
CITY OF GALLATIN COUNCIL COMMITTEE MEETING

April 9, 2013

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order: Councilwoman Brackenbury, Presiding
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton – Mayor Graves
- Approval of Minutes: March 26, 2013 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. Appropriation of \$16,602.13 in overtime reimbursement from Federal Bureau Investigations Violent Crimes Task Force and Organized Crime Drug Enforcement Task Force to police department budget (**Chief Bandy, GPD**)
2. Appropriation of \$6,906 – 100% JAG Grant funds to 110-42110-947 (**Chief Bandy, GPD**)
3. Appropriation of \$5,171.69 from Fund 122 Undesignated Balance to 122-42122-319 Sex Offender Register expenses (**Chief Bandy, GPD**)
4. Transfer of Property Maintenance Inspector from Codes to Gallatin Police Department (**Chief Bandy, GPD**)
5. Ordinance #O1303-11 amending the Zoning Ordinance of the City of Gallatin, TN, Article 8.00, Provisions for Commercial Districts, and Article 11.00, Off-Street Parking and Loading Regulations (**Katherine Schoch, Codes/Planning**)
6. Ordinance O1304-19 concurring and approving amendment to the Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, property located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard (**Katherine Schoch, Codes/Planning**)
7. Rollover remaining 2012 budget of Recycling Account in the amount of \$22,262.68 (**Ronnie Stiles, Public Works**)
8. Interim Department Head Pay Policy (**Amy Summers, Personnel**)
9. Appropriation of \$37,800 received from the State of Tennessee by the Police Department for training supplements (**Rachel Nichols, Finance/IT**)
10. Resolution accepting public improvements for Twin Eagles, Phase 8 (**Nick Tuttle, Engineering**)
11. Request from Rich Products to name a portion of Town Creek as Robert E. "Bubba" Rich Jr." Town Creek (**Mayor Graves**)

- Other Business
- Department Head Reports
- Adjourn
- Budget Discussion

City of Gallatin Council Committee Meeting

Tuesday, March 26, 2013
Dr. J. Deotha Malone Council Chambers
Gallatin City Hall

PRESENT:

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

ABSENT:

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance/I.T. Director
Nick Tuttle, City Engineer
Ann Whiteside, Mayor's Office
Billy Crook, Fire Chief
Connie Kittrell, City Recorder
David Brown, Leisure Services Director
News Examiner, Reporter

Don Bandy, Police Chief
Ronnie Stiles, Public Works Dir.
Dave Crawford, Personnel Off.
Katherine Schoch, Codes/Planning
David Kellogg, Public Utilities
Joe Thompson, City Attorney
James Fenton, EDA
Gallatin Newspaper, Reporter

Call to Order

Vice Mayor John D. Alexander called the meeting to order.

Approval of Minutes

Vice Mayor Alexander presented the minutes of the March 12, 2013 Council Committee Meeting for approval.

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

Public Recognition

Vice Mayor Alexander opened public recognition and with no one wishing to speak, public recognition was closed.

Mayor's Comments

Mayor had no comments.

Agenda

1. January Financial Reports

Finance/IT Director Rachel Nichols passed out a copy of the January Financial Reports to Council. Ms. Nichols gave a summary of the report and there was discussion on property tax collections, revenues and expenditures.

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

2. Appropriate Funds as Stipulated in Donation to Fire Department

Finance/IT Director Rachel Nichols stated the Gallatin Firefighters Association made a contribution to the Gallatin Fire Department with specific requests for distribution of the donation.

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

3. South Pardue Avenue On-Street Parking

City Engineer Nick Tuttle explained the exhibits and options for a solution to the parking issue on South Pardue Avenue.

Councilwoman Kemp requested Mayor Graves meet with Housing Authority Director Kurt Tscheape to request moving all parking off South Pardue Avenue.

Mayor asked for a consensus from Council on which option they refer before she speaks with Mr. Tscheape.

Council approved Exhibit D (Alternate) option as their recommendation.

Vice Mayor Alexander called for a vote. Vote was 7 ayes and 0 nays.

Councilman Mayberry spoke about addressing all similar streets.

4. Kroger Surety on Savannah

City Attorney Joe Thompson stated he passed out a copy of the email from Kroger's attorney. Mr. Thompson stated the Kroger has essentially guaranteed via a payment bond any sums the City may win in its lawsuit against the developer of the Kroger Market Place.

Mr. Thompson stated Kroger has asked that they be allowed to provide a guarantee issued by the Kroger Company.

Discussion continued.

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

Councilman Mayberry requested Mr. Thompson retrieve the latest financial documents on the parent company.

Other Business

- Finance/IT Director Rachel Nichols spoke about the previously discussed railway spur improvements at ABC Group Fuel and Hoeganaes. Ms. Nichols explained the State Grant and the distribution of the grant.

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

- Ms. Nichols stated last year during budget hearings, the Gallatin Fire Department made a \$200,000 request to update their records management hardware and software. Council agreed to give them \$100,000 to purchase the software and hardware devices and postponed the mobile devices to this year's budget.

Ms. Nichols stated there is a cheaper web-based version available at this time. Ms. Nichols stated it is not a transfer of funds and no request for new money. They are requesting to use the remaining balance from that project to begin purchasing the mobile hardware.

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

Department Head Reports

Special Projects Director Rosemary Bates stated she passed out the monthly grant reports earlier.

Vice Mayor Alexander asked for any other business.

Mayor Graves reminded everyone of the food available in the hall and then budget hearings to follow.

Adjourn

With no further business to discuss, Vice Mayor Alexander adjourned the meeting.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: POLICE

AGENDA # 1

SUBJECT:

Appropriation of \$16,602.13 in overtime reimbursement from FBI VCTF (Federal Bureau Investigations Violent Crimes Task Force) and OCDETF (Organized Crime Drug Enforcement Task Force) to police budget

SUMMARY:

Appropriate \$16,602.13 from 110-33190 Federal Grants funds received for overtime reimbursement from FBI VCTF and OCDETF to be put into police line item 110-42110-123 Overtime

RECOMMENDATION:

Approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED
FROM FBIVCTF and OCDEF

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$16,602.13 is hereby appropriated from the revenue received from the FBIVCTF (Federal Bureau of Investigation Violent Crimes Task Force) and OCDEF (Organized Crime Drug Enforcement Task Force) 110-33190 to account 110-42110-123, to compensate overtime usage.

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: _____, 2013

PASSED SECOND READING: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: Gallatin Police

AGENDA # 2

SUBJECT:

Ordinance Appropriating \$6,906 - 100% grant JAG Funds to 110-42110-947

SUMMARY:

Re-Appropriate grant money approved under Ordinance 01109-80. Unspent grant funds for JAG 2011 DJBX 3229 were not entered into 110-42110-947 for FY12-13 budget.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01304-16

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY THE GALLATIN
POLICE DEPARTMENT IN THE FORM OF A STATE AND FEDERAL GRANT

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$6,906.00 is hereby appropriated from BJA FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) 2011 DJ BX 3229, (originally approved under ordinance #01109-80) received by the Gallatin Police Department for the purpose of CID Interview Room upgrades, and

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:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: POLICE

AGENDA # 3

SUBJECT:

Appropriation of \$5,171.69 from Fund 122 Undesignated Balance to 122-42122-319 SOR(Sex Offender Register) expenses.

SUMMARY:

Appropriate \$5,171.69 from Fund 122 Undesignated Balance into 122-42122-319 SOR expenses. These funds are the remaining balance of previous FY 11-12 that were not spent and MUNIS did not automatically roll them into current FY 12-13.

RECOMMENDATION:

Approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS FROM
FUND 122 UNDESIGNATED BALANCE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$5,171.69 is hereby appropriated from the 122 Undesignated Balance to account 122-42122-319, for SOR (Sex Offender Registry) expenses.

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: _____, 2013

PASSED SECOND READING: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

04/09/2013

DEPARTMENT: POLICE

AGENDA # 4

SUBJECT:

TRANSFER OF PROPERTY MAINTENANCE INSPECTOR FROM CODES TO GALLATIN POLICE DEPARTMENT

SUMMARY:

The property maintenance inspector's position has been located in the codes department since its creation in 2004. Transferring this position from Codes to the Police Department would generate multiple benefits for the citizens of Gallatin.

- a coordinated approach to the "broken windows" theory of community policing.
- enhanced ability to deal with certain property maintenance issues (e.g. - litter) by citation to general sessions court, rather than municipal court, and exposing violators to larger fines and penalties.
- eliminating dual enforcement by two departments (e.g. - nuisances and abandoned vehicles are already assigned to the police department by the Gallatin Municipal Code and the Tennessee Code Annotated respectively).

RECOMMENDATION:

Both the police department and the codes/planning department support this transfer of position.

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**RESOLUTION APPROVING REVISED JOB DESCRIPTION FOR PROPERTY
MAINTENANCE INSPECTOR AND REMOVING JOB DESCRIPTION FOR PROPERTY
STANDARDS, ZONING AND HOUSING INSPECTOR**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the job description for the Property Maintenance Inspector (Pay Grade M) attached to this resolution as an Exhibit is hereby approved and implemented into the City of Gallatin Personnel Classification System.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Property Standards, Zoning, and Housing Inspector position (Pay Grade N) is hereby removed from the Personnel Classification System for the City of Gallatin, Tennessee.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: __

NAY: __

DATED: _____, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

PROPERTY MAINTENANCE INSPECTOR

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs intermediate technical work in the inspection of housing and property standards and other related issues or complaints, including but not limited to unsafe structures and equipment, care of exterior property areas, and unsafe conditions; does related work as required. Work is performed under general supervision of the Chief of Police.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; work requires climbing, balancing, stooping, reaching, standing, walking, fingering, grasping, and feeling; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, noise, hazards, and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Receives complaints regarding properties and structures in violation of the International Property Maintenance Code and related provisions of the Gallatin Municipal Code, and conducts investigations pursuant thereto.
- Performs field inspections of residential, commercial, industrial, and public facilities for compliance with the International Property Maintenance Code and related provisions of the Gallatin Municipal Code.
- Documents deficiencies, compiles reports, and provides photographic evidence of specific violations.
- Recommends rehabilitation or demolition of structures to the Building Official as required.
- Issues administrative orders and citations for violations of the International Property Maintenance Code and related provisions of the Gallatin Municipal Code.
- Provides information to private citizens, contractors, city attorney, and elected officials.
- Testifies in court on code violation cases.
- Cooperates with Building Official and City Planner on matters of joint concern.
- Serves as Health Officer.
- Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of property maintenance methods or related general knowledge of state and city housing and related codes, laws, and ordinances; ability to read, interpret, and communicate applicable codes and city ordinances effectively, firmly, and objectively; must be capable of presenting evidence and documentation of case details in an objective and professional manner to City Officials and Courts; ability to detect defective, unsafe, and/or substandard construction and assess property maintenance violations, and recognize proper methods of correction; ability to collect and process photographic evidence, maintain computer records and files in a neat and efficient manner; ability to communicate with private citizens and other City departments and effect satisfactory working relationships or resolve complicated situations with creative and innovative thinking; ability to remain calm in adverse situations while displaying firmness and tact in enforcing property maintenance ordinances and codes.

EDUCATION AND EXPERIENCE:

Graduation from high school or G.E.D. supplemented by experience in a construction environment.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the State of Tennessee. Certification as an International Property Maintenance & Housing Inspector or the ability to obtain certification within one year of employment.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 9, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 5

SUBJECT:

Ordinance #O1303-11 amending the Zoning Ordinance of the City of Gallatin, Tennessee, Article 8.00, Provisions for Commercial Districts, and Article 11.00, Off-Street Parking and Loading Regulations.

SUMMARY:

Applicant requests amending Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use and Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update Parking Requirements. These amendments were recommended at the March 25, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO UPDATE PARKING REQUIREMENTS

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. 2013-17, 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 that Section 08.01.010, Uses and Structures, shall be amended by deleting the section in its entirety and replacing it with the following:

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

Single Family Dwelling
Attached Dwelling
Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

Place of Worship
Essential Service
Community Assembly
Non-assembly Cultural
Administrative
Utility
Vehicular

Commercial Activities

Convenience Sales and Service - Two-Pump Maximum
Automotive Parking (Limited Lot)
Transient Habitation
Food Service
General Personal Service
Financial, Consulting and Administrative

Business and Communication Service
General Retail Sales and Service
Consumer Laundry and Repair
Retail Business Supply
Group Assembly – Limited
Medical Services
Undertaking Services

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 11.02.010.C, Applicability of Regulations to Core Commercial District, shall be amended by deleting the section in its entirety and replacing it with the following:

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE TO THE GALLATIN CITY COUNCIL AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO AMEND CORE COMMERCIAL PARKING REQUIREMENTS – PC0106-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the zoning amendment submitted by the applicant, City of Gallatin, at its regular meeting on March 25th, 2013; and

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

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

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

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

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

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

EXHIBIT A

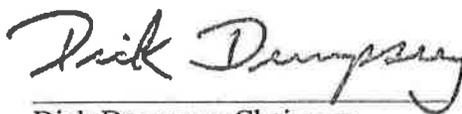
IT IS SO ORDERED.

PRESENT AND VOTING

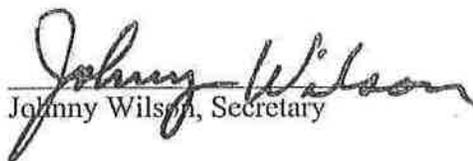
AYE: 6

NAY: 0

DATED: 3/25/13

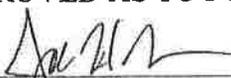


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ITEM 6 3/25/13 GMRPC MEETING

Public Comment

The City of Gallatin requests approval to amend the Gallatin Zoning Ordinance, Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use to the Core Commercial (CC) zone district and update Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update parking requirements for the CC zone district. (PC0106-13)

Attachment 6-1 Ordinance No. O1303-11

Attachment 6-2 Proposed Changes to GZO Section 08.01.010 and 11.02.010.C

ANALYSIS

The City of Gallatin is requesting a recommendation of approval to amend Gallatin Zoning Ordinance Section 08.01.010, Uses and Structures, in order to add the Undertaking Service use to the Core Commercial (CC) zone district and update Section 11.02.010.C, Applicability of Regulations to Core Commercial District, in order to update parking requirements for the CC zone district.

Staff was asked whether or not a funeral home was a permitted use within the CC zone district and Staff realized it was not a permitted or conditional use. Upon further investigation, Staff realized that Undertaking Service is a permitted use in both the Commercial General (CG) and Commercial Services (CS) zone districts. Staff spoke with the Fire Marshall to determine if potential fire hazards with crematoriums was a reasoning for excluding the Undertaking Service use from the CC zone district due to the more compact building pattern of the core commercial area. The Fire Marshall said there would be no fire hazards associated with a crematorium due to the regulations place on the installation and operation of a crematorium. Staff thinks the use was inadvertently left out of the CC zone district and should be added since it is consistent with the other types of permitted uses in the zone district. Additionally, there is very little property zoned CC in the City, most of which is located in downtown Gallatin.

The Gallatin Zoning Ordinance, in Section 11.02.010.C, provides regulations for parking within the Core Commercial zone district. This section states that no parking is required within the CC zone district whether it is a permitted or a conditional use. This section does provide a cap or maximum on how much parking is allowed if a project proposes parking within the CC zone district. This amendment will amend the wording of this section to include parking requirements that are based on the capacity of assembly spaces, such as a funeral home. There are other existing permitted uses within the CC zone district that have parking based on capacity, such as Place of Worship, Community Assembly, and Food Service. The amended wording is shown below.

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

- 1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, 50 percent (50%) of the maximum capacity in largest the place of public assembly, or 200 spaces*

EXHIBIT A

per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.

2. *For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.*

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed amendment to City Council.

ORDINANCE AMENDING ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, AND ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING, SECTION 08.01.010, USES AND STRUCTURES, IN ORDER TO ADD THE UNDERTAKING SERVICE USE AND SECTION 11.02.010.C APPLICABILITY OF REGULATIONS TO CORE COMMERCIAL DISTRICT, IN ORDER TO UPDATE PARKING REQUIREMENTS

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. 2013-17, 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 that Section 08.01.010, Uses and Structures, shall be amended by deleting the section in its entirety and replacing it with the following:

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

- Single Family Dwelling
- Attached Dwelling
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

- Place of Worship
- Essential Service
- Community Assembly
- Non-assembly Cultural
- Administrative
- Utility
- Vehicular

Commercial Activities

- Convenience Sales and Service - Two-Pump Maximum
- Automotive Parking (Limited Lot)
- Transient Habitation
- Food Service
- General Personal Service
- Financial, Consulting and Administrative

- Business and Communication Service
- General Retail Sales and Service
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly – Limited
- Medical Services
- Undertaking Services**

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 11.02.010.C, Applicability of Regulations to Core Commercial District, shall be amended by deleting the section in its entirety and replacing it with the following:

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in the largest place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.

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

EXHIBIT A
ATTEST:

ATTACHMENT 6-1

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

- Single Family Dwelling
- Attached Dwelling
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

- Place of Worship
- Essential Service
- Community Assembly
- Non-assembly Cultural
- Administrative
- Utility
- Vehicular

Commercial Activities

- Convenience Sales and Service - Two-Pump Maximum
- Automotive Parking (Limited Lot)
- Transient Habitation
- Food Service
- General Personal Service
- Financial, Consulting and Administrative
- Business and Communication Service
- General Retail Sales and Service
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly – Limited
- Medical Services
- Undertaking Services

RECEIVED
FEB 28 2013

GALLATIN PLANNING
& ZONING

PC 0106-13

11.02 General Regulations; Off-Street Parking**11.02.010 Applicability**

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing, conforming buildings; or for enlargements of existing structures.

C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:

1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, **50 percent (50%) of the maximum capacity in largest the place of public assembly**, or 200 spaces for any zone lot, whichever requires fewer spaces.



PC0106-13



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: March 26, 2013

TO: Katherine Schoch, Interim Codes/Planning Director
City of Gallatin
132 West Main Street
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Text Amendment, GZO Sec. 08.01.010, CC PC File: PC0106-13

At the above referenced meeting, the request for approval of the text amendment was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

- CITY COUNCIL APPROVAL
 - Council Committee: 4/9/13
 - 1st Reading at City Council: 4/16/13
 - Ad runs for Public Hearing by Codes/Planning Department: 4/17/13
 - Public Hearing at City Council: 5/7/13
 - 2nd Reading at City Council: 5/21/13

cc: Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0107-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 9, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 6

SUBJECT:

Ordinance #01304-19 Concurring and Approving Amendment to the Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, property located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard

SUMMARY:

Applicant requests approval of an amendment to the Preliminary Master Development Plan for Fairway Farms for Phases 2 and 3, in order to amend the phase lines, lot layout, open space and number of units in the development. The property contains 154 lots on 82.83 (+/-) acres. The Planning Commission recommended approval of the Amended Preliminary Master Development Plan at the March 25, 2013 meeting with six (6) conditions of approval and recommended that the applicant revise the plan to include a roadway connection to Wentworth Drive.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE CONCURRING AND APPROVING AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR FAIRWAY FARMS, PHASES 2 AND 3, IN ORDER TO AMEND THE PHASE LINES, LOT LAYOUT, OPEN SPACE, DESIGN STANDARDS AND INCREASE THE OVERALL DENSITY AND NUMBER OF UNITS IN THE DEVELOPMENT – PROPERTY ZONED R15 PLANNED RESIDENTIAL DEVELOPMENT (R15 PRD) ZONE DISTRICT – RICK HALCOMB, OWNER – 82.83 (+/-) ACRES – S.B.E. TAX MAP #114, PART OF PARCEL 040.01 – LOCATED NORTH OF LONG HOLLOW PIKE (SR-174) AND WEST OF WENDLING BOULEVARD

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. 2013-19, 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 Amended Preliminary Master Development Plan; and
2. That after review of the action of 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 Amended Preliminary Master Development Plan for the real property illustrated in Exhibit B, Amended Preliminary Master Development Plan of Fairway Farms, Phases 2 and 3, is hereby approved.

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

PASSED FIRST READING: _____

PASSED SECOND READING: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR FAIRWAY FARMS, PHASES 2 AND 3, IN ORDER TO AMEND THE PHASE LINES, LOT LAYOUT, OPEN SPACE, DESIGN STANDARDS AND INCREASE THE OVERALL DENSITY AND NUMBER OF UNITS IN THE DEVELOPMENT. PROPERTY CONTAINS 154 LOTS ON 82.83 (+/-) ACRES AND IS LOCATED NORTH OF LONG HOLLOW PIKE (SR-174) AND WEST OF WENDLING BOULEVARD – PC0044-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Bruce Rainey and Associates, at its regular meeting on March 25, 2013; and

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

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

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

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

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

1. The Planning Commission approve the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.

EXHIBIT A

2. The Planning Commission approve the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. 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).
6. The applicant shall revise the Preliminary Master Development Plan to provide a roadway connection to Wentworth Drive.

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

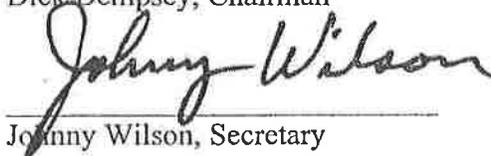
AYE: 6

NAY: 0

DATED: 03/25/2013

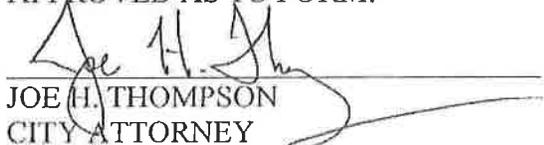


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ITEM 2
3/25/13 GMRPC MEETING

Public Comment

Applicant requests approval of an Amended Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, in order to amend the phase lines, lot layout, open space, design standards and increase the overall density and number of units in the development. Property contains 154 lots on 82.83 (+/-) acres and is located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard. (PC0044-12)

- Attachment 2-1 Amended Preliminary Master Development Plan**
- Attachment 2-2 Fairway Farms Architectural Exhibit, Rev. 3/21/13**
- Attachment 2-3 Email, J. Bruce Rainey, 3/22/13**

ANALYSIS

The applicant is requesting approval of an Amended Preliminary Master Development Plan for Fairway Farms, Phases 2 and 3, in order to amend the phase lines, lot layout, open space, design standards and increase the overall density and number of units in the development. The property contains 154 lots on 82.83 (+/-) acres and is located north of Long Hollow Pike (SR-174) and west of Wendling Boulevard. The property is currently zoned R15 Planned Residential Development (R15 PRD) and One-Family Detached Dwellings are a permitted use in the R15 PRD zone district. A portion of the property is located in a special flood hazard area, Zone AE.

Previous Approvals

Rezoning and Approval of Preliminary Master Development Plan

- City Council originally approved the Preliminary Master Development Plan (PMDP) for Fairway Farms and rezoned the property from Agricultural (A) to Residential-R15 Planned Residential Development (R15 PRD) on January 4, 2005.
- The original PMDP that was submitted for consideration by the Planning Commission contained a total of 479 lots on 261.17 acres. The PMDP was divided into two parts, Area A and Area B. Area A contained a mixture of lot sizes ranging from 9,000 square feet to 18,000 square feet while Area B consisted entirely of 9,000 square foot lots. The PMDP included alley loaded lots in portions of Area A and roadway connections into Cambridge Farms and Eagle Creek. However, when the PMDP was considered by City Council, the Council approved the PMDP with revisions removing the connections into the adjoining subdivisions and required the developer to add a roadway and bridge crossing to connect areas A and B. The approved PMDP contained a total of 482 lots with a density of 1.85 dwelling units per acre and 27.7 percent open space.

Lot Count – Original PMDP Approved for Fairways Farms – January 2005

Number of Lots	Area "A"	Area "B"	Total
18,000 sq.ft.	62	0	62
15,000 sq.ft.	138	0	138
9,000 sq.ft.	119	163	282
Total	319	163	482

Revised Preliminary Master Development Plan

- The Planning Commission approved a minor amendment to the PMDP on November 28, 2005 to remove the alleys that were originally planned to serve the lots in Area A located in the front of the development. The Revised PMDP approved by Planning Commission contained a total of 472 lots with a density of 1.81 dwelling units per acre and 31.4 percent open space.

Lot Count – Revised PMDP Approved for Fairways Farms – November 2005

Number of Lots	Area “A”	Area “B”	Total
18,000 sq.ft.	62	0	62
15,000 sq.ft.	131	0	131
9,000 sq.ft.	116	163	279
Total	309	163	472

Final Master Development Plans, Preliminary and Final Plats

- Various Final Master Development Plans, Preliminary Plats and Final Plats have been approved by the Planning Commission for Phase 1, Sections 1 to 4 and Phase 3, Section 1. According to a summary submitted by the applicant, the following number of lots have been approved to date:

Lot Count – As-built for Fairway Farms Phase 1, Sections 1 – 4, and Phase 3, Section 1

Number of Lots	Area “A”	Area “B”	Total
18,000 sq.ft.	69	0	69
15,000 sq.ft.	75	0	75
**12,000 sq.ft.	13	0	13
9,000 sq.ft.	37	0	37
Total	194	0	194

** The 12,000 sq.ft. lots are not shown as a separate lot size category on the approved Revised PMDP. The applicant is requesting approval to add the 12,000 sq.ft. lot category to the site data table as part of the proposed amendment to the PMDP.

Major/Minor Amendment

As part of the zoning amendment to R15 PRD, the applicant was required to submit a PMDP to the Planning Commission and City Council for approval outlining the proposed improvements and development for the property. Any changes to the approved PMDP require review by the Planning Commission and any changes that the Planning Commission deems to be major amendments are required to be reviewed and approved by the City Council.

The property has been posted with Zoning Action Pending signs in case the Planning Commission determines that the proposed changes constitute a major amendment to the approved PMDP. If the Planning Commission decides to consider the proposed changes as a major amendment to the approved PMDP, Public Comment will be held at the Planning Commission meeting and the plan and Planning Commission recommendation will be forwarded to City Council for final action. If the project proceeds to City Council, the applicant is required to notify the adjoining property owners by mail regarding the required Public Hearing and notice of the Public Hearing for this project will be advertised in the newspaper.

Proposed Amendments to PMDP

The applicant is requesting approval to amend the PMDP for Fairway Farms in order to increase the overall density and number of units in the development, amend the phase lines for Phases 2 and 3 and revise the overall lot layout, lot sizes, amount of required open space and design standards for the development. The applicant made the following revisions to the proposed PMDP amendment based on staff review comments, comments received at several Planning Commission Work Sessions and a neighborhood meeting with residents in the development:

- The applicant has revised the proposed PMDP amendment to decrease the total number of additional number of lots from 49 to 29 lots.

- Thirty-three 9,000 square foot lots have been replaced with 15,000 square foot lots.
- The required open space for Phases 2 and 3 was reduced from 42.8 percent to 39.8 percent. The overall required open space exceeds the minimum 20 percent required by the Zoning Ordinance.
- The required bufferyard adjacent to Cambridge Farms was revised to show the existing trees located along this property line. The applicant has requested that the existing trees be counted towards meeting the required buffer yard requirements. The applicant shall be required to submit a tree survey as part of the approval of the Final Master Development Plan.
- Additional architectural plans were submitted and added to the architectural design standards booklet and the minimum requirements for the 9,000, 12,000, and 15,000 square foot lots were revised to increase the minimum house size to 1,800 square feet for ranch style houses and 2,000 square feet for a two story houses. The proposed changes have been noted in the General Design Notes on the Preliminary Master Development Plan and will only apply to the changes proposed in Phases 2 and 3.
- The Wentworth Drive connection that was previously added in response to staff review comments about the substantial increase in density has been removed. The applicant indicated that the connection was removed based on feedback received from existing residents in the development during the neighborhood meeting and is in keeping with the previously approved PMDP.
- Additional technical changes have been made to update the site data table and revise the typical road cross-section to match the previously approved section.
- The side yard requirement for the 9,000 square foot lots has been increased from 5-feet to 10-feet.

Engineering Division Comments

The Engineering Division had several comments during the initial review of the proposed amendment. The following items were not addressed as part of the resubmittal and need to still be addressed by the applicant:

- Provide street names for all proposed roadways.
- Updated drainage calculations will be required for Phases 2 and 3 at construction plan stage due to proposed changes.
- Label floodway as stream buffer as well. No disturbance will be allowed within stream buffer.
- Add note to PMDP that traffic calming measures will be required at construction plan stage.
- Remove paving schedule.

Other Departmental Review Comments

The following other departmental comments for this project will need to be addressed by the applicant and included as part of any conditions of approval.

Fire Department

- Location of fire hydrants needs to be shown.

Public Utilities/Industrial Pre-Treatment

- Approval for previously submitted water/sanitary sewer plans have expired.
- Detailed plans and specifications indicating new proposed phases shall be submitted to this Department for review and approval.

RECOMMENDATION

Staff recommends that the Planning Commission consider the proposed amendment to the Preliminary Master Development Plan a Major Amendment pursuant to Gallatin Zoning Ordinance Section 12.02.050 A and F.

Staff recommends that the Planning Commission recommend approval of the Amended Preliminary Master Development Plan for Fairway Farms Phase 2 and 3 to City Council with the following conditions of approval:

1. The Planning Commission approve the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approve the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. 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).

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

Project Comments

Meeting Date: 03/25/2013

RE: FAIRWAY FARMS, PHASES 2 & 3, Preliminary Master Development Plan

Reference #: PC0044-12

Department of Public Utilities

Review Date:

2/4/2013: 2nd Amended Resubmittal:

Detailed plans and specifications for water and sanitary sewer installations must be submitted for approval.

01/03/2013: Amended Resubmittal:

Must submit detailed plans and specifications for water and sanitary sewer approval.

Resubmittal: 11/19/2012

1. Must submit detailed plans & specifications for water and wastewater installations for approval.

09/27/2012

1. Detailed plans and specifications for water and sanitary sewer installations must be submitted for approval.

Planning Department

Codes/Planning Department Project Manager: Jim Svoboda 2nd Amended Resubmittal

Review date: 2/12/2013

1. Correct site data table - site acreage in Revised Part A and B should be 261.70 (+/-) acres.
2. Note 6 says open space shall be owned and maintained by HOA. Has existing current open space been transferred to the HOA?
3. Remove gated section.
4. If Planning Commission recommends approval of revising plan, Staff recommends connection to Wentworth Drive by constructed due to increase in density.
5. What scale is being used: 1" = 100'?
6. Clarify in Ph. 2 & #, where changes are being proposed, the number of existing and proposed 18,000, 15,000, 12,000 and 9,000 to better be able to determine scope of proposed changes in Area A.
7. Type 25 foot buffer adjacent to Cambridge Farms is proposed in bufferyard easement. Add note stating buffers shall be maintained by property owner.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

8. Staff has concerns about the impact of the increased density and layout changes on the existing development especially from Turnbo Drive south on Goodman to Long Hollow Pike.
9. Reserved area shown on Nelms was part of required open space/clubhouse area. Explain Reserve category.
10. Resubmittal may be submitted by Monday, February 18, 2013 by 10 AM.
11. Made sure dimensions and square footages for proposed buildings/architectural plans are clearly labeled in pattern book.
12. Submit sixteen (16) full sized, corrected, folded copies of the resubmittal documents and 16 architectural elevations if needed.
13. 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.
14. Submit a detailed response letter addressing all departmental review comments.
15. RETURN CHECKPRINT & CHECKLIST
16. Resubmittal documents must be turned in to the Codes/Planning Department by 10:00 AM on Monday, February 18, 2013.
17. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes/Planning Department Project Manager: Jim Svoboda Amended Resubmittal: 1/14/2013

1. Correct Site Data Table. Site Data Table needs to reflect totals for overall development including area "A" and "B". total site size is 261.17 (+/-) acres. See site data table from approved PMDP. If you want to still break down changes for areas "A", that is o.k.. Just make sure to include area "B" in table. New totals also need to reflect area "B".
2. Lots 96-101, 102 - 105 are new and resulted in open space being removed behind existing 139.
3. Must provide list of adjoining property owners either in table in plan or note on separate sheet. Include properties in Cambridge Farms and Fairway Farms.
4. Area shown as "gated" will not be accepted by City of Gallatin and will need to be maintained by HOA. Add to notes.
5. Villages of Fairway Farms is what area "B" was called. Either pick new name or call Villages area "A".
6. Increase in density and open space changes. Staff will recommend Planning Commission consider this a major change to PMDP.
7. Check with Engineering to see if updated traffic study will be required.
8. Type 25 and 35 bufferyards must be approved by Planning Commission at FMDP. No wood fence in Type 35; provide details of proposed fencing. Verify lot size compatibility requirement to determine bufferyard width required.
9. Additional comments to be provided after work session on 1/14/2013.
10. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

11. 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.
11. Submit a detailed response letter addressing all departmental review comments.
12. RETURN CHECKPRINT & CHECKLIST
13. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on 1/18/2013.
14. Resubmittals must include the above information in order to be considered a complete resubmittal.

11/19/2012 Resubmittal review Date:

1. One-Family Attached Dwellings are not permitted in the R-15 PRD zone district as defined per Section 06.09.080.B2. However, use can be called One-family attached townhouse residential and be limited to 30 percent of the total lots in development. Since this will be considered a major change staff would recommend consider requesting a rezoning to R10 PRD.
2. Provide updated overall site data table for the proposed changes and remaining portions of the development. Must delineate lot count by lot sizes.
3. Provide lot data table establishing minimum required yards by type of use.
4. Overall design guidelines and typical architectural elevations have not been submitted as required. This application cannot be considered by PC without the required information. In addition, previous approvals have stipulated that certain percentages of lots be limited from having front loading garages. Need to address how the proposed changes will impact these requirements. Provide updated design standard notes and building elevations. Changes that impact the portion of the development not included in this submittal cannot be changed unless the other owners in the development are included in the application.
5. Address Engineering Division comments concerning sink hole/drainage issues and provide typical cross sections for roads.
6. Provide typical lot configuration for one-family attached townhouses.
7. Add note that no construction is permitted within the regulatory floodway. Remove lots and proposed landscaping located within the floodway.
8. Provide information about how minimum recreation area is being provided. Overall recreation area is calculated on total area in the PRD, Provide calculations in site development table.
9. Correct FAR information.
10. Provide overall lot count for entire development.
11. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed. 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.

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

12. Submit a detailed response letter addressing all departmental review comments.
13. RETURN CHECKPRINT & CHECKLIST
14. Resubmittal documents must be turned in to the Codes/Planning Department by 2:00 PM on 12/03/2012.
15. Resubmittals must include the above information in order to be considered a complete resubmittal.

Codes Department

Review Date:

2/4/2013: 2nd Amended Resubmittal:

No comments

1/9/2013: Amended Resubmittal:

No comments

11/19/2012 Resubmittal:

1. Provide information on fire separation on attached units.

09/28/2012

No comments

Engineering Division

Review Date:

3-21-2013 JZW "4th Amended" Resubmittal:

1. Provide street names for all proposed roadways.
2. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
3. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
4. Be aware at construction plan stage, traffic calming measures will be required. Add note on PMDP indicating this.
5. Remove paving schedule.

2-18-2013 JZW "3rd Amended" Resubmittal:

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
4. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
5. Be aware at construction plan stage, traffic calming measures will be required.

2-5-2013 JZW "2nd Amended" Resubmittal:

Tony Allers

Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch

Assistant Director

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Designate gated area as having private roadways. Gates are not allowed within public ROW.
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

1-11-2013 JZW "Amended" Resubmittal:

1. Street x-section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Designate gated area as having private roadways. Gates are not allowed within public ROW.
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

12-5-2012 JZW Resubmittal:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Provide street names for all proposed roadways.
3. Provide sidewalk connection around proposed "hammerhead".
4. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
5. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
6. Be aware at construction plan stage, traffic calming measures will be required.

11-20-2012 JZW Revised:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Phase 3 Section 1 drainage calculations utilize southern portion of subject property as injection well, assuming no runoff from 100yr storm or less to be discharged. Proposed layout would require substantial grading in area of injection well. Because the injection well throat has never been located, there is a good possibility any grading in area would slow down or stop water from being conveyed into well and/or decrease storage capacity causing flooding issues. Existing downstream issues exist, so no increase in volume, flow, or velocity will be allowed. Until detailed plans, calculations, and study is performed, Engineering recommends against proposed changes to southern portion of property.

Tony Allers

Director

Katherine Schoch

Assistant Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

3. Provide street names for all proposed roadways.
4. Provide sidewalk connection around proposed "hammerhead".
5. Be aware updated drainage calculations will be required for phases 2 and 3 at construction plan stage due to proposed changes.
6. Show existing contours.
7. Show/label designated detention pond areas.
8. Label floodway as stream buffer as well. Be aware, no disturbance will be allowed within stream buffer.
9. Be aware at construction plan stage, traffic calming measures will be required.

10-3-2012 JZW:

1. Provide street x-section. Section should match what has been previously approved and has already been built in existing subdivision.
2. Label street name.
3. Phase 3 Section 1 drainage calculations utilize southern portion of subject property as injection well, assuming no runoff from 100yr storm or less to be discharged. Proposed layout would require substantial grading in area of injection well. Because the injection well throat has never been located, there is a good possibility any grading in area would slow down or stop water from being conveyed into well and/or decrease storage capacity causing flooding issues. Existing downstream issues exist, so no increase in volume, flow, or velocity will be allowed. Until detailed plans, calculations, and study is performed, Engineering recommends against proposed changes to southern portion of property.

Fire Department

Review Date:

2/5/2013: 2nd Amended Resubmittal:

Location of fire hydrants need to be shown.

1/11/2013: Amended Resubmittal:

No comment at this time.

11/19/2012 This department has no comments at this time.

Police Department

Review Date:

2/5/2013: 2nd Amended Resubmittal

Reviewed: no comments

1/7/2013: Amended Resubmittal Reviewed: no comments

11/15/2012 Resubmittal: Reviewed: no comments

09/28/2012 Reviewed: no comments

Jim Svoboda

From: J. Bruce Rainey [jbr823@bellsouth.net]
Sent: Friday, March 22, 2013 9:41 AM
To: Jim Svoboda
Cc: Katherine Schoch
Subject: Fw: agreed plan
Attachments: 090065_Fairway Farms Ph 2 & 3 Rev PMDP_3.15.13.pdf

----- Original Message -----

From: J. Bruce Rainey
To: Katherine Schoch
Cc: Rick Halcomb ; Mike Turturice ; Chuck & Shannon Allen ; Bridget Henneman ; David Graves ; Mike Greene ; Scott Schlarb ; Michael Colwell ; Anna Vale ; Jerry Lawless ; Judy Moore ; Brad Bestwina ; Julie Peters ; Jennifer Palsgrove ; Shana van Benschoten ; Tony Thomas ; Rob and April Schroeder ; Dave and Beth Porter
Sent: Friday, March 15, 2013 10:05 AM
Subject: agreed plan

Katherine,

Attached is the latest plan on Fairway Farms. This plan as amended represents an agreement between the Developer and a majority of the homeowners group of Fairway Farms.

The additional agreed changes are:

the minimum home size in the 9000 and 12,000 and 15000 sf lots has been increased to 1800 sf for a ranch style home and 2000 for a two story home.

Also in keeping with the previously Council approved plan, the connection into Cambridge farms has been eliminated and that area redistributed among the existing lots.

Additional technical changes have been made as follows:

With the revisions in number of lots have revised bufferyard note between Cambridge Farms and Fairway Farms

The Road cross-section has been revised to match the previously approved section

The Site Data table calculations have been corrected.

The sideyard requirement on 9000sf lots has been corrected to 10'

With these revisions and agreements I am asking that the revised plan of Fairway Farms be considered a minor change to the approved master plan and be considered for approval by the Gallatin Planning Commission March 25, 2013.

Please advise to the number of additional copies needed. Call if you have questions.

Thank you

J. Bruce Rainey
Bruce Rainey & Associates
116 Maple Row Blvd.
Hendersonville, TN 37075



EXHIBIT A

City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: March 26, 2013

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

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Fairway Farms, Ph. 2 & Ph. 3, PC File: PC0044-12

At the above referenced meeting, the Planning Commission considered the proposed amendment to the Preliminary Master Development Plan as a Major Amendment pursuant to Gallatin Zoning Ordinance Section 12.02.050 A and F.

- RECOMMENDED
 RECOMMENDED WITH CONDITIONS
 NOT RECOMMENDED
 DEFERRED

Planning Commission recommend approval of the Amended Preliminary Master Development Plan for Fairway Farms Phase 2 and 3 to City Council with the following conditions of approval:

1. The Planning Commission approves the conceptual architectural elevations and photographs as submitted. The applicant shall submit final architectural elevations of the proposed building as part of the Final Master Development Plan for Planning Commission approval.
2. The Planning Commission approves the conceptual landscaping plan as submitted. The applicant shall submit a detailed landscaping plan as part of the Final Master Development Plan for Planning Commission approval.
3. The applicant shall submit detailed plans and specifications for the installation of the water and sanitary sewer infrastructure for approval by the Gallatin Public Utilities Department.
4. The applicant shall satisfactorily address the Engineering Division review comments as part of the approval of the Final Master Development Plan and Construction Plans for Phases 2 and 3.
5. 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).



City of Gallatin, Tennessee

Codes/Planning Department

6. The applicant shall revise the Preliminary Master Development Plan to provide a roadway connection to Wentworth Drive.

Approval contains the following requirements:

- CITY COUNCIL APPROVAL
 - Council Committee: 4/9/13
 - 1st Reading at City Council: 4/16/13
 - Ad runs for Public Hearing by Codes/Planning Department: 4/17/13
 - Public Hearing at City Council: 5/7/13
 - 2nd Reading at City Council: 5/21/13

cc: Mr. Rick Halcomb
Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0044-12

CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
April 9, 2013

AGENDA # 7

DEPARTMENT: Public Works

SUBJECT: Rollover remaining 2012 budget of Recycling Account in the amount of \$22,262,68 (because of long budget process this was not rolled over but is necessary to fund recycling operations).

SUMMARY: Rollover remaining balance of 2012 Recycling Revenue in the amount of \$22,262.68

RECOMMENDATION:

ATTACHMENT:

Resolution

Correspondence

Bid Tabulation

Ordinance

Contract

Other

Approved _____
Rejected _____
Deferred _____

Notes:

**ORDINANCE APPROPRIATING 2011/2012 CARRY-OVER
RECYCLING FUNDS**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$22,262.68 is hereby appropriated from the Environmental Services fund balance to 12543230-489 Recycling Program, and,

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:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

April 9, 2013

DEPARTMENT: Personnel

AGENDA # 8

SUBJECT:

Interim Department Head Pay Policy

SUMMARY:

This policy was drafted in an effort to provide consistency when calculating additional pay for employees assuming interim department head responsibilities.

A summary explanation of the policy is attached in addition to Ordinance O1303-13.

RECOMMENDATION:

Approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 2,
ADMINISTRATION, BY ADDING A NEW SECTION 2-47 RELATIVE TO INTERIM PAY
PROVISIONS.

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 2, Administration, is hereby amended by adding a new Section 2-47, Interim Pay, which shall read as follows:

Sec. 2-47 – Interim Pay.

Whenever an official listed in Section 13-131 or any other official appointed by the City Council is unable to perform his/her assigned duties, the following pay adjustments shall be made to those individuals who serve in their stead.

- (a) When the official remains employed with the City but is temporarily absent from work, his/her duties will be performed by the assistant designated via job description to perform those duties. If no such employee is so designated, then the Mayor shall appoint an employee to act during the term of the absence, and the Council shall confirm the appointment, pursuant to Sec. 2-46 of this Municipal Code.
 - (1) If a designated assistant performs the duties outlined above, then s/he shall receive no adjustment in pay until the temporary absence exceeds 28 days. From that point forward, his/her pay will be upwardly adjusted by 10% of base salary until the temporary absence ends.
 - (2) If an individual is appointed by the Mayor and confirmed by the City Council, then s/he shall receive no adjustment in pay until the temporary absence exceeds 28 days. From that point forward, his/her pay will be upwardly adjusted by 10% of base salary retroactive to when the temporary absence began and continuing until the temporary absence ends.
- (b) When a vacancy occurs due to reasons including, but not limited to, death, retirement, resignation, termination, or permanent inability to perform job duties,

the Mayor shall declare the position vacant and shall make an interim appointment until the official's position is permanently filled, subject to City Council confirmation at the next regularly scheduled meeting of that body. In such instances the individual shall receive an upward adjustment of either 10% of base pay or the pay associated with the starting rate of the position vacated, whichever is higher, beginning on the date of appointment and continuing until the City Council permanently fills that position.

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: _____.

PASSED SECOND READING: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

INTERIM PAY POLICY – DEPT. HEAD

2 types of employees may be appointed by the Mayor to fill in on an interim basis for Department Heads:

- ◆ **Asst. Dept. Heads** = Employees whose job descriptions already include wording that states they assume the dept. head responsibilities in his/her absence (i.e. job description and salary includes filling in for short periods of time for the dept. head).
 - Asst. Director of Codes/Planning
 - Asst. Fire Chief
 - Asst. Director of Leisure Services – Civic Center/Administration
 - Asst. Police Chief
 - Asst. Superintendant of Public Utilities
- ◆ **Non-Asst. Dept. Heads** = Employees whose job descriptions do NOT include wording that states they assume the dept. head responsibilities in his/her absence.

2 reasons why an interim may be needed:

- A. Temporary Absence
- B. Vacancy

A. Temporary Absences:

Asst. Dept. Heads

- 10% pay increase after 28 consecutive calendar day absence of DH
- No additional pay for days 1-28 of DH absence
- Current salary already reflects the responsibility of filling in for a DH for short periods of time (not extended periods)
- Asst. DH is not normally responsible for the strategic planning of the dept. during an absence of less than 28 days – only have to handle day to day operations etc.

Non-Asst. Dept Heads

- 10% pay increase after 28 consecutive calendar day absence of DH
- Pay increase is retroactive to day 1 of assumed DH duties
- Current salary does not reflect the responsibility of filling in for a DH for short periods of time.

B. Vacancy:

Asst. Dept. Heads & Non-Asst. Dept. Heads

- 10% pay increase or the pay associated with the starting rate of the vacant position from day 1 of assumed DH duties, whichever is more favorable to the employee
- Responsible for the strategic planning and future of the dept. until the position is filled
- Mayor has ability to declare a position officially vacant (i.e. facts available that DH does not intend to return) –facts must be present to support decision

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

4/9/2013

DEPARTMENT: Finance/I. T.

AGENDA # 9

SUBJECT:

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF TENNESSEE BY THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

SUMMARY:

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF TENNESSEE BY THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

RECOMMENDATION:

APPROVAL

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. O1304-17

ORDINANCE APPROPRIATING \$37,800 RECEIVED FROM THE STATE OF TENNESSEE BY THE POLICE DEPARTMENT FOR TRAINING SUPPLEMENTS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$37,800.00 is hereby appropriated from revenues received from the State of Tennessee Training Supplement, account # 110-33420, to the Police Department Training Supplement account, #11042110-129, for post certified officer supplements in the amount of \$37,200 and to the Fire Department Training Supplement account, 11042220-129, in the amount of \$600, and

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: _____

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**

April 9, 2013

DEPARTMENT: **Engineering**

AGENDA # 10

SUBJECT:

Resolution Accepting Public Improvements for Twin Eagles, Phase 8

SUMMARY:

The Planning Commission approved this resolution on March 25, 2013, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R13Ø3-15

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY
THE CITY OF GALLATIN, TENNESSEE
TWIN EAGLES, PHASE 8

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Twin Eagles, Phase 8;

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 Twin Eagles, Phase 8, Plat Book 26, Page(s) 194-196, Recorded July 20, 2009; Surveyor's Certificate of Correction Final Plat, Twin Eagles, Phase 8, Record Book 3206, Page(s) 439-441, Recorded on November 3, 2009; and Twin Eagles, Phase 8, Plat Amendment, Record Book 3374, Page(s) 840-843, Recorded December 30, 2010 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 ACCEPTANCE OF THE PUBLIC IMPROVEMENTS
FOR BEACON STREET, WILDCAT RUN AND OSPREY DRIVE LOCATED IN TWIN
EAGLES, PHASE 8, TO THE GALLATIN CITY COUNCIL – PC0108-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Twin Eagles, Phase 8 submitted by the applicant, Blue Ridge Surveying, at its regular meeting on March 25, 2013; 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 Twin Eagles, Phase 8 to the Gallatin City Council with the following conditions:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.

2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 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.

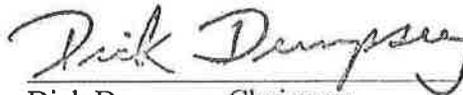
IT IS SO ORDERED.

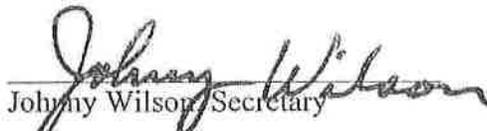
PRESENT AND VOTING

AYE: 6

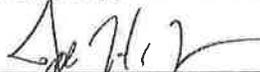
NAY: 0

DATED: 03/25/2013


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

ITEM 7
03/25/13 GMRPC MEETING

EXHIBIT A

Applicant requests acceptance of the public improvements for Beacon Street, Wildcat Run and Osprey Drive containing 9.30 (+/-) acres located in Twin Eagles, Phase 8. (PC0108-13)

Attachment 7-1 City Council Resolution No. R1303-15
Attachment 7-2 Twin Eagles, Phase 8, Final Plat
Attachment 7-3 Surveyor's Certificate of Correction, Recorded 11/3/09
Attachment 7-4 Plat Amendment, Recorded 12/30/10

ANALYSIS

The applicant is requesting acceptance of the public improvements for Beacon Street, Wildcat Run and Osprey Drive containing 9.30 (+/-) acres located in Twin Eagles, Phase 8. This property is zoned Mixed Use (MU) 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 Twin Eagles, Phase 8 as identified in Attachments 7-2, 7-3 and 7-4.

The Engineering Staff completed a final inspection and reported that the applicant has satisfactorily addressed all engineering issues.

Section 3-102 of the City of Gallatin 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 \$34,000, 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 \$34,000 to the Codes/Planning Department.

RECOMMENDATION

Staff recommends the Planning Commission recommend acceptance of the public improvements in Twin Eagles, Phase 8 to the City Council with the following conditions:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.
2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

ATTACHMENT 7-1

EXHIBIT A

RESOLUTION NO. R1303-15

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY
THE CITY OF GALLATIN, TENNESSEE
TWIN EAGLES, PHASE 8

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Twin Eagles, Phase 8;

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 Twin Eagles, Phase 8, Plat Book 26, Page(s) 194-196, Recorded July 20, 2009; Surveyor's Certificate of Correction Final Plat, Twin Eagles, Phase 8, Record Book 3206, Page(s) 439-441, Recorded on November 3, 2009; and Twin Eagles, Phase 8, Plat Amendment, Record Book 3374, Page(s) 840-843, Recorded December 30, 2010 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

ATTACHMENT 7-3

EXHIBIT A

3:00

October 20, 2009

SURVEYOR'S CERTIFICATE OF CORRECTION
FINAL PLAT
TWIN EAGLES SUBDIVISION
PHASE 8
GALLATIN, SUMNER COUNTY, TENNESSEE
PLAT BOOK 26, PAGE 194

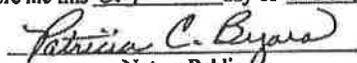
Since this plat was recorded, the following error has been discovered:

1. The driveway access limit of Lot 236 of Twin Eagles Subdivision Phase 8 will be set at 10.00' to 40.00' from the common property line with Lot 237 not including flares into the pavement. (See Attached Exhibit "A")

Prepared by 
 Brian Keifschneider, RLS
 Blue Ridge Surveying, Inc.
 Gallatin, TN 37066



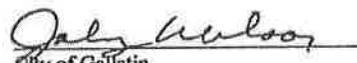
Subscribed to and sworn to before me this 29th day of October, 2009.


 Patricia C. Byars
 Notary Public

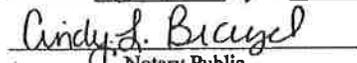
My Commission Expires April 18, 2011



Approval for Recording

Date 10-30-09

 Judy Nelson
 City of Gallatin
 Secretary of Planning Commission

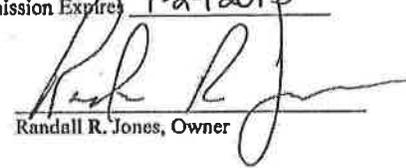
Subscribed to and sworn to before me this 30 day of October, 2009.


 Cindy L. Brazel
 Notary Public

My Commission Expires 1-29-2013

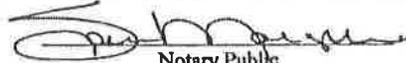


Owner Approval

Date 10/26/09

 Randall R. Jones, Owner



Subscribed to and sworn to before me this 26 day of October, 2009.


 Sandra Margeson
 Notary Public

My Commission Expires 7/23/2013

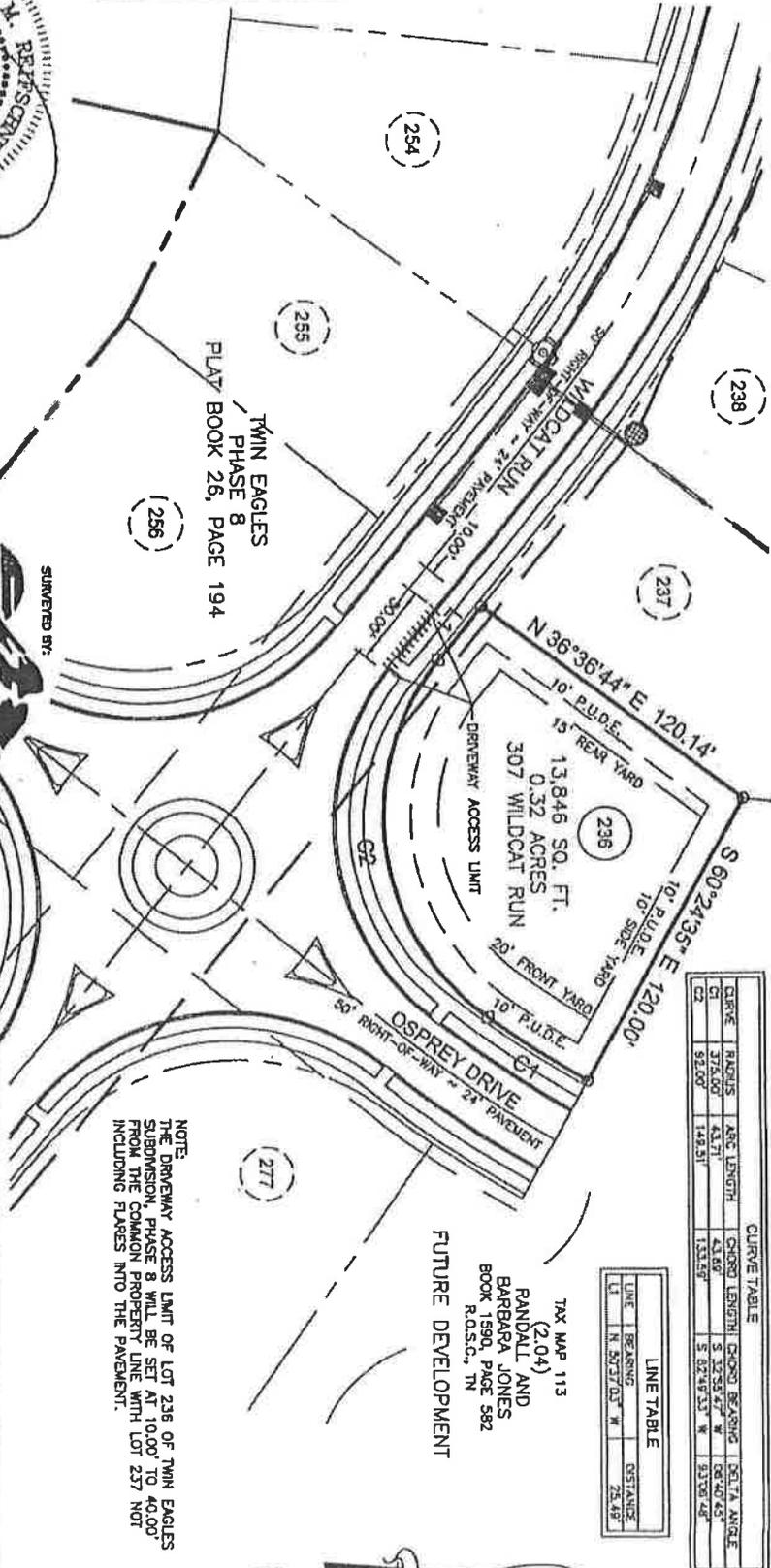
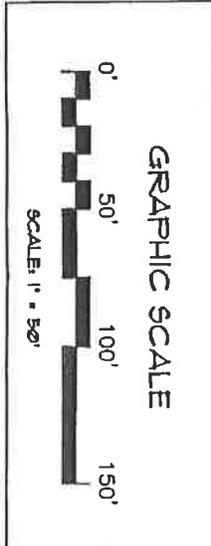
Pamela L. Whitaker, Register
 Sumner County Tennessee
 Reg #: 732453 Instrument #: 934549
 Rec'd: 15.00 State: 0.00 Clerk: 0.00 EDP: 2.00 Total: 17.00
 Recorded 11/3/2009 at 3:00 PM
 Record Book 3206 Pgs 439-441

1-9-08c

ATTACHMENT 7-3 EXHIBIT "A" EXHIBIT A



BLUE RIDGE SURVEYING, INC.
 231 WINTERBROOK AVENUE GALLATIN, TENNESSEE
 OFFICE (615) 451-6139 CELL (615) 426-4449
 BLUERIDGE@SURVEYING-GY.COM
 DATE OF SURVEY: OCTOBER 19, 2009 DATE OF DRAWING: OCTOBER 20, 2009



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD ANGLE
C1	372.00'	43.71'	N 43.69°	92.00°
C2	92.00'	148.51'	S 82.55° 44" W	93.00° 48"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 50°37' 03" W	25.49'

NOTE:
 THE DRIVEWAY ACCESS LIMIT OF LOT 236 OF TWIN EAGLES SUBDIVISION, PHASE 8 WILL BE SET AT 10.00' TO 40.00' FROM THE COMMON PROPERTY LINE WITH LOT 237 NOT INCLUDING FLARES INTO THE PAVEMENT.

TENNESSEE STATE PLANE (NAD 83)

ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
 LOT 248
 TWIN EAGLES, PHASE 8, FINAL PLAT
 GALLATIN, SUMNER COUNTY, TENNESSEE
 Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
 Blue Ridge Surveying, Inc.
 231 Witherspoon Avenue
 Gallatin, Tennessee 37066

Owners:
 Randall and Barbara Jones
 312 North Durham Avenue
 Gallatin, Tennessee 37066

Pamela L. Whitaker, Register
 Sumner County Tennessee
 Rec #: 755512 Instrument #: 969958
 Rec'd: 20.00 Recorded
 State: 0.00 12/30/2010 at 1:53 PM
 Clerk: 0.00 in Record Book
 EDP: 2.00 3374
 Total: 22.00 Pgs 840-843

WHEREAS, the plat of Lot 248 as shown on the subdivision plat of Twin Eagles Subdivision, Phase 8, Final Plat, as of record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee is amended to provide the following changes:

1. The 10' P.U.D.E. along the easterly side of Lot 248 shall be revised to include the "Easement Area" as shown in Exhibit "A".

WHEREAS, the present owner of Lot 248 wishes to amend said plat to show the above changes as per Exhibit "A" and,

WHEREAS, the Gallatin Municipal-Regional Planning Commission has consented to said amendment,

NOW THEREFORE, it is provided that the subdivision plat of Lot 248 as shown on the subdivision plat of Twin Eagles Subdivision, Phase 8, Final Plat, as of record in Plat Book 26, Page 194, Register's Office Sumner County, Tennessee is amended as stated above.

Randy Jones 12-23-2010
 Randy Jones Date

Barbara Jones 12-23-2010
 Barbara Jones Date

ENTERED
 John C. Isbell
 Property Assessor
 94 DEC 30 2010
 : 1140 - A. 15
 Map_Gp_Cd_Par_

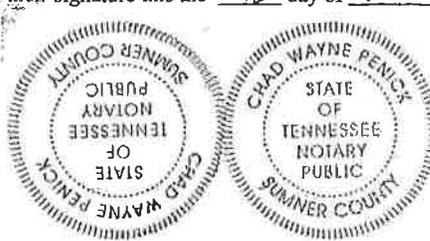
STATE OF TENNESSEE
 SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared CHRIS W. PENICK with whom I am personally acquainted and who upon oath, acknowledged themselves to be the owner of Lot 248 as shown on the subdivision plat of Twin Eagles, Phase 8, Final Plat, who executed the foregoing instrument for the purpose herein contained.

IN WITNESS WHEREOF the party hereto has set their signature this the 23 day of DEC, 2010,

[Signature]
 Notary Public

My Commission Expires 11/17/14



ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
 LOT 248
 TWIN EAGLES, PHASE 8, FINAL PLAT
 GALLATIN, SUMNER COUNTY, TENNESSEE
 Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
 Blue Ridge Surveying, Inc.
 231 Witherspoon Avenue
 Gallatin, Tennessee 37066

Owners:
 Randall and Barbara Jones
 312 North Durham Avenue
 Gallatin, Tennessee 37066

The Gallatin Municipal-Regional Planning Commission joins in this instrument for the purposes of approving said amendment.

Gallatin Municipal-Regional Planning Commission

Johnny Wilson 12-29-10
 Johnny Wilson, Secretary Date

Gallatin Municipal-Regional Planning Commission

Dick Dempsey 12-29-10
 Dick Dempsey, Chairman Date

STATE OF TENNESSEE
 SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared Johnny Wilson with whom I am personally acquainted and who upon oath, acknowledged himself to be the acting Secretary of the Gallatin Municipal-Regional Planning Commission, by the sign _____, as such Secretary.

IN WITNESS WHEREOF the party hereto has set their signature this the 29 day of Dec., 2010,

Cindy L. Brazel
 Notary Public

My Commission Expires 1-29-2013



STATE OF TENNESSEE
 SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared Dick Dempsey with whom I am personally acquainted and who upon oath, acknowledged himself to be the Chairman of the Gallatin Municipal-Regional Planning Commission, by the sign _____, as such Chairman.

IN WITNESS WHEREOF the party hereto has set their signature this the 29 day of Dec., 2010,

Cindy L. Brazel
 Notary Public

My Commission Expires 1-29-2013



ATTACHMENT 7-4

EXHIBIT A

Amendment to the recorded subdivision plat of
 LOT 248
 TWIN EAGLES, PHASE 8, FINAL PLAT
 GALLATIN, SUMNER COUNTY, TENNESSEE
 Of Record in Plat Book 26, Pages 194, Register's Office Sumner County, Tennessee

Document Prepared by:
 Blue Ridge Surveying, Inc.
 231 Witherspoon Avenue
 Gallatin, Tennessee 37066

Blue Ridge Surveying

Brian Reifschneider, RLS

12/20/10
 Date

STATE OF TENNESSEE
 SUMNER COUNTY

Before me, the undersigned as Notary Public of the State and County aforesaid, personally appeared ~~Brian Reifschneider~~ with whom I am personally acquainted and who upon oath, acknowledged himself to be the acting Surveyor of Blue Ridge Surveying, Inc., by the sign _____, as such.

IN WITNESS WHEREOF the party hereto has set their signature this the 20 day of Dec, 2010,


 Notary Public

My Commission Expires 4/23/14



EXHIBIT "A"



248
TWIN EAGLES SUBDIVISION
PHASE 8
PLAT BOOK 26, PAGE 194

1-STORY BRICK RESIDENCE #100

20' FRONT YARD
10' P.U.D.E.
CONCRETE DRIVEWAY

15' P.U.D.E. AND REAR YARD
STONE/CONCRETE DITCH

N 21°52'20" W 63.34'

S 39°22'57" W 45.00'

S 50°37'03" E 52.05'

EASEMENT AREA
1,623 SQ. FT.
0.04 ACRES

CURB INLETS
L=15.00'
R=63.00'
Δ=16°12'57"
C LEN=14.95'
BRG=N 52°50'03" E

139
TAX MAP 114D
GROUP "E"
(20.00)
MARTHA FERGUSON
BOOK 3021, PAGE 474
R.O.S.C., TN

140
TWIN EAGLES SUBDIVISION
PHASE 6
PLAT BOOK 24, PAGE 232
TAX MAP 114D
GROUP "E"
(19.00)
TINA HARRINGTON
BOOK 2997, PAGE 812
R.O.S.C., TN

141
TWIN EAGLES SUBDIVISION
PHASE 8
PLAT BOOK 26, PAGE 194

249
TAX MAP 114D
GROUP "A"
(16.00)
RANDALL AND
BARBARA JONES
BOOK 1590, PAGE 582
R.O.S.C., TN

50' RIGHT-OF-WAY ~ 24' PAVEMENT
BEACON STREET



BLUE RIDGE SURVEYING, INC.

231 WITHERSPOON AVENUE GALLATIN, TENNESSEE
OFFICE (615) 451-6139 CELL (615) 426-4449
BLUERIDGESURVEYING@YAHOO.COM
DATE OF DRAWING: OCTOBER 18, 2010





City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: March 26, 2013

TO: Mr. Brian Reifschneider
Blue Ridge Surveying, Inc.
231 Witherspoon Ave.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: March 25, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Twin Eagles, Phase 8 PC File: PC0108-13

At the above referenced meeting, the request for acceptance of public improvements was:

- RECOMMENDED
 RECOMMENDED WITH CONDITIONS
 NOT RECOMMENDED
 DEFERRED

Conditions of Approval:

1. The applicant shall submit a copy of Tennessee Department of Environment and Conservation (T.D.E.C.) Notice of Termination (N.O.T.) prior to the City Council meeting.
2. The applicant shall submit a signed/notarized Quit Claim Deed prior to the City Council meeting.
3. The applicant shall submit a maintenance surety in the amount of \$34,000 to the Codes/Planning Department.

- BUILDING PERMIT/USE AND OCCUPANCY PERMIT
 ZONING PERMIT
 SIGN PERMIT
 LAND DISTURBANCE PERMIT
 SIGNAGE CHECK
 UTILITY SURETY



City of Gallatin, Tennessee

Codes/Planning Department

- MAINTENANCE SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- OTHER

- CITY COUNCIL APPROVAL
 - Council Committee: 4/9/13
 - 1st Reading at City Council: 4/16/13

cc: Mr. Randy Jones
Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0108-13

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

APRIL 9, 2013

DEPARTMENT: Mayor's Office

AGENDA # 11

SUBJECT:

Request from Rich Products to name portion of Town Creek as "Robert E. "Bubba" Rich Jr." Town Creek in observance of Earth Day 2013.

SUMMARY:

Employees of Rich Products have requested to name a the portion of Town Creek after the company's founder. The company would also like to adopt this section of Town Creek and keep it clean and maintained as they have done each year on Earth Day since 2002.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

