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**CITY OF GALLATIN  
COUNCIL MEETING**

**November 15, 2016**

**6:00 pm**

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

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- Call to Order – Mayor Brown
- Invocation
- Pledge of Allegiance – Councilman Camp
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes– Mayberry – Overton
- Approval of Minutes: October 18, 2016 City Council Meeting
- Public Recognition on Agenda-Related Items
- Mayor’s Comments

**AGENDA**

1. **Resolution No. R1611-61** Resolution appointing Ms. Lynda Bradley Love as Alderwoman–filling the unexpired term of Ms. Anne Kemp, District I **(Councilman Camp)**
2. **Swearing In of District 1 Councilperson**
3. **Second Reading Ordinance No. O1611-57** Ordinance appropriating funds from sale of vehicles and misc. equipment for the Leisure Services Department in the amount of \$17,991.01 **(Councilwoman Brackenbury)**
4. **Second Reading Ordinance No. O1611-58** Ordinance appropriating \$24,056.00 from revenue received for insurance recoveries **(Councilman Alexander)**
5. **First Reading Ordinance No. O1611-59** An ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning a 4.74 ± acre portion of a parcel (S.B.E. Tax Map 125, Parcel 034.00) from the PBP-Planned Business Park Zoning District to the MU-Mixed Use Zoning District and approving a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilman Overton)**
6. **First Reading Ordinance No. O1611-60** An ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Preliminary Master Development Plan for Savannah Marketplace, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Vice Mayor Hayes)**
7. **First Reading Ordinance No. O1611-61** Ordinance appropriating funds for completion of infrastructure improvements in Albion Downs Phase 1 and Phase 3 **(Councilman Camp)**
8. **First Reading Ordinance No. O1611-63** Ordinance appropriating \$28,000 for Downtown Parking Study **(Councilman Mayberry)**

9. First Reading Ordinance No. O1611-64 Ordinance appropriating \$66,000 for specific department restructurings and for a new Information Technology position (**Councilwoman Brackenbury**)
10. Resolution No. R1607-37 Resolution amending Gallatin Personnel Rules and Regulations relating to Nepotism (**Councilman Alexander**)
11. Resolution No. R1611-56 Resolution setting salary of the Building and Electrical Codes Official (**Councilman Mayberry**)
12. Resolution No. R1611-59 Resolution authorizing Mayor to execute First Amendment to Lease Agreement with Fairway Outdoor Advertising (**Vice Mayor Hayes**)

- Other Business
- Public Recognition on Non-Agenda-Related Items
- Adjourn

# City of Gallatin City Council Meeting

October 18, 2016

The Gallatin City Council met in regular session on Tuesday, October 18, 2016 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. Councilman John D. Alexander led the opening prayer and Councilwoman Julie Brackenbury led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present.

## Present:

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

## Absent:

## Others Present

Zach Wilkinson, Public Works Director  
Susan High-McAuley, City Attorney  
David Brown, Leisure Services Dir.  
Nick Tuttle, City Engineer  
Connie Kittrell, City Recorder  
David Gregory, Public Utilities Dir.  
James Fenton, EDA Director  
News Examiner, Reporter

Rachel Nichols, Finance Director  
Gallatin News, Reporter  
Lori Smiley, IT Director  
Bill McCord, City Planner  
Debbie Johnson, HR Director  
Victor Williams, Fire Chief  
Don Bandy, Police Chief

### Approval of Minutes

Mayor Brown presented the October 4, 2016 City Council Meeting minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays

### Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

- Councilman Ed Mayberry introduced the 2015-2016 Census Team; James Fenton, Tameka Strawther, Rosemary Bates, Mike Clinard, Troy Warren, Assistant Fire Chief Tommy Dale, Fire Chief Victor Williams and all the Gallatin Firemen that helped with the census.

Councilman Mayberry commented on the following:

- Council approved \$75,000 for the cost of the census and the actual cost was only \$58,814.28
- Previous population was 30,278 – after census population was 34,473
- The city will receive \$123 annually for every certified citizen
- City receives \$2,589,929 in revenue over the next five (5) years

### Mayor's Comments

- Souper Bowls is Friday, October 21<sup>st</sup> at Sumner Regional Medical Center from 11:00 AM to 1:30 PM benefiting Vena Stuart Elementary School
- Saturday, October 22<sup>nd</sup> is the City Clean-up Event at Lock 4 Park and the Woods Ferry Boat Access
- Fall Fashion Crawl is Saturday, October 22<sup>nd</sup> from 4:00 – 9:00 PM on Gallatin's Downtown Square
- October 25<sup>th</sup> at the Civic Center will be a Job Fair from 11:00 AM – 2:00 PM
- October 28<sup>th</sup> and 29<sup>th</sup> at the Palace Theatre "The Nightmare Before Christmas"
- Saturday, October 29<sup>th</sup> is the Sumner County Halloween Bash at the Fairgrounds from 10:00 AM – 10:00 PM

- Volunteer State Community College Household Hazardous Waste Collection Event is Saturday from 9:00 AM - 2:00 PM
- Sunday, October 30<sup>th</sup> is the Pumpkin Splash at the Gallatin Civic Center
- Sunday, October 30<sup>th</sup> is the Newton Nissan Trunk or Treat Event from 3:00 - 5:00 PM
- Monday, October 31<sup>st</sup> is the Halloween Trick or Treat on the Downtown Square
- Accepting donations for the "Wreaths Across America"
- Happy Birthday to Leisure Services Director David Brown

## Agenda

### **1. Ordinance #O1501-3 - Public Hearing**

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee rezoning an approximate 10.525 (+/-) acre parcel, located south of Harris Lane and west of GreenLea Boulevard, from the Agricultural Residential (A) Zoning District to the Multiple Residential and Office (MRO) Zoning District and approving a Preliminary Master Development Plan for Long Hollow Farms Subdivision, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor Brown opened the public hearing.

Rita Jones asked Council to think about smaller buildings of lesser quality next to your neighborhood or in your backyard.

Jimmy Conklin of 653 Harris Lane spoke about his opposition to this development; notice, safety, and number of lots for that property.

Billy Bass of 665 Neal Lane asked Council to look at the overall safety of this new development.

Daniel Disney of 589 Harris Lane stated he moved to this location in June. Mr. Disney spoke about not receiving notice, the density of homes, traffic concerns and decrease value of his home. Mr. Disney asked council to consider these issues when making their decision.

With no one else wishing to speak Mayor closed public hearing.

**2. Resolution #R1608-48 - Public Hearing**

Councilman Overton presented this resolution of the City of Gallatin, Sumner County, Tennessee, annexing a portion of one (1) parcel (Tax Map 114 Parcel 47.00), comprising approximately 2.75 (+/-) acres, located west of the SR 109 by-pass and north of Red River Road, into the City of Gallatin; authorizing the annexed parcel to be indicated on the Official Zoning Atlas; authorizing assignment of annexed area to a council district; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor Brown opened the public hearing. With no one wishing to speak Mayor closed the public hearing.

**3. Resolution #R1608-47 - Public Hearing**

Councilman Overton presented this resolution of the City of Gallatin, Sumner County, Tennessee, adopting a Plan of Service for the annexation of a portion of one(1) parcel (Tax Map 114, Parcel 47.00) consisting of 2.75 (+/-) acres, located west of the SR 109 by-pass and north of Red River Road and providing for an effective date.

Mayor Brown opened the public hearing. With no one wishing to speak Mayor closed the public hearing.

**4. Ordinance #O1608-46 - Public Hearing**

Councilman Overton presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning a 2.75 (+/-) acre portion of a parcel (S.B.E. Tax Map 114, Parcel 47.00) from A-Agricultural Residential to MU-Mixed Use District, and approving an Amended Preliminary Master Development Plan for Twin Eagles, Phase 13, Section A; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor Brown opened the public hearing. With no one wishing to speak Mayor closed the public hearing.

**5. Ordinance #O1610-51 - Second Reading**

Councilman Mayberry presented this ordinance appropriating funds received from insurance claims for damage to traffic signals.

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

**6. Ordinance #O1610-52 – Second Reading**

Councilman Overton presented this ordinance appropriating funds for the Leisure Services Department from Clearview Basketball Court Repairs Fund to Municipal Park Basketball Court Repairs Fund.

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

**7. Ordinance #O1610-53 – Second Reading**

Councilman Alexander presented this ordinance appropriating \$182,593 for the Voluntary Buyout Program for the City of Gallatin.

Councilman Alexander made motion to approve; Vice Mayor Hayes seconded. Motion carried with 5 ayes and Councilman Overton voted nay.

**8. Ordinance #O1610-54 – Second Reading**

Councilwoman Brackenbury presented this ordinance appropriating \$150,914 for expenses related to electrical inspections.

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

**9. Ordinance #O1610-55 – First Reading**

Councilman Mayberry presented this ordinance of the City of Gallatin, Sumner County, Tennessee, amending Chapter 4, Section 4-8 of the Municipal Code of the City of Gallatin, Tennessee to regulate the location of apiaries or beehive colonies within the City and the Planning Region; authorizing the revision to be included in the Code of Ordinances; repealing conflicting ordinances; providing for severability, and providing for an effective date.

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

**10. Ordinance #O1610-56 - First Reading**

Councilman Camp presented this ordinance appropriating funds for 016-2017 capital projects.

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

**11. Resolution #R1609-51**

Vice Mayor Hayes presented this resolution accepting public improvements by the City of Gallatin, Tennessee Stratford Park, Phase 4, Section 1.

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

**12. Resolution #R1610-53**

Councilman Alexander presented this resolution authorizing Mayor to execute First Amendment to PCS Site Agreement with STC Five LLC.

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

**Other Business**

Mayor Brown called for other business.

- Vice Mayor Hayes requested Long Hollow Subdivision on the next Committee Meeting agenda for further discussion
- Mayor Brown presented the Street Closure for the Fall Fashion Crawl on October 22, 2016 from 4:00 – 9:00 P.M.

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

- Mayor Brown presented the Street Closure for the First Baptist Church Fall Festival on October 26, 2016 from 5:00 – 8:00 P.M.

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

Council Minutes  
October 18, 2016

**Public Recognition on Non-Agenda Related Items**

Mayor Brown called for public recognition on non-agenda related items and with no one wishing to speak Mayor closed public recognition.

**Adjourn**

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

Mayor Brown adjourned the meeting at 6:35 P.M.

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Mayor Paige Brown

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City Recorder Connie Kittrell

**RESOLUTION NO. R1611-61**

**RESOLUTION APPOINTING MS. LYNDA BRADLEY LOVE AS ALDERWOMAN –  
FILLING THE UNEXPIRED TERM OF MS. ANNE KEMP, DISTRICT 1**

**BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, that Ms. Lynda Bradley Love is hereby appointed as Alderwoman to fill the vacated Council position of Ms. Anne Kemp for District 1, said term of office beginning upon taking the oath of office and continuing thereafter until the swearing in of Ms. Love in January for the four year term to which she was duly elected by the citizens of District 1 on November 8, 2016;

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

**IT IS SO ORDERED.**

PRESENT AND VOTING:

AYE:

NAY:

DATED:

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

ATTEST:

APPROVED AS TO FORM:

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

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

ORDINANCE APPROPRIATING FUNDS FROM SALE OF VEHICLES  
AND MISC. EQUIPMENT FOR THE LEISURE SERVICES DEPARTMENT  
IN THE AMOUNT OF \$17,991.01

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$17,991.01 is hereby appropriated from the General Fund account 110-36330, Sale of Vehicles/Misc. Equipment to: Account 110-44720-942-74, Park Mowers, in the amount of \$7,991.01; Account 110-44720-941-28, Parks Dept Vehicle, in the amount of \$10,000.00.

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

PASSED FIRST READING: November 1, 2016.

PASSED SECOND READING: \_\_\_\_\_.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

10/25/2016

**DEPARTMENT: LSV**

**AGENDA #**

**SUBJECT:**

Transfer of funds from General Fund Account to Leisure Service for Equipment and Vehicle.

**SUMMARY:**

Transfer of \$17, 991.01 from General Fund, Sale of Vehicles/Misc. Equipment, to LSV Park Mowers account in the amount of \$7,991.01, and LSV Parks Dept Vehicle in the amount of \$10,000.00.

**RECOMMENDATION:**

Approval

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE APPROPRIATING  
\$24,056.00 FROM REVENUE RECEIVED FOR INSURANCE RECOVERIES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$24,056.00 is hereby appropriated from revenue received from Insurance Recoveries, account #110-36350, to the following accounts:

Police Vehicles & Accessories, account #11042110-888, \$24,056.00, for vehicle replacement,

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: November 1, 2016.

PASSED SECOND READING:.

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

ATTEST:

APPROVED AS TO FORM:

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

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

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

October 25, 2016

**DEPARTMENT: POLICE**

**AGENDA #6**

**SUBJECT:**

Ordinance to appropriate insurance recoveries.

**SUMMARY:**

Ordinance to appropriate insurance recoveries for damaged police vehicles.

**RECOMMENDATION:**

Approve

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**ORDINANCE NO. O1611-59**

**AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING A 4.74± ACRE PORTION OF A PARCEL (S.B.E. TAX MAP 125, PARCEL 034.00) FROM THE PBP - PLANNED BUSINESS PARK ZONING DISTRICT TO THE MU - MIXED USE ZONING DISTRICT AND APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR CHANDLER PARK GALLATIN PHASES I & II; AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the owner submitted a complete application to rezone a 4.74 ± acre portion of Tax Map 125 Parcel 34.00 and a Preliminary Master Development Plan for property located north and south of Harris Lane, east of GreenLea Boulevard and north of the CSX Railroad; and

**WHEREAS**, the property to be rezoned is currently zoned PBP – Planned Business Park; and the balance of the property proposed for development is zoned MU –Mixed Use; and

**WHEREAS**, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the proposed rezoning ordinance and a Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II in GMRPC Resolution No. 2016-122 consistent with Tennessee Code Annotated, Section 13-7-203; and

**WHEREAS**, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tennessee Code Annotated Section 13-7-203; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE** as follows:

**Section 1.** The City Council of the City of Gallatin does hereby approve the rezoning of a 4.74 ± acre portion of a parcel from the PBP – Planned Business Park zoning district to the MU – Mixed Use zoning district as described in Exhibit ‘A’ and approves a Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II as described in Exhibit ‘B’.

**Section 2.** The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City’s official zoning atlas to show the classification for the area as hereby rezoned.

**Section 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

**Section 5.** This ordinance shall take effect upon final passage, the public welfare requiring such.

~~PASSED FIRST READING:~~

PASSED SECOND READING:

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

ATTEST:

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

APPROVED AS TO FORM:

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

### **Exhibit 'A'**

Legal description – Tax Map 125 portion of Parcel 35.00, 4.74 ± acres

A tract of land in the 4th civil district, Sumner County, Tennessee. Tract being a portion of Chandler Residential, LLC tract, as recorded in Record Book 4348, page 429, Registers Office Sumner County, Tennessee (ROSC). Tract being bounded on the east by the Donald and Vickie Wilson tract as recorded in Record Book 888, page 116, ROSC and on the south, west and north by the remainder of the said Chandler Residential LLC tract. Tract being described as follows:

Point of commencement being at the southwestern corner of the said Donald and Vickie Wilson tract and being on the northern right of way row of Harris Lane; thence leaving said ROW with the common line of the Donald and Vickie Wilson tract north 06°27'11" east 300.00 feet to the point of beginning; thence with a new line north 83°36'38" west 452.02 feet to a point; thence north 06°21'11" east 456.39 feet to a point; thence south 83°38'49" east 452.02 feet to a point on the common line of the said Donald and Vickie Wilson tract; thence with said common line south 06°21'11" west 456.67 feet to the point of beginning.

Containing 206,362 square feet or 4.74 acres.

## Exhibit 'B'

The rezoning shall be substantially consistent with the Preliminary Master Development Plan for Chandler Park Gallatin Phases I and II, consisting of a seven (7) sheet plan, prepared by Rogers Engineering Group of Gallatin, TN, with project #16-048, dated October 11, 2016, a one (1) sheet architecture plan, prepared by Niles Bolton Associates of Atlanta, GA, with job no. 116045.00, dated October 11, 2016, and a four (4) sheet architecture plan, prepared by Humphreys & Partners architects, L.P., of Dallas, TX, with job no. HPA 16401, dated August 19, 2016, with a final revision date of October 11, 2016, with the following conditions:

1. Reduce the total number of units on the 30.46 acre properties from 492 units to a maximum of 442 units (representing no greater density than one unit per 3000 square feet of gross acreage) or include the designated 2.5 acre retail portion of the PMDP as part of the multi-family development whereby the maximum number of units permitted could be 478 units.
2. Modify the plans to reduce all building heights to no greater than 35 feet.
3. Add a note to the plan stating a separate preliminary master development plan is required for the retail lot unless the retail lot is used for multi-family use.
4. Add a note to the plan stating all Gallatin zoning ordinance landscape requirements shall be met.
5. Dimension several parking spaces in each phase or provide a typical parking space dimension for each phase and parking space type.
6. Dimension and label drive aisle widths within each phase.
7. Show and label the location of the proposed signs, including the setback from the right-of-way.
8. Verify the parking numbers for both phases to ensure consistency with the site data table on the cover sheet (Sheet C1.0).
9. Dimension and label the roofline heights on all elevation sheets.
10. Provide architectural elevations and/or photographs of the proposed garages.
11. Widen and improve Harris Lane on the south side of the roadway from GreenLea Boulevard to the CSX Railroad and on the north side of the roadway from GreenLea Boulevard to the east boundary of the northerly parcel to minimum collector road standards.
12. Graphically and/or by plan note indicate a driveway to/from Harris Lane to the 2.5± acre retail portion of the site if the retail section is retained.
13. Modify the plan to show sidewalk connections for the apartment site to the public sidewalks along Harris Lane and add a sidewalk on Harris Lane adjacent to Phase 2. Sidewalks for the retail lot may be shown upon submittal of a FMDP for this site.
14. Submit one (1) full-sized and two (2) half-sized, corrected folded copies of the preliminary master development plan.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

NOVEMBER 8, 2016

**DEPARTMENT: PLANNING DEPARTMENT**

**AGENDA # 7**

**SUBJECT:**

Ordinance No. O1611-59 of the City of Gallatin, Sumner County, Tennessee, rezoning a 4.74 (+/-) acre portion of a parcel (Tax Map 125 portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving with a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II.

**SUMMARY:**

An Ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning 4.74 (+/-) acre portion of a parcel (Tax Map 125 and portion of Parcel 034.00) from PBP - Planned Business Park to MU - Mixed Use and approving of a Preliminary Master Development Plan for Chandler Park Gallatin Phases I & II permitting a 492 unit multi-family dwelling complex and a retail parcel, located north and south of Harris Lane and east of GreenLea Boulevard; authorizing the revision to be indicated on the official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

On October 24, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of the rezoning and a preliminary master development plan with conditions as described in GMRPC Resolution 2016-122. (PC File# 3-2443-16)

The Planning Department recommends approval of the rezoning and a preliminary master development plan with an exception for building height with conditions.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

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**Notes:**

**ORDINANCE NO. 01611-60**

**AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR SAVANNAH MARKETPLACE, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the owner of property submitted a complete application for an amendment to the Savannah Marketplace Preliminary Master Development Plan on a 9.27 (+/-) acre portion of a parcel (S.B.E. Tax Map 146, Parcel 037.01), located in the City of Gallatin, Tennessee; and

**WHEREAS**, the property is located south of Nashville Pike and west of Gorden Crossing and is zoned Planned General Commercial (PGC); and

**WHEREAS**, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the amendment to the Savannah Marketplace Preliminary Master Development Plan, in GMRPC Resolution No. 2016-123; and

**WHEREAS**, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tenn. Code Ann. Section 13-7-203; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:**

**Section 1.** The City Council of the City of Gallatin does hereby approve the Amended Preliminary Master Development Plan as described in Exhibit 'A';

**Section 2.** The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area indicating the amended Preliminary Master Development Plan.

**Section 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

**Section 5.** This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

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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

## EXHIBIT 'A'

The Amended Preliminary Master Development Plan for Savannah Marketplace includes:

- Savannah Marketplace Amended Preliminary Master Development Plan, consisting of a one (1) sheet plan, prepared by Doulgerakis Consulting Engineers, Inc., of Alpharetta, Georgia, with job number 1608, with a revision date of October 12, 2016
- Fifth Third Bank Property, Land Title Survey, consisting of a one (1) sheet plan, prepared by Ragan-Smith, of Nashville, Tennessee, with job number 03-143, dated September 23, 2016
- Gallatin Honda/Savannah Marketplace, Phase 3 Amended Preliminary Master Development Plan, consisting of one (1) sheet plan, prepared by Doulgerakis Consulting Engineers, Inc., of Alpharetta, Georgia, with job number 1608, dated September 23, 2016, with a revision date of October 12, 2016, and
- Architectural Elevations for Gallatin Honda, consisting of a two (2) sheet plan, prepared by Zenner Group, of Atlanta, Georgia, with project number 329002, dated October 12, 2016

The Amended Preliminary Master Development Plan for Savannah Marketplace is approved with the following conditions:

1. Provide and identify "future development" area for the office building and parking area.
2. Add note to the Amended Preliminary Master Development Plan stating that "Properties developed within the Savannah Marketplace will be subject to pro rata contributions for the installation of the traffic signal at Gorden Crossing and Nashville Pike. The amount of the pro rata contributions will be set by the Engineering Division at the Final Master Development Plan stage for Phase 3.
3. As an alternative to install interior parking lot landscaping in the inventory parking area the applicant shall provide an equal amount of landscaping and landscape materials along the perimeter of the site including, if authorized by agreement with the owner, within the offsite drainage detention tract. All alternative landscaping shall be indicated on the Final Master Development Plan.
4. All site signs shall be reviewed and approved at the Final Master Development Plan stage by the Planning Commission.
5. Submit five (5) corrected, folded copies of the Amended Preliminary Master Development to the Planning Department prior to Planning Commission's consideration of any Final Master Development Plan for Phase 3.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

NOVEMBER 8, 2016

**DEPARTMENT: PLANNING DEPARTMENT**

**AGENDA # 8**

**SUBJECT:**

Ordinance No. O1611-60 of the City of Gallatin, Sumner County, Tennessee, amending the Preliminary Master Development Plan for Savannah Marketplace.

**SUMMARY:**

An Ordinance of the City of Gallatin, Sumner County, Tennessee, amending the Preliminary Master Development Plan for Savannah Marketplace in order to add the vehicular, craft & related equipment sales use, amend the size (acreage) of Phases 3 and 4, amend the total building square footage of Phase 3 and 4, and amend the architecture of Phase 3, consisting of a 9.27 (+/-) acre portion of a parcel (S.B.E. tax map 146, Parcel 037.01), located south of Nashville Pike and west of Gorden Crossing; authorizing the revision to be indicated on the official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

On October 24, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of the amendment to Savannah Marketplace Preliminary Master Development Plan with conditions as described in GMRPC Resolution 2016-123. (PC File 3-2587-16)

The Planning Department recommends approval of Ordinance O1611-60 amending tthe Savannah Marketplace Preliminary Master Development Plan with conditions.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE APPROPRIATING FUNDS FOR COMPLETION OF  
INFRASTRUCTURE IMPROVEMENTS IN ALBION DOWNS PHASE 1 AND  
PHASE 3

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$21,000 is hereby appropriated from proceeds received from Haynes Realtors for completion of infrastructure in the Albion Downs Phase 1 and Phase 3 subdivisions;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$21,000 be appropriated from account number 122-21550, Performance Deposit, to account number 11041670-931-188, Albion Downs Ph 1 & 3;

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:

---

PAIGE BROWN, MAYOR

ATTEST:

---

CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

---

SUSAN HIGH-MCAULEY  
CITY ATTORNEY



CASHIER'S CHECK CUSTOMER COPY

July 20 10:53

REMITTER: HAYNES REALTORS DATE: 06/02/2016

PAYEE: CITY OF GALLATIN - ALBION DOWNS, LOC TIME: 2:24 PM

AMOUNT: 21000.00 CENTER: 8531

FEE: 0.00 OPER ID: 09933

SERIAL NUMBER: 853108427 CASHBOX: 2651

# CASHIER'S CHECK



853108427

DATE: 06/02/2016

Remitter: HAYNES REALTORS

Pay to the Order of: CITY OF GALLATIN - ALBION DOWNS, LOC

**\$21000.00**

Twenty One Thousand Dollars/And 00/100 ¢

*Greg J. Stevins*

Corporate Controller

⑈853108427⑈ ⑆064201324⑆ 9740007⑈



**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

November 8, 2016

**DEPARTMENT: Engineering**

**AGENDA # 3**

**SUBJECT:**

Ordinance Appropriating \$21,000 for Completion of Infrastructure Improvements in Albion Downs Phases 1 and 3

**SUMMARY:**

City Council passed Resolution R1601-5 on February 2, 2016 to accept \$21,000 from Haynes Realtors for the completion of Albion Downs Phase 1 and 3. Haynes Realtors submitted a check to the City of Gallatin on June 24, 2016. The City Council passed Resolution R1607-36 on July 19, 2016 to accept those public improvements and now the Engineering Division is requesting to appropriate the money received to be used for the completion of infrastructure in these subdivisions.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**ORDINANCE NO. 01611-63**

**ORDINANCE APPROPRIATING \$28,000.00 FOR DOWNTOWN PARKING STUDY**

**BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that the sum of \$28,000.00 is hereby appropriated from the Unassigned Fund Balance of the General Fund to EDA account number 11047100-250, Professional Services, for a downtown parking study performed by DDS Engineering, PLLC.

**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that the Mayor is authorized to execute the Agreement for Services with DDS Engineering, PLLC and any other document necessary for the downtown parking study.

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

PASSED FIRST READING:

PASSED SECOND READING:

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

ATTEST:

APPROVED AS TO FORM:

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

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

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

November 8, 2016

**DEPARTMENT:** Economic Development Agency

**AGENDA #**

**SUBJECT:**  
Parking Garage Study

**SUMMARY:**  
Update on the Request for Qualifications from engineering firms for a parking garage study.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE APPROPRIATING \$66,000 FOR  
SPECIFIC DEPARTMENT RESTRUCTURINGS AND  
FOR A NEW INFORMATION TECHNOLOGY POSITION

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$66,000 is hereby appropriated from the General Fund Unassigned Balance to the following items to fund a restructuring of the Fire Department by creating a new position of Assistant Fire Chief of Administration and reclassifying the Training Officer, and to fund a new Information Technology position of Information Systems Specialists III:

11042220-111, Fire Salaries, \$25,500.00

11042220-141, Fire FICA, \$1,951.00

11042220-142, Fire Health Insurance, \$7,594.00

11042220-143, Fire Retirement, \$775.00

11042220-145, Fire Group Life Insurance, \$60.00

11042220-149, Fire Disability Insurance, \$120.00

11041640-111, I.T. Salaries, \$21,630.00

11041640-141, I.T. FICA, \$1,655.00

11041640-142, I.T. Health Insurance, \$6,550.00

11041640-145, I.T. Group Life Insurance, \$80.00

11041640-149, I.T. Disability Insurance, \$85.00; and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that funds totaling \$46,659.83 will be transferred from the Streets Department budget, 11043120, to the Public Works Administration budget, 11043000, for a department

restructuring to include a newly created Assistant Superintendent of Public Works position as follows:

111, Salaries, \$36,952.00

141, FICA, \$2,826.83

142, Health Insurance, \$6,550.00

145, Group Life Insurance, \$159.00

149, Disability Insurance, \$172.00; and

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

PASSED FIRST READING:

PASSED SECOND READING:

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

ATTEST:

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

APPROVED AS TO FORM:

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

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

11/8/2016

**DEPARTMENT:** Finance

**AGENDA #4**

**SUBJECT:**

Discussion of items Council agreed to reconsider mid-year after the items were cut during the 2016/2017 budget.

**SUMMARY:**

At the October 25, 2016 work session, it was requested that a list of items be brought back for reconsideration as discussed during the 2016/2017 budget preparation/negotiation. The only two items discussed for reconsideration were the new I.T. position and the restructuring of the Fire department. Other items were cut from requested department budgets but these were the only items that Council committed to reconsider mid-year.

I.T. wants an Information Systems Specialists III position. Salary and benefits for 6 months total \$30,000.

The Fire department wants to change the grade of the Training Officer position and wants to add an Assistant Fire Chief of Administration. Someone within the department would be promoted to the assistant chief position creating a vacancy at a lower level. The created vacancies would trickle down and be filled within, ultimately resulting in the new hire of an entry level firefighter. The total for all salaries and benefits involved for 6 months is \$36,000.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved  
Rejected  
Deferred

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Notes:**

**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:

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SUSAN HIGH-MCAULEY  
CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

November 8, 2016

**DEPARTMENT:** Councilman Alexander

**AGENDA #5**

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**SUBJECT:**

Revision of Personnel Rule - Nepotism

**SUMMARY:**

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:

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 #**

**SUBJECT:**

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

**SUMMARY:**

See Attached

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**RESOLUTION NO. R1611-56**

**RESOLUTION SETTING SALARY OF THE BUILDING AND ELECTRICAL CODES OFFICIAL**

**BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE** that upon the approval of Council, that Building Official, Charles Stuart, will be reclassified to the position of Building and Electrical Codes Official with the new pay grade of GBB approved in Resolution R1610-52 and his new annual salary will be \$89,830 (Grade GBB 5).

**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

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

November 8, 2016

**DEPARTMENT:** Human Resources

**AGENDA # 1**

**SUBJECT:**

Resolution reclassifying and setting the salary for the Building Official, Chuck Stuart, as the Building and Electrical Codes Official

**SUMMARY:**

Per Ordinance O1608-47 and R1610-52, Council approved upgrading the status of the Building Official to include Electrical Code Official responsibilities. Dr. McGrath has reviewed and approved the placement of the department head position within our classification system.

**RECOMMENDATION:**

Approve

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**RESOLUTION NO. R1611-59**

**RESOLUTION AUTHORIZING MAYOR TO EXECUTE FIRST AMENDMENT TO  
LEASE AGREEMENT WITH FAIRWAY OUTDOOR ADVERTISING**

**WHEREAS**, Weyman Terry and Young Outdoor Services entered into a Standard Lease Agreement on March 26, 1998 for the purpose of erecting and maintain advertising displays, including all necessary structures, devices, power poles, and connections. The term of the Lease was for an initial term of ten years, with a second term of ten years, at the option of Young Outdoor Services, and continuing year after year thereafter;

**WHEREAS**, during the eminent domain process of acquiring right of way for the Albert Gallatin Extension project, the City of Gallatin ("City") acquired Mr. Terrys's property and as a result acquired the underlying lease; and

**WHEREAS**, the City is the successor in interest to Weyman Terry and Fairway Outdoor Advertising ("Fairway") is a successor-in-interest in the Agreement to Young Outdoor Services; and

**WHEREAS**, in order to proceed with the Albert Gallatin Extension project, it is necessary for Fairway to move the advertising display onto the same property to a site approved by the City Engineer; and

**WHEREAS**, the term of the Agreement is set to expire on March 26, 2018, and in order to proceed with the Albert Gallatin Extension project, it is necessary to extend the term of the Lease for one additional ten year term, and the City and Fairway now desire to amend the terms of the Lease to provide for an additional Renewal Term of ten years.

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, the Mayor is authorized to execute a First Amendment to Standard Lease with Fairway Outdoor Advertising which extends the term of the Lease to November 15, 2026, said amendment attached hereto as Exhibit A;

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

**IT IS SO ORDERED.**

PRESENT AND VOTING:

AYE:

NAY:

DATED:

---

MAYOR PAIGE BROWN

ATTEST:

APPROVED AS TO FORM:

---

CONNIE KITTRELL  
CITY RECORDER

---

SUSAN HIGH-MCAULEY  
CITY ATTORNEY



Lease # LF121  
Panel/Structure # 9549/LF121

AMENDMENT

THIS AMENDMENT, executed effective as of the 16th day of November, 2016, amends that certain Lease Agreement for billboard outdoor advertising, dated **March 26, 1998**, as amended ("Lease") between **FMO REAL ESTATE, LLC** ("Lessee") as assigned by LaFoy Outdoor Advertising, as previously assigned by Young Outdoor Services and the **City of Gallatin** ("Lessor") as previously assigned by Weyman Terry. In consideration of mutual terms, covenants, conditions and agreements hereinafter contained, Lessee and Lessor agree that the Lease shall be amended as follows:

**LEASE EXTENSION:**

The Lease shall hereby be extended to an additional ten (10) year term commencing on November 16, 2016 and expiring on November 15, 2026.

IN THE EVENT OF A CONFLICT between the Lease and this Amendment, the provisions of this Amendment shall take priority; in all other respects, the Lease remains unchanged.

FMO REAL ESTATE, LLC

City of Gallatin

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: Corporate Vice President

Lessor or Authorized Representative

Approved By: \_\_\_\_\_

Soc. Sec or FEIN #: \_\_\_\_\_

General Manager

Lessor's phone #: \_\_\_\_\_

\_\_\_\_\_  
Witness (1)

\_\_\_\_\_  
Witness (1)

\_\_\_\_\_  
Witness (2)

\_\_\_\_\_  
Witness (2)

Young Outdoor Services

3009 Alabama Ave. S.W.  
Ft. Payne, AL 35967

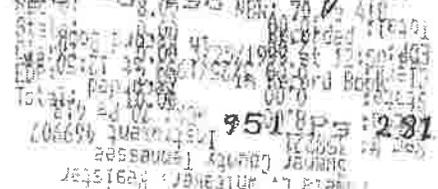
THIS AGREEMENT, made this 26<sup>th</sup> day of MARCH, 19 98, by and between Weyman Terry of P.O. Box 598 GALLATIN, TN 37066 hereinafter called the Lessor, and Young Outdoor Services of Ft. Payne, Alabama, hereinafter called the Lessee.

Witnesseth:

1. AGREEMENT TO LEASE. The Lessor hereby leases unto the Lessee, and the Lessee hereby leases from the Lessor, the use and the possession of the portion to be occupied of the following described premises, for the purpose of erecting and maintaining advertising displays (painted, reflectorized, printed, illuminated or otherwise), including necessary structures, devices, power poles and connections.
2. PROPERTY LOCATION. The Property herein demised is located on the N-E-S-W side of Route No. 109 about 300 FT miles N E-S-W of Blythe St., for display (s) facing approximately NE-SW, such leased property being part of the Lessor's property situated in the City of GALLATIN County of SUMNER and State of Tennessee (see area sketch of premises below).
3. TERM. The term of this lease shall commence on date of beginning of construction (hereinafter called "the effective date"), and unless terminated earlier in the manner hereinafter set forth, shall continue for an initial term of ten years, and shall continue thereafter, at the option of the Lessee, for a second term of ten years, and thereafter from year to year, on the same terms, until terminated as of any subsequent anniversary of the effective date by written notice of termination given not less than sixty days prior to such anniversary date by either the Lessor or Lessee.
4. RATE. In consideration of the foregoing and the mutual promises herein contained, and other good and valuable consideration, the Lessee agrees to pay the Lessor at the rate of \$ 1,500<sup>00</sup> per year for such periods of time as the display (s) contemplated hereunder is (are) in position. Such yearly payment is to be paid in advance (subject to a 30 day delay for processing) with supplementary adjustments to be made promptly when the advertising status of the display (s) is changed. When feasible the payment date will be adjusted to coincide with an anniversary of the effective date.
5. ADDITIONAL PROVISIONS. The provisions printed on the reverse hereof are hereby incorporated herein by specific reference thereto and constitute a part of this agreement.
6. SPECIAL PROVISIONS. The following special stipulations if in conflict with the printed matter contained herein, shall control:

AREA SKETCH OF LEASED PREMISES

6. ADDRESS, DISTURBANCE VIEW OF SIGN CAN BE REMOVED.



Charles Hunt  
P.O. Box 72563  
Chatt., TN 37407

Size ..... Ft  
HAGL ..... Ft  
Power ..... Ft  
Mileage Panel .....  
Location Staked ..... DB 254 - 419  
Tax Map # ..... MAP 113 B - A - 9.00

Location - 1044 Hwy 109 N, GALLATIN, TN 37066

EXECUTED BY LESSOR IN THE PRESENCE OF:

Weyman Terry  
Notary Public  
County, (State) Tennessee  
My commission expires 3-12-2002

EXECUTED BY LESSEE IN THE PRESENCE OF:

Weyman Terry  
Notary Public  
County, (State) Tennessee  
My commission expires 3-12-2002

Weyman Terry  
LESSOR'S NAME  
By: [Signature]  
LESSOR'S SIGNATURE  
LESSOR'S SIGNATURE  
P.O. Box 598  
MAILING ADDRESS  
GALLATIN, SUMNER, TN 37066  
(CITY, COUNTY/STATE, ZIP)

Young Outdoor Services, Lessee  
By: [Signature]  
11/15/16 City Council Meeting Agenda-Page 47

7. NOTICE TO NEW OWNER. In the event of any change of ownership of the property hereinafter demised, the Lessor agrees to notify the Lessee promptly of such change, and the Lessee also agrees to give the new owner formal written notice of the existence of this lease and to deliver a copy thereof to such new owner.

8. LEGAL OWNER. Unless specifically stated otherwise herein, the Lessor represents warrants that he is either the Owner or the Agent of the Owner of the property herein demised and that he has full authority to enter into this lease, The Lessor covenants and warrants that if the Lessee shall pay the rental as herein provided and shall keep and perform the other covenants herein stated, the Lessee shall and may, peaceably and quietly have, hold and enjoy the use of the premises herein demised for the term of this lease, such use to include access to the site over any lands under the control of the Lessor.

9. ENTIRE AGREEMENT. Neither the Lessor nor the Lessee shall be bound by any agreement or representation, expressed or implied, not contained herein. This lease shall be deemed to have been accepted and its terms enforceable only when executed by the Lessee in the space provided.

10. TERMINATION BY LESSEE. If at any time the highway view of the Lessee's display is obstructed or obscured; or the advertising value of the display is impaired or diminished, or the use or installation of such displays is prevented by law or the Lessee's inability to obtain any necessary permits or licenses, or if the Lessee is unable for any period of ninety (90) consecutive days or more to secure and maintain a suitable advertising contract for the displays, or if there occurs a diversion of traffic from or a change in the direction of traffic on highways leading past the Lessee's displays, the Lessee may, at its option, terminate this lease by giving the Lessor fifteen (15) days written notice, and the Lessor agrees to refund the Lessee the rent previously paid for the unexpired portion of this lease. If any of the conditions described in this paragraph shall at any time temporarily exist, then the Lessee may, at its option, instead of terminating the lease, be entitled to an abatement of rent payable hereunder during the period such conditions or any of them exist, and to the refund of any rent paid in advance for the period of such abatement.

11. LESSEE'S PROPERTY. All structures, displays, and materials placed upon the said property by the Lessee are the lessee's trade fixtures and equipment, and shall be and remain the Lessee's property, and may be removed by the Lessee at any time prior to or within a reasonable time after the termination of this lease or any extension thereof. The Lessor shall allow the Lessee full access to the property occupied by the displays for the purpose of erecting, maintaining, changing or removing the displays at any time.

12. OBSTRUCTIONS TO VIEW. The Lessor shall not erect or permit any other party to erect any advertising displays or any other advertising matter on any property owned or controlled by the lessor within a radius of six hundred (600') feet of Lessee's displays, or to permit any other obstruction to partially or completely obscure the normal highway view of said displays and the Lessee is hereby authorized to remove any such other advertising display or other obstruction, including trees, at its option.

13. UTILITY EASEMENT The Lessor shall execute and deliver to the utility company serving the property a permit to go upon the property to provide electric service to the sign of Lessee which service shall be supplied at Lessee's expense.

14. HOLD HARMLESS. The Lessee shall save the Lessor harmless from any and all claims or demands on account of bodily injury or physical property damage caused by or resulting from any negligent or willful act of the Lessee's agents or employees in the construction, maintenance, repair, change or removal of the Lessee's displays on the property, and agrees to carry, at its own expense, adequate public liability insurance covering any such contingency so long as this lease shall remain in effect. The Lessor agrees to save the Lessee harmless from any claims or demands on account of bodily injury or physical property damage caused by or resulting from any negligent or willful act of the Lessor.

15. ASSIGNABLE LEASE. This lease is assignable by Lessor or Lessee and shall be binding upon heirs, successors and assigns of both Lessor and Lessee.

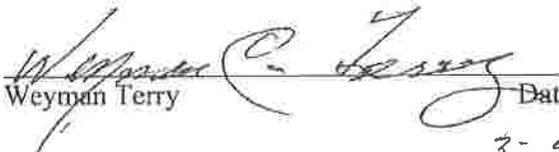
Msela L. Whitaker - Register  
Sumner County Tennessee  
Reg. # 350221      Instrument # 40907  
Reg. # 8.00      10/17/98 Pg 116  
State: 6.00      Recorded  
Clerk: 2.00      5/25/1998 at 12:50 pm  
Clerk: 2.00      in record book  
Total: 10.00

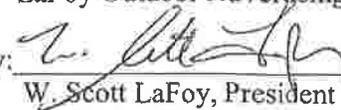
901 72 081

**ADDENDUM**

In addition to the terms and conditions set forth in a lease agreement for a sign located at 1044 Hwy 109 N, Gallatin, TN 37066, dated March 26, 1998 between Weyman Terry (Lessor) and Young Outdoor Services as lessee, as later assigned to LaFoy Outdoor Advertising, LLC (Lessee), the parties further agree to the following which shall be attached unto said agreement and incorporated therein:

1. The Effective Date shall be January 1, 1999 and the Anniversary Date each year for the remainder of the lease shall be January 1.
2. The annual rental amount is \$1,500.00, and payments may be made on a monthly basis until the parties agree otherwise.

  
Weyman Terry \_\_\_\_\_ Date  
3-4-09

LaFoy Outdoor Advertising, LLC  
By:  3/17/09  
W. Scott LaFoy, President \_\_\_\_\_ Date

LEASE AGREEMENT

THIS INSTRUMENT IS FILED BY

*Chalk Hunt*

P.O. Box 72563

Chatt, TN 37407

DATE: 9/11/98

The purpose of this lease agreement is to assign the lease between WEYMAN TERRY of GALLATIN, TENNESSEE HEREIN called the LESSOR and YOUNG OUTDOOR SERVICES of FT. PAYNE, ALABAMA HEREIN call LESSEE, dated MARCH 26, 1998.

IT IS HEREBY mutually understood and agreed as follows: That Lessee transfers, conveys, assigns, its lease with the LESSOR as noted above to SCENIC OUTDOOR SIGNS, LLC. of CHATTANOOGA, TENNESSEE HEREIN called the assignee. Assignee agrees to assume any and all liabilities attached here- with and to abide by all terms and conditions set forth in the lease; a copy of which is attached. Agreed to by both parties as witnessed by their signatures below.

LESSEE  
By: *Jerry D. Young*  
Signature  
JERRY YOUNG, OWNER  
Typed Name Title  
YOUNG OUTDOOR SERVICES  
Company Name  
3009 ALABAMA AVE. S.W.  
Address  
FT. PAYNE, AL 35967  
SEPTEMBER 11, 1998  
Date

ASSIGNEE  
By: *Jay Bailey*  
Signature  
TAGNER H. BAILEY, CHIEF MANAGER  
Typed Name Title  
SCENIC OUTDOOR SIGNS, LLC.  
Company Name  
P.O. BOX 72563  
Address  
CHATT., TN 37407  
SEPTEMBER 11, 1998  
Date

Panela L. Whitaker, Register  
Sumner County Tennessee  
Rec #: 108226 Instrument 469912  
Rec #: 0.00 Book 70 Pa 419  
State: 0.00 Recorded  
Clerk: 0.00 3/25/1999 at 12:50 PM  
Record Book  
10/5/1 10.00 Title  
951 Pa 298

Sworn to and subscribed to me  
This 25th day of September  
My Commission expires 6/5/2002  
*Raymond White*  
Notary Public

Sworn to and subscribed to me  
This 25th day of September  
My Commission expires 6/5/2002  
*Raymond White*  
Notary Public

Lease recorded Rec BIL 951 P. 281  
3/25/99

Exhibit D

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Agreement"), dated as of October \_\_\_\_, 2015, by and between LaFoy Outdoor Advertising, LLC ("Seller") and FMO Real Estate, LLC, having an address of 814 Duncan Reidville Rd, Duncan, SC 29334 ("Buyer").

BACKGROUND

Buyer and Seller are parties to an Asset Purchase Agreement dated September 10, 2015 (the "Purchase Agreement"), pursuant to which, among other things, Seller has agreed to assign all of its rights, title and interests in, and Buyer has agreed to assume all of Seller's duties and obligations under the Assumed Contracts and Third-Party Leases. Capitalized terms used but not defined herein shall have the meanings for such terms that are set forth in the Purchase Agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants contained herein, and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Assignment. Seller hereby assigns, sells and transfers to Buyer all of Seller's right, title and interest in, under and to the Assumed Contracts and the Third-Party Leases for the Closing.

2. Assumption. Buyer hereby assumes all obligations of Seller accruing and arising from facts or circumstances that occur from and after the Closing Date under the Third-Party Leases and liabilities that arise from facts or circumstances that occur from and after the Closing Date under the Assumed Contracts.

3. Terms of the Purchase Agreement. This Agreement is subject in all respects to the terms and conditions of the Purchase Agreement, including, without limitation, the representations, warranties, covenants and agreements contained in Article IV. If any conflict exists between the terms of this Agreement and the Purchase Agreement, the terms of the Purchase Agreement shall govern and control. This Agreement is not intended to enlarge or reduce the rights of the parties under the Purchase Agreement, but is intended to carry out the terms therein.

[signature page follows]

9556828.1



IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this Assignment and Assumption Agreement for the Closing as of the date first written above.

**SELLER:**

By:   
Name: W. Scott LaFoy  
Its: President / Chief Manager

**BUYER:**

By:   
Name: RICHARD S. ZECCHINO  
Its: VICE-PRESIDENT / GENERAL COUNSEL

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

November 8, 2016

**DEPARTMENT:** City Attorney

**AGENDA #**

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**SUBJECT:**

First Amendment to lease agreement between Fairway Outdoor Advertising and City of Gallatin

**SUMMARY:**

In 1998 Terry Weyman and Young Outdoor Services entered into a standard lease agreement for the lease of a billboard on Mr. Weyman's property, at the corner of Old Highway 109 and Blythe St. During the eminent domain process of acquiring right of way for the Albert Gallatin Extension, the City was required to acquire the property on which the billboard is housed. As a result, the City acquired the lease. Fairway Outdoor Advertising is the successor in interest to Young Outdoor Services. The City has been advised by its TDOT certification/right of way consultants that it must allow Fairway to remain in the City. Due to the grandfathering provision of Tenn. Code Ann. Sec. 13-7-208, the billboard at this site is considered grandfathered into the City's current sign ordinance, if the billboard remains on the same property. During the negotiations, the City has agreed, with Council approval, to amend the current lease for one additional term. This approval is necessary for TDOT certification for the Albert Gallatin Extension project.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**

This amendment to the Lease is necessary for the Albert Gallatin/Hatten Track extension.