



**Bernie Ash**  
*Mayor*

# CITY OF LEBANON

*Office of the Mayor*

200 North Castle Heights Avenue  
Lebanon, TN 37087

bernie.ash@lebanontn.org  
615-443-2839

**Debbie Jessen**  
*Mayoral Assistant*

## **SPECIAL CALLED CITY COUNCIL MEETING**

**AGENDA - MAY 17, 2017 - 7:45 A.M.**

**TOWN MEETING HALL, ADMINISTRATION BUILDING**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OLD BUSINESS:**
  1. **Ordinance No. 17-5451**, second reading, to authorize a line item transfer for the Jimmy Floyd Family Center (for bank card charges), by Tim Hill, Floyd Center Director, and Robert Springer, Commissioner of Finance and Revenue.
  2. **Ordinance No. 17-5459**, second reading, to approve an addendum to the Design Contract for Brisikin Lane with Ragan-Smith, Inc. and budget amendment, by Jeff Baines, Commissioner of Public Works, and Randy Laine, Engineering Director of Capital Projects.

*Line Item Transfer - After the Fact:*

3. **Ordinance No. 17-5460**, second reading, to approve line item transfers for the Human Resources Department, by Sylvia Reichle, Human Resources Director, and Robert Springer, Commissioner of Finance and Revenue.

*Line Item Transfer - Before the Fact:*

4. **Ordinance No. 17-5461**, second reading, to approve a line item transfer for the Sewer Collection Department (for Uniforms), by Jeff Baines, Commissioner of Public Works, and Robert Springer, Commissioner of Finance and Revenue.

5. **Ordinance No. 17-5466**, second reading, to establish the Carver Lane Improvement Plan, by Jeff Baines, Commissioner of Public Works.
  
6. **Ordinance No. 17-5467**, second reading, to appropriate funds for the Tennessee Court of Appeals Judgment in George Greenwood, et al., v. City of Lebanon, by Andy Wright, City Attorney.

#### 4. **ADJOURNMENT**

**ORDINANCE NO. 17-5451**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AUTHORIZE A LINE ITEM TRANSFER FOR THE JIMMY FLOYD FAMILY CENTER**

**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 line item transfer is necessary for the Jimmy Floyd Family Center to cover bank card charges for the remainder of this fiscal year; and

**WHEREAS**, the appropriate line item transfer is incorporated on the attached table 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 FY 2016 – 2017 City of Lebanon budget in the following manner:

**Department: JFFC**

From: 12244431-73200      Operating Supplies      \$3,500.00

To: 12244431-77940      Bank Card Charges      \$3,500.00

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** JFFC

**TRANSFER FROM**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
122 44431 73200	OPERATING SUPPLIES	3500	
Total		\$	-

**TRANSFER TO**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
122 44431 77940	BANK CARD CHARGES		3500
Total		\$	-

**REQUESTED BY** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DEPARTMENT HEAD** Jim Hall

**DATE** 4/30/17

**COMM. OF FINANCE** Robert R. Spivey

**DATE** 5/2/17

**MAYOR** Debra A. ...

**DATE** 5-2-17

**REASON FOR THIS TRANSFER:**

This should cover thru end of Budget - Patrons using debit/credit cards more instead of CASH - (90)

**ORDINANCE NO. 17-5459**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE AN  
ADDENDUM TO THE DESIGN CONTRACT FOR BRISKIN LANE WITH RAGAN-  
SMITH, INC. AND BUDGET AMENDMENT**

**WHEREAS**, the Lebanon City Council approved an agreement with Ragan-Smith, Inc. by Ord. No. 14-4813 on December 16, 2014 for the engineering and design of improvements to Briskin Lane from Cainsville Road to Sparta Pike; and

**WHEREAS**, an addendum to such agreement is now necessary due to the increased scope of work to provide right-of-way plans, review appraisals, and right-of-way negotiations for such project per TDOT requirements; and

**WHEREAS**, the necessary addendum is attached hereto by reference as if appearing verbatim herein; and

**WHEREAS**, a budget amendment is necessary to cover the cost.

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

Section 1. The addendum to the agreement with Ragan-Smith, Inc., attached hereto and incorporated herein as if appearing verbatim, is hereby approved. The Mayor and Commissioner of Finance and Revenue are hereby authorized to execute such addendum.

Section 2. The Mayor and the Commissioner of Finance and Revenue are hereby authorized to amend the 2016 – 2017 City of Lebanon budget as follows:

**Department: SSA/Street Imp.**

From: 12190000-79000	Budget Fund Balance	\$236,700.00
316-37940	Transfer from Other Funds	\$236,700.00
To: 31643148-79330	Engineering & Other Expenses	\$236,700.00
12143100-77150	Transfer to Other Funds	\$236,700.00

Section 3. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

**Ord. No. 17-5459**

**Page 2**

Attest:

Approved:

\_\_\_\_\_  
Commissioner of Finance & Revenue

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

Passed first reading:

\_\_\_\_\_

Passed second reading:

\_\_\_\_\_



**COMPENSATION**

Ragan-Smith proposes to provide the above-outlined tasks for the anticipated fees shown below. Final fees will be determined after the title searches have been completed.

**I. RIGHT-OF-WAY ACQUISITION PROCESS**

1. Management & Coordination	Ragan-Smith Associates	\$25,000.00
2. Title Report	Smith Sholar Milliken, Atty	\$ 8,000.00
3. Right-of-Way Staking (17 tracts)	Ragan-Smith Associates	\$16,000.00
4. Descriptions & Exhibits (17 tracts)	Ragan-Smith Associates	\$ 9,000.00
5. Public Meeting	Ragan-Smith Associates	\$25,000.00
6. Appraisals	Randy Button Associates	\$62,000.00
7. Review Appraisals	Ted Boozer	\$28,000.00
8. Negotiations	R&D Enterprises	\$24,000.00
9. Closings	Smith Sholar Milliken, Atty	<u>\$17,000.00</u>

**TOTAL RIGHT-OF-WAY ACQUISITION PROCESS** **\$214,000.00**

**II. GEOTECHNICAL INVESTIGATION AND PLANS**

1. Management and Coordination	\$ 2,000.00
2. Staking Boring Location	\$ 2,500.00
3. Geotechnical Investigation	\$15,000.00
4. Plans Preparation	<u>\$ 2,200.00</u>

**TOTAL GEOTECHNICAL INVESTIGATION/PLANS** **\$ 21,700.00**

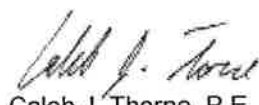
**TOTAL ADDENDUM AMOUNT** **\$235,700.00**

We appreciate the opportunity to provide this proposal for additional services to you. If you agree to the terms, please sign and return a copy of this document that will serve as authorization to proceed with the work.

Sincerely,

**RAGAN-SMITH ASSOCIATES, INC.**

  
Joseph F. Griffin, P.E.  
Senior Vice President

  
Caleb J. Thorne, P.E.  
Associate

Attachment

JFG:djb

**CLIENT ACCEPTANCE and AUTHORIZATION TO PROCEED:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed/Typed Name: \_\_\_\_\_ Title: \_\_\_\_\_

RAGAN-SMITH ASSOCIATES, INC.

CONTRACT TERMS AND CONDITIONS

SCHEDULE OF SERVICES AND EXPENSES

Professional Services

Table with 2 columns: Classification, Hourly Rate. Rows include Principal (\$180.00), Senior Project Manager (160.00), Project Manager (140.00), Professional Engineer (120.00) with sub-items (Civil, Traffic, Hydrology/Hydraulics, Environmental, Construction Engineer), Planner (\$110.00), Registered Landscape Architect (110.00), Registered Land Surveyor (110.00).

Technical Services

Table with 2 columns: Classification, Hourly Rate. Rows include Senior Designer (\$100.00), Designer (85.00), Senior Technician (90.00), Technician (80.00), Administrative Assistant (75.00).

Construction Services

Table with 2 columns: Classification, Hourly Rate. Rows include Construction Manager (\$140.00), Senior Inspector (95.00), Inspector (75.00).

Field Survey Services

Table with 2 columns: Classification, Hourly Rate. Rows include Two Man Survey Crew (\$130.00), Three Man Survey Crew (175.00), One Man Robotic or GPS Survey Crew (130.00), 3-D Laser Scanning Survey Crew (250.00).

Expenses

Expenses (not limited) are not included in the service fees of this agreement unless specifically stated.

Table with 2 columns: Expense Category, Cost. Rows include Travel (Cost), Subcontracts (Cost), Sundries / Review/Submittal Fees (Cost), Printing/reproductions (Commercial Rates).

Review/submittal fees over \$200 are to be paid by the client directly to the jurisdictional agency.

PARTIES, SERVICES, ASSIGNMENT AND ENTIRE AGREEMENT - Ragan-Smith Associates, Inc., as an independent consultant, agrees to provide consulting services to the Client for the Client's sole benefit and exclusive use.

STANDARD OF CARE - Ragan-Smith agrees to perform consulting services in accordance with the degree of care and skill ordinarily exercised by other reputable members of our profession under similar circumstances.

CONCEALED OR UNKNOWN CONDITIONS - If conditions are encountered at the site that are concealed or unknown, then Ragan-Smith will be entitled to an equitable adjustment in the contract sum or contract time or both.

OPINIONS OF COST - When requested by the Client, Ragan-Smith will use its best efforts, experience and judgment to offer an opinion of estimated construction costs.

SITE ACCESS - Client will grant or obtain free access to the site for all equipment and personnel necessary for Ragan-Smith to perform the services set forth in this Agreement.

JOB SITE SAFETY - Client agrees that, in accordance with the generally accepted construction practice, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during the performance of the services.

INSURANCE - Ragan-Smith maintains insurance coverage including Workers' Compensation Insurance, Employer's Liability Insurance, Commercial General Liability Insurance, Automobile Liability Insurance and Professional Errors and Omission Insurance.

LIMITATION OF LIABILITY - In recognition of the relative risks and benefits of the project to both the Client and Ragan-Smith, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the total aggregate liability of Ragan-Smith and its sub-consultants to the Client for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, to \$50,000 or Ragan-Smith's total fee for services rendered on the project, whichever is greater.

WAIVER OF CONSEQUENTIAL DAMAGE - Ragan-Smith and Client waive their right to recover consequential damages against each other, and Ragan-Smith and Client do hereby release each other from consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement.

PAYMENT TERMS - Client will be invoiced once each month for services performed during the preceding period. If payment is not received within thirty (30) days of the invoice date, the Client agrees to pay a service charge on the past due amount of one and one half percent (1 1/2%) per month compounded monthly.

LIEN RIGHTS - The parties agree that the design services provided by Ragan-Smith under this Contract will improve the value of the real property, regardless of whether any physical improvements are made to the property in furtherance of Ragan-Smith's services.

DISPUTE RESOLUTION/MEDIATION - In an effort to resolve any disputes that arise during or subsequent to the performance of services outlined in this Agreement, the Client and Ragan-Smith agree to submit all such disputes to mediation prior to the commencement of litigation.

TERMINATION - The Agreement may be only terminated for cause upon seven (7) days of written notice. In the event of termination, Ragan-Smith will be entitled to compensation for all services provided and expenses incurred up to and including the termination date.



**CITY OF LEBANON ACCTG. DEPT.**

**BUDGET AMENDMENT FORM**

**FY 2015-2016**  
2016-2017

SSA / Street Imp.

**DEPARTMENT**

*[Handwritten signature]*

FOR ACCOUNTING PURPOSES ONLY

**BGT #**

POSTED

REF #

INITIALS

**TRANSFER FROM**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
<del>12190000 79000</del>	<del>Budget Fund Balance</del>	<del>236,700.00</del>	
12190000 79000	Budget Fund Balance	236,700.00	
316 37940	Transfer from Other Funds	236,700.00	
Total		\$ -	

**TRANSFER TO**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
316 43148 79330	<del>Engineering + other Expenses</del>		236,700.00
121431000 77150	Transfer to Other Funds		236,700.00
12143100 77150			
Total			\$ -

**REQUESTED BY**

*Randy Laine*

**DATE**

5/8/17

**DEPARTMENT HEAD**

*Jeff Bandy*

**DATE**

5/8/17

**COMM. OF FINANCE**

*Robert Springer*

**DATE**

5/8/17

**MAYOR**

*[Handwritten signature]*

**DATE**

5-10-17

**REASON FOR THIS TRANSFER:**

Ord. No. 17-5459

**ORDINANCE NO. 14-4813**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE AN AGREEMENT WITH RAGAN-SMITH, INC., TO DESIGN IMPROVEMENTS TO BRISKIN LANE FROM CAINSVILLE ROAD TO SPARTA PIKE**

**WHEREAS**, the City of Lebanon has a need to improve Briskin Lane from Cainsville Road to Sparta Pike as part of the Legends Drive Corridor project to better serve the citizens of Lebanon; and

**WHEREAS**, Ragan-Smith, Inc., has submitted a proposal for the design and engineering of the improvements in the amount of \$155,110.00; and

**WHEREAS**, funds are available in the General Fund – Fund Balance for this design and engineering work, but a line item transfer will be needed in order to move the funds to the engineering budget; and

**WHEREAS**, through a State Industrial Access grant to the City, TDOT is providing approximately \$560,000.00 in construction costs.

**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 an agreement with Ragan-Smith, Inc., for the engineering and design of improvements to Briskin Lane from Cainsville Road to Sparta Pike as part of the Legends Drive Corridor project for a total design fee of \$155,110.00 (one hundred fifty-five thousand, one hundred ten dollars and no cents).

Section 2. Through a State Industrial Access (SIA) grant from TDOT, the City will receive approximately \$560,000.00 for construction of the improvements designed by Ragan-Smith.

Section 3. The FY 2014 - 2015 City of Lebanon budget shall be amended in the following manner in order to allocate funds from the General Fund – Fund Balance to the engineering department for the design and engineering agreement with Ragan-Smith.

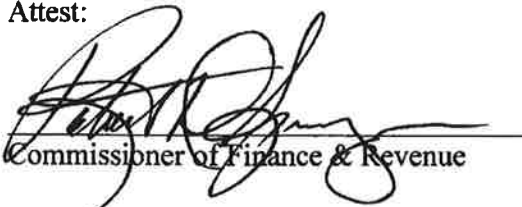
<u>From:</u> 11090000-79000	General Fund – Fund Balance	(\$155,110.00)
<u>To:</u> 31643148-72520	Engineering – Briskin Lane	\$155,110.00

**Ordinance No. 14-4813**

**Page 2**

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

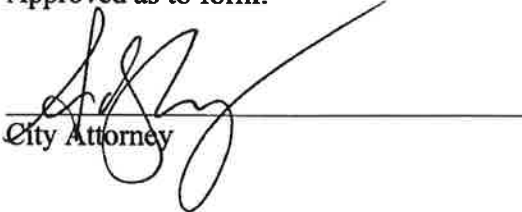
Attest:

  
\_\_\_\_\_  
Commissioner of Finance & Revenue

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Passed first reading: 12/02/14

Passed second reading: 12/16/14

**ORDINANCE NO. 17-5460**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE LINE ITEM TRANSFERS FOR THE HUMAN RESOURCES DEPARTMENT**

**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**, the Human Resources Department has a need for line item transfers to cover expenditures for the remainder of the fiscal year.

**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 2016 – 2017 City of Lebanon budget as follows:

**Department: Human Resources**

From: 11041650-71500	Employee Buyouts	\$1,050.00
To: 11041650-71120	Overtime	\$500.00
11041650-71460	Workmen's Comp	\$200.00
11041650-72110	Postage & Shipping	\$50.00
11041650-75100	Insurance	\$300.00

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. FINANCE DEPT.**  
**BUDGET AMENDMENT FORM**  
**FY 2016-2017**

2017 MAY -5 PM 2:49

FOR ACCOUNTING PURPOSES ONLY	
<b>BGT #</b>	_____
POSTED	_____
REF #	_____
INITIALS	_____

**DEPARTMENT** HUMAN RESOURCES

**TRANSFER FROM**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11041650-71500	Employee Buyouts	\$ 1,050.00	
	<b>Total</b>	\$ 1,050.00	

**TRANSFER TO**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
11041650-71120	Overtime		\$ 500.00
11041650-71460	Workmen's Comp		\$ 200.00
11041650-72110	Postage & Shipping		\$ 50.00
11041650-75100	Insurance		\$ 300.00
	<b>Total</b>		\$ 1,050.00

**REQUESTED BY** Sylvia Reichle, HR Director

**DATE** 5/5/2017

**DEPARTMENT HEAD** Sylvia Reichle, HR Director

**DATE** 5/5/2017

**COMM. OF FINANCE** *Robert [Signature]*

**DATE** 5/5/17

**MAYOR** *[Signature]*

**DATE** 5-8-17

**REASON FOR THIS TRANSFER:**

Cover expenditures for the remainder of the year.

**ORDINANCE NO. 17-5461**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROVE A LINE ITEM TRANSFER FOR THE SEWER COLLECTION DEPARTMENT**

**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**, the Sewer Collection Department has a need for a line item transfer to cover uniform expenses for the remainder of the fiscal year.

**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 2016 – 2017 City of Lebanon budget as follows:

**Department: Sewer Collection**

From: 41152214-74500      Raw Materials      \$500.00

To: 41152214-73260      Uniforms      \$500.00

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**

FINANCE DEPT  
2017 MAY -5

FOR ACCOUNTING PURPOSES ONLY	
<b>BGT #</b>	_____
POSTED	_____
REF #	_____
INITIALS	_____

**DEPARTMENT** Sewer Collection

**TRANSFER FROM**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
41152214-74500	Raw Materials	\$ 500.00	
Total		\$ 500.00	

**TRANSFER TO**

G/L ACCT NO	ACCT DESCRIPTION	DEBIT	CREDIT
41152214-73260	Uniforms		\$ 500.00
Total			\$ 500.00

<b>REQUESTED BY</b>	<u><i>Clayton Anderson</i></u>	<b>DATE</b>	<u>5-3-17</u>
<b>DEPARTMENT HEAD</b>	<u><i>Jeff Berman</i></u>	<b>DATE</b>	<u>5/5/17</u>
<b>COMM. OF FINANCE</b>	<u><i>Robert D. [Signature]</i></u>	<b>DATE</b>	<u>5/8/17</u>
<b>MAYOR</b>	<u><i>[Signature]</i></u>	<b>DATE</b>	<u>5-8-17</u>

**REASON FOR THIS TRANSFER:**  
to cover rest of budget year uniform expense

*Before*



**ORDINANCE NO. 17-5466**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON  
TO ESTABLISH THE CARVER LANE IMPROVEMENT PLAN**

**WHEREAS**, the City of Lebanon has several residential developments of various densities either proposed and/or under construction which will impact traffic safety on Carver Lane as well as at the Carver Lane/Hwy 70 intersection; and

**WHEREAS**, the Commissioner of Public Works, Planning Director, and Engineering Directors of Development and Capital Improvements, along with the Planning Commission, recommend a global solution to anticipated traffic congestion, particularly at the intersection of Highway 70 and Carver Lane; and

**WHEREAS**, the need for center turn lanes and right turn lanes shall be evaluated and a determination/recommendation as to when the developer makes improvements at the developer's specific site. Traffic studies provided by or at the cost of the developer will be one tool utilized by staff to determine the need for such improvements; and

**WHEREAS**, there will be a need for sidewalks along this route as development and pedestrian traffic increases; and

**WHEREAS**, it is in the best interest of the citizens of Lebanon, Tennessee, for the City Council to approve a Carver Lane improvement plan funded through an increase in permit fees for development on Carver Lane from Hwy 70 to Maple Hill Rd.

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

Section 1. The Mayor, Commissioner of Public Works, and Commissioner of Finance and Revenue are hereby authorized to execute appropriate permit fee agreements with new and expanding residential developers along Carver Lane in order to provide a global solution to anticipated traffic congestion and consummate a Carver Lane improvement plan from Hwy 70 to Maple Hill Rd.

Section 2. The permit fees generated by the Carver Lane improve plan are anticipated to cover the majority of costs related to the improvements at/near Hwy 70 (including traffic signal) along with a center turn lane at various intersections such as Smith Drive, Toshiba Drive, etc.



**Ordinance No. 17-5446**

**Page 2**

Section 3. The Carver Lane improvement plan permit fees shall be paid as follows and in addition to any currently established permit fees:

A. \$600 per residential unit prior to issuance of the building permit for projects that are not required to make improvements to Carver Lane.

B. \$450 per residential unit prior to issuance of the building permit for projects that are required to make significant improvements to Carver Lane to provide safe turning movements or increase roadway capacity at their specific development location.

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: \_\_\_\_\_

Passed second reading: \_\_\_\_\_

**ORDINANCE NO. 17-5467**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO APPROPRIATE FUNDS FOR THE TENNESSEE COURT OF APPEALS JUDGMENT IN GEORGE GREENWOOD, ET AL., v. CITY OF LEBANON**

**WHEREAS**, George Greenwood and Janet Langley filed a breach of contract suit against the City of Lebanon in the Wilson County Chancery Court on May 07, 2014, Case No. 2014-CV-183; and

**WHEREAS**, the Wilson County Chancery Court awarded Greenwood and Langley \$70,608.28; and

**WHEREAS**, the City appealed the final judgment to the Tennessee Court of Appeals on May 03, 2016, Case No. M2016-01168-COA-R3-CV; and

**WHEREAS**, on April 19, 2017, the Tennessee Court of Appeals affirmed the judgment of the Wilson County Chancery Court; and

**WHEREAS**, the total amount due Greenwood and Langley as of May 18, 2017, is \$75,087.72, including post judgment interest; and

**WHEREAS**, an amendment to the City of Lebanon FY 2016 – 2017 budget is necessary to appropriate funds from the City’s general fund balance in order to pay the judgment.

**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 City of Lebanon FY 2016 – 2017 budget in the following manner in order to appropriate funds to pay the final judgment in Greenwood, et al., v. City of Lebanon, Wilson County Chancery Court, Case No. 2014-CV-183/Tennessee Court of Appeals, Case No. M2016-01168-COA-R3-CV, as calculated on the attached Exhibit A:

<b>Department: Legal</b>		
From: 11090000-7900	General Fund Balance	\$75,087.72
To: 11041120-72510	Legal	\$75,087.72

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

**Ordinance No. 17-5467**  
**Page 2**

Attest:

Approved:

\_\_\_\_\_  
Commissioner of Finance & Revenue

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

Passed first reading: \_\_\_\_\_

Passed second reading: \_\_\_\_\_

**CALCULATION OF GREENWOOD/LANGLEY POST JUDGMENT INTEREST  
AND FINAL AMOUNT DUE ON MAY 18, 2017**

Date of Trial Court Final Judgment: March 23, 2016

Amount of Final Judgment: **\$70,608.28**

Statutory Post Judgment Interest Rate as of January 2016: 5.5% per annum

Daily Amount of Interest:  $\$70,608.28 \times 5.5\% = \$3,883.46 / 365 = \mathbf{\$10.64/day}$

Date on Which Ordinance Appropriating Funds for Greenwood Judgment Will Receive 2<sup>nd</sup>  
Reading: May 18, 2017

Number of Days between March 23, 2016, and May 18, 2017 (Day after May 17<sup>th</sup> Special Called  
Council Meeting): 421

Amount of Estimated Interest Due on May 18, 2017:  $421 \times \$10.64 = \mathbf{\$4,479.44}$

Total Amount Due Greenwood/Langley on May 18, 2017:  $\$70,608.28 + \$4,479.44 = \mathbf{\$75,087.72}$

**Exhibit A**  
**Ordinance No. 17-5467**