

CITY OF GALLATIN COUNCIL COMMITTEE MEETING

December 13, 2011

6:00 pm

Dr. J. Deotha Malone
Council Chambers

- Call to Order: Vice Mayor Mayberry
- Roll Call: Connie Kittrell, City Recorder
Mayor Graves – Alexander – Hayes – Garrott - Kemp– Vice Mayor Mayberry – Overton
- Approval of Minutes: November 8, 2011 Committee Meeting and
November 29, 2011 Special Called Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. ECOTality Charging Site Host Agreement (**Mayor Graves**)
2. Greenway Roll Back Taxes – Troutt Property (**Mayor Graves**)
3. Old Service Center Building (**Ronnie Stiles, Public Works**)
4. Ordinance #O1112-95 Amend GMC – Sec. 12-31 Synthetic Drugs Prohibited (**Chief Don Bandy, GPD**)
5. Financial and fund balance reports (**Rachel Nichols, Finance**)
6. Ordinance #O1112-96 regarding insurance recoveries (**Mayor Graves**)
7. Amendment to FY 2012 R&R Contract with RTA for Additional Service (**Mayor Graves**)
8. Amendments to Gallatin Municipal Code Chapter 5 and Chapter 10 and International Property Maintenance Code as it pertains to mowing of tracts over five (5) acres (**Tony Allers, Codes/Planning**)
9. Structural Engineering Evaluation of Buildings on the Square (**Tony Allers, Codes/Planning**)
10. Resolution authorizing donation of excess 3" Fire Hose to the Gallatin Volunteer Fire Department and Westmoreland Volunteer Fire Department (**Chief Billy Cook, GFD**)

11. Resolution accepting public improvements by the City of Gallatin, Tennessee – Elk Acres, Section 2 (**Nick Tuttle, Engineering**)
12. Ordinance appropriating funds received from surety proceeds for street improvements in Stratford Park, Phases 1 and 2 (**Nick Tuttle, Engineering**)
13. Request for abandonment of Right-of-way (**Nick Tuttle, Engineering**)
14. Request for abandonment of Right of way (**Nick Tuttle, Engineering**)
15. Resolution accepting public improvements by the City of Gallatin, Tennessee – Lackey Property P.U.D. Re-subdivision of Lot 26 (**Nick Tuttle, Engineering**)
16. Ordinance #1112-97 rezoning 150 (+/-) acres from R15 Planned Unit Development (R15 PUD) to SP Specific Plan District (SP) (**Tony Allers, Codes/Planning**)
17. Kitchen Alternatives (**Joe Thompson, City Attorney**)
18. Grant Process (**Councilman Garrott**)

- Other Business
- Department Head Reports
- Adjourn

**City of Gallatin
Council Committee Meeting**

Tuesday, November 8, 2011
Dr. J. Deotha Malone Council Chambers

PRESENT:

Mayor Jo Ann Graves
Vice Mayor Ed Mayberry
Councilman John D. Alexander
Councilman Steve Camp
Councilman Craig Hayes
Councilman Jimmy Overton
Councilwoman Anne Kemp
Councilman Tommy Garrott

ABSENT:

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance Director
Ronnie Stiles, Public Works Director
Nick Tuttle, City Engineer
David Gregory, Public Utilities Director
David Brown, Leisure Services
Tony Allers, Codes/Planning

Billy Crook, Fire Chief
Dave Crawford, Personnel
Joe Thompson, City Attorney
Connie Kittrell, City Recorder
Don Bandy, Police Chief
Ann Whiteside, Mayor's Office
News Examiner, Reporter

Councilman Craig Hayes called the meeting to order.

Approval of Minutes

Councilman Hayes presented the minutes of the October 25, 2011 Committee Meeting for approval.

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

Public Recognition

Councilman Hayes opened public recognition and with no one wishing to speak, public recognition was closed.

Mayor's Comments

Mayor Graves reminded everyone of the following:

- Tinsel and Treasures Christmas Open Houses will be this weekend
- Several Elementary School Choirs will be singing downtown this Saturday morning from 10:30 - 12:30
- The Epic Centre will host some of the smaller businesses for Tinsel and Treasures

Mayor Graves asked Leisure Services Director David Brown for an update on last weeks 5K Turkey Run.

Mr. Brown stated it was a great success with 101 participants.

Agenda

1. Ordinance #O1110-91 Amending Article 15.00, Administration and Enforcement

Codes and Planning Director Tony Allers stated this is to allow metal siding to be used.

Councilman Garrott stated he wished the planning commission would look at changing the section on color requirements.

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

2. Fairvue Plantation Street Trees

City Engineer Nick Tuttle stated the Fairvue Home Owners Association is requesting approval to plant 75 Red Maple trees in the public right-of-way along Plantation Boulevard from Nashville Pike to the intersection of Plantation Boulevard and Jacobs Landing.

Council discussed responsibility for maintenance of the trees.

Jim Corbett, a representative from the Fairvue Home Owners Association was present. Mr. Corbett stated the Association will maintain the trees; watering, deer rubs to be installed and sidewalk shields.

Public Utilities Director David Gregory requested that the trees not be planted in utility right-of-way.

Mr. Corbett stated the plots were changed to accommodate Mr. Gregory's requests and there is an adequate clearance off of the easement.

Council continued to discuss.

Councilwoman Kemp made motion to approve; Vice Mayor Mayberry seconded and requested proof of insurance and no locations in utility easements. Motion carried with 6 ayes and Councilman Garrott voting nay.

Mr. Corbett stated he would revise his plan to show the new locations of the trees.

3. Drainage Project - 901 Peninsula Drive

Mr. Tuttle stated the work on this drainage project can be done by the city's street department. Mr. Tuttle added that this will require some material construction costs and acquisition of property and he estimates those costs to be around \$72,900.

Council discussed the trees.

Councilman Camp disclosed that next to the detention pond is his mother-in-law's home place and the ditches to be filled in are on her property and she would like to have the two trees removed.

Council discussed the elevation of the pond being 4 to 5 feet deep.

Councilwoman Kemp made motion to approve; Councilman Alexander seconded.

Council discussed what they were sending to council for approval. Council granted permission to Mr. Tuttle to negotiate a purchase price for the property acquisition.

4. TDOT's SR - 109 South Project and Driver's Lane

Mr. Tuttle explained that TDOT is planning a widening project for SR-109 from Odoms Bend Road to SR-109 Bypass at Airport Road. Mr. Tuttle added that the cross-section of the proposed road matches recommendations from the City's

Major Thoroughfare Plan which is a four-lane boulevard section containing a raised median and one other element of that plan is a realignment of Drivers Lane to the intersection of Nichols Lane.

Mr. Tuttle stated that he mentioned this to the state and they remarked that they had no funds for that relocation. He added that TDOT has requested the city coordinate early with them if we are considering a separate project to realign Drivers Lane.

Mr. Tuttle stated his estimated cost for this project is \$400,000 but that will be spread over several years and does not include any right-of-way acquisitions.

Council discussed signalization at Nichols Lane/109/Drivers Lane, and the raised medians.

Councilman Garrott made motion to approve Mr. Tuttle to do preliminary plans; Councilman Alexander seconded.

Council discussed the state installing the raised medians and the state received a grant for the Corridor Management Agreement.

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

5. Sinkholes or low areas on private property

Mr. Tuttle stated this has been discussed several times and was requested to be back on tonight's agenda for further discussion.

Council discussed the city having a policy to work together with the property owners to correct these problem areas.

Council instructed Mr. Thompson design a policy to allow the city to do work on private property and bring back to council for review.

6. Kitchen Contract

Council discussed the comptroller's opinion of the current kitchen contract and their options to continue to use the kitchen.

Mayor suggested designing a policy to allow everyone interested to rent/use the kitchen.

Council decided to bring this back for discussion or motion at next Tuesday's council meeting.

Council took a five (5) minute break at this time.

Councilman Hayes called the meeting back to order.

7. Redistricting

GIS Coordinator Joseph Crass stated he had created three (3) scenarios with five (5) districts and two (2) at large members and three (3) scenarios with seven (7) districts and no at large members. Mr. Crass handed out a hard copy and also presented a power point presentation. There were also larger maps available for council's review.

Council discussed the changes in districts and which scenario accomplishes their tasks.

Vice Mayor Mayberry made motion to accept scenario 5B; Councilman Garrott seconded.

Council discussed getting something in motion, staying with five districts the charter does not have to change and it goes to council next week for first reading.

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

Other Business

Mr. Thompson stated he needed to meet with council on pending litigation after this meeting.

With no other business, Councilman Hayes closed other business.

Department Head Reports

Councilman Hayes called for department head reports and there were none.

Adjourn

With no other business to discuss, Councilman Hayes adjourned the meeting.

City of Gallatin
Special Called Council Committee Meeting

Tuesday, November 29, 2011
Dr. J. Deotha Malone Council Chambers

PRESENT:

Mayor Jo Ann Graves
Vice Mayor Ed Mayberry
Councilman John D. Alexander
Councilman Craig Hayes
Councilman Tommy Garrott
Councilman Steve Camp
Councilwoman Ann Kemp
Councilman Jimmy Overton

ABSENT:

None

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance Director
Joe Thompson, City Attorney
Clay Walker, EDA
Joseph Crass, GIS Coordinator
News Examiner, Reporter

Connie Kittrell, City Recorder
Ronnie Stiles, Public Works Dir.
Nick Tuttle, City Engineer
Ann Whiteside, Mayor's Office
Gallatin News, Reporter

Called to Order

Councilman Hayes called the meeting to order. Councilman Hayes stated this is a Special Called Committee Meeting to discuss only the topics listed on the agenda.

Ms. Kittrell called the roll.

Public Recognition on Agenda-Related Items Only

Councilman Hayes opened public recognition on agenda related items.

Jimmy Moore, owner of Moore's Farm Equipment located at 1420 South Water Avenue, stated he was concerned about the new road to be constructed in front of his business. He added that some of his concerns include the proposed median and access to his business.

Floyd Poindexter of 1490 Calgy Drive and the owner of Poindexter's Bait Shop expressed his concerns over the new road, the median and vehicles pulling a boat/trailer having access to his business.

Bill Taylor of Hendersonville stated he owns the car wash on South Water and requested information from TDOT on the proposed road.

Council discussed inviting TDOT to come and explain their plans.

Councilman Overton requested item #3. be moved to the first of the agenda.

With no one else wishing to speak, Councilman Hayes closed public recognition.

Agenda

3. Highway 109 South From the Wilson County Line to Airport Road

Council discussed the road being similar to Broadway with a smaller median.

Nick Tuttle, City Engineer exhibited the preliminary right-of-way drawings from TDOT and stated that is all he has seen from them. Mr. Tuttle continued to explain the State's process and public input and the environmental process.

Discussion continued on the 20/20 Plan and some state employees vacating their positions and the major thoroughfare plan.

Councilman Overton made motion to send a Resolution to the State of Tennessee from the City of Gallatin to request to have input in any further designs of the road; Councilman Camp seconded.

Mr. Tuttle stated his concerns that he gave TDOT were tractor trailers being able to turnaround and he preferred the median be wider than proposed.

Mayor Graves left the meeting at this time.

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

Mr. Moore requested the business people in that area have input on the design and be made aware of any meetings.

1. Employee Christmas Luncheon

Councilman Garrott stated the employee Christmas luncheon has been settled because it will be held at City Hall but he did want to discuss the process further tonight.

Councilman Hayes stated they could only discuss the topics listed on the agenda.

2. Greenway Grant mentioned in Mayor's newsletter that went out to GPU customers

Councilman Garrott stated council has not approved the acceptance of that grant. Councilman Garrott added the proposed costs to the City of Gallatin and those funds would come from the reserves.

City Attorney Joe Thompson stated the city has not received the contract.

Councilman Garrott stated he would like to talk about the grant before voting on it.

4. Redistricting

Council discussed moving the entire Cambridge Farms Subdivision to District 4 or District 3 but the numbers would not work with either option.

Discussion continued. Council determined sending the original ordinance to second reading at the first Council meeting in December. Once the ordinance is passed it will be sent to the county and state election offices.

Ms. Carolyn Reed came forward and stated that she had a function last week and a person from the State Comptrollers office was present. Ms. Reed added that that person stated to his knowledge, the State Comptrollers office had not received anything from the Gallatin City Hall as far as the kitchen was concerned.

Mr. Thompson asked the name of that person.

Ms. Reed stated she would get the name of that person to Mr. Thompson.

Special Committee Meeting
November 29, 2011

Adjourn

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

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Mayor

AGENDA # 1

SUBJECT:

ECotality Charging Site Host Agreement

SUMMARY:

ECotality North America has offered to install electric car charging stations in the City of Gallatin at no cost to the City. The charging stations would be made available to the public. Installation and maintenance of the stations would be provided by ECotality. Stephanie Cox with ECotality is scheduled to attend the Council Committee Meeting to make a presentation and answer questions.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:



Charging Site Host Agreement

This Charging Site Host Agreement ("Agreement") is effective as of the date the last party signs this Agreement ("Effective Date") between:

ECotality: Electric Transportation Engineering Corporation,
dba ECotality North America (hereinafter referred to as "ECotality")
430 South 2nd Avenue
Phoenix, AZ 85003-2418

-and-

Charging Site Host Name: City of Gallatin, Tennessee
Address: 132 West Main Street
City, State, Zip Code: Gallatin, TN 37066
Contact Name: Jo Ann Graves
Phone(s): (615) 451-5961
Email: joann.graves@gallatin-tn.gov

EVSE: () WE-30Kic () PE-30Kic
Site Address: See attached amendment.
City, State, Zip Code: _____
County: _____
Electrical Utility: _____

Please use Chart on Attachment A to list multiple locations and denote any known special instructions.

ECotality and the Charging Site Host (either individually "Party" or collectively "Parties") agree as follows:

1. Term of Agreement

This Agreement shall commence on the Effective Date and shall continue through the end of the EV Project, which is currently scheduled for April 30, 2013 (the "Term"). This Agreement may be terminated early in accordance with the Termination section of this Agreement.

2. Terms and Definitions

The definitions for the following terms which are used throughout this Agreement are as follows:

Blink Network ECotality EVSE Network
EVSE Electric Vehicle Supply Equipment
 US Department of Energy project funded through the American Recovery
EV Project and Reinvestment Act

Media Content	Video, audio, or print messages, information or advertising displayed on the EVSE, including commercial advertising, graphic wraps, labeling, banner advertisements, and movie clips
Periodic Reports	Electronic reports provided to EV Project Charging Site Host regarding utilization of charging stations at a frequency more than once
Site	Location where the EVSE will be used

3. ECotality Goods and Services

In consideration of Charging Site Host's participation in the EV Project and for allowing the collection of the Data, as described below, ECotality agrees to provide the following goods and services:

1. Provide ____ *(Insert Quantity)* Level II (240 VAC) EVSE(s) for public use;
2. Support to Charging Site Host for installation of the EVSE at the Sites(s) identified above by ECotality-qualified and licensed contractors in accordance with local codes, permitting and inspection requirements;
3. All direct costs associated with the delivery, installation and initial setup of the EVSE at the designated Site(s). Should Installation costs exceed \$2,250 for a Pedestal EVSE or \$1,500 for Wall Mount EVSE, the difference in costs will be the responsibility of the Charging Site Host;
4. Periodic reports on the public utilization of the EVSE;
5. Revenue sharing with Charging Site Host; and
6. Ongoing maintenance of the EVSE, for the Term of the Agreement.

4. EVSE Data

Charging Site Host acknowledges that The United States Department of Energy (DOE) has provided funding for the EV Project through the American Recovery and Reinvestment Act (ARRA) to accelerate the development and production of electric vehicles (EVs) in order to reduce petroleum consumption. In consideration of the Goods and Services provided, and as part of this project, Charging Site Host acknowledges and agrees to allow ECotality commercially reasonable access to the Equipment at the Site and existing sources of electrical energy in order for ECotality to collect and transmit EVSE Data regarding public use of the EVSE during the Term of this Agreement.

5. EVSE/Access Revenue

Charging Site host acknowledges that ECotality is providing the initial EVSE as part of a no cost, or reduced-cost, infrastructure pilot program. When revenues are associated with the EVSE access, ECotality shall share revenues in accordance with a Revenue Sharing Program with the Charging Site Host.

6. Media Content

The Parties acknowledge and agree that ECotality shall have control over the solicitation, contracting, and distribution of any and all Media Content, including but not limited to, any Media Content data transmitted to or from the EVSE and displayed using the EVSE. The Parties will work together in a good faith effort to resolve any objections that the Charging Site Host may have with the subject matter, time of display, and format of Media Content. ECotality will take reasonable efforts to avoid distributing Media Content which conflicts with Charging Site Host media and advertising at a particular Site. ECotality shall

remove conflicting Media Content within a reasonable period of time upon written notification by Charging Site Host.

7. Charging Site Host's Representations and Warranties

Charging Site Host covenants to ECOTality that the Charging Site Host:

- a) Upon reasonable notice will allow ECOTality and its contractors reasonable access to the EVSE in order for ECOTality to collect, use, maintain and distribute the data to ECOTality and EV Project partners and participants;
- b) Will provide access to Charging Site Host's internet service or agree to pay ECOTality a fee for CDMA wireless service to the EVSE;
- c) Will participate in ECOTality surveys and provide timely response to ECOTality requests for information from Charging Site Host;
- d) Will provide and maintain supply of electric power to the EVSE;
- e) Will allow ECOTality to provide Charging Site Host's contact information to their electric utility company to facilitate electrical installation;
- f) Will allow ECOTality to display advertising on the touch screen in accordance with Section 6, Media Content, above;
- g) Will not knowingly allow the EVSE to be maintained, opened, modified, reverse engineered, disassembled on the whole or any part thereof in any manner, or repaired by anyone other than ECOTality or its licensed contractors;
- h) Will not transfer, assign, encumber or pledge the EVSE;
- i) Assumes all responsibility in obtaining approvals by property owners, landlords, corporate offices and is responsible for approval of the terms and execution of EVSE installation and EVSE siting contracts with ECOTality approved contractor;
- j) Will use commercially reasonable efforts, but no less than the same standard of care used to secure their own property, to prevent damage and vandalism to the EVSE;
- k) Will not uninstall the EVSE; and
- l) Will contract and oversee the installation of the EVSE with ECOTality-approved contractor.

8. Ownership

8.1. Title to and ownership of the EVSE will be retained by ECOTality through the Term of this Agreement. The software associated with and that operates the EVSE is exclusively owned by ECOTality. All of the information, content, services and software displayed on, transmitted through, or used in connection with the use and operation of the EVSE, including, but not limited to advertising, text, photographs, images, illustrations, video, html, source and object code, software, data, Internet account access, and the like (collectively, the "Content") is owned by ECOTality and its affiliates, licensors, or suppliers. The "Content" is protected by copyright, trademark, and other intellectual property laws of the United States of America.

8.2. During the term of this Agreement, ECOtality grants to the Charging Site Host a non-exclusive and non-transferable license, to use such software in the form in which it is embedded in the EVSE on the delivery date for use in conjunction with other parts of the EVSE on the condition that the EVSE shall be used for its intended purpose only. Nothing contained in this Section shall be construed as an assignment or transfer of any copyright, design right or other intellectual property rights in such software, all of which rights are owned by the ECOtality.

8.3. Upon the expiration, cancellation or termination of this Agreement, Charging Site Host shall have the option to: (a) Acquire ownership of the EVSE(s) installed at the Sites at no cost to Charging Site Host. ECOtality will execute and deliver a Bill of Sale evidencing such transfer. The delivery of any EVSE video content, EVSE connectivity to the ECOtality charger network, EVSE maintenance and service, or management of unique user access will require a separate license agreement with ECOtality; or (b) allow the EVSE to remain as then installed, owned and operated by ECOtality under a separate maintenance and service agreement with Charging Site Host that will include a lease payment to Company, revenue share, or similar compensation model, the terms of which will be separately agreed-up between the parties.

9. Use of Mark/Advertising

ECOtality and Charging Site Host each hereby grant to the other, only during the Term of this Agreement, a nonexclusive, non-transferable, non-assignable license to use the name and marks owned by the Parties: (i) on the EVSEs installed at a Site; (ii) in relation to the advertising and promotion of the EVSEs, the services provided by the EVSEs, and any ancillary goods or services of ECOtality offered at the Sites; and (iii) in relation to advertising and promoting the business relationship between the Parties, including use on websites, software/smart phone applications, or marketing materials.

10. Termination of this Agreement

10.1 Without Cause: This Agreement may be terminated by ECOtality in writing to the Charging Site Host, without cause, at any time and for any reason, including the termination of the EV Project or a reduction in EV Project funding, whereupon the Parties shall be fully released from their respective duties, rights, obligations and liabilities under this Agreement except as provided below.

10.2 For Cause: This Agreement may be terminated in writing by either party for cause if either party violates any term of this Agreement and fails to cure the same within ten (10) days of receiving written notice of such default. Upon such termination of this Agreement for cause, as its sole and exclusive remedy, ECOtality shall have the right, but not the obligation, to disable or remove (at its sole cost and expense) any or all of the EVSE installed at the Location and terminate services to Charging Site Host's. Removal of EVSE includes site restoration to a safe and reasonable condition, but does not include the responsibility to restore the site to the same condition as prior to the installation of the EVSE. In the event that ECOtality does not elect to remove the EVSE within thirty (30) days following such termination, the EVSE shall be deemed abandoned by ECOtality and Charging Site Host shall possess all rights, title, and interest in and to the same.

11. EVSE Maintenance

Should the EVSE require maintenance during the Term, Charging Site Host must immediately call the toll-free number listed on the EVSE and report the maintenance requirement to ECOtality. ECOtality will repair or replace, at ECOtality's option, the EVSE or part(s) or component(s) thereof. ECOtality will repair or replace the EVSE at no cost to the Charging Site Host. ECOtality will not be responsible for EVSE damage or failure resulting from Charging Site Host misuse, alteration, accident or repairs/maintenance

not performed by ECOTality or its authorized representatives. Repair or replacement of the EVSE for any of these causes shall be at the cost of the Charging Site Host. ECOTality shall have no responsibility for the EVSE, and makes no warranties with respect thereto, following the Term or early termination of this Agreement.

12. Insurance

Through the term of this Agreement, the EVSE is insured by ECOTality under its general liability insurance policy. Additionally, ECOTality shall maintain commercial general liability insurance of not less than Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage related to operation of the EVSE.

13. Governing Law

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Arizona, without reference to its conflict of law rules. Each of the party's consents to the exclusive venue and personal jurisdiction of the courts located in Maricopa County, Arizona.

14. Dispute Resolution

Except where necessary to seek injunctive relief to prevent or enjoin loss or harm to Intellectual Property, any dispute arising out of or relating to this Agreement shall be subject to mandatory confidential mediation for a period of up to thirty days, unless extended mutually by the Parties, by a neutral third party mediator acceptable to both Parties. Any dispute not resolved by such mediation, arising out of or relating to this Agreement shall be subject to final and binding arbitration under the then-current Commercial Arbitration Rules of the American Arbitration Association; provided that the arbitrator(s) shall be neutral and shall be chosen from a panel of arbitrators knowledgeable in the business of electronics manufacturing. The arbitration shall be held in Phoenix, Arizona, unless otherwise mutually agreed by the Parties. The arbitrator(s) shall not have the power to award punitive or exemplary damages, or any damages which are disclaimed or waived in this Agreement. The decision and award of the arbitrator(s) shall be final and binding, and the award so rendered may be entered in any court having jurisdiction thereof. Where it is necessary for a Party to seek injunctive relief to prevent or enjoin immediate and irreparable loss or harm to Intellectual Property, ECOTality and Charging Site Host hereby irrevocably and unconditionally submit to the jurisdiction of the courts of the State of Arizona or the United States District Court for the District of Arizona and all courts competent to hear any appeal therefrom. Nothing contained herein shall be deemed to waive arbitration for any claim other than injunctive relief to the sole extent described herein.

15. LIMITATION OF LIABILITY

EXCEPT FOR THE WARRANTIES STATED HEREIN FOR THE CHARGING SITE HOST, NO WARRANTY, CONDITION OR REPRESENTATION, EXPRESSED, IMPLIED, ORAL OR STATUTORY, IS PROVIDED TO THE CHARGING SITE HOST OR ANY THIRD PARTY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY, CONDITION OR REPRESENTATION: (A) OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SATISFACTORY QUALITY, OR ARISING FROM A COURSE OF DEALING, USAGE, OR TRADE PRACTICE; (B) THAT THE PRODUCTS WILL BE FREE FROM INFRINGEMENT OR VIOLATION OF ANY RIGHTS, INCLUDING INTELLECTUAL PROPERTY RIGHTS OF THIRD PARTIES; OR (C) THAT THE OPERATION OF ANY SOFTWARE SUPPLIED WILL BE UNINTERRUPTED OR ERROR FREE. THIS DISCLAIMER AND EXCLUSION SHALL APPLY EVEN IF THE EXPRESS WARRANTY HEREIN FAILS OF ITS ESSENTIAL PURPOSE. THE CHARGING SITE HOST'S SOLE AND EXCLUSIVE REMEDIES HEREUNDER AND THE ONLY LIABILITY OF ECOTALITY IS EXPRESSLY LIMITED TO THE TERMS OF THE AGREEMENT.

NEITHER PARTY SHALL BE LIABLE TO THE OTHER PARTY, OR ANY THIRD PARTY, FOR ANY OTHER SPECIAL, CONSEQUENTIAL, INCIDENTAL, EXEMPLARY OR INDIRECT COSTS OR DAMAGES, INCLUDING WITHOUT LIMITATION, LITIGATION COSTS, LOSS OF DATA, PRODUCTION OR PROFIT ARISING FROM ANY CAUSE WHATSOEVER, REGARDLESS OF THE FORM OF THE ACTION, WHETHER IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH COSTS OR DAMAGES. FOR PURPOSES OF THIS PROVISION, THE PARTY INCLUDES THE PARTY'S DIRECTORS, OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, AFFILIATES, SUBCONTRACTORS AND SUPPLIERS.

NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, ANY CLAIMS FOR DAMAGES BY EITHER PARTY ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT SHALL BE LIMITED TO ACTUAL RECOVERIES UNDER SUCH PARTY'S INSURANCE POLICIES.

16. Notices

All notices given under this Agreement (each, a "Notice") shall be in writing and delivered to the addresses of the parties as applicable, by one or more of the following methods, (i) given by certified mail, postage prepaid, return receipt requested, and is deemed given on the third (3rd) business day after the date of posting in a United States Post Office, (ii) given by a nationally recognized overnight courier and is deemed given one day after delivery to the overnight courier, or (iii) given by personal delivery and is deemed given upon receipt by the notified party. At any time, either party may designate in writing to the other party a different notice address.

17. Changes

This Agreement cannot be modified or amended except by a written instrument signed by the Parties.

18. Waiver

No waiver by either Party of any breach, default or violation of any term, warranty, representation, agreement, covenant, condition or provision of this Agreement will constitute a waiver of any subsequent breach, default or violation of the same or other term, warranty, representation, agreement, covenant, condition or provision of this Agreement.

19. Assignment

This Agreement shall inure to the benefit of, and be binding upon, the Parties hereto and their respective successors, and permitted assigns. This Agreement may be assigned by either party only with the prior written consent of the non-assigning party, which consent shall not be unreasonably withheld or delayed, except the rights and obligations of either party may be assigned to another entity in connection with reorganization, merger, consolidation, acquisition, divestiture, or other restructuring. Any assignment which does not satisfy the requirement of the preceding sentence shall be null and void.

20. Survival Of Obligations And Liabilities

Termination of this Agreement shall not relieve either party of any obligation under this Agreement which expressly or by implication survives termination of this Agreement including its obligations under the following section headings: Insurance, Limitation of Liability, Governing Law, and Dispute Resolution. The invalidity, illegality or unenforceability of any one or more provisions of this Agreement will not affect or impair the validity, legality or enforceability of the remaining provisions, which will remain in full force and effect.

21. Entire Agreement, Relationship

This Agreement contains the entire agreement and understanding between the parties relative to the subject matter herein, and supersedes any prior agreements and understandings between the parties relating to such subject matter, whether verbal or written. This Agreement may be executed in one or more counterparts each of which shall be deemed an original, but all of which shall constitute one and the same document. The parties agree that signatures transmitted by facsimile or e-mail (electronically scanned) shall be binding as if they were original signatures.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

**Electric Transportation
Engineering Corporation dba ECOtality
North America**

By: _____
Name: _____
Title: _____
Date: _____

EV Project Charging Site Host

By: _____
Name: **City of Gallatin, Tennessee**
Title: _____
Date: _____

ATTACHMENT A

Additional Installation Addresses (If Applicable)

EVSE: () WE-30Kic () PE-30Kic
Installation Address: _____
City, State, Zip: _____
County: _____
Electrical Utility: _____

EVSE: () WE-30Kic () PE-30Kic
Installation Address: _____
City, State, Zip: _____
County: _____
Electrical Utility: _____

EVSE: () WE-30Kic () PE-30Kic
Installation Address: _____
City, State, Zip: _____
County: _____
Electrical Utility: _____

EVSE: () WE-30Kic () PE-30Kic
Installation Address: _____
City, State, Zip: _____
County: _____
Electrical Utility: _____

Special Instructions (If Applicable)

ATTACHMENT B

**AMENDMENT TO CHARGING SITE HOST AGREEMENT
CITY OF GALLATIN, TENNESSEE**

This Amendment (the "Amendment") is made and entered into by and between Electric Transportation Engineering Corporation doing business as ECOTality North America an Arizona corporation (hereinafter known as "ECOTality") with offices at 430 S. 2nd Avenue, Phoenix, Arizona 85003 and the City of Gallatin, Tennessee ("Charging Site Host") for attachment to the Agreement dated _____, 2011 (the "Agreement" dated _____).

1. This Amendment is an integral part of the Agreement. The terms used herein which are defined or specified in the Agreement shall have the meanings set forth in the Agreement. If there are any inconsistencies between the provisions of this Amendment and the provisions of the Agreement, the provisions of this Amendment shall control.
2. This Amendment will be effective when signed by both parties.
3. Section 3 of the Agreement titled "ECOTality Goods and Services" is amended by deleting subsection 1 in its entirety and replacing it with the following:

Provide up to 10 Level II (240 VAC) EVSE's for public use. Equipment to be delivered on or before December 31, 2011 per Notice to Proceed executed by the City of Gallatin, Tennessee;

4. Installation Cost Overages:
 - a) ECOTality has a fixed installation budget for the installation of Level 2 BLINK Charging Stations within the EVProject.
 - b) Installation at host site may exceed the budget listed in the Agreement.
 - c) The Charging Site Host agrees to pay the EVProject Certified Contractor additional monies for the installation as indicated below.
 1. Not to exceed \$-0-.
5. If actual installation costs exceed the limits set above, either party may elect to terminate the agreement.
6. All provisions of the Agreement, including attachments thereto, not addressed by this Amendment remain in full force and effect.
7. Section 7. Charging Site Host's Representations and Warranties, Subsection (g), Replace with the following: "ECOTality will control Media Content delivered to the Equipment. ECOTality is prohibited from showing any advertisement of any kind

whatsoever, provided, however, that ECotality shall have the right and option to display ECotality based media/data/trademarks and media/trademarks specific to The EVProject, and messaging as it relates to the knowledge, deployment and implementation of Equipment”.

8. Section 8. Confidential Information, Subparagraph 9.1, ECotality agrees that all information obtained by the City of Gallatin, Tennessee is public record.
9. Section 13. Insurance, the general liability Insurance shall not be less than Two Million Dollars (\$2,000,000.00).
10. Section 14. Governing Law; Delete in its entirety.
11. Section 15. Arbitration, Delete in its entirety.
12. Section 16. Indemnification. Delete in its entirety.

IN WITNESS WHEREOF, and intending to be bound hereby, the parties affix their signatures to this Amendment.

Electric Transportation Engineering Corporation
Doing business as ECotality
North America

City of Gallatin, Tennessee

By: 

By: _____

Name: Thomas K Jacobs

Name: _____

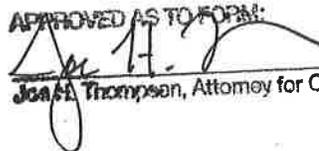
Title: Dir of Sales

Title: _____

Date: 11/28/2011

Date: _____

APPROVED AS TO FORM:


JoAnn Thompson, Attorney for City of Gallatin, Tennessee

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Mayor

AGENDA # 2

SUBJECT:

Greenway Rollback Taxes - Troutt Property

SUMMARY:

Information will be provided at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Public Works

AGENDA # 3

SUBJECT:

Insurance Notice on Old Service Center Building

SUMMARY:

The City's insurance carrier, TML, has notified the City that the Service Center is in an "uninsurable condition". See attached letter. TML has indicated a willingness to work with the City to maintain coverage if the City initiates plans to address TML's concerns. Public Works Superintendent Ronnie Stiles is recommending Council approve the hiring of an architect to prepare plans and specs for new buildings and then solicit bids for construction.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

THE
TMI POOL
Tennessee's Leader in Risk Management Services

October 14, 2011

Joe Thompson
132 West Main Street, Room 212
Gallatin, TN 37066

Dear Mr. Thompson,

This letter is in response to the questions regarding the continued coverage of the City Service Center located at 641 Long Hollow Pike. Although we do not feel qualified to provide a list of corrections to be made to the Service Center to make it safe, from an underwriting standpoint we feel that the Service Center is in an uninsurable condition due to the following concerns:

- Questionable structural stability – The sheet metal roof is pulled up in many locations and is being held down by cinder blocks. Permanent repairs have not been made to the sheet metal due to concerns of collapse from the weight of maintenance personnel.
- Electrical Panels in poor condition – This can be the source for a fire.
- Heavy fire load – There are several large piles of scrap lumber stored next to equipment. This will add to the intensity and spread of fire at this location.
- Concentration of vehicles in one location – Not only would this create a large loss in dollars, it could also eliminate the ability of the city to provide services. All garbage trucks are stored in one location. We feel that the best risk management technique, in any situation, would be to store the equipment at separate locations throughout the city.

We feel that a structural engineer would be the best person to provide a list of items for correction to make the Service Center safe.

Please contact me with any questions or concerns you may have. We would be more than happy to sit down and discuss this with you in person.

Sincerely,



Anthony Roman
Underwriter
The Pool

**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 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, 6dimethyl-3(2methyloctan-2yl)-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-(1naphthoyl) 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 – methylenedioxypropylmethcathinone (Methylone);
- ix. 3, – methoxypropylmethcathinone;
- x. 4 – methoxypropylmethcathinone;
- xi. 3 – fluoromethylmethcathinone;
- xii. 4 – fluoromethylmethcathinone;

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:

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**

12/13/2011

DEPARTMENT: Finance

AGENDA # 5

SUBJECT:
Financial and fund balance reports

SUMMARY:
Reports will be presented at the meeting.

RECOMMENDATION:
Approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Mayor's Office

AGENDA # 6

SUBJECT:

Ordinance #O1112-96 regarding insurance recoveries

SUMMARY:

The City has received \$1,435.35 from insurance recoveries for damage done to landscaping at Big Station Camp Blvd near Nashville Pike. This ordinance serves to appropriate the funds to the correct account to pay for landscaping that has been repaired.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01112-96

ORDINANCE APPROPRIATING FUNDS FROM INSURANCE RECOVERIES FOR
DAMAGES FROM ACCIDENT AT BIG STATION CAMP BLVD

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,435.35 is hereby appropriated from Insurance Recoveries, account #110-36350, to the Big Station Camp Blvd Construction account #311-41670-931 to repair damages caused due to a traffic accident occurring on February 26, 2011;

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: _____ 2011.

PASSED SECOND READING: _____ 2011.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Mayor

AGENDA # 7

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:



**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

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-Morehead
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.

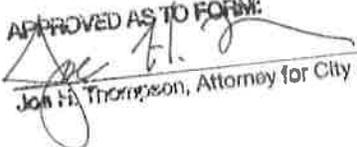
IN WITNESS WHEREOF, as of the date written above the parties have caused this Amendment to be signed by their duly authorized representatives.

REGIONAL TRANSPORTATION AUTHORITY

CITY OF GALLATIN

BY: _____
Paul J. Ballard, CEO

BY: _____
Jo Ann Graves, Mayor

APPROVED AS TO FORM:

John H. Thompson, Attorney for City of Gallatin, Tennessee

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

DEPARTMENT: Codes/Planning

AGENDA # 8

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 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: _____, 2011

PASSED SECOND READING: _____, 2011.

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: Codes/Planning

AGENDA # 9

SUBJECT:

Structural Engineering Evaluation of Buildings on the Square

SUMMARY:

Shortly after the first "Third Thursday" event this summer, there was a significant building failure at The Pizza Machine, also referred to as the Suddarth Building. Fortunately, the failure occurred late at night and no one was injured.

Had the failure occurred during the "Third Thursday" event, the results could have been tragic. There are six buildings that the Codes/Planning Department has suggested would benefit from a structural engineering evaluation to determine if it is likely that a significant failure such as that at The Pizza Machine could reoccur. The cost for this evaluation is \$19,705.28.

If the review reveals that there are underlying safety issues, remediation by the owners will be necessary.

If Council approves proceeding with the review, an ordinance to appropriate the funds along with the contract will be put on the next City Council Meeting Agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

From: Wade Hutchison [mailto:wade@vceinc.com]
Sent: Tuesday, July 19, 2011 1:34 PM
To: Tony Allers
Cc: 'John Gant'; Joe Thompson
Subject: Downtown Engineering analysis

Tony

I have prepared a cost estimate for the following scope of work.

Our scope of work is to determine potential building front failures due to superimposed loading i.e. wind, etc. that would be a potential liability to the City and that might be reasonably foreseen by a detailed but minimally invasive structural assessment of the 6 buildings in question. The buildings in question are number 6, 22, 26, 29, 30 and 31 as shown on the Gallatin Streetscape Building List attached which are also located as identified on the attached map titled Gallatin Streetscape Building Survey Project.

An Initial meeting phone conference is planned with the VCE Project Team and the Codes Representatives in order to discuss the pre-survey letter, the plan for the surveys and to finalize logistical details required to facilitate the building surveys in a safe and orderly fashion while paying attention to and making necessary provisions to protect public safety while being particularly sensitive to the need to maintain business as usual for the merchants whose buildings are being surveyed.

VCE will retrieve the historical information report and wind exposure conditions information for the local area during the past twenty years, if available, from city officials. VCE will gather other information from building owners including, previous repairs, past historical or structural reports. VCE will conduct physical survey of the identified buildings with a two member professional technical team under the specific direction of Structural Engineer John Gant and under the general oversight of Civil Engineer Wade Hutchison, Engineer of Record.

Survey protocol will examine but not be limited to:

1. Record building information (Survey I.D. number, address, age, materials and etc.).
2. Record brick dimensions, conditions (spalling, softness, cracking).
3. Record mortar conditions (cracking, missing, crumbling).
4. Record wall's conditions (visual appearance, plumbness, misalignment, cracking or other problems).
5. Record measurement made and data gathered from testing or probing of brick or other materials.
6. Make determination where possible if the brick walls are anchored to the frame or other support walls.
7. Identify number of brick wythes in brick wall and determine if some bricks are installed perpendicular to the wall and, if so, what intervals this pattern repeat itself.
8. Take photographs of the wall in detail with specific attention to damaged or otherwise areas of concern.

Record photographs on field notes and identify damage or concern areas on data spreadsheet.

Survey Note: Physical surveys will employ less invasive survey technology to assist in the surveys to help identify conditions by the most non intrusive means possible. The inspections will be limited to the specific facades of the buildings where concerns were identified and will not address areas that boarder alleys or other locations not identified.

Analysis of information will be conducted by Structural Engineer John Gant and the general oversight of Civil Engineer Wade Hutchison, Engineer of Record.

Analysis protocol will include but not be limited to:

1. Review all historical, weather data provided by the city.
2. Review all structural reports or repair data and photos provided by building owners.
3. Review all field data gathered by survey team, and oversee the development and finalization of the building conditions data spreadsheet.
4. Review specifics of wall, history, support locations, construction methods and conditions to determine areas where structural deficiencies create risk of collapse or where otherwise dangerous conditions exist.

Reporting with recommendations will be conducted by Structural Engineer John Gant under the general oversight of Civil Engineer Wade Hutchison, Engineer of Record and assisted by Executive Assistant Tara Smith who will provide needed data entry and administrative support required to prepare the final report.

1. Final report and repair recommendation will include but not be limited to:
 - a. General Building Description
 - b. Significant Events Influence on Building
 - i. Past Repairs or Remodeling,
 - ii. Damages from Storms or Other Causes
 - c. Building Condition Data from Investigation
 - d. Specific Concerns Identified in Analysis Process
 - e. Repair Recommendations
 - i. General Maintenance or Minor Type Repairs
 - ii. Critical Repairs Conditions with Generic Repair Concept Descriptions (not specific repair design which would be the responsibility of the building owners)

Cost Estimate for Six Buildings

Professional Engineering Services, Project Oversight Analysis and Reporting with Recommendations	\$ 4,480.00
Professional Technical Investigative Team	\$ 8,085.00
Equipment	\$ 2,500.00
Mileage / Travel Costs	\$ 560.28
Administrative Support Data Entry and Report Preparation	\$ 720.00
Analysis of Findings with Reporting and Recommendations	\$ 3,360.00

Approximate Cost Per Building \$3,284.21 Six Buildings Estimated Cost \$ 19,705.28

Per our conversation Tony, VCE identified 3 additional buildings that have some apparent significant issues that we would be remiss if we didn't point out for the City's consideration. Those buildings are number 4, 11, and 13 as shown on the Gallatin Streetscape Building List attached which are also located as identified on the attached map titled Gallatin Streetscape Building Survey Project. The specific areas of concern are shown in the photos below



Missing Parapet Cap along top section of brick walls on building #4 which has had previous issues.



Missing Parapet Cap along top section of brick walls on building #4 which has had previous issues.



Brick wall cracks and brick façade separation on building #11



Brick spalling along top section of brick walls on building #13 upper section repaired however brick spalling not



addressed.

Brick spalling along top section of brick walls on building #13 upper section repaired however brick spalling not addressed.

Cost Estimate for 3 Additional Buildings Identified with Possible Problems

Professional Engineering Services, Protocol Development, Meetings, Project Oversight Analysis and Reporting with Recommendations	\$ 2,520.00
Professional Technical Investigative Team	\$ 280.14
Mileage / Travel Costs	\$ 3,538.32
Administrative Support Data Entry and Report Preparation	\$ 270.00
Analysis of Findings with Reporting and Recommendations	\$ 1,680.00

Approximate Cost Per Building \$3,068.38 * Additional Estimated Cost \$9,205.14

All Nine buildings Total Estimated Cost **\$ 28,910.42**

If only one or two of the additional 3 buildings are selected for inclusion in the survey the additional estimated cost can be calculated by multiply the approximate cost per building * by the number of additional buildings selected and then add to the Estimated Cost for the 6 buildings shown previously in the quote to compute the new total estimated cost. For example one additional building makes a total of seven buildings with a total estimated cost of **\$ 22,773.66**. Two additional buildings makes a total of eight buildings with a total estimated cost of **\$ 25,842.04** and the quote already show total of all nine buildings above.

It is estimated that the costs should not exceed the total estimated cost above. Since cost will be billed on an hourly basis for personnel's time and expenses it is quite possible the cost will be less than the estimated total cost amount.

As similar to the previous quote the above cost estimate is based on the City of Gallatin providing an initial letter to the various building owners, obtaining and coordinating pre-survey contacts so as to minimize, if not otherwise eliminate, significant down time for the survey team as they move from one building to the next. It is further understood that the City will provide a sufficient size bucket type lift and operator to provided needed exterior access to the buildings and to roofs if needed in order to conduct the physical survey portion of the scope of work. Further, it is our understanding that the City will provide someone from Codes to coordinate with building owners throughout the course of the project to reduce downtime between building inspections and to coordinate the pedestrian traffic as needed to protect the public, while providing access for the survey and maintaining access to the businesses. It is requested that the letter sent by the City to various building owners solicit any available copies of historic information or plans and drawings with information about their building as well as any existing plans, existing structural reports related to past, upgrades, additions, evaluations or previous repairs to their buildings.

The services performed to date and the preliminary work required identifying the buildings and investigative protocol for the attached scope of work is not included in this proposal and has been invoiced separately. The services outlined in this proposal can be provided under the standing Engagement Letter signed by the Major and will not require a separate contract. This letter can be signed as additional scope for services supplement the VCE Engagement Letter signed 5/25/11.

The area below can be used by the Mayor to authorize the desired scope of work associated with this proposal.

Scope to include the six buildings indentified by codes department and labeled as number 6, 22, 26, 29, 30 and 31.

Additional buildings in scope included those circled below.

Additional buildings can be added by circling all three or any specific individual building desired to be added to the scope. Circle Buildings Numbers to include: 4 11 13

Company Name: City of Gallatin

Billing Address: c/o Joe Thompson, City Atty. Room 212
132 West Main St.
Gallatin, TN 37066

By (Printed Name) : Jo Ann Graves

Signature: _____

Title: Mayor Dated: _____

Tony, we look forward to working with you on this project. Please contact me with any questions you have. We are ready to schedule the phone pre-survey planning meeting mentioned in the proposal.

Sincerely,

Wade C Hutchison
President
VCE Inc.
Office 615-781-3844 ext. 103
Cell 615-969-9273

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Fire Department

AGENDA # 10

SUBJECT:

Resolution Authorizing Donation of Excess 3" Fire Hose to the Gallatin Volunteer Fire Department and Westmoreland Volunteer Fire Department

SUMMARY:

The Fire Department is requesting City Council to approve donating 70 sections of surplus 3" fire hose to the Gallatin Volunteer Fire Department nad 15 sections to Westmoreland Volunteer Fire Department.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1111-55

RESOLUTION AUTHORIZING DONATION OF EXCESS 3" FIRE HOSE TO THE
GALLATIN VOLUNTEER FIRE DEPARTMENT AND WESTMORELAND
VOLUNTEER FIRE DEPARTMENT

WHEREAS, pursuant to T.C.A. § 12-3-1005, Tennessee municipalities are authorized to transfer property by gift to other Tennessee municipalities; and

WHEREAS, the Gallatin Fire Department has an excess of 3" fire hose that is no longer needed due to an operational transition to 5" hose; and

WHEREAS, the Gallatin Volunteer Fire Department and Westmoreland Volunteer Fire Department have requested donations of seventy (70) sections of 3' fire hose and fifteen (15) sections of 3" fire hose, respectively; and

WHEREAS, T.C.A. § 12-3-1005 requires the governing body to pass a resolution authorizing the transfer of such hose;

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that seventy (70) sections of 3 " fire hose valued at \$700.00 is hereby transferred to the Gallatin Volunteer Fire Department and fifteen (15) sections of 3" fire hose valued at \$150.00 is hereby transferred to the Westmoreland Volunteer Fire Department;

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect upon final passage, the public welfare requiring it.

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
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

DEPARTMENT: **Engineering**

AGENDA # 11

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 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 is 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

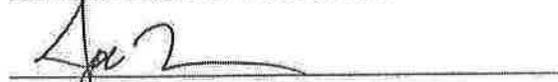
NAY: ϕ

DATED: 11/28/2011


Dick Dempsey


Johnny Wilson, Secretary

APPROVED AS TO FORM:


JOE A. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

DEPARTMENT: Engineering

AGENDA # 12

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. 01111-93

ORDINANCE APPROPRIATING FUNDS FOR PUBLIC INFRASTRUCTURE
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 public infrastructure improvements in 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 public infrastructure improvements in 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 - 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:

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 # 13

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:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

DEPARTMENT: Engineering

AGENDA # 14

SUBJECT:
REQUEST FOR ABANDONMENT OF RIGHT-OF-WAY

SUMMARY:

In response to the St. Luke AME development that surrounds the Blue Place Right-of-Way, a right-of-way abandonment will be required for the construction of the site. The Planning Commission has approved the site plan with condition that Council abandon the right-of-way and that the new site provide access to the lone resident on Blue Place. 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:



7/26/11
Emailed
&
mailed
dk

City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: July 26, 2011

TO: Mr. Bruce Rainey
Bruce Rainey & Associates
116 Maple Row Blvd.
Hendersonville, TN 37075

FROM: Gallatin Codes/Planning Department

RE: July 25, 2011: Gallatin Municipal-Regional Planning Commission Meeting
St. Luke African Methodist Episcopal Church: PC File #PC9767-11

At the above referenced meeting, the site plan was:

- APPROVED
- APPROVED WITH CONDITIONS
- DENIED
- DEFERRED

Conditions of Approval:

1. Staff recommends approval of the architectural elevations as submitted.
2. Staff recommends approval of the landscaping plan as submitted.
3. The applicant shall provide and record the 'public use' access easement prior to any permits being issued.
4. The applicant shall submit a request to the City of Gallatin Engineering Division requesting Blue Place to be abandoned by City Council.
5. The applicant shall be aware that Blue Place shall be abandoned by the City of Gallatin prior to any permits being issued.
6. The applicant shall label all right-of-way widths and streets.
7. The applicant shall address all applicable drainage calculations comments prior to the any permits being issued.
8. The applicant shall provide a copy of TDEC Notice of Coverage prior to any permits being issued.
9. The applicant shall provide a six (6) foot wide sidewalk and easement along West Gray Street per Gallatin Subdivision Regulations.



City of Gallatin, Tennessee

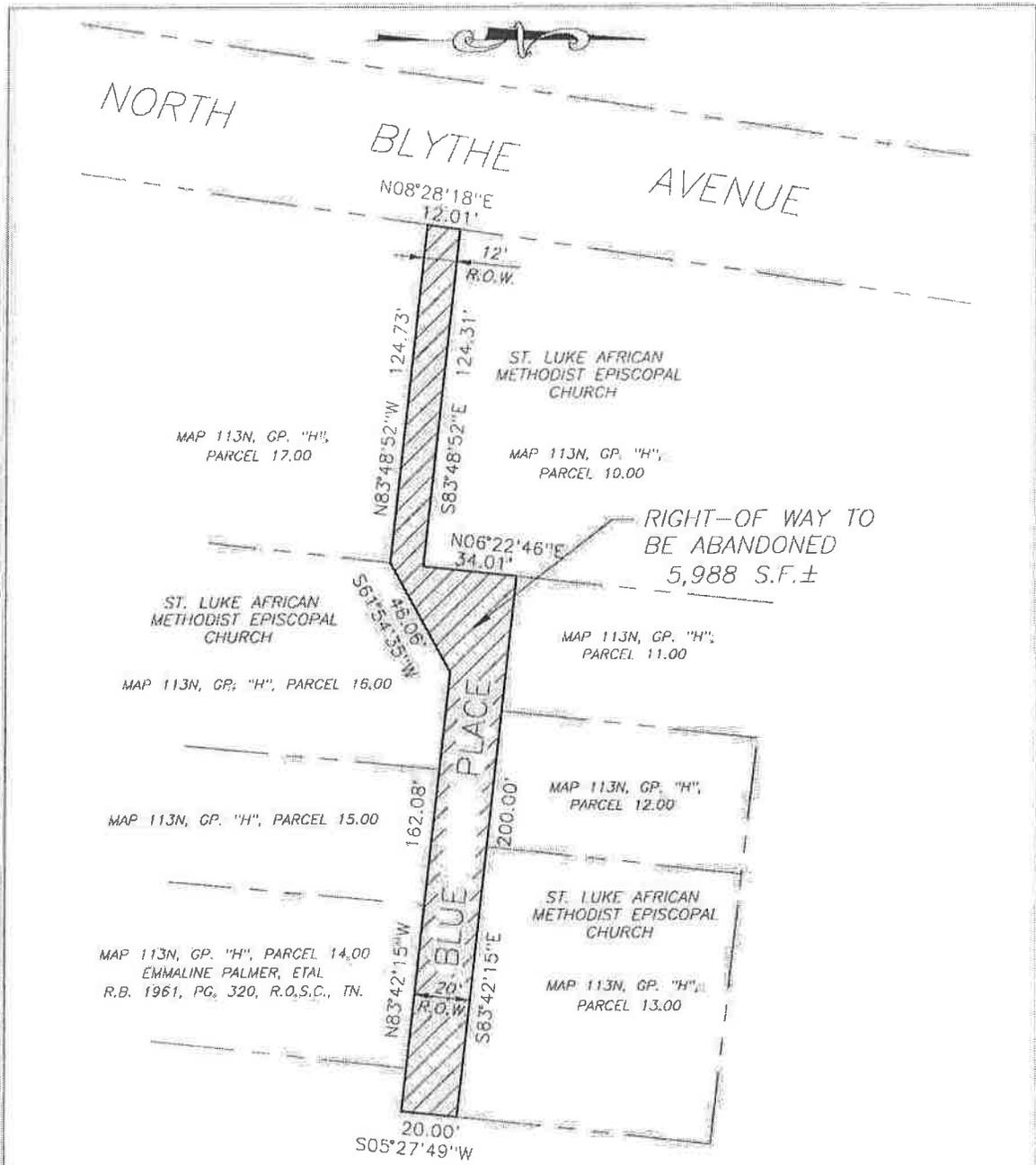
Codes/Planning Department

10. The applicant shall provide a letter from the owner of tax map and parcel number 135N/H/014.00 stating whether they would prefer their address off of Blue Place or West Gray Street.
11. The applicant shall submit a site surety, to be determined by the Codes/Planning Department, to the Codes/Planning Department prior to any permits being issued.
12. The applicant shall submit three (3) corrected folded copies of the site plan to the Codes/Planning Department. Please submit one (1) full size and two (2) half size plans to the Codes/Planning Department.

Approval contains the following requirements:

- NONE
- BUILDING PERMIT
- ZONING PERMIT
- SIGN PERMIT
- SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- OTHER

cc: St. Luke A.M.E.C.
PC File #9767-11



BLUE PLACE RIGHT-OF-WAY ABANDONMENT

DATE : JUNE 30, 2011 REV. 12-01-2011

SCALE : 1" = 50'

PREPARED BY :



LAND DEVELOPMENT CONSULTANTS
116 MAPLE ROW BLVD.
HENDERSONVILLE, TN. 37075
Phone 615-822-0012
Fax 615-824-1487

JOB NO. 100064

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

DECEMBER 13, 2011

DEPARTMENT: **Engineering**

AGENDA # 15

SUBJECT:

Resolution Accepting Public Improvements by the City of Gallatin, Tennessee - Lackey Property
P.U.D. Resubdivision of Lot 26

SUMMARY:

The Planning Commission passed Resolution 2011-77 October 24, 2011, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY
THE CITY OF GALLATIN, TENNESSEE
LACKEY PROPERTY P.U.D. RESUBDIVISION OF LOT 26

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Lackey Property P.U.D. Resubdivision of Lot 26;

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 Lackey Property P.U.D. Resubdivision of Lot 26, Plat Book 22, Page 71, Recorded November 19, 2004, 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:

PC9817-11

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

PC9817-11

RESOLUTION RECOMMENDING APPROVAL OF RESOLUTION NO. R1110-50
TO THE GALLATIN CITY COUNCIL ACCEPTING PUBLIC IMPROVEMENTS IN
LACKEY PROPERTY P.U.D. RESUBDIVISION OF LOT 26 – PC9817-11

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Lackey Property P.U.D. Resubdivision of Lot 26 submitted by the applicant, Southwest Developers, at its regular meeting on October 24, 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 Lackey Property P.U.D. Resubdivision of Lot 26 to the Gallatin City Council with the condition that the applicant submit a maintenance surety in the amount of \$19,000 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: 10/24/2011


Dick Dempsey


Johnny Wilson Secretary

APPROVED AS TO FORM:


JOE H. THOMPSON
CITY ATTORNEY

ITEM 5
10/24/11 GMRPC MEETING

Applicant request acceptance of the public improvements for Garnet Court located in Lackey Property P.U.D. Resubdivision of Lot 26. The property contains 6.20 (+/-) acres and is located off Hancock Street. (PC9817-11)

Attachment 5-1 City Council Resolution No. R1110-50

Attachment 5-2 Lackey Property P.U.D. Resubdivision of Lot 26 Final Plat

ANALYSIS

The applicant is requesting acceptance of the public improvements for Garnet Court located in Lackey Property P.U.D. Resubdivision of Lot 26. The property contains 6.20 (+/-) acres and is located off Hancock Street. This property is zoned Multiple Residential and Office (MRO) and Multiple Residential and Office Planned Unit Development (MRO PUD) and no portion of this property is located in a flood hazard area.

The Engineering Division has certified that the applicant has submitted all the necessary documents concerning the acceptance of public improvements for the transportation, utilities, rights-of-way, and public easements as outlined in the resolutions, located in Lackey Property P.U.D. Resubdivision of Lot 26 as identified in Attachment 5-2.

The Engineering Staff completed a final inspection and reported that there are no major engineering concerns.

Section 3-102 of the City of Gallatin Municipal-Regional Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety set at 10 percent of the completed roadway and drainage costs. Engineering staff has determined the required maintenance surety to be \$19,000, which must be approved by the Planning Commission and City Council as part of this acceptance. The applicant shall submit a maintenance surety in the amount of \$19,000 to the Codes/Planning Department.

RECOMMENDATION

Staff recommends the Planning Commission recommend acceptance of the public improvements in the Lackey Property P.U.D. Resubdivision of Lot 26 to the City Council with the condition that the applicant submit a maintenance surety in the amount of \$19,000 to the Codes/Planning Department.

Project Comments

Meeting Date: 05/23/2011

RE: LACKEY PROPERTY PUD - LOT 26, ACTIVITY, Street Acceptance

Reference #: PC9817-11

Department of Public Utilities

Review Date: 05/03/2011:

No comments

Planning Department

Codes/Planning Project Manager: Robert Kalisz

Review Date: 10/05/2011

Comments addressed. R.J.K.

Review Date: 05/09/2011

1. Submit a signed Quitclaim Deed for the public infrastructure being accepted by the City of Gallatin.
2. Submit an as-built survey of the public infrastructure to be accepted or a certification letter from a registered land surveyor certifying that the public infrastructure have been installed in accordance with the final plat and construction plans.
3. Submit a letter addressing the following required information:
Provide a list of the name and linear footage of each street being accepted.
Indicate the plat book and page number and date of recording of the final plat.
Indicate the total number of lots in subdivision and the number of lots that are fully developed.
4. A maintenance surety (10% Of the original amount) shall be submitted to the Codes/Planning Department upon approval of the Acceptance Resolution by City Council. The subdivision performance surety shall remain in effect until the Acceptance Resolution has been approved by City Council and the required maintenance surety has been submitted.
5. Submit 12 additional copies of the plat for the 5/23/11 Planning Commission meeting by 4:30 p.m. on 5/12/11.

Codes Department

Review Date: 05/02/2011:

No comments

Engineering Division

Review Date: 05/05/2011:

Engineering has no issues.

EXHIBIT A

Tony Allers

Director

Katherine Schoch

Assistant Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Fire Department

Review Date: 05/04/2011:

This office has no comments at this time.

Police Department

Review Date: 05/03/2011:

No comment.

Gallatin Department of Electricity

Review Date: 05/03/2011:

1. Tapestry Place is not shown.

Sumner County, E-911

Review Date: 05/02/2011:

No comments

Industrial Pre-treatment Department

Review Date: :

N/A

**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:

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

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ITEM 4

GMRPC Resolution No. 2011-90

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 is 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 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.”

EXHIBIT A

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:

NAY:

DATED: 12/12/11

Dick Dempsey, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

**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)

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

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 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. 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 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".

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.

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



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.



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

2011 A



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

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 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. □□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

EXHIBIT A

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

Katherine Schoch

Assistant Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

· 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.
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

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: City Attorney

AGENDA # 17

SUBJECT:
Kitchen Alternatives

SUMMARY:
See attached memorandum from City Attorney.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

KITCHEN ALTERNATIVES

1. City Kitchen as a Municipal Activity

- a. City charges fair market value for individuals, organizations or groups who want to have food served at functions held in city dining room.
- b. City either:
 - i. independently contracts with kitchen operator or;
 - ii. hires necessary kitchen personnel as city employees.
- c. All agreements for use of facilities are handled by city staff, all invoices are payable to City of Gallatin, and all terms of use are established by City.
- d. Financial gain or loss borne by general fund.

2. City Franchises Operation to a Third Party

- a. City notifies Tennessee Dept. of Human Services for submission of a competitive proposal to operate cafeteria through Tennessee Blind Enterprise ("TBE") program pursuant to T.C.A. § 71-4-501 *et seq.*
- b. If TBE program interested and is "competitive in terms of quality of service, pricing of merchandise, and the rate of commission or the rental to be paid, then a priority shall be granted to the department and the cafeteria operation shall be awarded to the department." T.C.A. § 71-4-505.
- c. City concurrently advertises for bids for kitchen franchise. As long as TBE proposal is within 2% of highest bid, TBE receives franchise.
- d. If no interest from TBE, city may offer franchise to highest bidder.
- e. High bidder must pay minimum of fair market value through rental fees or commissions for use of kitchen facilities, otherwise NO franchise issued

3. City Operates as Lessor of Physical Kitchen Space

- a. City makes kitchen available for use by public in the same manner as other city hall space is made available (dining room, conference rooms, council chambers).

- b. City would follow guidelines set out in Resolution No. R0711-66.
- c. Resolution would require amendment to set price for use of kitchen facility and any other terms that are prudent to adopt (indemnification agreement, certificate of insurance, etc.).
- d. Mayor would have authority to waive rental fee for nonprofit or governmental entities.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

December 13, 2011

DEPARTMENT: Councilman Garrott

AGENDA # 18

SUBJECT:
Grant Process

SUMMARY:

At the December 6, 2011 Council Meeting, Councilman Garrott asked that the grant process be placed on the December 13, 2011 Council Committee Meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: