
**CITY OF GALLATIN
COUNCIL COMMITTEE MEETING**

February 25, 2014

6:00 p.m.

**Dr. J Deotha Malone
Council Chambers**

- Call to Order – Councilman Craig Hayes
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Kemp – Mayberry – Overton – Mayor Graves
- Approval of Minutes: February 11, 2014 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. Ordinance Appropriating Funds Received for Completion of Infrastructure Improvements in Foxland Subdivision **(Nick Tuttle, City Engineer)**
2. Ordinance Appropriating Funds Received For Completion of Infrastructure Improvements in Cypress Gardens Subdivision **(Nick Tuttle, City Engineer)**
3. Vacant City-Owned Property **(Councilman Overton)**
4. Capping Number of Liquor Stores in Gallatin **(Councilman Overton)**
5. Paving/Annexation of Section of Peach Valley Road and Adjacent Land **(Councilman Overton)**
6. Roadside Produce Vendors **(Councilwoman Brackenbury)**
7. Power Board Appointment **(Mayor Graves)**

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin Council Committee Meeting

Tuesday, February 11, 2014
Dr. J. Deotha Malone Council Chambers
Gallatin City Hall

Call to Order

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

Roll Call

City Recorder Connie Kittrell called the roll:

PRESENT:

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

ABSENT:

Councilwoman Anne Kemp

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance/IT Director
Nick Tuttle, City Engineer
Debbie Johnson, Human Resources Director
Joe Thompson, City Attorney
Connie Kittrell, City Recorder
David Brown, Leisure Services Director

Don Bandy, Police Chief
Ronnie Stiles, Public Works Dir.
Bill McCord, City Planner
David Gregory, Public Utilities
News Examiner, Reporter
Billy Crook, Fire Chief

Approval of Minutes

Councilman Craig Hayes presented the minutes of the January 28, 2014 Council Committee Meeting for approval. Councilman Overton made motion to approve; Councilman Camp second. Motion carried with 6 ayes and 0 nays.

Public Recognition

Councilman Hayes opened public recognition.

- Tom Garrott of Belvedere Drive spoke about the citizen survey, capital projects and issuing a bond.
- Patrick Flowers, an employee of The Copper Steel Liquor Store requested Council place a cap on the present seven (7) liquor stores in Gallatin.
- Ron Wills, owner of Red Carpet Liquor Store, also urged Council to place a cap on the seven (7) Liquor Stores.
- Bonnie Parker, Kellie Pomerence and Matthew Parker, owners of Plantation Fine Wine and Spirits Store, requested Council cap Gallatin liquor stores at the present seven (7).
- Guy Chapman, owner of Broadway Liquors, also requested Council cap the liquor stores at the present seven (7).

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

Mayor's Comments

- Mayor Graves informed everyone that Councilwoman Kemp is improving and hopes to be back soon.
- Councilman Overton requested the Liquor Stores issue be placed on the next Committee Meeting for discussion. Councilman Hayes asked City Attorney Joe Thompson bring information on other cities and their policies on liquor stores.

Agenda

1. Report from Greater Gallatin

Donna Belote, Director of Greater Gallatin, gave a power point presentation to update Council on all the many Greater Gallatin events and projects.

Ms. Belote stated that it's the job of Greater Gallatin to make the downtown area a place that businesses can thrive and want to come.

Councilwoman Brackenbury thanked Donna and the board for their support and hard work.

2. Clarification of Building Official's Starting Salary

Human Resource Director Debbie Johnson explained the reason for needing clarification of the Building Officials starting salary.

Ms. Johnson stated the starting salary of the Building Official in the original resolution passed in September, 2013, the 1% COLA passed in November, 2013 and the Building Officials beginning employment date is January, 2014. Ms. Johnson asked for clarification on the starting salary before or after 1% COLA.

Councilman Overton made motion to approve the starting salary include the 1% COLA; Vice Mayor Alexander second. Motion carried with 6 ayes and 0 nays.

3. Standard Operating Procedure for Tracking Grant Funding

Mayor Graves presented Council with a draft of the proposed Grant SOP. Mayor added that she wanted the Department Heads to look over the draft and make suggestions or recommendations. Mayor stated she would bring this back when complete.

4. Resolution Accepting Public Improvements for Twin Eagles, Phase 7, Section 2

City Engineer Nick Tuttle stated the Planning Commission approved this resolution to accept the improvements.

Councilman Overton made motion to approve; Councilman Camp second. Motion carried with 6 ayes and 0 nays.

5. Vacant City-Owned Property

Councilman Overton requested deferring this item for two weeks to give Department Heads time to study the list and report back.

6. Discussion of Social Media Policy

Finance/IT Director Rachel Nichols gave Council an update on the progress of the Social Media Policy Committee. Ms. Nichols asked Council for their input on several issues before the committee proceeds.

There was much discussion on the issues proposed by the committee.

City Attorney Joe Thompson explained the legal issues of using social media.

Much discussion continued.

Ms. Nichols stated retaining the public record is the hard part of this issue.

This item was deferred to allow further study and recommendations by the committee.

7. Discussion of Noise Ordinance

Councilman Hayes stated this item has been deferred.

Mayor Graves reported that the committee has met and is scheduled to meet again.

8. City Manager Form of Government

Vice Mayor Alexander asked for discussion on the City Manager form of government.

Councilman Hayes stated he would like to do an in-depth study and see what other cities are doing before sending this to the General Assembly.

There was much discussion on the 2005/2006 of City Manager charter change.

Vice Mayor Alexander made motion to approve.

Discussion continued.

Councilman Hayes stated there is a motion on the floor but no second. Councilman Mayberry second the motion.

There was more discussion on this issue.

Councilwoman Brackenbury requested City Attorney Joe Thompson provide information on other cities forms of governments before the next work session.

Mr. Thompson suggested going to MTAS website to see every city charter in the state. He added that he would look at Murfreesboro, White House, Goodlettsville and Oak Ridge but there are other cities that have City Managers.

Council determined more discussion and planning were needed before sending this to the General Assembly.

Vice Mayor Alexander withdrew his motion; Councilman Mayberry withdrew his second.

9. Monthly Financial Reports

Finance/IT Director Rachel Nichols passed out Financial Statements for the first part of the fiscal year 2014. Ms. Nichols stated that if Council has any questions to let her know.

10. Ordinance #O1312-74 Amending and Reaffirming the Residential 8 Planned Residential Development Plan (R8-PRD) and Amending the Preliminary Master Development Plan

City Planner Bill McCord stated the applicant requested approval to amend the preliminary master development plan on the Carellton Development. Mr. McCord stated this amendment reduces the number of lots, reconfigures roadways and changes the variety of lot sizes, and lots to be better positioned to the natural features.

Councilman Hayes made motion to approve; Vice Mayor Alexander second.

Mr. McCord added that the properties will all be occupant/owners and no rentals. Also, variety housing is the new trend, offering housing to all demographics and open space between Liberty Lane and the houses on the Carellton Development.

Councilman Hayes called for the vote. Motion carried with 6 ayes and 0 nays.

11. Peach Valley Road

City Engineer Nick Tuttle stated he spoke to Sumner County Road Superintendent Judy Hardin and her estimates for resurfacing that section of roadway on Peach Valley Road is \$36,000. Mr. Tuttle stated his recommendation is to resurface, do repairs and striping at an estimated cost of \$54,000.

There was much discussion on only annexing that specific section of Peach Valley Road or annexing the entire area.

Discussion continued.

City Attorney Joe Thompson stated he would review and report back if only annexing the roadway is a possibility.

There was more discussion on this issue.

12. Transient Vendors Ordinance

Councilwoman Brackenbury stated springtime is coming and vendors will be selling produce on the roadsides. Ms. Brackenbury said that Ms. Kittrell added requiring background checks on the door to door solicitors. Councilwoman Brackenbury added that she is promoting the Farmers Market and wished to discuss this further.

This item was deferred until the next work session for more discussion.

13. Pace Street & Council Avenue

Police Chief Don Bandy stated he did an assessment of Pace/Council. Chief said he spoke to the management at the USM business and they stated they would be using the main entrance off Blythe Street. Chief stated this would be a solution to the problem at this time.

Other Business

Councilman Hayes called for any other business.

Mayor Graves stated there is a new TV monitor on the other side of the room for when there is a power point presentation; all people in the audience can now observe the presentation.

Department Head Reports

Councilman Hayes called for Department Head reports.

- Special Projects Director Rosemary Bates stated on the record the January Grant reports were emailed to Council.
- Finance/IT Director Rachel Nichols informed Council she was notified on January 22, 2014 of the IRS Audit. Ms. Nichols explained the event that triggered the audit.

Ms. Nichols commented on the issue of the misclassified employees and contracted labor. She added that the audit is ongoing at this time.

Council Committee Meeting
February 11, 2104

Adjourn

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

Mayor Jo Ann Graves

City Recorder Connie Kittrell

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

FEBRUARY 25, 2014

DEPARTMENT: **Engineering**

AGENDA # |

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN FOXLAND SUBDIVISION

SUMMARY:

In 2011, the City received \$76,400 from surety proceeds for the completion of infrastructure in Phase 1, Section 1 of Foxland subdivision. The attached ordinance is to appropriate this money to a capital outlay line item.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. O14Ø2-8

ORDINANCE APPROPRIATING FUNDS FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN FOXLAND SUBDIVISION

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$76,400 is hereby appropriated from surety proceeds received in 2011 from Capitol Indemnity Corporation for completion of infrastructure in Phase 1, Section 1 of Foxland Subdivision;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$76,400 be appropriated from the undesignated balance of the General Fund to account number 311-41670-931-17, Foxland;

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

FEBRUARY 25, 2014

DEPARTMENT: **Engineering**

AGENDA # *2*

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN CYPRESS GARDENS SUBDIVISION

SUMMARY:

The City has received \$36,000 from surety proceeds for the completion of infrastructure in Cypress Gardens subdivision. The attached ordinance is to appropriate this money to a capital outlay line item.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. O14Ø2-7

ORDINANCE APPROPRIATING FUNDS FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN CYPRESS GARDENS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$36,000 is hereby appropriated from surety proceeds received from Capstar Bank for completion of infrastructure in the Cypress Gardens subdivision;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$36,000 be appropriated from account number 110-35200, Forfeitures, to account number 311-41670-931-71, Cypress Gardens Subdivision;

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

0ASB972

CASHIER'S CHECK

NOTICE TO CUSTOMERS

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE THIS CHECK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.

87-932/040

003715

REMITTER
CapStar Bank

DATE August 05, 2013

PAY TO THE ORDER OF
City Of Gallatin
***ref: Cypress Gardens Letter of Credit**
*Renewal***

\$ 36,000.00

THIRTY SIX THOUSAND DOLLARS AND ZERO CENTS

DOLLARS



CAPSTAR
BANK



Jakisha Jenkins

PC File # 1-40 003715
-05C

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

Cypress Gardens
Subdivision

31141670-931-71

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

February 25, 2014

DEPARTMENT: Councilman Overton

AGENDA # 3

SUBJECT:

Vacant City-Owned Property

SUMMARY:

A list of vacant city-owned properties that could be sold was provided previously. The Council deferred the item from the February 11, 2014 committee meeting to allow for more review time.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

February 25 2014

DEPARTMENT: Councilman Overton

AGENDA # 4

SUBJECT:

Capping Number of Liquor Stores in Gallatin

SUMMARY:

Owners of several liquor stores in the City spoke to Council under Public Recognition at the February 11, 2014 Council Committee Meeting. They requested that the City cap the number of liquor stores in Gallatin at 7 - the number of stores currently operating. Councilman Overton asked that this issue be placed on the February 25, 2014 agenda. Attached is the current Municipal Code section establishing the allowed number of liquor stores in Gallatin.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

Gallatin, Tennessee, Code of Ordinances >> PART II - MUNICIPAL CODE >> Chapter 3 - ALCOHOLIC BEVERAGES >> ARTICLE II. - INTOXICATING LIQUOR >> DIVISION 2. LICENSES AND INSPECTIONS >>

DIVISION 2. LICENSES AND INSPECTIONS ^[2]

- Sec. 3-56. Issuance of certificate of compliance.
- Sec. 3-57. Proximity to churches, etc.; relocation of premises.
- Sec. 3-58. Ineligibility for beer permit holders.
- Sec. 3-59. Inspection fee.
- Sec. 3-60. Enforcement of license and inspection fees, etc.
- Sec. 3-61. Inspection of books, papers, etc.
- Sec. 3-62 Limitation on number of retail licenses.
- Secs. 3-63—3-80. Reserved.

Sec. 3-56. Issuance of certificate of compliance.

Any person desiring to acquire a license for the sale of alcoholic beverages pursuant to T.C.A. § 57-3-204 must first obtain a certificate of compliance. The application for a certificate shall be in writing on forms provided by the city recorder's office, and shall require the applicant to comply with T.C.A. § 57-3-208. A certificate shall not be issued until the applicant shall have paid to the city an application fee of two hundred fifty dollars (\$250.00). No certificate shall be issued except to:

- (1) An individual who is and has been, for at least one (1) year, a citizen and resident of Sumner County, Tennessee who resides within three (3) miles of the corporate limits of the city and is not a resident of any other incorporated municipality; or
- (2) A firm or corporation whose executive officers are and have been, for at least one year, citizens and residents of the county who reside within three (3) miles of the corporate limits of the city and are not residents of any other incorporated municipality.

The certificate issued hereunder shall be valid for a period of ninety (90) days from the date of issuance and thereafter shall become void and of no effect whatsoever.

(Ord. No. 00510-075, 11-1-05)

Editor's note—

Ord. No. 00510-075, adopted November 1, 2005, amended the Code by repealing former § 3-56, and adding a new § 3-56. Former § 3-56 pertained to issuance of licenses for retail sales; and derived from the Code of 1979, § 2-105; Ord. No. 00311-046, adopted November 18, 2003; and Ord. No. 00505-03, adopted May 17, 2005.

Sec. 3-57. Proximity to churches, etc.; relocation of premises.

No license shall be granted for the operation of a retail store for the sale of alcoholic beverages when, in the opinion of the city council, expressed by a majority thereof, the carrying on of such business at the premises covered by the application for a license would be in too close

proximity of a church, school, or public institution, or otherwise inimical to the public interest. A retailer's license issued under this division shall not be valid except at the premises recited in the application, and any change of location of the business shall be cause for immediate revocation of the license by the city recorder, unless the new location is approved in writing by the city council.

(Code 1979, § 2-106)

State law reference— Authority to limit location, T.C.A. § 57-3-208(c).

Sec. 3-58. Ineligibility for beer permit holders.

No retailer shall hold, have any interest in, or be the owner of a beer permit of any type issued under the ordinances of the city.

(Code 1979, § 2-109(12))

Cross reference— Beer, § 3-101 et seq.

State law reference— Restrictions regarding licenses and employees, T.C.A. § 57-3-404.

Sec. 3-59. Inspection fee.

- (a) There is hereby imposed an inspection fee on all gross sales of alcoholic beverages by licensees under this article. The payment of the fee shall be accompanied by a report of gross sales of the beverages for the calendar month on a form prescribed by the city council. Failure to pay the fee and make the report accurately within the time prescribed at the sole discretion of the city council may be cause for suspension for as much as thirty (30) days, and at the sole discretion of the city council, be cause for revocation of the license.
- (b) The inspection fee imposed upon the sale of alcoholic beverages within the city shall be five (5) percent of the wholesale price of the alcoholic beverages and the inspection fee shall be collected pursuant to the terms and conditions contained in T.C.A. § 57-3-501, et seq.

(Code 1979, § 2-115; Ord. No. 092-754, 2-18-92)

Sec. 3-60. Enforcement of license and inspection fees, etc.

Whenever any of the persons licensed under this division fails to account for or pay over to the city recorder any inspection fee, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such inspection fee.

(Code 1979, § 2-119)

Sec. 3-61. Inspection of books, papers, etc.

The city recorder is authorized to examine the books, papers and records of any dealer for the purpose of determining whether the provisions of this article are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license or the refusal to issue a license.

(Code 1979, § 2-120)

Sec. 3-62 Limitation on number of retail licenses.

- (a) No new location for a retail liquor store, except a transfer from one location to another in special circumstances fixed by rule or regulation of the state alcoholic beverage commission,

as authorized by statute, shall be approved unless it is determined that alcoholic beverages are not generally available in the city or that the city is not being adequately served by operating retail liquor stores.

- (b) For the purpose of determining whether alcoholic beverages are generally available in the city or whether the city is being adequately served, it will be presumed, absent proof to the contrary, that alcoholic beverages are generally available and that the area is being adequately served when the ratio between the number of operating retail liquor stores in the city and the population of the city is less than or equal to one store for each four thousand (4,000) city residents; provided, however, that there can be no less than one (1) retail liquor store in the city in which the sale of alcoholic beverages is permitted pursuant to T.C.A. § 57-3-106.
- (c) Any material proof to rebut the presumption established in subsection (b) of this section may be submitted as in other administrative matters before the city council.
- (d) The determination of the city council concerning the general availability of alcoholic beverages or the adequacy of service in the city shall be binding upon the applicant. However, upon proof of materially changed conditions, the city council may alter, amend or change its determination, provided that such a determination shall not affect those retail liquor licenses issued and in current and continuous use by the same holder.

(Ord. No. 00407-037, 8-17-04)

Secs. 3-63—3-80. Reserved.

FOOTNOTE(S):

--- (2) ---

Cross reference— *Licenses, permits and business regulations, ch. 11.* [\(Back\)](#)

State Law reference— *Licensing authority beverages under five (5) percent alcohol, T.C.A. § 57-5-108; inspection fee authorized, T.C.A. § 57-3-501.* [\(Back\)](#)

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

February 25 2014

DEPARTMENT: Councilman Overton

AGENDA # 5

SUBJECT:

Paving/Annexation of section of Peach Valley Road and adjacent land

SUMMARY:

At the February 11, 2014 Council Committee Meeting, Councilman Overton renewed the issue of the City paving a section of Peach Valley Road that is in the County. That discussion included the idea of annexing the road and adjacent properties into the City. Council asked City Attorney Joe Thompson to research the idea of annexing the road and properties. Mr. Thompson will report at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

February 25 2014

DEPARTMENT: Councilwoman Brackenbury

AGENDA # 6

SUBJECT:
Roadside Produce Vendors

SUMMARY:
Councilwoman Brackenbury requested a discussion of this topic be placed on the agenda along with a copy of the current ordinance.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AMENDING CHAPTER 11, ARTICLE V, SECTIONS 11-136 – 11-143 OF
THE GALLATIN MUNICIPAL CODE RELATING TO PEDDLERS, SOLICITORS, AND
ITINERANT VENDORS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Chapter 11, Article
V, Sections 11-136 thru 11-143 of the Gallatin Municipal Code, dealing with entitled “Peddlers,
Solicitors, Itinerant Vendors” is hereby amended by deleting said sections in its entirety and
replacing them with the new **Sections 11-134 thru 11-143**, that is attached to this ordinance as
Exhibit A.

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.

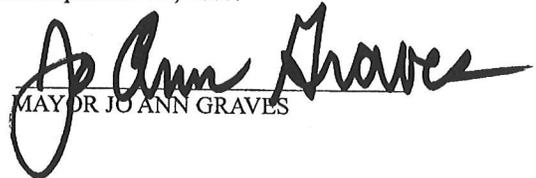
PASSED FIRST READING: September 4, 2007.

PASSED SECOND READING: September 18, 2007.

ATTEST:



CONNIE KITTRELL
CITY RECORDER



MAYOR JO ANN GRAVES

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

ARTICLE V. PEDDLERS, SOLICITORS, ITINERANT VENDORS

SECTION

- 11-134. Definitions.
- 11-135. Exemptions.
- 11-136. Permit required.
- 11-137. Permit procedure.
- 11-138. Restrictions on peddlers, street barkers and solicitors.
- 11-139. Restrictions on transient vendors.
- 11-140. Display of permit.
- 11-141. Suspension or revocation of permit.
- 11-142. Expiration and renewal of permit.
- 11-143. Violation and penalty.

11-134. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

- (1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.
- (2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for subscriptions as those terms are defined below.
- (3) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.
- (4) "Transient vendor¹" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not

¹ Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for "transitory vendors."

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

- (5) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

11-135. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

11-136. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

11-137. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for subscriptions:

- (a) The complete name, permanent address, phone number and temporary address, if any of the business or organization the applicant represents;
- (b) Age, height, weight, color of hair and eyes;
- (c) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
- (d) Temporary address and telephone number from which business will be conducted, if any;
- (e) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
- (f) Proposed method of delivery of goods, if applicable;
- (g) The dates for which the applicant intends to do business or make solicitations.
- (h) The names and permanent addresses of each person who will make sales or solicitations within the city.
- (i) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.
- (j) The last three previous cities, villages, towns, where applicant conducted similar business;

(k) Address and phone number where applicant can be contacted for at least seven days after leaving the city;

(l) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.

(m) Tennessee State sales tax number, if applicable.

- (2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). There shall be no fee for an application for a permit as a solicitor for subscriptions.
- (3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.
- (4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

11-138. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, or solicitor for subscriptions shall:

- (1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.
- (2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.
- (3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.
- (4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.
- (5) It shall be unlawful for any peddler or solicitor to call at any dwelling or other place between the hours of 7 p.m. and 9 a.m. except by appointment; to call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; to call at the rear door of any dwelling place; or to remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (6) It shall be unlawful for a direct seller to misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents.
- (7) It shall be unlawful for any peddler, solicitor or transient vendor to allow rubbish or litter to accumulate in or around the area in which he is conducting business.

11-139. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

- 11-140. Display of permit. Each peddler, street barker, solicitor, or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.
- 11-141. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:
- (a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or
 - (b) Any violation of this chapter.
- (2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.
- 11-142. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.
- 11-143. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

February 25 2014

DEPARTMENT: Mayor Graves

AGENDA # 7

SUBJECT:

Power Board Appointment

SUMMARY:

Mayor Graves will present a resolution at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: