freestanding wall sign.
Number - 1 per entrance.
Size - Letters shall not exceed 6 inches in height.
Display surface - 4.5 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 4 feet maximum.
Illumination - Not permitted.

(iv) Subdivision or multifamily development ID sign:
Either (A) or (B) (But not both)

(A) *Type - Freestanding wall sign (see notation below).
Number - 2 per development entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surface - Shall not exceed 40 sq. ft.

Deleted: 20-38

Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.
Illumination - Indirect only.

(B) *Type - Ground (see notation below).
Number - 1 per development entrance maximum.
Size - 40 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum
Height - 8' maximum.
Illumination - Indirect only.

(C) Flag signs:
Type - Ground.
Number - 4 per entrance, 8 flags maximum per development.
Size - 32 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 40' maximum.
Illumination - Indirect only.
Zones –R2, RM6, and RP2 only.

*Notation:

(a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their maintenance and shall maintain in escrow an amount equal to or greater than twenty-five dollars ($25.00) per lot or unit for the maintenance of such sign.

(v) Churches and schools:

(A) Type - Ground.
Number - 1 per lot maximum.
Size - 100 sq. ft. maximum.
Setback - 5' property line, 8' power lines minimum.
Height - 24' maximum.

(B) Type - Freestanding wall sign.
Number - 2 per development entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surfaces - Shall not exceed 40 sq. ft.

Deleted: 20-38

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(vi) Off-site signs not exceeding 200 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(vi) Electronic message center signs are not permitted.

(b) Signs permitted in CN, CS Commercial PUD's and UC zones:

(i) Commercial and noncommercial uses - Single occupant:

(A) Type - Attached.

Number - 3 per lot maximum.

Size - 3 sq. ft. per linear foot or building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A

Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - 12' minimum; 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Either (C) or (D) (But not both)

(C) Type - Ground.

Number - 1 per lot maximum.

Size - 60 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(D) Type - Freestanding wall sign.

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surfaces - Shall not exceed 40 sq. ft.

Deleted: 20-45

Formatted

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(ii) Commercial, noncommercial or multitenant complex:

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 75 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum.

(B) Type - Freestanding wall sign.

Number - 1 per street frontage, maximum of 2. Minimum street frontage for a second sign shall be 100'.

Size - 75 sq. ft. maximum, not to exceed 125 sq. ft. maximum for both signs.

Setback - 5' property line, 8' power lines minimum.

Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

(C) Each occupant of a commercial, noncommercial or multitenant complex:

Type - Attached (see definition of "attached sign").

Number - 1 per tenant.

Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Not to exceed the parapet wall or roof line, no sign shall be attached to the roof, or a maximum of 18'.

Structures with rear oriented toward an interstate shall be allowed the following additional signage:

Number - 1 per tenant.

Size - A sign the same size as the front or not more than 50 sq. ft., whichever is less.

Setback - N/A.

Height - Not to exceed the parapet wall or roof line, no sign shall be attached to the roof, or a maximum of 18'.

(D) Flag signs:

Type - Ground.

Number - 4 per entrance, 8 flags maximum per lot.

Deleted: 20-45

Size - 32 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 40' maximum.

Permitted for all uses this section except (D) below.

(E) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 35 feet maximum.

(iii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(iv) Theaters:

Type - Ground.

Number - 1 per lot maximum.

Size - 300 sq. ft. maximum.

Setback - 5'property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(v) Electronic message center signs are not permitted, except in the CS zone.

(c) Signs permitted in CD district:

(i) Commercial and noncommercial uses - Single occupant:

Either (A) or (B) (But not both)

(A) Type - Attached.

Number - 1 per street frontage maximum.

Size - 3 sq. ft. per foot of linear building frontage.

Setback - N/A

Height - Ground level floor or 24 feet, whichever is higher.

(B) Type - Freestanding wall sign:

Deleted: 20-45

Number - 1 per entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surface - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.

(ii) Each occupant of a commercial or non-commercial multi-tenant complex:

Either (A) or (B) (But not both)

(A) Type - Freestanding wall sign.
Number - 2 per entrance maximum.
Size - Letters shall not exceed 24" in height.
Display surface - Shall not exceed 40 sq. ft.
Setback - 5' property line, 8' power lines minimum.
Height - 8' maximum.

(B) Type - Attached (see definition of "attached sign").
Number - 1 per business maximum.
Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. feet maximum.
Height - Ground level floor or 24 feet whichever is higher.

(iii) Off-site signs are not permitted.

(iv) Electronic message center signs are not permitted.

(d) Signs permitted in CG, IP, IL, IH districts:

(i) Commercial, noncommercial and industrial development ID sign:

Either (A) or (B) (But not both)

(A) *Type - Ground (see notation below):
Number - One (1) per development entrance maximum
Size - 100 sq. ft. maximum (132 sq. ft. if tenant panel, attraction panel or electronic message center used)
Setback - 5' property line, 8' power lines minimum
Height - 40' maximum.

(B) *Type - Freestanding wall sign (see notation below):
Number - 2 per development entrance maximum.

Deleted: 20-45

Size - Letters shall not exceed 24" in height maximum.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' property line, 8' power lines minimum

Height - 8' maximum.

*Notation: (a) The location, height, size and illumination shall be permitted subject to the approval of the Lebanon Municipal Regional Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars ($25.00) per lot for the maintenance of such sign.

(ii) Commercial, noncommercial or industrial-single occupant:

(A) Type - Attached.

Number - 3 per structure maximum.

Size - 3 sq. ft. per linear foot of building frontage not to exceed:

(A) 100 sq. ft. when the building is located less than 42 feet of the street right-of-way,

(B) 150 sq. ft. when the front of the building is located 42 feet or more but less than 200 feet of the street right-of-way;

(C) 200 square feet when the front of the building is located 200 feet or more but less than 400 feet of the street right-of-way;

(D) 250 sq. ft. when the front of the building is located 400 feet or more but less than 600 feet of the street right-of-way;

(E) 300 sq. ft. when the front of the building is located 600 feet or more but less than 800 feet of the street right-of-way;

(F) 350 sq. ft. when the front of the building is located 800 feet or more from the street right-of-way.

(It is the intent of this chapter that the total aggregate of attached signs for the occupant shall not exceed the foregoing stated applicable maximum footage.) The measurement shall be made from the main entrance door to the street. For this purpose "street" shall mean the street parallel (more or less) to the side of the building containing the main entrance.

(B) Type - Strip lighting.

Deleted: 20-45

Size - 3 linear feet of strip lighting per 1 linear foot of building frontage.

Setback - N/A

Height - N/A

Specifications - Required UL approval.

Prohibited on wood.

Either (C) or (D) (But not both)

(C) Type - Ground.

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100 not to exceed 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(D) Type - Freestanding wall sign:

Number - 2 per lot maximum.

Size - Letters shall not exceed 24" in height.

Display surfaces - Shall not exceed 75 sq. ft.

Setback - 5' property line, 8' power lines minimum.

Height - 8' maximum.

(E) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - minimum 12 feet; maximum 24 feet when located within 200 feet of a residential zone, otherwise 40' maximum.

(iii) Flag signs:

Type - Ground.

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft.

Height - 40' maximum.

Setback - 5' property line, 8' power lines.

(iv) Commercial or noncommercial multi-tenant complex (separate utilities and firewall between tenants):

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.

Deleted: 20-45

Setback - 5' from property line and 8' from power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Type - Freestanding wall sign.

Number - 1 per street frontage, maximum of 2. Minimum street frontage for a second sign shall be 100'.

Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.

Setback - 5' property line, 8' power lines minimum.

Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

Type - Attached (see definition of "attached sign").

Number - 2 per occupant maximum

Size - 3 sq. ft. per linear foot of occupant frontage, not to exceed 150 sq. ft. per occupant.

Setback - N/A.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. ft. each, maximum.

Height - minimum 12'; 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(B) Type - Ground.

Number - 1 per street frontage, maximum of 2. Minimum street frontage for a second sign shall be 100'.

Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.

Setback - 5' property line, 8' power lines minimum.

Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

(v) Commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):

Deleted: 20-45

(A) Type - Ground.

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(A) Each occupant of a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants):

Type - Attached (see definition of "attached sign").

Number - 2 per occupant not to exceed 6.

Size - 3 sq. ft. per linear foot frontage, not to exceed 300 sq. ft. per complex to be apportioned by the owner or occupants

Setback - N/A

Height - 24 feet maximum when located within 200 feet of a residential zone, otherwise, 40 feet maximum.

(B) Type - Canopy sign.

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - minimum 12 feet; 24 feet maximum when located within 200 feet of a residential zone, otherwise 40 feet maximum.

(vi) Theaters:

Type - Ground.

Number - 1 per lot maximum.

Size - 300 sq. ft. maximum.

Setback - 5' property line, 8' power lines minimum.

Height - 24' maximum when located within 200' of a residential zone, otherwise 40' maximum.

(vii) Interstate on-site signs:

Type - Ground.

Location - Within 3,200' radial to the center of an interchange or within 1,000' of the interstate property line not at an interchange.

Number - 1 per lot of record maximum.

Size - 300 sq. ft. maximum.

Deleted: 20-40

Height - 120' maximum, except when the sign is located within 200' of a residential zone the maximum height shall be 24' in height. The minimum height of the bottom of the sign is 75 feet, unless located within two hundred feet (200') of a residential zone.

Setback - 5' property line, 8' power line minimum.

(A) Type - Freestanding wall sign.

Number - 1 per street frontage, maximum of 2. Minimum street frontage for a second sign shall be 100'.

Size - 200 sq. ft. maximum, not to exceed 325 sq. ft. maximum for both signs.

Setback - 5' property line, 8' power lines minimum.

Height - 16' maximum if located within 300' of a residential zone, otherwise 25' maximum.

(viii) Off-site signs not exceeding 100 square feet in total area are permitted.

(A) Such off-site sign shall be no closer than 5' to the front property line and shall not exceed 24 feet in height.

(B) Such off-site sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district or property eligible for historic designations. The off-site sign shall not be located closer than 150 lineal feet from any city or county office district.

(e) Signs permitted in OP Office Professional district:

(i) Commercial uses - Single occupant

Either A or B (but not both)

(A) Type - Attached

Number - 1 per lot

Size - 1 sq. ft. per linear footage of the building frontage, not to exceed 40 sq. ft.

Setback - NA

Height - Ground level floor

Illumination - Indirect or halo

(B) Type - Freestanding wall sign

Number - 1 per lot

Size - 40 sq. ft.

Setback - 20' or outside of the public utility and drainage easement, whichever is greater.

Height - 6' maximum

Illumination - Indirect or halo

Deleted: 20-48

Formatted

(ii) Commercial uses - Multiple tenants

(A) Type - Attached

Number - 1 per tenant

Size - 1 sq. ft. per linear footage of the building frontage, not to exceed 10 sq. ft. per tenant sign

Setback - NA

Height - Ground level floor

Illumination - Indirect or halo

(B) Type - Attached

Number - 1 per lot

Size - 40 sq. ft.

Setback - 20' or outside of the public utility and drainage easement, whichever is greater

Height - 6' maximum

Illumination - Indirect or halo

(iii) Home occupation:

Type - Attached

Number - 1 per lot

Size - 3 sq. ft. maximum

Setback - NA

Height - Ground level floor

Illumination - Not permitted

(iv) Subdivision development identification sign:

Type - Freestanding wall sign

Number - 1 per development entrance maximum

Size - Display surface shall not exceed 40 sq. ft.

Setback - 20' or outside of the public utility and drainage easement

Height - 6' maximum

Illumination - Indirect or halo

The location, setback, size and illumination of such signage shall be permitted subject to the approval of the Lebanon Planning Commission. Once approved by the planning commission, all necessary permits and fees shall be obtained and paid.

The freestanding wall signs are intended to be in well landscaped areas. If there is more than on tenant, or in the case of a subdivision, more than one property owner, a property owner's association should be formed for the maintenance of such signage.

(v) Churches and schools:

(A) Type - Attached

Number - 1 per lot

Deleted: 20-48

Size - 3 sq. ft. per linear footage of the building frontage, not to exceed 40 sq. ft.
Setback - NA
Height - Ground level floor
Illumination - Indirect or halo

(B) Type - Freestanding wall sign
Number - 1 per entrance to the site
Size - 40 sq. ft.
Setback - 20' or outside of the public utility and drainage easement, whichever is greater
Height - 6' maximum
Illumination - Indirect or halo

(vi) Electronic message center signs are not permitted.

(as added by Ord. #01-2271, April 2003, and amended by Ord. #03-2552, Jan. 2004; Ord. #04-2632, April 2005, Ord. #07-3135, June 2007, Ord. #07-3213, Oct. 2007, Ord. #08-3396, Aug. 2008, Ord. #09-3490, March 2009, and Ord. #09-3491, March 2009)

20-127. Off-site permanent (billboard) sign requirements.

(1) Except as authorized by this chapter, no off-site permanent (billboard) sign may be erected on any zone lot of record. The requirements for off-site permanent (billboard) signs are set forth below. Off-site permanent (billboard) signs are permitted as follows:

(a) Location IL and IH zoning districts. Lot on which sign is to be erected must be contiguous with the interstate.

(b) Height - 50' maximum.

(c) Size - 775 sq. ft. maximum.

(d) Setback - 5' minimum from street or interstate property line and 200' maximum from interstate property line

(e) Spacing - 1,000' minimum to any other off-site permanent (billboard) sign in both directions on the same side of interstate or street. 1,000' minimum of an interchange or intersection at grade, measured along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main-traveled way.

(f) Electronic message center signs are not permitted.

(2) Nothing in this section shall be construed to limit or curtail noncommercial speech in favor of commercial speech. A person may erect a sign in conformity with this section that is used in whole or part for noncommercial speech. (as added by Ord. #01-2271, April 2003, as amended by Ord. #08-3396, Aug. 2008)

20-128. Sign maintenance and other specifications for erection and maintenance of signs. (1) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained

Deleted: 20-54

Formatted

by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(2) Structure maintenance. Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, electrical connections and components shall be kept in good, safe repair and, unless plastic, shall be galvanized or non-corroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The chief building official and/or his representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter, shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.

(3) Display surface or other advertising surface maintenance. The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice to the owner by certified mail, return receipt requested, from the chief building official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the chief building official. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety (90) days.

(4) Banners, flags, pennants, streamers. Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice. (as added by Ord. #01-2271, April 2003)

20-129. Nonconforming signs and other provisions. (1) Purpose. For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the city, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting a positive community appearance as part of a concerted citywide effort to protect and enhance aesthetics of the city for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the over-concentration, improper placement and excessive height, bulk, enlargement, number and area of signs or display of obscene matter. It is intended that outdoor advertising signs be located away from residential areas,

Deleted: 20-54

and that such signs be regulated to protect the character of the area wherein signs are located, and to conserve property values in these areas.

(2) Extension or expansion. A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this chapter. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height or change in the face panel enclosing members or structures. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.

(3) Replacement or relocation. No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign conforms to all applicable provisions of this chapter. Any sign in violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this chapter.

(4) Area and height. No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and areas indicated:

(a) Industrial or commercial zones where the sign is more than two hundred (200) feet from residential zones:

(i) Interstate Highway:

(A) Interstate on-site:
Nuisance if: > 345 sq. ft.
>138' in height

(B) Off-site:
Nuisance if: >891 sq. ft.
> 58' in height

(C) On-site ground sign:
Nuisance if: >345 sq. ft.
>40' in height

(ii) 4-lane federal aid primary highway:

(A) Off-site:
Nuisance if: >480 sq. ft.
>58' in height

(B) On-site:
Nuisance if: >345 sq. ft.
>40' in height

(iii) Other highways and streets:
Nuisance if: >345 sq. ft.

Deleted: 20-54

>40' in height

(b) Commercial or industrial zones where sign is within two hundred (200) feet from residential zone:

(i) Interstate Highway:

(A) Interstate on-site:
Nuisance if: >345 sq. ft.
>27' in height

(B) Off-site:
Nuisance if: >891 sq. ft.
>27' in height

(C) On-site ground sign:
Nuisance if: >345 sq. ft.
>27' in height

(ii) 4-lane federal aid primary highway:

(A) Off-site:
Nuisance if: >460 sq. ft.
>27' in height

(B) On-site:
Nuisance if: >345 sq. ft.
>27' in height

(iii) Other highways and streets:
Nuisance if: >345 sq. ft.
>27' in height

(c) All other zones other than residential zones:
Nuisance if: >115 sq. ft.
>27' in height unless flag which may be 35' in height

(d) Residential zones:
Nuisance if: >69 sq. ft.
>27' in height unless flag which may be 35' in height

(5) Attached signs. Attached signs in all zones shall be considered a nuisance if they exceed signable area and height as provided in Section 20-126.

(6) Due process hearing. Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (4) unduly restrict his ability to replace or reconstruct a nonconforming sign and that his sign is not a nuisance shall be entitled to a public hearing before the Lebanon Board of Zoning Appeals. Notice of the public hearing will be published in a newspaper of general circulation at least ten (10) days prior to the meeting of the Board of Zoning Appeals. All interested persons shall be entitled to be heard at the public hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign.

Deleted: 20-54

(7) Abandoned nonconforming signs. Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of any intent not to abandon or of an intent to reserve the right to use the sign:

(a) An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of two (2) years or more. Copy on the sign indicating the sign is for lease or sale shall not be construed as the display of any advertising message for the purpose of this chapter.

(b) Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of two (2) years or more. (as added by Ord. #01-2271, April 2003)

20-130. Removal of certain signs. (1) Permit requirements. Demolition of any permanent sign or sign structures requires a permit and fee (see Section 20-120) except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.

(2) Notice to remove illegal nonconforming signs. If the chief building official shall find that any sign does not conform to the provisions of this chapter, except for legal nonconforming signs, he shall give written notice to the owner(s), agent or person(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety (90) days after receipt of the notice from the chief building official. Removal of temporary signs shall be effected within two (2) days after posting of notice on the sign or personal contact with owner or lessee. No notice will be given for temporary signs in R.O.W. If such sign is not removed after the conclusion of such period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.

For the purpose of this subsection, the word "remove" shall mean:

(a) The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.

(b) The sign face and supporting structures of "projecting", "roof" or "attached" signs shall be taken down and removed from the property.

(c) The sign face of "painted attached signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

(3) Notice to remove abandoned signs. If the chief building official shall find that any such permanent sign has not been removed within two (2) years otherwise of cessation of its particular use, he shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building

Deleted: 20-54

or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the chief building official. If such sign is not removed after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the building or premises on which such sign is located. For the purpose of this paragraph, "removal" shall mean total removal of the sign structure if the sign is nonconforming but if the sign is properly maintained the order to remove shall not be given for another 365 days or one year.

(4) Notice to remove unsafe signs. If the chief building official shall find that any sign is unsafe or insecure, or is a menace to the public, he shall be given written notice to the owner, agent, or person having beneficial interest in the building or premises on which such sign is located. Correction of the condition which caused the chief building official to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the chief building official is hereby authorized to cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located. Notwithstanding the foregoing provision, the chief building official is authorized to cause any sign to be removed upon giving reasonable notice under the circumstances at the expense of the owner, agent or person having the beneficial interest in the building or premises on which sign is located, whenever he determines an emergency exists and that such sign is an immediate peril to person or property of others.

(5) Appeal. The owner of a nonconforming or abandoned sign which has been the subject of a notice of violation may appeal by filing a notice of appeal pursuant to Section 5 of this chapter no later than ten (10) days after receipt of notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal to the Board of Appeals. Failure to request due process hearing within ten (10) days of the notice will constitute waiver of the right to an appeal when there is a right to a due process hearing.

(6) Annexation. Nonconforming signs located in areas annexed into the city shall be subject to the same provisions as nonconforming signs in existence when this chapter was initially passed. The following signs are required to be brought into compliance with these regulations within one-hundred twenty (120) days of the annexation: Temporary signs, flashing, chasing and blinking lights. Signs of this type that exist in a nonconforming status after the time specified shall cause the sign to be removed at the expense of the owner, agent or person having the beneficial interest in the building. (as added by Ord. #01-2271, April 2003)

20-131. Severability clause. Each section, subsection, paragraph, sentence, and clause of this ordinance, including any codes and ordinances adopted by reference, is hereby declared to be separable and severable. The

Deleted: 20-54

invalidity of any section, subsection, paragraph, sentence, or clause in this ordinance shall not affect the validity of any other portion of this ordinance and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom. (as added by Ord. #01-2271, April 2003)

20-132. Exercise of Police Power. This entire ordinance shall be deemed and construed to be an exercise of the police power of the City of Lebanon, Tennessee, adopted under the authority of section 6-2-201, Tennessee Code Annotated, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes. (as added by Ord. #01-2271, April 2003)

20-133. Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (as added by Ord. #01-2271, April 2003)

Cost of Publication

$ 57.75

PUBLIC NOTICE

In reference to Ordinance No. 16-5274, notice is hereby given that the Mayor and the City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 20 Chapter 1 Section 20-103 (cccc) "Yard Sign" and Section "Temporary Sign" to amend the definition of a yard sign and regulate temporary signs. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

STATE OF TENNESSEE

County of Wilson

Personally appeared before me,

Lisa D. Peters

A Notary Public of Tennessee, Dave Gould, who being first duly sworn, made oath that he is President of *The Wilson Post*, a newspaper, and that the hereto attached publication appeared in the same on the following dates:

08/05/2016

Dave Gould

Dave Gould, President

Subscribed and sworn to before me on the date of:

08/05/2016

Lisa Peters

Notary Public, Lisa D. Peters

My commission expires July 23, 2017

LISA D. PETERS NOTARY PUBLIC AT LARGE SUMNER COUNTY TENNESSEE

CLASSIFIEDS

PLACING A CLASSIFIED AD: Classified ads obtained in person, by phone or email from Monday to Friday, 9:00 a.m. to 4:30 p.m.

Email: classifieds@tvilsonpost.com

Call: 615-444-6008

PUBLIC NOTICE

First Baptist Church Lafayette is accepting bids for the construction of a 70 ft. x 100 ft. multi-purpose youth building.
Bids must be returned by August 17, 2016. Specifications can be picked up by contacting Ben Bray at
615-666-2232 or 615-633-7723.

PUBLIC NOTICE

THE VISIONING COMMITTEE WILL BE MEETING ON THURSDAY, AUGUST 11, 2016, AT 2:00 PM IN THE COUNCIL CHAMBER ROOM OF 200 NORTH CASTLE HEIGHTS AVENUE LEBANON, TN.

GRAND JURY NOTICE

It is the duty of your Grand Jurors to investigate any public offense which they know or have reason to believe had been committed and which is trial able or indictable in this county. Any person having knowledge or proof that such an offense has been committed, may apply to testify before the Grand Jury subject to the provisions of Tennessee Code Annotated, section 40-12-105.
The foreman in this county is presently, Wayne Beadle.
The Grand Jury will meet on **Monday August 8, 2016** at 9:00 a.m. You may be prosecuted for perjury for any oral or written statement which you make under oath to the Grand Jury when you know the statement to be false and when the statement touches on a matter material to the point in question.

WILSONPOST.COM

PUBLIC NOTICE

In reference to Ordinance No. 16-5274, notice is hereby given that the Mayor and the City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on August 16, 2016, in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendment of Title 20 Chapter 1 Section 20-103 (cccc) "Yard Sign" and Section "Temporary Sign" to amend the definition of a yard sign and regulate temporary signs. The public hearing for the proposed amendment is being conducted pursuant to the laws of the State of Tennessee Code Annotated and the City of Lebanon, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue. Questions can be addressed to Paul Corder at 444-3647 x2321. The public is welcome to attend.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2809.

AUCTION

AT AUCTION

SATURDAY - AUGUST 13 - 10 AM
542 ROGERS LANE - LEBANON, TN 37087

EMPLOYMENT

PFG Performance Food Group
Customer Solution

Hiring Class "A" Regional Delivery Drivers

Great Pay-Revised Salary Plan Avg $55k a year!
New Trucks 4 Day Work Week
$2,000 Sign On Bonus
On Site Interviews M-F 8am - 5pm
825 Maddox-Simpson Parkway Lebanon, TN 37090

Or Apply on line at pfgc.com/careers and search for the following job #15963 or 15962
Or Call 1(615) 443-0077 Ext. 338 or 371

Must be able to lift and move 20-90 pounds frequently, guarantee salary, CDL graduates considered. and pass a drug screen.

PFG is an equal opportunity employer.

POSITION ANNOUNCEMENT
INTERIM AUTOMOTIVE TECHNOLOGY INSTRUCTOR

The Tennessee College of Applied Technology Hartsville is accepting applications for the position of Interim Automotive Technology instructor at its main campus in Hartsville, Tennessee. This is an adjunct and short-term interim position with the potential of continued part-time hours beyond interim position.

MINIMUM QUALIFICATIONS: High school diploma or equivalent; post-secondary training in Automotive Technology preferred; have a minimum of five (5) years successful related work experience; current ASE Certified Master Automotive Technician credential preferred; must possess the organizational and communication skills necessary to be an effective instructor; must possess good oral and written communication skills; have the ability to deal pleasantly and tactfully with customers; must have good organizational and planning skills; be willing to learn and use individualized instructional techniques; must have the ability to establish and maintain

ORDINANCE NO. 16-5284

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE POLICE DEPARTMENT TO APPROPRIATE FUNDS NOT USED IN PREVIOUS FISCAL YEAR

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary to appropriate unused funds from the fund balance to the 16 – 17 fiscal year budget for completion of equipment installed on two vehicles for the Police Department; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Police

From:	11090000-79000	Budget Fund Balance	$6,088.50
To:	12942100-79440	Transportation Equipment	$6,088.50

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____ Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2016-2017

FOR ACCOUNTING PURPOSES ONLY	
BGT #	
POSTED	
REF #	
INITIALS	

DEPARTMENT Police

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-9000-79000	Budget Fun Balance	$6,088.50	
	Total		

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
129-42100-79440	Transportation Equipment		$6,088.50
	Total		

REQUESTED BY _____ **DATE** _____

DEPARTMENT HEAD Mike Justice **DATE** 7/29/2016

COMM. OF FINANCE Robert Springer **DATE** 7/29/16

MAYOR _____ **DATE** _____

REASON FOR THIS TRANSFER:

Work not completed on vehicles in the 2015-2016 fiscal year budget. Appropriation of funds into 2016-2017 budget

REVISED 5-2-12

ORDINANCE NO. 16-5285

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE STREET DEPARTMENT TO APPROPRIATE FUNDS NOT USED IN PREVIOUS FISCAL YEAR

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary to appropriate unused funds from the fund balance to the 16 – 17 fiscal year budet to purchase a truck for the Street Department; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Street

From:	11090000-79000	Budget Fund Balance	$46,270.00
To:	11043110-79440	Transportation Equipment	$46,270.00

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2016-2017

FOR ACCOUNTING PURPOSES ONLY
BGT #
POSTED
REF #
INITIALS

DEPARTMENT Street

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-9000-79000	Budget Fund Balance	$46,270.00	
	Total		

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-43110-79440	Transportation Equipment		$46,270.00
	Total		

REQUESTED BY Lee Clark **DATE** 7/29/16

DEPARTMENT HEAD Jeff Bamo **DATE** 7/29/16

COMM. OF FINANCE Robert Springer **DATE** 7/29/16

MAYOR **DATE**

REASON FOR THIS TRANSFER:

Vehicle not received in the 2015-2016 fiscal year budget. Reappropriation of funds into 2016-2017 budget Sign Truck

REVISED 5-2-12

ORDINANCE NO. 16-5286

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A BUDGET AMENDMENT FOR THE POLICE DEPARTMENT TO APPROPRIATE FUNDS NOT USED IN PREVIOUS FISCAL YEAR

WHEREAS, the Lebanon City Council approved and adopted the 2016 – 2017 fiscal year budget on June 9, 2016 by Ord. No. 16-5231; and

WHEREAS, a budget amendment is now necessary to appropriate unused funds from the fund balance to the 16 – 17 fiscal year budget for two motorcycles for the Police Department; and

WHEREAS, the appropriate budget amendment is incorporated on the attached table by reference as if stated verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the FY 2016 – 2017 City of Lebanon budget in the following manner:

Department: Police

From:	11090000-79000	Budget Fund Balance	$65,737.30
To:	61942100-79440	Federal Asset Seizure Fund Transportation Equipment	$65,737.30

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____

Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2015-2016

FOR ACCOUNTING PURPOSES ONLY
BGT #
POSTED
REF #
INITIALS

DEPARTMENT Police

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
110-9000-79000	Budget Fund Balance	$65,737.30	
	Total		

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
619-42100-79440	Federal Asset Seizure Fund		$65,737.30
	Transportation Equipment		
	Total		

REQUESTED BY _____ **DATE** _____

DEPARTMENT HEAD Mike Justice, Police Chief **DATE** 7/29/2016

COMM. OF FINANCE [signature] **DATE** 7/29/16

MAYOR _____ **DATE** _____

REASON FOR THIS TRANSFER:

Motorcycles not received in the 2015-2016 fiscal year budget. Reappropriation of funds into 2016-2017 budget.

REVISED 5-2-12

ORDINANCE 16-5289

AN ORDINANCE TO AMEND THE FUTURE LAND USE PLAN OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING UNADDRESSED CAINSVILLE ROAD AND 1528, 1532 AND UNADDRESSED SPARTA PIKE IS CHANGED FROM MDR – MEDIUM DENSITY RESIDENTIAL AND CO – COMMERCIAL/OFFICE TO IC – INDUSTRIAL/COMMERCIAL

WHEREAS, the City of Lebanon desires to amend the Future Land Use Plan of the City; and

WHEREAS, the subject area has a classification of MDR – Medium Density Residential and CO – Commercial/Office in the Future Land Use Plan; and

WHEREAS, the owner/developer of this property is requesting to be rezoned and receive an initial zoning to IP which is an Industrial/Commercial zoning district; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Future Land Use Plan to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The area shown on the attached map consisting of about 339.34 acres at unaddressed Cainsville Road and 1528, 1532 and unaddressed Sparta Pike is changed from MDR – Medium Density Residential and CO – Commercial/Office to IC – Industrial/Commercial in the Future Land Use Plan for the City of Lebanon.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved as to Form:

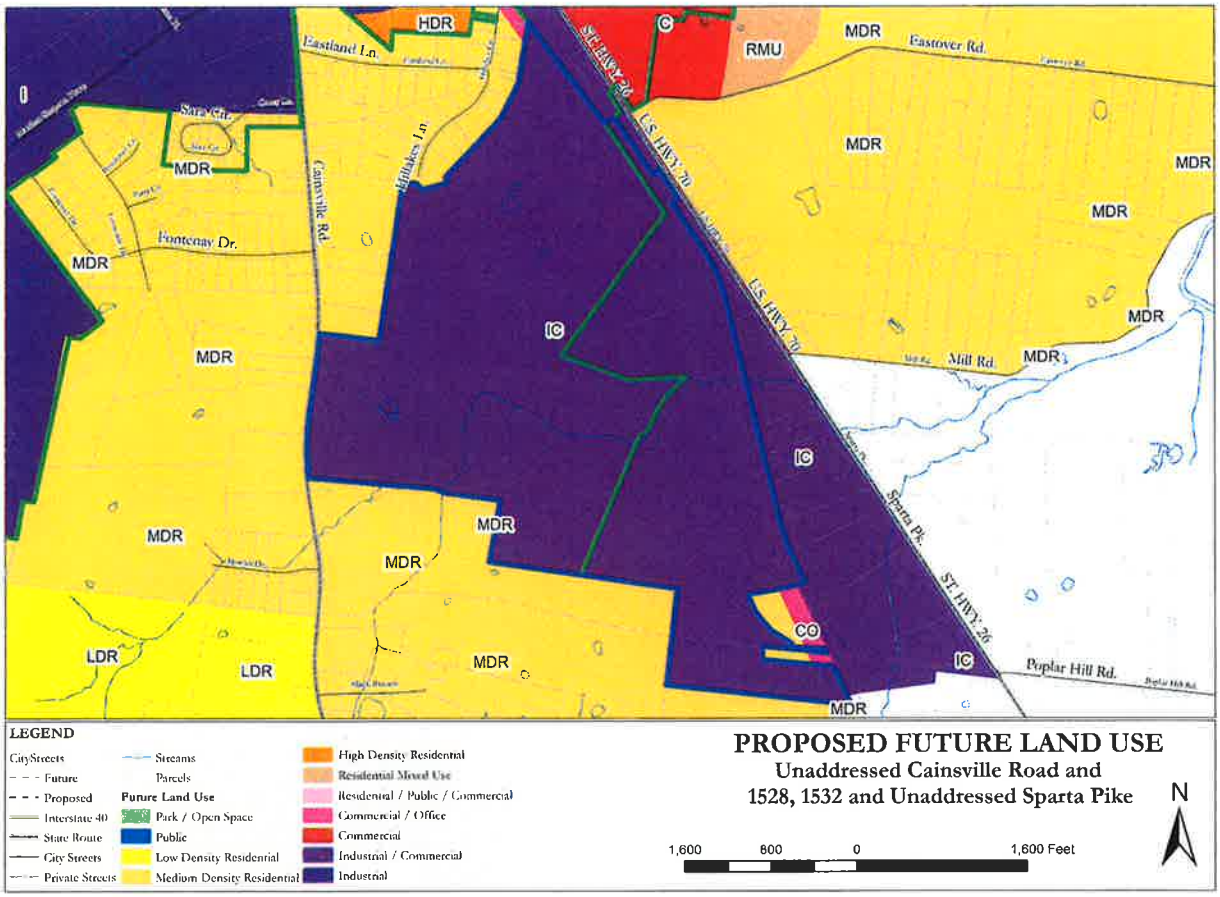
_____
City Attorney

Approved:

_____
Mayor

Passed first reading: _____.

Passed second reading:_____.



RESOLUTION NO. 16-1964

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY AT 1528, 1532 AND UNADDRESSED SPARTA PIKE (TAX MAP 82 PARCEL 115.03, 116 AND PART OF PARCEL 164 AND TAX MAP 91 PARCELS 5 AND 26.02) TO BE ADDED TO WARD 3

WHEREAS, TCA 6-51-102, as amended, requires that a plan of services be adopted by the governing body prior to passage of an ordinance annexing any territory; and

WHEREAS, the plan of services shall be reasonable with respect to the scope of services to be provided and the timing of the services; and

WHEREAS, before the adoption of the plan of services, a municipality shall hold a public hearing; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this Plan of Services to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. Pursuant to the provisions of Section 6-51-102, Tennessee Code Annotated, there is hereby adopted for the area bounded as described in the legal description section and attached maps of the plan of services:

July 22, 2016
PROPERTY AT 1528, 1532 AND UNADDRESSED PROPERTY SPARTA PIKE
CITY OF LEBANON, TENNESSEE

The City of Lebanon, Tennessee, is pursuing the annexation of about 124.01 acres at 1528, 1532 and unaddressed Sparta Pike as described in this report, along with a corresponding plan of services and zoning plan for the area. The area is inside the existing Urban Growth Boundary (UGB). This annexation is proposed to take place in 2016.

This report begins with a brief overview of the annexation process and the requests by the landowners for annexation. The report then turns to a proposed Plan of Services (POS) for the annexation area. The services described are those that would be necessary for the City to provide under Tennessee law. This area is proposed to receive City services in accordance with the POS.

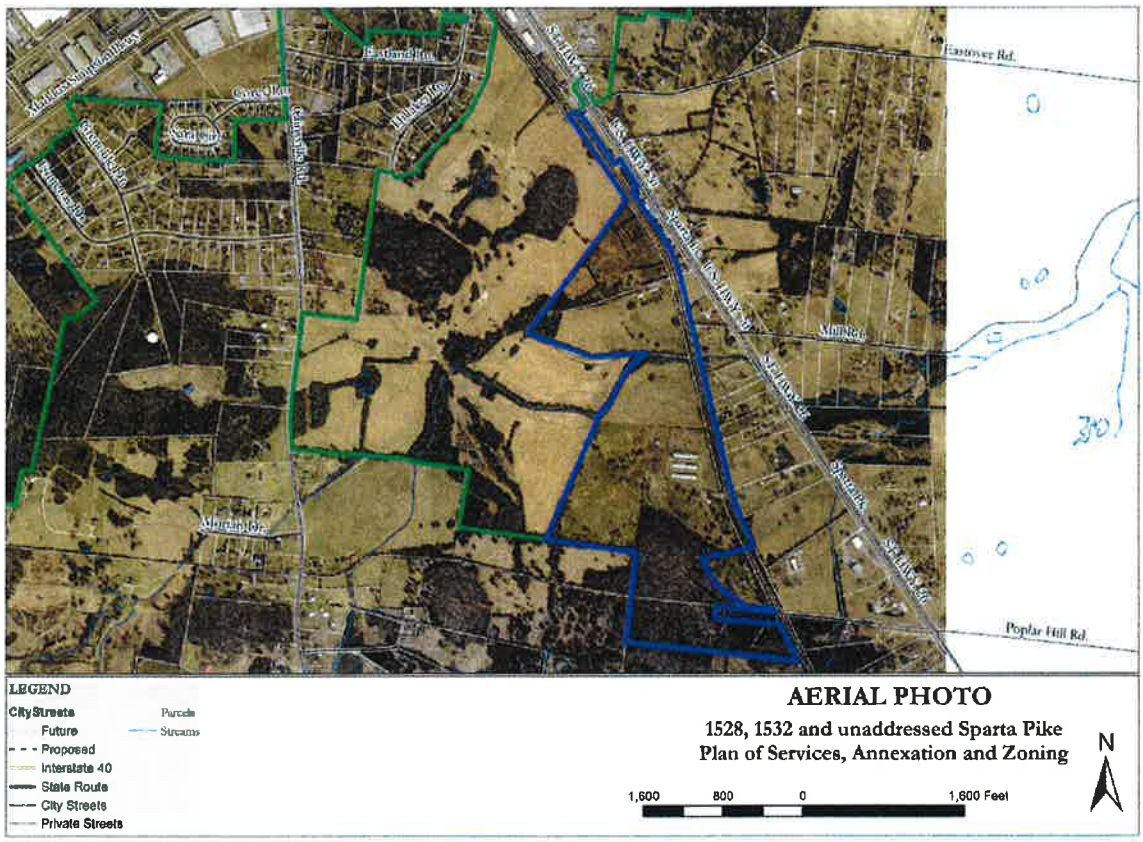
Introduction

Public Chapter 1101 (PC 1101), adopted as Tennessee law in 1998, required cities to work cooperatively with other local governments to determine an Urban Growth Boundary (UGB) in which annexations could occur. Lebanon can annex property within its UGB by ordinance.

PC 1101 Section 19 requires a "Plan of Services" (POS) prior to annexation and a Plan of Services must include: police and fire protection; water, electrical, and sanitary sewer services; solid waste collection; road and street construction and repair; recreational facilities and programs; street lighting; and zoning services. Public Chapter 225 adopted by the Tennessee General Assembly and signed by Governor Bredesen on June 2, 2003, amended TCA 6-51-102 to include impact on school attendance zones.

The owner of the property at 1528, 1532 and unaddressed Sparta Pike has asked the City of Lebanon to consider annexing their property.

ADD APPLICATION



Legal Description

LEGAL DESCRIPTIONS WILL BE ADDED PRIOR TO THE 2ND READING AT CITY COUNCIL

Plan for Serving the Annexation Area

1. Police Protection
   Patrolling, radio response to calls, and other routine police services using the City's personnel and equipment will be provided on the effective date of the annexation.

2. Fire Protection
   Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.

3. Domestic Water, Sanitary Sewer Service, and Fire Hydrants
   a. Domestic Water – Wilson County Water & Wastewater Authority has a 6" line along Sparta Pike. Any extensions or improvements to this water line will need to be coordinated with Wilson County Water & Wastewater Authority.

   b. Sanitary Sewer – Sewer would need to be extended to this site at the cost of the developer/owner. The estimated cost to extend sewer is $804,371.

   c. Fire Hydrants – If any new hydrants are needed the cost would be between **$2500 and $3000** each.

4. Electric Service and Street Lighting
   There are existing Middle Tennessee Electric power lines on this lot.

5. Public Works
   a. Stormwater – Stormwater services will be available to this property in the same manner they are available to the rest of the City.

   b. Sanitation – City sanitation services will be available at the time of annexation.

   c. Street and Right-of-Way Repair and Maintenance – This annexation will not include any right-of-way.

   d. The City and/or the County may require road improvements by the owner as this property develops.

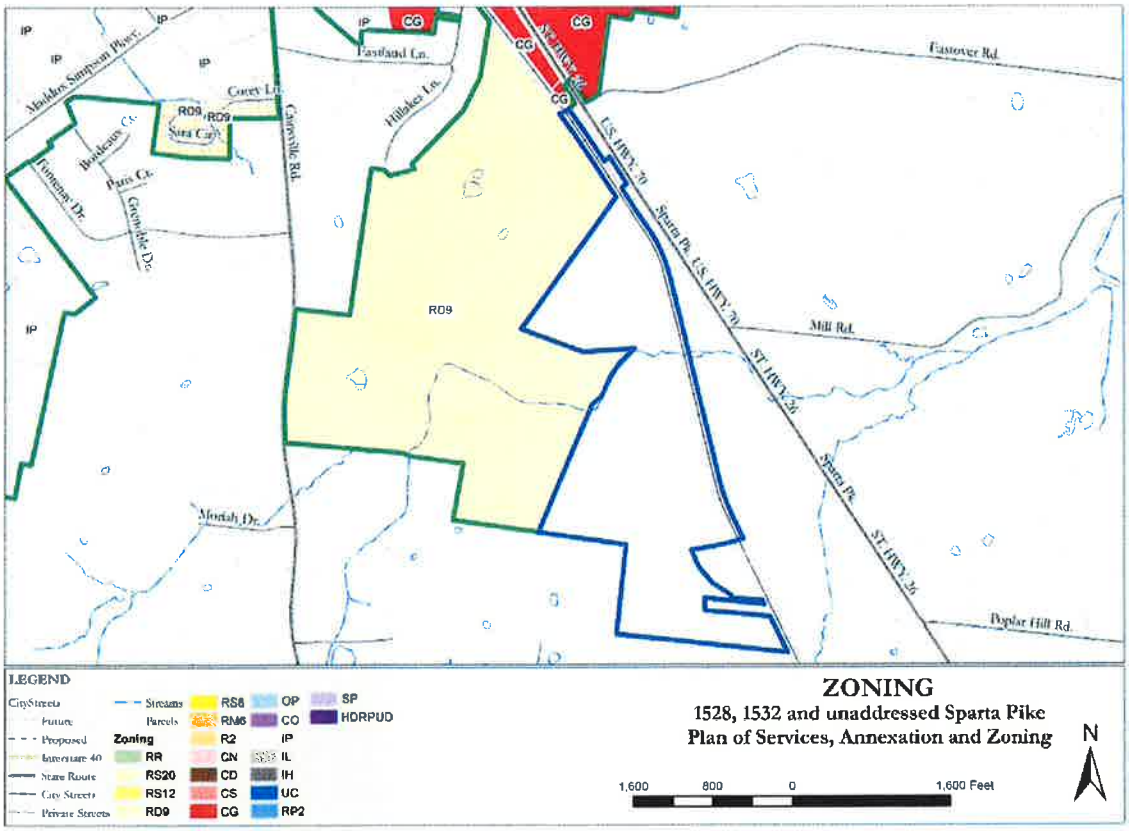
6. Gas
   The City of Lebanon currently has a 4" gas line on the west side of Sparta Pike.

7. Schools
   Neither Wilson County Schools nor Lebanon Special Schools anticipate any noticeable effect from the annexation.

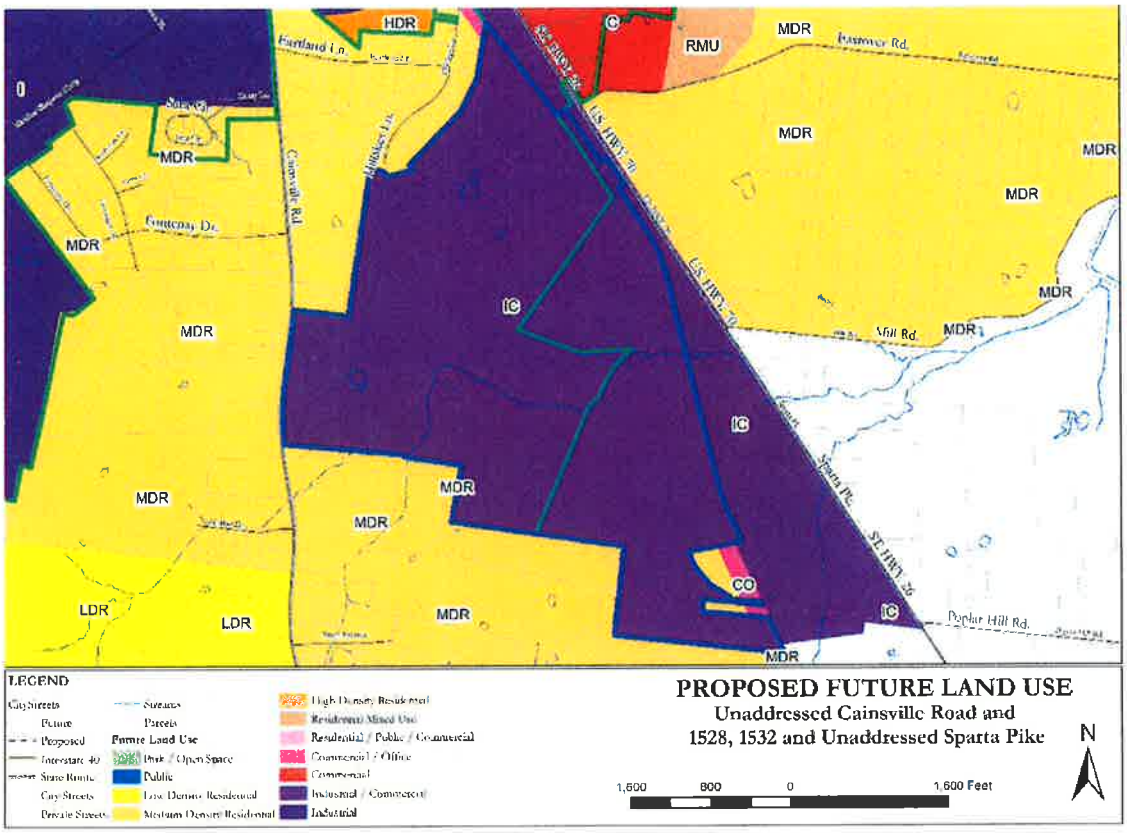
8. Inspection and Codes Enforcement
   All inspection and code enforcement programs existing within the City will be extended to the annexation areas on the effective date of the annexation.

9. Planning and Zoning
   The zoning jurisdiction of the City will extend to the annexation areas upon the effective date of the annexation and all municipal planning activities will encompass the needs of the annexed areas.

   a. The requested zoning for the annexation is IP – Planned Business/Industrial Park



   b. The current Future Land Use Plan classification for this area is Industrial/Commercial.



10. Animal Shelter

    The City operates a full-time animal control program including an animal shelter. The animal shelter is located on Park Drive. Services include pick-up of stray and/or dangerous animals. These services will be available to the annexation areas on the effective date of the annexation.

11. Voting Rights and City Elections

    a. If an eligible voter's permanent place of residence is located in an annexed area, that voter is automatically eligible to vote in City elections.

    b. If an eligible voter is in the category of a property rights voter, then that voter must register at the Election Commission Office prior to voting in a City election.

Revenue

The total appraised property value for the parcel in the annexation area is about **$849,701**. This equals an assessed value of about **$339,881** for a commercial property. The property tax generation from this property as an industrial property in the City would be about **$2,065** per year. The estimate cost to serve this area is **$804,371.**

Section 2. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____.

Passed second reading:_____

RESOLUTION NO. 16-1965

A RESOLUTION FOR ANNEXING PROPERTY AT 1528, 1532 AND UNADDRESSED SPARTA PIKE, ALSO IDENTIFIED AS TAX MAP 82 PARCELS 115.03, 116 AND PART OF PARCEL 164 AND TAX MAP 91 PARCELS 5 AND 26.02 CONTAINING 124.01 ACRES IN THE RECORDS OF THE WILSON COUNTY ASSESSOR OF PROPERTY (SHOWN ON THE ATTACHED MAP) TO BE ADDED TO WARD 3

WHEREAS, the owner has requested the annexation of this property; and

WHEREAS, the owner will be responsible for extending any utilities; and

WHEREAS, no right-of-way is being added to the City; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this annexation to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. That Tennessee Code Annotated 6-51-102 authorizes the City of Lebanon to annex land at the request of the land owner when it appears that the prosperity of the municipality and the territory will be materially retarded and the welfare of the inhabitants and property endangered if the property is not annexed. The City of Lebanon hereby determines that the prosperity of the municipality and territory described herein will be materially retarded and the welfare of the inhabitants and property endangered if the property is not annexed.

Section 2. That pursuant to Section 6-51-101 through 6-51-114, Tennessee Code Annotated, the property (as shown on the attached map) is hereby annexed into the City of Lebanon, Wilson County, Tennessee, and incorporated within the corporate boundaries thereof.

Section 3. That this resolution takes effect 30 days from and after its final passage, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____.

Attest: Approved:

_____ _____

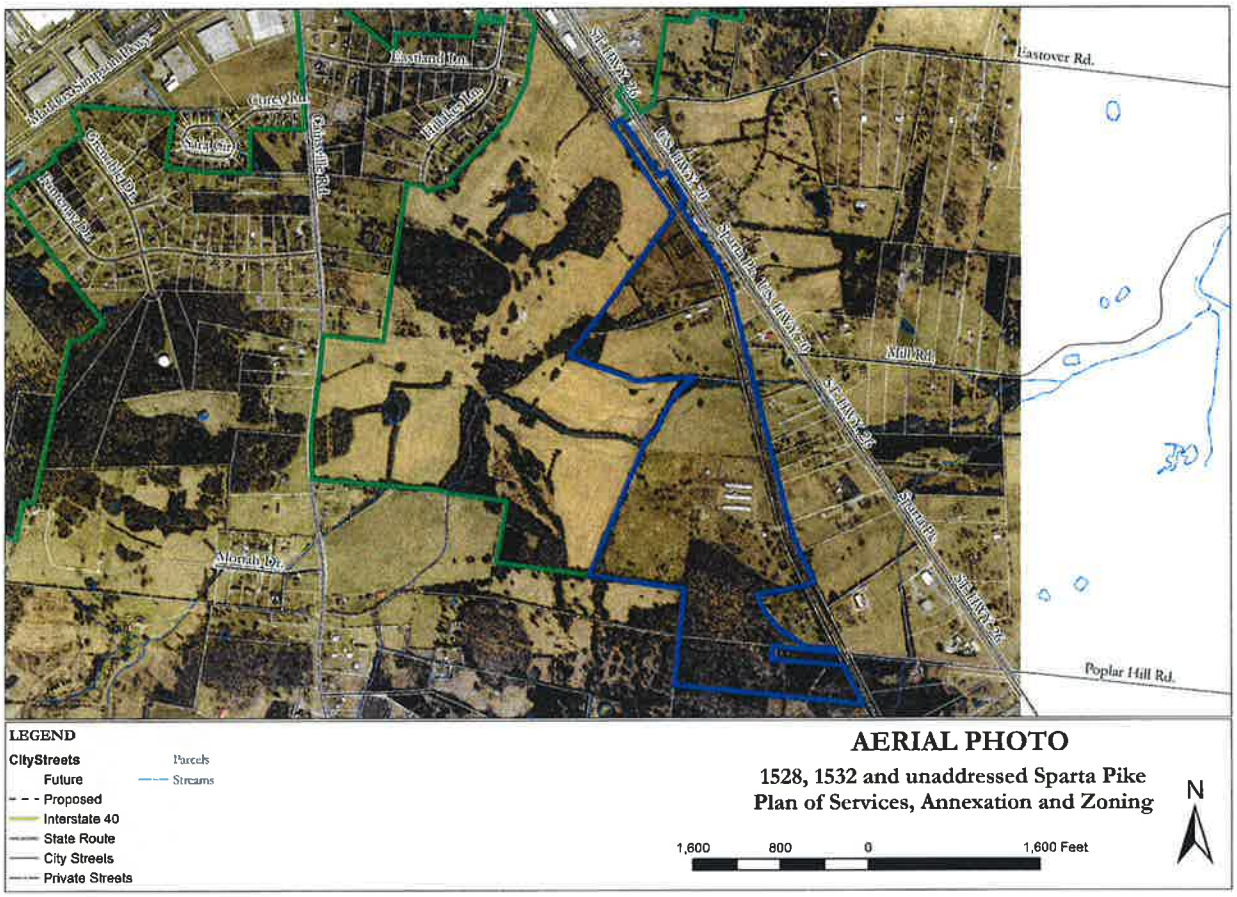
Commissioner of Finance & Revenue Mayor

Approved as to Form:

Passed first reading: _____.

_____
City Attorney

Passed second reading:_____.



ZONING ORDINANCE NO. 16-5291

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY REQUESTING ZONING APPROVAL OF 124.01 ACRES AT 1528, 1532 AND UNADDRESSED PROPERTY SPARTA PIKE (TAX MAP 82 PARCEL 115.03, 116 AND PART OF PARCEL 164 AND TAX MAP 91 PARCELS 5 AND 26.02) TO IP – PLANNED BUSINESS/INDUSTRIAL PARK IN WARD 3

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the City; and

WHEREAS, the property owner/developer would like to use their property for Industrial uses; and

WHEREAS, the Planning Commission has recommended that the subject properties be identified as Industrial/Commercial in the Future Land Use Plan; and

WHEREAS, the property owner/developer is asking for the IP zoning to develop an industrial park on Sparta Pike corridor; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this zoning to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, zoned IP – Planned Business/Industrial Park:

> Approximately 124.01 acres at 1528, 1532 and unaddressed Sparta Pike as shown on the attached map.
>
> For reference, see Deed Book 450 Page 855, Deed Book 1682 Page 2316, Deed Book 1693 Page 2496, Deed Book 1691 Page 1873, Deed Book 866 Page 2400, in the Register's Office of Wilson County, Tennessee, Tax Map 82 Parcel 115.03, 116 and part of Parcel 164 and Tax Map 91 Parcels 5 and 26.02, for Wilson County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

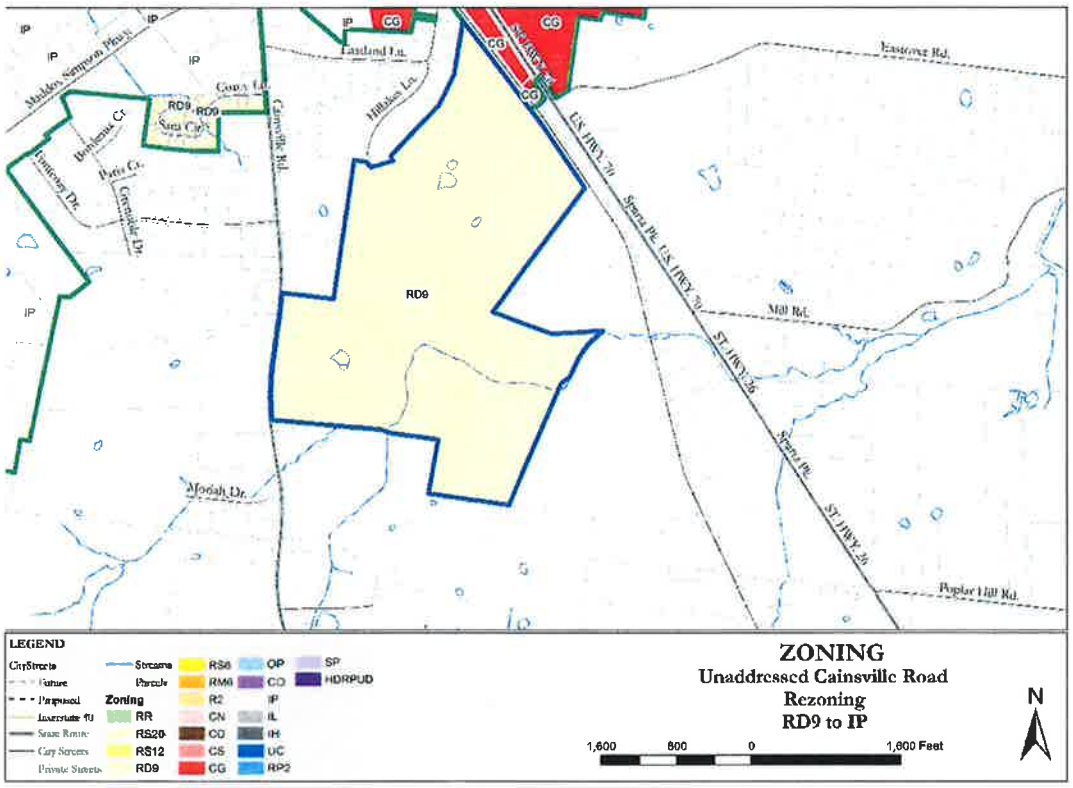
_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____

Passed second reading: _____



ZONING ORDINANCE 16-5290

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING UNADDRESSED CAINSVILLE ROAD AND 1528, 1532 AND UNADDRESSED SPARTA PIKE FROM RD9 – MEDIUM DENSITY RESIDENTIAL TO IP – PLANNED BUSINESS/INDUSTRIAL PARK IN WARD 3

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the city; and

WHEREAS, the property owners/developers would like to use their property for Industrial uses; and

WHEREAS, the property owner/developer is asking for the IP zoning to develop an industrial park on Sparta Pike corridor; and

WHEREAS, the Planning Commission has recommended that the subject properties be identified as Industrial/Commercial in the Future Land Use Plan; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this rezoning to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from RD9 – Medium Density Residential to IP – Planned Business/Industrial Park:

> Approximately 215.33 acres more or less, located on unaddressed property on Cainsville Road as shown on the attached map.
>
> For reference, see Deed Book 450 Page 855 in the Register's Office of Wilson County, Tennessee, and being shown as Tax Map 82 part of Parcel 164, for Wilson County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____

Attest:

_____
Commissioner of Finance & Revenue

Approved as to Form:

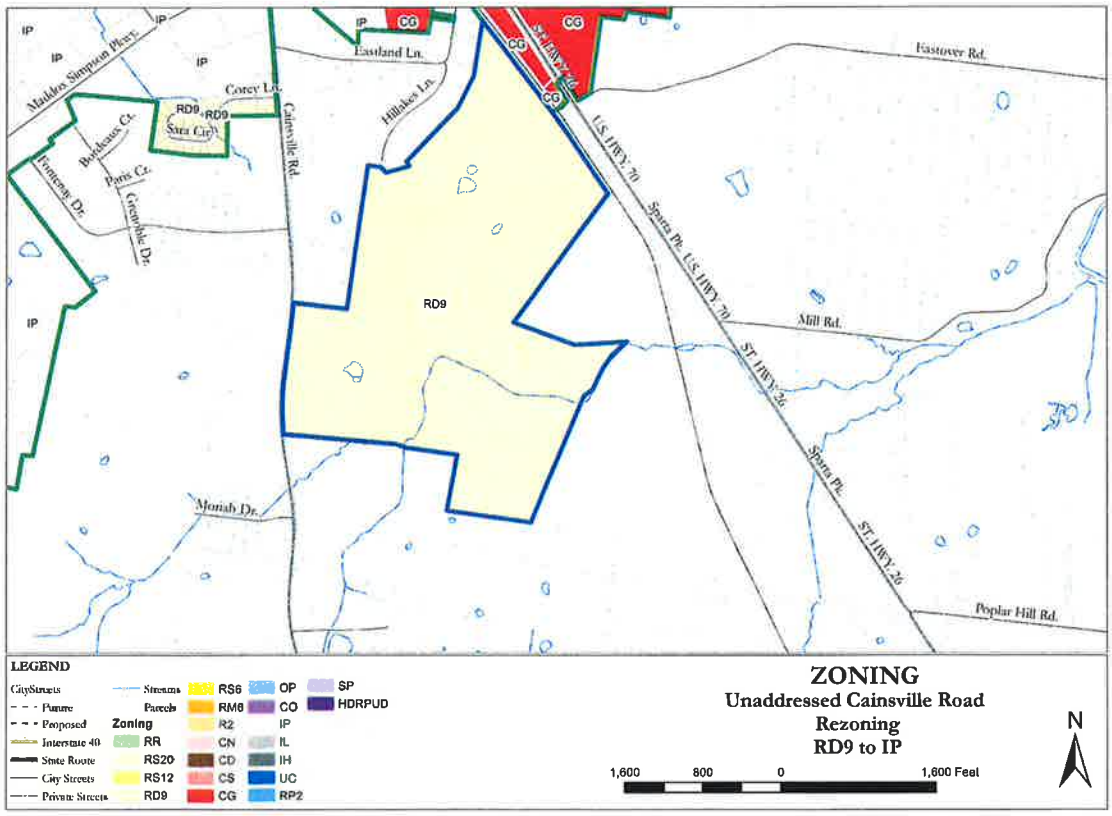
_____
City Attorney

Approved:

_____
Mayor

Passed first reading: _____.

Passed second reading:_____.



ORDINANCE NO. 16-5292

AN ORDINANCE TO AMEND THE MAJOR THOROUGHFARE PLAN OF THE CITY OF LEBANON, TENNESSEE, BY AMENDING PROJECT #22 HARTMANN DRIVE EXTENSION TWO TO ADD A FRONTAGE ROAD PARALLEL TO SPARTA PIKE

WHEREAS, the Tennessee Department of Transportation and the City of Lebanon would like to increase safety on Sparta Pike by limiting access; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and transportation development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Major Thoroughfare Plan to the Mayor and City Council by a vote of 5-3 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, that Title 14, Appendix A: Rules for Construction of Language and Definitions as follows:

Section 1. That the Ordinance 08-3813 of the City of Lebanon Code be modified according to the attached map (Exhibit A).

Section 2. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

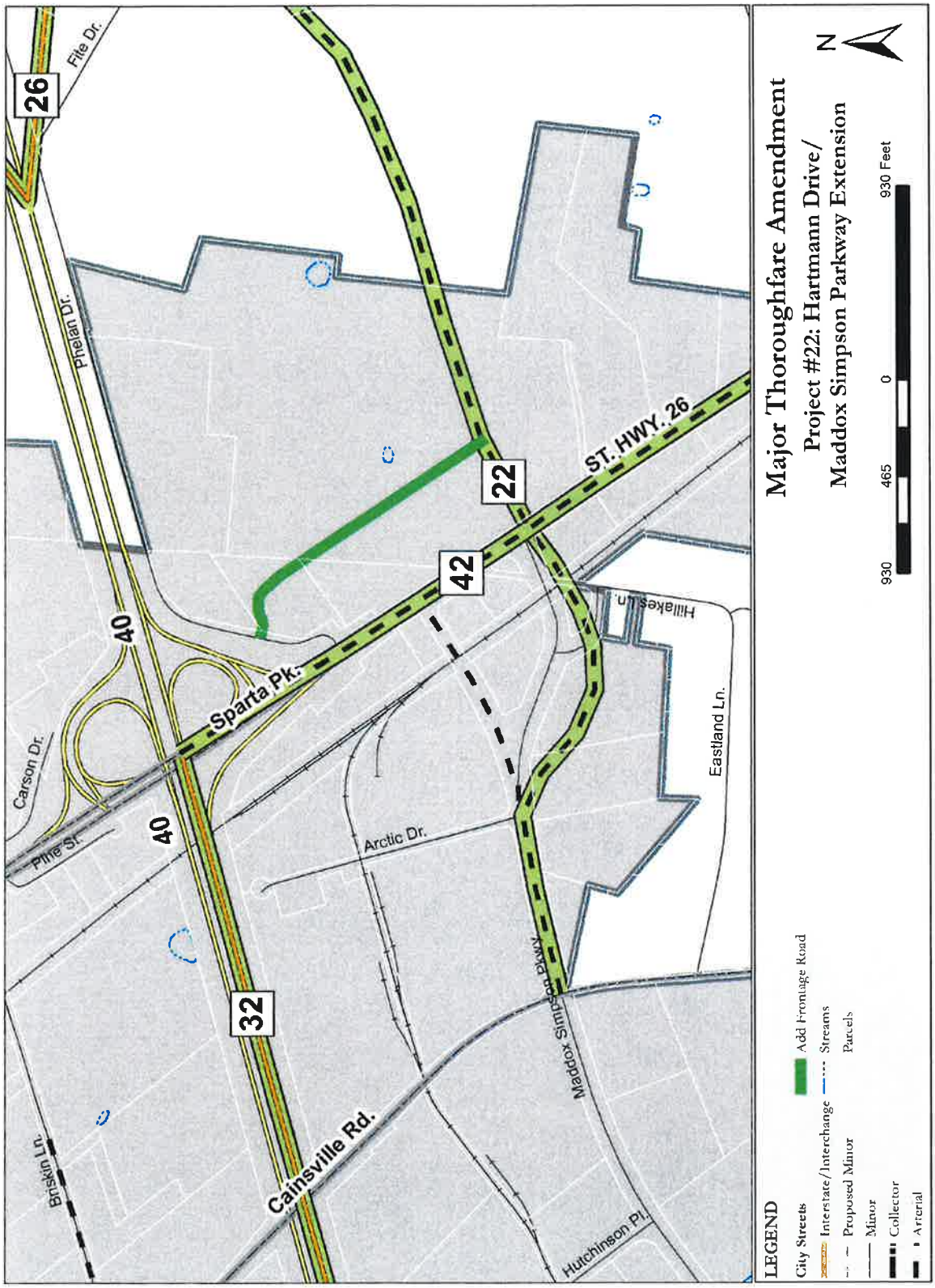
Approved as to Form:

_____
City Attorney

Passed first reading: _____

Passed second reading: _____

Exhibit A


Major Thoroughfare Amendment
Project #22: Hartmann Drive/
Maddox Simpson Parkway Extension
N
930 465 0 930 Feet
LEGEND
City Streets
Interstate/Interchange
Proposed Minor
Minor
Collector
Arterial
Add Frontage Road
Streams
Parcels
26
File Dr.
Phelan Dr.
40
Carson Dr.
Pine St.
Sparta Pk.
40
32
Briskin Ln.
Cainsville Rd.
Arctic Dr.
42
22
ST. HWY. 26
Hillakes Ln.
Eastland Ln.
Maddox Simpson Pkwy
Hutchinson Pl.

ZONING ORDINANCE 16-5287

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING 125 AND 129 BLAIR LANE FROM RS20 – LOW DENSITY RESIDENTIAL DISTRICT TO RS9 – MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL 9,000 AND RD9 – MEDIUM DENSITY RESIDENTIAL DISTRICT IN WARD 5

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the city; and

WHEREAS, the subject properties are adjacent to an existing residential district; and

WHEREAS, the subject properties are identified as Medium Density Residential in the Future Land Use Plan; and

WHEREAS, the property owner is asking for the RS9 zoning to continue the residential zoning on Blair Lane; and

WHEREAS, the Planning Commission is asking for the RD9 zoning to consistently zone property on Trinity Circle and continue the residential zoning in the area; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this rezoning to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from R20 – Low Density Residential District to RS9 – Medium Density Single Family Residential 9,000:

> Approximately 9.47 acres more or less, located on unaddressed property on Blair Lane as shown on the attached map.
>
> For reference, see Deed Book 446 Page 482, Deed Book 1255 Page 997 and Deed Book 1255 Page 999 in the Register's Office of Wilson County, Tennessee, and

being shown as Tax Map 69 Parcel 24, Tax Map 69D Group A Parcel 30, and Tax Map 57 Parcel 91.02 for Wilson County, Tennessee.

Section 2. That the property described herein be, and the same is hereby, rezoned from R20 – Low Density Residential District to RD9 – Medium Density Residential District:

Approximately 0.23 acres more or less, located on unaddressed property on Trinity Circle as shown on the attached map.

For reference, see Deed Book 436 Page 886 in the Register's Office of Wilson County, Tennessee, and being shown as Tax Map 69D Group A part of Parcel 6, for Wilson County, Tennessee.

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 4. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____

Attest:

_____
Commissioner of Finance & Revenue

Approved as to Form:

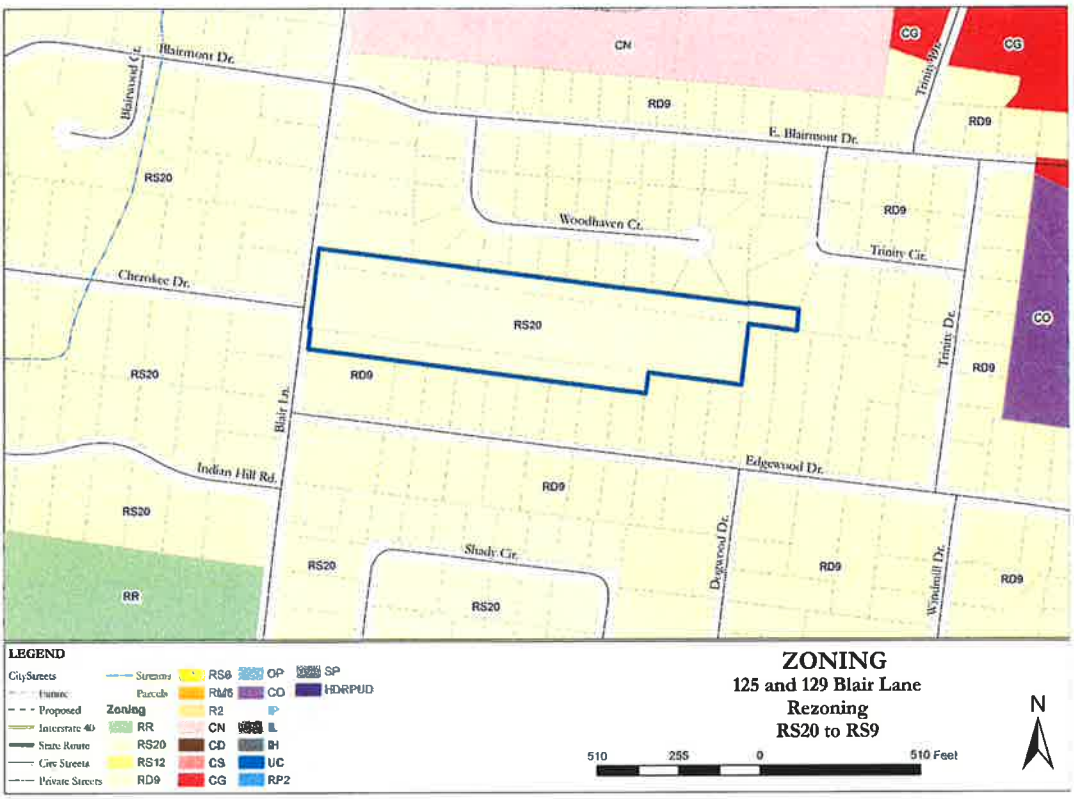
_____
City Attorney

Approved:

_____
Mayor

Passed first reading: _____.

Passed second reading:_____.


Blairmont Dr.
Blairwood Cir.
CN
CG
Trinity Sq.
RD9
E. Blairmont Dr.
RS20
Woodhaven Ct.
Trinity Cir.
Cherokee Dr.
Trinity Dr.
CO
Blair Ln.
Indian Hill Rd.
Edgewood Dr.
Shady Cir.
Dogwood Dr.
Windmill Dr.
RR
LEGEND
City Streets
Proposed
Interstate 40
State Route
Cire Streets
Private Streets
Streams
Parcels
Zoning
RR
RS20
RS12
RD9
RS8
RM6
R2
CN
CD
CS
CG
OP
CO
IP
IL
IH
UC
RP2
SP
HDRPUD
ZONING
125 and 129 Blair Lane
Rezoning
RS20 to RS9
510
255
0
510 Feet
N

ORDINANCE NO. 16-5293

AN ORDINANCE TO AMEND THE MAJOR THOROUGHFARE PLAN OF THE CITY OF LEBANON, TENNESSEE, BY AMENDING PROJECT #27 SAFARI CAMP ROAD IMPROVEMENTS TO CLOSE SAFARI CAMP ROAD AT STATE ROUTE 109 AND REROUTE SAFARI CAMP ROAD THROUGH THE WILSON FARMS DEVELOPMENT

WHEREAS, a request was made by Carroll Homes to modify the Major Thoroughfare Plan at Safari Camp Road to reroute the road through the Wilson Farms Development; and

WHEREAS, the Tennessee Department of Transportation and the City of Lebanon would like to increase safety on State Route 109 by limiting access; and

WHEREAS, the Developer of the Wilson Farms development will provide the infrastructure for this rerouting of Safari Camp Road through the development to a new intersection approximately 1300 feet south of the present State Route 109 and Safari Camp Road intersection; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and transportation development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Major Thoroughfare Plan to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, that Title 14, Appendix A: Rules for Construction of Language and Definitions as follows:

Section 1. That the Ordinance 08-3813 of the City of Lebanon Code be modified according to the attached map (Exhibit A).

Section 2. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest: Approved:

_____ _____

16-5293

Commissioner of Finance & Revenue

Mayor

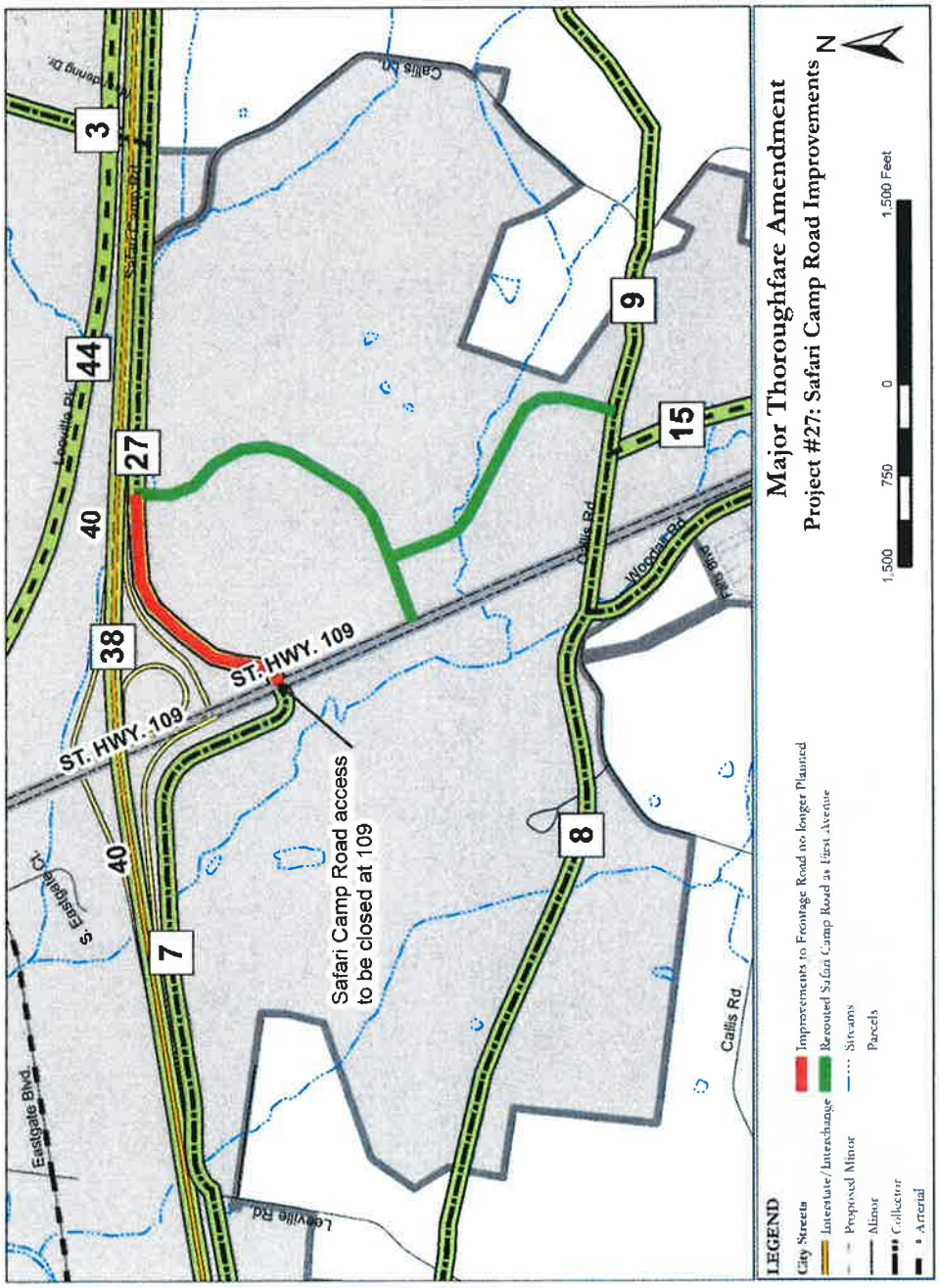
Approved as to Form:

Passed first reading: _____

_____
City Attorney

Passed second reading: _____

Exhibit A



RESOLUTION NO. 16-1966
A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO CLOSE THE SAFARI CAMP ROAD ACCESS TO HIGHWAY 109 AND REROUTE TRAFFIC THROUGH THE WILSON FARMS DEVELOPMENT

WHEREAS, the rerouting of Safari Camp Road is necessary to allow a new access point into the Wilson Farms Development; and

WHEREAS, the Tennessee Department of Transportation and the City of Lebanon would like to increase safety on State Route 109 by limiting access; and

WHEREAS, the Developer of the Wilson Farms development will provide the infrastructure for this rerouting of Safari Camp Road through the development to a new intersection approximately 1300 feet south of the present State Route 109 and Safari Camp Road intersection; and

WHEREAS, the Developer is also required and has agreed to provide sidewalks and street lighting as part of this infrastructure; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and transportation development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of the closing and rerouting of Safari Camp Road to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT RESOLVED BY the City of Lebanon, Tennessee, as follows:

Section 1. The City of Lebanon supports the request to close the Safari Camp access to Highway 109 and to reroute the closed access through the Wilson Farm Development per the attached Exhibit A.

Section 2. The mayor is authorized to execute the appropriate documents as required by TDOT on behalf of the City of Lebanon, Tennessee in support of closing the current Safari Road access at SR 109

Section 3. The Wilson Farms Development shall be responsible for all costs related to and/or Associated with the closure of Safari Camp access at SR 109 and the relocation of said access thru Wilson Farms Development. Costs include but not limited to design, right-of-way acquisition, construction, damage to adjacent parcels, etc.

Section 4. That all ordinances in conflict herewith are repealed to the extent of said conflict.

Section 5. That this resolution shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

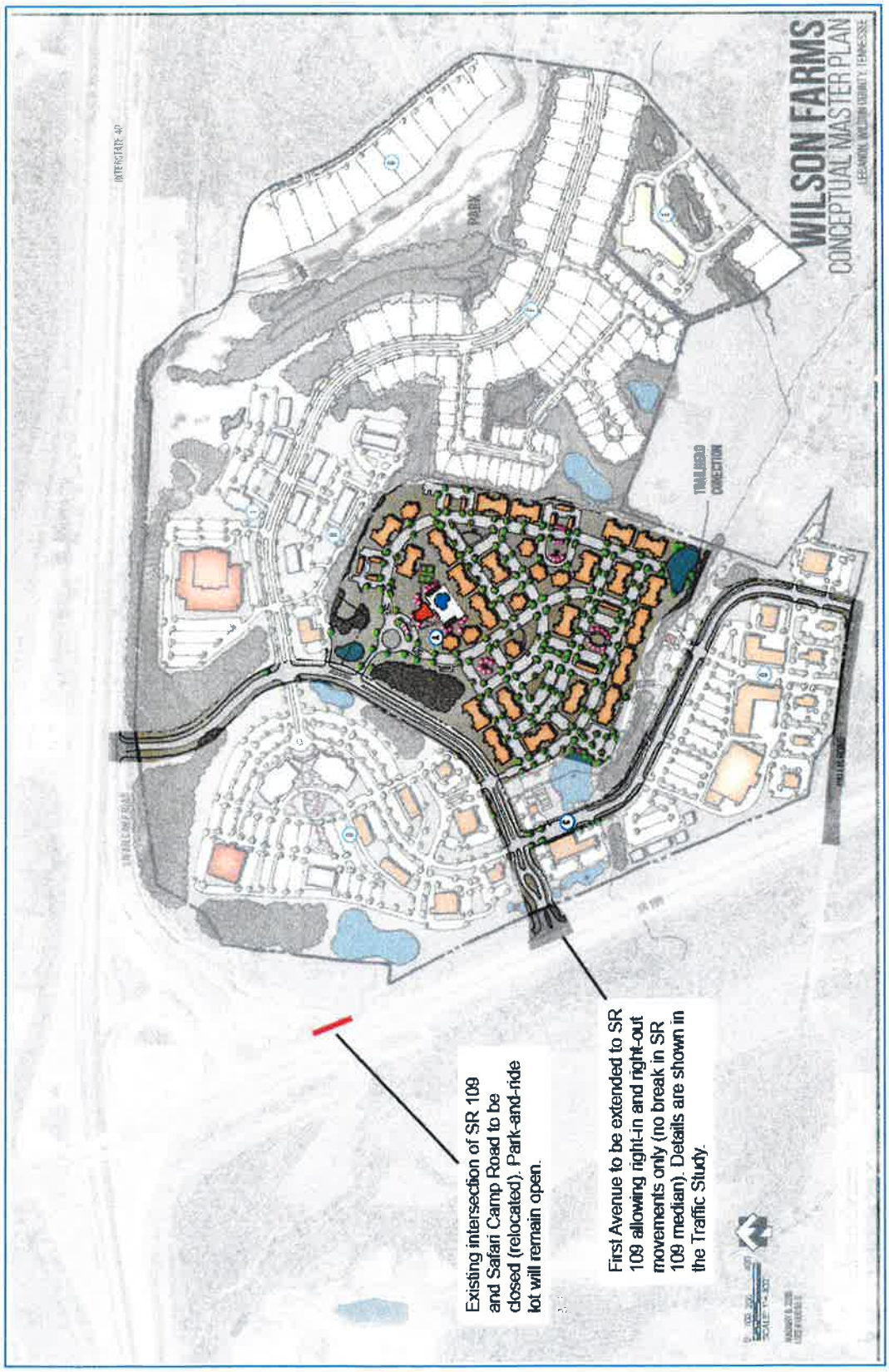
Approved as to Form:

_____
City Attorney

Passed first reading: _____.

Passed second reading:_____

Exhibit A:


WILSON FARMS
CONCEPTUAL MASTER PLAN
PARK
TRAILHEAD CONNECTION
Existing intersection of SR 109 and Safari Camp Road to be closed (relocated). Park-and-ride lot will remain open.
First Avenue to be extended to SR 109 allowing right-in and right-out movements only (no break in SR 109 median). Details are shown in the Traffic Study.

ORDINANCE NO. 16-5294

AN ORDINANCE TO AMEND TITLE 14 CHAPTER 6 SECTION 14.602 D. CG – COMMERCIAL GENERAL AND APPENDIX B: LAND USE ACTIVITY CLASSIFICATION TABLE TO REMOVE TRANSPORT & WAREHOUSING FROM THE ALLOWED CONDITIONAL USES

WHEREAS, the zoning code adopted on February 3, 2015 merged the old B-5 and B-4 zoning districts together into the CG district; and

WHEREAS, the old B-5 zoning district allowed Transport & Warehousing as a use on appeal; and

WHEREAS, the merging of the old B-5 and B-4 zoning district allowed for use on appeal for Transport & Warehousing beyond the limited scope of B-5 district, that was concentrated near the interstate; and

WHEREAS, the Planning Commission is responsible for the orderly development of land; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Zoning Ordinance to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, that Title 14, Appendix A: Rules for Construction of Language and Definitions as follows:

Section 1. Title 14, Chapter 6, Section 14.602.D CG – Commercial General and

1. Allowed as a Conditional Use.
   Group Assembly
   ~~Transport & Warehousing~~
   Deferred Presentment

Section 2. Title 14, Appendix B: Land Use Activity Classification Table and

Activity	CG
Transport & Warehousing	~~C~~ N

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said

conflict.

Section 4. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____

Passed second reading: _____

ORDINANCE NO. 16-5295

AN ORDINANCE TO AMEND TITLE 14 CHAPTER 6 SECTION 14.602 D. CG – COMMERCIAL GENERAL AND APPENDIX B: LAND USE ACTIVITY CLASSIFICATION TABLE TO ADD FINANCIAL, CONSULTATIVE AND ADMINISTRATIVE USES TO THE PERMITTED USES

WHEREAS, the new Zoning Code was adopted on February 3, 2015; and

WHEREAS, after six (6) months Staff conducted a review of the Zoning Code and compiled the known errors; and

WHEREAS, the transition to the current Zoning Ordinance the Financial, Consultative and Administrative uses in the CG – Commercial General were left out; and

WHEREAS, clarification of the Zoning Code in the CG – Commercial General zone are needed so the meaning is clear in the future; and

WHEREAS, these amendments are essential for the health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population.

WHEREAS, the Planning Commission is responsible for the orderly development of land; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Zoning Ordinance to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, that Title 14, Appendix A: Rules for Construction of Language and Definitions as follows:

Section 1. Title 14, Chapter 6, Section 14.602.D CG – Commercial General and

1. Uses Permitted.
   Administrative Services Community Assembly
   Health Care
   Personal & Group Care
   Animal Care & Veterinarian Services

Automotive Parking
Automotive Repair and Cleaning
Automotive Servicing
Consumer Repair Services
Convenience Commercial
Entertainment & Amusement Services**
Financial, Consultative & Administrative
Food & Beverage Services
Food Service Drive-in & Drive-thru
General Business & Communication Services
General Personal Services
General Retail Trade
Medical Services
Transient Habitation
Vehicular, Craft & Related Equipment Sales
Wholesale Sales

Section 2. Title 14, Appendix B: Land Use Activity Classification Table and

Activity	CG
Financial, Consultative and Administration	~~N~~ P

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 4. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____

Passed second reading:_____

ORDINANCE NO. 16-5296

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 8, SECTION 14.801 D. PRINCIPAL BUILDING LIMITATIONS AND APPENDIX A: RULES FOR CONSTRUCTION OF LANGUAGE AND DEFINITIONS TO AMEND THE DEFINITION OF DWELLING, MULTI-FAMILY

WHEREAS, the Zoning Ordinance currently does not allow multi-family of three units or triplexes; and

WHEREAS, the City seeks to allow an adequate mix of housing options and affordability; and

WHEREAS, the FHA (Federal Housing Administration) has financing targeted to residential developments with four (4) units or less; and

WHEREAS, the Planning Commission has recently amended the site planning process to allow three (3) and four (4) unit residential developments to be reviewed at the Staff level; and

WHEREAS, the Planning Commission is responsible for the orderly development of land; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this amendment to the Zoning Ordinance to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, that Title 14, Appendix A: Rules for Construction of Language and Definitions as follows:

Section 1. Title 14, Chapter 8, Section 14.801 D. Principal Building Limitations and

D. Principal Buildings Limitations
In all ~~residential districts~~ residential single family (RS) districts, except for Specific Plan Districts, not more than one (1) Principal building shall be erected on any lot. This provision shall not apply to schools, churches, apartments, or multi-family developments approved as a part of a site plan. In districts, where more than one principle structure is permitted all principle structures shall meet the building setbacks within said district.

Section 2. Title 14, Appendix A: Rules for Construction of Language and

Dwelling, Multi-Family - A building containing ~~four~~ two or more dwelling units. The term includes apartments, condominiums and the like.

Section 3. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 4. This resolution shall take effect after its adoption and upon the official annexation of this area.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers _____.

Attest:

_____
Commissioner of Finance & Revenue

Approved:

_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____

Passed second reading:_____

RESOLUTION NO. 16-1967

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO PURCHASE A GENERATOR FOR CITY HALL

WHEREAS, City Hall has a need for a generator, as detailed on the tabulation of bids attached hereto by reference as if appearing verbatim herein; and

WHEREAS, competitive bidding for this project was opened on July 29, 2016, wherein the City of Lebanon received the following bids; and

COMPANY	AMOUNT
Hiller Company	$43,667.00
Lee Company	$43,242.00
John Bouchard	No Response
Rosco Brown	No Response

WHEREAS, funds are appropriated in the 2016 – 2017 budget under line item no. 11041600-79470.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to enter into a contract with Lee Company, the best and lowest bidder, for the purchase of a generator, as detailed on the tabulation of bids attached hereto by reference as if appearing verbatim herein, for City Hall, in the amount of Forty-three Thousand, Two Hundred Forty-two Dollars and No Cents ($43,242.00).

Section 2. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this ___ day of _____, 2016.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

City of Lebanon - Purchasing Office

TABULATION OF BIDS/PROPOSALS

Opening Date: July 29, 2016 @ 10:30 a.m.		(Vendors)	Hiller Company		Lee Company		John Bouchard		Rosco Brown	
For: Natural Gas Generator, Pad, Run Natural Gas for the MIS Department										
Item:	Quan.	DESCRIPTION	Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	1	Generator, Install, Pad, Run Line, etc.	43,667.00	43,667.00	43,242.00	43,242.00	No Response		No Response	
		TOTAL PRICE:		**$43,667.00**		**$43,242.00**				

REASON FOR AWARD:		Recommend award be made to: Lee Company for the low bids price
X	LOW BID	of $43242.00 for the purchase of Natural Gas Generator, Installation, etc. for the MIS Department
	DELIVERY	In the 2016-2017 Fiscal Year Budget.
	BETTER OR REQUIRED DESIGN	In Line Item: 110-41600-79470
	ONLY SOURCE AVAILABLE	
	ONLY RESPONDING BIDDER	

PREPARED BY Lisa Lane DATE 8/1/2016 APPROVE/AGREE:

REQUISITION# COMMENTS:

BUDGET YEAR *2016-2017*

Requested Council Meeting Date: *16-Aug-16* SHEET 1

ZONING ORDINANCE 16-5297

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ATLAS OF THE CITY OF LEBANON, TENNESSEE, BY CHANGING UNADDRESSED FRANKLIN ROAD FROM RM6 – HIGH DENSITY RESIDENTIAL DISTRICT TO CG – COMMERCIAL GENERAL IN WARD 3

WHEREAS, the City of Lebanon desires to amend the official zoning atlas of the City; and

WHEREAS, the subject properties are adjacent to an existing commercial district; and

WHEREAS, the subject properties are identified as Commercial in the Future Land Use Plan; and

WHEREAS, the property owner is asking for the CG zoning to continue the commercial zoning on Franklin Road; and

WHEREAS, the City of Lebanon believes that such amendment will promote, protect and facilitate the public health, safety and welfare of the community through coordinated and practical land use and land development for the betterment of Lebanon's population; and

WHEREAS, the Lebanon Municipal Regional Planning Commission recommended approval of this rezoning to the Mayor and City Council by a vote of 8-0 at July 26, 2016 Meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. That the property described herein be, and the same is hereby, rezoned from RM6 – High Density Residential District to CG – Commercial General:

> Approximately 2.19 acres more or less, located on unaddressed property on Franklin Road as shown on the attached map.
>
> For reference, see Deed Book 1688 Page 712, in the Register's Office of Wilson County, Tennessee, and being shown as Tax Map 81 Parcel 120.11, for Wilson County, Tennessee.

Section 2. That all Ordinances in conflict herewith are repealed to the extent of said conflict.

Section 3. That this Ordinance shall take effect from and after its passage on final reading, the public welfare requiring it.

Notice of the Public Hearing was published in the Wilson Post on _____.

The Public Hearing was held at 5:55 PM in the City Council Chambers on _____

Attest:

_____
Commissioner of Finance & Revenue

Approved:

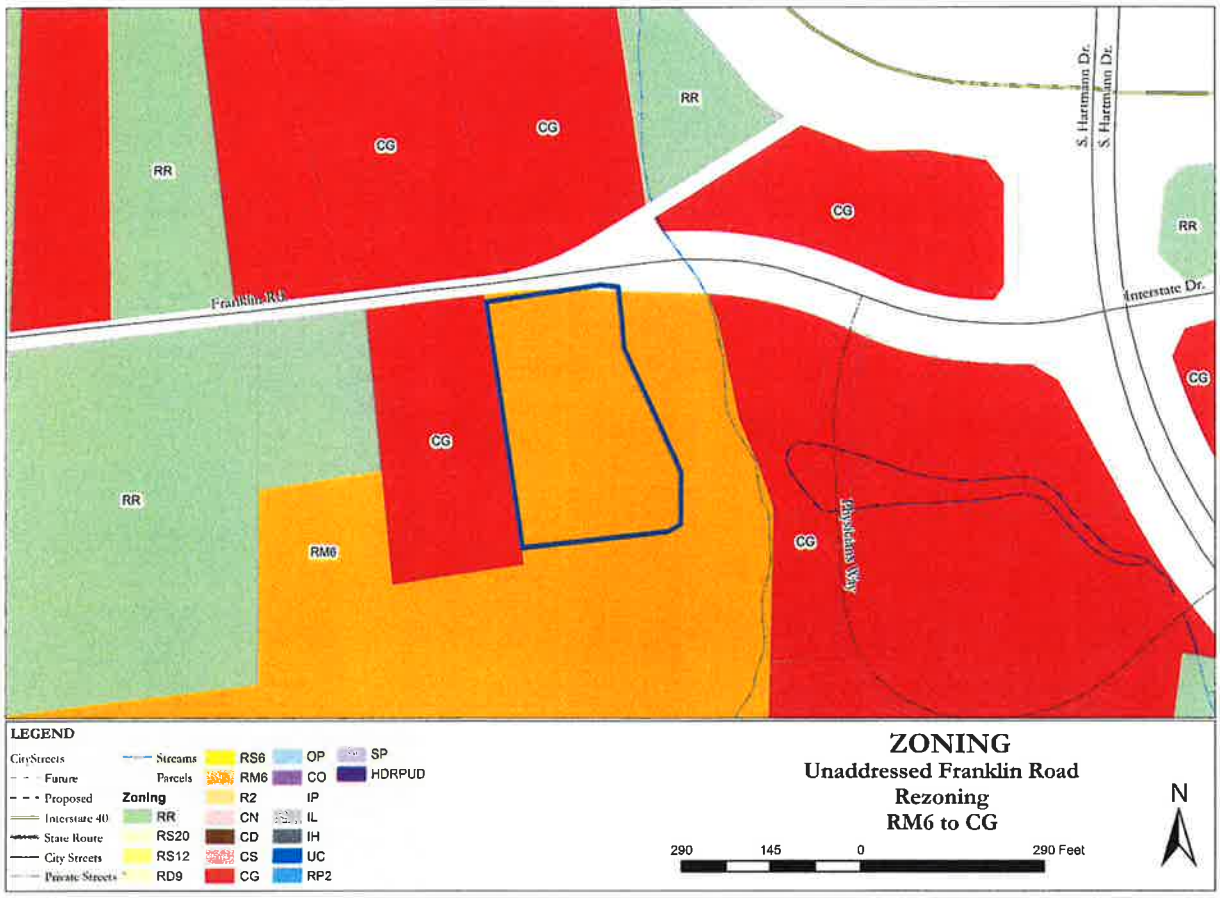
_____
Mayor

Approved as to Form:

_____
City Attorney

Passed first reading: _____.

Passed second reading:_____.



RESOLUTION NO. 16-1969

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO ACCEPT BIDS FOR THE HVAC SERVICE AGREEMENT FOR THE JIMMY FLOYD FAMILY CENTER

WHEREAS, the Jimmy Floyd Family Center has a need for HVAC Service Agreement, as detailed on the tabulation of bids attached hereto by reference as if appearing verbatim herein; and

WHEREAS, competitive bidding for this project was opened on July 29, 2016, wherein the City of Lebanon received the following bids; and

COMPANY	AMOUNT
Kimbro Mechanical	$10,800.00
Johnson Controls	No Response
Bentley's Heating & Air	No Response
Lee Company	No Response

WHEREAS, funds are appropriated in the 2016 – 2017 budget under line item no. 122-44430-290.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to enter into a contract with Kimbro Mechanical, the best and lowest bidder, for the three year maintenance agreement for the HVAC Units at the Jimmy Floyd Family Center, as detailed on the tabulation of bids attached hereto by reference as if appearing verbatim herein, in the amount of Ten Thousand, Eight Hundred Dollars and No Cents ($10,800.00).

Section 2. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this ___ day of _____, 2016.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

City of Lebanon - Purchasing Office

TABULATION OF BIDS/PROPOSALS

Opening Date: July 29, 2016 @ 10:00 a.m.		(Vendors)	Kimbro Meachanical		Johnson Controls		Bentley's Heating & Air		Lee Company					
For: HVAC Maintenance Agreement for Jimmy Floyd														
Item:	Quan.	DESCRIPTION	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	1	Quarterly Maintenance for HVAC Units	900.00	900.00	No Response		No Response		No Response					
2	1	Yearly Maintenance for HVAC	3,600.00	3,600.00										
3	1	Three Year Total Contract	10,800.00	10,800.00										
		TOTAL PRICE:		**$10,800.00**										

REASON FOR AWARD:		**Recommend award be made to: Kimbro Mechanical for the low bid price of**
X	LOW BID	$10,800.00 for the Three Year Maintenance Agreement for the HVAC Units at the Jimmy Floyd Family Center.
	DELIVERY	Funds are appropriated in the 2016-2017 fiscal year budget.
	BETTER OR REQUIRED DESIGN	Line Item #122-44430-290
	ONLY SOURCE AVAILABLE	
X	Only Responsive Bidder	

PREPARED BY Lisa Lane DATE 8/4/2016 APPROVE/AGREE: _____

REQUISITION# _____ COMMENTS: _____

BUDGET YEAR *2016-2017*

Requested Council Meeting Date: *16-Aug-16* SHEET 1

RESOLUTION NO. 16-1970

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO ADOPT THE CITY OF LEBANON PERSONNEL RULES AND REGULATIONS POLICY REVISION RELATIVE TO RULE XIV: SAFETY PROGRAM TO ADD SECTION 2 ADDRESSING MOTOR VEHICLE RECORDS AND DRIVING

WHEREAS, the Lebanon City Council passed Ord. No. 15-4937 on second reading June 16, 2015 to create a new section 4-104 of the Lebanon Municipal Code which established a new procedure for amending the employee's handbook by resolution; and

WHEREAS, the Human Resources Director has determined that a revision to the City of Lebanon Employee's Handbook relative to Rule XIV: Safety Program, to add section 2 addressing Motor Vehicle Records and Driving, is necessary and in the best interest of the City of Lebanon and its employees; and

WHEREAS, such City of Lebanon Personnel Rules and Regulations Policy Revision is attached hereto by reference as if appearing verbatim herein.

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The City of Lebanon Employee's Handbook policy revision, Rule XIV: Safety Program Section 2, attached hereto by reference as if appearing verbatim herein, is hereby adopted. The Human Resources Director is hereby authorized to implement such policy revisions.

Section 2. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this ___ day of _____, 2016.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Attached are policy revisions to existing Personnel Policies RULE XIV: SAFETY PROGRAM to add Section 2 addressing Motor Vehicle Records (MVR) and Driving

Currently, our personnel and safety policies do not address requirements for motor vehicle records, driving standards or annual motor vehicle records audits. Our workers compensation and liability insurance provider, Travelers, has recommended that we address driving and motor vehicle records requirements for applicants being considered for driving positions and existing employees driving city vehicles or driving personal vehicles on city business.

RULE XIV: SAFETY PROGRAM

ADD Section 2 addressing Motor Vehicle Records (MVR) and Driving

All City vehicles shall be driven in a safe and proper manner, with the driver acting in full compliance with all traffic laws and regulations. City vehicles are conspicuous symbols on the streets and the public observes the actions of employees operating City vehicles. This places the responsibility on each driver to set a visible example of good driving behavior and habits.

2.1 This policy applies to all employees, elected officials or volunteers driving for City business. Public Works, Fire, LPD and ESU may have additional departmental policies and regulations in place specific to the requirements of their own department and with specific requirements for the type of Operator's License necessary for the position. This policy also applies to Applicants who are being considered for positions that require driving.

2.2 Definitions of driving for City business may include, but not limited to:

- Employees who rent cars for business trips or other City business
- Employees who attend seminars and conferences
- Employees who operate City vehicles
- Employees who operate their own personal vehicle for City business

2.3 Employees are prohibited from using City of Lebanon vehicles to conduct their own personal business unless the individual has been assigned a vehicle for twenty-four hour use. Positions which are assigned twenty-four hour use of City vehicle are identified and approved by the Department Head.

2.4 In the case where an employee is authorized a City vehicle for twenty-four hour use who may occasionally need to use the City vehicle for personal use, that personal use must be approved in advance by the Department Head and shall be limited to:

- Driving to work from home and driving home from work
- Lunch break
- Short errand on the way to work or on the way home from work (example: grocery store)
- Personal or medical appointments within Wilson County, during scheduled work hours that have been approved by Department Head or Department Manager.
- No vacations or out of town personal trips in City vehicle
- Some departments may impose stronger limitations on personal use of City vehicle and indicate such restrictions in the department's Standard Operating Procedures manual.

2.5 Personal Use of City Car (PUCC) is considered a non-cash fringe benefit. The value of this non-cash fringe benefit is added to the employee's total earnings each pay period and is taxable. The formula for calculating the value of the non-cash fringe benefits for PUCC is defined by the IRS and is subject to change.

2.6 Department Heads must maintain a list of employees assigned City Vehicles, the list must be updated every year on January 15 and July 15 and submitted to the City's Human Resources Department by that date.

2.7 Non-City employees shall not operate City vehicles. Employees shall not permit a non-employee or citizen in City vehicles without authorization from the Department Head and documented with the City's Safety Coordinator in Human Resources.

a) At times, business necessity may require transporting individuals in a City vehicle.
b) LPD may have additional departmental policies and regulations in place specific to volunteers and non-employees in City vehicles based on unique departmental needs.

2.8 City employees are required to use City vehicles when in travel status or if they choose to use their personal vehicle, then provide to the City proof of insurance with liability limits set at a minimum of 100/300/100.

Employees shall provide proof of insurance to the City's Human Resources Department annually or at any time changes are made to the employee's insurance policy.

2.9 Definitions of Moving Violations:

1. Major Violations include but not limited to:
    a. Leaving the scene of an accident
    b. Driving under the influence (DUI)
    c. Four (4) or more speeding tickets in the past 24 months
    d. Excessive speed (>30 mph over limit)
    e. Reckless driving
    f. Felony, homicide or manslaughter involving the use of a motor vehicle
    g. Suspended license or revocation of license resulting from accidents or moving violations
2. Minor violations include but not limited to:
    a. Speeding (<30 mph over limit)
    b. Failure to obey sign
    c. Failure to yield
    d. Illegal turn
3. Non-moving violations include but not limited to:
    a. Parking tickets
    b. Motor vehicle equipment violations
    c. Failure to have a valid operator's license available where one actually exists

Non-moving violations are not included when evaluating an applicant's, volunteer's, elected official or employee's MVRs.

2.10 The following constitutes The City's MVR requirements:

- Applicants and existing employees being considered for positions that require driving must have an MVR that has 3 or less minor moving violations (past 24 months) and no major violations (past 5 years) in order to be hired or promoted/transferred.
- All drivers must have a valid driver's license with the proper class and appropriate endorsements for the vehicles they are operating.
- Drivers must not drive if their license has been suspended or revoked.
- Employees who drive a city vehicle must report all accidents (on or off duty), moving violations (on or off duty) and license suspensions to their supervisor and to HR immediately, but not later than the beginning of the next worked shift.
- Prospective employees being considered for positions requiring driving shall be asked to disclose all accidents and moving violations for the past 5 years during the applicant screening process.
- Existing employees moving in to driving positions will be required to complete a similar report at the time of transition.
- All employees who drive for City business will be subject to an MVR audit annually that will review the past 12 months of driving history.
- As a condition for driving any vehicle on City business, including your personal or a City vehicle, drivers must give City of Lebanon authorization to conduct a MVR check and provide all necessary information for the check.
- The City prohibits driving on City business if authorization to conduct a MVR check is not given.
- Any driver who continues to drive on City business after refusing to authorize a MVR check or after authorization to drive on City business has been suspended, will be subject to disciplinary action.
- City of Lebanon will conduct a Motor Vehicle Records (MVR) check on anyone who has had a vehicular accident while on City business or in City vehicle.

2.11 Employees who drive for city business shall maintain safe driving habits. Employees with poor MVR records as defined in Sections 2.9 and 2.10 will be referred to HR and may be suspended from driving on City business. A representative from the HR Department (HR Director, Safety Coordinator or other HR designee) will evaluate the serious nature of the moving violations and driving requirements of the employee's position and shall

advise the Department Head. The Department Head shall then determine whether or not to suspend the employee from driving on City business.

2.12 Drivers with a suspended driver's license are required to immediately report the driver's license suspension to their supervisor and to HR and will immediately be suspended from driving on City business.

2.13 Employees who are suspended from driving on City business when a license is required for their job are subject to disciplinary action. The employee may be transferred or demoted to an available position for which (s)he is determined to meet the standards of that position. If no such position is available, or the employee declines such a transfer or demotion, then (s)he shall be subject to disciplinary action up to and including separation from City service.

2.14 If an employee is suspended from driving on City business and there is sufficient work within the employee's assigned department, which does not require driving, the department head may consider this, following consultation with the HR Director, and permit the employee to continue working in their assigned position, at a reduced rate of pay.

2.15 Additional corrective action that may be recommended if an employee receives moving violations, the department head may require the employee attend driving school through the Lebanon Police Department and the City will bear the cost of this safe driving course. If the employee declines such a requirement, the employee may be suspended from driving on City business and may receive disciplinary action. The employee shall not be paid wages for attending driving school.

2.16 Any disciplinary actions such as pay rate reduction, transfer, demotion or termination resulting from being suspended from driving on City business are subject to RULE X: SEPARATION, DISCIPLINARY ACTION, AND SUSPENSION Section 13: Departmental Hearing.

LPD may have a separate departmental policy addressing driving and motor vehicle records. In the event a conflict occurs between City Policy and LPD Policy, the motor vehicle policy with the stricter language shall prevail.

Initial Motor Vehicle Audit for employees who are operating a city vehicle or regularly conduct city business while operating their personal vehicle.

For the **initial annual motor vehicle audit**, an employee with minor moving violations in the past 12 months may receive a verbal counseling by the Department Head and shall maintain a clean driving record for the next 12 months; any additional violations may result in further disciplinary action. If the motor vehicle audit identifies any major violations in the past 24 months, employee currently has a suspended license or does not possess the required endorsements if the position requires a CDL, a departmental hearing shall occur to determine appropriate disciplinary action.

ORDINANCE NO. 16-5298

PLACE HOLDER

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO ACCEPT AN APPROXIMATELY 15 ACRE LAND DONATION FROM HAMILTON SPRINGS, LLC

WHEREAS, Art. II, Sec. 1(11) of the Lebanon City Charter authorizes the City of Lebanon to accept donations of real property by ordinance; and

WHEREAS, Hamilton Springs, LLC, desires to donate approximately 15 acres of land; and

WHEREAS, it is in the best interests of the citizens of Lebanon to accept the land donation.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to execute any documentation necessary to accept a donation of land from Hamilton Springs, LLC. Such documentation may include, but not be limited to, an acknowledgment letter for the donor, a quitclaim deed transferring all interests in the property to the City of Lebanon, and the recording of any documents necessary with the Wilson County Register of Deeds office.

Section 2. The property being donated is situated xxxxxxxxxxxxxx. A legal description of the property is attached hereto Exhibit A and incorporated by reference as if appearing herein verbatim.

Section 3. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

_____

Commissioner of Finance & Revenue

Approved:

_____

Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____

Passed second reading: _____

LOSE & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE · ARCHITECTURE · ENGINEERING · PLANNING
WWW.LOSEASSOC.COM

HAMILTON SPRINGS STATION PARK CONCEPT

LEBANON, TENNESSEE

JUNE 30, 2016

0 25 50 100
SCALE 1" = 50'

ORDINANCE NO. 16-5298

PLACE HOLDER

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO ACCEPT AN APPROXIMATELY 15 ACRE LAND DONATION FROM HAMILTON SPRINGS, LLC

WHEREAS, Art. II, Sec. 1(11) of the Lebanon City Charter authorizes the City of Lebanon to accept donations of real property by ordinance; and

WHEREAS, Hamilton Springs, LLC, desires to donate approximately 15 acres of land; and

WHEREAS, it is in the best interests of the citizens of Lebanon to accept the land donation.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to execute any documentation necessary to accept a donation of land from Hamilton Springs, LLC. Such documentation may include, but not be limited to, an acknowledgment letter for the donor, a quitclaim deed transferring all interests in the property to the City of Lebanon, and the recording of any documents necessary with the Wilson County Register of Deeds office.

Section 2. The property being donated is situated xxxxxxxxxxxxxx. A legal description of the property is attached hereto Exhibit A and incorporated by reference as if appearing herein verbatim.

Section 3. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

_____

Commissioner of Finance & Revenue

Approved:

_____

Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____

Passed second reading: _____

LOSE & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE · ARCHITECTURE · ENGINEERING · PLANNING
WWW.LOSEASSOC.COM

HAMILTON SPRINGS STATION PARK CONCEPT

LEBANON, TENNESSEE

JUNE 30, 2016

0 25' 50' 100

SCALE 1" = 50'

ORDINANCE NO. 16-5299

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A CONTRIBUTION TO THE REGIONAL TRANSPORTATION AUTHORITY (RTA) TO ASSIST WITH INFRASTRUCTURE IMPROVEMENTS IN THE CITY

WHEREAS, it is in the best interests of the citizens of Lebanon to contribute to the Regional Transportation Authority (RTA) to assist with infrastructure improvements in the City; and

WHEREAS, the necessary budget amendment is attached hereto by reference as if appearing verbatim herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the 16 – 17 City of Lebanon budget as follows:

Department: Mayor & Council

From:	11090000-79000	Budget Fund Balance	$750,000.00
To:	11041110-72380	Mayor's Discretionary Spending	$750,000.00

Section 2. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to contribute Seven Hundred Fifty Thousand Dollars and No Cents ($750,000.00) to the Regional Transportation Authority (RTA).

Section 3. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

Passed first reading: _____ Passed second reading: _____

CITY OF LEBANON ACCTG. DEPT.

BUDGET AMENDMENT FORM

FY 2016-2017

FINANCE DEPT
2016 AUG -9 PM 4:34

FOR ACCOUNTING PURPOSES ONLY
BGT #
POSTED
REF #
INITIALS

DEPARTMENT MAYOR & COUNCIL

TRANSFER FROM

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11090000-79000	BUDGET FUND BALANCE	$ 750,000.00	
	Total	$ 750,000.00	

TRANSFER TO

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11041110-72380	MAYOR'S DISCRETIONARY SPENDING		$ 750,000.00
	Total		$ 750,000.00

REQUESTED BY _____ **DATE** _____

DEPARTMENT HEAD _____ **DATE** _____

COMM. OF FINANCE Robert D. Lynn **DATE** 8/5/16

MAYOR _____ **DATE** _____

REASON FOR THIS TRANSFER:

APPROPRIATE FUNDS FOR A DONATION TO THE RTA TO ASSIST WITH INFRASTRUCTURE IMPROVEMENTS IN THE CITY.

REVISED 10-8-20

INTERFUND LOAN CAPITAL OUTLAY NOTES

(Maturity not exceeding three (3) years)

Resolution No. 16-1971

RESOLUTION OF THE GOVERNING BODY OF
CITY OF LEBANON, TENNESSEE, AUTHORIZING
THE ISSUANCE, SALE, AND PAYMENT OF
WATER-SEWER FUND INTERFUND LOAN
CAPITAL OUTLAY NOTES NOT TO EXCEED $ 750,000

WHEREAS, the Governing Body of Lebanon, Tennessee (the Local Government) has determined that it is necessary and desirable to provide funds for the following public works project(s) (the "Project"):
infrastructure improvements within the city

(If multiple projects are involved, attach separate sheet identifying each project, its estimated economic life, and the portion of the Notes to be applied to the cost of such project;) and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated, local governments in Tennessee are authorized to finance the cost of the Project through the issuance and sale of interest bearing capital outlay notes with a maturity of up to three years upon the approval of the Comptroller of the Treasury or Comptroller's Designee; and

WHEREAS, under the provisions of §9-21-408 of Title 9 Chapter 21, Tennessee Code Annotated, Local Governments in Tennessee are authorized to make interfund loans in accordance with procedures for issuance of notes in § 9-21-604 of Title 9 Chapter 21 Tennessee Code Annotated.

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of Lebanon, Tennessee, as follows:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution, and upon approval of the Comptroller of the Treasury or Comptroller's Designee, to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed seven hundred fifty thousand Dollars ($ 750,000.00) (the "Notes") from the Water-Sewer fund to the General fund upon approval of the Comptroller of the Treasury or Comptroller's Designee pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Water-Sewer Fund to General Interfund Loan Capital Outlay Notes, Series 20 16",

shall be numbered serially from 1 upwards; shall be dated as of the date of issuance; shall be in denomination (s) as agreed upon by the legislative governing body; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed one point five percent (1.5 %) per annum, and in no event shall the rate exceed the legal limit provided by law.

Section 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least 9 years. Provided, however, that each year [or *fiscal year after the fiscal year of issue*] the Notes are outstanding, one-ninth (1/ 9), [*but in no event not less than one-ninth (1/9)*], of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

Section 3. That, the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

Section 4. That, the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

If applicable, the Notes shall be further secured by the revenues of the General Fund.

[*Optional: Allow the Notes to be secured by revenues of project(s) financed. If the revenues generated by Project are to be applied as additional security for the Notes, describe such revenues here. Remove this sentence if project revenues are not pledged as additional security.*]

Section 5. That, the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the Mayor with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Commissioner of Finance of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the Commissioner of Finance of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

Section 6. That, the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of

transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Section 7. That, the Notes shall be in substantially the form authorized by the Comptroller of the Treasury or Comptroller's Designee and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

Section 8. The Notes shall not be sold until receipt of the Comptroller of the Treasury or Comptroller's Designee's written approval for the sale of the Notes.

Section 9. That the Notes may be designated as qualified tax-exempt obligations for the purpose of Section 265(b) (3) of the Internal Revenue Code of 1986.

Section 10. That, after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee (the "Director".) The budget shall be kept balanced during the life of the notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee.

Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

Duly passed and approved this _____ day of _____, 20__.

_____

_____

(Local Government Chief Executive)

ATTESTED:_____

(City Recorder/County Clerk)

Attachment 1
CAPITAL OUTLAY NOTE FORM

Registered
Note #: 1

City of Lebanon
Of the
State of Tennessee

Registered
$ 750,000

Water-Sewer Fund to General Fund
Interfund Capital Outlay Note,
Series 20 16

DATED	INTEREST RATE	MATURITY DATE
_____,20__	1.5 %	_____,20__

Registered Owner: City of Lebanon
Principal Sum: $ 750,000

The City Council (Governing Body) of Lebanon, Tennessee (the Local Government) hereby acknowledges itself indebted, and for value received hereby promises to pay to the Registered Owner hereof (named above), or registered assigns, the Principal Sum specified above on the Maturity Date specified above or according to an amortization schedule attached hereto (unless this note shall have been duly called for prior redemption and payment of the redemption price shall have been duly made or provided for), upon presentation and surrender to the Local Government or its agent, and to pay interest on the Principal Sum on _____ and thereafter on _____ of each year at the Interest Rate per annum specified above or according to an amortization schedule attached hereto, by check, draft, or warrant mailed to the Registered Owner at the address of the Registered Owner as it appears on the fifteenth (15th) calendar day of the month next preceding the applicable payment date in the note register maintained by or on behalf of the Local Government. Both principal of and interest on this note are payable at the office of the Commissioner of Finance & Revenue of the Local Government or a paying agent duly appointed by the Local Government in lawful money of the United States of America.

This note is a direct obligation of the Local Government for the payment of which as to both principal and interest the full faith and credit of the Local Government is pledged.

This note is subject to redemption prior to its stated maturity in whole or in part at any time at the option of the Local Government upon payment of the principal amount of the note together with the interest accrued thereon to the date of redemption with a premium of 1 % of par value.

This note is issued under the authority of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated, and a Resolution duly adopted by the Governing Body of the Local Government meeting in session on the _____ day of _____, 20____ (the "Resolution") to provide funds to finance the cost of public works projects referenced in the Resolution.

This note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the Registered Owner of the note in person or by the Registered Owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent of the note together with a written instrument of transfer satisfactory to the Local Government duly executed by the Registered Owner or the Registered Owner's duly authorized attorney but only in the manner as provided in the Resolution of the Local Government authorizing the issuance of this note and upon surrender hereof for cancellation. Upon the transfer of any such note, the Local Government or its agent shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered note. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date on the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

Title 9, Chapter 21, Section 117, Tennessee Code Annotated provides that this note and interest thereon are exempt from taxation by the State of Tennessee or by any county, municipality or taxing district of the State, except for inheritance, transfer and estate taxes and except as otherwise provided under the laws of the State of Tennessee.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this note exist, have happened and have been performed in due time, form and manner as required by the Constitution and laws of the State of Tennessee, and that the amount of this note, together with all other indebtedness of the Local Government, does not exceed any constitutional or statutory limitation thereon, and that this note is within every constitutional and statutory limitation.
IN WITNESS WHEREOF, the Governing Body of the Local Government has caused this note to be executed in the name of the Local Government by the manual signature of the _____, and countersigned and attested by the manual signature of the _____ with the Seal of the Local Government affixed hereto or imprinted hereon, and this note to be dated as of the _____ day of 20____.

_____

(Mayor)

ATTESTED: _____ SEAL

(City Recorder)

ASSIGNMENT

Note No. R-_____.

Amount: $_____.

For value received, the undersigned hereby sells, assigns and transfers unto

_____

(Name and address of assignee)

_____

(Please indicate social security or other tax identifying number of assignee)

The within-mentioned note and hereby irrevocably constitutes and appoints _____, attorney-in-fact, to transfer the same on the note register in the office of the _____ or the agent of the Local Government with full power of substitution in the premises.

Date: _____

Assignor: _____

Address: _____

Signature Guaranteed by:_____

NOTE: The signature as to this assignment must correspond with the name as written on the face of the within note in every particular, without alteration, enlargement or any change whatsoever.

RESOLUTION NO. 16-1972

A RESOLUTION OF THE CITY COUNCIL OF LEBANON IN SUPPORT OF AN APPLICATION FOR A STATE INDUSTRIAL ACCESS (SIA) GRANT FOR THE CONSTRUCTION OF THE EXTENSION OF GENESCO PARKWAY FOR AN INDUSTRIAL ACCESS ROAD TO SERVE PROJECT DELOREAN

WHEREAS, the City of Lebanon, Tennessee, is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance this area's capabilities for growth and development; and

WHEREAS, the provision of jobs to area citizens by local industry is both necessary and vital to the economic well-being of the City of Lebanon; and

WHEREAS, the Industrial Highway Act of 1959 authorizes the Tennessee Department of Transportation to contract with cities and counties for the construction and maintenance of "Industrial Highways" to provide access to industrial areas and to facilitate the development and expansion of industry within the State of Tennessee; and

WHEREAS, Project DeLorean plans to construct/expand an industrial facility in the City of Lebanon, Tennessee; and

WHEREAS, the construction of an industrial access road to serve said proposed development is necessary and vital to the successful completion of this project and the future economic well-being of this area.

NOW, THEREFORE BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. That a contract be entered into with the Tennessee Department of Transportation for assistance in construction and completion of the herein proposed industrial access road and other road improvements under the provisions of the Industrial Highway Act of 1959.

Section 2. Notwithstanding any other provisions of this resolution to the contrary, the City of Lebanon has not committed, and shall not commit, any public funds, tax monies or otherwise, to the construction of any road(s) funded through this State Industrial Access Grant, unless approved by the Lebanon City Council.

Section 3. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this _____ day of _____2016.

Attest:

Approved:

_____
Commissioner of Finance & Revenue

_____
Mayor

Approved as to form:

_____
City Attorney

RESOLUTION NO. 16-1973

A RESOLUTION OF THE CITY COUNCIL OF LEBANON TO APPROVE LEASE RATES FOR ROOMS/OFFICE 210 AND 212 IN THE NEW TERMINAL BUILDING AT THE LEBANON MUNICIPAL AIRPORT

WHEREAS, the Lebanon City Council passed Ord. No. 16-5227 to approve lease rates for the second floor office and common areas at the new terminal building at the Lebanon Municipal Airport; and

WHEREAS, the Lebanon Airport Commission has further recommendations for such lease rates as follows:

- $17.00 per square foot for rooms/offices 210 and 212, plus $5.00 per square foot for restrooms

NOW, THEREFORE, BE IT RESOLVED by the City of Lebanon, Tennessee, as follows:

Section 1. The lease rates for the rooms/offices 210 and 212 in the new terminal building at the Lebanon Municipal Airport are hereby established as stated herein.

Section 2. The Mayor and Commissioner of Finance are hereby authorized to execute any and all necessary documents to establish and implement such lease rates for rooms/offices 210 and 212.

Section 3. This resolution shall take effect immediately upon its passage, the public welfare requiring the same.

Adopted this ___ day of _____, 2016.

Attest: Approved:

_____ _____

Commissioner of Finance & Revenue Mayor

Approved as to form:

_____

City Attorney

ORDINANCE NO. 16-5300

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE THE WAIVER OF FEES FOR THE EXPANSION OF THE NEW LEASH ON LIFE FACILITY ON JIM DRAPER BOULEVARD

WHEREAS, New Leash on Life is preparing to expand its facility on Jim Draper Boulevard to include a spay/neuter clinic and more space to accommodate a larger number of dogs and cats at its adoption center; and

WHEREAS, the first phase of such expansion will be the spay/neuter clinic; and

WHEREAS, it is in the best interest of the citizens of Lebanon to waive the following fees and taxes for such expansion:

- Planning Commission Fee
- Storm Water Plan Review Fee
- Land Disturbance Permit Fee
- Storm Water Inspection Fee
- Building Plans Review Fee
- Building Permit Fee
- Plumbing Permit Fee
- Mechanical Permit Fee
- Fire Alarm Plan Review Fee
- Fire Suppression Plan Review Fee
- Water Tap
- Water Capacity
- Sewer Tap
- Sewer Capacity
- Water/Sewer Plan Review
- Water/Sewer Construction Inspection
- Gas Tap

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to waive the above referenced fees for the construction of the expansion of the New Leash on Life facilities on Jim Draper Boulevard.

Section 2. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest:

Approved:

_____
Commissioner of Finance & Revenue

_____
Mayor

Approved as to form:

_____
City Attorney

Passed first reading: _____

Passed second reading: _____

new leash on life

newleashonline.org

To the City of Lebanon,

New Leash on Life is preparing to expand our facility to include a spay/neuter clinic and more space to accommodate a larger number of dogs and cats at our Adoption Center.

The first phase of our expansion will be a spay/neuter clinic. Currently with the Spay Station (our mobile surgery unit) we are not able to "fix" large dogs because our surgery table is too small. We also aren't able to serve as many dogs because we are limited by the kennels that can fit on the Spay Station. With a brick and mortar facility, the size of the dogs and the number of dogs served will increase. And with more space, more cats can also be accommodated.

With a physical clinic, we will better accommodate the needs of pet owners in the community. This should have an impact on the number of unwanted litters of puppies and a kitten, reducing pet homelessness and this is a win win for everyone.

Knowing this project will positively impact the community, we'd like to ask that the city of Lebanon waive any permits/taxes/fees possible associated with the expansion. We understand that permits still need to be filed and all building protocols will continue to apply but ask that the fees associated with the build process be waived.

Fees/Permits/Taxes we'd like you to consider waiving:

- Land Disturbance Permit
- Storm Water Permit
- Plumbing Permit
- Building Permit
- Facility Adequacy Tax
- Plan Review
- Sewer Capacity Fees
- Water Tap Fees

We appreciate your support in this project and the impact that your support could have on the animals and citizens of this community.

Thank you so much for your time and consideration.
One animal at a time,

Angela Chapman

P.O. Box 247
Lebanon, TN 37088-0247
P: (615) 444-1144 F: (615) 444-4997