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**CITY OF GALLATIN  
COUNCIL COMMITTEE MEETING**

**July 12, 2016**

**6:00 pm**

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

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- Call to Order – Councilman Mayberry
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton – Mayor Brown
- Approval of Minutes: June 14, 2016 Council Committee Meeting
- Public Recognition
- Mayor’s Comments

**AGENDA**

1. Local Government Corporation End User License Agreement **(Connie Kittrell, City Recorder & Susan High-McAuley, City Attorney)**
2. Resolution Accepting Public Improvements for Foxland Crossing **(Nick Tuttle, City Engineer)**
3. Resolution Accepting Public Improvements for Albion Downs Phases 1 and 3 **(Nick Tuttle, City Engineer)**
4. Paving Program **(Nick Tuttle, City Engineer)**
5. Revision of Personnel Rule-Nepotism **(Debbie Johnson, Human Resources Director)**
6. Discussion of Drainage Issues Due to Recent Flooding **(Julie Brackenbury, Councilwoman)**

- Other Business
- Department Head Reports
- Adjourn

## City of Gallatin Council Committee Meeting

Tuesday, June 14, 2016  
Dr. J. Deotha Malone Council Chambers

PRESENT:

Mayor Paige Brown  
Councilman John D. Alexander  
Councilwoman Julie Brackenbury  
Councilman Steve Camp  
Vice Mayor Craig Hayes  
Councilwoman Anne Kemp  
Councilman Jimmy Overton

ABSENT:

Councilman Ed Mayberry

OTHERS PRESENT:

Rachel Nichols, Finance Director  
Don Bandy, Police Chief  
Zach Wilkinson, Public Works Dir.  
David Gregory, Public Utilities Dir.  
David Brown, Leisure Services Dir.  
Susan High-McAuley, City Attorney  
Lori Smiley, IT Director  
Debbie Johnson, Human Resource Dir.

Chuck Stuart, Building Official  
Nick Tuttle, City Engineering  
Bill McCord, City Planner  
Connie Kittrell, City Recorder  
Gallatin News Reporter  
News Examiner Reporter  
Victor Williams, Fire Chief  
Rosemary Bates, Special Projects Dir.

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

### Approval of Minutes

Vice Mayor Hayes presented May 10, 2016 Council Committee Meeting minutes and May 24, 2016 Council Committee Meeting minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 5 ayes, 0 nays and Councilwoman Kemp abstained from voting due to her absence on May 24th.

### Public Recognition

Vice Mayor Hayes opened public recognition.

Nathan Shadowens of Portland spoke about the growth of the Sumner County Museum, new plans and a new direction for the future of the museum.

Director Ryan Baker of 322 Center Drive thanked Council for their continued support of the Museum. Mr. Baker spoke about focusing on education, additional programs and Tennessee history.

Keith McGee of 1664 Noah Lane spoke about his 2014 delinquent tax notice issues. Mr. McGee gave the history of his moving to Gallatin and tax notices. He spoke about the additional fees and preventing this from happening in the future with other notices. Mr. McGee thanked everyone that had contacted him about this issue but he did want to bring this issue to Councils attention.

With no one else wishing to speak Vice Mayor Hayes closed public recognition.

### Mayor's Comments

- Third Thursday begins this Thursday night with The Parks performing at 6:30 on the Downtown Square.
- The Water Treatment Plant will have an Open House and Ribbon Cutting at 10:00 A.M. this Friday.
- Updating on CSX Railroad Improvements will be reported by Public Works Director Zach Wilkinson later in the meeting.
- A Training Workshop is this Thursday at the Public Utilities Building on Conduct in the Workplace from 9:30 - 11:00.

### Agenda

#### 1. July 2016 Bad Debt Accounts to be Purged

Public Utilities Director David Gregory presented the report of 299 utility accounts to be purged for the 2016 fiscal year. Mr. Gregory highlighted the various accounts and provided a listing for Councils review.

## **2. Landscaping at Copeland Hardwood Floors**

Special Projects Director Rosemary Bates explained the request to restore landscaping at 156 E. Eastland, Copeland Hardwood Floors due to construction issues of the Town Creek GreenWay. Ms. Bates stated that the contractor Sessions Paving has been paid in full.

There was much discussion.

Council agreed to have the contractor replant the same material and report back.

## **3. Internal Controls Manual**

Finance Director Rachel Nichols explained that new state law requires municipalities approve an internal controls manual before June 30, 2016. Ms. Nichols stated there is one change to the organizational chart of the Planning Department and that will be corrected in next week's resolution.

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

## **4. Relay for Life Donation**

Finance Director Rachel Nichols explained the purpose to publicize a donation from a non-profit, the Relay for Life.

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

## **5. Revise Sidewalk Priorities for Active Transportation Grant**

City Planner Bill McCord requested Council prioritize the list of projects that were considered back in 2014 and are now in the Transportation Improvement Project. Mr. McCord stated that the total grant is \$560,000 with a local match of \$140,000.

Mr. McCord highlighted the estimated sidewalk cost project summary handout.

Council discussed.

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

## **6. Appointment of Lynda Love to the Historic District Commission**

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

## **7. Continued Discussion of 2016/2017 Budget**

Councilman Overton recommended waiting for Councilman Mayberry's amendments.

Councilwoman Brackenbury requested an amendment to add \$30,000 that was originally appropriated into Public Works for the downtown signage and beautification.

There was discussion that maintenance/replacement of signs and banners are being provided by public works.

Councilwoman Brackenbury stated she wants to make sure the signs are covered and anything else that maybe needed.

Public Works Director Zach Wilkinson said he can cover the maintenance but anything new would need budget approval.

## **Other Business**

Vice Mayor Hayes called for other business and there was none.

## **Department Head Reports**

Vice Mayor Hayes called for department head reports.

Public Utilities Director David Gregory reported on the following:

- Water Treatment Plant addition is complete and invited everyone to the Open House this Friday
- Halewood Subdivision Water Lines are 40% complete
- Fire Hydrant Painting is about 60% complete
- Drought Management Plan is complete
- Water Tank Inspections are complete
- Continue to install Natural Gas Meters
- Number #1 Pump Station Rehab Project is 75% complete

Councilman Camp asked about lowering the high clean out plugs. Mr. Gregory suggested the customers contact his department. Mr. Gregory added that the contractor will come back and relevel the disturbed yards.

Public Works Director Zach Wilkinson gave an update on the following:

- CSX currently working on the railroad crossing at Red River
- Listing of road closures due to the railroad crossing maintenance
- Widening Green Wave Drive
- North Blakemore close to moving to other side of the road with more sidewalks

Councilman Overton complimented Park Avenue and how wonderful it looks after all the work.

Building Official Chuck Stuart thanked Council for their support. Mr. Stuart informed Council of the retirement of long time Electrical Inspector Jim Fisher and his plan for his department to take over those inspections.

Mr. Stuart explained his current plans to perform the inspections and that he will report later on the revenue stream once he has more numbers available. He said he will also present a resolution at a later date.

Mr. Stuart said the State will continue to perform the inspections until he has everything in place. He added that he would need additional qualified personnel for these inspections.

Mayor Brown said the striping street crews are in town working to improve the lines on our streets.

### Adjourn

Councilman Overton made motion to adjourn; Councilman Alexander seconded. Motion carried with 6 ayes and 0 nays.

Vice Mayor Hayes adjourned the meeting at 6:43 P.M.

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Mayor Paige Brown

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Connie Kittrell, City Recorder



**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

July 12, 2016

**DEPARTMENT:** City Recorder-City Attorney Agenda # 1

**SUBJECT:**  
Local Government Corporation End User License Agreement

**SUMMARY:**  
City Attorney Susan High-McAuley has approved the End User License Agreement with Local Government Corporation with the exception of Section 8. Governing Law; the venue language. Local Government Corporation is the software host for the city business license internal operations.

**RECOMMENDATION:**

**ATTACHMENT:**

<input type="checkbox"/> Resolution	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Bid Tabulation
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Contract	<input type="checkbox"/> Other

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Approved	<input type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

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**Notes:**

## END USER LICENSE AGREEMENT

### Section I. License

1.01 Scope. THIS END USER LICENSE AGREEMENT ("EULA") IS A LEGAL AGREEMENT BETWEEN YOU AND LOCAL GOVERNMENT CORPORATION ("LOCAL GOVERNMENT") GOVERNING YOUR USE OF THIS SOFTWARE. "Software" is herein defined as the object code versions of the product, together with the updates, new releases or versions, modifications or enhancements, owned and provided to you by Local Government pursuant to this EULA. Use of this Software shall be subject to the terms and conditions of any Service Agreements or invoices with Local Government to which you have already agreed or to which you agree hereafter.

1.02 Electronic Signature and Delivery. When you click "I AGREE" below, you will be signing and consenting to signing the EULA electronically and will hereby be bound by the terms of this EULA. By clicking "I AGREE" below, you will also confirm your understanding, acceptance, and receipt of the EULA and its terms and conditions, and hereby acknowledge and demonstrate that you can access the EULA and the other electronic disclosures and information associated with this Software. To enable you to access, retain, and/or print the EULA for your records, please access the Local Government website, [www.localgovernmentcorporation.com](http://www.localgovernmentcorporation.com). Login with your Local Government website username and password. If you do not have a username, you must register on the website. On the Local Government website in the upper right hand area there are options to "Register" or "Log in". Once you are logged in as a registered user, click on the link for "SUPPORT", then select "EULA", and the document will open in PDF. You can print the PDF document. If you are unable to access, retain, and/or print the EULA for your records, you may contact us for a free paper copy of the EULA. If you do not agree to the terms of this EULA, you are prohibited from using this Software and must select "CANCEL" below.

1.03 Grant. Subject to this EULA, Local Government hereby grants you a non-exclusive, limited license to use this Software and any other intellectual property that may be provided to you in connection to this Software for your internal business operations.

1.04 Ownership. Local Government is the owner of the Software or otherwise has the right to grant to you the license granted herein without violating the rights of any third party, and there is no actual or threatened suit by any such third party based on an alleged violation of such right by Local Government. Notwithstanding anything to the contrary contained herein, except for the limited license rights expressly provided herein, Local Government shall retain all rights, title and interest (including, without limitation, all patent, copyright, trademark, trade secret and other intellectual property rights) in and to the Software and all copies, modifications and derivative works thereof (including any changes which incorporate any ideas, feedback or suggestions). By consenting to this EULA, you also acknowledge that you are obtaining only a limited license right to this Software and that irrespective of any use of the words "purchase", "sale" or like terms hereunder, no ownership rights are being conveyed to you under this EULA or otherwise.

1.05 Restrictions. You shall not, without Local Government's prior written consent, conduct, cause, or permit the following:

- (a) Use, copying, modification, rental, lease, sublease, sublicense, or transfer of this Software except as expressly provided in this EULA;
- (b) Creation of any derivative works based on this Software;
- (c) Reverse engineering, disassembly, or decompiling of this Software (except that you may decompile the Licensed Software for the purposes of interoperability only to the extent permitted by and subject to strict compliance under applicable law);
- (d) Use of this Software in connection with service bureau, facility management, timeshare, service provider or like activity whereby Licensee operates or uses the Licensed Software for the benefit of a third party;
- (e) Provide unauthorized third parties with access to or use of this Software.

**Section 2. Term.**

2.01 **Initial Term.** The term of this EULA shall be for one (1) year (herein, the "Initial Term") commencing upon your electronic signature.

2.02 **Automatic Renewal.** At the expiration of the Initial Term, this EULA will automatically renew for successive one (1) year periods unless a party provides the other party with notice of its intent not to renew this EULA at least thirty (30) days prior to the expiration of the then-current term.

2.03 **Termination by Local Government.** Local Government may terminate this EULA for failure to make timely payments due pursuant to the terms of the payment invoices upon thirty (30) days prior written notice.

2.04 **Automatic Termination.** This EULA shall terminate automatically in the event you violate Section 1.05 of this EULA.

2.05 **Termination for Cause.** If either party breaches any provision of this EULA or any Service Agreements or invoices and if such breach is not cured within thirty (30) days after receiving written notice from the other party specifying such breach in reasonable detail, the non-breaching party shall have the right to terminate this EULA by giving written notice thereof to the party in breach, which termination shall go into effect immediately upon receipt.

2.06 **Non-Exclusive Remedy.** Termination is not an exclusive remedy and the exercise by either party of any remedy under this EULA will be without prejudice to any other remedies it may have under this EULA, by law, or otherwise.

2.07 **Action Upon Termination or Expiration.** Upon any expiration or termination of this EULA, Licensee shall immediately cease any and all use of this Software. In addition, you shall provide Local Government with the appropriate access to extract Software within five (5) days' notice from Local Government at such time agreed upon in writing by the parties.

**Section 3. Warranties.**

Except as specifically stated in the EULA, this Software is provided "AS IS" and there are no warranties, expressed, or implied, including but not limited to any implied warranties of merchantability or fitness for a particular purpose.

**Section 4. Liability.**

Local Government's liability for any errors or omissions on its part shall be limited to actual damages incurred but under no circumstances, other than for criminal or fraudulent acts by Local Government or any of its employees, shall exceed the charge for such service during the calendar year. LOCAL GOVERNMENT SHALL NOT UNDER ANY CIRCUMSTANCES BE LIABLE FOR SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OR OTHER SIMILAR DAMAGES (INCLUDING LOST PROFITS) EVEN IF LOCAL GOVERNMENT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. Nothing in this EULA creates or will be understood to create third party beneficiaries. You acknowledge that Local Government has no obligations to third parties, including Licensee's employees and any third party agencies.

**Section 5. Disclaimer.**

Local Government may recommend preferred operating requirements for effective use of the Software. You are responsible for maintaining Local Government's recommended operating requirements. Local Government does not ensure the quality of the operation of the Software if you fail to maintain the operating requirements recommended by Local Government.

**Section 6. Injunctive Relief.**

By consenting to this EULA, you hereby acknowledge that your breach of one or more of the provisions concerning Local Government's exclusive ownership of this Software could cause Local Government to suffer irreparable harm, namely harm for which monetary damages alone would be an inadequate remedy. You further acknowledge that requiring, as a condition to obtaining an injunction, a restraining order, or any other equitable remedy with respect to such a breach, that Local Government demonstrate that it would suffer irreparable harm could cause delay that results in Local Government's suffering irreparable harm before any equitable remedy is granted. That being the case, you hereby intend that your breach of one or more of the provisions concerning Local Government's exclusive ownership of this Software, for purposes of granting an equitable remedy, any court will assume that such breach would cause Local Government irreparable harm. Therefore, Local Government shall be entitled to seek equitable relief in any court of competent jurisdiction, including but not limited to temporary restraining orders, preliminary injunctions and permanent injunctions.

**Section 7. Notices.**

All notices required or permitted to be given to Local Government under this EULA shall be sufficient if sent by certified mail, return receipt requested, to the address set forth below or to such other addresses as the party to receive the notice has designated by notice to the other party.

Attention: Finance Manager  
Local Government Corporation, Corporate Office  
714 Armstrong Lane  
Columbia, TN 38401

**Section 8. Governing Law.**

This EULA shall be governed by and construed in accordance with the laws of the State of Tennessee. By consenting to this EULA, you are hereby expressly agreeing to the exclusive forum, jurisdiction, and venue of the Courts of <sup>Sumner</sup> Maury County, Tennessee in any and all actions, disputes, or controversies relating to this EULA.

**Section 9. Entire Contract.**

This EULA supplements and forms a part of any Services Agreements or invoices executed by the parties and shall be incorporated into such Service Agreements or invoices from and after the date hereof. Except with respect to the Service Agreements or invoices, this EULA constitutes the entire agreement between you and Local Government.

**Section 10. Waiver and Modification.**

No modification, extension or waiver of or under this EULA shall be valid unless agreed upon in writing by the parties. No written waiver shall constitute, or be construed as, a waiver of any other obligation or condition of this EULA. The failure by any party to exercise any right provided for herein shall not be deemed a waiver of any right hereunder.

**Section 11. Effective.**

This EULA shall be effective upon your electronic signature.

**CLICK "I AGREE" FOR YOUR SIGNATURE**

As noted above in Section 1.02 (Electronic Signature and Delivery), by clicking "I AGREE", you will be signing this EULA with a binding electronic signature, and you acknowledge that you have read and understood this EULA's terms and conditions.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

July 12, 2016

**DEPARTMENT:   Engineering**

**AGENDA #2**

**SUBJECT:**

Resolution Accepting Public Improvements for Foxland Crossing

**SUMMARY:**

The Planning Commission approved the GMRPC Resolution on June 27, 2016, to accept these public improvements.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**RESOLUTION NO. R16Ø7-35**

**RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY THE CITY OF  
GALLATIN, TENNESSEE, FOXLAND CROSSING**

**WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION** has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Foxland Crossing Subdivision; and

**WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION** hereby certifies that the public drainage infrastructure, rights-of-way, and public easements in the Foxland Crossing Subdivision 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

**WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT** hereby certifies that the public utility improvements in Foxland Crossing Subdivision 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, as described by Foxland Crossing Subdivision, Plat Book 27, Page(s) 226, recorded October 10, 2012 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:

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MAYOR PAIGE BROWN

ATTEST:

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CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

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SUSAN HIGH-MCAULEY  
CITY ATTORNEY

**A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR FOXLAND CROSSING SUBDIVISION TO THE GALLATIN CITY COUNCIL – (PC 5-1997-16)**

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** approved the final plat for Foxland Crossing recorded in Plat Book 27, page 226, R.O.S.C., Tennessee on October 10, 2012; and

**WHEREAS,** the subject public improvements have been completed and the City has determined that the public improvements were constructed to the design standards and specifications of the City; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** considered the request to accept public improvements in the Foxland Crossing Subdivision submitted by the applicant, Foxland Crossing, LLC., at its regular meeting on June 27, 2016; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** 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 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 § 13-3-406 and 13-4-307:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. By accepting the public improvements, the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. Accepting the public improvements will not have an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.

4. By accepting the public improvements, 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 Foxland Crossing Subdivision to the Gallatin City Council with the following conditions:

1. Remove private signage from the public right-of-way.
2. Remove the silt fence along the southern side of the box culvert.
3. The owner and applicant shall submit a maintenance surety in the amount of \$56,700 to the 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: 06/27/2016

  
Dick Dempsey, Chairman

  
Johnny Wilson, Secretary

APPROVED AS TO FORM:

  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY



## Item 9

### PLANNING DEPARTMENT STAFF REPORT

Public Improvement Acceptance – Foxland Crossing

(5-1997-16)

South of Nashville Pike and west of Douglas Bend Road

Date: June 22, 2016

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**REQUEST:** OWNER AND APPLICANT REQUEST THE CITY OF GALLATIN TO ACCEPT THE PUBLIC IMPROVEMENTS OF THE FOXLAND CROSSING SUBDIVISION.

**OWNER:** FOXLAND CROSSING, LLC.

**APPLICANT:** FOXLAND CROSSING, LLC.

**STAFF RECOMMENDATION:** RECOMMEND APPROVAL OF RESOLUTION No. 2016-75

**STAFF CONTACT:** ROBERT J. KALISZ

**PLANNING COMMISSION DATE:** JUNE 27, 2016

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**PROPERTY OVERVIEW:** The owner and applicant are requesting the City of Gallatin to accept the public improvements in Foxland Crossing Subdivision. The subdivision contains three (3) lots and a right-of-way on 26.12 (+/-) acres. The property is part of the Foxland Crossing Development and is currently zoned Mixed Use (MU). Two (2) out of the three (3) lots are developed for multi-family residential uses and the remaining lot is vacant.

#### **CASE BACKGROUND:**

##### ***Previous Approvals***

On July 23, 2012, the Planning Commission approved the Final Plat for Foxland Crossing (PC0024-12) containing three (3) lots and a right-of-way on 26.12 (+/-) acres. The plat was recorded on October 10, 2012 (Plat Book 27, Page 226) (Attachment 9-1).

#### **DISCUSSION:**

The owner and applicant are requesting approval of Resolution 2016-75 accepting public improvements constructed in Foxland Crossing Subdivision.

By approval of the Resolution, the Planning Commission recommends that the City Council also adopt a Resolution (Attachment 9-2) accepting the public improvements and execute the Quitclaim Deed accepting the public improvements (Attachment 9-3). The public improvements will be accepted in accordance with Sections 1-113.107 and 3-105.5 of the Subdivision Regulations.

## ***Engineering Division***

The Engineering Division certified that the applicant submitted all the necessary documents concerning the acceptance of public improvements for the transportation, utilities, rights-of-way, and public easements located in Foxland Crossing Subdivision as identified in Attachment 9-1, and provided an as-built survey for the right-of-way dedication of Foxland Boulevard. (Attachment 9-4)

The subdivision is completed to the standards as required by Section 3-105.1 of the Subdivision Regulations and two (2) out of the three (3) lots are fully developed.

The Engineering Staff completed a final inspection and reported that the applicant has not satisfactorily addressed all engineering issues as required by Section 3-105.6 and 3-105.7 of the Subdivision Regulations which are made conditions of approval.

Section 3-102 of the City of Gallatin Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety in the amount of 10 percent of the completed roadway and drainage costs. The owner and applicant shall submit a maintenance surety in the amount of \$56,700 to the Planning Department.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve Resolution 2016-75, recommending that the City of Gallatin accept the public improvements in Foxland Crossing Subdivision, as recorded in Plat Book 27, Page 226, in the Register's Office of Sumner County with the following conditions:

1. Remove private signage from the public right-of-way.
2. Remove the silt fence along the southern side of the box culvert.
3. The owner and applicant shall submit a maintenance surety in the amount of \$56,700 to the Planning Department.

### **ATTACHMENTS:**

- Attachment 9-1 Foxland Crossing Subdivision Final Plat (Plat Book 27, Pages 226)**
- Attachment 9-2 Copy of Quitclaim Deed conveying Public Improvements to the City of Gallatin**
- Attachment 9-3 As-Built Survey for Foxland Boulevard**

MAY 23 2016

This Instrument Prepared by  
Larry K. Tolbert, Attorney at Law  
425 W. College Street  
Murfreesboro, Tennessee 37130  
From Information Furnished by the Parties.

NAME AND ADDRESS OF NEW OWNERS:  
**City of Gallatin**  
**132 West Main Street**  
**Gallatin, TN 37066**

MAIL TAX NOTICES TO:  
**Same**

Portion of:  
**Map 136, Parcel 27.01**

STATE OF TENNESSEE )  
COUNTY OF RUTHERFORD )

**QUITCLAIM DEED**

**FOR AND IN CONSIDERATION** of the sum of **TEN AND NO/100 DOLLARS** (\$10.00), and other good and valuable considerations, cash in hand paid, the receipt of which is hereby acknowledged, the undersigned, **FOXLAND CROSSING, LLC, a Tennessee limited liability company**, does hereby transfer, convey and quitclaim unto the **CITY OF GALLATIN, a body politic**, its successors, and assigns, forever, all its right, title, claim and interest in and to the certain parcel of real estate further described as follows, to-wit:

BEING A CERTAIN TRACT OF LAND SITUATED IN THE FOURTH CIVIL DISTRICT OF SUMNER COUNTY, CITY OF GALLATIN, TENNESSEE. SAID TRACT BEING THE RIGHT-OF-WAY DEDICATION OF FOXLAND BOULEVARD AS SHOWN ON THE PLAT ENTITLED "FOXLAND CROSSING SUBDIVISION" OF RECORD IN PLAT BOOK 27, PAGE 226, R.O.S.C.T. (REGISTER'S OFFICE FOR SUMNER COUNTY, TENNESSEE), AND BEING MORE PARTICULARLY DESCRIBED, BY METES AND BOUNDS, AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES IN THE WESTERLY RIGHT-OF-WAY LINE OF DOUGLAS BEND ROAD AT THE SOUTHEASTERLY CORNER OF LOT 1 OF SAID FOXLAND CROSSING SUBDIVISION AND BEING THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED PROPERTY;

THENCE, WITH SAID DOUGLAS BEND ROAD, SOUTH 24 DEGREES 31 MINUTES 46 SECONDS EAST, 48.58 FEET TO A P.K. NAIL (NEW) WITH A SHINER STAMPED RAGAN SMITH ASSOCIATES;  
THENCE, CONTINUING WITH SAID DOUGLAS BEND ROAD, SOUTH 26 DEGREES 37 MINUTES 12 SECONDS EAST, 80.56 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES AT THE MOST EASTERLY CORNER OF WILSON BANK AND TRUST OF RECORD IN DEED BOOK 3263, PAGE 510, R.O.S.C.T.;

THENCE, LEAVING SAID DOUGLAS BEND ROAD WITH SAID WILSON BANK AND TRUST, FOR THE NEXT EIGHT CALLS:

- 1) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 87 DEGREES 53 MINUTES 43 SECONDS, A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 38.35 FEET, A CHORD BEARING OF NORTH 70 DEGREES 34 MINUTES 59 SECONDS WEST, AND A CHORD LENGTH OF 34.70 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 2) SOUTH 65 DEGREES 27 MINUTES 53 SECONDS WEST, 24.50 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 3) WITH A CURVE TO THE RIGHT WITH A DELTA ANGLE OF 26 DEGREES 48 MINUTES 26 SECONDS, A RADIUS OF 357.45 FEET, AN ARC LENGTH OF 167.24 FEET, A CHORD BEARING OF SOUTH 78 DEGREES 52 MINUTES 06 SECONDS WEST, AND A CHORD LENGTH OF 165.72 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 4) NORTH 88 DEGREES 13 MINUTES 41 SECONDS WEST, 73.28 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 5) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 44 DEGREES 00 MINUTES 18 SECONDS, A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 69.12 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 16 MINUTES 11 SECONDS WEST, AND A CHORD LENGTH OF 67.44 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 6) WITH A CURVE TO THE RIGHT WITH A DELTA ANGLE OF 82 DEGREES 31 MINUTES 55 SECONDS, A RADIUS OF 65.00 FEET, AN ARC LENGTH OF 93.63 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 32 MINUTES 00 SECONDS WEST, AND A CHORD LENGTH OF 85.74 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 7) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 42 DEGREES 06 MINUTES 21 SECONDS, A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 66.14 FEET, A CHORD BEARING OF NORTH 71 DEGREES 15 MINUTES 13 SECONDS WEST, AND A CHORD LENGTH OF 64.66 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
  - 8) NORTH 02 DEGREES 16 MINUTES 56 SECONDS WEST, 50.01 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES IN THE SOUTHERLY LINE OF SAID LOT 1;
- THENCE, WITH SAID LOT 1, FOR THE NEXT SIX CALLS:

**ATTACHMENT** 9-2 5-1997-16

MAY 23 2016

- 1) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 42 DEGREES 05 MINUTES 43 SECONDS, A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 66.12 FEET, A CHORD BEARING OF NORTH 86 DEGREES 38 MINUTES 44 SECONDS EAST, AND A CHORD LENGTH OF 64.65 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
- 2) WITH A CURVE TO THE RIGHT WITH A DELTA ANGLE OF 84 DEGREES 11 MINUTES 44 SECONDS, A RADIUS OF 65.00 FEET, AN ARC LENGTH OF 95.52 FEET, A CHORD BEARING OF NORTH 87 DEGREES 41 MINUTES 45 SECONDS EAST, AND A CHORD LENGTH OF 87.15 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
- 3) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 42 DEGREES 05 MINUTES 52 SECONDS, A RADIUS OF 90.00 FEET, AN ARC LENGTH OF 66.13 FEET, A CHORD BEARING OF SOUTH 71 DEGREES 15 MINUTES 19 SECONDS EAST, AND A CHORD LENGTH OF 64.65 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
- 4) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 23 DEGREES 44 MINUTES 07 SECONDS, A RADIUS OF 481.76 FEET, AN ARC LENGTH OF 199.57 FEET, A CHORD BEARING OF NORTH 77 DEGREES 23 MINUTES 23 SECONDS EAST, AND A CHORD LENGTH OF 198.15 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
- 5) NORTH 65 DEGREES 27 MINUTES 59 SECONDS EAST, 36.51 FEET TO A CONCRETE MONUMENT (NEW) WITH A DISC STAMPED RAGAN SMITH ASSOCIATES;
- 6) WITH A CURVE TO THE LEFT WITH A DELTA ANGLE OF 90 DEGREES 00 MINUTES 54 SECONDS, A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET, A CHORD BEARING OF NORTH 20 DEGREES 28 MINUTES 15 SECONDS EAST, AND A CHORD LENGTH OF 35.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 37,851 SQUARE FEET OR 0.87 ACRES, MORE OR LESS.

Being a portion of the same property conveyed to Foxland Crossing, LLC, a Tennessee limited liability company, by Special Warranty Deed dated October 29, 2014, of record in Record Book 3665, page 357, Register's Office of Sumner County, Tennessee.

WITNESS ITS HAND, this the 23 day of MAY, 2016.

FOXLAND CROSSING, LLC,  
a Tennessee limited liability company

By: [Signature]  
Timothy G. Keach, Chief Manager

STATE OF TENNESSEE )  
COUNTY OF RUTHERFORD )

BEFORE ME, the undersigned authority, a Notary Public of the State and County aforesaid, personally appeared TIMOTHY G. KEACH, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath acknowledged himself to be the Chief Manager of FOXLAND CROSSING, LLC, the within-named bargainor, a Tennessee limited liability company, and that he, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the limited liability company as Chief Manager.

WITNESS MY HAND, at office, this 23 day of MAY, 2016.

[Signature]  
Notary Public

My Commission Expires:

STATE OF TENNESSEE )  
COUNTY OF RUTHERFORD )

I hereby swear or affirm that there was no cash consideration for this transfer.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

July 12, 2016

**DEPARTMENT:   Engineering**

**AGENDA #3**

**SUBJECT:**

Resolution Accepting Public Improvements for Albion Downs Phases 1 and 3

**SUMMARY:**

The Planning Commission approved the GMRPC Resolutions on June 27, 2016, to accept these public improvements.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**RESOLUTION NO. R1607-36**

**RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY THE CITY OF  
GALLATIN, TENNESSEE  
ALBION DOWNS, PHASE 1 AND PHASE 3**

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** recommended acceptance by the City of Gallatin to accept a cash payment for the completion of the developments in lieu of renewal of the Subdivision Letters of Credit for public improvements in the Albion Downs, Phase 1 and Phase 3 Subdivisions; and

**WHEREAS, THE CITY OF GALLATIN CITY COUNCIL** approved Resolution No. R1601-5 on February 2, 2016 to accept a payment of \$21,000 from Haynes Realtors for the City to assume all responsibilities for the completion of the Albion Downs, Phase 1 and Phase 3 Subdivisions infrastructure; and

**WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION** hereby certifies that the public drainage infrastructure, rights-of-way, and public easements in the Albion Downs, Phase 1 and Phase 3 have not been satisfactorily completed and have not been installed in accordance with the approved plans and specifications and that there has not been full compliance with the City of Gallatin Subdivision Regulations; however, at the request and decision of the City of Gallatin Municipal-Regional Planning Commission and City Council, the Engineering Division will manage the completion of the developments once the cash payment of \$21,000 has been received by the Engineering Division from Haynes Realtors; and

**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, as described by Albion Downs, Phase 1, Plat Book 21, Page(s) 381-382, recorded August 26, 2004 and Albion Downs, Phase 3, Plat Book 23, Page(s) 387, recorded November 13, 2006 in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee following cash payment of \$21,000 to the City from Haynes Realtors.

**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 PAIGE BROWN

ATTEST;

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

SUSAN HIGH-MCAULEY  
CITY ATTORNEY

**A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR ALBION DOWNS SUBDIVISION, PHASE 1 TO THE GALLATIN CITY COUNCIL – (PC 5-222-15)**

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** approved the final plat for Albion Downs Phase 1 recorded in Plat Book 21, page 381, R.O.S.C., Tennessee on August 26, 2004; and

**WHEREAS,** the subject public improvements have been completed consistent with an agreement with the City and the City has determined that the public improvements were constructed to the design standards and specifications of the City as specified in the agreement; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** considered the request to accept public improvements in Albion Downs Phase 1 submitted by the applicant, Haynes Realtors, at its regular meeting on June 27, 2016; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** 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 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 § 13-3-406 and 13-4-307:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. By accepting the public improvements, the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. Accepting the public improvements will not have an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.

4. By accepting the public improvements, 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 Albion Downs Phase 1 to the Gallatin City Council with the following conditions:

1. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit in the amount of \$77,000 for Albion Downs Phase 1 shall not be released until payment is submitted to Engineering Division.

**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: 06/27/2016



Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



SUSAN HIGH-MCAULEY  
CITY ATTORNEY



## Item 10

### PLANNING DEPARTMENT STAFF REPORT

Public Improvement Acceptance – Albion Downs Phase 1  
(5-222-15)

East of South Westland Avenue and north of Airport Road

Date: June 22, 2016

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**REQUEST:** OWNER AND APPLICANT REQUEST THE CITY OF GALLATIN TO ACCEPT THE PUBLIC IMPROVEMENTS FOR ALBION CIRCLE, ALBION WAY AND SEA BISCUIT DRIVE LOCATED IN ALBION DOWNS PHASE 1 SUBDIVISION.

**OWNER:** KENNETH CLAY HAYNES

**APPLICANT:** HAYNES REALTORS

**STAFF RECOMMENDATION:** RECOMMEND APPROVAL OF RESOLUTION No. 2016-79

**STAFF CONTACT:** ROBERT J. KALISZ

**PLANNING COMMISSION DATE:** JUNE 27, 2016

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**PROPERTY OVERVIEW:** The owner and applicant are requesting the City of Gallatin to accept the public improvements for the Albion Downs Subdivision, Phase 1. The subdivision contains 51 lots and three (3) rights-of-way on 12.497 (+/-) acres. All lots are developed. The property is part of the Albion Downs Development and is currently zoned Multiple Residential and Office (MRO). No portion of this property is located within a flood hazard area.

#### **CASE BACKGROUND:**

##### ***Previous Approvals***

On July 28, 2003, the Planning Commission approved the Final Plat for Albion Downs Phase 1 (PC File 1-13-03C) containing 52 lots and three rights-of-way on 12.497 (+/-) acres. The plat was recorded on August 26, 2004 (Plat Book 21, Pages 381-382). (Attachment 10-1)

On July 28, 2005, a Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 was recorded to change the street name James Street to Sea Biscuit Drive. (Record Book 2303, Page 406) (Attachment 10-2)

On January 23, 2006, the Planning Commission approved the Final Plat for Albion Downs Phase 3 (PC File 1-53-05C) containing 45 lots and three (3) rights-of-way on 11.27 (+/-) acres (Plat Book 23, Page 387) (Attachment 10-3). Albion Downs Phase 1 Lot 23 was replatted in Phase 3 and divided into four (4) lots and additional right-of-way for connecting to the northern portion of Albion Circle.

On December 1, 2006, a Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 was recorded to change portion of the street name Albion Circle, adjacent to 17 lots, to Albion Way. (Record Book 2647, Pages 120-121) (Attachment 10-4)

On October 15, 2007, a Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 was recorded to change portion of the street name Albion Circle, adjacent to 16 parcels, to Albion Way. This Surveyor's Certificate of Correction supersedes and voids the Surveyor's Certificate of Correction of record in Record Book 2647, Page 120-121 (Record Book 2851, Pages 382-383) (Attachment 10-5)

On December 14, 2015, the Planning Commission discussed with Mr. Clay Haynes, representing the developer, the need to complete the public improvements for Albion Downs Phase 1 and Phase 3. Several outstanding issues were discussed and Mr. Haynes wanted an amicable resolution to complete the subdivision development and proposed to pay an amount determined by the Planning Commission and agree to let the City complete the project. The Planning Commission motioned to recommend the City accept \$15,000 payment and let the City complete the project and accept the public improvements in the Albion Downs Phase 1 and Phase 3.

On February 2, 2016, City Council passed Resolution No. R1601-5 accepting payment of \$21,000 from Haynes Realtors for the completion of Albion Downs Phase 1 and Phase 3 public improvements in lieu of the subdivision letters of credit and remove all responsibility of the developer This resolution was followed by an agreement between the City and the applicant..

**DISCUSSION:**

The owner and applicant are requesting approval of Resolution 2016-79 accepting public improvements constructed in Albion Downs Subdivision, Phase 1.

By approval of the Resolution, the Planning Commission recommends that the City Council also adopt a Resolution (Attachment 10-6) and execute the Quitclaim Deed accepting the public improvements (Attachment 10-7). The public improvements will be accepted in accordance with Sections 1-113.107 and 3-105.5 of the Subdivision Regulations.

***Engineering Division***

The Engineering Division certified that the applicant submitted all the necessary documents concerning the acceptance of public improvements for the transportation, utilities, rights-of-way, and public easements located in Albion Downs Phase 1 Subdivision as identified in Attachment 10-1.

The Engineering Staff completed a final inspection and reported that the applicant has not satisfactorily addressed all engineering issues as required by Section 3-105.6 and 3-105.7 of the Subdivision Regulations. However, based on the agreement the remaining issues will be completed by the City of Gallatin.

The subdivision is completed to the standards as required by Section 3-105.1 of the Subdivision Regulations with the agreement and all the lots are fully developed.

Section 3-102 of the City of Gallatin Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety in the amount of 10 percent of the completed roadway and drainage costs. City Council Resolution No. R1601-5 relieved the developer of the required maintenance surety. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit of \$77,000 for Albion Downs Phase 1 shall not be released until payment is submitted to Engineering Division.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve Resolution 2016-79, recommending that the City of Gallatin accept the public improvements in Albion Downs Subdivision, Phase 1, as recorded in Plat Book 21, Pages 381-382, in the Register's Office of Sumner County with the following conditions:

1. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit of \$77,000 for Albion Downs Phase 1 shall not be released until payment is submitted to Engineering Division.

**ATTACHMENTS:**

**Attachment 10-1 Albion Downs Phase 1 Final Plat (Plat Book 21, Pages 381-382)**

**Attachment 10-2 Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 (Record Book 2303, Page 406)**

**Attachment 10-3 Albion Downs Phase 3 Plat (Plat Book 23, Page 387)**

**Attachment 10-4 Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 (Record Book 2647, Pages 120-121)**

**Attachment 10-5 Surveyor's Certificate of Correction (Plat Amendment) for Albion Downs, Phase 1 (Record Book 2852, Pages 382-383)**

**Attachment 10-6 Copy of Quitclaim Deed conveying Public Improvements to the City of Gallatin**

**This instrument prepared by:**  
 Kay B. Housch, Esq., BPR #010995  
 Kay B. Housch, P.C.  
 222 Second Ave. North, Suite 310  
 Nashville, TN 37201

**THIS INSTRUMENT IS PREPARED BASED UPON INFORMATION PROVIDED BY THE PARTIES. NO TITLE SEARCH WAS DONE IN CONNECTION WITH THE PREPARATION OF THIS DOCUMENT. THE PREPARER MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE OR THE ACCURACY OF THE LEGAL DESCRIPTION OF THE PROPERTY SHOWN HEREIN.**

**QUITCLAIM DEED**

Address New Owner(s) as follows:	Send Tax Bills To:	Map Parcel Numbers
(NAME) City of Gallatin, Tennessee	(NAME) SAME AS NEW OWNER	Albion Downs Plat Book 21, pages 381 and 382 ROSCTN
(STREET ADDRESS) 132 West Main Street	(STREET ADDRESS)	Albion Downs Phase 3 Plat Book 23, page 387 ROSCTN
(CITY) (STATE) (ZIP) Gallatin, TN 37066	(CITY) (STATE) (ZIP)	streets, right-of-ways, utilities, drainage easements

**FOR AND IN CONSIDERATION** of the sum of Ten dollars and no/100 (\$10.00), cash in hand paid by the Grantee and other good and valuable consideration accepted as cash, the receipt and sufficiency of which is hereby acknowledged **Kenneth Clay Haynes, Executor of the Estate of Charles M. Haynes, deceased**, Grantor, does hereby quitclaim and convey unto **City of Gallatin, Tennessee**, the Grantee herein, its successors, heirs and assigns, all of Grantor's right, title and interest in and to the following described real property in Sumner County, Tennessee, as follows:

**Tract 1: All streets, right-of-ways, utilities, and drainage easements described on the Final Plat of Albion Downs recorded in Plat Book 21, pages 381 and 382, Register's Office of Sumner County Tennessee, to which plat reference is made for a more complete description.**

Being part of the same property conveyed to Charles Haynes, Trustee by deed recorded in Record Book 1714, page 802, Register's Office of Sumner County, Tennessee. The said Charles Haynes, a/k/a Charles M. Haynes, held title as Trustee for himself and has since died testate, his will of record in Will Book 2010, page 631, Probate Section of Chancery Court for Sumner County, Tennessee.

**Tract 2: All streets, right-of-ways, utilities, and drainage easements described on the Final Plat of Albion Downs Phase 3 recorded in Plat Book 23, page 387, Register's Office of Sumner County Tennessee, to which plat reference is made for a more complete description.**

Being part of the same property conveyed to Charles Haynes, Trustee by deed recorded in Record Book 1755, page 331, Register's Office of Sumner County, Tennessee. The said Charles Haynes, a/k/a Charles M. Haynes, held title as Trustee for himself and has since died testate, his will of record in Will Book 2010, page 631, Probate Section of Chancery Court for Sumner County, Tennessee.

<b>STATE OF TENNESSEE COUNTY OF SUMNER</b>	The actual consideration for this transfer is \$ 0.00
Subscribed and sworn to before me this the ____ day of March, 2016.	
_____	Affiant
My commission expires: _____ (Affix Seal)	Notary Public

Witness my hand this 2<sup>nd</sup> day of March, 2016.

Kenneth Clay Haynes, Executor  
**Kenneth Clay Haynes, Executor of the Estate of Charles Haynes, deceased,**

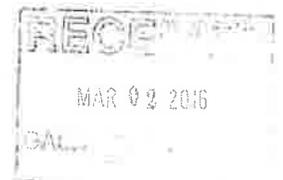
**STATE OF TENNESSEE  
COUNTY OF SUMNER**

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Kenneth Clay Haynes, Executor of the Estate of Charles Haynes, deceased**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal, at office in Gallatin, Tennessee, this 2<sup>nd</sup> day of March, 2016.

My commission expires: 7-3-17

Barbara A. Smith  
 Notary Public



**ATTACHMENT**

10-6

**A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS ALBION DOWNS PHASE 3 SUBDIVISION TO THE GALLATIN CITY COUNCIL – (PC 5-225-15)**

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** approved the final plat for Albion Downs Phase 3, recorded in Plat Book 23, page 387, R.O.S.C., Tennessee on November 13, 2006; and

**WHEREAS,** the subject public improvements have been completed consistent with an agreement with the City and the City has determined that the public improvements were constructed to the design standards and specifications of the City as specified in the agreement; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** considered the request to accept public improvements in Albion Downs Phase 3 submitted by the applicant, Haynes Realtors, at its regular meeting on June 27, 2016; and

**WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION** 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 and the evidence and testimony presented during the meeting.

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

Section I. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-406 and 13-4-307:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. By accepting the public improvements, the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. Accepting the public improvements will not have an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.

4. By accepting the public improvements, 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 Albion Downs Phase 3 to the Gallatin City Council with the following conditions:

1. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit of \$77,000 for Albion Downs Phase 3 shall not be released until payment is submitted to Engineering Division.

**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: 06/27/2016

  
Dick Dempsey, Chairman

  
Johnny Wilson, Secretary

APPROVED AS TO FORM:

  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY



## Item 11

### PLANNING DEPARTMENT STAFF REPORT

Public Improvement Acceptance – Albion Downs Phase 3  
(5-225-15)

East of South Westland Avenue and north of Airport Road

Date: June 22, 2016

---

**REQUEST:** OWNER AND APPLICANT REQUEST THE CITY OF GALLATIN TO ACCEPT THE PUBLIC IMPROVEMENTS FOR ALBION CIRCLE, HARTFORD CIRCLE AND SEA BISCUIT DRIVE LOCATED IN ALBION DOWNS PHASE 3 SUBDIVISION.

**OWNER:** KENNETH CLAY HAYNES

**APPLICANT:** HAYNES REALTORS

**STAFF RECOMMENDATION:** RECOMMEND APPROVAL OF RESOLUTION NO. 2016-80

**STAFF CONTACT:** ROBERT J. KALISZ

**PLANNING COMMISSION DATE:** JUNE 27, 2016

---

**PROPERTY OVERVIEW:** The owner and applicant are requesting the City of Gallatin to accept the public improvements in the Albion Downs Phase 3 Subdivision. The subdivision contains 45 lots and three (3) rights-of-way on 11.27 (+/-) acres. The property is part of the Albion Downs Development and is currently zoned Multiple Residential and Office (MRO) and Industrial Restrictive (IR). Forty-three out of the 45 lots are developed residential and located in the MRO zoned district and the remaining two (2) non-residential lots are located in the Industrial Restrictive (IR) portion of the development. No portion of this property is located within a flood hazard area.

#### **CASE BACKGROUND:**

##### ***Previous Approvals***

On January 23, 2006, the Planning Commission approved the Final Plat for Albion Downs Phase 3 (PC File 1-53-05C) containing 45 lots and three (3) rights-of-way on 11.27 (+/-) acres. The plat was recorded on November 13, 2006 (Plat Book 23, Page 387) (Attachment 10-1).

On December 14, 2015, the Planning Commission discussed with Mr. Clay Haynes, representing the developer, completing the public improvements for Albion Downs Phase 1 and Phase 3. Several outstanding issues were discussed and Mr. Haynes wanted an amicable resolution to complete the subdivision improvements and proposed to pay an amount determined by the Planning Commission to complete the project. The Planning Commission motioned to recommend the City accept \$15,000 payment and let the City

complete the public improvements and agree to accept the Albion Downs Phase 1 and Phase 3 public improvements.

On February 2, 2016, City Council passed Resolution No. R1601-5 accepting payment of \$21,000 from Haynes Realtors for the completion of Albion Downs Phase 1 and Phase 3 public improvements in lieu of the subdivision letter of credits and remove all responsibility of the developer. This resolution was followed by an agreement between the City and the applicant.

**DISCUSSION:**

The owner and applicant are requesting approval of Resolution 2016-80 accepting public improvements constructed in Albion Downs Phase 3 Subdivision.

By approval of the Resolution, the Planning Commission recommends that the City Council also adopt a Resolution (Attachment 10-2) accepting the public improvements and execute the Quitclaim Deed accepting the public improvements (Attachment 10-3). The public improvements will be accepted in accordance with Sections 1-113.107 and 3-105.5 of the Subdivision Regulations.

***Engineering Division***

The Engineering Division certified that the applicant submitted all the necessary documents concerning the acceptance of public improvements for the transportation, utilities, rights-of-way, and public easements located in Albion Downs Phase 3 Subdivision as identified in Attachment 10-1.

The Engineering Staff completed a final inspection and reported that the applicant has not satisfactorily addressed all engineering issues as required by Section 3-105.6 and 3-105.7 of the Subdivision Regulations. However, based on the agreement the remaining issues will be completed by the City of Gallatin.

The subdivision is completed to the standards as required by Section 3-105.1 of the Subdivision Regulations with the agreement and all of the lots are fully developed.

Section 3-102 of the City of Gallatin Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety in the amount of 10 percent of the completed roadway and drainage costs. City Council Resolution No. R1601-5 relieved the developer of the required maintenance surety. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit in the amount of \$77,000 for Albion Downs Phase 3 shall not be released until payment is submitted to Engineering Division.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve Resolution 2016-80, and recommend that the City of Gallatin accept the public improvements in Albion Downs Phase 3 Subdivision, as recorded in Plat Book 23, Page 387, in the Register's Office of Sumner County with the following conditions:

1. The owner and applicant shall submit a payment in the form of cash or cashier's check in the amount of \$21,000 to the Engineering Division for Albion Downs Phase 1 and Phase 3. The Irrevocable Letter of Credit of \$77,000 for Albion Downs Phase 3 shall not be released until payment is submitted to the Engineering Division.

**ATTACHMENTS:**

**Attachment 11-1 Albion Downs Phase 3 Final Plat (Plat Book 23, Pages 387)**

**Attachment 11-2 Copy of Quitclaim Deed conveying Public Improvements to the City of Gallatin**

This instrument prepared by:  
 Kay B. Housch, Esq., BPR #010995  
 Kay B. Housch, P.C.  
 222 Second Ave. North, Suite 310  
 Nashville, TN 37201

THIS INSTRUMENT IS PREPARED BASED UPON INFORMATION PROVIDED BY THE PARTIES. NO TITLE SEARCH WAS DONE IN CONNECTION WITH THE PREPARATION OF THIS DOCUMENT. THE PREPARER MAKES NO REPRESENTATION AS TO THE STATUS OF TITLE OR THE ACCURACY OF THE LEGAL DESCRIPTION OF THE PROPERTY SHOWN HEREIN.

**QUITCLAIM DEED**

Address New Owner(s) as follows:	Send Tax Bills To:	Map Parcel Numbers
(NAME) City of Gallatin, Tennessee	(NAME) SAME AS NEW OWNER	Albion Downs Plat Book 21, pages 381 and 382 ROSCTN
(STREET ADDRESS) 132 West Main Street	(STREET ADDRESS)	Albion Downs Phase 3 Plat Book 23, page 387 ROSCTN
(CITY) (STATE) (ZIP) Gallatin, TN 37066	(CITY) (STATE) (ZIP)	streets, right-of-ways, utilities, drainage easements

FOR AND IN CONSIDERATION of the sum of Ten dollars and no/100 (\$10.00), cash in hand paid by the Grantee and other good and valuable consideration accepted as cash, the receipt and sufficiency of which is hereby acknowledged **Kenneth Clay Haynes, Executor of the Estate of Charles M. Haynes, deceased**, Grantor, does hereby quitclaim and convey unto **City of Gallatin, Tennessee**, the Grantee herein, its successors, heirs and assigns, all of Grantor's right, title and interest in and to the following described real property in Sumner County, Tennessee, as follows:

**Tract 1: All streets, right-of-ways, utilities, and drainage easements described on the Final Plat of Albion Downs recorded in Plat Book 21, pages 381 and 382, Register's Office of Sumner County Tennessee, to which plat reference is made for a more complete description.**

Being part of the same property conveyed to Charles Haynes, Trustee by deed recorded in Record Book 1714, page 802, Register's Office of Sumner County, Tennessee. The said Charles Haynes, a/k/a Charles M. Haynes, held title as Trustee for himself and has since died testate, his will of record in Will Book 2010, page 631, Probate Section of Chancery Court for Sumner County, Tennessee.

**Tract 2: All streets, right-of-ways, utilities, and drainage easements described on the Final Plat of Albion Downs Phase 3 recorded in Plat Book 23, page 387, Register's Office of Sumner County Tennessee, to which plat reference is made for a more complete description.**

Being part of the same property conveyed to Charles Haynes, Trustee by deed recorded in Record Book 1755, page 331, Register's Office of Sumner County, Tennessee. The said Charles Haynes, a/k/a Charles M. Haynes, held title as Trustee for himself and has since died testate, his will of record in Will Book 2010, page 631, Probate Section of Chancery Court for Sumner County, Tennessee.

<b>STATE OF TENNESSEE COUNTY OF SUMNER</b>	The actual consideration for this transfer is \$ 0.00
Subscribed and sworn to before me this the ____ day of March, 2016.	
_____	Affiant
My commission expires: _____ (Affix Seal)	Notary Public

Witness my hand this 2<sup>nd</sup> day of March, 2016.

Kenneth Clay Haynes, EXECUTOR  
**Kenneth Clay Haynes, Executor of the Estate of Charles Haynes, deceased,**

**STATE OF TENNESSEE  
COUNTY OF SUMNER**

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Kenneth Clay Haynes, Executor of the Estate of Charles Haynes, deceased**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal, at office in Gallatin, Tennessee, this 2<sup>nd</sup> day of March, 2016.

My commission expires: 7-3-17

Barbara A. Smith  
 Notary Public

RECEIVED  
 MAR 02 2016



**ATTACHMENT**

11-2

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

July 12, 2016

**DEPARTMENT:   Engineering**

**AGENDA #4**

---

**SUBJECT:**  
Paving Program

**SUMMARY:**  
Attached is the Paving Recommendation List for the 2016-2017 Budget for Council's approval. The Engineering Division has also included a update of the 2015-2016 Paving List.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

---

Approved   
Rejected   
Deferred

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**Notes:**



STREET NAME	RANGE	MODIFIED RATING	DATE RATED	ADT W/ CLASSIFICATION	DESCRIPTION OF WORK	TOTAL (ESTIMATED)
<b>DISTRICT 1</b>						
GRANDVIEW DR	GRANDSTONE DR TO GRANVIEW CT	67	3/28/2016		MILL AND OVERLAY	\$ 11,954
GRANDVIEW CT	ENTIRE ROADWAY	68	3/26/2016		MILL AND OVERLAY	\$ 97,702
STONEMOUSE DR	GRANDSTONE DR TO HESTSTONE DR	69	6/22/2015		MILL AND OVERLAY	\$ 75,982
HARTFORD DR	HARTSVILLE TO EASTSTONE	69	3/27/2015		MILL GUTTER PAINT, REJOINT ENDS & OVERLAY	\$ 19,658
FLATSTONE DR	BUFFALO RIDGE TO CUL-DE-SAC	70	6/24/2016		MILL AND OVERLAY	\$ 22,495
YALE AVE	COSCO DR TO SOUTH WESTLAND	70	5/17/2015		MILL AND OVERLAY	\$ 18,080
COSCO DR	SOUTH WESTLAND TO END	70	5/17/2015		MILL AND OVERLAY	\$ 17,671
BROWNSTONE DR	ENTIRE ROADWAY	71	6/24/2016		MILL AND OVERLAY	\$ 28,951
E MAIN ST	HARTSVILLE PIKE TO WILLOWMONT	71	6/24/2016		MILL ONE GUTTER, KEY JOINT ENDS AND OVERLAY	\$ 36,522
<b>DISTRICT 2</b>						
CHARM CT	BALES ST TO CUL-DE-SAC	68	6/23/2016		MILL AND OVERLAY	\$ 8,540
MAHLE ST	SPENCER ST TO 3 LANE SECTION	69	3/26/2015		MILL AND OVERLAY	\$ 55,421
WEST ST	WEST AVE TO BALES ST	69	6/23/2016		MILL GUTTER PAINT, KEY JOINT ENDS & OVERLAY	\$ 5,082
ROSEVIEW DR	LOME DR DR TO CUL DE SAC	69	4/15/2016		MILL AND OVERLAY	\$ 20,440
WOODCREST DR	AIRPORT RD TO TIMBERWOOD DR	70	6/23/2016		MILL AND OVERLAY	\$ 37,381
HITCHCOCK AVE	SOUTH WATER TO HALE AVE	70	3/26/2015		REPAIR FAILURES, KEY ENDS AND OVERLAY	\$ 21,577
WILLOW AVE	S WATER AVE TO SPENCER ST	71	6/23/2016		REPAIR OVERLAY NEAR SPENCER	\$ 29,957
JOSLIN AVE	5 WATER AVE TO SPENCER ST	71	6/23/2016		KEY JOINT ENDS & OVERLAY	\$ 28,814
HAWKINS AVE	5 WATER AVE TO SPENCER ST	71	6/23/2016		KEY JOINT ENDS & OVERLAY	\$ 36,343
KENNY ST	ENTIRE STREET	71	6/24/2016		KEY JOINT ENDS AND OVERLAY	\$ 20,607
BALES ST	WOODS FERRY TO TOMMY ST	71	6/23/2016		MILL AND OVERLAY	\$ 19,383
SHAWN DR	KATHERINE ST TO CUL-DE-SAC	71	6/23/2016		MILL AND OVERLAY	\$ 4,746
LENA LN	AIRPORT RD TO KATHERINE ST	72	6/23/2016		MILL AND OVERLAY	\$ 23,859
KATHERINE ST	BALES ST TO KENDRA DR	72	6/23/2016		KEY JOINT @ ENDS AND OVERLAY	\$ 33,667
BALES ST	COLES FERRY TO TOMMY ST	72	6/23/2016		KEY JOINT @ ENDS AND OVERLAY	\$ 33,667
KATHERINE ST	KENDRA DR TO DREW RD	72	6/23/2016		MILL AND OVERLAY	\$ 14,049
<b>DISTRICT 3</b>						
UNIVERSITY DR	NICHOLS CANYE TO CAMBRIDGE DRIVE	68	5/6/2016		MILL & OVERLAY	\$ 10,248
LAKEPOINT DRIVE	ENTIRE STREET	69	3/27/2015		MILL GUTTER, REJOINT ENDS, REWORK CRACKS AND OVERLAY	\$ 37,793
BROCKTON CT	BUCKINGHAM BLVD TO END	69	6/24/2016		MILL & OVERLAY	\$ 7,596
POTTER POINT DR & KAPPA LN & EVAN CT	PHASE LINE AT 154 TO PHASE LINE #177	69	3/23/2015		MILL GUTTER, REJOINT ENDS AND OVERLAY	\$ 23,740
LOCK 4 RD	HASHVILLE PK TO ROCKWOOD TER	69	6/24/2016	MIN ANTIHA	KEY JOINT ENDS & OVERLAY	\$ 79,155
LAURIE LN & RONALD CT	LOCK 4 TO END / LAURIE LANE TO END	70	5/28/2015		KEY JOINT ENDS @ LOCK 4 AND OVERLAY	\$ 22,879
DAVIS DRIVE	NASHVILLE PIKE TO BELVEDERE DR	71	6/23/2016		KEY JOINT ENDS & OVERLAY	\$ 27,196
LOCK 4 RD	ROCKWOOD TER TO NICHOLS LN	71	6/24/2016		ISOLATED REPAIRS AND CRACKSEAL	\$ 41,817
WENTWORTH	BUCKINGHAM BLVD TO HUNTINGTON DR	71	6/24/2016		MILL GUTTER & OVERLAY	\$ 13,114

2016-2017

PAVEMENT REHABILITATION PROGRAM



RECOMMENDATION (7/12/16)

STREET NAME	RANGE	MODIFIED RATING	DATE RATED	ADT W/ CLASSIFICATION	DESCRIPTION OF WORK	TOTAL (ESTIMATED)
<b>DISTRICT 4</b>						
GRASSLAND BLVD	JOINT TO CUL-DE-SAC	68	6/24/2016		PROFILE MILL & OVERLAY	\$ 21,778
ST BLAISE ROAD	LONG HOLLOW PIKE TO 606-57 BLAISE RD	68	7/9/2015	COLLECTION	OVERLAY	\$ 24,846
ST BLAISE ROAD	MASSHULE PIKE TO JOINT	68	7/9/2015	COLLECTION	OVERLAY	\$ 22,718
CHESIRE WY	GRASSLAND PIKE TO 1044/S	69	6/24/2016		PROFILE MILL & OVERLAY	\$ 22,017
BRADFORD DR	MUCKINGHAM BLVD TO END	69	6/24/2016		MILL, SEALING & OVERLAY	\$ 28,504
BRADFORD DR	REMINGTON DEL TO END	69	6/24/2016		PROFILE MILL & OVERLAY	\$ 21,981
STANFIELD CT	REMINGTON AVE TO END	69	6/24/2016		PROFILE MILL & OVERLAY	\$ 22,005
REMINGTON AVE	WENTWORTH W/ DR TO BRADCLIFF AVE	69	6/24/2016		PROFILE MILL & OVERLAY	\$ 9,100
DAY POINT DR	GREENWOOD TO FIELDS DR WOODHAMDR	69.2	3/26/2014	COLLECTION	ISOLATED REPAIRS AND CRACK SEAL	\$ 13,000
HITMARK DR	MOFFING HILL DR TO MOFFING HILL DR	70	5/16/2016		REPAIRS AT INTERSECTION WITH LINDEN DR	\$ 17,940
HARRINGTON DR	CHESIRE WY (NE) TO JOINT (1404)	70	6/24/2016		PROFILE MILL & OVERLAY	\$ 21,759
WEXFORD PL	REMINGTON AVE TO END	70	6/24/2016		MILL & OVERLAY	\$ 12,841
GREENWOOD CT	BAY POINT DR TO CUL-DE-SAC	70	3/25/2016		MILL, LEVEL & OVERLAY	\$ 17,337
BRADFORD DR	BRANCH CREEK RD TO BUCKINGHAM BLVD	70	6/24/2016		MILL & OVERLAY	\$ 13,448
STONEBRIDGE DR	GREENLEA BLVD TO GREENSBORO DR	70	6/24/2016		MILL & OVERLAY	\$ 39,092
CHESHAM DR	MASSHULE PIKE TO NUBIX	71	6/24/2016	COLLECTION	ISOLATED REPAIRS & CRACK SEAL /THIN STRIPPING	\$ 17,000
GREENLEA BLVD	MASSHULE PIKE TO GREENSBORO DR	71	6/24/2016		MILL & OVERLAY	\$ 58,125
REMINGTON AVE	GREENSBORO DR TO GRASSLAND CHASE DR	71	6/24/2016		PROFILE MILL & OVERLAY	\$ 23,909
REMINGTON AVE	ROUNDABOUT TO STANFIELD CT	71	6/24/2016		PROFILE MILL & OVERLAY	\$ 41,338
GREENLEA BLVD	BRADCLIFF AVE TO WENTWORTH E DR	71	6/24/2016		MILL & OVERLAY	\$ 15,212
BRADCLIFF CT	GRASSLAND CHASE DR TO BROWNS LN	71	6/24/2016		PROFILE MILL & OVERLAY	\$ 21,190
HARRINGTON DR	REMINGTON (NW) TO END	71	6/24/2016		OVERLAY	\$ 22,204
NORTHBRIDGE DR	JOINT (1404) (NE) TO CHESIRE WY	72	7/9/2015		MILL & OVERLAY	\$ 26,344
GRASSLAND CHASE	WOODLAKE DR TO INNESWOOD DR	72	6/23/2016		MILL & OVERLAY	\$ 39,281
WENTWORTH	JOINT TO CUL-DE-SAC	72	3/24/2015		MILL & OVERLAY	\$ 30,408
REMINGTON (W) AVE TO REMINGTON (E) AVE	REMINGTON (W) AVE TO REMINGTON (E) AVE	72	6/24/2016		MILL & OVERLAY	\$ 30,408
<b>DISTRICT 5</b>						
ANTHONY ST	CARSON ST TO HATTEN TRACK	68	5/27/2014		REPAIR FAILURES	\$ 30,296
THOUSAND AVENUE	RED RIVER ROAD TO LONG HOLLOW PIKE	68	3/7/2016		KEY JOINT ENDS & OVERLAY	\$ 16,701
HILL ST	NORTH ROAD TO DEAD END	70	1/18/2013		OVERLAY	\$ 7,598
HATTEN TRACK	NORTH WATER TO DEAD END	70	2/14/2014		OVERLAY	\$ 20,993
ANTHONY ST	SMALL ST TO CARSON ST	71	6/23/2016		KEY JOINTS & OVERLAY	\$ 23,693
<b>STREETS ONLY</b>						
AIRPORT ROAD			1/2/2016	MAJOR ARTERIAL	THUNDERBOLT MARKING (CENTERLINE ONLY)	\$ 17,400

TOTAL ESTIMATE = \$ 774,515.94  
 TOTAL ESTIMATE W/ CONTINGENCY (10%) = \$ 851,968

# City of Gallatin Engineering Division Memorandum

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To : City Council  
From : Nick Tuttle, City Engineer  
Date : 07-12-2016  
Subject : Paving Program- Update on 2015-2016 Paving List

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Approximately, \$369,000 is remaining in the 2015-2016 Paving Budget and will be carried over to finish out the remaining list, which includes:

- Spencer Avenue – Resurfacing waiting for utilities to complete their rehab.
- Big Station Camp – Resurfacing was originally scheduled for June, but needed to be coordinated with a private development needing to open cut the road. That development was delayed due to a stream/wetland determination requiring the developer to revise the plans. They are in the process of resubmitting their revised plans and moving forward towards starting construction.
- College Street – Resurfacing will be done in conjunction with the stormwater drainage work to be done by Public Works. They will begin work once Blakemore is completed.
- Remaining repair work will be completed as Engineering and Public Works crews can schedule them.
- Striping on Lock 4, Cairo Road, and Hancock, will be done when our contractor is back in town restriping recent resurfacing.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

July 12, 2016

**DEPARTMENT: Human Resources**

**AGENDA # 5**

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**SUBJECT:**

Revision of Personnel Rule - Nepotism

**SUMMARY:**

Director of Human Resources will present a proposed nepotism rule for the City of Gallatin. Perception is reality. In this day and time of lots of scrutiny, Gallatin is still the type of town that people notice who is hired, and actions speak louder than words. Times have changed, and our culture is growing and changing. We should try to avoid any additional liability for the City by eliminating any perception that our culture limits opportunities for all.

Support for a stricter approach and change in the nepotism policy is based on the following:

1. Nepotism includes many of the basic government ethics issues: conflict of interest, misuse of office, preferential treatment, and patronage.
2. Nepotism undermines public trust by making government look like a family business run not for the community, but for the families in power.
3. Nepotism is bad for morale within the government organization. It goes far beyond hiring. It remains a problem every time raises and promotions occur.
4. Nepotism and its cousin, hiring friends, are the leading methods of keeping other ethnic and racial groups out of local government.
5. Nepotism puts officials in an awkward position when they don't want to hire a relative, but feel it's expected of them. Nepotism laws protect officials as well as the public.
6. Unsatisfactory performance issues and disciplinary issues documented for an employee who has another family member in the department may affect morale as other family members show support for the family within the department or other departments within the City.
7. The employment of relatives can cause various problems including but not limited to charges of favoritism, conflicts of interest, family discord and scheduling conflicts that may work to the disadvantage of both the City and its employees.
8. Confidentiality in the Department of Human Resources, the Office of the Mayor, and the Office of the City Attorney must be preserved and protected. Any perceived conflict of interest or sharing of information due to relatives employed within the City has the potential to damage relationships in the community and within the City departments.

**RECOMMENDATION:**

Approve

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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Notes:

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**RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS RELATING TO NEPOTISM**

**WHEREAS**, Section 13-104 of the Gallatin Municipal Code provides for amendment of the Personnel Rules;

**BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, that Rule 17 of the Gallatin Personnel Rules and Regulations is hereby amended by deleting Section 17-16 in its entirety and replacing it with the following:

Section 17-16. Nepotism

- (a) It is the policy of the City of Gallatin not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Notwithstanding this policy, the City of Gallatin retains the right to refuse to appoint a person to a position wherein their relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The City of Gallatin desires to avoid “conflicts of interest” in hiring and employment or the appearance of such conflicts. The relationship may not create an actual or perceived conflict-of-interest. The Mayor and other administrators who are responsible for recruiting and interviewing potential employees shall seek the best person available for the position. Nepotism is defined as the employment of a relative which would create a direct supervisor/subordinate relationship with a family member or create an actual conflict of interest or the appearance of a conflict of interest.
- (b) This policy applies to all individuals employed and seeking employment with the City of Gallatin.
- (c) For purposes of this policy, relative includes spouse, parent, sibling, child, step-parent, step-sibling, step-child, foster child, mother or father-in-law, sister or brother-in-law, daughter or son-in-law, grandparent, grandchild, aunt or uncle, niece or nephew and first cousin.
- (d) Generally, it is the City’s policy that relatives of City employees will not be hired into departments and current employees will not be allowed to transfer to departments where a relative is already employed.

Additionally, relatives of City employees will not be hired and current employees will not be allowed to transfer if the situation would be created wherein:

- (1) One relative would have the authority or be in position to supervise, hire, remove or discipline the other; or
- (2) One relative would be responsible for auditing or evaluating the work of the other; or

(3) Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

(e) Specifically, it is the City's policy that relatives of any member of the City Council, Mayor, finance director, human resources director, city attorney, and city judge/city recorder not employed by the City at the time of election or appointment to any of the aforementioned positions will not be approved for any regular full-time position.

At all times, all individuals involved in the hiring process should be sensitive to the possibility of the perception of favoritism in hiring due to relationships between a Council member, the Mayor, and any employee of the Department of Human Resources, any employee of the City Attorney's office, and any employee of the Mayor's office. Employees in these departments may not have a relative employed in any City department based upon political considerations or family relationships since all of the above named offices must participate in personnel actions in the case of termination or disciplinary proceedings.

(f) If a relationship described in Section 3 occurs among employees in the same department during employment, the department head, Director for Human Resources, will meet with the employees. The employees will be asked to determine which of the two employees will leave City employment if a transfer cannot be arranged within thirty (30) calendar days to another City department for either of the employees. An employee who is allowed to transfer must meet the minimum qualifications of a vacant, budgeted position. In the event the two employees cannot decide between them who will leave, or if a transfer cannot be arranged, the employee with the greatest cumulative employment service to the City will be retained. The departing employee is considered to be voluntarily terminated.

(g) Withholding of information pursuant to this section shall render the employee subject to disciplinary action.

(h) Applicants for temporary or volunteer positions may be approved for employment in any department (except Human Resources, the Mayor's office and the City Attorney's office), except those in which close relatives are already employed.

(i) The Mayor may exercise discretion in waiving requirements of this policy when doing so accommodates the best interests and well-being of the City.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

\_\_\_\_\_  
MAYOR PAIGE BROWN

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY

RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS  
RELATING TO NEPOTISM

WHEREAS, Section 13-104 of the Gallatin Municipal Code provides for amendment of the Personnel Rules;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Rule XVII of the Gallatin Personnel Rules and Regulations is hereby amended by deleting Section 18 in its entirety and replacing it with the following:

Section 18. Nepotism

Being aware that values do accrue from traditions identifying certain families with branches of the municipal government yet also recognizing the inadvisability of creating an imbalance on municipal payrolls and jeopardizing the capacity to provide service in certain areas of emergency by the employment of a disproportionate number of persons from the same family, caution must be exercised in the consideration of applicants who have relatives already in the employment of the Government. Therefore, the following relationships are considered to be close relatives for purposes of Section 18: spouse, parents, children, and siblings.

18.1 Employees' close relatives will not be employed by the city under any of the following circumstances:

- Where one of the parties would have authority to supervise, appoint, remove, or discipline the other;
- Where one party would be responsible for auditing the work of the other;
- Where both parties would report to the same immediate supervisor.
- Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City as determined by the department head; or
- Where one of the parties is a department head of the City, unless the other employee works in a different department and the Mayor determines in writing that employment will not be detrimental to the City.

18.2 Applicants for Temporary or Volunteer positions may be approved for employment in any department, including those in which close relatives are already employed.

18.3 Where two or more Classified employees already in the employ of the municipal government in the same department become close relatives by marriage and become subject to the provisions of Section 18.1, they may decide between themselves who shall leave the department and who shall stay. Should they be unable to reach an agreement within 15

calendar days, the rule of seniority shall apply and a termination shall be affected immediately.

18.4 Withholding of information pursuant to this entire Section shall render the employees subject to disciplinary action.

**BE IT FURTHER RESOLVED** that this resolution shall take effect from and after the date of final passage, the public welfare requiring such.

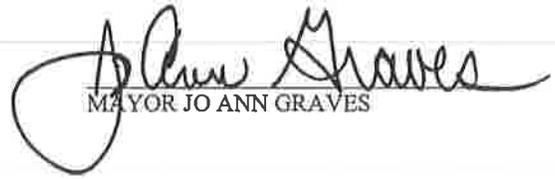
IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 7

NAY: 0

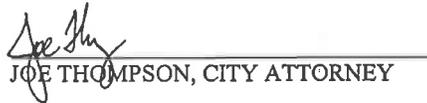
DATED: May 6, 2008.

  
MAYOR JO ANN GRAVES

ATTEST:

  
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

  
JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

April 22, 2008

**DEPARTMENT:** City Attorney

**AGENDA #**

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**SUBJECT:**

Resolution Amending Gallatin Personnel Rules & Regulations, Section 18.1 relative to Nepotism

**SUMMARY:**

See Attached

**RECOMMENDATION:**

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**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**

July 12, 2016

**DEPARTMENT:** Councilwoman Brackenbury

**AGENDA # 6**

**SUBJECT:**

Discussion of the Drainage Issues Due to Recent Flooding

**SUMMARY:**

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**