

# CITY OF GALLATIN COUNCIL MEETING

January 17, 2012

6:00 pm

Dr. J. Deotha Malone  
Council Chambers

- Call to Order – Mayor Jo Ann Graves
- Opening Prayer – Father Pete Minton, St. Michael's Anglican Church
- Pledge of Allegiance – Councilwoman Kemp
- Roll Call: Vice Mayor Mayberry – Alexander – Camp – Garrott – Hayes – Kemp – Overton
- Approval of Minutes – December 16, 2011 and January 3, 2012
- Public Recognition on Agenda Related Items
- Mayor's Comments

## AGENDA

1. **Public Hearing – Ordinance #O1112-97** amending zoning ordinance of the City of Gallatin, Tennessee by amending R15 Planned Unit Development (R15 PUD) Zone District to SP Specific Plan (SP) Zone District – Greensboro North 1, LP, Owners(s) – 148.94 (+/-) acres – S.B.E. Tax Map #136//Parcels 004.05, 004.06 – located on Greenlea Boulevard south of the CSX Railroad (**Councilman Hayes**)
2. **Second Reading – Ordinance #O1109-79** amending Gallatin Municipal Code, Chapter 5, Buildings and Building regulations, Article VII, Property Maintenance Standards, Sec. 5-183 Amendments and Chapter 10, Health and Nuisances, Article III. Nuisances (**Vice Mayor Mayberry**)
3. **Second Reading – Ordinance #O1111-93** appropriating funds for street improvements in Stratford Park, Phases 1 and 2 (**Councilman Hayes**)
4. **Second Reading – Ordinance #O1112-95** amending the Gallatin Municipal Code by adding section 12-31, Prohibition of the possession, sale, delivery, transfer, or attempt to possess, sell deliver or transfer synthetic drugs. (**Councilman Overton**)
5. **Second Reading – Ordinance #12Ø1-1** appropriating funds to the Regional Transportation Authority for additional, new Relax and Ride transit services (**Councilwoman Kemp**)
6. **Second Reading – Ordinance #O12Ø1-2** to vacate right-of-way to Greensboro I.L.P (**Councilman Hayes**)
7. **First Reading – Ordinance #O1112-98** adopting a Plan of Service for the annexation of property located on Woods Ferry Road North of Pumping Station Road – Sammy Little, Owner – 8.4 (+/-) acres – S.B.E. Tax Map #148//Parcels 037.00, 037.01 (**Councilman Overton**)

8. **First Reading – Ordinance #O1112-99** for the annexation of property located on Woods Ferry Road, North of Pumping Station Road – Sammy Little, Owner – 8.4 (+/-) acres – S.B.E. Tax Map #148//Parcels 037.00, 037.01 (**Councilman Overton**)
9. **First Reading – Ordinance #O1112-100** amending zoning ordinance of the City of Gallatin, Tennessee by amending Residential 40 (R40) Low Density Residential Zone District to Residential 15 (R15) Medium Density Zone District – 8.4 (+/-) acres, Sammy Little, Owner, S.B.E. Tax Map #148//Parcels 037.00, 037.010 located on Woods Ferry Road, North of Pumping Station Road (**Councilman Overton**)
10. **Resolution #R1111-56** accepting public improvements by the City of Gallatin, Tennessee – Elk Acres, Section 2 (**Councilman Hayes**)
11. **Resolution #12Ø1-1** establishing Federal Tax and Securities Laws Compliance Policies and Procedures (**Councilman Garrott**)
12. **Resolution #R12Ø1-2** amending policy for public use of City Hall Facilities (**Councilman Camp**)
13. **Resolution R12Ø1-3** accepting an application seeking to form a Health, Educational and Housing Facility Board of the City of Gallatin, Tennessee, finding and determining that such Board be formed, authorizing the persons making such application to proceed to form such Board, and approving the form of the Certificate of Incorporation of such Board (**Councilman Alexander**)

- Other Business
- Public Recognition on Non-Agenda Related Items
- Adjourn

## **City of Gallatin Special Called Council Meeting**

The City of Gallatin met in special session Friday, December 16, 2011 in the Dr. J. Deoatha Malone Council Chambers City Hall. Mayor Jo Ann Graves called the meeting to order at 12:30 P.M.

City Recorder Connie Kittrell called the roll. The following were present: Vice Mayor Ed Mayberry, Councilman John D. Alexander, Councilman Steve Camp, Councilman Tommy Garrott, Councilman Craig Hayes, Councilwoman Anne Kemp, and Councilman Jimmy Overton.

### **Public Recognition on Agenda Related Item**

Mayor Graves called for public recognition on the agenda related item and with no one wishing to speak, public recognition was closed.

Mayor Graves stated the purpose of this special called meeting is to amend Resolution #R1110-53.

### **Agenda**

#### **1. Resolution #R1112-60**

City Attorney Joe Thompson explained the sole action of the City Council is to consider approving an amendment to replace Wiley Bros. – Aintree Capital, LLC as underwriter under the definitional section of Resolution #R1110-53 with Piper Jaffray & Co.

Finance Director Rachel Nichols stated Wiley Bros. is in the midst of a normal audit with the SEC and the SEC was not comfortable with our 2007 Resolution and agreement. The SEC did not feel there was enough disclosure on the underwriting fees and financial advisor fees.

Wiley Bros. offered alternative options but the SEC requested them step completely away from this 2011 Bond issue and terminate any agreements with the City of Gallatin. Ms. Nichols added that going forward things can be done on an issue by issue agreement.

Ms. Nichols stated someone from Piper Jaffrey's was willing to take the bond to market and sell them on Monday and close by the end of the year.

Special Council Meeting  
December 16, 2011

Councilwoman Kemp made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

**Adjourn**

There was no other discussion and the meeting was adjourned.

---

Mayor Jo Ann Graves

# City of Gallatin City Council Meeting

January 3, 2012

The Gallatin City Council met in regular session on Tuesday, January 3, 2012 in the Dr. J. Deotha Malone Council Chambers at Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Reverend Yaa Rice of St. AME Church led the opening prayer and Councilman John D. Alexander led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present: Vice Mayor Ed Mayberry, Councilman John D. Alexander, Councilman Steve Camp, Councilman Tommy Garrott, Councilman Craig Hayes, Councilwoman Anne Kemp and Councilman Jimmy Overton.

## Approval of Minutes

Mayor Graves presented the minutes of the December 6, 2011 City Council Meeting for approval. Councilman Overton made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

## Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items and with no one wishing to speak, public recognition was closed.

## Mayor's Comments

Mayor Graves wished everyone a happy and prosperous 2012.

## Agenda

### 1. Ordinance #O1110-91 - Second Reading

Councilman Alexander presented this ordinance amending Article 15.00, Administrative and Enforcement, of the Gallatin Zoning Ordinance in order to amend Section 15.06.060.E, Special Conditions for Limited Warehousing, Subsection 3, in order to add a provision for approval of Alternative Materials by the Planning Commission.

Councilman Alexander made motion to approve; Councilman Garrott seconded. Motion carried with 7 ayes and 0 nays.

**2. Ordinance #O1109-79 - First Reading**

Vice Mayor Mayberry presented this ordinance amending Gallatin Municipal Code, Chapter 5, Buildings and Building Regulations, Article VII, Property Maintenance Standards, Sec. 5-183 Amendments and Chapter 10, Health and Nuisances, Article III, Nuisances.

Vice Mayor Mayberry made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

**3. Ordinance #O1111-93 - First Reading**

Councilman Hayes presented this ordinance appropriating funds for street improvements in Stratford Park, Phases 1 and 2.

Councilman Hayes made motion to approve; Vice Mayor Mayberry seconded. Motion carried with 7 ayes and 0 nays.

**4. Ordinance #O1112-95 - First Reading**

Councilman Overton presented this ordinance amending the Gallatin Municipal Code by adding Section 12-31, Prohibition of the possession, sale, delivery, transfer, or attempt to possess, sell deliver or transfer synthetic drugs.

Councilman Overton made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

**5. Ordinance #O1112-97 - First Reading**

Councilman Hayes presented this ordinance amending Zoning Ordinance of the City of Gallatin, Tennessee by amending R15 Planned Unit Development (R15 PUD) Zone District to SP Specific Plan (SP) Zone District - Greensboro North I, LP, Owner(s) - 148.94 (+/-) Acres - S.B.E. Tax Map #136//Parcels 004.05, 004.06 - located on Greenlea Boulevard south of the CSX Railroad.

Councilman Hayes made motion to approve; Councilman Garrott seconded.

Councilman Garrott made several comments on this item.

Mayor called for the vote. Motion carried with 7 ayes and 0 nays.

**6. Ordinance #O1201-1 - First Reading**

Councilwoman Kemp presented this ordinance appropriating funds to the Regional Transportation Authority for additional, new Relax and Ride Transit Services.

Councilwoman Kemp made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

**7. Ordinance #O1201-2 - First Reading**

Councilman Hayes presented this ordinance to vacate right-of-way to Greensboro I, LP.

Councilman Hayes made motion to approve; Councilman Alexander seconded. Motion carried with 6 ayes and Councilman Garrott voting nay.

**8. Resolution #R1110-50**

Councilman Hayes presented this resolution accepting public improvements by the City of Gallatin, Tennessee - Lackey Property P.U.D. Re-subdivision of Lot 26.

Councilman Hayes made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

**9. Resolution #R1111-55**

Councilman Camp presented this resolution authorizing donation of excess 3" fire hose to the Gallatin Volunteer Fire Department and Westmoreland Volunteer Fire Department.

Councilman Camp made motion to approve; Councilman Garrott seconded. Motion carried with 7 ayes and 0 nays.

**Other Business**

Mayor Graves read a proclamation declaring January Mentoring Month for Big Brothers and Big Sisters. Mayor presented the proclamation to Ms. Tiffany Patton, representing Big Brothers and Big Sisters.

Council Meeting  
January 3, 2012

Mayor Graves stated there is a copy of the public notice that ran in the local newspaper for the schedule of the Council/Committee Meetings for 2012 on each council member's desk. Mayor said special called meetings can also be called and advertised as needed.

Mayor Graves stated there will be a second Mass Transit Leadership Academy Class and she is soliciting names of people that are interested in attending this class. Mayor requested anyone interested to contact her and she will submit their names.

Mayor said this is not only commuter rail but also buses, a system of moving people in volume.

Councilman Overton asked for an update on Clear Lake Meadows.

Mayor stated City Attorney Joe Thompson is absent tonight due to illness in his family and he has that information.

Councilman Overton invited everyone to attend the Gallatin Chamber of Commerce luncheon January 9<sup>th</sup>. Councilman Overton stated EDA Director, Clay Walker will be the guest speaker.

Councilman Garrott stated he thought the city allowed Mr. Stiles to start on the section in Clear Lake Meadows that the city had the money for, that part was approved.

Councilman Garrott requested the Council/Committee Meeting Schedule and relocating the Committee Meetings included on the next work session agenda for discussion.

Councilman Overton asked the status of the sign ordinance.

Mayor Graves stated Mr. Thompson is in the process of reviewing the definitions and when that is completed, the committee will continue moving forward with the text.

#### **Public Recognition on Non-Agenda Related Items**

Mayor Graves called for public recognition on non-agenda related items and with no one wishing to speak, public recognition was closed.

Council Meeting  
January 3, 2012

**Adjourn**

With no other business to discuss, the meeting was adjourned.

---

Mayor Jo Ann Graves

## Ann Whiteside

---

**From:** Jo Ann Graves  
**Sent:** Wednesday, January 04, 2012 9:25 AM  
**To:** Ann Whiteside  
**Subject:** FW: Mayor Graves

Pls. put together what we have and send to him. I will answer the questions as best I can.

### Jo Ann Graves, Mayor

#### City of Gallatin

132 W. Main Street, Gallatin, TN 37066

615.451.5961 phone

615.451.5934 fax

[www.gallatinonthemove.com](http://www.gallatinonthemove.com)

---

**From:** [Mfoman15@aol.com](mailto:Mfoman15@aol.com) [<mailto:Mfoman15@aol.com>]

**Sent:** Wednesday, January 04, 2012 1:18 AM

**To:** Jo Ann Graves

**Subject:** Mayor Graves

Dear Mayor Graves,

It would be such a honor for me if you could please send me a couple of your business cards signed and a autograph photo to Michael Ovsanik, P.O BOX 1995, Auburndale, FL 33823 USA. Could you please sign them to Michael and date them. Well I will tell you a little about myself. My full name is Michael Francis Ovsanik. I hope to one day to have a successful career in politics. I have four dogs named Orbit, Rocky, Sampson and McDonalds. My favorite school subjects are History and Political Science. I was born in New York State. Three questions I would like to ask you is what is your most memorable moment in your career, when you were a child did you have any idols and do you have any advice for a young person who wants to have a successful career like yours. I hope to hear from you soon. Have a nice day and thank you for taking the time to read this letter.

Michael Ovsanik

P.S Can you please include a city lapel pin and a campaign pin. If you do have a pin to send please wrap it up in tissue paper or please use a bubble envelope because they could get stuck in the mail sorting machines. Thank you.

PUBLIC HEARING: JANUARY 17, 2012  
2<sup>ND</sup> READING: FEBRUARY 7, 2012

ORDINANCE NO. 01112-97

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING R15 PLANNED UNIT DEVELOPMENT (R15 PUD) ZONE DISTRICT TO SP SPECIFIC PLAN (SP) ZONE DISTRICT – GREENSBORO NORTH 1, LP, OWNER(S) – 148.94 (+/-) ACRES – S.B.E. TAX MAP #136//PARCELS 004.05, 004.06 – LOCATED ON GREENLEA BOULEVARD SOUTH OF THE CSX RAILROAD

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2011-90, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

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

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and imposes those recommendations as conditions to this rezoning; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property defined and described in Exhibit B, Greensboro North Specific Plan Transit Ready Development Preliminary Master Development Plan, attached hereto, shall be amended from the regular zoning district of R15 Planned Unit Development (R15 PUD) zone district to the regular zoning district of SP Specific Plan (SP) zone district, and the Greensboro North Specific Plan Transit Ready Development Preliminary Master Development Plan is hereby approved.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: January 3, 2012.

PASSED SECOND READING:

---

MAYOR JO ANN GRAVES

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE H. THOMPSON  
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. 01112-97 TO THE GALLATIN CITY COUNCIL - ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING R15 PLANNED UNIT DEVELOPMENT (R15 PUD) ZONE DISTRICT TO SP SPECIFIC PLAN (SP) ZONE DISTRICT – GREENSBORO NORTH 1, LP , OWNER(S) – 148.94 (+/-) ACRES – S.B.E. TAX MAP #136//PARCELS 004.05, 004.06 – LOCATED ON GREENLEA BOULEVARD SOUTH OF THE CSX RAILROAD – PC9900-11

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Lose & Associates, Inc., at its regular meeting on December 12, 2011; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment and Preliminary Master Development Plan to the Gallatin City Council with the following conditions:

1. The applicant shall add a note to the Preliminary Master Development Plan documents as follows: “Approval of this document is conditioned upon the approval of an appropriate traffic impact study(s) at the PMDP and FMDDP stages, and the construction and implementation of those improvements and policies as identified in study(s) which the City Engineer determines to be necessary to implement the intent and purposes of the Gallatin Zoning Ordinance.”

2. The applicant shall correct page 15 and move the "\*\*\*" from the "furnishing zone" to "sidewalk".
3. The applicant shall correct page 21 and revise the Throughway Zone/Sidewalk to state 5' min for residential uses and 6' min for commercial uses.
4. The applicant shall correct the order of the pages of the Executive Summary of TIS in the Appendix.
5. The applicant shall add a section to the PMDP indicating how City of Gallatin Stormwater standards will be met. (i.e. Regional Detentioning and LID strategies)
6. The applicant shall make the following corrections to the Traffic Impact Study (TIS) as required by the City Engineer:
  - a. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.
  - b. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per the Gallatin on the Move 2020 General Development and Transportation Plan.
  - c. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit development, provide language that recommends that this will be evaluated in future traffic impact studies.
7. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
8. The applicant shall submit four (4) corrected copies of the Preliminary Master Development Plan Documents to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

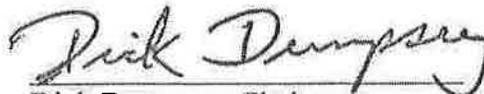
IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 5

NAY: 0

DATED: 12/12/11

  
Dick Dempsey, Chairman

  
Johnny Wilson, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

**ITEM 4  
12/12/11 GMRPC MEETING**

**Public Comment**

**Applicant requests approval of a Preliminary Master Development Plan to rezone 148.94 acres (+/-) from R15 Planned Unit Development (R15 PUD) to SP Specific Plan District (SP) for the Greensboro North Specific Plan Transit Ready Development located on GreenLea Boulevard south of the CSX Railroad. (PC9900-11)**

- |                       |   |
|-----------------------|---|
| <b>Attachment 4-1</b> | <b>Greensboro North Specific Plan Transit Ready Development Preliminary Master Development Plan</b> |
| <b>Attachment 4-2</b> | <b>Ordinance O1112-97</b>   |
| <b>Attachment 4-3</b> | <b>Email, Nick Tuttle, PE dated 11/11/11</b>  |
| <b>Attachment 4-4</b> | <b>Meeting/Conversation Record, 11/14/11</b>  |
| <b>Attachment 4-5</b> | <b>Letter, Bruce R. Scism dated 11/10/11</b>  |

**ANALYSIS**

The applicant is requesting approval of a Preliminary Master Development Plan to rezone 148.94 acres (+/-) from R15 Planned Unit Development (R15 PUD) to SP Specific Plan District (SP) for the Greensboro North Specific Plan Transit Ready Development. The property is located on GreenLea Boulevard, south of the CSX Railroad and is currently zoned R15 PUD and is part of the Greensboro Village Planned Unit Development. A portion of the property is located with a special flood hazard area, Zone A.

***SP Specific Plan District***

- The SP Specific Plan District was adopted by the City Council in May 2011 and is intended to be an alternative zoning process that permits any land uses, mixture of land uses, and alternative development standards, as may be required to address the unique characteristics of an individual property through a comprehensive site specific zoning plan.
- The SP District regulations require that a site specific zoning plan be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development.
- The site specific zoning plan must also comply with the building, fire and life safety codes adopted by the City of Gallatin and can be applied to any property in the city and planning region.
- The proposed uses, bulk regulations, site design, landscaping and architectural standards for each SP District are established as part of the approval of the Preliminary Master Development Plan for the development.

***Gallatin on the Move 2020 General Development and Transportation Plan***

The *Gallatin on the Move 2020 General Development and Transportation Plan* identifies the Greensboro North property on the Community Character Area Map as being located along a Gateway Corridor in the GreenLea Business Center Special District. The Plan describes the GreenLea Business Center as an emerging employment and residential special area that includes a mix of industrial, office, residential and commercial uses that take advantage of the areas' location adjacent to SR-386 and the CSX Railroad. Much of this character area is currently undeveloped and

presents an unique opportunity for commercial, industrial and office growth adjacent to existing and emerging residential and commercial areas.

The GreenLea Business Center Special District supports the development of a high-density mix of residential, commercial and office uses as part of an overall planned development. The SP Specific Plan District zoning will enable the property to be developed as envisioned in the Plan.

#### ***Northeast Corridor Mobility Study***

In addition to the recommendations outlined in the City's General Development Plan, *The Northeast Corridor Mobility Study* prepared by the Nashville Area Metropolitan Planning Organization also contains important regional land use and transportation recommendations applicable to the proposed Greensboro North Specific Plan Transit Ready Development. The Study examined the feasibility of extending a variety of transit options from downtown Nashville to the City of Gallatin along the SR-386 Corridor.

Following an in-depth analysis of the alternatives and discussions with the public and community officials, three alternatives were selected for a more detailed evaluation: Commuter Rail along the CSX Corridor, Light Rail Transit (LRT) along Ellington Parkway/SR-386 Corridor, and Bus Rapid Transit (BRT) along the Gallatin Pike (US – 31E) Corridor. The Study recommended that the communities in the northeast corridor work toward the long-term vision of developing LRT from downtown Nashville to downtown Gallatin and recommended interim steps that communities could take to achieve the long term vision. The interim steps include changing land use regulations and providing incentives to encourage transit supportive development, identifying a dedicated source of funding for transit in the corridor, and developing BRT in the near-term (10 years) that can be phased into LRT once conditions are suitable.

The Study recommends the development of walkable, transit-supportive communities near proposed LRT stop and recommends that local governments in the corridor adopt land use and zoning that encourages transit-supportive development patterns that will help make transit and ultimately LRT more feasible. In order to accomplish this long term vision, more residents and businesses need to be attracted to the corridor, with denser developments being located around possible transit station areas. The Study indicates that if future growth in the corridor can be concentrated within a ½-mile of proposed station locations, the forecasts for transit use will increase and which will ultimately making the corridor more competitive for funding for LRT. The Greensboro North Specific Plan has been designed to be a transit ready development that supports the types of densities and development patterns recommended in the Northeast Corridor Mobility Study.

#### ***Existing Planned Unit Development (PUD) Zoning***

The property is currently zoned R15 PUD and is part of the Greensboro Village PUD which has been approved for 100 units of multifamily, 92 units of cluster housing (6,000 sq.ft. lots), 259 single family units (15,000 sq.ft lots) and 10 estate lots.

#### ***Proposed SP Specific Plan Zoning***

The Greensboro North Specific Plan Transit Ready Development is envisioned to be a walkable village development that will have a mixture of land uses including commercial, office and higher density residential housing options. The development has been designed as a transit ready development with an appropriate mixture of land uses and design standards necessary to support the development of transit in the future.

The applicant has submitted the Preliminary Master Development Plan (PMDP) documents as required by Gallatin Zoning Ordinance Section 07.09.040, SP Specific Plan District. The PMDP and supporting documentation are incorporated into a comprehensive plan book entitled *Greensboro North Specific Plan Transit Ready Development*. These PMDP documents establish the uses, bulk regulations, site design, landscaping and architectural standards for the entire development. Staff has worked closely with the applicant over the past several months to review and modify the proposed development standards.

It is important to note that in order to achieve a more context sensitive development, the Greensboro North Specific Plan District is further divided into the following three (3) subdistricts: Village Center, Village, and Village Edge. The subdistrict development plans and standards are shown on pages 24-28 of the PMDP. The subdistricts were created based on their proximity to future transit stops and contain specific context sensitive zoning requirements intended to help create and maintain the desired mix of uses and urban design standards.

#### ***Design Review Committee***

The Planning Commission reviewed and discussed the proposed Greensboro North Specific Plan at several work sessions. One of the items that was discussed in depth was a proposal by the applicant to formalize the private design review process that would be established as part of the protective covenants for the development. City staff researched the concept further and determined a method in which a private Design Review Committee could be incorporated into the zoning requirements established as part of the approval of the PMDP. However, the applicant decided not to pursue formalizing the private design review process. Instead, the PMDP contains a section that describes that a Design Review Committee (DRC) will be established as part of the protective covenants for the development and that applicants submitting a PMDP or FMDP to the City of Gallatin should also submit plans for review by the DRC. The DRC is also permitted to submit a recommendation to the Planning Commission and/or City Council.

#### ***Preliminary and Final Master Development Plan Approval Process***

The review and approval process outlined in the plan documents on pages 6 and 7 are based on the approval process outlined in Section 07.09.040 of the Gallatin Zoning Ordinance. In addition, the following additional requirements have been added to the process in order to address applications for revisions to an approved FMDP that can be approved by the Zoning Administrator:

The following types of applications for revisions to the Final Master Development Plan may be approved by the Zoning Administrator:

- A. Site improvements or building additions that:
  1. Are 10% or less in scope or area and,
  2. Do not exceed 5,000 square feet of building area and,
- B. Change in use of a building(s) or site(s) that:
  1. Do not require building additions or site improvements and,
  2. Are listed as a permitted uses on the approved Preliminary or Final Master Development Plan.

#### ***Use Regulations, Bulk Standards, Architectural Design and Landscape Design Standards***

The applicant has worked closely with staff to review and revise the proposed use, site and development standards as necessary for the Greensboro North Specific Plan Transit Ready

Development. The proposed standards represent a blend of conventional and form based zoning code principles. Development regulations and performance standards not addressed in the PMDP will be governed by the Zoning Ordinance. Staff will present a summary description of the development standards at the Planning Commission meeting.

***Engineering Division Comments***

Refer to Attachment 4-2 for the detailed Engineering Division review comments and Attachment 4-3 for a summary of the project review meeting held to discuss the review comments. The applicant has satisfactorily addressed many of the initial review comments with the exception to the following items:

PMDP Document

1. Add note: "Approval of this document is conditioned upon the approval of an appropriate traffic impact study(s) at the PMDP and FMDP stages, and the construction and implementation of those improvements and policies as identified in study(s) which the City Engineer determines to be necessary to implement the intent and purposes of the Gallatin Zoning Ordinance."
2. PG. 15 - Move \*\* from the "furnishing zone" to "sidewalk".
3. PG 21 - Revise Throughway Zone/Sidewalk to state 5' min for residential uses and 6' min for commercial uses.
4. Pages in executive Summary of TIS are out of order. Please correct.
5. Add section indicating how City Stormwater standards are to be met. (i.e. Regional Detentioning and LID strategies)

Traffic Impact Study (TIS)

1. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.
2. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per the Gallatin on the Move 2020 General Development and Transportation Plan.
3. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit development, provide language that recommends that this will be evaluated in future traffic impact studies.

***Other Departmental Review Comments***

The applicant has satisfactorily addressed the other Departmental review comments.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the rezoning request and Preliminary Master Development Plan for the Greensboro North Specific Plan Transit Ready Development to City Council with the following conditions:

1. The applicant shall add a note to the Preliminary Master Development Plan documents as follows: "Approval of this document is conditioned upon the approval of an appropriate traffic impact study(s) at the PMDP and FMDP stages, and the construction and implementation of those improvements and policies as identified in study(s) which the City Engineer determines to be necessary to implement the intent and purposes of the Gallatin Zoning Ordinance."
2. The applicant shall correct page 15 and move the "\*\*\*" from the "furnishing zone" to "sidewalk".

## EXHIBIT A

3. The applicant shall correct page 21 and revise the Throughway Zone/Sidewalk to state 5' min for residential uses and 6' min for commercial uses.
4. The applicant shall correct the order of the pages of the Executive Summary of TIS in the Appendix.
5. The applicant shall add a section to the PMDP indicating how City of Gallatin Stormwater standards will be met. (i.e. Regional Detentioning and LID strategies)
6. The applicant shall make the following corrections to the Traffic Impact Study (TIS) as required by the City Engineer:
  - a. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.
  - b. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per the Gallatin on the Move 2020 General Development and Transportation Plan.
  - c. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit development, provide language that recommends that this will be evaluated in future traffic impact studies.
7. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
8. The applicant shall submit four (4) corrected copies of the Preliminary Master Development Plan Documents to the Codes/Planning Department.

ORDINANCE NO. 01112-97

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING R15 PLANNED UNIT DEVELOPMENT (R15 PUD) ZONE DISTRICT TO SP SPECIFIC PLAN (SP) ZONE DISTRICT – GREENSBORO NORTH 1, LP , OWNER(S) – 148.94 (+/-) ACRES – S.B.E. TAX MAP #136//PARCELS 004.05, 004.06 – LOCATED ON GREENLEA BOULEVARD SOUTH OF THE CSX RAILROAD

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2011-90, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

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

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and imposes those recommendations as conditions to this rezoning; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property defined and described in Exhibit B, Greensboro North Specific Plan Transit Ready Development Preliminary Master Development Plan, attached hereto, shall be amended from the regular zoning district of R15 Planned Unit Development (R15 PUD) zone district to the regular zoning district of SP Specific Plan (SP) zone district, and the Greensboro North Specific Plan Transit Ready Development Preliminary Master Development Plan is hereby approved.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

---

MAYOR JO ANN GRAVES

ATTACHMENT 4-2

EXHIBIT A

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE H. THOMPSON  
CITY ATTORNEY

**Jim Svoboda**

---

**From:** Nick Tuttle  
**Sent:** Friday, November 11, 2011 9:50 AM  
**To:** Mike Wrye (mwrye@loseassoc.com)  
**Cc:** Mike Phillips; Zach Wilkinson; Brendan Boles; Jim Svoboda; Katherine Schoch  
**Subject:** Greensboro North / TRD

Mike,

I apologize for it taking so long to get this information out to you, but below are comments that we can discuss in further detail on Monday.

**SP Document**

1. Pg. 15-With the uses allowed along some of the Village/Village Edge x-sections, Engineering is not comfortable with x-section shown due to the potential for on-street parking on both sides of road. Recommendations include revising Village/Village Edge x-section to match Village Center x-section or show striping for dedicated parking lane.
2. Pg. 15 & 21-Add note to Village/Village Edge x-section stating 5' minimum sidewalk for residential uses and 6' minimum for commercial uses, per sub-reg requirements.
3. Pg. 18-Clarify intention of "Park Side Condition" and what kind of pedestrian improvement will be made. Appears inconsistent with Parkside Lane.
4. Pg. 22-Revise sight triangles section to reference AASHTO Policy on Geometric Design of Highway and Streets and match recommendations of TIS.
5. Pg. 22-Revise radius recommendations to 25' minimum effective curb radius and 5' minimum actual curb radius per AASHTO Policy on Geometric Design of Highway and Streets recommendations. Indicate these radii should be determined based on function of roads that are intersecting.
6. Pg. 71-TIS mentions 4 access's onto St. Blaise w/ exception of St. Blaise/Access 5/Little Dr. intersection. PMPD Exhibit shows 6. Revise to match TIS recommendations
7. Provide appropriate sidewalk along St. Blaise.
8. Due to width of alleys, indicate as one way where possible, and show circulation.
9. Add note:  
Approval of this document is conditioned upon approval of appropriate traffic impact study(s) at the PMDP and FMDP stages, and construction and implementation of those improvements and policies identified in study(s) which City Engineer determines are necessary to implement purposes of the Gallatin Zoning Ordinance.

**Traffic Impact Study**

1. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.
2. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per GOTM2020 General Development and Transportation Plan.
3. Evaluate GreenLea/Little Drive intersection. Give recommendations for improvements if applicable.
4. Evaluate existing effected St. Blaise Rd x-section. Give recommendations for improvements if applicable.
5. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit

development, how much and how will the current recommendations change if these reduction factors are not used?

### Drainage/Flood Study

Irrespective of prior approvals obtained for this project from various governmental agencies (FEMA, USACE, TDEC), each individual storm water control (i.e. storm water storage/detention area, etc.) within the development will be required to meet the City's regulations/ordinances.

The City's Storm Water Ordinance and Subdivision Regulations require that post-development discharges from a developed site shall be controlled to pre-development discharges for the 10-year and 100-year storm events. It appears from review of the drainage/flood study report that this requirement is not met at each detention area, at Nashville Pike, or downstream of Nashville Pike.

Several factors may be contributing to this issue:

- The existing conditions discharges from HEC-HMS were not properly applied to the existing conditions HEC-RAS model. The outflow from Sub-basin 1 (CSX Railroad) was applied in HEC-RAS at each cross section from the upstream end of the model down to a point just upstream of Nashville Pike, which underestimates existing inflows to the system and resultant water surface elevations. A better approach may be to divide Sub-basin 2 for existing conditions (Sub-basin 6 in HMS) at several locations between the railroad and Nashville Pike in order to create model nodes (i.e. discharge entry points) at similar locations to proposed stream crossings/flood storage areas. This will likely give higher flows and water surface elevations for existing conditions between the railroad and Nashville Pike.
- It appears that post-project conditions discharges from HEC-HMS were not properly applied to the post-project conditions HEC-RAS model. It appears that the uncontrolled discharges were used in the post-project model downstream of Culvert 2, Culvert 1, and Nashville Pike. In other words, the inflows to the storage areas (i.e. reservoirs) were used instead of the controlled outflows, which led to higher water surface elevations for post-project conditions downstream of the culvert crossings.
- Please be aware that sites within this plan will still be subject to future ordinance/regulation changes regarding water quality requirements.

Please feel free to contact me at 451-5965 if you have any questions regarding the City's comments.

If you have specific questions on the drainage/flood study portion, please contact Mike Phillips at the same phone number or at [mike.phillips@gallatin-tn.gov](mailto:mike.phillips@gallatin-tn.gov).

**Nick Tuttle, PE**  
City of Gallatin, City Engineer  
132 West Main Street  
Gallatin, TN 37066  
Phone: 615.451.5965  
Fax: 615.452.0348

ATTACHMENT 4-24

FIG 1



### MEETING / CONVERSATION RECORD

**Project Name:** Greensboro Village North

**Meeting / Conversation Location:** In-Office Meeting

**Meeting / Conversation Date:** Monday, November 14, 2011

**Meeting / Conversation Time:** 2:00 pm

Meeting / Conversation Attendees	
Name	Organization
Daniel Spann	RPM
Mike Wrye	Lose & Associates
Brendan Boles	Lose & Associates
Mary Vavra	Lose & Associates
Wilkinson, Zach	City of Gallatin Engineering
Phillips, Mike	City of Gallatin Engineering
Svoboda, Jim	City of Gallatin Planning

**Notes:**

**SP Document:**  
 In order to address issues with the appropriateness of proposed cross-section in areas allowing certain uses, it was agreed that language should be added to require the determination of the cross-section to be made at FMDP stages.

It was agreed additional language will be added pertaining to minimum sidewalk widths, in order to meet subdivision regulation requirements.

In order to address issues with appropriateness of proposed alleys in areas allowing certain uses, it was agreed that language should be added to require determination of circulation of alleys to be made at FMDP stages.

Improvements to St. Blaise road were discussed. The City is to specify specific requirements for these improvements. Applicant wants to leave open the possibility of no improvements, if the development does not access St. Blaise Road.

PA 9900-11



All other comments were to be addressed in re-submittal, as indicated in Nick's email (dated November 11).

**Traffic Impact Study:**

GreenLea/Little Drive intersection: Dan Spann referred to Page x which referenced this intersection and under proposed conditions the existing geometry should be sufficient.

See above (SP Document) for St. Blaise road discussion.

The potential for the development not actually becoming a TOD was discussed. It was agreed additional language should be added to require future FMDP's to update the TIS so this issue can be reevaluated.

All other comments were to be addressed in re-submittal, as indicated in Nick's email (dated November 11).

Executive summary from TIS is to be added to the SP Document.

**Drainage/Flood Study:**

Engineering emphasized that comments issued in Nick's email (dated November 11) related to the drainage calculations and flood study were intended to improve the pre- vs. post-development discharge results at Nashville Pike. The goal of the constructed development should be to limit post- discharges at Nashville Pike to pre-development per the Storm Water Ordinance.

Mike Wrye indicated that early discussions with Ron Coleman resulted in the pre- vs. post-discharge requirements to be waived at Nashville Pike. Engineering indicated that Nick Tuttle had not mentioned knowledge of this conversation.

Engineering indicated that Nick Tuttle would have to approve a detention waiver unless Lose & Assoc. can revise the study to meet the City's regulations.

Mike Wrye stated that the pre- vs. post- issue should not matter since Nashville Pike is not overtopped in a 100-year storm.

Engineering stated that the HEC-RAS flood model submitted to FEMA shows that Nashville Pike is overtopped in a 100-year storm (both pre- and post-), even though the 100-year water elevation is reduced in the post- condition compared to pre-development.



Brendan indicated that the HydroCAD model results should be used for the City's review due to the multiple outlet option and the ability to account for storage upstream of Nashville Pike (not the HEC-RAS model submitted to FEMA). The HydroCAD model showed more than a foot of freeboard in the 100-year storm at Nashville Pike.

Engineering stated that we will need to revisit the drainage issues at a later date since the comments were not intended to hold up the PMDP approval process, and Nick Tuttle will need to be involved in these later discussions. Engineering stated that we are not asking them to re-design their detention areas/road crossings, which would jeopardize their FEMA approval, but only to re-work the existing conditions study to show us whether that will help improve the pre-vs. post- analysis. Currently, they are showing about 66 cfs increase at Nashville Pike in a 10-year storm and about 55 cfs increase in a 100-year storm. Also, they are showing 66 cfs (10-year) and 107 cfs (100-year) increases at Plantation Lake.

Mike Wrye suggested that they hold off making any changes to their flood study at the PMDP level. Engineering indicated that this was fine.

Planning requested that Lose call out the storm water management areas more clearly on their PMDP.

Engineering told Mike W. and Mary to include verbiage addressing how storm water is planned to be managed in the SP Document, specifically the LID strategies and regional detention facilities.

**Follow-up Action Required:**

Engineering will organize a later meeting to discuss in more detail the drainage/flood study after their Planning Commission hearing in December.

4-5

11/10/11



1480 Nashville Pike ♦ Gallatin, TN 37066-3188  
615/230-3500 ♦ Fax 615/230-3502 ♦ www.volstate.edu

**Office of the President**

November 10, 2011

Mr. Lee K. Zoller  
Green & Little, L.P.  
1175 Nashville Pike  
Gallatin, TN 37066

Dear Mr. Zoller:

This letter is in response to our past meeting about the future transit plans for Greensboro North, and the impact this effort will have on Volunteer State Community College. As a concept to improve transportation and access to commerce, housing, and most important education, this is a plan the College supports in concept. Although we have not seen the final plan for this development, the core ideas of centralized living and working spaces, combined with a mass transit component, could bring benefits to the College, and should present opportunities for new partnerships with your organization to expand the College's educational footprint.

As the College works on new goals for improvements in student retention and success, there are several uncontrollable factors that highly impact our new strategy - transportation being a major one. The potential for new channels of transportation in our immediate area is a great step toward removing a major barrier for our adult and low-income population to attend college.

Again, we support the core concept of developing a sustainable environment to incorporate living, employment, and transportation in our immediate area. We look forward to viewing the new details of the plan as it develops in the future. More important, I look forward to continuing our conversation about the partnership between Green & Little and Volunteer State Community College, and how this concept will allow the College to expand the educational footprint in this area.

Sincerely,

Bruce R. Scism  
Interim President

BRS/bg

# Gap Inc.

Gallatin Campus  
100 Gap Blvd.  
Gallatin, TN 37066  
615 230 2300 tel  
www.gapinc.com

Mr. Lee K. Zoller  
Green & Little, L.P.  
1175 Nashville Pike  
Gallatin, TN 37066

Dear Mr. Zoller:

This letter is in response to our meeting a few weeks back in reference to your Greensboro North development on Green Lea Blvd. I wanted to follow-up with you in writing and share my feelings on the project as the General Manager of Gap Inc.'s Gallatin Distribution Campus. I am excited about your plans and see nothing but positives for Gap Inc. as any increase in Transit from the downtown corridor would aid us in our recruiting effort in our Holiday seasons. In addition, having affordable housing in close proximity would potentially benefit us in the recruiting of future leaders as well.

The only call-out that I would have is the common property line with our location be strategically planned to minimize residential exposure to our truck lot as it can be rather loud at times. As you may recall we have trucks moving in that yard 7 days a weeks 24 hours a day. I am excited about your project and can not wait to see it come to life in the not so distant future. If I can do anything for your between no and then please do not hesitate to give me a call.

Signed,



Kevin Kuntz  
General Manager  
Gap Inc. Gallatin Campus

EXHIBIT A

**Tony Allers**

*Director*

CITY OF GALLATIN, TENNESSEE  
Gallatin Codes/Planning Department

**Katherine Schoch**

*Assistant Director*

### Project Comments

**Meeting Date: 12/12/2011**

**RE: GREENSBORO PGC, MU SP, ACTIVITY, Preliminary Master Development Plan**

**Reference #: PC9900-11**

#### **Department of Public Utilities**

Review Date: 10/28/2011:

1. Need to submit detailed plans and specifications of water and sanitary sewer installations for approval.

#### **Planning Department**

Codes/Planning Department Project Manager: Jim Svoboda

1. Submit twenty seven (27) corrected, folded copies of the resubmittal documents (1 full size and 25 half size if original plans are greater than 18 x 24), and 26 architectural elevations if needed. Extra copies are for Council Committee work session on 12/13/11. Packet has to be in Mayor's office by 12/6/11.
2. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD. □□ Submit a detailed response letter addressing all departmental review comments.
3. RETURN CHECKPRINT & CHECKLIST
4. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 12/6/11.
5. Resubmittals must include the above information in order to be considered a complete resubmittal.

#### **Codes Department**

Review Date: 10/28/2011:

No comments



**Tony Allers**

*Director*

**Katherine Schoch**

*Assistant Director*

**CITY OF GALLATIN, TENNESSEE**  
Gallatin Codes/Planning Department

**Engineering Division**

Review Date: :

12-7-2011 (Resubmittal):

SP Document:

1. Add note:

Approval of this document is conditioned upon approval of appropriate traffic impact study(s) at the PMDP and FMDP stages, and construction and implementation of those improvements and policies identified in study(s) which City Engineer determines are necessary to implement purposes of the Gallatin Zoning Ordinance.

2. PG. 15 □ Move \*\* from the "furnishing zone" to "sidewalk".

3. PG 21

Revise Throughway Zone/Sidewalk to state 5' min for residential uses and 6' min for commercial uses.

4. Pages in executive Summary of TIS are out of order. Please correct.

5. Add section indicating how City Stormwater standards are to be met. (i.e. Regional Detentioning and LID strategies)

TIS:

1. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.

2. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per GOTM2020 General Development and Transportation Plan.

3. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit development, provide language that recommends this to be evaluated in future TIS's.

---

11-11-2011:

SP Document

1. Pg. 15-With the uses allowed along some of the Village/Village Edge x-sections, Engineering is not comfortable with x-section shown due to the potential for on-street parking on both sides of road. Recommendations include revising Village/Village Edge x-section to match Village Center x-section or show striping for dedicated parking lane.

2. Pg. 15 & 21-Add note to Village/Village Edge x-section stating 5' minimum sidewalk for residential uses and 6' minimum for commercial uses, per sub-reg requirements.

3. Pg. 18-Clarify intention of "Park Side Condition" and what kind of pedestrian improvement will be made. Appears inconsistent with Parkside Lane.

4. Pg. 22-Revise sight triangles section to reference AASHTO Policy on Geometric Design of Highway and Streets and match recommendations of TIS.

5. Pg. 22-Revise radius recommendations to 25' minimum effective curb radius and 5' minimum actual curb radius per AASHTO Policy on Geometric Design of Highway and Streets recommendations. Indicate these radii should be determined based on function of roads that are intersecting.

6. Pg. 71-TIS mentions 4 access's onto St. Blaise w/ exception of St. Blaise/Access 5/Little Dr. intersection. PMPD Exhibit shows 6. Revise to match TIS recommendations

7. Provide appropriate sidewalk along St. Blaise.

**Tony Allers***Director*CITY OF GALLATIN, TENNESSEE  
Gallatin Codes/Planning Department**Katherine Schoch***Assistant Director*

8. Due to width of alleys, indicate as one way where possible, and show circulation.

9. Add note:

Approval of this document is conditioned upon approval of appropriate traffic impact study(s) at the PMDP and FMDP stages, and construction and implementation of those improvements and policies identified in study(s) which City Engineer determines are necessary to implement purposes of the Gallatin Zoning Ordinance.

#### Traffic Impact Study

1. GreenLea/386 Intersections: Indicate that future studies shall determine the percentage contribution toward improvements to be made by developer based on the percentage traffic generated by the development.
2. Access 6: Provide minimum spacing guidelines for these 4 accesses. Shall be 225' minimum per GOTM2020 General Development and Transportation Plan.
3. Evaluate GreenLea/Little Drive intersection. Give recommendations for improvements if applicable.
4. Evaluate existing effected St. Blaise Rd x-section. Give recommendations for improvements if applicable.
5. Proposed traffic conditions and improvements are based on analysis using trip generation reduction factors for a TOD Development. Because there is no certainty that this will become a transit development, how much and how will the current recommendations change if these reduction factors are not used?

#### Drainage/Flood Study

Irrespective of prior approvals obtained for this project from various governmental agencies (FEMA, USACE, TDEC), each individual storm water control (i.e. storm water storage/detention area, etc.) within the development will be required to meet the City's regulations/ordinances.

The City's Storm Water Ordinance and Subdivision Regulations require that post-development discharges from a developed site shall be controlled to pre-development discharges for the 10-year and 100-year storm events. It appears from review of the drainage/flood study report that this requirement is not met at each detention area, at Nashville Pike, or downstream of Nashville Pike.

Several factors may be contributing to this issue:

- The existing conditions discharges from HEC-HMS were not properly applied to the existing conditions HEC-RAS model. The outflow from Sub-basin 1 (CSX Railroad) was applied in HEC-RAS at each cross section from the upstream end of the model down to a point just upstream of Nashville Pike, which underestimates existing inflows to the system and resultant water surface elevations. A better approach may be to divide Sub-basin 2 for existing conditions (Sub-basin 6 in HMS) at several locations between the railroad and Nashville Pike in order to create model nodes (i.e. discharge entry points) at similar locations to proposed stream crossings/flood storage areas. This will likely give higher flows and water surface elevations for existing conditions between the railroad and Nashville Pike.

- It appears that post-project conditions discharges from HEC-HMS were not properly applied to the post-project conditions HEC-RAS model. It appears that the uncontrolled discharges were used in the post-project model downstream of Culvert 2, Culvert 1, and Nashville Pike. In other words, the inflows to the storage areas (i.e. reservoirs) were used instead of the controlled outflows, which led to higher water surface elevations for post-project conditions downstream of the culvert crossings.



**Tony Allers**

*Director*

**CITY OF GALLATIN, TENNESSEE**  
Gallatin Codes/Planning Department

**Katherine Schoch**

*Assistant Director*

· Please be aware that sites within this plan will still be subject to future ordinance/regulation changes regarding water quality requirements.

Please feel free to contact me at 451-5965 if you have any questions regarding the City's comments. If you have specific questions on the drainage/flood study portion, please contact Mike Phillips at the same phone number or at [mike.phillips@gallatin-tn.gov](mailto:mike.phillips@gallatin-tn.gov).

Nick Tuttle, PE □ □ City of Gallatin, City Engineer □ □ 132 West Main Street □ □ Gallatin, TN 37066  
Phone: 615.451.5965

**Fire Department**

Review Date: 11/02/2011:

More details on alleyways will need to be submitted for approval. Trees along roadways cannot impede emergency vehicles.

**Police Department**

Review Date: 11/01/2011:

Reviewed: no comments

**Gallatin Department of Electricity**

Review Date: 10/31/2011:

O.K.

**Sumner County, E-911**

Review Date N/A

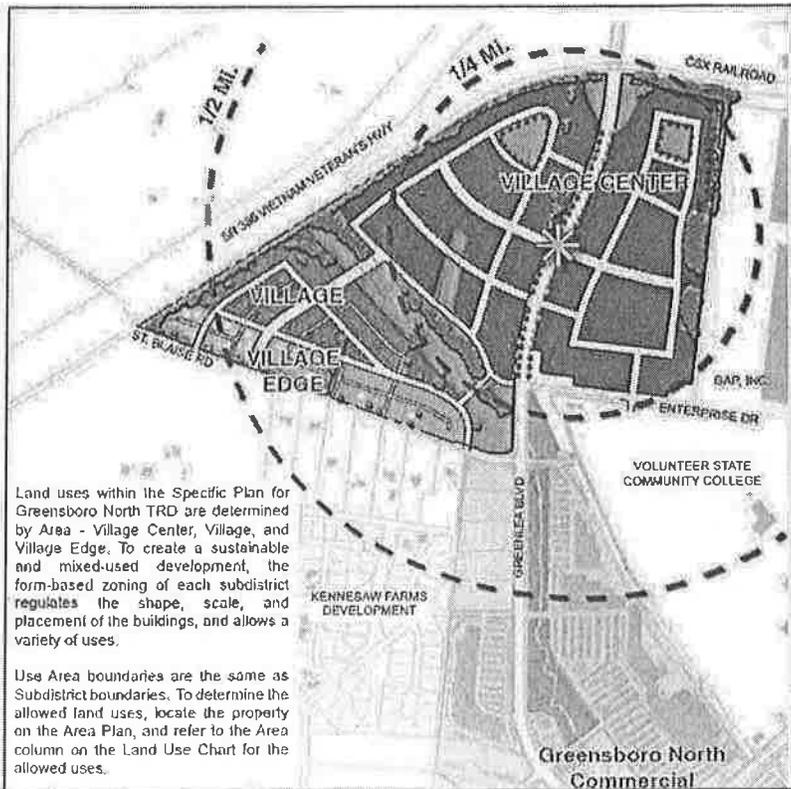
**Industrial Pre-treatment Department**

Review Date: N/A

**ITEM 16 SUMMARY**  
**12/13/11 CITY OF GALLATIN COUNCIL COMMITTEE MEETING**

<b>Project Name</b>	Greensboro North Specific Plan Transit Ready Development
<b>Zoning Action Requested</b>	Approval of Preliminary Master Development Plan to rezone property from R15 PUD to SP Specific Plan District
<b>Location</b>	GreenLea Boulevard, south of the CSX Railroad
<b>Size of Property</b>	148.94 acres (+/-)
<b>Existing Zoning</b>	Zoned R15 PUD as part of Greensboro Village PUD – 100 multifamily units and 361 single family lots (92 - 6,000 sq.ft. lots, 259 - 15,000 sq.ft lots and 10 estate lots)
<b>SP Specific Plan Zoning</b>	Alternative zoning process that requires the approval of a site specific Preliminary Master Development Plan (PMDP). Adopted by City Council in May 2011.

**Preliminary Master Development Plan (PMDP)**



- Walkable, mixed-use village style development with a mixture of retail, commercial, office and higher density residential housing options. Proposed land uses and design standards have been planned to create a transit ready development.
- PMDP establishes the uses, bulk regulations, site design, landscaping, and architectural/building design standards for the development. Staff has worked closely with the applicant over the past several months to review and modify the proposed development standards.
- Requirements are blend of conventional and form based zoning code principles. Development regulations and performance standards not addressed in the PMDP will be governed by the Zoning Ordinance.

- Greensboro North Specific Plan District is divided into the three (3) subdistricts – Village Center, Village, and Village Edge which incorporate site-specific, context sensitive zoning requirements
- Maximum density is based on Subdistrict
  - Village Center – 12 Dwelling units per acre (DUA) to maximum of 40 DUA
  - Village – 7 DUA to 30 DUA
  - Village Edge – 5 DUA to 15 DUA
- Minimum 20 percent of the total land area will be in common open space
- Planning Commission unanimously recommended approval of PMDP and rezoning request at the December 12, 2011 meeting.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

December 13, 2011

**DEPARTMENT: CODES/PLANNING**

**AGENDA # 16**

**SUBJECT:**

Ordinance #1112-97 rezoning 150 (+/-) acres from R15 Planned Unit Development (R15 PUD) to SP Specific Plan District (SP).

**SUMMARY:**

The applicant is requesting approval of a Preliminary Master Development Plan to rezone 148.94 acres (+/-) from R15 Planned Unit Development (R15 PUD) to SP Specific Plan District (SP) for the Greensboro North Specific Plan.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

EXHIBIT A

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE, CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII, PROPERTY MAINTENANCE STANDARDS, SEC. 5-183 AMENDMENTS AND CHAPTER 10, HEALTH AND NUISANCES, ARTICLE III, NUISANCES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 5, Buildings and Building Regulations is hereby amended by deleting Section 5-183. Amendments in its entirety and replacing it with the following:

**Section 5-183. Amendments.**

The following amendments to the property maintenance code adopted in section 5-181 are hereby adopted:

- (1) *Section 103.5 Fees* is deleted in its entirety.
- (2) *Section 111* and all subsections are deleted. The means of appeal relative to the International Property Maintenance Code shall be the Board of Adjustment and Appeals established by Chapter 5, Article II of this municipal code.
- (3) *Section 302.4 Weeds*. Amended by replacing the first paragraph of Sec. 302.4 with the following paragraph:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. For large tracts refer to Section 302.4.1. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- (4) *Section 302.4 Weeds*. Further amended by adding the following subsections 302.4.1 and 302.4.2 which shall read as follows:

302.4.1 Large Tracts. For properties involving more than five (5) acres the following provisions shall apply.

(a) Properties located adjacent to improved properties of less than two (2) acres shall be maintained at less than twelve (12) inches in height to a depth of twenty five (25) feet along property lines that abut a public right of way, public property or adjacent improved property. Improved properties shall also be required to maintain a minimum distance of fifty (50) feet around any structure.

(b) Properties located adjacent to unimproved properties of less than two (2) acres shall be maintained at less than twelve (12)

inches in height to a depth of twenty five (25) feet along property lines that abut a public right of way or public property.

302.4.2 Right of Ways. All property owners shall maintain the portion of the public right-of-way abutting their property. No weeds or other growth shall be permitted on corner lots which may cause a reduction in traffic visibility at intersections.

- (5) *Section 304.14 Insect screens.* Insert dates May 1st to November 1st.
- (6) *Section 602.3 Heat supply.* Insert dates September 1st to May 1st.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code is further amended by deleting Secs. 10-57, and 10-59 of Chapter 10, Article III in their entirety.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: January 3, 2012.

PASSED SECOND READING:

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

\_\_\_\_\_  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

JANUARY 17, 2012

**DEPARTMENT:** Codes/Planning

**AGENDA #**

**SUBJECT:**

Amendments to Gallatin Municipal Code Chapter 5 and Chapter 10 and International Property Maintenance Code. This change is for the sections pertaining to the mowing of tracts over five(5) acres, limiting the mowing to twenty-five(25) feet around the perimeter and fifty (50) feet around the structure.

**SUMMARY:**

General Maintenance

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE NO. 01111-93

ORDINANCE APPROPRIATING FUNDS FOR STREET IMPROVEMENTS IN  
STRATFORD PARK, PHASES 1 AND 2

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$72,000 is hereby appropriated from surety proceeds received from Green Bank for Stratford Park, Phase 1;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$24,200 is hereby appropriated from surety proceeds received from Green Bank for Stratford Park, Phase 2;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the total sum of \$96,200 be appropriated to account number 311-41670-931-13 - Roads, Streets, Parking Lots;

BE IT THEREFORE ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: January 3, 2012

PASSED SECOND READING:

---

MAYOR JO ANN GRAVES

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE THOMPSON  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

**DEPARTMENT:**    **Engineering**

**AGENDA #**

**SUBJECT:**

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM SURETY PROCEEDS FOR STREET IMPROVEMENTS IN STRATFORD PARK, PHASES 1 AND 2

**SUMMARY:**

The City has received \$72,000 for Stratford Park, Phase 1, and \$24,200 for Phase 2 to make repairs to the infrastructure in this subdivision. The attached ordinance is to appropriate this money to a capital outlay line item.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**ORDINANCE NO. 01112-95**

**ORDINANCE AMENDING THE GALLATIN MUNICIPAL CODE BY ADDING SECTION 12-31, PROHIBITION OF THE POSSESSION, SALE, DELIVERY, TRANSFER, OR ATTEMPT TO POSSESS, SELL, DELIVER OR TRANSFER SYNTHETIC DRUGS**

**WHEREAS**, the Gallatin City Council finds that abuse of certain synthetic drugs is a pervasive problem, has a deleterious effect on public health, welfare and safety, and poses a real and present danger to the citizens of Gallatin; and

**WHEREAS**, the Gallatin City Council finds that certain synthetic drugs are readily available for sale within the City of Gallatin; and

**WHEREAS**, the Gallatin City Council desires to regulate, control and restrict the use, possession, sale, delivery, transport, transfer, trade, barter, exchange or purchase of certain synthetic drugs, or the attempt to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase such synthetic drugs, and to prohibit the public display for sale of such synthetic drugs, within the City corporate limits and extending one mile there from, to the maximum extent permitted by law.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that the Gallatin Municipal Code is hereby amended by adding a new Section 12-31 Prohibition of the Possession, Sale, Delivery, Transfer, or Attempt to Possess, Sell, Deliver or Transfer Synthetic Drugs which shall read as follows:

**Section 12-31. Prohibition of the Possession, Sale, Delivery, Transfer, or Attempt to Possess, Sell, Deliver or Transfer Synthetic Drugs.**

(a) Definitions:

(1) "Synthetic drug" as used in this section shall mean:

a. any substance, however denominated, and no matter the common street, brand or trade name of such substance, containing one or more of the following chemicals:

i. Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia dininorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture, or preparation of such plant, its' seeds, or extracts;

- ii. (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[*c*]chromen-1-ol (some trade or other names being: HU-210);
- iii. 1-Pentyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-018);
- iv. 1-Butyl-3-(1-naphthoyl) indole (some trade or other names being: JWH-073);
- v. 1-(3-{trifluoromethylphenyl}) piperazine (some trade or other names being: TFMPP);
- vi. 3,4-methylenedioxypropylvalerone (MDPV), (some trade or other names being: MDPK);
- vii. 4-methylmethcathinone (Mephedrone);
- viii. 3,4-methylenedioxymethcathinone (Methylone);
- ix. 3-methoxymethcathinone;
- x. 4-methoxymethcathinone;
- xi. 3-fluoromethcathinone;
- xii. 4-fluoromethcathinone;

b. any other substance which mimics the effects of any controlled substance (to include, but not limited to, any opiates, opium derivatives, hallucinogenic substances, methamphetamine, MDMA, cocaine, PCP, marijuana, cannabis, cannabinoids, cannabicyclohexanol, and tetrahydrocannabinol), to include, but not limited to, “bath salts,” “plant food,” “incense,” or “insect repellent,” but excluding legitimate bath salts containing as the main ingredient the chemicals sodium chloride (sea salt) and / or magnesium sulfate (Epsom salt), or legitimate plant foods or insect repellent not intended for human consumption, or legitimate incense used as an odor elimination product.

c. any similar substances to the above which when inhaled, or otherwise ingested, may produce intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changes, distorts, or disturbs the auditory, visual, or mental process, and the product or substance has no other apparent legitimate purpose for consumers.

(2) “Deliver” or “Delivery” as used in this section shall mean the actual, constructive, or attempted transfer from one person to another of a synthetic drug as

defined herein, with or without any consideration, and whether or not there is an agency relationship.

(3) "Manufacture" as used in this section shall mean the production, preparation, propagation, compounding, conversion, or processing of any synthetic drug as defined herein, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that the term "manufacture" shall not include the preparation, compounding, packaging, or labeling of any synthetic drug as defined herein by: (A) A practitioner as an incident to administering or dispensing any synthetic drug as defined herein in the course of professional practice; and (B) a practitioner, or an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(4) "Administer" as used in this section shall mean the direct application of a synthetic drug as defined herein, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (A) a practitioner or by the practitioner's authorized agent in the practitioner's presence; or (B) the patient or research subject at the direction and in the presence of the practitioner.

(5) "Agent" as used in this section shall mean an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. "Agent" does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(6) "Dispense" as used in this section shall mean to deliver a synthetic drug as defined herein to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(7) "Distribute" as used in this section shall mean to deliver other than by administering or dispensing a synthetic drug as defined herein.

(8) "Practitioner" as used in this section shall mean: (A) a physician, dentist, optometrist, veterinarian, pharmacist, scientific investigator or other person who is licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee; or (B) a pharmacy, hospital or other institution licensed, registered, or otherwise lawfully permitted to distribute, dispense, conduct research with respect to, or to administer a synthetic drug as defined herein in the course of professional practice or research in the State of Tennessee.

(9) "Person" as used in this section shall mean any individual, corporation, partnership, trust, estate, association, organization, business, or any other legal entity.

(10) "Sell" or "Sale" as used in this section shall mean a bargained-for or agreed upon offer and acceptance and an actual or constructive transfer or delivery of a synthetic drug as defined herein.

(11) "Production" as used in this section shall mean the planting, cultivating, tending, growing, or harvesting of a synthetic drug as defined in this section.

(12) "Possess" or "Possession" as used in this section shall mean either actual possession or constructive possession. (A) "Actual Possession" as used in this section shall mean the exercise of direct physical control or dominion over an object. (B) "Constructive Possession" as used in this section shall mean the power and intent to exercise control over an object although not in actual physical possession of an object. Possession may be sole or joint and may be inferred from all relevant facts surrounding the circumstances.

(b) Prohibited Conduct.

1. It shall be unlawful for any person to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, or to attempt to use, possess, sell, deliver, distribute, transport, transfer, trade, barter, exchange or purchase any synthetic drug as defined herein, within the City corporate limits and extending one mile therefrom.

2. It shall be unlawful for any person to publicly display for sale any synthetic drug as defined herein, within the City corporate limits and extending one mile there from.

(c) Exception. An act otherwise prohibited and unlawful under this section shall not be unlawful if done by or under the direction of a "practitioner" as defined herein, provided such act is otherwise permitted by general law, or to otherwise prohibit substances regulated as controlled substances by the United States Food and Drug Administration or the Drug Enforcement Administration, and is not intended to and shall not be construed to supersede any other federal or state law pertaining to synthetic drugs now or hereafter in effect, but to supplement any such laws in so far as lawfully permitted.

(d) Civil Penalty. Any City of Gallatin sworn law enforcement officer is hereby empowered to issue a citation to any person for any violation of the provisions of this section. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in City Court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for a violation of any of the provisions of this section shall be tried in the City Court. The City Court Judge shall determine whether a defendant has committed a violation of this section. The City shall bear the burden of proof by a preponderance of the evidence. If a defendant pleads guilty or "no contest" to the alleged violation, or is found guilty by the City Court Judge, the City Court Judge shall assess a civil

monetary fine as a penalty against any person found to have violated any of the provisions of this section, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation. Each separate package containing any substance containing any synthetic drug as defined herein shall be deemed a separate violation. In addition to the civil monetary fine, any defendant who pleads guilty or “no contest” to the alleged violation, or who is found guilty by the City Court Judge, shall be assessed court costs as provided by law, and in addition shall be ordered to pay an administrative fee to the City in an amount to recoup the cost incurred by the City law enforcement agency for any chemical test conducted by or at the request of the law enforcement agency that is used to determine the chemical content of any substance collected from the defendant which formed the basis for any citation charge. Appeal may be had as provided by law.

**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that if any section, subsection, sentence, clause, phrase, paragraph, word or provision or part thereof of this Ordinance is for any reason held to be invalid or unlawful by any court of competent jurisdiction, such decision shall not be construed to affect the validity of any remaining section, subsection, sentence, clause, phrase, paragraph, word or provision or part thereof and the same shall continue in full force and effect.

**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that this ordinance shall take effect on final passage, the public welfare requiring such.

PASSED FIRST READING: 01/03/12

PASSED SECOND READING:

---

MAYOR JO ANN GRAVES

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE H. THOMPSON  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

December 13, 2011

**DEPARTMENT: POLICE**

**AGENDA # 4**

**SUBJECT:**

Ordinance 01112-95 Amend GMC – Sec 12-31 Synthetic Drugs Prohibited

**SUMMARY:**

Ordinance amending the Gallatin Municipal Code by adding section 12-31, prohibition of the possession, sale, delivery, transfer or attempt to possess, sell, deliver or transfer synthetic drugs.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE APPROPRIATING FUNDS TO THE REGIONAL  
TRANSPORTATION AUTHORITY FOR ADDITIONAL, NEW RELAX AND  
RIDE TRANSIT SERVICES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$4,687.50 is hereby appropriated from the General Fund to the RTA Program account #110-41310-720 for additional, new Relax and Ride Transit services as specified in the attached contract amendment;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: January 3, 2012.

PASSED SECOND READING: \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CONNIE KITTRELL  
CITY RECORDER

\_\_\_\_\_  
JOE THOMPSON  
CITY ATTORNEY



**Regional  
Transportation  
Authority**

www.rtarelayandride.com

130 Nestor Street  
Nashville, TN 37210-2124  
615-862-6262  
615-880-3945 Fax

October 31, 2011

Mayor Jo Ann Graves  
City of Gallatin  
132 West Main Street  
Gallatin, TN 37066

**Board of Directors**

Jo Ann Graves  
Mayor of Gallatin  
*Chair*

Karl Dean  
Mayor of Davidson County  
*Vice Chair*

Ed Cole  
Governor's Appointee  
*Secretary*

Re: Amendment to FY 2012 R&R Contract for additional service

Dear Mayor Graves:

I am excited that Gallatin continues to grow under your leadership and appreciate you working with RTA on making our budget whole for the Route 92X Gallatin/Hendersonville Express. What you are doing now is shaping the City of Gallatin for years to come.

Since the Gallatin/Hendersonville Service continues to be successful and popular, RTA identified federal funding so that a bus could be added on a daily basis for a third trip in the afternoon. The RTA Board approved the additional service that started September 26, 2011. As you know, our original contract with Gallatin was signed for \$25,000 with the understanding that should additional round trip service be added, Gallatin's contract could go as high as \$37,500.

We are asking that an amendment be made to the FY 2012 contract to increase the contract \$9,375 from \$25,000 to \$34,375. Gallatin's portion of the new service starting September 26, 2011 will cost \$4,687.50 through June 30, 2012. While the new service is only implementing an afternoon run at this time, the \$9,375 will cover the balance of Gallatin's commitment should the morning run be needed before the end of the fiscal year. RTA will only bill Gallatin \$4,687.50 at this time for the afternoon service. If the morning run is added before the end of the fiscal year, the proposed amendment will cover the balance needed and RTA will bill Gallatin on a prorated basis for the morning run, if necessary. I have included two copies of the amendment for your approval and signature. As soon as we receive our copy acknowledging the amendment, we will send Gallatin an invoice for the \$4,687.50.

Thank you for all your support and help in promoting RTA's Relax & Ride services to Gallatin and Sumner County. We look forward to continuing to work with you as we serve your citizen customers.

Best Regards,

Edward W. Oliphant  
CFO

615 862-6129 615 566-9824 Cell  
[Ed.oliphant@nashville.gov](mailto:Ed.oliphant@nashville.gov)

Paul J. Ballard  
Chief Executive Officer

Lora Baulsir  
General Manager RTA

Edward W. Oliphant  
Chief Financial Officer

Robert Baulsir, Jr.  
General Manager  
Administration

Dawn Distler  
General Manager  
Operations & Maintenance

Patricia Harris-Morhead  
Director of Communications  
& Marketing

James McAteer, AICP  
Director of Planning & Grants

**AMENDMENT NO. 1  
BETWEEN  
REGIONAL TRANSPORTATION AUTHORITY  
AND  
CITY OF GALLATIN**

This Amendment No. 1 entered into on this 23rd day of September 2011 amends the Contract, dated July 1, 2011 by and between Regional Transportation Authority of Nashville, 130 Nestor Street, Nashville, TN 37210, (hereinafter referred to as "RTA") and the City of Gallatin, 132 W. Main Street, Gallatin, TN 37066, (hereinafter referred to as "City").

The following documents constitute Contract and Contract documents:

- Contract dated July 1, 2011
- All Amendments

In the event of conflicting provisions, all documents shall be construed according to the following priorities:

- Any properly executed amendments to Contract and/or Contract documents (most recent with first priority)
- Contract dated July 1, 2011

WITNESSETH, that RTA and City for the consideration stated herein mutually agree as follows;

**ARTICLE 1: Contract No:** This Amendment No. 1 amends the Contract dated July 1, 2011. RTA desires Contract dated July 1, 2011 to be now known as Contract No. 2011193-C (Contract).

**ARTICLE 2: Section A, Scope of Services:** This Amendment No. 1 amends Contract to add additional Relax and Ride Transit Services (New Services). The RTA, using additional new federal grant funding and related local/regional operating support, shall add an afternoon trip from Nashville to Sumner County with the possible addition of the morning trip sometime before June 30, 2012. City shall have no obligation for services rendered by the RTA, which are not performed within the specified period or between the specified route terminus.

**ARTICLE 3: Section B, Grant Term:** This Amendment No 1 shall amend the term for the New Services as follows: Term start date: September 26, 2011; Term end date: June 30, 2012.

**ARTICLE 4: Section B, Grant Term:** This Amendment No 1 shall amend the term for the New Services as follows: Term start date: September 23, 2011; Term end date: June 30, 2012. The MTA and City Contract Obligations will terminate as of Term end date.

**ARTICLE 5: Section C, Payment Terms:** In consideration for RTA's provision of New Services that serves City, City shall provide RTA the sum of up to an additional nine thousand three hundred seventy-five dollars (\$9,375). RTA shall Invoice City in a lump sum invoice immediately for the afternoon service only, which totals four thousand six hundred eighty-seven dollars and fifty cents (\$4,687.50). In the event the morning service is added before the end of the Contract Term, RTA shall invoice City the pro-rated portion of the service through June 30, 2012.

**Article 6: Section D, Standard Terms and Conditions:** These New Services shall be performed in accordance with Contract between RTA and City. All remaining terms and conditions and covenants of the Contract remain unchanged and shall be applicable to the obligations of both Parties.

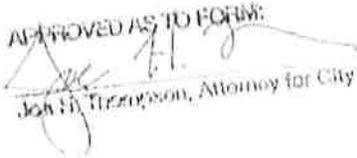
IN WITNESS WHEREOF, as of the date written above the parties have caused this Amendment to be signed by their duly authorized representatives.

REGIONAL TRANSPORTATION AUTHORITY

CITY OF GALLATIN

BY: \_\_\_\_\_  
Paul J. Ballard, CEO

BY: \_\_\_\_\_  
Jo Ann Graves, Mayor

APPROVED AS TO FORM:  
  
John H. Fitzgibbon, Attorney for City of Gallatin, Tennessee

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

December 13, 2011

**DEPARTMENT: Mayor**

**AGENDA #**

---

**SUBJECT:**

Amendment to FY 2012 R&R Contract with RTA for Additional Service

**SUMMARY:**

Because of demand, the Regional Transportation Authority (RTA) has added a daily afternoon bus trip to the Gallatin/Hendersonville/Nashville route. See attached correspondence and contract amendment. Prior to Council approving the FY 2012 appropriation, the RTA made the City aware that demand was high for an additional afternoon bus and that the RTA was trying to identify federal funding to subsidize the route; however, there would be an additional share Gallatin would have to contribute. If approved by Council, an ordinance to appropriate the funds will be presented at the next Council Meeting.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

---

Approved   
Rejected   
Deferred

---

**Notes:**

ORDINANCE NO: O12Ø1-2

ORDINANCE TO VACATE RIGHT-OF-WAY TO GREENSBORO I, L.P.

WHEREAS, THE CITY OF GALLATIN has determined that it no longer needs and proposes to vacate certain right-of-way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE:

Section 1. That all that portion of the right-of-way, as described in attached EXHIBIT "A" is wholly vacated and shall no longer be a part of the street and alley systems of the City of Gallatin and is hereby transferred to GREENSBORO I, L.P.

Section 2. That the Mayor is authorized to execute any and all documents necessary to effectuate the terms of this agreement.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect on final passage, the public welfare requiring such.

Passed first reading: January 3, 2012

Passed second reading:

---

JO ANN GRAVES, MAYOR

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE THOMPSON  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

**DEPARTMENT:**    **Engineering**

**AGENDA #**

**SUBJECT:**  
REQUEST FOR ABANDONMENT OF RIGHT-OF-WAY

**SUMMARY:**

The Greensboro Village development has requested the abandonment of right-of-way that contains the median area in GreenLea Boulevard for installation of a development sign. The current median is maintained by the Greensboro Village Commercial South owners association and will continue to be maintained by this association. From an engineering standpoint, there is no benefit to the City to retain this right-of-way. Requests were sent to the Department of Electricity, Public Utilities, Director of Codes and Planning, and Public Works for their input. All issues have been resolved and will be addressed with minor conditions as outlined in the Planning Commission Action Form.

**RECOMMENDATION:**

Discuss and approve Engineering having a legal description prepared.

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**



ORDINANCE ADOPTING A PLAN OF SERVICE FOR THE ANNEXATION OF PROPERTY LOCATED ON WOODS FERRY ROAD NORTH OF PUMPING STATION ROAD – SAMMY LITTLE, OWNER – 8.4 (+/-) ACRES – S.B.E. TAX MAP #148//PARCELS 037.00, 037.01

WHEREAS, Tennessee Code Annotated Section 6-51-102 as amended requires that a Plan of Service be adopted by the governing body of a city prior to the passage of an annexation ordinance; and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this plan of service in GMRPC Resolution No. 2011-89, attached hereto as Exhibit D; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has adopted a written Staff Report with respect to this plan of service as required by Tennessee Code Annotated Section 6-51-102(b)(4), a copy of which is attached to this Ordinance as Exhibit C; and,

WHEREAS, the area proposed for annexation to the City of Gallatin is within the City's Urban Growth Boundary, as required by law, and is described as follows in Exhibit A and Exhibit B, attached hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, 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 above, the following Plan of Service:

**A. Water**

The extension of new water lines into the annexed property shall be installed by the developer. Connections to existing City of Gallatin water lines shall be installed in accordance with the policies outlined in the Gallatin Municipal Code.

**B. Sanitary Sewer**

The extension of new sanitary sewer lines into the annexed property shall be installed by the developer. Connections to existing City of Gallatin sanitary sewer lines shall be installed in accordance with the policies outlined in the Gallatin Municipal Code.

**C. Street Construction and Maintenance**

The property is undeveloped and under single ownership. No public streets are located in the annexation area. New streets shall be constructed by the property owner or developer in accordance to City of Gallatin specifications and accepted by the City upon satisfactory completion thereof. Upon acceptance of the streets by the City of Gallatin, the City will assume responsibility for maintenance of the streets in the annexation area.

**D. Refuse Collection**

Upon annexation, the City of Gallatin will begin the collection of solid waste in the annexation area based on the provisions set forth in the Gallatin Municipal Code.

**E. Planning and Zoning Services**

Existing planning and zoning services of the City of Gallatin will continue to be provided in the annexation area.

**F. Building Inspections and Code Enforcement Services**

Upon annexation, building inspection and code enforcement services will be provided by the City of Gallatin in the annexation area.

**G. Fire Protection**

Present personnel and equipment of the fire fighting force will provide fire protection on and after the effective date of the annexation.

**H. Police Protection**

Police patrol and response to calls by the Gallatin Police Department will be provided with existing personnel on and after the effective date of the annexation.

**I. Animal Control**

The Gallatin Public Works Department provides the services of animal control and enforces the City's animal control ordinances. This service will be available in the annexation area once the annexation becomes effective.

**J. Recreational Facilities and Programs**

The benefit and use of all recreational facilities and programs provided by the Gallatin Leisure Services Department will be available on and after the effective date of the annexation. Recreational Facilities and Programs will be provided with existing personnel, facilities, and resources.

**K. Street Lighting and Electric Service**

Street lighting will be extended into the annexed area in accordance with existing City policy along with the extension of City electric facilities as provided in T.C.A. Section 6-51-112.

**L. Gas**

The Gallatin Public Utilities Department provides natural gas services to residential, business, and industrial customers in the City of Gallatin and outside the City's corporate limits. The extension of new gas lines into the annexed property shall be installed by the developer according to the standards as set by the Gallatin Public Utilities Department.

**M. Voting District**

Pursuant to Tennessee Annotated Section 6-51-108, beginning on the effective date of the Annexation Ordinance, the annexed territory will hereby be incorporated into City Council District 1 for purposes of municipal elections.

SECTION 2. This ordinance shall be effective from and after its final passage, the public welfare requiring such.

*DA 9913-11*

PASSED FIRST READING:

PASSED SECOND READING:

ATTEST:

\_\_\_\_\_  
MAYOR JO ANN GRAVES

\_\_\_\_\_  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. 01112-98  
TO THE GALLATIN CITY COUNCIL – PC9913-11

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the annexation request submitted by the applicant, Byrd Surveying, at its regular meeting on December 12, 2011; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report; attached here at Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The Plan of Service is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the Plan of Service to the Gallatin City Council with the following conditions:

1. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

EXHIBIT **D**

IT IS SO ORDERED.

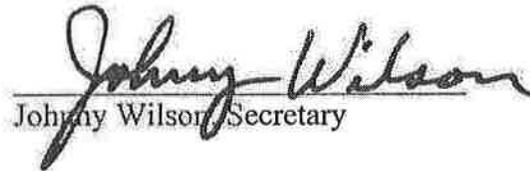
PRESENT AND VOTING

AYE: 4

NAY: 0

DATED: 12/12/2011

  
Dick Dempsey, Chairman

  
Johnny Wilson, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOE N. THOMPSON  
CITY ATTORNEY

EXHIBIT D

## LAND DESCRIPTION OF SAMMY LITTLE PROPERTY

Situate, lying and being all that certain piece or parcel of land located in Civil District 3 of Sumner County, Tennessee, said property standing in the name of Sammy Little (reference Record Book 3482 at Page 778), and being more particularly described as follows:

BEGINNING at a ½" found iron pin lying in the westerly right-of-way line of Woods Ferry Road, (50' right-of-way), said pin marking the southeast corner of property standing in the name of James R. Spivey, (reference Deed Book 374 at Page 727), said pin lying S 14°03'23" W 112.55 feet from a ½" found iron pin with a cap labeled #910, said BEGINNING point also being the northeast corner of the property described herein;

Thence along and with aforesaid westerly right-of-way line of Woods Ferry Road the following three (3) courses:

- (1) thence along a curve to the right with a delta angle of 01°55'33", a radius of 3,762.46 feet, with a chord bearing S 16°01'00" W and a chord distance of 126.46 feet, for an arc length of 126.47 feet to a 5/8" set iron pin with a cap labeled 'BYRD SURV INC.', (hereinafter IPS), at a point of tangency;
- (2) thence S 16°58'47" W 261.20 feet to an IPS at a point of curvature;
- (3) thence along a curve to the right with a delta angle of 01°02'31", a radius of 3,354.20 feet, with a chord bearing S 17°30'02" W and a chord distance of 60.99 feet, for an arc length of 60.99 feet to an IPS, said IPS marking the northeast corner of property standing in the name of Joe David & Charles E. Brown, (reference Record Book 3262, at Page 251), said pin also marking the southeast corner of the property herein described;

thence departing aforesaid westerly right-of-way line of Woods Ferry Road and with the northerly line of aforesaid property standing in the name of Joe David & Charles E. Brown, along an existing rock wall the following two courses:

- (1) thence N 83°24'23" W 166.03 feet to a point;
- (2) thence N 84°33'05" W 199.26 feet to a point;

thence continuing with, in part, aforesaid northerly line of property standing in the name of Joe David & Charles E. Brown and, in part, the northerly line of property standing in the name of Verble Moore, (reference Deed Book 365 at Page 825), along aforesaid rock wall N 83°59'29" W 119.53 feet to a point; thence continuing with, in part, aforesaid northerly line of Verble Moore and, in part, the northerly line of property standing in the name of Verble Morre, (reference Deed Book 457, Page 785), and, in part, the northerly line of property standing in the name of Sherry E. Miles, (reference Record Book 2433 at Page 566), along aforesaid rock wall N 88°07'44" W 103.63 feet to a point; thence continuing with, in part, the northerly line of aforesaid Sherry E. Miles and, in part, the northerly line of property standing in the name of Winston Templet, (reference Record Book 3300 at Page 120), along aforesaid rock wall N 85°02'56" W 182.88 feet to a ½" found iron pin with a cap labeled #2487, said pin lying in the easterly line of property standing in the name of ORNL Federal Credit Union, (reference Record Book 3266 at Page 138), said pin marking the northwest corner of aforesaid property standing in the name of Winston Templet, said pin also marking the southwest corner of the property described herein; thence with aforesaid easterly line of property standing in the name of ORNL Federal Credit Union N 08°39'58" E 373.84 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southwest corner of the White Cemetery, (reference Deed Book 403, Page 45, portion of);

thence with the southerly and easterly lines of aforesaid White Cemetery the following two(2) courses:

- (1) thence S 86°37'37" E 24.69 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southeast corner of aforesaid White Cemetery;
- (2) thence N 13°42'05" E 66.93 feet to a ½" found iron pin lying in the southerly line of aforesaid property standing in the name of James R. Spivey, said pin marking the northeast corner of aforesaid White Cemetery, said pin also marking the northwest corner of the property described herein;

RECEIVED  
NOV 16 2011

EXHIBIT A

DC 9913-11

thence with aforesaid southerly line of property standing in the name of James R. Spivey S 84°46'13" E 803.95 feet to a 1/2" found iron pin lying in aforesaid westerly right-of-way line of Woods Ferry Road, said pin being the true point and place of BEGINNING and containing 349,353 square feet or 8.02 acres, more or less, all as more particularly described on a survey prepared by John M. Payne, Tennessee RLS No. 845 of Byrd Surveying, Inc., 230 West Dunbar Cave Road, Clarksville, Tennessee, 37404.

The deeds referred to in the foregoing description are recorded in the Register's Office for Sumner County, Tennessee. This description is subject to any and all easements, rights-of-way or other encumbrances that may exist.

EXHIBIT A

RECEIVED  
NOV 16 2011

GALLATIN PUBLISHING  
31202110

PC9913-11

**ITEM 2  
12/12/11 GMRPC MEETING**

**Public Comment**

**Applicant requests approval of a Plan of Service and Annexation of property containing 3.86 (+/-) acres located at 1773 Woods Ferry Road. (PC 9913-11)**

**Attachment 2-1 Annexation Exhibit**  
**Attachment 2-2 POS Ordinance O1112-98**  
**Attachment 2-3 Annexation Ordinance O1112-99**  
**Attachment 2-4 Legal Description**

**ANALYSIS**

The applicant is requesting approval of a Plan of Service and Annexation of property containing 3.86 (+/-) acres. The property is located at 1773 Woods Ferry Road. The subject property is located within the City of Gallatin's Urban Growth Boundary and is contiguous to the existing City limits.

The rezoning request for this property is the next item on the agenda (PC9894-11). The Planning Commission is required to review the Plan of Service Ordinance and provide a recommendation to the Gallatin City Council. Please refer to Attachment 2-2 for a detailed description of the proposed Plan of Service for this property.

***Other Departmental Comments***

The Gallatin Public Utilities indicated that the developer would be responsible for installing additional infrastructure on this site, but existing sewer capacity is sufficient to support this area. Both the Police and Fire Departments indicated that existing resources and personnel would be sufficient to cover this area. Next, the Electric Department indicated only minimal additions would have to be made to accommodate this annexation. Finally, Sumner County E-911 and Industrial Pretreatment had no comment on the proposed annexation.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the annexation Plan of Service request to the Gallatin City Council with the following condition:

1. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).

**Project Comments**

**Meeting Date: 12/12/2011**

**RE: LITTLE, SAMMY - PLAN OF SERVICE/ANNEXATION, ACTIVITY, Plan of Service/Annexation**

**Reference #: PC9913-11**

**Department of Public Utilities**

Review Date: 11/21/2011

1. Will existing utility infrastructure support this proposed annexation and subsequent development?

Yes - will need to be provided by the developer.

2. Will additional water and/or sanitary sewer capacity be needed to support this large scale annexation and development?  
No.

3. Please provide any additional comments related to how this annexation may affect the Gallatin Public Utilities Department.

Service to this development must be provided by the developer (water/sewer) - nearest gravity sewer is approximately 35' from the proposed property that is inside the city now.

**Planning Department**

Review Date: 11/21/11

Codes/Planning Department Project Manager: Kevin Chastine

1. Add zoning information for all surrounding properties.
2. Add property owner information across Woods Ferry Road.
3. Add parcel lines to the vicinity map.
4. Correct the Parcel Numbers for Parcel 37.00 and 37.01.
5. Verify that all of these conditions are also corrected on the Annexation Exhibit.
6. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
7. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
8. Submit a detailed response letter addressing all departmental review comments.
9. RETURN CHECKPRINT & CHECKLIST
10. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 12/1/11.
11. Resubmittals must include the above information in order to be considered a complete resubmittal.

**Codes Department**

Review Date: 11/21/2011

No Code issues.

EXHIBIT C

**Engineering Division**  
Review Date: 11/22/2011  
No comments.

**Fire Department**  
Review Date: 11/28/2011

1. Will additional firefighters be needed to provide service in this area due to this larger scale annexation?
2. Will additional fire department facilities be needed to provide service in this area due to this larger scale annexation?
3. Will additional departmental vehicles be needed to provide service in this area due to this large scale annexation?
4. Please provide any additional comments related to how this annexation may affect the Gallatin Fire Department.

No additional services will be needed at this time.

**Police Department**  
Review Date: 11/22/2011

1. Will additional police officers be needed to provide service in this area due to this larger scale annexation? No
2. Will additional departmental vehicles be needed to provide service in this area due to this larger scale annexation? No
3. Please provide any additional comments related to how this annexation may affect the Gallatin Police Department. No further comments

**Gallatin Department of Electricity**  
Review Date: 11/22/2011

1. Will existing electrical infrastructure support this proposed annexation and subsequent development?  
Yes, already serve the area
2. Will additional electrical infrastructure be necessary to support this large scale annexation and development?  
Minimal
3. Please provide any additional comments related to how this annexation may affect the Gallatin Department of Electricity.  
None

**Sumner County, E-911**  
NA

**Industrial Pre-treatment Department**  
NA

EXHIBIT C

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

JANUARY 10, 2012

**DEPARTMENT: CODES/PLANNING**

**AGENDA # 2**

**SUBJECT:**

Ordinance #O1112-98 and #O1112-99 Plan of Service and Annexation of property located on Woods Ferry Road north of Pumping Station Road.

**SUMMARY:**

Applicant requests the adoption of this Plan of Service and Annexation which consists of 8.4 (+/-) acres, S.B.E. Tax Map #148//Parcels 037.00, 037.01, located on Woods Ferry Road north of Pumping Station Road.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**EXHIBIT C**

ORDINANCE OF ANNEXATION BY THE CITY OF GALLATIN, TENNESSEE  
ANNEXATION OF PROPERTY LOCATED ON WOODS FERRY ROAD NORTH OF  
PUMPING STATION ROAD – SAMMY LITTLE, OWNER – 8.4 (+/-) ACRES – S.B.E. TAX  
MAP #148//PARCELS 037.00, 037.01

WHEREAS, the property owners of the affected area have petitioned the City of Gallatin for annexation; and,

WHEREAS, it appears that the prosperity of the City of Gallatin of the territory herein described may be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed; and,

WHEREAS, the annexation of such territory may be deemed necessary for the welfare of the residents and/or property owners of the said affected territory and the City of Gallatin as a whole; and,

WHEREAS, a plan of service for this area will be adopted concurrently by ordinance as required by Tennessee Code Annotated Section 6-51-102; and,

WHEREAS, the proper notice and public hearing will have been accomplished prior to final passage;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the territory described in the attached Exhibit A and Exhibit B is hereby annexed and incorporated within the corporate boundaries of the City of Gallatin, Tennessee.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that the territory described in the attached Exhibit A and Exhibit B shall become part of City Council District 3.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect thirty (30) days after final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

---

MAYOR JO ANN GRAVES

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE H. THOMPSON  
CITY ATTORNEY

PC9913-11

## LAND DESCRIPTION OF SAMMY LITTLE PROPERTY

Situate, lying and being all that certain piece or parcel of land located in Civil District 3 of Sumner County, Tennessee, said property standing in the name of Sammy Little (reference Record Book 3482 at Page 778), and being more particularly described as follows:

BEGINNING at a ½" found iron pin lying in the westerly right-of-way line of Woods Ferry Road, (50' right-of-way), said pin marking the southeast corner of property standing in the name of James R. Spivey, (reference Deed Book 374 at Page 727), said pin lying S 14°03'23" W 112.55 feet from a ½" found iron pin with a cap labeled #910, said BEGINNING point also being the northeast corner of the property described herein;

Thence along and with aforesaid westerly right-of-way line of Woods Ferry Road the following three (3) courses:

- (1) thence along a curve to the right with a delta angle of 01°55'33", a radius of 3,762.46 feet, with a chord bearing S 16°01'00" W and a chord distance of 126.46 feet, for an arc length of 126.47 feet to a 5/8" set iron pin with a cap labeled 'BYRD SURV INC.', (hereinafter IPS), at a point of tangency;
- (2) thence S 16°58'47" W 261.20 feet to an IPS at a point of curvature;
- (3) thence along a curve to the right with a delta angle of 01°02'31", a radius of 3,354.20 feet, with a chord bearing S 17°30'02" W and a chord distance of 60.99 feet, for an arc length of 60.99 feet to an IPS, said IPS marking the northeast corner of property standing in the name of Joe David & Charles E. Brown, (reference Record Book 3262, at Page 251), said pin also marking the southeast corner of the property herein described;

thence departing aforesaid westerly right-of-way line of Woods Ferry Road and with the northerly line of aforesaid property standing in the name of Joe David & Charles E. Brown, along an existing rock wall the following two courses:

- (1) thence N 83°24'23" W 166.03 feet to a point;
- (2) thence N 84°33'05" W 199.26 feet to a point;

thence continuing with, in part, aforesaid northerly line of property standing in the name of Joe David & Charles E. Brown and, in part, the northerly line of property standing in the name of Verble Moore, (reference Deed Book 365 at Page 825), along aforesaid rock wall N 83°59'29" W 119.53 feet to a point; thence continuing with, in part, aforesaid northerly line of Verble Moore and, in part, the northerly line of property standing in the name of Verble Morre, (reference Deed Book 457, Page 785), and, in part, the northerly line of property standing in the name of Sherry E. Miles, (reference Record Book 2433 at Page 566), along aforesaid rock wall N 88°07'44" W 103.63 feet to a point; thence continuing with, in part, the northerly line of aforesaid Sherry E. Miles and, in part, the northerly line of property standing in the name of Winston Templet, (reference Record Book 3300 at Page 120), along aforesaid rock wall N 85°02'56" W 182.88 feet to a ½" found iron pin with a cap labeled #2487, said pin lying in the easterly line of property standing in the name of ORNL Federal Credit Union, (reference Record Book 3266 at Page 138), said pin marking the northwest corner of aforesaid property standing in the name of Winston Templet, said pin also marking the southwest corner of the property described herein; thence with aforesaid easterly line of property standing in the name of ORNL Federal Credit Union N 08°39'58" E 373.84 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southwest corner of the White Cemetery, (reference Deed Book 403, Page 45, portion of);

thence with the southerly and easterly lines of aforesaid White Cemetery the following two(2) courses:

- (1) thence S 86°37'37" E 24.69 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southeast corner of aforesaid White Cemetery;
- (2) thence N 13°42'05" E 66.93 feet to a ½" found iron pin lying in the southerly line of aforesaid property standing in the name of James R. Spivey, said pin marking the northeast corner of aforesaid White Cemetery, said pin also marking the northwest corner of the property described herein;

RECEIVED  
NOV 16 2011

EXHIBIT A

00013-11

ATTACHMENT 2-4

thence with aforesaid southerly line of property standing in the name of James R. Spivey S 84°46'13" E 803.95 feet to a 1/2" found iron pin lying in aforesaid westerly right-of-way line of Woods Ferry Road, said pin being the true point and place of BEGINNING and containing 349,353 square feet or 8.02 acres, more or less, all as more particularly described on a survey prepared by John M. Payne, Tennessee RLS No. 845 of Byrd Surveying, Inc., 230 West Dunbar Cave Road, Clarksville, Tennessee, 37404.

The deeds referred to in the foregoing description are recorded in the Register's Office for Sumner County, Tennessee. This description is subject to any and all easements, rights-of-way or other encumbrances that may exist.

EXHIBIT A

RECEIVED  
NOV 16 2011

GALLATIN PLANNING  
& ZONING

DC 9913-11

**ITEM 2**  
**12/12/11 GMRPC MEETING**

**Public Comment**

**Applicant requests approval of a Plan of Service and Annexation of property containing 3.86 (+/-) acres located at 1773 Woods Ferry Road. (PC 9913-11)**

<b>Attachment</b>	<b>2-1</b>	<b>Annexation Exhibit</b>
<b>Attachment</b>	<b>2-2</b>	<b>POS Ordinance O1112-98</b>
<b>Attachment</b>	<b>2-3</b>	<b>Annexation Ordinance O1112-99</b>
<b>Attachment</b>	<b>2-4</b>	<b>Legal Description</b>

**ANALYSIS**

The applicant is requesting approval of a Plan of Service and Annexation of property containing 3.86 (+/-) acres. The property is located at 1773 Woods Ferry Road. The subject property is located within the City of Gallatin's Urban Growth Boundary and is contiguous to the existing City limits.

The rezoning request for this property is the next item on the agenda (PC9894-11). The Planning Commission is required to review the Plan of Service Ordinance and provide a recommendation to the Gallatin City Council. Please refer to Attachment 2-2 for a detailed description of the proposed Plan of Service for this property.

***Other Departmental Comments***

The Gallatin Public Utilities indicated that the developer would be responsible for installing additional infrastructure on this site, but existing sewer capacity is sufficient to support this area. Both the Police and Fire Departments indicated that existing resources and personnel would be sufficient to cover this area. Next, the Electric Department indicated only minimal additions would have to be made to accommodate this annexation. Finally, Sumner County E-911 and Industrial Pretreatment had no comment on the proposed annexation.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the annexation Plan of Service request to the Gallatin City Council with the following condition:

1. The applicant shall submit a copy of the signed affidavit that adjacent property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).

**Project Comments**

**Meeting Date: 12/12/2011**

**RE: LITTLE, SAMMY - PLAN OF SERVICE/ANNEXATION, ACTIVITY, Plan of Service/Annexation**

**Reference #: PC9913-11**

**Department of Public Utilities**

Review Date: 11/21/2011

1. Will existing utility infrastructure support this proposed annexation and subsequent development?

Yes - will need to be provided by the developer.

2. Will additional water and/or sanitary sewer capacity be needed to support this large scale annexation and development?

No.

3. Please provide any additional comments related to how this annexation may affect the Gallatin Public Utilities Department.

Service to this development must be provided by the developer (water/sewer) - nearest gravity sewer is approximately 35' from the proposed property that is inside the city now.

**Planning Department**

Review Date: 11/21/11

Codes/Planning Department Project Manager: Kevin Chastine

1. Add zoning information for all surrounding properties.

2. Add property owner information across Woods Ferry Road.

3. Add parcel lines to the vicinity map.

4. Correct the Parcel Numbers for Parcel 37.00 and 37.01.

5. Verify that all of these conditions are also corrected on the Annexation Exhibit.

6. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.

7. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (MicroStation version "J" software) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.

8. Submit a detailed response letter addressing all departmental review comments.

9. RETURN CHECKPRINT & CHECKLIST

10. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 12/1/11.

11. Resubmittals must include the above information in order to be considered a complete resubmittal.

**Codes Department**

Review Date: 11/21/2011

No Code issues.

**Tony Allers**  
*Director*

**CITY OF GALLATIN, TENNESSEE**  
Gallatin Codes/Planning Department

**Katherine Schoch**  
*Assistant Director*

**Engineering Division**  
Review Date: 11/22/2011  
No comments.

**Fire Department**  
Review Date: 11/28/2011

1. Will additional firefighters be needed to provide service in this area due to this larger scale annexation?
2. Will additional fire department facilities be needed to provide service in this area due to this larger scale annexation?
3. Will additional departmental vehicles be needed to provide service in this area due to this large scale annexation?
4. Please provide any additional comments related to how this annexation may affect the Gallatin Fire Department.

No additional services will be needed at this time.

**Police Department**  
Review Date: 11/22/2011

1. Will additional police officers be needed to provide service in this area due to this larger scale annexation? No
2. Will additional departmental vehicles be needed to provide service in this area due to this larger scale annexation? No
3. Please provide any additional comments related to how this annexation may affect the Gallatin Police Department. No further comments

**Gallatin Department of Electricity**  
Review Date: 11/22/2011

1. Will existing electrical infrastructure support this proposed annexation and subsequent development?  
Yes, already serve the area
2. Will additional electrical infrastructure be necessary to support this large scale annexation and development?  
Minimal
3. Please provide any additional comments related to how this annexation may affect the Gallatin Department of Electricity.  
None

**Sumner County, E-911**  
NA

**Industrial Pre-treatment Department**  
NA

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

JANUARY 10, 2012

**DEPARTMENT: CODES/PLANNING**

**AGENDA # 2**

**SUBJECT:**

Ordinance #O1112-98 and #O1112-99 Plan of Service and Annexation of property located on Woods Ferry Road north of Pumping Station Road.

**SUMMARY:**

Applicant requests the adoption of this Plan of Service and Annexation which consists of 8.4 (+/-) acres, S.B.E. Tax Map #148//Parcels 037.00, 037.01, located on Woods Ferry Road north of Pumping Station Road.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING RESIDENTIAL 40 (R40) LOW DENSITY RESIDENTIAL ZONE DISTRICT TO RESIDENTIAL 15 (R15) MEDIUM DENSITY ZONE DISTRICT – 8.4 (+/-) ACRES, SAMMY LITTLE, OWNER, S.B.E. TAX MAP #148//PARCELS 037.00, 037.01 - LOCATED ON WOODS FERRY ROAD, NORTH OF PUMPING STATION ROAD.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2011-88, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

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

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2011-88, attached hereto as Exhibit A; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property described in Exhibit C, attached hereto, and further defined in Exhibit D, Rezoning Exhibit for Sammy Little Property, shall be amended from the regular zoning district of Residential 40 (R40) low density residential zone district to Residential 15 (R15) medium density zone district.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

\_\_\_\_\_  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

JOE H. THOMPSON  
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. O1112-100 TO THE GALLATIN CITY COUNCIL - AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING RESIDENTIAL 40 (R40) LOW DENSITY RESIDENTIAL ZONE DISTRICT TO RESIDENTIAL 15 (R15) MEDIUM DENSITY ZONE DISTRICT - 8.4 (+/-) ACRES, SAMMY LITTLE, OWNER, S.B.E. TAX MAP #148//PARCELS 037.00, 037.01 - LOCATED ON WOOD FERRY ROAD, NORTH OF PUMPING STATION ROAD - PC9894-11

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Byrd Surveying, Inc., at its regular meeting on December 12, 2011; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action - The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council with the following conditions:

1. The applicant shall correct the zoning information across Woods Ferry Road.
2. The applicant shall understand the next step in establishing a residential subdivision in this area is through submitting a preliminary plat and then a final plat for review

- and approval by the Planning Commission.
3. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
  4. The applicant shall submit fourteen (14) corrected copies of the rezoning exhibit to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 4

NAY: 0

DATED: 12/12/11

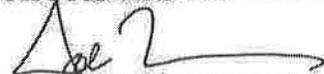


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON  
CITY ATTORNEY

EXHIBIT A

LAND DESCRIPTION OF  
SAMMY LITTLE PROPERTYGALLATIN PLANNING  
& ZONING

Situate, lying and being all that certain piece or parcel of land located in Civil District 3 of Sumner County, Tennessee, said property standing in the name of Sammy Little (reference Record Book 3482 at Page 778), and being more particularly described as follows:

BEGINNING at a ½" found iron pin lying in the westerly right-of-way line of Woods Ferry Road, (50' right-of-way), said point marking the southeast corner of property now or formerly standing in the name of James R. Spivey, (reference Deed Book 374 at Page 727), said pin lying S 14°03'23" W 112.55 feet from a ½" found iron pin with a cap labeled #910, said BEGINNING point also being the northeast corner of the property described herein;

Thence along and with aforesaid westerly right-of-way line of Woods Ferry Road the following three (3) courses:

- (1) thence along a curve to the right with a delta angle of 01°55'33", a radius of 3,762.46 feet, with a chord bearing S 16°01'00" W and a chord distance of 126.46 feet, for an arc length of 126.47 feet to a 5/8" set iron pin with a cap stamped 'BYRD SURV INC.', (hereinafter IPS), at a point of tangency;
- (2) thence S 16°58'47" W 261.20 feet to an IPS at a point of curvature;
- (3) thence along a curve to the right with a delta angle of 01°02'31", a radius of 3,354.20 feet, with a chord bearing S 17°30'02" W and a chord distance of 60.99 feet, for an arc length of 60.99 feet to an IPS, said IPS marking the northeast corner of property standing in the name of Joe David & Charles E. Brown, (reference Record Book 3262, at Page 251), said pin also marking the southeast corner of the property herein described;

thence departing aforesaid westerly right-of-way line of Woods Ferry Road and with the northerly line of aforesaid property standing in the name of Joe David & Charles E. Brown and an existing rock wall the following two courses:

- (1) thence N 83°24'23" W 166.03 feet to a point;
- (2) thence N 84°33'05" W 199.26 feet to a point;

thence continuing with aforesaid rock wall and with, in part, aforesaid northerly line of property standing in the name of Joe David & Charles E. Brown and, in part, the northerly line of property standing in the name of Verble Moore, (reference Deed Book 365 at Page 825), N 83°59'29" W 119.53 feet to a point; thence continuing with aforesaid rock wall and, in part, aforesaid northerly line of Verble Moore and the northerly line of Verble Moore, (reference Deed Book 457 at Page 785), N 88°07'44" W 103.63 feet to a point; thence continuing with aforesaid rock wall and, in part, aforesaid northerly line of Verble Moore and, (in part), the northerly line of property standing in the name of Sherry E. Miles, (reference Record Book 2433 at Page 566), N 88°07'44" W 103.63 feet to a point; thence continuing with aforesaid rock wall and, in part, the northerly line of aforesaid Sherry E. Miles and, in part the northerly line of property standing in the name of Winston Templet, (reference Record Book 3300 at Page 120), N 85°02'56" W 182.88 feet to a ½" found iron pin with a cap labeled #2487, said pin lying in the easterly line of property standing in the name of ORNL Federal Credit Union, (reference Record Book 3266 at Page 138), said pin marking the northwest corner of aforesaid property standing in the name of Winston Templet, said pin also marking the southwest corner of the property herein described; thence with aforesaid easterly line of property standing in the name of ORNL Federal Credit Union N 08°39'58" E 373.84 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southwest corner of the White Cemetery;

thence with the southerly and easterly lines of aforesaid White Cemetery the following two(2) courses:

- (1) thence S 86°37'37" E 24.69 feet to a ½" found iron pin with a cap labeled #910, said pin marking the southeast corner of aforesaid White Cemetery;
- (2) thence N 13°42'05" E 66.93 feet to a ½" found iron pin lying in the southerly line of aforesaid property standing in the name of James R. Spivey, said pin marking the northeast corner of aforesaid White Cemetery, said pin also marking the northwest corner of the property described herein; thence with

# ATTACHMENT 3-3

aforesaid southerly line of property standing in the name of James R. Spivey S 84°46'13" E 803.95 feet to a ½" found iron pin lying in aforesaid westerly right-of-way line of Woods Ferry Road, said pin being the true point and place of BEGINNING and containing 349,353 square feet or 8.02 acres, more or less, all as more particularly described on a survey prepared by John M. Payne, Tennessee RLS No. 845 of Byrd Surveying, Inc., 230 West Dunbar Cave Road, Clarksville, Tennessee, 37404.

The deeds referred to in the foregoing description are recorded in the Register's Office for Sumner County, Tennessee. This description is subject to any and all easements, rights-of-way or other encumbrances that may exist.

RECEIVED  
OCT 20 2011

GALLATIN PLANNING  
& ZONING

**ITEM 3  
12/12/11 GMRPC MEETING**

**Public Comment**

**Applicant requests approval to rezone 8.4 (+/-) acres from Residential-40 (R40) to Residential-15 (R15). Property is located on Woods Ferry Road. (PC 9894-11)**

**Attachment 3-1 Rezoning Exhibit**  
**Attachment 3-2 Rezoning Ordinance NO. O1112-100**  
**Attachment 3-3 Legal Description of Property**  
**Attachment 3-4 Letter from Sammy Little Regarding Potential Houses**  
**Attachment 3-5 Pictures of Existing Houses**

**ANALYSIS**

The applicant is requesting approval to rezone 8.4 (+/-) acres from Residential-40 (R40) to Residential-15 (R15). The property is located on Woods Ferry Road, just north of the intersection with Pumping Station Road. The property is currently zoned Residential 40 (R40). The existing use is vacant with a barn, which points to possible agricultural activities in the past. If the rezoning is approved by the Gallatin City Council the proposed use is Dwelling, One-Family Detached, which is a permitted use in the requested R15 zone district. No portion of this property is located in a flood hazard area.

An annexation/plan of service for this property was the previous item on the agenda. There are two (2) parcels encompassing 8.4 (+/-) acres being rezoned, but only one (1) of the parcels is outside the City limits. Therefore, the applicant only requested the annexation of one (1) parcel that encompasses 3.86 (+/-) acres. If the Gallatin City Council approves the plan of service and annexation request for this property, the property must be rezoned according to the provisions of the Gallatin Zoning Ordinance. Since this property is located within the Gallatin Planning Region, the rezoning of this property shall become effective upon final passage of the rezoning ordinance by the Gallatin City Council.

***Gallatin on the Move 2020 General Development and Transportation Plan***

The *Gallatin on the Move 2020 General Development and Transportation Plan* identifies these two (2) parcels on the Community Character Area Map as Suburban Neighborhood Established and Emerging Walkable Community. The parcel that fronts on Woods Ferry Road is classified as Suburban Neighborhood Established and the second parcel, directly west and contiguous, is classified as Emerging Walkable Community.

The Suburban Neighborhood Established classification features the single-family residential use as well as small and large scale apartment and townhomes. According to the *Gallatin on the Move 2020 General Development and Transportation Plan*, the requested zone district of R15 is an applicable zone district for the Suburban Neighborhood Established Character Area.

The Emerging Walkable Community classification does include the single-family residential use within the context of a mixed use development. The *Gallatin on the Move 2020 General Development and Transportation Plan* does not list the requested zone district of R15 as an applicable zone district for the Emerging Walkable Community Character Area.

Although the Emerging Walkable Community Character Area does not list R15 as an applicable zone district, staff is comfortable with this zone request because under Development Strategies for the Emerging Walkable Community area single-family homes are to be located at the edge of the development and this proposed single-family residential development is at the very eastern edge of the Character Area itself. Staff is comfortable that the proposed use for this property meets the overall intent of *Gallatin on the Move 2020 General Development and Transportation Plan*.

### ***Adjacent Zoning***

The subject property is bordered by R40 zoned property to the north, south, and west. There are three (3) properties to the east, across Woods Ferry Road, that are zoned R15. Due to the surrounding zoning and the *Gallatin on the Move 2020 General Development and Transportation Plan* identifying the R15 zone district as appropriate for the Suburban Neighborhood Established Character Area and single family residential as an appropriate use in the Emerging Walkable Community Character Area, Staff supports the applicant's request to rezone the property from R40 to R15.

### ***Proposed Use/Structures***

The property owner has indicated by letter, included as Attachment 3-4, that they are wishing to move four (4) homes onto this property as part of the future subdivision. These houses were formally located on South Water Avenue/State Highway 109 near the intersection with Pumping Station Road. These houses were used as rental properties located on the Cumberland River and were required to be moved as part of TDOT's bridge replacement project over the Cumberland River. Currently the four (4) houses are located on property along Pumping Station Road where the property owner wishes to store the houses until the rezoning is approved and the subdivision can be developed. As a note, there are no architectural design requirements for one-family detached dwellings in the R15 zone district. Pictures of the four (4) houses is included as Attachment 3-5.

### ***Departmental Comments***

All other departmental comments have been satisfied.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the rezoning request to the Gallatin City Council with the following conditions:

1. The applicant shall correct the zoning information across Woods Ferry Road.
2. The applicant shall understand the next step in establishing a residential subdivision in this area is through submitting a preliminary plat and then a final plat for review and approval by the Planning Commission.
3. The applicant shall submit a copy of the signed affidavit that property owners have been notified by mail once letters are mailed. The deadline to mail the letters is 15 days before the Public Hearing is held at City Council (not counting that date).
4. The applicant shall submit fourteen (14) corrected copies of the rezoning exhibit to the Codes/Planning Department.

ATTACHMENT 3-4

Mr. Johnny Marsh  
City of Gallatin  
Codes Department

REC'D NOV 17 2011.

Dear Sir:

In regards to the homes that parked on my property on Pumping Station Road.

My Intension is to move the structures to the property located on Woods Ferry Road once the zoning process is completed.

Thank you in advance for your consideration in this matter.

Sincerely



Sam Little

EXHIBIT A

PC 9913-11



08/29/2011



08/29/2011

EXHIBIT A

08/29/2011

**Project Comments**

**Meeting Date: 12/12/2011**

**RE: LITTLE, SAMMY - REZONING, ACTIVITY, Rezoning without PMDP**

**Reference #: PC9894-11**

**Department of Public Utilities**

Review Date: 10/24/2011:

1. Part of property is outside city limits. No sanitary sewer service to outside city property.
2. Need to show 12" sewer force main on plat.
3. Nearest gravity sanitary sewer is 25 (+/-) feet from S.E. corner of property.

**Planning Department**

Codes/Planning Department Project Manager: Kevin Chastine

Review Date: 11/4/11

1. Add a note stating the requested zoning of Residential 15 (R15).
2. Add zoning information for all surrounding properties.
3. Add property owner information across Woods Ferry Road.
4. Correct the Title to say 'Rezoning Exhibit'.
5. Add parcel lines to the vicinity map.
6. Correct the Parcel Numbers for Parcel 37.00 and 37.01.
7. Verify that all of these conditions are also corrected on the Annexation Exhibit.
8. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
9. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (**MicroStation version "J" software**) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence.
10. Label file formats on CD.
11. Submit a detailed response letter addressing all departmental review comments.
12. RETURN CHECKPRINT & CHECKLIST
13. Resubmittal documents must be turned in to the Codes/Planning Department by **4:30 PM on 12/1/11.**
14. Resubmittals must include the above information in order to be considered a complete resubmittal.

**Codes Department**

Review Date: 10/25/2011:

See comments on zoning exhibit.

**EXHIBIT A**

**Tony Allers**  
*Director*

CITY OF GALLATIN, TENNESSEE  
Gallatin Codes/Planning Department

**Katherine Schoch**  
*Assistant Director*

**Engineering Division**

Review Date: 10/31/2011:

No comments

**Fire Department**

Review Date: 10/26/2011:

No comment

**Police Department**

Review Date: 10/26/2011:

Reviewed: no comments

**Gallatin Department of Electricity**

Review Date: 10/26/2011:

O. K.

**Sumner County, E-911**

Review Date:

N/A.

**Industrial Pre-treatment Department**

Review Date:

N/A

EXHIBIT A

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

JANUARY 10, 2012

**DEPARTMENT: CODES/PLANNING**

**AGENDA # 3**

---

**SUBJECT:**

Ordinance #O1112-100 amending the Zoning Ordinance of the City of Gallatin, Tennessee by amending property located on Woods Ferry Road north of Pumping Station Road from Residential 40 (R40) to Residential 15 (R15) Medium Density Zone District.

**SUMMARY:**

Applicant requests amending Residential 40 (R40) – 8.4 (+/-) acres, to Residential 15 (R15) zone district. S.B.E. Tax Map 148//Parcels 037.00, 037.01 located on Woods Ferry Road, north of Pumping Station Road.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

---

Approved   
Rejected   
Deferred

---

**Notes:**

**EXHIBIT A**

RESOLUTION NO. R1111-56

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY  
THE CITY OF GALLATIN, TENNESSEE  
ELK ACRES, SECTION 2

**WHEREAS**, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Elk Acres, Section 2;

**WHEREAS**, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements identified on the plat of the subdivision described above have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations;

**WHEREAS**, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of-way, public easements, and public utility improvements described in the Elk Acres, Section 2, Plat Book 25, Page 120, Recorded August 3, 2007, in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

**BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

**IT IS SO ORDERED.**

PRESENT AND VOTING:

AYE:

NAY:

DATED:

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

\_\_\_\_\_  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF RESOLUTION NO. R1111-56  
TO THE GALLATIN CITY COUNCIL ACCEPTING PUBLIC IMPROVEMENTS IN ELK  
ACRES, SECTION 2 – PC9895-11

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Elk Acres, Section 2 submitted by the applicant, Goodall Homes, Inc., at its regular meeting on November 28, 2011; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. It has been determined that the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the acceptance to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request to accept public improvements in Elk Acres, Section 2 to the Gallatin City Council with the following conditions:

PC 9895-11

1. The applicant shall correct the stormwater/drainage area issue prior to the City Council Resolution No. R1111-56 proceeding to City Council for acceptance.
2. The applicant shall submit a maintenance surety in the amount of \$40,100 to the Codes/Planning Department.
3. The applicant shall submit a Temporary Use Permit site surety in the amount of \$6,000 to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

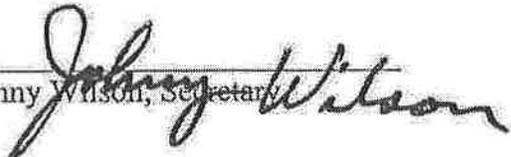
PRESENT AND VOTING

AYE: 5

NAY: 0

DATED: 11/28/2011

  
Dick Dempsey

  
Johnny Wilson, Secretary

APPROVED AS TO FORM:

  
JOE E. THOMPSON  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

**DEPARTMENT:**    **Engineering**

**AGENDA #**

**SUBJECT:**

Resolution Accepting Public Improvements by the City of Gallatin, Tennessee - Elk Acres, Section 2

**SUMMARY:**

The Planning Commission passed Resolution 2011-85 November 28, 2011, to accept these public improvements.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

RESOLUTION ESTABLISHING FEDERAL TAX AND SECURITIES LAWS COMPLIANCE  
POLICIES AND PROCEDURES

WHEREAS, in order to issue tax-exempt debt obligations, the interest on which is excluded from gross income of the holders of such debt obligations, the City of Gallatin, Tennessee must comply with federal tax rules regarding expenditure of proceeds, use of financed property, investment of proceeds in compliance with arbitrage rules, retention of records and filings with the Internal Revenue Service pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code");

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Federal Tax and Securities Laws Compliance Policies and Procedures attached to this Resolution as Exhibit A sets forth the City's policies for compliance with Sections 141-150 of the Code and related rules and regulations and is hereby approved and adopted.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect December 1, 2011, the public welfare requiring such.

IT IS SO ORDERED,

PRESENT AND VOTING

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN, TENNESSEE**  
**Federal Tax and Securities Laws – Compliance Policies and Procedures**

**Federal Tax Laws**

**Purpose**

In order to issue tax-exempt debt obligations ("Tax-Exempt Obligations"), the interest on which is excluded from gross income of the holders of such debt obligations, the City of Gallatin, Tennessee (the "City") must comply with federal tax rules regarding expenditure of proceeds, use of financed property, investment of proceeds in compliance with arbitrage rules, retention of records and filings with the Internal Revenue Service pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). This Tax Compliance Policy sets forth the City's policies for compliance with Sections 141-150 of the Code and related rules and regulations.

**I. Expenditure of Proceeds**

Expenditure of proceeds as set forth below will be reviewed and managed by the Finance Director (the "Finance Director") as needed to ensure compliance with the requirements with each tax certificate executed in connection with Tax-Exempt Obligations. In connection with such review and management, the Finance Director will undertake the following with respect to the expenditure of proceeds of Tax-Exempt Obligations:

- Establish forms and procedures for documenting expenditures of the proceeds, including for new-money issues a description of the property financed with such expenditures and for refunding issues a description of the refunded obligations and the property financed with the refunded obligations.
- Only permit proceeds to be expended for capital expenditures, working capital if accompanied by an opinion of nationally recognized bond counsel, refunding of Tax-Exempt Obligations and other debt obligations used for the foregoing purposes, the funding of debt service reserve funds to the extent permitted by the Code and costs of issuance of Tax-Exempt Obligations.
- Not permit amounts to be expended to pay capitalized interest on Tax-Exempt Obligations except during the actual construction period of financed property unless accompanied by an opinion of nationally recognized bond counsel.
- Restrict reimbursement of costs that were paid prior to the issuance of new-money Tax-Exempt Obligations to costs paid subsequent to, or not more than 60 days prior to, the date a "declaration of intent" to reimburse the costs was adopted by the City or as is otherwise approved by bond counsel.

- For new-money issues, prepare a "final allocation" of proceeds to uses, which will be made and retained with the records of the Tax-Exempt Obligations, not later than 18 months after the placed-in-service date of the financed property (and in any event not later than 5 years and 60 days after the issuance of the issue).
- Monitor the expenditure of proceeds of new-money Tax-Exempt Obligations against the tax certificate expectation to (i) spend or commit 5% of net sale proceeds within 6 months, (ii) spend 85% of net sale proceeds within 3 years, and (iii) proceed with due diligence to complete the project and fully spend the net sale proceeds.
- Monitor the expenditure of proceeds of the Tax-Exempt Obligations against the schedule for any arbitrage rebate exception or exceptions identified in the tax certificate related to such issue of Tax-Exempt Obligations.

## **II. Use of Property Financed with Tax-Exempt Obligations and Remediation Upon Change in Use**

Use of property financed with Tax-Exempt Obligations, when completed and placed in service, will be reviewed by the Finance Director on at least an annual basis.

The City will not do any of the following with respect to the financed property without prior discussion with bond counsel regarding potential effect of such action on the tax exemption of the Tax-Exempt Obligations that financed or refinanced such property:

- Enter into a management, service or incentive payment contract with any non-governmental person or entity (including the federal government) (a "Non-Governmental Person").
- Enter into a lease with any Non-Governmental Person.
- Sell or otherwise transfer such property to any Non-Governmental Person.
- Grant special legal entitlements with respect to such property to any Non-Governmental Person.
- Enter into an "output contract", as defined in Section 1.141-7 of the Treasury Regulations promulgated under the Code, that has the effect of transferring the benefits of owning the financed facility and the burden of paying debt service on the pertinent Tax-Exempt Obligation to a Non-Governmental Person.

If any action occurs, notwithstanding the foregoing, that causes Tax-Exempt Obligations to become private activity bonds as a result of private use of financed projects and/or private payments for parties utilizing financed projects, the City will promptly consult with bond counsel as to the steps to be taken in order to remediate such change in use in accordance with the regulations under the Code, including the remediation of nonqualified bonds.

### **III. Investment of Proceeds**

Investment of proceeds of Tax-Exempt Obligations in compliance with the arbitrage bond rules and rebate of arbitrage will be supervised by the Finance Director.

All proceeds of each Tax-Exempt Obligation will be deposited and maintained in a separate account or accounts. The investment of Tax-Exempt Obligations proceeds shall comply with the following:

- Investments will be purchased only in market transactions at fair market value.
- Calculations of rebate liability will be performed periodically as set forth in the tax certificate by outside consultants unless the City is eligible for an exception to rebate liability with respect to the Tax-Exempt Obligations.
- Rebate payments, if required, will be made with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance and (b) the final retirement of the Tax-Exempt Obligations. Compliance with rebate requirements will be reported to the bond trustee, if any, and the issuer.
- The City will identify the date for first rebate payment at time of issuance if rebate payments are expected.

### **IV. Records**

Management and retention of records related to Tax-Exempt Obligations will be supervised by the Finance Director.

- Records will be retained for the life of the Tax-Exempt Obligations plus any refunding bonds plus six years. Records may be in the form of documents or electronic copies of documents, appropriately indexed to specific bond issues and compliance functions.
- Retain records pertaining to the issuance of Tax-Exempt Obligations including the transcript of documents executed in connection with the issuance of the Tax-Exempt Obligations and any amendments, and copies of rebate calculations and records of payments including Form 8038-T.
- Retain records pertaining to expenditures of proceeds of Tax-Exempt Obligations including requisitions, trustee statements (if any) and final allocation of proceeds.
- Retain records pertaining to use of property, including all agreements reviewed for nonexempt use and any reviewed documents relating to unrelated business activity.
- Retain records pertaining to investments, including GIC and hedge documents under the Treasury regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

### **V. Overall Responsibility**

Overall administration and coordination of this policy is the responsibility of the Finance Director. The Finance Director shall be responsible for identifying any violations of federal tax requirements relating to any Tax-Exempt Obligations and shall consult with bond counsel as to best method for the timely correction of any identified violations either through available remedial actions or through the IRS's Voluntary Closing Agreement Program.

### **Federal Securities Laws**

#### **Purpose**

To the extent that any of the City's debt issues are subject to disclosure agreements required by U.S. Securities and Exchange Commission Rule 15c2-12 ("Rule 15c2-12"), the Finance Director will ensure that the City remains in compliance with such agreements. Specifically, the Finance Director will provide certain financial information and operating data by specified dates, and will provide notice of certain enumerated events with respect to the bonds, all as described in Rule 15c2-12.

#### **I. Understanding of Obligation**

The Finance Director should have a clear understanding of his or her responsibilities as defined in the City's continuing disclosure agreements (CDAs). This includes being aware of the material events that must be disclosed. Prior to execution, CDAs should be discussed with the transaction's bond counsel, underwriter and/or financial advisor to ensure a full understanding of the City's obligations.

#### **II. Disclosure Practices**

The Finance Director will identify the information that is obligated to be submitted in an annual filing and the dates on which filings are to be made; list the material events as stated by the City's CDAs; and make the required filings. Notices of material events will be made within ten days of the event.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

1/10/2012

**DEPARTMENT:** Finance

**AGENDA #**

**SUBJECT:**

Resolution establishing compliance policies and procedures for tax-exempt debt issues

**SUMMARY:**

The attached policies and procedures, drafted by bond council, Bass, Berry and Sims, will provide written policies and procedures for the City regarding tax-exempt debt issues. This resolution will create written documentation of practices already in place by the City. This is very similar to the Debt Policy adopted a few months ago in that: 1. we are putting in writing what our existing practices are and 2. we are now required to have such a policy in place.

**RECOMMENDATION:**

Approval

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**



## POLICY FOR PUBLIC USE OF CITY HALL

### **I. General**

Gallatin City Hall was constructed to serve the general public by providing a facility conducive to the conduct of public business. Since public funds made these facilities possible, the general public is encouraged to use the City Hall building. The following guidelines are official City Policy designed to promote orderly and appropriate use of these public facilities.

Private organizations desiring to use the City Hall facilities must complete an application and submit it to the Mayor's Office. The application needs to be completed only once annually for organizations using the facilities periodically during the year. This application shall be submitted at least two weeks but not more than eight weeks prior to the date for which reservation is requested. The request will be reviewed in light of these guidelines and the availability of the facilities. The Mayor's Office will advise the requesting organization of the status of their request as soon as possible. Usage requests are not approved until the Mayor's Office has so advised the requesting organization.

In addition to the application described in the preceding paragraph, the private organization must submit a scheduling request on a form to be developed by the Mayor's Office, each time use of City Hall facilities is requested.

### **II. Who May Use City Hall Facilities**

City Hall facilities will be available for public (and private) meeting purposes, civic purposes, to organizations whose membership substantially includes Gallatin residents or whose purpose is to provide services to Gallatin residents. City Hall facilities shall not be used for commercial enterprise, private ceremonies, religious ceremonies, any profit making activity or any activity not consistent with the general business purpose of the building.

### **III. Availability**

City Hall facilities shall be available weekdays from 7:30 a.m. to 11:00 p.m. except those hours for which the facility has been scheduled for use, and Saturday and Sunday from 8:00 a.m. to 11:00 P.m. Permission may be granted by the Mayor for variation from this schedule.

The City Council, official City boards and commissions or other organizations whose meetings are sponsored by the City shall have priority in the use of City Hall facilities. Groups reserving these facilities must understand it may be necessary for them to

relocate their meeting in the event the City Hall facilities are needed for municipal government purposes.

#### **IV. Procedure for Applying**

A. Use of the City Hall facilities will be handled so far as possible on a first-come, first serve basis.

B. Application forms may be obtained from the Mayor's Office during normal office hours, or be mailed to the applicant.

C. Application blanks shall be fully completed by requesting organizations and returned to the Mayor's office at least two weeks but not more than eight weeks prior to the scheduled use. If an application is on file from a previous request, a request may be accepted by telephone. Reservations shall not be official until the Mayor's office has signed the application and informed the applicant of its status.

D. The applicant must contact the individual designated by the Mayor's office by 2:00 p.m. on the day of the room reservation (or by 2:00 p.m. Friday if the use is on a Saturday or Sunday) to arrange entrance into the building.

#### **V. Rules and Regulations**

A. City Hall Council Chambers, dining hall, kitchen, and conference rooms shall be available for use under this policy. The fee for use of facilities (other than the kitchen) by private entities shall be \$150 per room per occasion. The fee for use of the kitchen shall be \$\_\_\_ per occasion. The fee for use by non-profit private and governmental entities shall be as follows:

- \$50 for day time use and \$100 for night time use of the dining hall.
- \$\_\_ for day time use and \$ \_\_\_ for night time use of the kitchen
- For Council Chambers, the fee shall be \$50,
- For conference rooms the fee shall be \$25.
- The Mayor may waive the fee for nonprofit or other governmental entities.

B. When used, all kitchen equipment must be cleaned and left in an orderly fashion. This shall include washing out sinks, wiping down all kitchen work areas, running garbage disposal (if used), wiping down stoves and grill (if used), empty hot and cold tables (if used), storing all items used, emptying all trash into containers supplied, emptying containers into dumpsters and doing a quick sweep of the kitchen floor area. No food may be left in the refrigerator. Use of the kitchen shall always be in conjunction with an event being held at City Hall.

C. The use of intoxicating liquor and non-intoxicating malt liquor beverages is prohibited in the City Hall facilities unless specifically approved by the Gallatin City Council.

D. Pursuant to the Tennessee Nonsmoker Protection Act, smoking is prohibited.

E. Any group or organization using City facilities for the purpose of convening a public meeting must conform to "open meeting law" requirements pursuant to Tennessee law.

F. The City assumes no liability for loss, damage, injury or illness incurred by the users of the facility.

G. The individual representing the organization using City Hall facilities, i.e., person signing the application, shall be responsible for:

1. Proper disposal of all coffee, cups, paper, etc.; rearrangement of furniture.
2. Shutting off all lights.
3. Reporting, repairing, or replacing, any damage or loss of City facilities or equipment within 24 hours of meeting.

H. Hours of use designated on the application form must be adhered to.

I. Organizations canceling reservations for use of facilities more than twice in one year shall be given low priority for future requests.

J. Each individual or group using a City Hall facility shall accept full financial responsibility for all usage fees and for all damage to or loss of City-owned equipment or facilities, including all costs and fees, if any, incurred by the City in collecting such fees and damage charges.

K. Damage charges shall be invoiced by the City of Gallatin and shall be paid in full no later than one (1) month after the date of invoice. All such charges must be paid before the individual or group will be granted use of City Hall facilities in the future as well as being sent to collections.

L. The City shall not be liable for any loss, theft, personal injury or property damages that may occur to any member(s) of any group or individuals while on City Hall premises. Users shall execute a release of liability in a form acceptable to the City Attorney. Users may be required, and when using the kitchen shall be required, to provide proof of liability insurance in the amount of \$1,000,000 per occurrence naming the City as an additional insured.

M. Failure to conform to these policies and rules may be cause for forfeiture of future use privileges.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

January 10, 2012

**DEPARTMENT:**    City Attorney

**AGENDA #**

**SUBJECT:**

Amending policy for public use of city hall facilities

**SUMMARY:**

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

A RESOLUTION ACCEPTING AN APPLICATION SEEKING TO FORM A HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF GALLATIN, TENNESSEE, FINDING AND DETERMINING THAT SUCH BOARD BE FORMED, AUTHORIZING THE PERSONS MAKING SUCH APPLICATION TO PROCEED TO FORM SUCH BOARD, AND APPROVING THE FORM OF THE CERTIFICATE OF INCORPORATION OF SUCH BOARD.

WHEREAS, Sections 48-101-301 et seq., Tennessee Code Annotated (the "Act"), provides for the formation of a health, educational and housing facility corporation of a Tennessee city or county for the purposes, among others, of constructing, acquiring, improving, repairing, renovating, extending, equipping, furnishing, operating, maintaining and managing one or more "projects," as such term is defined in the Act, borrowing of funds to carry out any of its purposes and powers with respect to any such project or projects and the lending of funds for any such purpose; and

WHEREAS, a written Application seeking permission to apply for the incorporation of a health, educational and housing facility corporation for the City of Gallatin, Tennessee (the "Municipality") pursuant to the Act has been filed with the City Council (the "Governing Body") of the Municipality; and

WHEREAS, it is the intention of the Governing Body to adopt this resolution to grant such permission pursuant to 48-101-302 of the Act.

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

1. Acknowledgment of Application. The Governing Body hereby acknowledges receipt of an Application to Form The Health, Educational and Housing Facility Board of the City of Gallatin, Tennessee (the "Board") pursuant to Section 48-101-302 of the Act, submitted to it by three (3) natural persons who are duly qualified electors of the Municipality. A form of said Application is attached hereto as Exhibit A.
2. Findings and Determination. The Governing Body hereby finds and determines that it is wise, expedient, necessary and advisable that the Board be formed pursuant to the Act.
3. Authorization to Proceed. The Governing Body hereby authorizes the persons making such Application to proceed to form the Board.
4. Approval of Certificate of Incorporation. The Governing Body hereby approves the form of the Certificate of Incorporation proposed to be used in organizing the Board, in the form presented to this meeting and attached to the Application as an exhibit.

5. Appointment of Board of Directors. Pursuant to the Application to Form The Health, Educational and Housing Facility Board of the City of Gallatin, Tennessee, the Governing Body hereby appoints the following persons as the initial Board of Directors of the Board to be appointed by the Governing Body for the terms of office opposite their respective names, commencing on the date the Certificate of Incorporation is filed with the Secretary of State of Tennessee:

<u>Director</u>	<u>Length of Term</u>
Bo Bowling	2 years
Phil Carver	2 years
Allen Parks	4 years
Clay Haynes	4 years
Derrick Jackson	4 years
Wilda Dodson	6 years
Earl Fischer	6 years

6. Other Documents. The Governing Body hereby authorizes and directs the Mayor and City Recorder, or either of them to execute and deliver and to make such certifications as shall be deemed necessary and advisable in connection with the formation of the Board.

Adopted and approved this \_\_\_ day of January, 2012.

Ayes: \_\_

Nays: \_\_

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

\_\_\_\_\_  
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON, CITY ATTORNEY

EXHIBIT A

FORM OF APPLICATION TO FORM  
THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF  
THE CITY OF GALLATIN, TENNESSEE

APPLICATION TO FORM

THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD

OF THE CITY OF GALLATIN, TENNESSEE

The undersigned do hereby certify that each of them is a duly qualified elector of the City of Gallatin, Tennessee (the "City") and do hereby make this application to the City Council of the City (the "Governing Body"), as follows:

WHEREAS, Sections 48-101-301 et seq., Tennessee Code Annotated (the "Act"), provides for the formation of a health, educational and housing facility corporation of a Tennessee municipality for the purposes, among others, of constructing, acquiring, improving, repairing, renovating, extending, equipping, furnishing, operating, maintaining and managing one or more "projects," as such term is defined in the Act, borrowing funds to carry out any of its purposes and powers with respect to any such project or projects and the lending of funds for any such purpose; and

WHEREAS, the undersigned have found and determined that it is wise, expedient, necessary and advisable and in furtherance of such goals that The Health, Educational and Housing Facility Board of the City of Gallatin, Tennessee (the "Board") be formed as provided by the Act.

NOW, THEREFORE, it is the intention of the undersigned to submit this Application to the Governing Body for the purpose of seeking the permission of the Governing Body to apply for the incorporation of the Board, pursuant to Section 48-101-303, Tennessee Code Annotated, as follows:

1. Permission of the Governing Body. The undersigned hereby seek the permission of the Governing Body to apply for the incorporation of the Board and request that the Governing Body proceed to consider such application at a meeting duly and regularly called and held.

2. Resolution. The undersigned hereby request that the Governing Body at such meeting duly adopt one or more resolutions in which (a) the Governing Body finds and determines that it is wise, expedient, necessary and advisable that the Board be formed; (b) the Governing Body authorizes the undersigned to proceed to form the Board; (c) the Governing Body approves the form of the certificate of incorporation proposed to be used in organizing the Board, in the form attached hereto as Exhibit A; and (d) the Governing Body appoints the initial Board of Directors of the Board.

3. Filing of Certificate of Incorporation. Upon the adoption of such resolution by the Governing Body, the undersigned shall execute, acknowledge and file said Certificate of Incorporation for the Board as provided in the Act.

*(signature page follows)*

IN WITNESS WHEREOF, pursuant to the Act, the undersigned have duly executed this Application on this \_\_\_ day of \_\_\_\_\_, 2012, and respectfully submit it to the Governing Body for its consideration.

---

Type Name: Phil Carver  
Type Address: 1046 Woodmont Drive  
Gallatin, TN 37066

---

Type Name: Clay Haynes  
Type Address: 335 W. Main Street, Suite M  
Gallatin, TN 37066

---

Type Name: Earl Fischer  
Type Address: 1038 Isaac Franklin Drive  
Gallatin, TN 37066

STATE OF TENNESSEE        )

COUNTY OF SUMNER         )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Phil Carver, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in \_\_\_\_\_, Sumner County, Tennessee, this day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF TENNESSEE        )

COUNTY OF SUMNER         )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Clay Haynes, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in \_\_\_\_\_, Sumner County, Tennessee, this day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF TENNESSEE     )

COUNTY OF SUMNER     )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Earl Fischer, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in \_\_\_\_\_, Sumner County, Tennessee, this day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

**EXHIBIT A**

CERTIFICATE OF INCORPORATION

OF

THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD

OF

THE CITY OF GALLATIN, TENNESSEE

Pursuant to the provisions of Sections 48-101-310, et seq., Tennessee Code Annotated (the "Act"), we, the undersigned natural persons, do hereby intend to create a health, educational and housing facility corporation pursuant to said Act and do hereby certify as follows:

1. Each of us is a duly qualified elector of and taxpayer in the City of Gallatin, Tennessee, and our respective names and residences are as follows:

NAME

ADDRESS

Phil Carver

1046 Woodmont Drive, Gallatin, TN 37066

Clay Haynes

\_\_\_\_\_

Earl Fischer

1038 Isaac Franklin Drive, Gallatin, TN 37066

2. The name of the Board shall be "The Health, Educational and Housing Facility Board of the City of Gallatin, Tennessee" (the "Board").
3. Permission to organize the Board has been granted by resolution duly adopted by the City Council of the City of Gallatin, Tennessee on January 17, 2012.
4. The address of the Board's initial registered office is 132 West Main Street, Gallatin, Tennessee 37066.
5. The name of the Board's initial registered agent is Joe H. Thompson, 132 West Main Street, Room 212, Gallatin, Tennessee 37066.
6. The location of the principal office of the Board is 132 West Main Street, Gallatin, Tennessee 37066.
7. The purposes for which the Board is organized are to promote the health and higher education of the people of the City of Gallatin, Tennessee, and surrounding areas, and to exercise the authority, and pursue the objectives, of a health, educational and housing facility board, as provided in the Act, it being the intention of the incorporators to make the scope of the authorized business activities of the Board as broad as permitted by the Act and other applicable Tennessee statutes.

8. The Board shall have seven (7) directors who shall be elected by the City Council of the City of Gallatin, Tennessee, and all of whom shall have such other qualifications, terms and duties as provided in the Act, as heretofore or hereafter amended.
9. The duration of the Board is perpetual.
10. The Board shall not have members.
11. The Board shall be a public nonprofit corporation, public benefit corporation and public instrumentality of the City of Gallatin, Tennessee, as provided in the Act, but shall have no power to obligate the City of Gallatin, Tennessee in any way, as provided in the Act.
12. The Board shall have all powers necessary to carry out the purposes set forth above as are authorized under the laws of the State of Tennessee, including without limitation the Act, as heretofore and hereafter amended, and including all powers incidental thereto or necessary for the performance thereof, excepting only such lawful limitations on, and additions to, such powers and authorities as expressly provided herein. To that end, it is hereby declared that should any provision or provisions of this Certificate of Incorporation, which limit(s) or add(s) to, such powers and authorities, be declared invalid, unlawful, or unenforceable for any reason, the invalidity, unlawfulness, or unenforceability of such provision or provisions shall not affect the remaining provisions of such Certificate of Incorporation, and that this Certificate of Incorporation should have full force and effect according to its provisions excepting those provision(s) so declared invalid, unlawful, or unenforceable.
13. Upon the dissolution of the Board, after paying or making provision for the payment of all liabilities of the Board then outstanding and unpaid, all assets of the Board shall be distributed to the City of Gallatin, Tennessee.

*(signature page follows)*

We, the undersigned, do hereby subscribe to and acknowledge this Certificate of Incorporation as evidenced by our signatures below, all as of this \_\_\_\_ day of January, 2012.

\_\_\_\_\_  
Printed Name: \_Phil Carver

\_\_\_\_\_  
Printed Name: \_Clay Haynes

\_\_\_\_\_  
Printed Name: \_Earl Fischer

STATE OF TENNESSEE        )

COUNTY OF SUMNER         )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Phil Carver, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in \_\_\_\_\_, Sumner County, Tennessee, this day of January, 2012.

\_\_\_\_\_

Notary Public

My Commission Expires:

\_\_\_\_\_

STATE OF TENNESSEE     )

COUNTY OF SUMNER     )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Clay Haynes, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in Gallatin, Sumner County, Tennessee, this \_\_\_\_ day of January, 2012.

---

Notary Public

My Commission Expires:

---

STATE OF TENNESSEE     )

COUNTY OF SUMNER     )

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, Earl Fischer, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and seal, at office in Gallatin, Sumner County, Tennessee, this \_\_\_\_ day of January, 2012.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

10328155.1

10328630.1

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

January 10, 2012

**DEPARTMENT: EDA**

**AGENDA #**

---

**SUBJECT:**

Consideration of a Level IV PILOT (Payment In Lieu Of Tax) for NHC project

**SUMMARY:**

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

---

Approved   
Rejected   
Deferred

---

**Notes:**