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**CITY OF GALLATIN  
COUNCIL COMMITTEE MEETING**

**June 25, 2013**

**6:00 pm**

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

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- Call to Order: Councilman Hayes Presiding
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton – Mayor Graves
- Approval of Minutes: June 11, 2013 Council Committee Meeting
- Public Recognition
- Mayor's Comments

**AGENDA**

1. Re-appointment of Al Bennett to the Power Board (**Mayor Graves**)
2. Re-appointment of Dave Popen to the EDA Board (**James Fenton, EDA**)
3. Distillery Opt Out (**Councilman Overton**)
4. Awedaddy's & Noise Complaints (**Councilman Overton**)
5. Lorraine Drive & Wayne Street (**Councilman Camp**)
6. Fiscal Year 2013-14 Budget (**Councilwoman Brackenbury**)

- Other Business
- Department Head Reports
- Adjourn

**City of Gallatin  
Council Committee Meeting**

Tuesday, June 11, 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  
Amy Summers, Interim Personnel Official  
Ann Whiteside, Mayor's Office  
Connie Kittrell, City Recorder  
News Examiner, Reporter  
David Brown, Leisure Services Dir.

Don Bandy, Police Chief  
Ronnie Stiles, Public Works Dir.  
Billy Crook, Fire Chief  
David Gregory, Public Utilities  
Katherine Schoch, Codes/Planning  
Joe Thompson, City Attorney  
Gallatin Newspaper, Reporter  
James Fenton, EDA

**Call to Order**

Councilman Craig Hayes called the meeting to order at 6:00 P.M.

**Approval of Minutes**

Councilman Hayes presented the minutes of the May 28, 2013 Council Committee Meeting for approval.

Councilman Overton made motion to approve; Councilwoman Kemp seconded. Motion carried with 6 ayes and 0 nays.

### **Public Recognition**

Councilman Hayes opened public recognition.

- Larry Maynard, representing the Gallatin Sertoma Club, requested permission to hold the Sertoma Club Tractor Pull event at Triple Creek Park on September 21, 2013.

Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

Councilman Mayberry entered the meeting at this time.

- Bob Thomas of Grandview Subdivision requested a 10:00 P.M. curfew on the Tractor Pull event.
- Joe Debord of 1007 Hart Street commented on the following budget issues:
  - Options for alternative trash collections
  - No new pool, not for going into debt
  - City liable for streets, fire protection and police protection
  - Maintaining and widening streets
  - Shop mechanics required to be ASC Certified
  - Build paint building

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

### **Mayor's Comments**

Mayor Graves commented on:

- July 4<sup>th</sup> Celebration with the 129<sup>th</sup> Army Band, the Garage Band Revival and food booths provided by the non-profit organizations

### **Agenda**

#### **1. TDOT ST 109 Project**

Greg Hamilton, TDOT Project Manager gave a power point presentation. Mr. Hamilton stated TDOT's proposal for SR 109 Project is to create a cul-de-sac at the end of Loraine Drive to save the eight (8) homes but Mr. Brown's house will be removed. Mr. Hamilton also spoke about the grade issue due to the hill.

There was discussion on this proposal.

Mr. Hamilton stated he would like a response from the City within two weeks.

Vice Mayor Alexander requested a cost estimate without the cul-de-sac

**2. SR-174 Turn Lane for the Reserve**

City Engineer Nick Tuttle gave a history of The Reserve Subdivision requirements to construct a left turn lane on Long Hollow Pike at Buckingham Boulevard. Mr. Tuttle explained the GreenLea extension and the connection to the turn lane. Mr. Tuttle said Goodall Homes would make a contribution/payment of \$107,000 to the city to use as part of this project.

Goodall Homes has requested an amendment to the contract to limit building permits within The Reserve Subdivision.

Joe Thompson entered the meeting at this time.

Council discussed.

Vice Mayor Alexander made motion to amend the contract; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

**3. Summary of Recent Salary Survey Information Received from area cities**

Interim Personnel Official Amy Summers provided handouts with the salary survey information. Ms. Summers gave a summary of this information with an emphasis on the diversity of each city.

**4. Ordinance #O1305-27 adopting the Annual Budget for the Fiscal Year beginning July 1, 2013 through June 30, 2014 - discussion of proposed budget amendments**

Councilman Camp stated he would like to continue his amendment from last meeting to increase the salaries of the Police Chief and Public Works Director. He would also make an amendment to replace Vehicle #104 and #105 for the Fire Department and remove the \$60,000 time/attendance from Finance budget to off-set these proposals and put the rest in general fund.

Council discussed these amendments.

Councilwoman Brackenbury provided handouts to Council on her proposed pool amendments.

Councilman Overton asked City Attorney Joe Thompson if the \$2 million amendment for the pool that passed at the last Council meeting will be attached to the budget next Tuesday night.

Mr. Thompson stated that the original budget includes the \$2 million for the pool.

Councilwoman Brackenbury explained her comparisons with Civic Centers from Williamson County and the City of Lebanon on fees, marketing, and activities.

Mayor stated she had contact with the Directors at Williamson County and Lebanon to discuss comparisons on activities, fees, and monitoring. Mayor asked Finance/IT Director Rachel Nichols to explain the Civic Center revenues and expenditures.

Ms. Nichols provided handouts for Council.

Ms. Nichols commented on the on-line bank drafts mentioned earlier and the securities needed for this option.

Ms. Nichols gave a detailed summary of the handouts on Civic Center revenues and expenditures.

There was much discussion on this topic.

Mayor Graves went over the handouts on the comparison of fees.

Council discussed.

Ms. Nichols stated Councilman Camp made an amendment to remove \$60,000 from her budget for the time/attendance software. Ms. Nichols stated she would need \$10,000 replaced in her budget to continue her current system.

Councilman Hayes stated no votes have been taken on this amendment.

**5. Ordinance #O1305-25 to provide Revenue for the City of Gallatin, Tennessee for Municipal Purposes for the 2013 Tax Year and the 2014 Fiscal Year**

There was no discussion.

**6. Request from Morning Rotary Club regarding Liberty Branch Park**

Mayor stated the cities lease with the Corp. of Engineers is for five (5) years. Mayor stated she would write a letter to the Corp. of Engineers requesting to lease the land and

wait on their response. Once the Corp. responds to the Mayor's letter, she will then bring it back to Council.

Councilman Overton made motion to approve; Councilman Hayes seconded.

Council discussed the details of the lease, the cities responsibilities and a sub-lease with the Morning Rotary Club.

Mayor stated she has a letter from the Morning Rotary Club regarding their proposals.

Councilman Hayes requested Mayor Graves include that letter in the next packet.

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

### **Other Business**

- Councilman Overton requested Awedaddy's at the Gallatin Marina placed on the next work session agenda for discussion and with advice of the City Attorney.
- Councilwoman Brackenbury announced Fairvue Plantation Open House this Saturday, June 15 from 11:00 A.M. until 3:00 P.M. She added that there will be putting contests, music by the pool, open houses and encouraged people to make reservations for lunch in the dining room.
- Councilwoman Brackenbury reminded everyone that next Thursday will be Third Thursday on Main and The Parks will be performing that evening.

### **Department Head Reports**

City Engineer Nick Tuttle gave an update on the drainage issue on Spencer Street. Mr. Tuttle stated adjoining neighbor's cooperation will be required to help correct the problem.

Mr. Tuttle also stated he had a neighborhood meeting this afternoon with the Park Avenue residents. He added that he will report back on the neighbor's requests and Engineering's recommendations.

**Adjourn**

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

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Mayor Jo Ann Graves

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City Recorder Connie Kittrell

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

JUNE 18, 2013

**DEPARTMENT:** Mayor's Office

**AGENDA #** 1

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**SUBJECT:**

Reappointment of Al Bennett to the Power Board

**SUMMARY:**

Reappoint of Al Bennett to the Power Board for a four year term

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**

RESOLUTION REAPPOINTING AL BENNETT AS A MEMBER OF THE GALLATIN  
ELECTRIC BOARD

WHEREAS, T.C.A. § 7-52-108 provides that directors of a municipal electric board shall be appointed by the chief executive with confirmation by the governing body of the municipality; and

WHEREAS, the Mayor has nominated Al Bennett for reappointment to serve a (4) year term that expires on July 1, 2017.

NOW THEREFORE BE IT RESOLVED, that Al Bennett is hereby appointed to the Gallatin Electric Power Board.

BE IT FURTHER RESOLVED 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

## ELECTRIC POWER BOARD

### Term Expires

Ed Mayberry  
801 Haynie Place  
Gallatin, TN 37066  
Home 230-7869  
Work 452-9000

Council Term (January 6, 2015)

L. A. Green  
555 St. Blaise Road  
Gallatin, TN 37066  
Home 452-5546  
Work 451-5227

July 1, 2015

Albert Bennett  
1255 Lock 4 Road  
Gallatin, TN 37066  
Home 452-1868

July 1, 2013

### **4 Year Term**

#### **Members Appointed by Mayor – Confirmed by Council**

3 Members; 1 Council Appointee limited to term of office

Compensation Permitted

Qualifications – 1 Council Member, 2 Residents (Property Owners)

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

June 25, 2013

**DEPARTMENT:** Economic Development Agency

**AGENDA #** 2

**SUBJECT:**

Appointment to EDA Board of Directors

**SUMMARY:**

Appoint Dave Popen to the EDA board for a three year term to expire in May, 2016

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

RESOLUTION APPOINTING DAVE POPEN AS BOARD MEMBER OF THE  
GALLATIN ECONOMIC DEVELOPMENT AGENCY BOARD

WHEREAS, Ordinance O9903-024 created an Economic Development Agency for  
the City of Gallatin, Tennessee; and

WHEREAS, Ordinance O0912-89 provided for five Board members to serve three  
year terms, with staggered terms such that no two Board members' term would expire in the  
same calendar year;

NOW THEREFORE BE IT RESOLVED, that Dave Popen is appointed to a three-  
year term which shall expire on May 4, 2016.

BE IT FURTHER RESOLVED 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: \_\_\_\_\_, 2013.

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

ATTEST:

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

APPROVED AS TO FORM:

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



TO: Mayor Graves and City Council  
FROM: James Fenton, EDA Executive Director  
DATE: June 20, 2013  
RE: *Reappointment of Dave Popen to EDA Board of Directors*

On Friday, June 14, 2013, the Gallatin Economic Development Agency's Board of Directors voted unanimously to request the Gallatin City Council to reappoint Dave Popen to its Board of Directors for a third three-year term. Mr. Popen's current term expired in May.

Mr. Popen has requested to continue his service to the City of Gallatin in this capacity. Due to the knowledge and commitment that Mr. Popen has shown in his current term, the Board and staff of the EDA believe it is very important to retain him as part of our team.

Please honor this request as we continue to work on your behalf as your economic and community development department. If any of you would like to discuss the matter in more detail with me or any other issue regarding the EDA, please never hesitate to call.

**City of Gallatin  
Economic Development Agency Board  
2011-2012**

Clay Walker, Executive Director                      451-5940

| <b>NAME</b>   | <b>TERM</b>                |
|---|----------------------------|
| <b>Tim Galvin</b><br>P.O. Box 1208<br>Gallatin, TN 37066<br>Office: 615-452-2792<br>Cell: 615-300-5247<br>Email: <a href="mailto:timgalvin@miraclecdj.com">timgalvin@miraclecdj.com</a>                   | <b>Expires May 4, 2015</b> |
| <b>David M. Popen, Esq.</b><br>644 East Main Street<br>Gallatin, TN 37066<br>Cell: 615-306-7828<br>Email: <a href="mailto:dpopen@arthritis.org">dpopen@arthritis.org</a>                                  | <b>Expires May 4, 2013</b> |
| <b>Mike Cook</b><br><b>Sumner Bank and Trust</b><br>780 Browns Lane<br>Gallatin, TN 37066<br>615-451-4151<br>Email: <a href="mailto:mcook@sumnerbankandtrust.com">mcook@sumnerbankandtrust.com</a>        | <b>Expires May 4, 2014</b> |
| <b>Earl Fischer, Chairman</b><br>1038 Isaac Franklin Drive<br>Gallatin, TN 37066<br>Home: 615-230-3104<br>Cell: 615-830-9138<br>Email: <a href="mailto:earl.fischer@yahoo.com">earl.fischer@yahoo.com</a> | <b>Expires May 4, 2015</b> |
| <b>Mary Jo Lewis</b><br>555 Hartsville Pike<br>Gallatin, TN 37066<br>Office: 328-6089<br>Email: <a href="mailto:maryjo.lewis@sumner.org">maryjo.lewis@sumner.org</a>                                      | <b>Expires May 4, 2014</b> |

**3 Year Term (staggered)**  
**Appointed By Mayor (Confirmed By Council)**  
3 Members (prior to January, 2010, this was a three-member board)  
No Compensation

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

June 25, 2013

**DEPARTMENT:** COUNCILMAN OVERTON

**AGENDA #** 3

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**SUBJECT:**

Resolution Distillery Opt Out

**SUMMARY:**

Councilman Overton asked that this be deferred back to committee.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**



JOE H. THOMPSON  
CITY ATTORNEY

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MEMORANDUM

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**TO:** MAYOR JO ANN GRAVES, MEMBERS OF GALLATIN CITY COUNCIL  
**FROM:** JOE H. THOMPSON, CITY ATTORNEY  
**SUBJECT:** PUBLIC CHAPTER 445 - DISTILLERIES  
**DATE:** JUNE 20, 2013

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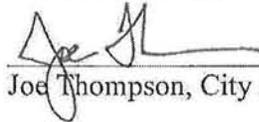
At the last committee meeting in May, the City Council asked for an analysis of Public Chapter 445 ("PC 445"), signed into law by the governor on May 16, 2013. One of the prime areas of confusion seems to lie with what is covered by the new law, and what impact, if any, it will have on businesses seeking to locate to Gallatin.

The law revises the mechanism for a city to approve the manufacture of *intoxicating liquors or drinks*. The following is a listing of points that you should take into account in your deliberations on this issue:

- *Intoxicating liquors or drinks* is a defined term in the Tennessee Code Annotated and it only means "alcohol, spirits, liquors, wines and every liquid or solid, patented or not, containing alcohol, spirits, liquor or wine." **In short, the legislation does not apply to beer (drinks containing less than 5% alcohol by weight). The manufacture of beer is already permitted by state law and local ordinance.**
- In the past and until July 1, 2013 when PC 445 becomes effective, cities allowed residents to decide by referendum whether the manufacture of intoxicating liquors or drinks within their city limits was allowed.
- Effective July 1, 2013, that right has been removed by the Tennessee General Assembly if the city has approved both liquor by the drink and retail liquor sales. The City of Gallatin has approved both of these measures by referendum.
- The City Council can choose to opt out of the provisions of PC 445 by passing a resolution. If it chooses to opt out, it may reverse this action at some point in the future by passage of a resolution reversing the action.
- Under PC 445, cities cannot impose most distance limitations, or a cap on the number of manufacturers of intoxicating liquors or drinks.

- If the City Council chooses not to opt out, then a manufacturer of intoxicating liquor or drinks would still be subject to local zoning requirements. The planning department has evaluated the use classification for this type of activity and determined that manufacturers would be permitted in the IR (Industrial Restricted) and IG (Industrial General) zoning classifications.

The foregoing has only been a summary of PC 445 and I would urge you to contact me if you have any other questions that I have not addressed in this memorandum.

  
\_\_\_\_\_  
Joe Thompson, City Attorney

**RESOLUTION NO. R1306-24**

**A RESOLUTION TO REMOVE THE MUNICIPALITY FROM THE APPLICATION OF MANDATORY ALLOWANCE OF THE MANUFACTURE OF ALCOHOLIC BEVERAGES**

**WHEREAS**, Tennessee Code Annotated, § 57-2-103, makes it lawful to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of certain jurisdictions; and

**WHEREAS**, Tennessee Code Annotated, § 57-2-103, allows a municipality to adopt a resolution to remove the municipality from the application of such provisions;

**WHEREAS**, no written notification has been filed with the legislative body of the municipality expressing an intent to pursue all lawful avenues to manufacture intoxicating liquors or intoxicating drinks, or both, within the boundaries of the municipality;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, that pursuant to Tennessee Code Annotated, § 57-2-103(d)(3) the City elects to remove itself from the application of Tennessee Code Annotated, § 57-2-103(d). Upon the effective date of this resolution the manufacture of intoxicating liquors or intoxicating drinks, or both, within the boundaries of the City of Gallatin, Tennessee shall not be lawful.

**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

Joe Thompson

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**From:** UT-MTAS [mtas@tennessee.edu]  
**Sent:** Tuesday, May 21, 2013 4:00 PM  
**To:** City Attorney  
**Subject:** Distilleries in Tennessee - Update from 2013 Legislative Session

If you're having trouble viewing this email, you may [see it online](#).

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THE UNIVERSITY OF  
**TENNESSEE**  
INSTITUTE for  
PUBLIC SERVICE

Municipal Technical Advisory Service

At the tail end of their 2013 session, the Tennessee General Assembly passed SB0129/HB0102. The bill, which as of the date of this writing has yet to be assigned a public chapter number, amends Tennessee Code Annotated, §§ 57-2-103 and 57-3-202 to make the manufacture of intoxicating liquors, intoxicating drinks (including high-alcohol content beer), or both, lawful in the following jurisdictions:

1. A city or county that has approved the manufacture of intoxicating liquors or intoxicating drinks, or both, via a public referendum;
2. A city or county that has approved both retail package sales and consumption of alcoholic beverages on the premises through a referendum;
3. A city or county with a premier tourist resort district in which it is lawful to sell alcoholic beverages for on premises consumption;
4. A city with a population of less than 1,000 that is located in a county in which any jurisdiction within the county has approved retail package sales through referendum and any jurisdiction within the county has approved consumption of alcoholic beverages on the premises through referendum;
5. A city with a population of less than 1,000 that is located in a county that is included in a Tennessee River Resort District and has approved retail package sales through referendum; or
6. A city or county where it is lawful to have manufacturing of intoxicating liquors or intoxicating drinks, or both, prior to the effective date of the act.

Pursuant to the bill, distilleries and the manufacture of alcoholic beverages will become lawful upon its effective date. However, a city that wishes to continue to prohibit the manufacture of alcohol can do so via a resolution which removes application of this law. Such a resolution must be passed before a person files an official notice with city of his intent to pursue all lawful avenues to manufacture alcohol within the city limits. No notice may be filed prior to 45 days after the effective date of the bill which is assumed to be July 1, 2013. Thus a notice of intent can be filed with the city as early as August 14, 2013, assuming our prediction of the effective date of July 1, 2013 is correct. A city meeting one of the aforementioned criteria that wishes to continue to prohibit the manufacture of alcohol should pass a resolution prior to that date. Click here to [view a sample resolution in MORE](#) or [download a Word version](#).

Confirmation of the effective date and other details will be provided in a subsequent email once the public chapter is published. Should you have any questions, please contact your MTAS management consultant.

If you have any technical problems with this email or with MORE, please contact [Lisa Shipley](#) at 865.974.9822.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

June 25, 2013

**DEPARTMENT:** Councilman Overton

**AGENDA #** 4

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**SUBJECT:**

Awedaddy's & Noise Complaints

**SUMMARY:**

Councilman Overton requested that this item be on the agenda.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

June 25, 2013

**DEPARTMENT:** Councilman Camp

**AGENDA #** 5

**SUBJECT:**

Lorraine Drive & Wayne Street

**SUMMARY:**

Councilman Camp requested that this item be on the agenda.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

June 25, 2013

**DEPARTMENT:** Councilwoman Brackenbury

**AGENDA #** 6

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**SUBJECT:**

Fiscal Year 2013-14 Budget

**SUMMARY:**

Councilwoman Brackenbury requested that this item be on the agenda.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**