
**CITY OF GALLATIN
COUNCIL MEETING**

September 02, 2014

6:00 pm

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

- Call to Order – Mayor Jo Ann Graves
- Invocation
- Pledge of Allegiance – Councilman Hayes
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: City Council Meeting August 19, 2014
- Public Recognition on Agenda-Related Items
- Presentation of State Form CT-0253 – Rachel Nichols, Finance Director
- Mayor's Comments

AGENDA

1. **Second Reading Ordinance No. O1407-44** Ordinance appropriating 2014 General Obligation Bond in the amount of \$8,596,000 and 2014 Water Sewer Revenue Bond in the amount of \$4,650,000 **(Councilman Mayberry)**
2. **Second Reading Ordinance No. O1408-48** Ordinance appropriating funds for 2013/2014 Carry-Over Capital Projects **(Vice Mayor Alexander)**
3. **Second Reading Ordinance No. O1408-50** Ordinance amending the Gallatin Municipal Code, Chapter 3, Alcoholic Beverage, Section 3-81, Retail Sales, to provide that no retailer shall hold more than fifty percent (50%) of the retail liquor store licenses **(Councilman Overton)**
4. **Second Reading Ordinance No. O1408-51** Ordinance authorizing funds in the amount of \$119,000.00 to purchase Lots 103 and 104 in Clear Lake Meadows development, Section 7, Phase 1 for the purpose of building Gallatin Fire Station Number Five. **(Councilman Overton)**
5. **First Reading Ordinance No. O1408-47** An ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning a 9.34 (+/-) acre portion of a parcel (S.B.E. Tax Map #111//Parcel 001.00), located at the east end of Gateway Drive from Agricultural-Residential (A) Zoning District to the Industrial Restrictive (IR) Zoning District; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date **(Councilwoman Kemp)**
6. **First Reading Ordinance No. O1408-53** Ordinance appropriating funds in the amount of \$3,085.71 for groundwater monitoring and reporting for the Resource Authority in Sumner County, Tennessee **(Councilman Hayes)**
7. **First Reading Ordinance No. O1409-54** Ordinance waiving tap fees for Habitat for Humanity **(Councilman Mayberry)**

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

City of Gallatin City Council Meeting

August 19, 2014

The Gallatin City Council met in regular session on Tuesday, August 19, 2014 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Vice Mayor John D. Alexander led the opening prayer and Councilman Craig Hayes led the Pledge of Allegiance.

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

Present:

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

Absent:

Others Present

Ronnie Stiles, Public Works Director
David Gregory, Public Utilities Dir.
Debbie Johnson, Human Resource Dir.
Bill McCord, City Planner
News Examiner, Reporter
Rosemary Bates, Special Projects Director
Chuck Stuart, Building Official
Susan High McAuley, City Attorney

David Brown, Leisure Services Dir.
Rachel Nichols, Finance/IT Director
Don Bandy, Police Chief
Connie Kittrell, City Recorder
Nick Tuttle, City Engineer
Gallatin Newspaper, Reporter
Tommy Dale, Assistant Fire Chief
James Fenton, EDA Director

Approval of Minutes

Mayor Graves presented the minutes of the July 18, 2014 Special Called City Council Meeting and the August 5, 2014 City Council Meeting for approval. Councilwoman Kemp made motion to approve; Vice Mayor Alexander second. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items.

- Tom Garrott of Belvedere Drive spoke about the bond issue, not changing engineering firms on the Civic Center addition and to move on this soon and not waste time on this.
- Bob Thomas of 166 Grandview Circle said he looked at the Gregory lots for sale on South Water but could not get through the alley. Mr. Thomas suggested looking at Lester Blankenship's lots for parking options.

With no one else wishing to speak, Mayor Graves closed public recognition.

Mayor's Comments

Mayor announced the following:

- Third Thursday on Main is this Thursday night, August 21st featuring The Springs Band at 6:30 PM
- Labor Day is September 1st and City Offices will be closed
- Walk Across Sumner is having the Gallatin Kickoff on Wednesday, September 3rd at 4:45 PM with everyone walking one mile on the Gallatin Greenway
- State of the City is Monday, September 8th at the Epic Event Center beginning at 11:30 AM and reservations are available by calling the Chamber of Commerce

Agenda

Mayor Graves stated Councilwoman Kemp requested moving Item #11. to the front of the agenda and there was no objection from Council.

11. Resolution #R1408-43

Councilwoman Kemp presented this resolution awarding health insurance contract for the City of Gallatin.

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

1. Ordinance #O1407-40 - Second Reading

Councilman Camp presented this ordinance to vacate right-of-way to Melissa Matasik at Woods Ferry Road - Map/Parcel 126M/B/008.00.

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

2. Ordinance #O1407-42 - Second Reading

Councilwoman Brackenbury presented this ordinance appropriating \$30,000 for downtown signage.

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

3. Ordinance #O1407-43 - Second Reading

Councilman Hayes presented this ordinance appropriating \$90,000 for the roadwork at Lower Station Camp Creek Road.

Councilman Hayes made motion to approve; Councilman Overton second.

Councilman Hayes stated this is a short term solution.

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

4. Ordinance #O1408-45 - Second Reading

Councilwoman Brackenbury presented this ordinance awarding bid and authorizing funds in the total amount of \$21,683 to conduct city compensation and benefits study.

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

5. Ordinance #O1407-44- First Reading

Councilman Mayberry presented this ordinance appropriating 2014 General Obligation Bond in the amount of \$8,596,000 and 2014 Water/Sewer Revenue Bond in the amount of \$4,650,000.

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

6. Ordinance #O1408 - 48 - First Reading

Vice Mayor Alexander presented this ordinance appropriating funds for 2013/2014 Carry-Over Capital Projects.

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

There was discussion on the Liberty Branch drainage project being complete at the end of August with no money left over. The 31E/ Albert Gallatin intersection and sidewalk project money came out of the Street Departments last year's roll over budget.

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

7. Ordinance #O1408-50 - First Reading

Councilman Overton presented this ordinance amending the Gallatin Municipal Code, Chapter 3, Alcoholic Beverage, Section 3-81, Retail Sales, to provide that no retailer shall hold more than fifty percent (50%) of the retail liquor store licenses.

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

8. Ordinance #O1408-51 - First Reading

Councilman Overton presented this ordinance authorizing funds in the amount of \$119,000 to purchase Lots #103 and #104 in Clear Lake Meadows development, Section 7, Phase 1 for the purpose of building Gallatin Fire Station #5.

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

Councilman Overton requested this item put on the next work session agenda for additional discussion.

Councilman Mayberry stated Mr. Egan from the Airport called him about the EMS property on Cairo Road being available for purchase and there is a meeting at the Airport this Friday at 11:30.

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

9. Ordinance #O1408-52 - First Reading

Councilman Overton presented this ordinance authorizing funds in the amount not to exceed \$45,000 to purchase property located on South Water Avenue with Map/Parcel 126C/J/006.00 owned by Joey and Donna Gregory, Gallatin, Tennessee.

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

Council discussed this location and alternate options.

Vice Mayor Alexander stated he would like for the city to keep the option open for the property on Franklin Street.

There was much discussion on this issue.

Councilwoman Kemp made motion to defer to the next work session; Councilman Hayes second. Motion carried with 6 ayes and Councilman Overton voting nay.

10. Resolution #R1407-39

Councilman Camp presented this resolution accepting public improvements by the City of Gallatin, Tennessee Elk Acres Subdivision, Section 3A.

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

Other Business

Mayor Graves called for other business.

- Police Chief Don Bandy requested \$900 for asbestos testing in the 411 South Water Building from the previous appropriated \$172,000.

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

- Councilman Overton asked for clarification of a statement made at last week's work session suggesting Council has no say in the design of the Civic Center. Councilman Overton added that rules can be changed.
- Vice Mayor Alexander requested the design of the Civic Center be put on next week's work session agenda for more discussion.

- Councilman Mayberry stated before any contract is signed or final decision is made on which consulting engineering firm is chosen, that this be brought back to Council. Mayor stated the policy is when construction is involved she must bring it back to Council and give them notice. Council has 48 hours to respond in writing if they desire and it goes on the next agenda for further discussion. Mayor stated that policy has been in place for years.

There was more discussion.

- Mayor Graves gave an update on the Civic Center addition. She stated she met at the Civic Center last Thursday with both firms and they are submitting RFP's. She will review them and start negotiations for the fee these companies will charge.
- Councilman Overton stated he would like to see the minutes when Council authorized \$100,000 to one company to design the addition to the Civic Center. Mayor stated that was six years ago but an outdoor pool has been added and the original design has changed since then.
- Mayor Graves stated once a design company is selected she will form a small group committee to help with the design of this facility. Mayor stated the committee she envisions is Leisure Services Director David Brown, Angela Alexander, Velma Brinkley, Councilwoman Brackenbury, Councilman Mayberry and herself.

Councilman Overton asked if the city formed a small group to help with the design of the \$27,000,000 water/sewer plant.

Special Projects Director Rosemary Bates stated the Greenway has a committee that contributes to the design and the Downtown Streetscape had a stakeholder meeting. Ms. Bates listed the other projects that are open to the public that had committees or stakeholder meetings.

Discussion continued on the Civic Center addition.

Public Recognition on Non-Agenda Related Items

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

- Ron Morrow of Beth Court spoke about the problem and solution for the pavilion in Triple Creek Park, the leftovers from the horses after the rodeo, no fence, and parking in Grandview Subdivision to attend events at the pavilion.

City Council Minutes
August 19, 2014

Mr. Morrow suggested moving the pavilion, the home owners in Grandview deserve better and he asked Council to take some action.

Leisure Services David Brown stated there was a minor amount left from the recent rodeo but in the future he will wash it off.

Adjourn

With no other business to discuss Mayor Graves adjourned the meeting.

Mayor Jo Ann Graves

City Recorder Connie Kittrell

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:
 Name: City of Gallatin, Tennessee
 Address: 132 W. Main Street
Gallatin, Tennessee 37066
 Debt Issue Name: Water and Sewer Revenue Refunding and Improvement Bonds, Series 2014
 If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.

2. Face Amount: \$ 5,460,000.00
 Premium/Discount: ~~XXXX~~ \$ 535,707.60

3. Interest Cost: 2.4261 % Tax-exempt Taxable
 TIC NIC
 Variable: Index _____ plus _____ basis points; or
 Variable: Remarketing Agent _____
 Other: _____

4. Debt Obligation:
 TRAN RAN CON
 BAN CRAN GAN
 Bond Loan Agreement Capital Lease
 If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Office of State and Local Finance ("OSLF").

5. Ratings:
 Unrated
 Moody's _____ Standard & Poor's AA Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
<input type="checkbox"/> General Government	_____ %	_____
<input type="checkbox"/> Education	_____ %	_____
<input checked="" type="checkbox"/> Utilities	<u>84.00</u> %	<u>water and sewer system improvements</u>
<input type="checkbox"/> Other	_____ %	_____
<input checked="" type="checkbox"/> Refunding/Renewal	<u>16.00</u> %	<u>remaining W&S Refunding 2004 Bonds</u>

7. Security:
 General Obligation General Obligation + Revenue/Tax
 Revenue Tax Increment Financing (TIF)
 Annual Appropriation (Capital Lease Only) Other (Describe): _____

8. Type of Sale:
 Competitive Public Sale Interfund Loan _____
 Negotiated Sale Loan Program _____
 Informal Bid _____

9. Date:
 Dated Date: 08/20/2014 Issue/Closing Date: 08/20/2014

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2015	\$ 570,000.00	2.0000 %	2026	\$ 340,000.00	3.0000 %
2016	\$ 565,000.00	3.0000 %	2027	\$ 355,000.00	3.0000 %
2017	\$ 560,000.00	4.0000 %	2028	\$ 265,000.00	3.0000 %
2018	\$ 265,000.00	5.0000 %	2029	\$ 375,000.00	3.0000 %
2019	\$ 265,000.00	5.0000 %		\$	%
2020	\$ 270,000.00	5.0000 %		\$	%
2021	\$ 275,000.00	5.0000 %		\$	%
2022	\$ 285,000.00	5.0000 %		\$	%
2023	\$ 315,000.00	5.0000 %		\$	%
2024	\$ 325,000.00	5.0000 %		\$	%
2025	\$ 330,000.00	4.0000 %		\$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source **MUST BE PREPARED AND ATTACHED**. For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

No costs or professionals

	AMOUNT <small>(Round to nearest \$)</small>	FIRM NAME
Financial Advisor Fees	\$ 16,500	Wiley Bros. - Aintree Capital, LLC
Legal Fees	\$ 8,400	Bass, Berry & Sims PLC
Bond Counsel	\$ 0	
Issuer's Counsel	\$ 0	
Trustee's Counsel	\$ 0	
Bank Counsel	\$ 0	
Disclosure Counsel	\$ 0	
Paying Agent Fees	\$ 300	U.S. Bank
Registrar Fees	\$ 0	
Escrow Agent Fees	\$ 300	U.S. Bank
Remarketing Agent Fees	\$ 0	
Liquidity Fees	\$ 0	
Rating Agency Fees	\$ 13,950	Standard & Poor's
Credit Enhancement Fees	\$ 0	
Bank Closing Costs	\$ 0	
Underwriter's Discount <u>0.67</u> %		
Take Down	\$ 38,575	Janney Montgomery Scott LLC
Management Fee	\$ 0	
Risk Premium	\$ 0	
Underwriter's Counsel	\$ 0	
Other expenses	\$ 0	
Printing and Advertising Fees	\$ 2,500	I-Deal Parity, printing, advertising
Issuer/Administrator Program Fees	\$ 0	
Real Estate Fees	\$ 0	
Sponsorship/Referral Fee	\$ 0	
Other Costs	\$ 500	Wiley Bros. - Miscellaneous
TOTAL COSTS	\$ 79,025	

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:

No Recurring Costs

	AMOUNT (Best points/\$)	FIRM NAME (if different from #11)
Remarketing Agent		
Paying Agent / Registrar	300	U.S. Bank
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent		
Sponsorship / Program / Admin		
Other		

13. Disclosure Document / Official Statement:

None Prepared

EMMA link <http://emma.msrb.org/ER793169-ER617208-ER1019068.pdf> or

Copy attached

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due June 30 Annually

Name and title of person responsible for compliance Rachel Nichols, Director of Finance

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 10/18/2011

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on 9-2-2014 and presented at public meeting held on 09/02/2014

Copy to Director to OSLF: on _____ either by:

Mail to: 505 Deaderick Street, Suite 1600
James K. Polk State Office Building
Nashville, TN 37243-1402

OR

Email to: StateAndLocalFinance.PublicDebtForm@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Jo Ann Graves</u>	<u>Jeffrey A. Oldham</u>
Title	<u>Mayor</u>	<u>Bond Counsel</u>
Firm		<u>Bass, Berry & Sims PLC</u>
Email	<u>joann.graves@aalltain-tn.gov</u>	<u>joldham@bassberry.com</u>
Date	<u>08/20/2014</u>	<u>08/20/2014</u>

Gallatin, Tennessee
 Water and Sewer Principal Amortization
 Following Issuance of Water and Sewer Revenue Refunding
 and Improvement Bonds, Series 2014

<u>Fiscal Year</u>	<u>Principal</u>	<u>Accumulated Principal Paid</u>	
2015	\$ 1,325,000	One Year	\$ 1,325,000
2016	\$ 1,630,000		3.51%
2017	\$ 1,685,000		
2018	\$ 1,740,000		
2019	\$ 1,625,000	Five Years	\$ 8,005,000
2020	\$ 1,675,000		21.19%
2021	\$ 1,735,000		
2022	\$ 1,790,000		
2023	\$ 1,855,000		
2024	\$ 1,955,000	Ten Years	\$ 17,015,000
2025	\$ 2,055,000		45.04%
2026	\$ 2,135,000		
2027	\$ 2,225,000		
2028	\$ 2,325,000		
2029	\$ 2,425,000	Fifteen Years	\$ 28,180,000
2030	\$ 2,525,000		74.60%
2031	\$ 2,250,000		
2032	\$ 2,355,000		
2033	\$ 2,465,000		
2034	\$ <u> </u>	Twenty Years	\$ 37,775,000
	\$ 37,775,000		100.00%

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:
 Name: City of Gallatin, Tennessee
 Address: 132 W. Main Street
Gallatin, Tennessee 37066
 Debt Issue Name: General Obligation Refunding and Improvement Bonds, Series 2014
 If disclosing initially for a program, attach the form specified for updates, indicating the frequency required

2. Face Amount: \$ 14,185,000.00
 Premium/Discount: ~~XXXX~~ \$ 884,044.50

3. Interest Cost: 2.6448 % Tax-exempt Taxable
 TIC NIC
 Variable: Index _____ plus _____ basis points; or
 Variable: Remarketing Agent _____
 Other: _____

4. Debt Obligation:
 TRAN RAN CON
 BAN CRAN GAN
 Bond Loan Agreement Capital Lease
 If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Office of State and Local Finance ("OSLF").

5. Ratings:
 Unrated
 Moody's _____ Standard & Poor's AA+ Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
<input checked="" type="checkbox"/> General Government	<u>60.00</u> %	<u>parks, roads, fire hall</u>
<input type="checkbox"/> Education	_____ %	_____
<input type="checkbox"/> Utilities	_____ %	_____
<input type="checkbox"/> Other	_____ %	_____
<input checked="" type="checkbox"/> Refunding/Renewal	<u>40.00</u> %	<u>portions of GO Improvement Bonds, Series 2007</u>

7. Security:
 General Obligation General Obligation + Revenue/Tax
 Revenue Tax Increment Financing (TIF)
 Annual Appropriation (Capital Lease Only) Other (Describe): _____

8. Type of Sale:
 Competitive Public Sale Interfund Loan _____
 Negotiated Sale Loan Program _____
 Informal Bid _____

9. Date:
 Dated Date: 08/20/2014 Issue/Closing Date: 08/20/2014

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2015	\$490,000.00	2.0000 %	2026	\$1,050,000.00	4.0000 %
2016	\$375,000.00	2.0000 %	2027	\$1,090,000.00	3.0000 %
2017	\$375,000.00	3.0000 %	2029	\$910,000.00	3.0000 %
2018	\$845,000.00	3.0000 %	2030	\$475,000.00	3.0000 %
2019	\$860,000.00	4.0000 %	2031	\$490,000.00	3.0000 %
2020	\$875,000.00	4.0000 %	2032	\$505,000.00	3.1250 %
2021	\$910,000.00	2.0000 %	2033	\$525,000.00	3.1250 %
2022	\$930,000.00	3.0000 %	2034	\$545,000.00	3.2500 %
2023	\$950,000.00	2.5000 %		\$	%
2024	\$975,000.00	5.0000 %		\$	%
2025	\$1,010,000.00	4.0000 %		\$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source MUST BE PREPARED AND ATTACHED. For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

No costs or professionals

	AMOUNT <small>(Round to nearest \$)</small>	FIRM NAME
Financial Advisor Fees	\$ 16,500	Wiley Bros. - Aintree Capital, LLC
Legal Fees	\$ 21,600	Bass, Berry & Sims PLC
Bond Counsel	\$ 0	
Issuer's Counsel	\$ 0	
Trustee's Counsel	\$ 0	
Bank Counsel	\$ 0	
Disclosure Counsel	\$ 0	
Paying Agent Fees	\$ 300	U.S. Bank
Registrar Fees	\$ 0	
Escrow Agent Fees	\$ 300	U.S. Bank
Remarketing Agent Fees	\$ 0	
Liquidity Fees	\$ 0	
Rating Agency Fees	\$ 14,850	Standard & Poor's
Credit Enhancement Fees	\$ 0	
Bank Closing Costs	\$ 0	
Underwriter's Discount <u>0.69</u> %		
Take Down	\$ 97,703	Citigroup Global Markets
Management Fee	\$ 0	
Risk Premium	\$ 0	
Underwriter's Counsel	\$ 0	
Other expenses	\$ 0	
Printing and Advertising Fees	\$ 2,500	I-Deal Parity, printing, advertising
Issuer/Administrator Program Fees	\$ 0	
Real Estate Fees	\$ 0	
Sponsorship/Referral Fee	\$ 0	
Other Costs	\$ 3,500	\$3,000 Arbitrage Group - Verification; \$500 miscellaneous
TOTAL COSTS	\$ 157,253	

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:

No Recurring Costs

	AMOUNT (Basis points/\$)	FIRM NAME (if different from #11)
Remarketing Agent		
Paying Agent / Registrar	300	U.S. Bank
Trustee		
Liquidity / Credit Enhancement		
Escrow Agent	300	U.S. Bank (fee effective only through term of escrow)
Sponsorship / Program / Admin		
Other		

13. Disclosure Document / Official Statement:

None Prepared

EMMA link <http://emma.msrb.org/ER793237-ER617251-ER1019113.pdf> or

Copy attached

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due June 30 Annually

Name and title of person responsible for compliance Rachel Nichols, Director of Finance

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 10/18/2011

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on 9-2-2014 and presented at public meeting held on 09/02/2014

Copy to Director to OSLF: on _____ either by:

Mail to: **505 Deaderick Street, Suite 1600
James K. Polk State Office Building
Nashville, TN 37243-1402** OR Email to: StateAndLocalFinance.PublicDebtForm@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>Jo Ann Graves</u>	<u>Jeffrey A. Oldham</u>
Title	<u>Mayor</u>	<u>Bond Counsel</u>
Firm		<u>Bass, Berry & Sims PLC</u>
Email	<u>joann.graves@gallatin-tn.gov</u>	<u>joldham@bassberr.com</u>
Date	<u>08/20/2014</u>	<u>08/20/2014</u>

Gallatin, Tennessee
 General Obligation Principal Amortization
 Following Issuance of General Obligation Refunding
 and Improvement Bonds, Series 2014

<u>Fiscal Year</u>	<u>Principal</u>	<u>Accumulated Principal Paid</u>	
2015	\$ 1,385,000	One Year	7.84%
2016	\$ 1,205,000		
2017	\$ 1,235,000		
2018	\$ 1,280,000		
2019	\$ 1,320,000	Five Years	36.37%
2020	\$ 875,000		
2021	\$ 910,000		
2022	\$ 930,000		
2023	\$ 950,000		
2024	\$ 975,000	Ten Years	62.64%
2025	\$ 1,010,000		
2026	\$ 1,050,000		
2027	\$ 1,090,000		
2028	\$ 450,000		
2029	\$ 460,000	Fifteen Years	85.62%
2030	\$ 475,000		
2031	\$ 490,000		
2032	\$ 505,000		
2033	\$ 525,000		
2034	\$ <u>545,000</u>	Twenty Years	100.00%
	\$ 17,665,000		

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

8/26/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Presentation of State Form CT-0253

SUMMARY:

Presentation of State Form CT-0253 is now required by the State. There are 2 forms, one for each of the bond issues just completed. The form details the maturities and costs for each of the issues. Approval is not required, only proof that the report was presented at a public meeting.

RECOMMENDATION:

acceptance

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING 2014 GENERAL OBLIGATION BOND
IN THE AMOUNT OF \$8,596,000 AND
2014 WATER SEWER REVENUE BOND IN THE AMOUNT OF \$4,650,000

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$8,596,000 is hereby appropriated from the 2014 GO Bond, account 313-36920, for the following projects/purchases:

- Public Works building, fence and paving, 31343000-847, \$750,000
- Trash Truck, 31343000-941, \$200,000
- Dump truck with plow and spreader, 31343000-942, \$126,000
- Belvedere/Moreland drainage, 31341670-934-106, \$85,000
- Greenlea Blvd, 31341670-931-5, \$2,500,000
- Driver's Lane, 31341670-931-37, \$900,000
- Blakemore Ave, 31341670-931-104, \$290,000
- Civic Center expansion & renovation, 31344410-922-78, \$2,750,000
- Civic Center fitness equipment, 31344410-946-76, \$100,000
- Thompson Park playground equipment, 31344410-942-82, \$15,000
- Clearview Park playground equipment, 31344410-942-86, \$15,000
- Triple Creek Park ballfield backstops, 31344410-942-84, \$20,000
- Clearview Park basketball court, 31344410-923-85, \$50,000
- Triple Creek soccer lights, 31344410-939-89, \$150,000
- Clearview Park walking track, 31344410-923-79, \$20,000
- Fire Hall #5 land and design, 31342220-922-105, \$625,000; and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$4,650,000 is hereby appropriated from the 2014 Water Sewer Revenue Bond, account 319-36920, to account 31952113-922, Water Treatment Plant improvements, for expansion of the current facility; 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: 08/19/2014

PASSED SECOND READING: _____.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

8/12/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Appropriation ordinance for 2014 bond issues

SUMMARY:

Ordinance to appropriate 2014 General Obligation and 2014 Water Sewer Revenue bonds for specified projects

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS FOR 2013/2014
CARRY-OVER CAPITAL PROJECTS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,824,567 is hereby appropriated from the water and sewer fund reserve for the following projects which were not yet complete at the end of 2014:

Eng. Design Contract 208, 41352211-972, \$88,473

Engineering design and improvements, 109 bridge project, 41341000-939, \$272,280

Leak survey (water), 41352114-934-57, \$2,500

Sewer flow monitoring, 41352212-934-70, \$87,080

Ind park water/sewer crossing, 41352114-934-102, \$827,067

Sewer rehabilitation contract 212, 41352212-934-26, \$443,402

Rankin Branch sewer, 41352211-934-47, \$86,154

Water sewer equipment, 41352114-942, \$17,611;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$680,813 is hereby appropriated from the gas fund reserve for the following projects which were not yet complete at the end of 2014:

2012 gas line contract addition, 41552414-934-19, \$653,735

Office equipment, 41552417-947, \$2,593

Transportation equipment, 41552414-941, \$12,797

Gas equipment, 41552417-942, \$11,688;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,293,131 is hereby appropriated from the general fund reserve for the following projects which were not yet complete at the end of 2014:

HR grant, 11041650-320, \$5,000

Records Preservation grant, 11041620-329, \$10,810

Police building purchase, 11042110-922, \$172,415

Fire Station 1 donation, 11042220-329-50, \$373

Fire Station 2 donation, 11042220-329-51, \$800

Fire Station 3 donation, 11042220-329-52, \$317

Litter grant salaries, 11041800-111-56, \$43,688

Litter grant FICA, 11041800-141-56, \$3,647

Litter grant supplies, 11041800-720-56, \$24,557

Richland Circle, 11043000-912-21, \$38,209

Service Center, 11043000-922, \$28,552

Liberty Branch drainage, 11043000-912-68, \$52,939

31E & Albert Gallatin intersection and sidewalk, 11043120-865-103, \$55,000

Park Avenue rehabilitation, 11041670-931-4, \$136,000

US 31E & SR 25 intersection, 11041670-931-6, \$110,562

Driver's Lane relocation, 11041670-931-37, \$219,880

College Street rehabilitation, 11041670-931, \$166,037

Peninsula Drive culvert, 11041670-934, \$17,801

Engineering operating supplies, 11041670-320, \$16,329

Repaving, 11041670-923, \$189,965

Engineering office furniture, 11041670-935, \$250

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$19,518 is hereby appropriated from the environmental services fund reserve for Recycling, 12543230-489;

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: 08/19/2014

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

8/12/2014

DEPARTMENT: Finance/I. T.

AGENDA #

SUBJECT:

Appropriation ordinance for 2014 carry-over projects

SUMMARY:

Ordinance to appropriate funds for various incomplete projects as of June 30, 2014.

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AMENDING THE GALLATIN MUNICIPAL CODE, CHAPTER 3,
ALCOHOLIC BEVERAGE, SECTION 3-81, RETAIL SALES, TO PROVIDE THAT NO
RETAILER SHALL HOLD MORE THAN FIFTY PERCENT (50%) OF THE RETAIL
LIQUOR STORE LICENSES

WHEREAS, Public Chapter No. 554 of the 2014 Public Acts amended Tennessee Code Annotated, Title 2 and Title 57, relative to alcoholic beverages;

WHEREAS, Section 28 of Public Chapter 554 amended Tennessee Code Annotated Section 57-3-406(a) by adding Section 57-3-406(a)(2) to provide that nothing shall prohibit the holder of a retail license from having more than one (1) retail license;

WHEREAS, Section 28 of Public Chapter 554 amended Tennessee Code Annotated Section 57-3-406(a) by adding Section 57-3-406(a)(3) to provide that in any municipality in which the issuance of two (2) or more retail licenses have been authorized under Section 57-3-208(c), no retail licensee shall hold more than fifty percent (50%) of the licenses authorized for issuance in such municipality;

WHEREAS, Gallatin Municipal Code, Chapter 3, Article II, Section 3-81(a) currently prohibits the holder of a retail license from having more than one license; and

WHEREAS, Gallatin Municipal Code, Chapter 3, Article II, Section 3-81(a) must be amended to comply with State law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN,
TENNESSEE, THAT:

1. Gallatin Municipal Code, Chapter 3, Article II, Section 3-81 be amended by deleting Section 3-81(a) in its entirety and replacing it with the following:

- (a) No retailer shall hold more than fifty percent (50%) of the licenses authorized for issuance by Section 3-62 herein.

2. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

PASSED FIRST READING: August 19, 2014.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

August 12, 2014

DEPARTMENT: CITY ATTORNEY

AGENDA #

SUBJECT:

Liquor License Amendment

SUMMARY:

Ordinance Amending the GMC Chapter 3, Alcoholic Beverages, Section 3-81, Retail Sales, to provide that no retailer shall hold more than fifty percent (50%) of the retail liquor store licenses.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE AUTHORIZING FUNDS IN THE AMOUNT OF \$119,000.00 TO PURCHASE LOTS 103 AND 104 IN CLEAR LAKE MEADOWS DEVELOPMENT, SECTION 7, PHASE 1 FOR THE PURPOSE OF BUILDING GALLATIN FIRE STATION NUMBER FIVE.

BE IT ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that the total funds in the amount of \$119,000 for the purchase of said property is authorized and appropriated from the 2014 General Obligation Bond, Account 31342220-922-105.

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that a contract for the purchase of said real property shall be approved by the City Attorney and the Mayor shall be authorized to execute said contract and any other document necessary to effectuate the purchase of the aforescribed property.

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

PASSED FIRST READING: August 19, 2014

PASSED SECOND READING: _____

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

August 26, 2014

DEPARTMENT: Fire Department

AGENDA #

SUBJECT:

Discuss land at Clearlake Meadow and Nichols Lane for possible location of future Fire Station #5

SUMMARY:

Council asked that this be discussed further after being approved on first reading.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING A 9.34 (+/-) ACRE PORTION OF A PARCEL (S.B.E. TAX MAP #111//PARCEL 001.00), LOCATED AT THE EAST END OF GATEWAY DRIVE FROM AGRICULTURAL-RESIDENTIAL (A) ZONING DISTRICT TO THE INDUSTRIAL RESTRICTIVE (IR) ZONING DISTRICT; 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 Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval in GMRPC Resolution No. 2014-70 ; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

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

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission and hereby approves changing the zoning from the Agricultural-Residential (A) District to the Industrial Restrictive (IR) District on the property described in Exhibit A, Exhibit B, and Exhibit C; and
2. Based upon the recommendation of approval by the Gallatin Municipal-Regional Planning Commission and after public notice and public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, that Industrial Restrictive (IR) District zoning is hereby established for the property described in Exhibit A, Exhibit B, and Exhibit C; and
3. The Gallatin City Council hereby approves, authorizes and directs the revision of the City's Official Zoning Atlas in accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, and shall, upon the effective date of this ordinance, amend the Atlas to reflect the established zoning for the property; and
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; and
5. 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.

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCCAULEY
CITY ATTORNEY

EXHIBIT A

Gateway Drive cul de sac east of the Gregory West Line, Gallatin Industrial Park, Phase 3 Legal Description

BEING located in the 2nd Civil District of Sumner County, Tennessee, being located north of State Route 25 (Hartsville Pike) and being a portion of the Gregory Real Estate, LLC Property as recorded in Record Book 3371, Page 518, in the Register's Office of Sumner County, Tennessee and being more particularly described as follows:

BEGINNING at an existing 1" iron pin monument at the base of an existing rock wall, said monument also being the northeasterly corner common to the City of Gallatin Property as recorded in Record Book 2962, Page 808, in the Register's Office of Sumner County, Tennessee and southerly corner common to the Gregory Real Estate, LLC Property as recorded in Record Book 1811, Page 783, in the Register's Office of Sumner County, Tennessee

Thence continuing along with the easterly line of the City of Gallatin Property and continuing along with the westerly line of the Gregory Real Estate, LLC Property S 07°07'14" W a distance of 1381.72' to a new iron pin monument, said monument being the TRUE POINT OF BEGINNING;

Thence with a dedicated right-of-way across the Gregory Real Estate, LLC Property the following five calls: S 82°33'41" E a distance of 72.46' to a new iron pin monument;

Thence with a curve turning to the left with an arc length of 42.70', with a radius of 50.00', with a chord bearing of N 72°58'19" E, with a chord length of 41.42', to a new iron pin monument;

Thence with a reverse curve turning to the right with an arc length of 421.92', with a radius of 87.00', with a chord bearing of S 07°26'19" W, with a chord length of 114.31', to a new iron pin monument;

Thence with a reverse curve turning to the left with an arc length of 42.70', with a radius of 50.00', with a chord bearing of N 58°05'41" W, with a chord length of 41.42', to a new iron pin monument;

Thence N 82°33'41" W a distance of 72.02' to a new iron pin monument, said monument being a point in the easterly property line of the City of Gallatin Property;

Thence continuing along with easterly line of the City of Gallatin Property N 07°07'14" E a distance of 80.00' to a new iron pin monument, which is the point of beginning, having an area of 31,294 square feet, 0.72 acres more or less.

All bearings based on Tennessee State Plane (NAD 83)

This description was prepared by Blue Ridge Surveying, Inc., certified by Brian M. Reifschneider RLS #2487, and dated June 6, 2014.

PC 0329-14

EXHIBIT B

Gallatin Industrial Park Phase 3 far easterly portion of Lot 6 Legal Description

BEING located in the 2nd Civil District of Sumner County, Tennessee, being located north of State Route 25 (Hartsville Pike) and being a portion of the Gregory Real Estate, LLC Property as recorded in Record Book 3371, Page 518, in the Register's Office of Sumner County, Tennessee and being more particularly described as follows:

BEGINNING at an existing 1" iron pin monument at the base of an existing rock wall, said monument also being the northeasterly corner common to the City of Gallatin Property as recorded in Record Book 2962, Page 808, in the Register's Office of Sumner County, Tennessee and southerly corner common to the Gregory Real Estate, LLC Property as recorded in Record Book 1811, Page 783, in the Register's Office of Sumner County, Tennessee

Thence continuing along with the easterly line of the City of Gallatin Property and continuing along with the westerly line of the Gregory Real Estate, LLC Property S 07°07'14" W a distance of 2075.78' to a new iron pin monument, said monument being the TRUE POINT OF BEGINNING;

Thence with a severance line across the Gregory Real Estate, LLC Property the following three calls: S 14°06'46" E a distance of 173.89' to a new iron pin monument;

Thence S 09°05'58" W a distance of 154.40' to a new iron pin monument;

Thence S 31°53'02" W a distance of 137.62' to a new iron pin monument, said monument being a point in the easterly property line of the City of Gallatin Property;

Thence continuing along with easterly line of the City of Gallatin Property, N 07°07'14" E a distance of 441.36' to a new iron pin monument, which is the point of beginning, having an area of 18,012 square feet, 0.41 acres more or less.

All bearings based on Tennessee State Plane (NAD 83)

This description was prepared by Blue Ridge Surveying, Inc., certified by Brian M. Reifschneider RLS #2487, and dated June 6, 2014.

PC0329-14

EXHIBIT C

Gregory Land for easterly portion of Lot 4, Gallatin Industrial Park, Phase 3 Legal Description

BEING located in the 2nd Civil District of Sumner County, Tennessee, being located north of State Route 25 (Hartsville Pike) and being a portion of the Gregory Real Estate, LLC Property as recorded in Record Book 3371, Page 518, in the Register's Office of Sumner County, Tennessee and being more particularly described as follows:

BEGINNING at an existing 1" iron pin monument at the base of an existing rock wall, said monument also being the northeasterly corner common to the City of Gallatin Property as recorded in Record Book 2962, Page 808, in the Register's Office of Sumner County, Tennessee and southerly corner common to the Gregory Real Estate, LLC Property as recorded in Record Book 1811, Page 783, in the Register's Office of Sumner County, Tennessee

Thence leaving said City of Gallatin Property and continuing along with the southerly line of the Gregory Real Estate, LLC Property S 82°33'41" E a distance of 262.53' to a new iron pin monument;

Thence with a new severance line across the Gregory Real Estate, LLC Property the following four calls: S 07°07'14" W a distance of 1420.76' to a new iron pin monument;

Thence with a curve turning to the left with an arc length of 210.00', with a radius of 87.00', with a chord bearing of N 62°20'46" W, with a chord length of 162.60', to a new iron pin monument;

Thence with a reverse curve turning to the right with an arc length of 42.70', with a radius of 50.00', with a chord bearing of S 72°58'19" W, with a chord length of 41.42', to a new iron pin monument;

Thence N 82°33'41" W a distance of 72.46' to a new iron pin monument, said monument being a point in the easterly property line of the City of Gallatin Property;

Thence continuing along with easterly line of the City of Gallatin Property N 07°07'14" E a distance of 1381.72' to an existing 1" iron pin monument, which is the point of beginning having an area of 357,592 square feet, 8.21 acres more or less.

All bearings based on Tennessee State Plane (NAD 83)

This description was prepared by Blue Ridge Surveying, Inc., certified by Brian M. Reifschneider RLS #2487, and dated June 6, 2014.

PC0329-14



ITEM 6

STAFF REPORT TO CITY COUNCIL

Rezoning for Portion of Gallatin Industrial Center, Phase 3

(PC0329-14) (Z-2014-26)

Located at 1398 and 1399 Gateway Drive

Date: August 20, 2014

PUBLIC HEARING

REQUEST: OWNER AND APPLICANT REQUESTS REZONING FOR A PORTION OF THE GALLATIN INDUSTRIAL CENTER, PHASE 3, COMPRISING OF 9.34 (+-) ACRES, FROM AGRICULTURAL-RESIDENTIAL (A) TO INDUSTRIAL RESTRICTIVE (IR) LOCATED AT 1398 AND 1399 GATEWAY DRIVE.

OWNER: GREGORY REAL ESTATE, LLC

APPLICANT: CITY OF GALLATIN

STAFF RECOMMENDATION: RECOMMEND APPROVAL TO CITY COUNCIL

STAFF CONTACT: ROBERT J. KALISZ

PLANNING COMMISSION DATE: AUGUST 25, 2014

CITY COUNCIL DATE: AUGUST 26, 2014 (COUNCIL COMMITTEE)

PROPERTY OVERVIEW:

The owner and applicant are requesting approval of Ordinance O1408-47 (Attachment 6-1) to rezone portion of one (1) parcel comprising 9.34 (+/-) acres (Tax Map 111 and Parcel 001.00) from Agricultural-Residential (A) to Industrial Restrictive (IR) located along the eastern boundary of Gallatin Industrial Center, Phase 3. (Attachment 6-2) The Planning Commission will consider the rezoning request at the August 25, 2014 meeting and make a recommendation to City Council.

CASE BACKGROUND:

Previous Approvals

On July 17, 2007, the City Council passed 2nd reading Ordinance Number O0706-42 annexing 177.71 (+/-) acres (Tax Map 111 and Parcel 001.00)

On July 17, 2007, the City Council passed 2nd reading Ordinance Number O0706-43 amending the zoning of a 177.71 (+/-) acre parcel (Tax Map 111 and Parcel 001.00) from Sumner County RA Zoned District to City of Gallatin Agriculture-Residential Zoned District.

On January 27, 2014, the Planning Commission approved the final plat for the Gallatin Industrial Center, Phase 2 which included two (2) lots and the existing Gateway Drive right-of-way totaling 222.32 (+/-) acres (Plat Book 28, Page 131-132 R.O.S.C.). (This property is adjacent to the subject property.)

On June 23, 2014, the Planning Commission approved the final plat for the Gallatin Industrial Center, Phase 3, Resubdivision of Lot 2 of the Gallatin Industrial Center, Phase 2, which included the subject property, portion of Tax Map 111 and Parcel 001.00, and the proposed roadway extension which is currently owned by Gregory Real Estate, LLC. (Plat Book 28, Page 193-194 R.O.S.C.).

On July 28, 2014, the Planning Commission approved a resolution (GMRPC Resolution No. 2014-67) to amend the Gallatin on the Move 2020 - City of Gallatin General Development and Transportation Plan Updated 2008-2020 - Community Character Map by changing the land use designation on a portion of one (1) parcel (Tax Map 111 and Parcel 001.00), comprising of 9.34 (+/-) acres, from the Rural Character Area to the Airport Road Industrial Character Area, and amending the Major Thoroughfare Map Series to extend Gateway Drive.

On August 25, 2014, the Planning Commission will consider the rezoning request and make a recommendation to City Council on rezoning the subject property, a portion of Gallatin Industrial Center, Phase 3, comprising of 9.34 (+/-) acres, from Agricultural-Residential (A) to Industrial Residential (IR). Staff will inform City Council at the August 26, 2014 Council Committee meeting of the Planning Commission's recommendation.

DISCUSSION:

Natural Features of the Site

No portions of the property contain steep slopes of greater than 20 percent, which may prevent development. The properties now consist of relatively level to gently sloping lands previously used for agricultural purposes. It is currently planted with grass/hay.

Floodplain and Floodway

No portion of the property is located within a special flood hazard area according to the Flood Insurance Rate Map (Map Number 47165C0317G, Panel 317 of 477, dated April 17, 2012).

Drainage and Retention

The property is along a ridge of two (2) tributaries which flow into the Bledsoe Creek drainage basin and eventually to Old Hickory Lake. A portion of a small pond is included in the area subject to the rezoning amendment. The whole pond is included with Lot 6 of the approved plat.

Adjacent development and zoning

The property to the west is undeveloped, but platted as part of the Gallatin Industrial Park, Phase 3 and is designated as Airport Road Industrial Character Area and is zoned Industrial Restrictive (IR). The property to the north and east is designated as Rural Community Character Area. The property to the east is zoned Agriculture-Residential (A) and the property to the north is in the county and has a Sumner County zoning of R1A (General Residential) and is currently used for agricultural purposes. The properties to the south are designated as Suburban Neighborhood Emerging Character Area which is currently zoned City of Gallatin Residential 15 Planned Residential Development (R15-

PRD) and Sumner County zoning of Medium Density Residential-Planned Unit Development (MDRPUD).

Community Character Area and Zoning

The property is located in the Airport Road Industrial Character Area and is zoned Industrial Restrictive (IR). The Airport Road Industrial Character Area is characterized by large lots with large-scale industrial and warehousing buildings set back on the lots. Building types range from large metal buildings with limited brick and stone facade treatments to two-story office buildings. Some examples of the primary land uses for this character area consists of light industry, warehouses, commercial, and sales which are applicable uses in the Industrial Restrictive (IR) zoned district.

Public Infrastructure

The City of Gallatin obtained a Tennessee Department of Transportation (TDOT) grant (State Industrial Access) for the extension of Gateway Drive to the existing terminus, which was completed in 2013. A similar grant may be requested for the extension of Gateway Drive. The water and sewer service is currently being extended along Gateway Drive to serve the properties located in the Gallatin Industrial Center, Phase 3. The water and sewer service for the extension of Gateway Drive will be provided in the future as development dictates.

Existing Access/ Roadway Extension

Public access to the property is available only from Gateway Drive. Gateway Drive was recently extended and terminates in a cul-de-sac west of the subject property. The extension of Gateway Drive in the platted right-of-way will provide access to the property including to all portions of the platted lots fronting the roadway extension. The approximately 1066 feet eastwardly extension of Gateway Drive will include a collector roadway within an 80 foot wide right-of-way from end of the current cul de sac. The further extension of this roadway is anticipated with future amendments to the plan.

Traffic Generation

The proposed rezoning amendment would have a negligible effect on trip generation to and from the industrial park. While up to 9 acres of additional industrial land could be developed as a result of the amendment, knowing the specific use/user of the property and anticipated layout to the development, most of the property will not be used for trip generation activity. Therefore, no additional trip generation is expected as a result of the amendment.

FINDINGS:

1. The owner and applicant have submitted a completed application with required attachments to the City requesting the zoning change.
2. The proposed zoning amendment is in general conformance with the Gallatin on the Move 2020 General Development and Transportation Plan Update and the Intent and Purpose of the Zoning Ordinance of Gallatin, Tennessee as set forth in Article 1.00, Section 1.03 of said Ordinance.

3. The proposed zoning is consistent with the Airport Road Industrial Character Area assigned to the property, and that the public necessity, convenience, and the general welfare, require the adoption of the proposed amendment.
4. The property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property.
5. Due public notice of the proposed zoning change will be provided at least fifteen (15) days but no more than thirty (30) days prior to the public hearing and public notice signs have been posted on the property consistent with Section 15.07.060 of the Gallatin Zoning Ordinance.
6. The Gallatin Regional-Municipal Planning Commission will hold a public meeting and will review and make a recommendation to the City Council on the proposed rezoning request on August 25, 2014.
7. The proposed rezoning will be compatible with surrounding area and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located.

RECOMMENDATION:

Staff recommends that the City Council schedule Ordinance No. O1408-47 for 1st reading on September 2, 2014 to rezone a portion of Gallatin Industrial Center, Phase 3, comprising of 9.34 (+/-) acres, from Agricultural-Residential (A) to Industrial Residential (IR).

Attachment 6-1 City Council Ordinance No. O1408-47
Attachment 6-2 Rezoning Exhibit

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 26, 2014

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 2

SUBJECT:

Ordinance No. O1408-47 an ordinance of the City of Gallatin, Sumner County, Tennessee, amending the zoning on 9.34 (+/-) acres from Agricultural-Residential (A) to Industrial Restrictive (IR)

SUMMARY:

Applicant requests approval to amend the Gallatin Zoning Ordinance Official Zoning Atlas, to rezone a portion of one (1) parcel (Tax Map 111//Parcel 001.00) containing 9.34 (+/-) acres located at the east end of Gateway Drive. The Gallatin Municipal-Regional Planning Commission will review this rezoning request at the August 25, 2014 Planning Commission Meeting. (PC0329-14) (Z-2014-26).

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$3,085.71 FOR
GROUNDWATER MONITORING AND REPORTING FOR THE RESOURCE
AUTHORITY IN SUMNER COUNTY, TENNESSEE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$3,085.71 is hereby appropriated from the Sanitation Fund 12543210-590 for initial groundwater monitoring and reporting at the Resource Authority in Sumner County, Tennessee's Odoms Bend Facility. Said groundwater monitoring and reporting is mandated by the Tennessee Department of Environment and Conservation, and said amount represents the City of Gallatin's share of costs pursuant to the Solid Waste Disposal Agreement.

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

SOLID WASTE DISPOSAL AGREEMENT

This Agreement made this 20th day of May, 1983, between THE RESOURCE AUTHORITY IN SUMNER COUNTY, TENNESSEE (the "Authority"), THE CITY OF GALLATIN, Sumner County, Tennessee, THE CITY OF HENDERSONVILLE, Sumner County, Tennessee (jointly referred to as the "Municipalities"), and SUMNER COUNTY, Tennessee ("Sumner County").

WITNESSETH:

WHEREAS, the disposal of solid waste in the Sumner County area is an ever increasing problem, and the use of landfill techniques is unsightly and increases the hazard of unsanitary conditions; and

WHEREAS, there is an ever decreasing amount of land available for sanitary landfill purposes; and

WHEREAS, Sumner County and the Municipalities joined in numerous discussions concerning the construction of a central waste disposal facility in Sumner County for the use and benefit of the Municipalities and Sumner County and the residents thereof; and

WHEREAS, Chapter 157 of the 1979 Private Acts of Tennessee, as amended by Chapter 291 of the 1980 Private Acts of Tennessee ("Act"), created the Authority and the Authority has organized and is presently acting as such; and

WHEREAS, the Authority acquired from Sumner County the County's landfill and operates the same for the benefit of Sumner County and the Municipalities and has constructed a solid waste disposal and resource recovery facility (the "Facility") in Sumner County, to provide Sumner County and the Municipalities with an economically and environmentally sound long-term solution to their solid waste disposal problems.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein expressed, the parties do agree as follows:

L. DEFINITIONS

1.01 "Authority" means Resource Authority in Sumner County, Tennessee, as created by the Act.

1.02 "Bond Debt" or "Bond Issue" shall refer to those bonds, bond anticipation notes, or other obligations issued by the Authority in connection with the Solid Waste incineration capacity of the Facility pursuant to the Act, except such terms shall not include those bonds, bond anticipation notes, or other obligations issued by the Authority pursuant to the Act for the purpose of financing the acquisition, construction, or equipping of a new facility or expanding the Solid Waste incineration capacity of the Facility.

1.03 "Collection System" refers to any Solid Waste collection system operated by, on behalf of, or directed by Sumner County or the Municipalities.

1.04 "Facility" means the Solid Waste and resource recovery facility constructed by the Authority as more specifically described in Exhibit A, attached hereto.

1.05 "Flat Fee" means the fee or fees herein established in Section 5.01(a) and for the payment of which Sumner County shall be obligated.

1.06 "Force Majeure" shall mean those items specified in Section 6.01 of this Agreement.

1.07 "Landfill" or "Sanitary Landfill" means any land area from time to time selected or operated by or on behalf of the Authority for the purpose of solid waste disposal.

1.08 "Municipalities" means the Cities of Gallatin and of Hendersonville, Sumner County, Tennessee.

1.09 "Solid Waste" means garbage, refuse, and other discarded solid materials, including solid waste materials of a solid nature resulting from municipal, residential, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

1.10 "Tipping Fee" means the fee or fees hereinafter established by the Authority for the disposal of Solid Waste and for the payment of which the Municipalities shall be obligated as provided in Section 5.01(b).

II. COVENANTS OF THE MUNICIPALITIES AND SUMNER COUNTY

2.01 Except as provided in Section 2.06, the Municipalities and Sumner County will during the term of this Agreement transport at their expense and deposit at the Facility or at such other location in Sumner County as the Authority may from time to time direct at such time or times as shall be agreed upon by the parties hereto, all Solid Waste collected through the medium of their Collection Systems.

2.02 Insofar as they may lawfully do so, the Municipalities will continue to operate their individual Collection Systems whereby they provide Solid Waste collection and/or disposal services to residences and, where applicable, to commercial and industrial enterprises within or adjacent to the Municipalities and Sumner County.

2.03 The Municipalities and Sumner County will use their best efforts, to the extent lawful, to assure that all Solid Waste generated within the area of their jurisdictions will be transported to and deposited at the Facility or at such other

location in Sumner County as the Authority may from time to time direct, for disposal.

2.04 The Municipalities and Sumner County will pay to the Authority the fees established in accordance with the provisions of Article V hereof.

2.05 The Municipalities and Sumner County will not authorize, sanction or participate in any competing sanitary landfill or waste disposal facility as long as the Authority takes all of the Solid Waste of the Municipalities and Sumner County for disposal.

2.06 The Municipalities and Sumner County will not knowingly, and will not knowingly permit their contractors, franchisees or agents to knowingly, include or permit the inclusion of any component of Solid Waste which will either be harmful to the Facility or to any Landfill or render dangerous the operation thereof. The Authority may refuse to accept from the Municipalities and Sumner County any Solid Waste not suitable for incineration in the Facility or for disposal in the Landfill, and if the Authority unknowingly accepts such Solid Waste, the Authority will suitably and legally dispose of such waste and the Municipalities and Sumner County shall reimburse the Authority for its costs in such disposal. In addition, the Municipalities and Sumner County shall hold the Authority harmless from any claim or action arising out of the Authority's handling or disposal of such waste.

Waste considered harmful or dangerous for incineration in the Facility or for disposal in the Landfill includes, but is not limited to, materials which create explosive conditions, materials which contain hazardous chemical properties or include any radioactive substance, sewage, night soil or septic tank pumpage, or which pose a substantial present or potential hazard to human health, the Facility or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

The Authority can advise the Municipalities and Sumner County from time to time of such items the Authority considers harmful or dangerous, and the Municipalities and Sumner County will immediately thereafter take steps to prevent the inclusion of such items in Solid Waste delivered to the Authority.

2.07 Notwithstanding any provisions of this Agreement to the contrary, failure on the part of the Authority to observe or fully perform any of its obligations under the Agreement or by law will not make the Authority liable in damages to the Municipalities and/or Sumner County or relieve the Municipalities or Sumner County of their obligations to make the required payments or to fully perform any other obligation required of them under the Agreement. Without limiting the generality of the foregoing, the Municipalities and the County agree to make the payments set forth in Article V hereof, regardless of whether or not the Facility is in commercial operation, whether because of Force Majeure or any other reason, and regardless of whether or not Solid Waste is being disposed of at the Facility. The Authority specifically recognizes that the Municipalities and Sumner County are entitled to sue the Authority for injunctive relief, writ of mandamus, specific performance or to exercise such other legal or equitable remedies, not excluded by the Agreement, and to enforce the Authority's obligations and covenants hereunder.

2.08 Notwithstanding any other provisions in this agreement which may be interpreted to the contrary, Municipalities and Sumner County expressly understand and agree that this Agreement is subject to the terms and conditions, including but not limited to the repayment provisions contained therein, of Contract No. TV-52828A between the Tennessee Valley Authority ("TVA") and Authority, as amended ("TVA Agreement"), a copy of which is attached hereto as Exhibit B, as the same may be further amended from time to time.

III. COVENANTS OF THE AUTHORITY

3.01 The Authority will, during the term of this Agreement, accept at the Facility or at such other site as specified in Section 2.01 above, all Solid Waste caused to be delivered to it by the Collection Systems of the Municipalities, and will dispose of same in an approved manner and in accordance with the schedule of rates appearing in Section 5.01 hereof.

3.02 The Authority will own and operate a Landfill in the manner prescribed by law and regulation and shall at all times accept Solid Waste of the Municipalities and of Sumner County for disposal.

3.03 The Authority will proceed with due diligence with the financing of the Facility.

IV. TERM

4.01 The initial term of this Agreement shall be for twenty-two (22) years from the date of this Agreement, or for so long as the Bond Debt including refunding bonds shall be outstanding whichever is longer, but in no event shall the term exceed forty (40) years from the date of this Agreement.

4.02 Upon expiration of the initial term, this Agreement will be automatically extended for four (4) consecutive additional terms of five (5) years each, unless terminated as set out in Section 4.03 below, but in no event shall this Agreement be extended beyond forty (40) years from the date hereof.

4.03 This Agreement may be terminated by any party hereto at the end of the initial term or at the end of any renewal term upon not less than one (1) year prior notice in writing, and subject to the provisions of Article VI.

V. RATES AND BILLINGS; ASSIGNMENTS

5.01(a) ~~Sumner County agrees to pay a Flat Fee to the Authority on a monthly basis with the total annual fee being \$125,000.00 for the fiscal year beginning July 1, 1983, \$150,000.00 for the fiscal year beginning July 1, 1984, \$175,000.00 for the fiscal year beginning July 1, 1985, and \$200,000.00 for each fiscal year beginning on or after July 1, 1986, such payments to be made in accordance with Section 5.02.~~

(b) ~~The Municipalities agree to pay Tipping Fees in such amounts as may be determined from time to time by the Authority to cover all other expenses and the Authority costs associated with the operation of the Facility and the Landfill, up to~~

deleted
see
First
Amendment
10-1-89
First
Amend

and until the Municipalities are paying Tipping Fees equal to \$25.00 per ton of Solid Waste.

(c) If, after the receipt of the payment provided for in Subsection (a) above, and upon the payment or establishment of the maximum Tipping Fee provided in Subsection (b) above, the Authority determines that the amount of its revenues from all sources is not sufficient to pay all costs of the Facility and the Landfill including, but not limited to, operating costs, the payment of principal and interest on the bond debt, payments to TVA as provided in the TVA Agreement, insurance, equipment, replacements and all necessary reserves including reserves for debt service, self insurance contingencies, operations, and working capital, it shall notify the Municipalities and Sumner County of such insufficient revenues, and shall state the amount necessary to offset such deficit. Upon such notification, the Municipalities and Sumner County agree to pay such deficit, out of general funds or out of taxes levied for such purpose, as follows:

Any deficit shall be paid by the Municipalities and Sumner County such that Sumner County will contribute three-sevenths (3/7) of such amount, and each of the Municipalities will contribute two-sevenths (2/7) of such amount; such payments shall be made in accordance with Section 5.02.

(d) The Authority shall no later than May 1 in each year complete its budget for the ensuing fiscal year and shall file the same with the governing bodies of the Municipalities and Sumner County. The Authority's budget shall be developed in consultation with its consulting engineers and a report of such engineers as to the reasonableness of such budget shall be filed together with the budget with the governing bodies of the Municipalities and Sumner County. Each Municipality and Sumner County shall appropriate in their respective budgets for the ensuing fiscal year, and levy taxes therefor, amounts equal to their Tipping Fees and Flat Fee for the ensuing fiscal year, respectively. If such budget anticipates appropriations from the Municipalities and Sumner County in accordance with Subsection (c) hereof, each Municipality and Sumner County shall appropriate in their respective budgets for the ensuing fiscal year, and levy taxes therefor, their respective shares of the amount anticipated in the Authority's budget to be paid by the Municipalities and Sumner County pursuant to Subsection (c) hereof.

(e) If at any time the Authority ends a fiscal year with funds remaining from the revenues earned on the Facility and Landfill after making all payments described in Subsection (c), the Authority shall appropriate such excess funds to Sumner County and the Municipalities as follows:

(1) The funds shall be appropriated and paid ratably to Sumner County and to the Municipalities to reimburse for such funds as they may have contributed because of an operating deficit as specified in the Subsection (a) above.

(2) If any excess funds remain after full reimbursement to the Municipalities and Sumner County as specified in Subsection (e)(1) above, then any such remaining excess revenues shall be paid to the

J.P.H.
D.Y.B.
T.W.P.
J.S.

Municipalities to reimburse them for any and all Tipping Fees and/or advances paid in excess of \$10.00 per ton for the delivery of Solid Waste to the Facility.

(3) If any excess funds exist after completely reimbursing the Municipalities and Sumner County for moneys previously paid as described in Subsection (e)(2) above, then such excess revenue shall be appropriated and paid three-sevenths (3/7) to Sumner County and two-sevenths (2/7) to each of the Municipalities.

6.02 The Authority will, if necessary, render its bill to Sumner County and to the Municipalities on the fourth (4th) day of each month for any payments due under Subsections (a) or (b) of Section 5.01 for the previous month. The Authority will, if necessary, render its bill to Sumner County and to the Municipalities on or before December 1 and June 1 of each year for any payments due under Subsection (c) of Section 5.01 for the previous period from May 1 to November 1 or from November 1 to May 1 as the case may be. Bills shall be due and payable ten (10) days after date of bill, and to any amount unpaid twenty (20) days after such due date shall be added a charge of one percent (1%), and an additional one percent (1%) shall be added for each additional thirty (30) days any amount remains due and unpaid.

5.03 Sumner County and the Municipalities, in further consideration of the construction of the Facility and the services rendered hereunder, do hereby assign to the Authority during the initial term and any renewal term of this Agreement, all moneys and payments of moneys due them or paid to them by the United States of America or the State of Tennessee or any agency or instrumentality thereof for or in connection with the disposal of Solid Waste or the planning therefor, excluding any moneys paid in connection with the collection or transportation of Solid Waste. Such assignment will be suspended if the Authority fails to accept Solid Waste for disposal from the Municipalities' Collection System for a period of six (6) consecutive months. Such suspension shall continue until the Authority resumes accepting Solid Waste from the Municipalities' Collection Systems.

VI. FORCE MAJEURE

6.01 Force majeure shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, civil disturbances, explosions, breakage, accidents or any other cause, whether of the kind herein enumerated or not, not within the control of the parties hereto and which, by the exercise of reasonable care, such parties are unable to prevent or overcome.

6.02 Neither the Authority nor Sumner County nor the Municipalities shall be responsible for any failure, shortage or any interruption of service due to force majeure provided that when the event or events constituting such force majeure shall cease to exist the parties shall promptly resume their respective obligations hereunder. Loss resulting from force majeure shall be borne by the party owning the facility, equipment or materials in question without compensation or consideration from the other party.

VII. MISCELLANEOUS

7.01 All right and title to Solid Waste delivered to and accepted by the Authority, except hazardous or harmful waste described in Section 2.06, shall pass to the Authority at the time of such delivery.

7.02 Any notice or demand hereunder shall be made in writing and, unless otherwise herein specified, shall be determined to be duly given when delivered by personal service, or forty eight (48) hours after it is deposited for mailing by certified United States mail, postage prepaid. Until such time as a different address is provided from one party to the other, the following shall constitute the addresses to which notices or demands shall be sent:

If to the Authority:

Resource Authority in Sumner County
c/o Project Manager
P.O. Box 1096, Steam Plant Road
Gallatin, TN 37066

And To:
Chairman
Resource Authority in Sumner County
P.O. Box 59
Gallatin, TN 37066

With copy to:
Charles W. Bone
BONE & WOODS
600 W. Main Street
Gallatin, TN 37066

If to Sumner County:

County Executive
Sumner County Courthouse
Gallatin, TN 37066

If to the City of Gallatin:

Mayor
Gallatin City Hall
132 West Main Street
Room 102
Gallatin, Tennessee 57066

If to the City of Hendersonville:

Mayor
Post Office Box 1570
1 Executive Park Drive
Hendersonville, Tennessee 37075

7.03 This Agreement represents the entire Agreement between the parties and previous communications between the parties, either verbal or written, are hereby superseded or abrogated. Any modification or deletion of any terms and conditions of this Agreement shall not be binding unless assented to by all parties in writing.

7.04 This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

7.05 In the event any provisions of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

7.06 It is intended that this Agreement be construed and governed exclusively by the applicable laws of Tennessee.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

ATTESTED TO:

By: [Signature]
Louis W. Oliver

Title: Secretary/Treasurer

RESOURCE AUTHORITY IN
SUMNER COUNTY, TENNESSEE

By: [Signature]
Title: Chairman

SUMNER COUNTY, TENNESSEE

By: [Signature]
James A. England
Title: County Clerk

By: [Signature]
Title: County Executive

CITY OF GALLATIN

By: [Signature]
Marcella Weese
Title: Deputy City Clerk

By: [Signature]
Title: Mayor

CITY OF HENDERSONVILLE

By: [Signature]
Larry Morris
Title: City Recorder

By: [Signature]
Title: Mayor

APPROVED:

TENNESSEE VALLEY AUTHORITY

By: [Signature]
Title: Program Mgr
Date: 5-27-83

EXHIBIT A

Description of the Solid Waste and Resource Recovery Facility of the Resource Authority in Sumner County, Tennessee

The Solid Waste and resource recovery facility is part of a larger solid waste disposal and resource recovery project which includes the Sanitary Landfill and provides for the incineration and disposal of waste and the production of steam and electricity for distribution and sale to industrial customers and to the Tennessee Valley Authority. The Facility is situated at 625 Andrews Wire Road in the City of Gallatin, which is located approximately 27 miles northeast of Nashville, Tennessee. The Facility includes two (2) 100-tons-per-day water-cooled rotary combustors, each with an integral boiler and air heater, forced circulating pumps for the water-cooled rotary combustor, pre-heated combustion air system, auxiliary oil burners, feed chute and cut-off gate, duplex ram feeder, sloped water-cooled residue discharge pin-hole grate, water-immersed residue conveyor, siftings and fly ash removal systems, instrumentation and controls. Air pollution control equipment utilized in the Facility is a combination electrostatic precipitator baghouse system.



TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE ENVIRONMENTAL FIELD OFFICE
711 R. S. GASS BOULEVARD
NASHVILLE, TENNESSEE 37243
PHONE (615) 687-7000 STATEWIDE 1-888-891-8332 FAX (615) 687-7078

July 22, 2014

CERTIFIED MAIL 7011 0110 0002 0050 1117
RETURN RECEIPT REQUESTED

Mr. Larry Wright
General Manager
Sumner County Resource Authority
625 Rappahannock Wire Road
Gallatin, TN 37066

Rec'd 7/25/14

**RE: Groundwater Monitoring Program - Odems Bend Facility 0011
Ash Monofill IDL 83-102-0071 & Ash Monofill IDL 83-102-~~0034~~ Ext.**

Dear Mr. Wright,

On July 1, 2014, Jerry Branham and I met with you and inspected the RASCo Transfer Station (TRF 83-0191). After the inspection we met at the transfer station's scale-house to discuss groundwater issues at RASCo's Odems Bend Facility (Ash Monofills IDL 83-0071 and IDL 83-0034Ext.). During the meeting I stressed the importance of RASCo. reporting on sample analyses indicating groundwater conditions at the Odems Bend Facility and also that the Division of Solid Waste Management (Division) has concerns with the lack of upgrading, maintenance and use of the facility's groundwater monitoring system.

In past meetings, telephone calls and written correspondence the Division has pointed out numerous deficiencies and regulatory violations with the groundwater monitoring system at the Odems Bend facility. As provided before in notices of violations and compliance review meetings, the following is a list of issues that RASCo. must address to comply with Solid Waste Processing and Disposal Regulations Rules 0400-11-01:

- 1). Establish a groundwater potentiometric surface of the uppermost aquifer by using groundwater elevation measurements taken at the outset of each groundwater sampling event.
- 2.) Establish a background groundwater monitoring point that is not susceptible to being effected by potential leakage from the landfill system. This can be accomplished with a

monitoring point on site or conditionally off site. If the background monitoring point is off-site, samples of groundwater from the background groundwater source must be proven to be comparable to representative groundwater samples on-site.

3.) Upgrade and maintain groundwater monitoring wells to standards outlined in Solid Waste Processing and Disposal Regulations Rules 0400-11-01-.04(7)(a)3. Contact the Division if the monitoring points are impaired in such a way as to not be dependable and in need of being replaced.

4.) Establish at least one permanent benchmark for the site by surveying its location and elevation from a U.S.G.S. benchmark. The permanent benchmark must be of a nature that it may not be moved or altered in any way.

5.) Survey all locations (on and off-site) and elevations of groundwater monitoring points against the newly established permanent site benchmark.

6.) Submit configuration diagrams, field notes, and a location map for all approved groundwater monitoring wells and monitoring points.

7.) Establish a method of statistical analysis for the site and perform statistics appropriately.

8.) In the Groundwater Monitoring Reports, include the following: sampling field notes and chains of custody, sampling personnel names, specific and current analysis methodology per SW-846, quality assurance and quality control data, and any statistical evaluations.

9.) After appropriately addressing issues # 1 through # 7 above, submit a revised Groundwater Detection Monitoring Plan for approval by the Division as a minor modification to the facility's Closure Plans. The Groundwater Detection Monitoring Plan must address and reflect all of the changes to the groundwater monitoring system including locations of any off-site monitoring points such as a monitoring point for a background source of groundwater.

10.) Obtain and analyze samples with a consistent schedule of at least twice per year per Solid Waste Processing and Disposal Regulations Rules 0400-11-01-.04(7)(a)4.

The Division insists that RASCo. sample the Odems Bend groundwater wells immediately, have the samples analyzed, and submit a report about the analyses in a timely manner (issues # 8 and # 10 above). RASCo. must also address the additional eight issues listed above within 30 days of receiving this letter. The Division is prepared to attend meetings with RASCo's consultants prior to on-site activities, so that they will be prepared to meet the requirements of Solid Waste Processing and Disposal Regulations Rules 0400-11-01 and the Division's expectations.

If you have any questions or comments regarding this letter or other issues, please do not hesitate to call me at (615) 687-7107.

Sincerely,

A handwritten signature in cursive script that reads "Alan D. Spear, P.G.".

Alan D. Spear, P.G.
Geologist
Division of Solid Waste Management

cc: Mr. Patrick Flood, Director, Division of Solid Waste Management
Ms. Ashley Holt, Deputy Director of Solid Waste Management
Mr. Glen Pugh, Manager, Central Office
Mr. Jason Repsher, Manager, Nashville Field Office
Mr. Lennie Fottrel, Section Manager, Nashville Field Office

Rogers & Associates environmental services

August, 11, 2014

Larry,

I certainly appreciate you having us involved in the meeting with the State. The proposal is attached as well under separate cover. I have not included a letter response in my costs but I will respond or assist your response to the letter as well. Please let me know if you have any questions. We can sample next week with an authorization to proceed. Please find below a quick summary of the meeting minutes from the Wednesday meeting.

Date of Meeting: 8-6-14 Location: RASCo Facility, Gallatin
Attendees present: Larry Wright, Ryan Maloney and TDEC's Alan Spear and Jason Repsher

1. Requested that the first sampling event will only be sampled for the Appendix 1 list of parameters rather than the full Appendix II list. State agreed.
2. We must notify TDEC of sampling and drilling activities. Alan Spear wants to be present for each event.
3. State indicated that several monitoring wells may be damaged and not able to be sampled.
4. State cautioned that monitoring wells may be developed prior to sampling.
5. Bladder pumps within the monitoring assumed not to be in working order.
6. Larry informed me that well DG-6 had been impacted and may not be in good repair. It was found leaning and it was pulled straight. Casing is likely broken.
7. Mowing/Bush hog is complete
8. Sampling needs to occur immediately. G&M to provide proposal to R&A today.
9. Written response to TDEC letter needs to occur within 30 days.
10. State suggests identifying background well on nearby County parcel.
11. State will allow background data to be collected as with conduct semi-annual monitoring.
12. Surveying may be conducted once all new wells are installed or existing confirmed to be OK.
13. GW Detection Monitoring Plan to be created once new wells are in place.
14. Previous quality of SAR reporting not acceptable to State.
15. State asks that we complete all items within 6-7 months. Develop schedule with 30 day letter response. If items/schedule changes communicate with State beforehand.

Sincerely,
Keith Rogers

ROGERS & ASSOCIATES
Environmental Services

PROPOSAL OF SERVICES

For

Sumner County Resource Authority

**625 Rappahannock Wire Road
Gallatin, Tennessee**

August 11, 2014

PO Box 206

McMinnville, Tennessee 37111
RESIDENT - BLOMMESET

(931) 607-5167

ROGERS & ASSOCIATES
Environmental Services

Rogers & Associates is pleased to present this proposal to the Resource Authority for Sumner County. This proposal is for groundwater monitoring and reporting at Odems Bend Landfill. This proposal presents the scope of work and associated costs of the work based on meetings with TDEC on August 7, 2014 and the July 22, 2014 letter from TDEC regarding the groundwater monitoring program at the facility.

Scope of Work

1. A review of the State's file will be conducted to obtain background and technical information that will assist in understanding of the site history and developing a Groundwater Monitoring Program for the facility.
2. An initial assessment of the monitoring wells will be performed to determine the baseline condition of the wells. This event may be separate or concurrent with the groundwater monitoring event.
3. Monitoring of the landfill will be conducted once authorization to proceed is given by the Sumner County Resource Authority (RASCo). The wells will be sampled for Appendix I chemicals. TDEC agreed that the initial event could be sampled for Appendix I only at this time. Future monitoring events will require Appendix II to be sampled annually at a minimum.
4. A monitoring report which includes sampling field notes, chains of custody, method of analysis, QA/QC data, and discussion of well repairs and other site observations.

Cost

The following scope of services presented above is proposed to be conducted on a time and materials basis in accordance with Griggs & Maloney's Standard Terms and Conditions and Standard Billing Rates for \$10,800. The estimated costs for the work are as follows:

- Review and compilation of State & RASCo files - \$820
- Initial assessment of well condition and ground water sampling and analysis - \$8,100
- Semi-Annual Monitoring Report - \$4,800

Pricing for well development has not been included in the cost of this proposal. Well development is a process by which fines are removed from the vicinity of the well screen. This allows the water to flow freely from the formation into the well, and also reduces the turbidity of the water during sampling. The most common well development methods are: surging, jetting, overpumping, and bailing. If the existing wells need developing, costs for this work will be provided for approval by RASCo prior to conducting the work.

ROGERS & ASSOCIATES
Environmental Services

Future Work

In the August 7, 2014 meeting with TDEC's Mr. Alan Spear and Jason Repsher, RASCo was informed that within the next 6-7 months it was expected to address all items listed in TDEC's July 22, 2014 letter regarding RASCo's Groundwater Monitoring Program at Odems Bend Facility. The TDEC compliance letter requires the following additional actions:

1. Establish a potentiometric surface through groundwater elevation measurements
2. Establish a background monitoring point
3. Upgrade existing monitoring wells
4. Establish a permanent benchmark and survey all locations and elevation for monitoring points
5. Establish a method of statistical analysis
6. Submission of a Groundwater Detection Monitoring Plan

The items above will be addressed in a separate proposal after the records review, initial assessment and monitoring event is performed; and the condition and effectiveness of the existing groundwater monitoring system is determined.

This proposal is acceptable and a notice to proceed is hereby authorized by:

RASCo Representative

Date

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

August 26, 2014

DEPARTMENT: Councilman Hayes

AGENDA #

SUBJECT:

Appropriation of funds for the monitoring and reporting of the Resource Authority Odoms Bend Road Facility

SUMMARY:

Per the Solid Waste Disposal Agreement with the Sumner County Resource Authority, we are responsible for 2/7 of the groundwater monitoring and reporting of the Odoms Bend Road facility, with our portion being \$3,085.71. The Tennessee Department of Environment and Conservation mandated the groundwater monitoring and reporting and required immediate action of the Resource Authority. As a result, the Resource Authority took immediate action in hiring Rogers & Associates, an environmental services firm, for the monitoring and reporting. See attached documentation.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE WAIVING TAP FEES FOR HABITAT FOR HUMANITY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin Public Utilities Department shall waive any tap fees for water and sewer services associated with 100 Santa Monica Blvd. and 119 Hollywood Blvd., for Habitat for Humanity of Sumner County.

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 JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY