
**CITY OF GALLATIN
COUNCIL MEETING**

October 06, 2015

6:00 pm

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

- Call to Order – Mayor Brown
- Invocation
- Pledge of Allegiance – Vice Mayor Hayes
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: August 18, 2015 City Council Meeting & September 01, 2015 City Council Meeting
- Public Recognition on Agenda-Related Items
- Mayor’s Comments

AGENDA

1. **Second Reading Ordinance No. O1507-47** An ordinance of the City of Gallatin, Sumner County, Tennessee approving an amended Preliminary Master Development Plan for Foxland Crossings Phases 11 – 16 , 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)**
2. **First Reading Ordinance No. O1509-55** Ordinance amending Gallatin Municipal Code Chapter 3, Alcoholic Beverages, Article III, Sec. 3-158 **(Councilman Mayberry)**

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

City of Gallatin City Council Meeting

August 18, 2015

The Gallatin City Council met in regular session on Tuesday, August 18, 2015 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 Brackenburg 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 Brackenburg
Councilman Steve Camp
Vice Mayor Craig Hayes
Councilman Ed Mayberry
Councilman Jimmy Overton
Councilwoman Anne Kemp

Absent:

Others Present

Zach Wilkinson, Public Works Director
Gallatin News, Reporter
Debbie Johnson, Human Resource Dir.
News Examiner, Reporter
Connie Kittrell, City Recorder
Rosemary Bates, Special Projects Director
David Gregory, Public Utilities Dir.
Nick Tuttle, City Engineer
James Fenton, EDA

Rachel Nichols, Finance Director
Susan High-McAuley, City Attorney
Don Bandy, Police Chief
Bill McCord, City Planner
Lori Smiley, IT Director
David Brown, Leisure Services Dir.
Chuck Stuart, Building Official
Tommy Dale, Assistant Fire Chief

Approval of Minutes

Mayor Brown presented the July 21, 2015 City Council Minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenburg seconded. Motion carried with 6 ayes, 0 nays and Councilwoman Kemp abstained.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

- Gene Young of Nashville Pike and Young's Nursery stated his property is next to the Foxland property being developed. Mr. Young stated he grows poinsettias' and has questions about this project affecting their growing process.
- Erica Herron of 217 Glenn Avenue presented a petition to Council on decibel levels. Ms. Herron stated she had over 500 personal signatures and 162 comments that are against lowering the decibel levels again.
- Phil Flack of 212 Woodlake Drive explained decibel levels and said he has measured decibel levels from his house. Mr. Flack stated the problem is that Awedaddy's is located in a residential zone and they are operating illegally.
- Charles Alexander of 699 Marina Way Lot #12 stated he seldom hears the music at his residence.
- Buddy Wilkins of 727 Marina Drive provided questionnaires' from residents on Aqua Drive and/or Emily Point stating the music was minimal. Mr. Wilkins also provided sworn affidavits from residents and asked that a reasonable decision be made.
- Cheryl Geraldo of 900 Aqua Drive spoke about the noise ordinance. Ms. Geraldo stated the Third Thursday events held on the square are sponsored by State Farm Insurance and the noise requirements should also apply at that event.
- Jerrod Johnson of 109 TGT Road, Portland stated the music at the Marina was a good opportunity for local talent and he does not want to see the decibel level changed.
- Jean Rayborn of 975 Aqua Drive stated she has heard the noise in her house for four and half years. She said she does not want to hear the music inside her home.
- Steve Sudbury of 1325 East Main Street spoke about noise levels across the City and decibels levels recorded at tonight's meeting.
- Neil Laffely of Aqua Drive stated a petition was submitted last year against the noise from Awedaddy's. He added that Channel 2 News came to report on the noise from Awedaddy's and that particular night the music was perfect. Mr.

Laffely said he does not want to hear the music in his house and he hasn't called the police department this year because the noise levels have been down.

- Clint Park of 873 Leigh Lane stated that he plays music at Awedaddy's and also at events on the Square. Mr. Park stated that it is very hard to get people to play at Awedaddy's because of the noise issue and this is his job as well as the waiters/employees that work there.

Mayor's Comments

- Mayor Brown announced Third Thursday on Main is this Thursday from 6:30 P.M. to 9:00 P.M.

Agenda

1. Ordinance #O1507-47 – Public Hearing

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amended Preliminary Master Development Plan for Foxland Crossings Phases 11-16, 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 called for the Public Hearing.

R.E. Cowens Sr. of 309 Lisa Lane had questions concerning this amendment. Mayor Brown advised City Planner Bill McCord to get with Mr. Cowens after the meeting to discuss any questions he had. Mr. Cowens stated he has concerns with blasting that is taking place and asked Council to consider the older homes in that area.

With no one else wishing to speak Mayor Brown closed the Public Hearing.

5. Ordinance #O1508-51 – Second Reading

Councilwoman Brackenbury presented this ordinance to amend the City of Gallatin, Tennessee Municipal Code, Sec. 10-100(4), Table A, Noise Standards.

Councilwoman Brackenbury made motion to approve; Councilman Camp seconded.

Councilman Overton made motion to amend from 7:00 A.M. to 6:00 P.M. a decibel reading of 75 and from 6:00 P.M. to 7:00 A.M. a decibel reading of 60; Vice Mayor Hayes seconded.

Councilwoman Brackenbury stated she felt there were good questions raised tonight and the City needs to examine different events and explore this further.

Mayor Brown stated the noise ordinance has been studied extensively.

There was much discussion.

Mayor Brown called for roll call vote on the amendment.

City Recorder Connie Kittrell called for the vote on the amendment:

Vice Mayor Hayes	Yes
Councilman Alexander	No
Councilwoman Brackenbury	No
Councilman Camp	Yes
Councilwoman Kemp	Yes
Councilman Mayberry	No
Councilman Overton	Yes

Motion carried with 4 ayes and 3 nays.

Mayor Brown called for a roll call vote on the original motion.

City Recorder Connie Kittrell called for the vote on the original motion.

Vice Mayor Hayes	Yes
Councilman Alexander	No
Councilwoman Brackenbury	No
Councilman Camp	Yes
Councilwoman Kemp	Yes
Councilman Mayberry	No
Councilman Overton	Yes

Motion carried with 4 ayes and 3 nays.

2. Ordinance #O1507-44 - Second Reading

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 3.01 (+/-) acre lot, from Agricultural Residential District (A) to Residential 40 - Low Density Residential District (R40), located at 275 Saint Blaise Road; 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 made motion to approve; Councilman Mayberry seconded. Motion carried with 7 ayes and 0 nays.

3. Ordinance #O1507-48 – Second Reading

Councilman Overton presented this ordinance appropriating funds for completion of infrastructure improvements in Bakers Crossing, Phase 1.

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

4. Ordinance #O1508-49 – Second Reading

Councilman Alexander presented this ordinance to amend the City of Gallatin, Tennessee Municipal Code, Chapter 18, Stormwater.

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

6. Ordinance #O1508-52 – Second Reading

Councilman Mayberry presented this ordinance appropriating \$75,000 for a Special Census.

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

7. Ordinance #O1506-38 – First Reading

Councilman Overton presented this ordinance approving sale and transfer of approximately 337 square feet in the South Martins Vineyard Way right of way from City of Gallatin to Thomas F. Artis and Gail R. Artis and to vacate said right of way to Thomas F. Artis and Gail R. Artis.

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

Councilman Overton left the meeting.

8. Ordinance #O1508-50 – First Reading

Councilwoman Brackenbury presented this ordinance amending the Zoning Ordinance of the City of Gallatin, Tennessee by amending Article 13.00 Performance and Design Standards, Section 13.02.020, Performance Standards Regulating Noise.

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

9. Ordinance #O1508-53 – First Reading

Councilman Alexander presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Dunlap Junction Phase 1, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

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

10. Resolution #R1508-47

Councilwoman Kemp presented this resolution approving new job description for Codes Inspector I, II, and III for Building Codes Department.

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

Other Business

- Councilman Alexander spoke about a property issue at 508 Hatten Track and 504 Hatten Track. Councilman Alexander requested assistance with this issue.

Councilman Overton returned to the meeting.

City Planner Bill McCord stated he would check on this issue for Councilman Alexander.

Councilwoman Kemp left the meeting at this time.

- City Recorder Connie Kittrell presented a Certificate of Compliance for Gallatin Liquor Store located at 132 North Locust.

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

- Councilman Alexander announced the Community Voters Coalition will be having a voter's registration drive at the fairgrounds on Blythe Street on September 5, 2015 at 10:00 A.M.

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 it was closed.

Adjourn

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

Mayor Brown adjourned the meeting at 7:22 P.M.

Mayor Paige Brown

City Recorder Connie Kittrell

City of Gallatin City Council Meeting

September 1, 2015

The Gallatin City Council met in regular session on Tuesday, September 1, 2015 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. Steve Nelson of Believers Fellowship led the opening prayer and Councilwoman Camp 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
Councilwoman Anne Kemp

Absent:

Others Present

Zach Wilkinson, Public Works Director
Gallatin News, Reporter
Debbie Johnson, Human Resource Dir.
News Examiner, Reporter
Connie Kittrell, City Recorder
Rosemary Bates, Special Projects Director
David Gregory, Public Utilities Dir.
Nick Tuttle, City Engineer
James Fenton, EDA

Rachel Nichols, Finance Director
Susan High-McAuley
Don Bandy, Police Chief
Bill McCord, City Planner
Lori Smiley, IT Director
David Brown, Leisure Services Dir.
Chuck Stuart, Building Official
Tommy Dale, Assistant Fire Chief

Approval of Minutes

Mayor Brown presented the August 4, 2015 City Council Minutes for approval. Councilman Alexander made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

- Glen Young, brother of Gene Young provided handouts to Council about his concerns of potential lighting issues that could hamper the growth cycle of his poinsettia crop. Mr. Young asked if Council would consider a solution that would benefit both parties.

Vice Mayor Hayes asked Mr. Young if the property in Exhibit A was for sale. Mr. Young stated that the property was for sale.

City Planner Bill McCord stated Kevin Chastain tried to contact Gene Young but was unable to reach him.

Vice Mayor Hayes stated it looks like this could be worked out but people need to get together.

- Sidney Lund from the TV show "Nashville" addressed the Council about filming again in Gallatin at Cowboy's Way. Ms. Lund stated they are also looking for an additional location to film.
- Steve Nelson with Gallatin United Ministerial Alliance requested the "L" part of the Square be closed on Sunday night October 4th from 5:00 PM to 9:00 PM for a community wide revival.
 - Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.
- Councilwoman Brackenbury stated the Greater Gallatin event is requesting to close the police parking lot around the Farmers Market for the local farmers and Blue Grass Music on Saturday September 19th.
 - Councilman Alexander made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.
- Special Projects Director Rosemary Bates stated the Lions Club is requesting to close the "L" of the Square on September 19th for the Grand Fondo Bike Race 5:30 AM to 12:00 PM.
 - Vice Mayor Hayes made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

Mayor's Comments

- State of the City Chamber luncheon will be September 14th at the Epic Event Center
- Barbeque Blues Fest will be at the Fairgrounds on Blythe Street this weekend offering voter registration

Agenda

1. Ordinance #O1508-50 – Public Hearing

Councilwoman Brackenbury presented this ordinance amending the Zoning Ordinance of the City of Gallatin, Tennessee by amending Article 13.00 Performance and Design Standards, Section 13.02.020, Performance Standards Regulating Noise.

With no one wishing to speak Mayor Brown closed Public Hearing.

2. Ordinance #O1508-53 – Public Hearing

Councilman Alexander presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Dunlap Junction Phase 1, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

With no one wishing to speak Mayor Brown closed Public Hearing.

3. Ordinance #O1506-38 – Second Reading

Councilman Overton presented this ordinance approving sale and transfer of approximately 337 square feet in the South Martins Vineyard Way right of way from City of Gallatin to Thomas F. Artis and Gail R. Artis and to vacate right of way to Thomas F. Artis and Gail R. Artis.

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

Vice Mayor Hayes requested moving Item #4 to the end of the agenda and there was no objection.

5. Ordinance #O1509-54 – First Reading

Councilman Mayberry presented this ordinance appropriating funds for 2015/2016 Capital Projects.

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

There was discussion about the turn out gear for the Fire Department and Assistant Fire Chief Tommy Dale stated that the gear needed to be replaced.

Council discussed.

6. Resolution #R1508-49

Councilwoman Kemp presented this resolution adopting the City of Gallatin's Abusive Conduct Prevention Policy, based on the Model Abusive Conduct Prevention Policy, pursuant to the Healthy Workplace Act, Tenn. Code Ann. Sections 50-1-501, ET SEQ.

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

7. Resolution #R1509-48

Councilman Camp presented this resolution amending Gallatin Personnel Rules and Regulations Rule 4 Section 4-3(b) and Rule 4-4(a) relating to Pay Plan.

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

8. Resolution #R1509-50

Vice Mayor Hayes presented this resolution approving Town Creek Greenway access at Oaks Drive.

Vice Mayor Hayes made motion to approve; Motion failed due to lack of second.

4. Ordinance #O1507-47 – Second Reading

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee approving an amended Preliminary Master Development Plan for Foxland Crossings Phases 11 - 16, 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 made motion to approve; Councilwoman Brackenbury seconded.

City Planner Bill McCord stated a representative of the applicant was present to address the Council.

Michael Dewey of Dewey's Engineering spoke with Mr. Young about the light issue. Mr. Dewey stated that they would agree to put a buffer along the property line to ensure no light goes on to the property.

Discussion continued.

City Planner Bill McCord suggested to table or postpone second reading to get this worked out.

Councilman Overton made motion to defer for two week;. Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

Other Business

Leisure Services Director David Brown reported on two noise permits; June 2, 2016 Taste of Gallatin and August 15, 2016 Supper in the Park.

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

Public Recognition on Non-Agenda Related Items

Mayor Brown called for public recognition on non-agenda related items.

Joe Debord of 1007 Hart Street mentioned the many events taking place in Gallatin on September 19th. Mr. Debord also thanked Vice Mayor Hayes for requesting access to the Greenway and stated gas is going down and will save the City money.

With no one else wishing to speak Mayor Brown closed Public Recognition on non-agenda related items.

Mayor Brown announced the Employee picnic at Triple Creek Park on September 25th.

Adjourn

Mayor Brown adjourned the meeting at 6:46 P.M.

Mayor Paige Brown

City Recorder Connie Kittrell

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR FOXLAND CROSSING PHASES 11 – 16, 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 has submitted a complete application to amend the Foxland Crossing Phases 11-16 Preliminary Master Development Plan on two (2) parcels totaling 55.68 (+/-) acres located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located west of Douglas Bend Road and south of Nashville Pike and is zoned Mixed Use (MU); and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the amendment to the Foxland Crossing Phases 11-16 Preliminary Master Development Plan in GMRPC Resolution No. 2015-87; 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

WHEREAS, The City Council has approved by majority vote of the members present the rezoning request of the described property.

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 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 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 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.

PASSED FIRST READING: August 4, 2015.

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

The Amended Preliminary Master Development Plan for Foxland Crossing, Phases 11-16, consists of a four (4) sheet plan prepared by Dewey and Estes Engineering of Nashville, TN with Job No. 15015, dated 5-27-14 with final revision date of 7-7-15, with the following conditions of approval:

1. Label the required Type 10 Bufferyards adjacent to Foxland Boulevard.
2. Indicate a Type 10 alternative bufferyard along the property boundary underneath the TVA powerlines, which includes no large canopy trees, only shorter flowering trees.
3. Provide, in a table, curve data that matches the legal description.
4. Provide all yard lines, setbacks, and easements for the commercial outparcels.
5. Clarify if Road 'G' between the two (2) commercial outparcels will be public or private.
6. Clearly indicate phase lines.
7. Reserve the 30-ft right-of-way cross sections and street sections as private streets and indicate this on the plans.
8. Remove the perpendicular on-street parking if street remain public streets (Parallel spaces may be permitted on public streets). Perpendicular spaces are not recommended for private streets.
9. Provide a minimum 50-ft wide public right-of-way cross-section for "Road A".
10. Realign "Road G" to allow more direct and concise traffic flow from Nashville Pike, through the proposed development southward to Foxland Boulevard. The intersection of "Road G" and "Road A" shall have as minimal spacing as possible.
11. Indicate a greenway extension through the property consistent with Exhibit 4-12 of the Gallatin on the Move 2020 Plan and a
12. Provide a stormwater runoff analysis/calculations/report(s) for the proposed development must be submitted in conjunction with the FMDP and a stormwater maintenance agreement will be required for this development. A recorded copy must be submitted prior to the recording of a final plat.
13. Submit three (3) folded and corrected copies of the Amended Preliminary Master Development Plan after approval by City Council.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JULY 28, 2015

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 9

SUBJECT:

Ordinance #O1507-47 of the City of Gallatin, Sumner County, Tennessee, approving an amended Preliminary Master Development Plan for Foxland Crossing Phases 11 – 16, authorizing the revision to be indicated on the official zoning atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date., (S.B.E. Tax Map #136//Parcels 027.01 and 027.03). (PC File #3-705-15)

SUMMARY:

The owner and applicant is requesting approval of an Amended Preliminary Master Development Plan for Foxland Phases 12 and 14-16, consisting of 222 townhouse units, three (3) commercial outparcels, open space tracts, and 13 rights-of-way, on a property containing 55.68 (+/-) acres, zoned Mixed Use (MU). The property is located south of Nashville Pike and west of Douglas Bend Road. Attached and Multi-family Dwellings are permitted uses in the Mixed Use (MU) zone district.

On July 13, 2015 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2015-87. (PC File# 3-705-15)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01509-55

**ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 3,
ALCOHOLIC BEVERAGES, ARTICLE III, SEC. 3-158**

WHEREAS, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time; and

WHEREAS, The Gallatin Beer Board has recommended to the Mayor and City Council that the City of Gallatin Municipal Code be amended regarding Beer Permits that are available to businesses;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Municipal Code, Chapter 3, Alcoholic Beverages, Section 3-158, is hereby amended as follows:

1. By deleting Section 3-158(b)(1) in its entirety and replacing it with the following:

- (1) *Class I– Off-premises permit.* An off-premises permit is one issued to a person or legal entity engaged in the sale of beer where it is not to be consumed by the purchaser upon the premises of the seller, except as specifically allowed herein.

There shall be two sub-classes of the off-premises permit:

- a. Package Retail Sales
- b. Growler Sales

Applicants for off-premises permits must list each sub-class for which they apply. Off-premises growler permits will be issued for the retail sale of beer in “Growlers.” The term “Growler” means a glass bottle not to exceed sixty-four ounces (64 oz.) that is filled by a licensee or employee of the licensed establishment with beer from a keg. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Growlers must be filled in a manner that is sanitary and meets all applicable food and alcohol handling laws and standards. Each growler must be securely sealed and removed from the premises in its original sealed condition. Consumption of beer on premises is strictly prohibited, except samples of tap beer offered for sale may be made available, but individual samples shall not exceed one ounce (1 oz.) per sample, nor shall any one (1) individual be offered or consume more than four (4) one ounce (1 oz.) samples per business day.

2. By adding the following language as the third sentence of Sec. 3-158(b)(3), *Class III- Mixed Permit*:

Those establishments filling or refilling Growlers of beer for off-premises consumption must comply with the regulations relating to Growlers in Sec. 3-158(b)(1).

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

September 22, 2015

DEPARTMENT: City Attorney

AGENDA #

SUBJECT:

Amend GMC Ch. 3, Alcoholic Beverages, Article III, Sec. 3-158

SUMMARY:

The Beer Board recommends amending the Gallatin Municipal Code to add growlers, which is a subclass of the off-premises beer permit.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: