Call to Order – Mayor Brown

Invocation

Pledge of Allegiance – Councilwoman Love

Roll Call: Alexander – Vice Mayor Camp – Fann – Fennell – Hayes – Love – Overton

Approval of Minutes: November 19, 2019 City Council Meeting; December 03, 2019 City Council Meeting

Public Recognition on Agenda-Related Items

Mayor’s Comments

AGENDA

1. Dangerous Building Complaint and Show Cause Hearing–170 East Schell Street–James and Kathy Scharklett (Chuck Stuart, Building Official & Susan High-McAuley, City Attorney)

2. Second Reading Ordinance No. O1911-56 An ordinance of the City of Gallatin, Sumner County, Tennessee, amending the Gallatin Zoning Ordinance, Article 7.00, Provisions for Mixed-Use Districts, Section 7.02 Intent and Description for the MRO-Multiple Residential and Office District, Section 07.03 Intent and Description of the MU-Mixed Use District, Article 8.00, Provisions for Commercial Districts, Section 08.01, Intent and Purpose of CC–Core Commercial District, Section 08.04, Intent and Purpose of the PGC–Planned General Commercial District, and Section 8.05, Intent and Purpose of the PNC-Planned Neighborhood Commercial District, to permit animal care as a permitted use and permitted use with conditions; authorizing the revisions to be made to the Zoning Ordinance; repealing conflicting ordinances; providing for severability, and providing for an effective date. (Councilman Fennell)

3. Second Reading Ordinance No. O1911-57 An ordinance of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan [and a Revised Final Master Development Plan], an Amendment to the Foxland at Fairvue Preliminary Master Development Plan [and a Revised Final Master Development Plan], and a Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 +/- acres, zoned MRO-Multiple Residential and Office, located at 981 Plantation Boulevard and at 1445 Foxland Boulevard; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. (Councilman Hayes)

4. First Reading Ordinance No. O1911-60 Ordinance appropriating $14,304.27 from revenue received from insurance for damage to Engine 3 (Councilman Overton)

5. First Reading Ordinance No. O1912-61 Ordinance appropriating $20,000 from Stormwater Maintenance to Stormwater Administration and appropriating $9,305 from Finance to Human Resources (Councilman Fann)
6. **First Reading Ordinance No. O1912-62** An ordinance of the City of Gallatin, Sumner County, Tennessee rezoning a portion of two parcels, totaling 87.34 +/- acres, from the PGC-Planned General Commercial District to the MRO-Multiple Residential and Office District and a 0.64 +/- acre portion of a parcel from the Estate-A (Sumner County) District to the PGC-Planned General Commercial and approval of a Preliminary Master Development Plan for McCain’s Station, totaling 130.78 +/- acres, located north of Highway 386 and east of Big Station Camp Boulevard; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. *(Councilman Hayes)*

7. **Resolution No. R1912-65** Resolution appointing the Retirement Plan Committee *(Councilman Alexander)*

8. **Resolution No. R1912-66** Resolution for implementation of the Barry Brady Act–Public Chapter 490 *(Vice Mayor Camp)*

- Other Business
- Public Recognition on Non-Agenda-Related Items
- Adjourn
The Gallatin City Council met in regular session on Tuesday, November 19, 2019 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. City Engineer Nick Tuttle led the opening prayer and Councilman Shawn Fennell led the Pledge of Allegiance.

Present:
Mayor Paige Brown
Vice Mayor Steve Camp
Councilman John D. Alexander
Councilman Steve Fann
Councilman Shawn Fennell
Councilman Craig Hayes
Councilwoman Lynda Love
Councilman Jimmy Overton

Others Present
Rachel Nichols, Finance Director
Susan High-McAuley, City Attorney
Don Bandy, Police Chief
Nick Tuttle, City Engineer
Lori Smiley, IT Director
Bill McCord, City Planner
Chuck Stuart, Building Official
Zach Wilkinson, Public Works Dir.
Connie Kittrell, City Recorder
David Gregory, Public Utilities Dir.
Debbie Johnson, Human Resource Dir.
Gallatin News, Reporter

Absent:

Approval of Minutes

Mayor Brown presented the November 5, 2019 City Council minutes for approval.

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

Mayor requested moving Item #13. before Public Recognition on Agenda Related Items and there was no objection.
City Council Minutes
November 19, 2019

Proclamation Presentation

Mayor read a Proclamation recognizing Small Business Saturday. Mayor encouraged everyone to shop local to support our local businesses. Kim Baker and Zena Parks were present representing the Gallatin Chamber of Commerce.

13. Resolution #R1911-61

Vice Mayor Camp presented this resolution appointing Connie Flood as Director of Human Resources and establishing initial salary.

Vice Mayor Camp made motion to approve; Councilwoman Love seconded,

Human Resource Director Debbie Johnson presented Connie Flood as the new Director of Human Resources. Ms. Johnson stated that Ms. Flood has a unanimous recommendation by the expert panel.

Councilman Overton made motion to accept the recommendation by the expert panel, Ms. Connie Flood; Councilman Fennell seconded. Motion carried with 7 ayes and 0 nays.

Councilman Overton made motion to amend to allow Human Resources Director Debbie Johnson negotiate the salary within the salary range; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

Mayor called for the vote on the original motion as amended. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.


- Andy Leath with GreenLid Designs and the designer for The Meadows project stated a plan was submitted to the county but was not accepted. Mr. Leath stated the plan for 300 duplexes is in motion.
• Dave Dozier of 567 Dobbins Pike spoke of his opposition to The Meadows development.

• Russ Rinear of 199 Rinear Drive stated he was for The Meadows development.

• Jon Diller of 104 Pond Drive spoke against The Meadows development and asked council to vote no.

• Andy Stokley of 438 Nichols Circle West spoke in favor of The Meadows development.

• Ruth Fennell of 1049 Blue Jay Way spoke about the golden rule.

• Jason Pitzer of 334 N. Willmore Street referenced the Volunteer Fire Departments and asked council to not pass The Meadows.

• Joe Sharp of 144 Boardwalk Place spoke against Tennessee Grassland changing the Master Development Plan for Fairvue and Foxland.

• Sandra Cullen of 304 University Drive asked council to vote no on The Meadows.

• Robert Reem of 463 Dobbins Pike spoke in favor of The Meadows development.

• Patrick Reeners of 317 Malone Drive stated there are not enough police officers to handle this growth and asked council to listen to all these people speaking against The Meadows.

• Dennis Cavin of 1163 Plantation Boulevard spoke about the 21 phases of the Master Development Plan for Fairvue and cleaning up the document.

• Tonya Dozier of 567 Dobbins Pike spoke about her opposition to The Meadows and asked council to not annex or rezone the property.

• George Tronsrue of 1252 Chloe Drive asked council to deny the request for the Master Development Plan changes for Fairvue and Foxland.

• Christy Allen of 104 Vineyards Court spoke about The Meadows development and stated Gallatin is not ready for it.

• Mo Taylor of 420 Buck Graves Road, Westmoreland and a Sumner County Commissioner asked council to vote no on The Meadows development.
Lee Anna Thomas of 902 Wallace Road stated she is opposed to The Meadows and asked council to vote no.

With no one else wishing to speak Mayor closed public recognition on agenda related items.

**Mayor’s Comments**

Mayor had not comments at this time.

Councilman Fennell left the meeting at this time.

**Agenda**

1. **Resolution #R1908-44**

   Councilman Alexander presented this resolution of the City of Gallatin, Sumner County, Tennessee, adopting a Plan of Services for the annexation of four (4) parcels (Tax Map 104, Parcels 022.10, 025.00, 026.00 and 027.00) consisting of 384.64 (+/-) Acres, located west of Dobbins Pike, north and west of Gibbs Lane, and east of the CSX railroad, and providing for an effective date.

   Councilman Alexander made motion to approve; Councilman Overton seconded. Motion carried with 4 ayes and 2 nays. Councilwoman Love and Councilman Hayes voted nay.

2. **Resolution #R1908-45**

   Councilman Alexander presented this resolution of the City of Gallatin, Sumner County, Tennessee, annexing four (4) parcels (Tax Map 104, Parcels 022.10, 025.00, 026.00, and 027.00) consisting of 384.64 (+/-) Acres, located west of Dobbins Pike, north and west of Gibbs Lane, and east of CSX railroad, into the City of Gallatin, authorizing the annexed parcels to be indicated on the Official Zoning Atlas; authorizing the assignment of annexed area to a council district; repealing conflicting ordinances; providing for severability; and providing for an effective date.
Councilman Alexander made motion to approve; Councilman Overton seconded.

Council discussed.

Mayor called for the vote. Motion carried with 4 ayes and 2 nays. Councilwoman Love and Councilman Hayes voted nay.

3. Ordinance #O1908-40 – Second Reading

Councilman Alexander presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning four parcels totaling 384.64 (+/-) Acres (Tax Map 104, Parcels 22.10, 025.00, 026.00, and 027.00) from the R40-Low Density Residential District and the Sumner County R1A-Single Family Residential District to the MU-Mixed Use District, the R-20 (PRD) Low Density Residential Planned Residential District, the R-15 (PRD) Medium Density Residential Planned Residential District, the R-10 (PRD) Medium Density Residential Planned Residential District, and the R-8 (PRD) Medium Density Residential Planned Residential District with a Preliminary Master Development Plan for “The Meadows”, located west of Dobbins Pike and north and west of Gibbs Lane and east of the CSX railroad; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. (3-10706-19)

Councilman Alexander made motion to approve; Councilman Overton seconded. Motion carried with 4 ayes and 2 nays. Councilwoman Love and Councilman Hayes voted nay.

4. Ordinance #O1910-50 – Second Reading

Councilman Overton presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for the Butler Properties Retail on three lots (Tax Map 126P, Group A, Parcel 022.00, 023.00, and 024.00) totaling 2.89 +/- acres, located south of Nashville Pike, west of Davis Drive and east of Belvedere Drive, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor opened the public hearing.

Councilman Overton made motion to approve; Councilwoman Love seconded. Motion carried with 6 ayes and 0 nays.
5. **Ordinance #O1910-52 - Second Reading**

Councilman Overton presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Patriot Angels on two parcels (Tax Map 125, P/O Parcels 048.00 and 047.00 and 047.00) totaling 45.9 +/- acres, located north of Harris Lane and east of Green Lea Boulevard, authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

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

Mayor Brown left the meeting. Vice Mayor Camp assumed the Chair at this time.

6. **Ordinance #O1910-53 - Second Reading**

Councilman Alexander presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning a 2.32 (+/-) acre parcel from the R10-Medium Density Residential District to the MRO-Multiple Residential and Office District with a Preliminary Master Development Plan for Appalachian Pipeline, located at 901 Long Hollow Pike; 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 Overton seconded. Motion carried with 6 ayes and 0 nays.

7. **Ordinance #O1910-55 - Second Reading**

Councilman Fann presented this ordinance appropriating $133,790.00 from Miracle Park Donations revenue fund to Miracle Park expense fund.

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

Mayor Brown re-entered the meeting and assumed the Chair.
8. **Ordinance #O1911-56 – First Reading**

Councilman Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, amending the Gallatin Zoning Ordinance, Article 7.00, Provisions for Mixed-Use Districts, Section 7.02 Intent and Description for the MRO - Multiple Residential and Office District, Section 07.03 Intent and Description of the MU - Mixed Use District, Article 8.00, Provisions for Commercial Districts, Section 08.01, Intent and Purpose of CC - Core Commercial District, Section 08.04, Intent and Purpose of the PGC - Planned General Commercial District, Section 8.05, Intent and Purpose of PNC - Planned Neighborhood Commercial District, to permit animal care as a permitted use and permitted use with conditions; authorizing the revisions to be made to the Zoning Ordinance; repealing conflicting ordinances; providing for severability, and providing for an effective date.

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

9. **Ordinance #O1911-57 – First Reading**

Councilman Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan (and a Revised Final Master Development Plan), an Amendment to the Foxland at Fairvue Preliminary Master Development Plan (and a Revised Final Master Development Plan), and a Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 (+/-) acres, zoned MRO - Multiple Residential and Office, located at 981 Plantation Boulevard and at 1445 Foxland Boulevard; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilman Hayes made motion to approve; Councilman Fann seconded.

Councilman Overton made motion to suspend rules to allow Bob Goodall to speak; Councilman Alexander seconded. Motion carried with 6 ayes and 0 nays.

Bob Goodall, one of the owners of Tennessee Grassland provided a PowerPoint presentation explaining the request.

Council discussed.

Mayor called for the vote. Motion carried with 6 ayes and 0 nays.
10. Ordinance #O1911-58 – First Reading

Vice Mayor Camp presented this ordinance appropriating $37,738.00 for a new Water Treatment Plant position.

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

11. Ordinance #O1911-59 – First Reading

Councilwoman Love presented this ordinance appropriating $550,000 from Unassigned General Fund Balance for Miracle Park/Field and transferring $168,145 from various lines for Miracle Park/Field.

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

12. Resolution #R1911-60

Councilman Fann presented this resolution approving new job description for a Water Regulatory Compliance Specialist for Gallatin Public Utilities.

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

14. Resolution #R1911-62

Councilman Overton presented this resolution authorizing the Engineering Department to retain an appraiser to begin the process of acquiring the right of way at the intersection of Nichols Lane and Clearlake Meadows Boulevard from United Church.

City Attorney Susan High-McAuley stated this item was discussed under other business at a prior work session and because it was discussed the rules are not required to be suspended.

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

- Jim Hawkins has been named the Gallatin Citizen of the Year and is the Grand Marshall for the Christmas Parade.

- Thanks to the Gallatin Chamber and City Departments that have helped with several events over the past weeks.

- Tuesday, November 26th is the Groundbreaking for Miracle Park at Triple Creek Park at 10:00 A.M.

- Wednesday, November 27th is the Children Are People Bake Sale and Fish Fry.

- Thursday, November 28th is Thanksgiving Day and most city offices will be closed Thursday and Friday.

- Monday, December 2nd is the Christmas Tree Lighting on the Square and Tuba Christmas at the First Baptist Church.

- Tuesday, December 3rd is Fire Chief Victor Williams Birthday.

- Friday, December 6th is the Employee Christmas Luncheon.

- Friday, December 6th is the Vol State Christmas Show.

- Saturday, December 7th is Pearl Harbor Remembrance Day.

- Saturday, December 7th is the Christmas Home Tour of Sumner County.

- Saturday, December 7th is Breakfast with Santa at St. John Vianney Gymnasium.

- Saturday, December 7th is Vol State Christmas Show.

- Sunday, December 8th is the Sumner Regional Medical Centers 60th Anniversary Celebration.

- Saturday, December 14th is Wreaths Across America Ceremony.

- Saturday, December 14th is the Gallatin Christmas Parade.

- Saturday, December 14th is Merry Mantles at Rose Mont.
City Council Minutes
November 19, 2019

Other Business

Mayor opened other business.

- City Recorder Connie Kittrell presented a Certificate of Compliance for Copper Still Liquor Store. Ms. Kittrell said the new applicant is Jami R. Knight d/b/a On The Rocks 101, LLC and the applicant has met all city requirements.

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

With no one else wishing to speak Mayor closed other business.

Public Recognition on Non-Agenda Related Items

Mayor opened public recognition on non-agenda related items.

- Patrick Reeners of 317 Malone Drive spoke about council members being voted out, traffic, shrub pick-up, and people selling their property.

- John Emmanuel of 589 Harris Lane spoke about his disappointment in council passing The Meadows, the Police Department not being responsible for codes enforcement, construction crews working during weekend hours, high taxes, open spaces and recycling.

- Lee Anna Thomas of 902 Wallace Road asked about the Annexation Audit, Mayor Brown directed Ms. Thomas to get with City Planner Bill McCord.

With no one else wishing to speak Mayor closed public recognition on non-agenda related items.

Adjourn

Council Overton made motion to adjourn; Councilman Hayes seconded. Motion carried with 6 ayes and 0 nays.
City Council Minutes
November 19, 2019

Mayor Brown adjourned the meeting at 8:01 P.M.

________________________  _________________________
Mayor Paige Brown           City Recorder Connie Kittrell
City of Gallatin
City Council Meeting

December 3, 2019

The Gallatin City Council met in regular session on Tuesday, December 3, 2019 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. City Engineer Nick Tuttle led the opening prayer and five year old Emma Kilmon led the pledge of allegiance.

Present:
Mayor Paige Brown
Vice Mayor Steve Camp
Councilman John D. Alexander
Councilman Steve Fann
Councilman Shawn Fennell
Councilman Craig Hayes
Councilwoman Lynda Love

Absent:
Councilman Jimmy Overton

Others Present
Rachel Nichols, Finance Director
Susan High-McAuley, City Attorney
Don Bandy, Police Chief
Nick Tuttle, City Engineer
Lori Smiley, IT Director
Bill McCord, City Planner
James Fenton, EDA Director
David Brown, Parks and Rec. Dir.
Tim Wakeley, Deputy Building Official
Zach Wilkinson, Public Works Dir.
Connie Kittrell, City Recorder
David Gregory, Public Utilities Dir.
Debbie Johnson, Human Resource Dir.
Gallatin News, Reporter
Robert Richie, Assistant Fire Chief

Approval of Minutes

There were no minutes provided for approval.
City Council Minutes
December 3, 2019

Special Presentations

- Jim Hall, one of the founders of the Antique Car Show, presented Police Chief Don Bandy with a $1,500 check for the Shop with a Cop Program. Mr. Hall also presented a $500 check to Parks and Recreation Director David Brown for the Miracle Park.

- Gallatin Department of Electricity General Manager Mark Kimbell presented the electric department audit. Mr. Kimbell provided a summary of the audit and much information.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

With no one wishing to speak Mayor closed public recognition on agenda related items.

Mayor’s Comments

- Mayor thanked everyone who helped and participated in kicking off the holiday season and the Miracle Park groundbreaking

- Mayor thanked Public Works for their help with the Tree Lighting and everyone that helped with Tuba Christmas

- Saturday is the Shop with a Cop Event at Wal-Mart

- Today is Fire Chief Victor Williams Birthday

- Friday is the Employee Christmas Luncheon at the Civic Center

- Saturday is Breakfast with Santa at St. John Vianney

- Sunday, Sumner Regional Medical Center celebrates their 60th Anniversary

- Christmas Open Houses happens this weekend at Wynnewood/Rogan Cottage at Bledsoe’s Fort Historical Park

- Monday is the Open House welcoming Marilyn Anderson as the New ECC Director for Sumner County ECC
December 3, 2019

- December 19th the 4H Youth will be wrapping gifts at the Gallatin Civic Center

Agenda

1. Ordinance #O1911-56 - Public Hearing

Councilman Fennell presented this ordinance of the City of Gallatin, Sumner County, Tennessee, amending the Gallatin Zoning Ordinance, Article 7.00, Provisions for Mixed-Use Districts, Section 7.02 Intent and Description for the MRO - Multiple Residential and Office District, Section 07.03 Intent and Description of the MU - Mixed Use District, Article 8.00, Provisions for Commercial Districts, Section 08.01, Intent and Purpose of CC - Core Commercial District, Section 08.04, Intent and Purpose of the PGC - Planned General Commercial District, Section 8.05, Intent and Purpose of PNC - Planned Neighborhood Commercial District, to permit animal care as a permitted use and permitted use with conditions; authorizing the revisions to be made to the Zoning Ordinance; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor opened the public hearing and with no one wishing to speak the public hearing was closed.

2. Ordinance #O1911-57 - Public Hearing

Councilman Fann presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan (and a Revised Final Master Development Plan), an Amendment to the Foxland at Fairvue Preliminary Master Development Plan (and a Revised Final Master Development Plan), and a Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 (+/-) acres, zoned MRO - Multiple Residential and Office, located at 981 Plantation Boulevard and at 1445 Foxland Boulevard; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Mayor opened the public hearing.

- Larry Rogers of 1120 Livingfield Court and the current President of the Fairvue HOA Board read a letter supporting Tennessee Grasslands advancing the Golf Course.
Mr. Rogers also added a personal comment supporting the Tennessee Grasslands and their future plans.

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

3. **Ordinance #O1911-58 – Second Reading**

   Vice Mayor Camp presented this ordinance appropriating $37,738.00 for a new Water Treatment Plant position.

   Vice Mayor Camp made motion to approve; Councilman Fennell seconded. Motion carried with 5 ayes and 0 nays.

4. **Ordinance #O1911-59 – Second Reading**

   Councilwoman Love presented this ordinance appropriating $550,000 from Unassigned General Fund Balance for Miracle Park/Field and transferring $168,145 from various lines for Miracle Park/Field.

   Councilwoman Love made motion to approve; Councilman Fann seconded. Motion carried with 5 ayes and 0 nays.

**Other Business**

Mayor opened other business.

- Councilman Alexander asked council to consider providing a shelter for the homeless in Gallatin.

  Council discussed.

With no one else wishing to speak Mayor closed other business.

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

Mayor opened public recognition on non-agenda related items.
City Council Minutes
December 3, 2019

- Frank Marchese of 589 Harris Lane spoke about several issues with the contractors building in Liberty Creek.

  Mayor asked Mr. Marchese to speak with Chief Bandy about these issues.

- Patricia Bennett provided an update on 442 Pace Street and requested additional time to clear the home and demolish the building. Ms. Bennett asked about the city furnishing dumpsters.

  Mayor stated the city does not supply dumpsters. Mayor asked Ms. Bennett to contact the Mayor’s office to determine the due date.

With no one else wishing to speak Mayor closed public recognition on non-agenda related items.

Adjourn

Council Fennell made motion to adjourn; Councilwoman Love seconded. Motion carried with 5 ayes and 0 nays.

Mayor Brown adjourned the meeting at 6:41 P.M.

Mayor Paige Brown

City Recorder Connie Kittrell
DANGEROUS BUILDING COMPLAINT
AND SHOW CAUSE NOTICE

TO: JAMES C. SCHARKLETT
KATHY J. SCHARKLETT
170 EAST SCHELL ST.
GALLATIN, TENNESSEE 37066

RE: 170 EAST SCHELL ST.
GALLATIN, TENNESSEE
TAX MAP: 126F E 005.01 000

PURSUANT to Gallatin Municipal Code, Chapter 5, Article IX, Section 5-241, et seq., Dangerous Buildings, The Building Official for the City of Gallatin has deemed the structure listed above to constitute a dangerous building. Following an investigation, the Building Official has deemed the structure at the address listed above to be unfit for human occupation or use for the following reasons: structure is unsanitary and unsafe; cracked/peeling paint; garbage and rubbish accumulation; broken/missing/burned floor joists; broken/missing/burned roof shingles; broken/missing/burned and holes/chips/cracks in siding; broken/missing/burned and water damaged windows, sills and screens; and broken/missing/burned and water damaged door and frames. The Building Official has determined that the house must be repaired or demolished, with costs assessed against the property as a lien for any repair or demolition by the City.

Accordingly, you are hereby summoned to appear for a hearing before the Gallatin City Council, on TUESDAY, JANUARY 7, 2020 at 6:00 P.M., C.D.T., Gallatin City Hall, Gallatin, Tennessee, Council Chambers, for the purpose of showing cause why the building and structures located at the above address should not be vacated and forced repair or demolished due to the dangerous building conditions pursuant to Gallatin Municipal Code § 5-241(10) and Tenn. Code Ann. § 13-21-101, et seq.

You have the right to file an answer to this Complaint and present evidence and testimony and be represented by an attorney if you so choose. The rules of evidence prevailing in courts of law and equity shall not be controlling in the hearing before the City Council.

The Building Official will be present to state his determination and present facts that the building listed above constitutes a dangerous building unfit for human occupation or use.

Failure to appear to dispute this Complaint will result in a finding of dangerous building and an order for vacation and forced repair or demolition of the building by default.

CERTIFIED NEXT DAY MAIL: December 16, 2019
REGULAR MAIL: December 16, 2019

STATE OF TENNESSEE
COUNTY OF SUMNER

Personally appeared before me, the undersigned, a Notary Public in and for said State and County duly commissioned and qualified, Susan High-McAuley, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, this 13th day of December 2019.

My commission expires: 5.17.2021

THIS INSTRUMENT PREPARED BY:
SUSAN HIGH-MCAULEY
CITY ATTORNEY
132 WEST MAIN STREET
GALLATIN, TN 37066
(615)230-0681
# Dangerous Building Inspection Form

**Address:**

170 B. Schell

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<th>Area</th>
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<td>insufficient storm-water drainage</td>
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<td>deteriorating accessory structures</td>
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<td>Broken/missing/burned</td>
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<td>Holes/chips/cracks</td>
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<td>water damaged</td>
<td>Siding</td>
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<td>broken/missing/burned</td>
<td>Holes/chips/cracks</td>
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<td>ceiling joist</td>
<td>Window, sill &amp; screens</td>
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**Recommendation:**

- Repair
- Vacate & repair
- Vacate & demolish
- Demolish

**Official:**

[Signature]

**Date:** 11/20/18
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Comments

Deplorable Uninhabitable Conditions
No Running Water
Unsafe Electrical
Called GDE To Terminate Power

10/25/19 Jessica Jackson went to house & told the guy there that he could not stay, he said he would leave.
10/25/19 GDE meter setter called police dept, someone was requesting a electrical meter, service removed.
11/13/19: 11/14/19 tried for 2 days to contact Katy @ 753-6551. No voicemail available, unable to contact.
October 28, 2019

James C. Scharklett
Kathy J Scharklett
170 East Schell Street
Gallatin, TN 37066

RE: 170 East Schell Street – Tax Parcel – 126F E 005.01 000

To: James C. and Kathy J. Scharklett

On October 25, 2019, a site inspection was performed by the Building Codes and/or Fire Prevention departments of the City of Gallatin. The building or buildings at the above referenced location were found to be dangerous and unfit for human habitation, based on the standards set forth in the Gallatin Municipal Code, Chapter 5, Article IX.

1. No running water
2. Unsafe electrical conditions
3. Broken or missing floor joists, doors and frames, broken siding, deteriorated windows and frames.
4. Unsecured building
5. Garbage and rubbish accumulation
6. Unsanitary conditions

The owner and/or occupants must vacate the building(s) immediately and the structure(s) must be secured and remain vacant until all repairs are made or the structure(s) are demolished. Tennessee Code Annotated, Title 68, Chapter 102-117 specifies that failure to comply with this order is considered a Class B misdemeanor punishable by up to six months in jail or up to a $500 fine or both.

You should contact the City of Gallatin Building Official immediately to specify whether you accept or reject the terms of this order. If not, a Show Cause hearing shall be scheduled before the Gallatin City Council to determine whether the City shall proceed with necessary repair or demolition with costs assessed against the property as a lien.

Sincerely,

Chuck Stuart, CBO CEO
Building Official
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

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From:
James C. Scharklett
170 E. Schell Street
Gallatin, TN 37066

To:
James C. Scharklett
Kathy J. Scharklett
170 East Schell Street
Gallatin, TN 37066

Date of Delivery: 01/07/20

Signature:

A. Signature

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? Yes

If YES, enter delivery address below:

Complete this section on delivery:

1. Complete items 1, 2, and 3.
   - Print your name and address on the reverse so that we can return the card to you.
   - Attach this card to the back of the mailpiece, or on the front if space permits.

2. Article Number (Transferred from service label)

3. Service Type
   - Priority Mail Express®
   - Registered Mail™
   - Signature Confirmation™
   - Insured Mail

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-0053

01/07/20 City Council Meeting Agenda-Page 24
### GENERAL COMPLAINTS/VIOLATIONS

<table>
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<td>Location</td>
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<td>Address</td>
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<td>Phone</td>
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<td>POLICE DEPARTMENT</td>
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### COMPLAINTS/VIOLATIONS

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Unofficial Property Record Card - Sumner County, TN

General Property Data
Parcel ID: 126E 005.01 000
Prior Parcel ID: Y-
Property Owner: SCHARKLETT JAMES C
SCHARKLETT KATHY J
Mailing Address: 170 EAST SCHELL STREET

Account Number: 37500
Lot Number:
Property Location: 170 SCHELL STREET EAST
Property Use: Residential
Most Recent Sale Date: 11/22/2013
Legal Reference: 3875-790
Grantor:
Sale Price: 0
Land Area: 0.000 acres

Current Property Assessment
Card 1 Value: 23,300
Building Value: 23,300
Total Value: 43,300
Full Market Value: 43,300

Xtra Features: 0
Land Value: 20,000
Assessed Value: 10,825
Agricultural Credit: 0

Building Description
Building Style: SINGLE FAMIL
# of Living Units: 1
Year Built: 1960
Building Grade: AVERAGE
Building Condition Average:
Finished Area (SF): 832
Number Rooms: 0
# of 3/4 Baths: 0

Foundation Type: CONTINUOUS F
Frame Type: NONE
Roof Structure: GABLE/HP
Roof Cover: COMPOSITION
Siding: SIDING AVERA
Interior Walls: DRYWALL
# of Bedrooms: 0
# of Full Baths: 0
# of 1/2 Baths: 0

Flooring Type: HARDWOOD-TER
Basement Floor: N/A
Heating Fuel: AVERAGE
Air Conditioning: 0%
# of Bsmt Garages: 0
# of Full Baths: 0
# of Other Fixtures: 3

Legal Description
Subdivision:
Plat Page:
City GALLATIN
Legal Description:
State TN

Narrative Description of Property
This property contains 0.000 acres of land mainly classified as Residential with a(n) SINGLE FAMIL style building, built about 1960, having SIDING AVERA exterior and COMPOSITION roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.
DEPARTMENT: Building Codes

SUBJECT: Dangerous Building - 170 Schell Street - James & Kathy Scharklett, owners.

SUMMARY: This structure is deteriorated, uninhabitable, unsecured and unsafe; utilities have been disconnected. It has an open housing violation under investigation by Codes Maintenance and is being used by homeless people.

RECOMMENDATION: House should be demolished.

ATTACHMENT:

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Correspondence</th>
<th>Bid Tabulation</th>
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Approved X
Rejected
Deferred

Notes:
AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, AMENDING THE GALLATIN ZONING ORDINANCE, ARTICLE 7.00, PROVISIONS FOR MIXED-USE DISTRICTS, SECTION 7.02 INTENT AND DESCRIPTION FOR THE MRO-MULTIPLE RESIDENTIAL AND OFFICE DISTRICT, SECTION 07.03 INTENT AND DESCRIPTION OF THE MU-MIXED USE DISTRICT, ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, SECTION 08.01, INTENT AND PURPOSE OF CC-CORE COMMERCIAL DISTRICT, SECTION 08.04, INTENT AND PURPOSE OF THE PGC-PLANNED GENERAL COMMERCIAL DISTRICT, AND SECTION 08.05, INTENT AND PURPOSE OF PNC-PLANNED NEIGHBORHOOD COMMERCIAL DISTRICT, TO PERMIT ANIMAL CARE AS A PERMITTED USE AND PERMITTED USE WITH CONDITIONS; AUTHORIZING THE REVISIONS TO BE MADE TO THE ZONING ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR ZONING SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the zoning code text amendment is in agreement and consistent with the recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan, and

WHEREAS, Tennessee Code Annotated, Title 13, Chapter 7, Section 204 authorizes the City to amend its zoning code as necessary upon first being reviewed by the Planning Commission, and

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of these amendments in GMRPC Resolution No. 2019-135; and

WHEREAS, the City Council of the City of Gallatin is authorized under Tennessee Code Annotated Title 13, Chapter 7, Section 201 to adopt Zoning regulations for the betterment of the city, and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of these amendments pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance and Tennessee Code Annotated, Section 13-7-203;

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

Section 1. The City Council of the City of Gallatin does hereby approve the Zoning Code text amendment 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 Ordinance to show the changes in the text as described in Exhibit ‘A’.
Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

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

PASSED FIRST READING: November 19, 2019.

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

Exhibit ‘A’ – Text Amendment
Exhibit ‘A’
Ordinance No. O1911-56

ARTICLE 7.00
PROVISIONS FOR MIXED-USE DISTRICTS

7.02 Intent and Description of MRO Multiple Residential and Office District

This class of district is intended to provide adequate and suitable space in appropriate location for high-density residential areas. Characteristics of permitted residential developments are buildings designed for multiple dwelling units, or designed to be attached with party walls. Commercial developments, having a minimum of characteristics objectionable in a high density residential environment, are permitted, if the activities therein minimize direct contact with the ultimate consumers of goods or services, or do not principally involve the sale, transfer, storage, or processing in these districts of goods or chattels. However, a selective list of retail trade and personal service uses are permitted if their principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in this district. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

07.02.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Multiple Residential and Office Districts as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities
- Dwelling, Attached
- Dwelling, Multi-Family
- Dwelling, One-Family Detached
- Dwelling, Two-Family Detached

Community Facility Activities
- Administrative
- Community Assembly
- Community Education
- Essential Service
- Nursing Home – Including Assisted Living
Non-assembly Cultural
Place of Worship

Commercial Activities
Business and Communication Service
Financial, Consulting, and Administrative
Food Service
General Personal Service
Medical Service
Animal Care, with the following conditions:
1. The building/leasable area footprint shall be limited to no more than four thousand (4,000) square feet with no more than two establishments per lot.
2. No livestock animals (which includes traditional farm animals such as horses, cattle, sheep, pigs or swine (other than Vietnamese pigs), goats, mules, donkeys or large exotic animals, chickens, or turkey) shall be treated on the site.
3. Accessory outside exercise areas shall not exceed 1500 square feet in area.
4. Kennels for boarding of non-livestock animals are permitted as an ancillary use subject to the following conditions:
   a. Animal boarding shall occur within completely enclosed structures.
   b. No more than thirty percent of the gross floor area of the facility may be used as a boarding kennel.
   c. No outdoor kennel runs are permitted, except as permitted herein.
   d. All boarding areas shall provide humane treatment, spaces and services compliant with law.
5. No building or structure in which animals are housed or kept shall be closer than 150 feet to any residential structure.

B. Permitted Accessory Uses and Structures
1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

The following activities may be permitted as conditional uses in accordance with Section 15.06.
Commercial Activity
Utility and Vehicular
Convenience Sales and Services
Undertaking Services
Group Assembly Extensive
Group Assembly Limited
Limited Retail Sales
Transient Habitation

Community Facility Activities
Intermediate Impact Community Facility
Limited Child and Adult Care

07.03 Intent and Description of MU Mixed Use District

The purpose of the Mixed Use (MU) land use classification is to provide for a long-term mixture of residential and non-residential uses in portions of the community adjacent to major transportation routes. This purpose is intended to be carried out through the reliance on a market-driven approach to the appropriate uses in the various MU locations by utilizing a flexible zoning technique that permits a market-driven approach but requires a master plan for each MU project site or location.

It is envisioned that MU land use areas target relatively large, contiguous land areas that can be developed according to a unified plan in a high-quality, master-planned setting rather than on a lot-by-lot basis. The uses and standards in this category are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of the area, enhance the natural or scenic qualities of the environment and protect the public health and safety.

07.03.010 Uses and Structures

Within the Mixed Use District, as shown on the Gallatin Municipal Regional Zoning Map and as delineated below and as described in Section 03.05 the following activities are permitted:

A. Permitted Uses

Residential Activities
   Dwelling, Attached
   Dwelling, Multi-Family
   Dwelling, One-Family Detached
   Dwelling, Two-Family Detached

Community Facility Activities
   Administrative
Community Assembly
Community Education
Essential Service
Limited Child and Adult Care
Non-assembly Cultural
Nursing Home – Including Assisted Living
Place of Worship
Utility and Vehicular

Commercial Activities
Business and Communications Service
Financial, Consulting, and Administrative
Food Service
General Retail Sales and Service – Excluding Manufactured Home Sales Facilities
Limited Retail Sales Activities
Medical Office/Service
Research Service
Transient Habitation
Undertaking Service

Animal Care, with the following conditions:
1. The building/leaseable area footprint shall be limited to no more than four thousand (4,000) square feet with no more than two establishments per lot.
2. No livestock animals (which includes traditional farm animals such as horses, cattle, sheep, pigs or swine (other than Vietnamese pigs), goats, mules, donkeys or large exotic animals, chickens, or turkey) shall be treated on the site.
3. Accessory outside exercise areas shall not exceed 1500 square feet in area.
4. Kennels for boarding of non-livestock animals are permitted as an ancillary use subject to the following conditions:
   a. Animal boarding shall occur within completely enclosed structures.
   b. No more than thirty percent of the gross floor area of the facility may be used as a boarding kennel.
   c. No outdoor kennel runs are permitted.
   d. All boarding areas shall provide humane treatment, spaces and services compliant with law.
5. No building or structure in which animals are housed or kept shall be closer than 150 feet to any residential structure.

B. Permitted Accessory Uses and Structures
1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.

4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

The following activities may be permitted as conditional uses in accordance with Section 15.06. Community Facilities

Intermediate Impact

Commercial Activities

Convenience Sales and Service
Food Service Drive In

ARTICLE 8.00
PROVISIONS FOR COMMERCIAL DISTRICTS

08.01 Intent and Purpose of the CC - Core Commercial District

This district is designed to provide for a wide range of retail, office, amusement, and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. A setting conducive to and safe for a high volume of pedestrian traffic is desired. All such uses shall comply with the requirements of the International Building Code, whichever is more restrictive.

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities
- Dwelling, One-family detached
- Dwelling Attached
- Dwelling Two-Family
- Dwelling, Two-Family detached
- Upper-Story Residential with fire suppression system
- Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities
Place of Worship  
Essential Service  
Community Assembly  
Non-assembly Cultural  
Administrative  
Utility  
Vehicular

Commercial Activities  
Convenience Sales and Service - Two-Pump Maximum  
Transient Habitation  
Food Service  
General Personal Service  
Financial, Consulting and Administrative  
Business and Communication Service  
General Retail Sales and Service  
Consumer Laundry and Repair  
Retail Business Supply  
Group Assembly – Limited  
Medical Services  
Undertaking Services

Animal Care, with the following conditions:
1. The building/leasable area footprint shall be limited to no more than four thousand (4,000) square feet with no more than two establishments per lot.
2. No livestock animals (which includes traditional farm animals such as horses, cattle, sheep, pigs or swine (other than Vietnamese pigs), goats, mules, donkeys or large exotic animals, chickens, or turkey) shall be treated on the site.
3. Accessory outside exercise areas shall not exceed 1500 square feet in area.
4. Kennels for boarding of non-livestock animals are permitted as an ancillary use subject to the following conditions:
   a. Animal boarding shall occur within completely enclosed structures.
   b. No more than thirty percent of the gross floor area of the facility may be used as a boarding kennel.
   c. No outdoor kennel runs are permitted.
   d. All boarding areas shall provide humane treatment, spaces and services compliant with law.
5. No building or structure in which animals are housed or kept shall be closer than 150 feet to any residential structure.

B. Permitted Accessory Uses and Structures
1. Signs as permitted in Section 13.07.
2. Accessory off-street parking facilities as required in Article 11.00.
3. Facilities and buildings customarily incidental and appurtenant to a permitted use.
C. Conditional Use

1. Dwelling, Upper Story Residential without fire sprinkling systems
2. Limited Child and Adult Care
3. Automotive Parking lot as a principal use

08.04 Intent and Purpose of PGC - Planned General Commercial District

The purpose of this district is to provide for modern, attractive, and efficient, retail, personal, professional, and commercial facilities with access needs that demand location along major arterial roadways. Uses permitted in this district are frequently automobile-oriented, and, as such, this district is most appropriately located along or at intersections of urban arterials or collector roadways, as identified on the City's Official Street Map. Also, since these corridors are major entryways and focal points in the City, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas. A master development plan for the development of the entire area is required, but the development may occur in stages.

08.04.010 Previously Approved Commercial PUD'S Applicability to the New Planned General Commercial District

Any project lawfully approved under the provisions of a Commercial Planned Unit Development zone (of this or any other government entity) is hereby approved under their original conditions and are hereby made as a new district of the zoning map of Gallatin as a part of this Ordinance for a period not to exceed two years from the date of the enactment of this Ordinance. If no final plan approval or building permit is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regards to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

08.04.020 Uses and Structures

Within the Planned General Commercial District, as shown on the Gallatin Municipal Regional Zoning Map, as delineated below and described in Article 3.00, the following activities are permitted:

A. Permitted Uses

   Community Facility Activities:
   Administrative
   Community Assembly
Commercial Activities:
Animal Care
Business and Communication Services
Financial, Consulting, and Administrative Office
Food Service
Food Service - Drive-in
General Personal Service
General Retail Sales and Services
Group Assembly - Limited
Medical Services
Transient Habitation
Vehicular, Craft, and Related Equipment Sales
Limited Retail Sales
Automotive Parking
Automotive Servicing
Convenience Sales and Services
Retail Business Supply
Wholesale Sales

08.05 Intent and Purpose of PNC – Planned Neighborhood Commercial District

The purpose of this district is to provide for the establishment of planned neighborhood commercial areas that can efficiently serve day-to-day needs. Consolidation of convenience shopping facilities into planned shopping centers and integrated site designs is encouraged to avoid strip commercial development, lessen traffic conflicts, and improve the safety and convenience of customers. Planned neighborhood commercial areas are also encouraged in order to provide for the appropriate landscape buffers and site design needed to protect property values in adjacent areas. The regulations and conditions contained in this section are designed to ensure that planned neighborhood commercial areas will be developed at locations that will most efficiently serve the needs of the community.

08.05.010 General Standards for Making Determinations

Prior to the establishment of a new Planned Neighborhood Commercial District, the Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
A. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

B. Will not be hazardous or disturbing to existing or future neighboring uses;

C. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;

D. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection; drainage structures; refuse disposal; or schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service;

E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

F. Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

G. Will be consistent with the intent and purposes of this Ordinance.

08.05.015 Previously Approved Commercial PUDs Applicability to the New Planned Neighborhood Commercial District

Any project lawfully approved under the provisions of a Commercial Planned Unit Development zone (of this or any other government entity) is hereby approved under their original conditions and are hereby made a zone district of the zoning map of Gallatin as a part of this Ordinance for a period not to exceed two years from the date of the enactment of this Ordinance. If no final plan approval or building permit is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regards to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

08.05.020 Uses and Structures

A. Permitted Uses

Community Facility Activities:
Administrative
Assisted Living
Community Assembly
Essential Service
Health Care
Limited Child and Adult Care
Non-assembly Cultural
Nursing Home
Place of Worship

Commercial Activities:
Business and Communication Service
Convenience Sales and Service, Excluding gasoline service station and convenience store
Financial, Consulting, and Administrative
Food Service
Food Service Drive-in
General Personal Service
General Retail Sales and Services, Excluding Manufactured Home Sales Facilities
Group Assembly Limited
Medical Services
Automotive Parking
Limited Retail Sales
Animal Care, with the following conditions:
1. The building/leasable area footprint shall be limited to no more than four thousand (4,000) square feet with no more than two establishments per lot.
2. No livestock animals (which includes traditional farm animals such as horses, cattle, sheep, pigs or swine (other than Vietnamese pigs), goats, mules, donkeys or large exotic animals, chickens, or turkey) shall be treated on the site.
3. Accessory outside exercise areas shall not exceed 1500 square feet in area.
4. Kennels for boarding of non-livestock animals are permitted as an ancillary use subject to the following conditions:
   a. Animal boarding shall occur within completely enclosed structures.
   b. No more than thirty percent of the gross floor area of the facility may be used as a boarding kennel.
   c. No outdoor kennel runs are permitted.
   d. All boarding areas shall provide humane treatment, spaces and services compliant with law.
5. No building or structure in which animals are housed or kept shall be closer than 150 feet to any residential structure.

* * * * * * * * * * * * * *
ITEM No.  
STAFF REPORT to COUNCIL COMMITTEE  
Zoning Code Text Amendment - G.Z.O. Article 7, Section 07.02, Section 07.03, Article 8, Section 08.01, Section 08.04, Section 08.05 – Animal Care in Mixed Use and Commercial Districts (ZONE-2019-0003)  
Date: November 12, 2019

REQUEST: CITY OF GALLATIN REQUESTS CONSIDERATION OF AN ORDNANCE TO AMEND THE GALLATIN ZONING ORDINANCE, ARTICLE 7.00, PROVISIONS FOR MIXED USE DISTRICTS AND ARTICLE 8.00, PROVISIONS FOR COMMERCIAL DISTRICTS, TO ADD THE ANIMAL CARE USES AS PERMITTED USE AND PERMITTED USE WITH CONDITIONS IN CERTAIN MIXED USE AND COMMERCIAL ZONING DISTRICTS.

APPLICANT: CITY OF GALLATIN

STAFF RECOMMENDATION: RECOMMEND APPROVAL OF ORDINANCE NO. O1911-56

STAFF CONTACT: WILLIAM D. McCORD

PLANNING COMMISSION DATE: OCTOBER 28, 2019

COUNCIL COMMITTEE DATE: NOVEMBER 12, 2019

SUBJECT OVERVIEW: The City of Gallatin Economic Development Department and Planning Department requests consideration/approval of Resolution No. 2019-135, approving an Ordinance to amend the Gallatin Zoning Ordinance, Article 07.00, Provisions for Mixed Use Districts, Article 08.00, Provisions for Commercial Districts, and Article 15.00 Administration and Enforcement to add Animal Care as a permitted use, permitted use with conditions or Conditional Use in certain mixed use and commercial zoning districts.


CASE BACKGROUND:

Analysis: The City of Gallatin Economic Development Agency and the Planning Department requests consideration/approval of an amendment to Article 7, Provisions for Mixed Use Districts, Sections 07.02, Provisions and Description of MRO Multiple Residential and Office District, Section 07.03 Intent and Description of MU Mixed Use District and Article 8, Provisions for Commercial Districts, Section 08.01 Intent and Description of the CC- Core Commercial District, Section 08.04, Intent and Description of PGC - Planned General Commercial District and Section 08.05 Intent and Purpose of PNC – Planned Neighborhood Commercial District of the Gallatin Zoning Ordinance. The purpose...
of the proposed amendment is to add the Animal Care use as a permitted use and/or a permitted use with conditions in select zoning districts.

**DISCUSSION:**

**History**

Animal Care is currently listed as a permitted use in the CG - Commercial General, CS - Commercial Services, MUG - Mixed Use General, IR - Industrial Restrictive and IG - Industrial General Districts.

**Proposed Amendment and Ordinance structure**

The proposed zoning code change will only affect qualified properties in the MRO, MU, CC, PGC, and PNC zoning districts. This district primarily is located in the commercial areas of the city but some are within or in close proximity to residential districts. To reduce the potential conflicts between the Animal Care use and residential activities and uses special conditions are proposed to require separation of these facilities from residential uses, and other operating regulations. The proposed ordinance would require that the use meets specific conditions to be approved in the MRO, MU and CC districts which are listed in the ordinance. Animal Care would become a permitted use in the PGC district.

Other local jurisdiction zoning codes are more accommodating to the Animal Care use than the Gallatin Code. For example, Hendersonville allows Animal Hospitals in the Mixed Use Residential district and Neighborhood Commercial district with a Conditional Use Permit and as a permitted use in the Office Transition Commercial, Mixed Use Commercial, General Commercial and Highway Commercial districts. Nashville allows an Animal Hospital in two light industrial districts, veterinarians in the CL, CLA, CS, CSA, CF, DTC, in the three Shopping Center districts, and as a Conditional Use in the Mixed Use districts and Office districts. In addition, it allows an Animal Boarding Facility in the Downtown districts and light industrial districts. The proposed change will put Gallatin in a similar regulatory setting as other area cities.

Tennessee Code Annotated Title 13, Chapter 7, Section 201 authorizes the City to adopt Zoning regulations for the betterment of the city. Tennessee Code Annotated, Title 13, Chapter 7, Section 204 and The Zoning Ordinance, Section 15.07.040 authorizes the City to amend its zoning code as necessary upon first being reviewed by the Planning Commission.

The zoning code text amendment is in agreement and consistent with the recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan.

After discussion, the at the work session on October 14, 2019 and at the regular meeting on October 28, 2019, the Planning Commission voted unanimously to recommend approval of the Ordinance in GMRPC Resolution No. 2019-135 (Attachment 1).
Zoning Code Text Amendment-Animal Care in Mixed Use and Commercial Districts (ZONE-2019-0003)
Council Committee Staff Report to Council  November 12, 2019

RECOMMENDATION:
The Planning Commission recommends approval of Ordinance No.O1911-56.

Attachment 1 – GMRPC Resolution No. 2019-135
RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE TO THE GALLATIN CITY COUNCIL AMENDING THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE, ARTICLE 7.00 AND ARTICLE 8.00, TO PERMIT ANIMAL CARE AS A PERMITTED USE AND PERMITTED USE WITH CONDITIONS IN CERTAIN MIXED USE AND COMMERCIAL ZONING DISTRICTS – (ZONE-2019-0003)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the text amendment request submitted by the applicant, City of Gallatin Planning Department, at its regular meeting on October 28, 2019; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, and evidence and testimony presented during the meeting.

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

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-104, § 13-7-201, §13-7-202 and §13-7-204:

1. The zoning code text amendment is in agreement and consistent with the recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan, and

2. The zoning code text amendment has been reviewed by the Planning Commission as required by Tenn. Code Annotated 13-7-204 and Article 15, Section 15.07.040, Gallatin Zoning Ordinance, and

3. The zoning code text amendment is necessary to accommodate businesses necessary for the provision of services to residents and animals in the community in a way that mitigates any adverse impacts, and

4. The zoning code amendment will provide for additional economic development opportunities in certain zoning districts where convenience afforded by the activity is needed and where the use and activity is not available in the City, and

5. The zoning code text amendment will affect a limited number of properties in the City and will not change the general character of the affected mixed use or commercial zoning districts where the use will be allowed, and

6. The proposed zoning code text amendment will not adversely affect the aesthetics or property values of the community or adjoining properties or any such adverse effects is justified by the public good or welfare, and
7. The legal purposes for which zoning regulations exist are not contravened.

8. No one property owner or small group of property owners will benefit materially from the code changes to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the text amendment to Article 7.00, Section 07.02 and Section 07.03, Article 8.00, Section 08.01, Section 08.04 and Section 08.05 to permit Animal Care as a permitted use and permitted use with conditions in certain mixed use and commercial zoning districts, to the Gallatin City Council as indicated in Exhibit ‘A’.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 5
NAY: 0

DATED: 10/28/2019

John Puryear, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:

SUSAN HIGH MCAULEY
CITY ATTORNEY

Exhibit ‘A’ – Ordinance O1911-xx Amending Articles 7.00 and 8.00
Subject: An Ordinance No. O1911-56 of the City of Gallatin, Sumner County, Tennessee, amending the Zoning Ordinance of the City of Gallatin to add the Animal Care use as a permitted use and/or a permitted use with conditions in select zoning districts.

Summary: An Ordinance of the City of Gallatin, Sumner County, Tennessee, amending the Zoning Ordinance of the City of Gallatin, Article 7, Provisions for Mixed Use Districts, Section 07.02, Provisions and Description of MRO Multiple Residential and Office District, Section 07.03 Intent and Description of MU Mixed Use District and Article 8, Provisions for Commercial Districts, Section 08.01 Intent and Description of the CC- Core Commercial District, Section 08.04, Intent and Description of PGC - Planned General Commercial District and Section 08.05 Intent and Purpose of PNC – Planned Neighborhood Commercial District, to add the Animal Care use as a permitted use and/or a permitted use with conditions in select zoning districts; Authorizing the revision to be made to the Zoning Ordinance; Repealing conflicting ordinances; Providing for severability; and Providing an effective date.

On October 28, 2019, the Gallatin Municipal-Regional Planning Commission recommended approval of zoning ordinance amendment in GMRPC Resolution 2019-135. (File ZONE-2019-0003)

Recommendation:

Attachment:

- Resolution
- Ordinance
- Correspondence
- Contract
- Bid Tabulation
- Other

Approved X
Rejected
Deferred

Notes:
ORDINANCE NO. 01911-57

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE LAST PLANTATION AT FAIRVUE PRELIMINARY MASTER DEVELOPMENT PLAN [AND A REVISED FINAL MASTER DEVELOPMENT PLAN], AN AMENDMENT TO THE FOXLAND AT FAIRVUE PRELIMINARY MASTER DEVELOPMENT PLAN [AND A REVISED FINAL MASTER DEVELOPMENT PLAN], AND A PRELIMINARY MASTER DEVELOPMENT PLAN FOR TENNESSEE GRASSLANDS, ON 285.88 +/- ACRES, ZONED MRO-MULTIPLE RESIDENTIAL AND OFFICE, LOCATED AT 981 PLANTATION BOULEVARD AND AT 1445 FOXLAND BOULEVARD; 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 applicant submitted a complete application for an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan and an Amendment to the Foxland at Fairvue Preliminary Master Development Plan and approval of a Preliminary Master Development Plan for Tennessee Grasslands, on 258.88 +/- acres, located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard and in the vicinity, in Gallatin, Tennessee; and

WHEREAS, the properties are currently zoned MRO-Multiple Residential and Office; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed but did not recommend approval of the Amendments to the existing Master Development Plans or the proposed Preliminary Master Development Plan; and

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

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

Section 1. The City Council of the City of Gallatin does hereby approve an Amendment to the Last Plantation at Fairvue Preliminary Master Development, an Amendment to the Foxland at Fairvue Preliminary Master Development Plan, and the Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 +/- acres, zoned MRO-Multiple Residential and Office, 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 with preliminary master development plan for the property.

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 take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: November 19, 2019

PASSED SECOND READING:

____________________________
MAYOR PAIGE BROWN

ATTEST:

____________________________
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

____________________________
SUSAN HIGH-MACAULEY
CITY ATTORNEY

Exhibit A: Description of PMDPs with conditions
EXHIBIT ‘A’

1. The Amended PMDP for The Last Plantation at Fairvue, a ten (10) sheet plan, prepared by Barge, Waggoner, Sumner & Cannon, Inc., of Nashville, Tennessee, dated June 27, 2002, with project number 26387-18, with a final revision date of July 12, 2002 (File No. 3-10-02), with the following condition:

   1. The areas designated as golf course… are hereby removed from the Master Development Plan provided that such areas are included in a separate master development plan for Tennessee Grasslands (File No. MDP-2019-0012).

2. The Amended PDMP for Foxland Harbor Golf and Country Club, consisting of five (5) sheets, prepared by Barge Design Solutions, with File No. 3200363, dated August 30, 2018 (File No. 3-16-05), with the following condition:

   1. The areas designated as golf course…. are hereby removed from the Master Development Plan provided that such areas are included in a separate master development plan for Tennessee Grasslands (File No. MDP-2019-0012).

3. The Preliminary Master Development Plan for Tennessee Grasslands consisting of a one (1) sheet plan, prepared by Ragan-Smith Associates, of Nashville, Tennessee, dated October 16, 2019, with job number 19077-1529, with the following condition:

   1. Submit the CAD file georeferenced in NAD83 State Plane FIPS 4100 with all xrefs bound to the drawing of the Preliminary Master Development Plan to the Planning Department.
STAFF REPORT TO CITY COUNCIL
Located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard
Date: November 12, 2019

REQUEST: OWNER AND APPLICANT REQUEST APPROVAL OF AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE LAST PLANTATION AT FAIRVUE AND FOXLAND AT FAIRVUE AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR TENNESSEE GRASSLANDS, CONSISTING OF TWO (2) 18-HOLE GOLF COURSES, WITH TWO (2) CLUBHOUSES, TWO (2) POOLS, TWO (2) FITNESS FACILITIES, TWO (2) TEACHING FACILITIES, TWO (2) ACCESSORY MAINTENANCE FACILITIES, AND FOUR (4) GUEST COTTAGES, ON 285.88 +/- ACRES, ZONED MRO–MULTIPLE RESIDENTIAL AND OFFICE DISTRICT, LOCATED ADJACENT TO PLANTATION BOULEVARD AND ADJACENT TO FOXLAND BOULEVARD.

OWNER: GALLATIN GOLF, LLC
APPLICANT: RAGAN-SMITH ASSOCIATES
STAFF RECOMMENDATION: RECOMMEND APPROVAL OF ORDINANCE NO. O1911-57
STAFF CONTACT: DUSTIN SHANE
PLANNING COMMISSION DATE: OCTOBER 28, 2019
COUNCIL COMMITTEE DATE: NOVEMBER 12, 2019

PROPERTY OVERVIEW: Owner and applicant request approval of an Amended Preliminary Master Development Plan for the Last Plantation at Fairvue and approval of an Amended PMDP for Foxland at Fairvue and approval of a Preliminary Master Development Plan for Tennessee Grasslands, consisting of two (2) 18-hole golf courses, with two (2) clubhouses, two (2) pools, two (2) fitness facilities, two (2) teaching facilities, two (2) maintenance facilities, and four (4) guest cottages, on 285.88 +/- acres, zoned MRO–Multiple Residential and Office District, located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard. The applicant intends to remove the golf courses and accessory facilities from the existing master development plans and create a separate master development plan encompassing only the golf course and associated recreational facilities into a single MDP. The Intermediate Impact Community Facilities (golf courses and accessory facilities) and Transient Habitation uses are conditional uses in the MRO District. The Community Assembly, Administrative, General Personal Service, and Food Service uses are permitted uses in the MRO District (Attachment 1 and Attachment 2).
This item was voluntarily deferred for one month at the September 23, 2019, Planning Commission meeting by the applicant. At the October 28, 2019, Planning Commission meeting, the Planning Commission did not recommend approval of the Resolution by a 4-2 vote. The Planning Commission’s primary reasons were that the request would not change the rights or responsibilities the applicant has under the current master plans and that the communities with the golf courses should be retained as within the existing master development plans. The Planning Department recommends approval of Ordinance No. O1911-57.

CASE BACKGROUND:
PROPERTY HISTORY AND PREVIOUS APPROVALS
On February 28, 2000, the Planning Commission recommended approval to City Council of a Preliminary Master Development Plan for Fairvue Downs (File No. 3-28-99), now Fairvue Plantation, to rezone 386 +/- acres of the historic Wemyss property from the R20–Low Density Residential and A–Agricultural Residential Districts to the MRO–Multiple Residential and Office District and remove the property from the Greensboro Village Planned Unit Development (PUD). At that time, most of the property was outside the City limits but within the Planning Region. The rezoning with the Preliminary Master Development Plan passed Second Reading at the March 21, 2000, City Council meeting. The development included 1,082 single-family and multi-family dwelling units, assisted living facilities, a marina, and a golf course (the Intermediate Impact Community Facility use). Initially, the golf course was divided into Phases “A” and “B,” “A” being located on the eastern peninsula and “B” on the western peninsula, both along Plantation Boulevard (Attachment 5). Phase A (holes 10-18) was to commence construction in May of 2000 concurrent with Phase I while Phase B was to begin in May of 2004 concurrent with Phase V. The proposed density for the development (2.8 dwelling units per acre) included the golf course in the calculations.

On January 16, 2001, City Council approved a major amendment adding a picnic pavilion, a restaurant/lodge retreat, a clubhouse, a teaching center, and a maintenance facility (File No. 4-10-00). The amendment also reduced the number of residential units to 717, resulting in an overall density of 1.86 dwelling units per acre.

On June 24, 2001, another amendment reduced the number of units to 663 by decreasing the number of condominiums and increasing the number of single-family units. Golf cart crossings were changed to match the design of the golf course.

The golf course use required a conditional use permit by the Board of Zoning Appeals. The Board granted the conditional use permit for Phase A on the eastern peninsula on June 25, 2001 (File No. B-11-01). On June 25, 2001, Planning Commission approved the 91.16-acre site plan (File No. 8-07-01).

On July 22, 2002, the Planning Commission further amended the plan by approving the 740 units of the Last Plantation at Fairvue (File No. 3-10-02) and acquiring 118.05 acres from the Greensboro Village PUD to add to the site, bringing the total acreage to 504.24 acres (Attachment 4). With the new unit count, this established a density of 1.47 dwelling units per acre (inclusive of the golf course area). In the spring of 2003, Phase A was nearing completion the golf course was opened for play. Phase B was scheduled to begin construction at that time. On December 16, 2002, the Municipal Board of Zoning Appeals approved a Conditional Use Permit for the golf course in Phase B (File
No. B-14-02). On December 16, 2002, the Planning Commission approved a Final Site Development Plan for Phase B (File No. 8-62-02).

On February 24, 2003, the Planning Commission approved a final site development plan (FMDP) for the amenity area (File No. 8-2-03), which included a golf pro shop and grille, cart storage, a pool and pool house, and guest houses (the historic slave quarters).

On March 24, 2003, the Planning Commission approved a site plan revision allowing additional parking for the maintenance facility (File No. 8-6-03S).

On May 19, 2003, the Planning Commission approved an amendment to add a golf teaching facility north of the driving range on Browns Lane (File No. 8-15-03).

On March 22, 2004, the Planning Commission approved an overflow parking lot to serve the maintenance building, golf teaching facility, and clubhouse and pool area on Browns Lane (File No. 8-8-04), and Planning Commission also approved a revised landscaping plan for the maintenance building (File No. 8-11-04). The Board of Zoning Appeals also approved a Conditional Use Permit for the transient habitation use for the historic slave quarters (File No. B-2-04) on that date.

On February 15, 2006, City Council approved a Preliminary Master Development Plan for Foxland at Fairvue, consisting of an 18-hole golf course, a driving range facility, a maintenance facility, 472 one-family detached dwellings, and 124 multi-family dwellings on 335.5 acres across Station Camp Creek from Fairvue Plantation (File No. 3-16-05) (Attachment 4). The density on the eastern portion of Foxland was 1.78 units/acre.

On February 27, 2006, the Board of Zoning Appeals approved the Conditional Use Permit for the Foxland 18-hole golf course (Intermediate Impact Community Facility), including a 10,500-square foot maintenance building, club house, and restroom/concession building (File No. B-2-06). On that same date, Planning Commission approved a Final Master Development Plan for the Foxland Golf Course and a turfcare/maintenance building on 151.40 +/- acres (File No. 8-12-06).

On March 27, 2006, the Planning Commission approved a Final Master Development Plan for Foxland Clubhouse (File No. 8-22-06). The plan included a 25,000 square foot clubhouse, attached to the existing Foxland Hall mansion, parking areas, and a pool area.

On November 27, 2006, this plan was modified (File No. 8-60-06) to decrease the clubhouse addition to the Foxland Mansion, the cart and bag storage areas, and the future pool area. After approval of the Final Master Development Plan for the Foxland Clubhouse, the property was sold, and the new owners proposed a change to the entire Foxland project, including changes to density, lot sizes, uses, street design, and architecture.

On August 22, 2011, the Planning Commission approved a revised Final Master Development Plan for the Foxland Clubhouse and Phase 9, Section 1 (File No. PC9861-11), which created eleven (11) new lots, an open space, and removed a portion of the proposed parking area located near the future pool area.
On June 25, 2012, the Planning Commission approved a Revised Final Master Development Plan for The Club at Foxland Harbor (File No. PC0009-12). The plan changed the previously approved architectural elevations for the clubhouse and approved the landscaping for the clubhouse property.

On December 10, 2012, the Planning Commission approved a minor amendment to the Preliminary Master Development Plan for Foxland and a revised Final Master Development Plan for The Club at Foxland Harbor (File No. PC0055-12), which would add 3,972 square feet to the clubhouse, remove the future pool area, and decrease the parking area.

On December 8, 2014, Planning Commission approved a minor amendment to the Foxland, Phase 2 Preliminary Master Development Plan and revised the Final Master Development Plan for The Club at Foxland Harbor to add a pool, fitness center, and parking area to the remaining undeveloped portions of the property on Foxland Boulevard adjacent to Old Hickory Lake (File No. PC0373-14).

On July 27, 2015, the Planning Commission approved a minor amendment to the Foxland, Phase 2 Preliminary Master Development Plan and a revised Final Master Development Plan for The Club at Foxland Harbor to change the building size, architecture, and pool location (File No. 8-792-15).

**DISCUSSION:**

*Proposed Development*

The owner and applicant request approval of an Amended Preliminary Master Development Plan for the Last Plantation at Fairvue and approval of an Amended PMDP for Foxland at Fairvue and approval of a Preliminary Master Development Plan for Tennessee Grasslands, consisting of two (2) 18-hole golf courses, with two (2) clubhouses, two (2) pools, two (2) fitness facilities, two (2) teaching facilities, two (2) maintenance facilities, and four (4) guest cottages, on 285.88 +/- acres, zoned MRO–Multiple Residential and Office District, located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard. The applicant intends to amend the Fairvue Plantation MDP, which was approved in 2002 (File No. 3-10-02) and the PMDP for Foxland Harbor Golf and Country Club, LLC, approved in 2006 (File No. 3-16-05) (Attachment 4). The master plans for both developments have been amended many times over the years as indicated in the attachment spreadsheets (Attachment 5).

The Intermediate Impact Community Facility and Transient Habitation uses were approved as conditional uses in the MRO District. The Community Assembly, Administrative, General Personal Service, and Food Service uses were approved as permitted uses in the MRO District. The amendments to Fairvue Plantation and Foxland result in a substantial increase in overall density to the existing MDPs and are therefore recommended as major amendments. However, when the master plans are applied in combination, no increase in density will occur. The Tennessee Grasslands PMDP must be approved by City Council as required by G.Z.O. Section 15.07.030.F (Attachment 6).

With the amendments no new uses are proposed for the properties. The current request merely seeks to separate the golf courses and associated uses from the original Master Plans for planning purposes. The 18-hole golf course within the Fairvue Plantation master plan and the 18-hole golf course within the Foxland master plan and accessory uses (the Fairvue Plantation clubhouse, pool, and associated uses on Plantation Boulevard and the Foxland Harbor clubhouse, pool, and associated uses on Foxland Boulevard; the guest cottages at the Fairvue clubhouse; the Lakes fitness center at
Amended PMDP for the Last Plantation at Fairvue and Amended PMDP for Foxland at Fairvue and PMDP for Tennessee Grasslands (MDP-2019-0012) Council Committee - November 12, 2019

Fairvue clubhouse and the Links fitness center at Foxland clubhouse; and the teaching and maintenance facilities along Browns Lane within Fairvue and off Douglas Bend Road within Foxland (Attachment 2) will be removed from the existing master plans and included in the Tennessee Grasslands Master Plan. The golf courses and guest housing are considered Intermediate Impact Community Facility and Transient Habitation uses. The clubhouses, pools, fitness centers, and maintenance and training facilities are included as Community Assembly, Administrative, General Personal Service, and Food Service uses.

The removal of the golf courses from the Fairvue and Foxland Master Plans will increase the densities of these developments since the area represented by the golf courses will no longer be contained within the current master plans. Fairvue included the golf course area in the density calculations with a density of 2.8 dwelling units per acre, or 15,557 square feet per unit (subsequent amendments only decreased the overall density). Removing the golf course area (127.14 acres) increases density to 4.178 dwelling units per acre, or 10,426 square feet per unit—still far greater than the minimum 3,000 square feet of site area per unit required by the MRO Zoning District. The original MDP provided 15 acres of open space. Open space constituted a separate tabulation from golf course area. Over the course of the amendments, the areas set aside for open space changed. Portions of the original areas designated as open space will be removed from the Fairvue PMDP and included in the Tennessee Grasslands PMDP.

Foxland at Fairvue was approved at a density of 1.78 dwelling units per acre, or 24,471.9 square feet of site area per unit, and also included the golf course area in the density calculations. Without the golf course area (157.52 acres), the resulting density will increase to 3.35 dwelling units per acre, or 13,002.99 square feet of site area per unit, still well above the minimum of 3,000 square feet per unit required by the MRO Zone District. The original master plan included 3.56 acres of open space. For Foxland, open space constitutes a separate tabulation from golf course area. Over the course of the amendments, the areas set aside for open space changed. Portions of the original areas designated as open space will be removed from the Foxland PMDP and included in the Tennessee Grasslands PMDP.

<table>
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<tr>
<th>Overall Density/Open Space (square feet of site area per unit)</th>
<th>Original Approval</th>
<th>Without Golf Course Area</th>
<th>Designated Open Space</th>
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Effectively the reduction in acreage of the two master plans will not change the character of the developments. This only removes the administrative authority from a community and transfers it solely to a separate entity which will be more effective in programming and operating the non-residential aspects of the communities.

Natural Features
The property is currently comprised of gently sloping golf courses with landscaping and small bodies of water. Station Camp Creek divides the Fairvue peninsula from Foxland Harbor.
Based on FEMA FIRM Map Community No. 470185, Panel No. 0407G, dated April 17, 2012, a portion of the site is located within a flood hazard area. However, no structures or critical infrastructure are located in flood hazard areas.

**Adjacent or Area Uses**
The property is surrounded on most sides by the single-family residential uses in the Fairvue Plantation and Foxland developments. These properties are zoned MRO. To the northeast of Fairvue and bordering holes 11, 12, and 13 is the Retreat at Fairvue Subdivision and unbuilt portions of Greensboro Subdivision, zoned R15–Medium Density Residential District (Planned Unit Development). To the east of Fairvue, bordering hole 2, is the Bay Point Estates Subdivision, zoned R20–Low Density Residential District. To the northwest of Foxland, bordering hole 18, is a portion of Foxland Crossing Subdivision, zoned MU–Mixed Use District (Attachment 7).

**Gallatin on the Move 2020 General Development and Transportation Plan**
The Gallatin on the Move 2020 General Development Plan designates the property as Suburban Neighborhood Established Character Area, with the Foxland clubhouse area designated as part of the Regional Activity Center. The Suburban Neighborhood Established Character Area calls for locating “community centers and well-designed commercial activity centers at suitable locations within walking distance of residences.” The MRO zoning district is listed as an applicable zoning district for the Suburban Neighborhood Established Character Area. The Character Area lists single family residential and small and large-scale apartments and townhomes as primary land uses (Attachment 8).

The Regional Activity Center Character Area calls for providing “for pedestrian-friendly areas with public spaces, [a] relatively high intensity mix of businesses, retail and offices, employment, education, hospitality and entertainment facilities.” The MRO zoning district is listed as an applicable zoning district for the Regional Activity Center Character Area. The Character Area lists commercial/office/retail, hospitality, and entertainment and cultural facilities as primary land uses (Attachment 8).

The Gallatin on the Move 2020 plan also calls for the extension of the city-wide greenway through holes 18, 1, 3, and 4 of the Foxland golf course (Exhibit 4-12; p. 4-33). This alignment is only conceptual and was most likely placed on the greenway without knowledge of the presence of the golf course and master development plan. A greenway connection is available at the intersection of Douglas Bend Road and Foxland Boulevard (Attachment 8).

The plan meets a Business and Employment Community Vision objective of the Comprehensive Plan (p. 2-18), which states, “Promote Gallatin as a hub for retail, dining, arts, recreation and history” (Attachment 8).

**Access and Easements (P.U.D.E.)**
The amendments and new master plan do not include any new public rights-of-way. Browns Lane in Fairvue and Douglas Bend Road adjacent to Foxland are classified as collector streets. The Gallatin on the Move 2020 plan recommends upgrading Douglas Bend Road, adjacent to Foxland, from US-31E south to the Urban Growth Boundary. The existing cross-section is sufficient for a two-lane collector road. Since most properties within these developments are platted, sufficient easements exist to serve community needs.
Amended PMDP for the Last Plantation at Fairvue and Amended PMDP for Foxland at Fairvue and PMDP for Tennessee Grasslands (MDP-2019-0012) Council Committee - November 12, 2019

Architectural Designs
No new construction is proposed.

Stormwater Detention
The existing stormwater treatment system is considered adequate. More detailed drainage plans will be provided with any FMDP, if necessary.

Bufferyard and Landscaping Plan
The original Fairvue and Foxland developments were constructed with adequate buffering and landscaping to adjacent uses. This landscaping will remain undisturbed.

Parking
Adequate parking has been provided to serve the existing uses.

Master Signage Plan
No new signs are proposed for the development at this time. The owner and applicant shall submit details of any new permanent signs in compliance with G.Z.O. Section 13.07.065.F, Master Signage Plan to the Planning Department for review and approval. Sign permits shall be obtained prior to the installation of any signage on site.

Gallatin Public Utilities Department Comments
This property is currently serviced by Gallatin Public Utilities gas lines and Gallatin Department of Electricity power lines. Sanitary sewer and water service is provided by Gallatin Public Utilities within Fairvue and by White House Utility District within Foxland. The applicant shall coordinate all development with the appropriate utility provider to ensure any future utility infrastructure is installed to the satisfaction of said provider.

Planning Department Comments
The Planning Department reviewed and commented on the amended Preliminary Master Development Plans and new PMDP. The owner and applicant satisfactorily addressed the Planning Department comments.

Engineering Division Comments
The Engineering Division reviewed and commented on the amended Preliminary Master Development Plans and new PMDP. The owner and applicant satisfactorily addressed all Engineering Division comments.

Other Departmental Comments
The Other City Departments reviewed and commented on the amended Preliminary Master Development Plans and new PMDP and had no comments.

RECOMMENDATION:
The Planning Commission does not recommend approval of Ordinance No. O1911-57

The Planning Department recommends approval of Ordinance No. O1911-57.
ATTACHMENTS
Attachment 1  Location Map
Attachment 2  Tennessee Grasslands Preliminary Master Development Plan (File No. MDP 2019-0012)
Attachment 3  HOA Letter to Concerned Residents
Attachment 4  MDPs for
Fairvue Downs PMDP (File No. 3-28-99); Last Plantation at Fairvue (File No. 3-10-02)
Foxland at Fairvue PMDP (File No. 3-16-05)
Attachment 5  Fairvue Plantation and Foxland MDP schedule/Amendment tables
Attachment 6  G.Z.O. Section 15.07.030.F: Major Amendment Criteria
Attachment 7  Current Zoning Map
Attachment 8  Gallatin on the Move 2020 Plan
Business and Employment Community Vision Goal
Suburban Neighborhood Established Character Area
Regional Activity Center Character Area
Greenway Plan Map
Legend
- Subject Property
- Railroad
- Streams

DISCLAIMER: This product is for informational purposes and may not have been prepared suitable for legal, engineering, or surveying purposes. Users of this information should review the primary data and information sources to verify the usability of the information.
ATTACHMENT 3

Letter from Fairvue Plantation HOA Board of Directors  

October 15, 2019

On September 30, the HOA Board sent a communication to the residents regarding the Tennessee Grasslands (TG) Master Plan proposal to the City of Gallatin. One of the key components of the 9/30 communication was the Boards stated position regarding TG’s to have their own Master Plan. Following is the exact excerpt from that 9/30 communication.

“It is the HOA Boards position that being supportive of the overall concept of the TG Master Plan is in the best interest of the community. It is also the Boards position that specific components of the plan which are not deemed to be in the interest of Fairvue (as determined by the majority of the 811 home and lot owners) will be opposed. In this case, the Board will be willing to work with TG in an effort to find an alternate solution that would be acceptable to both organizations.”

The boards position has not changed. The Board would, however, like to provide additional explanation as to why we have taken that position. It is the Boards opinion that TG is a valuable component of our beautiful community and having a successful Golf and Country Club within Fairvue is critical to our communities property values. With that in mind, the Board believes that being supportive of TG’s business strategies is in our best interest as long as those strategies are not in direct conflict with the best interest of the Homeowners Association. The Homeowners Association being the total of the 811 Home and Lot owners and not just the HOA Board or any smaller group.

The Board believes that TG separating from the Fairvue Master Plan and its many amendments does not relinquish any authority or control that the HOA currently has today.

Regarding the 9 individual projects that have been identified in TG’s Master Plan, the Board has not taken a position for several reasons. First being, the projects are conceptual at this stage. We do not have the level of detail that would allow either the Board or the Homeowners Association to have an informed opinion. Secondly, TG has not submitted any of the projects to the Planning Committee or the City Council for approval. There is also a possibility that some of the current concepts will never come to fruition. With the exception of the Guest Housing concepts on Browns Lane, the HOA does not have the authority to approve or not approve any of the concepts currently identified. The HOA does have the right and responsibility to express its concerns or support to the City of Gallatin when the actual projects are submitted to the city for approval.

The concept of Guest Houses on Browns Lane is a different situation. For that concept to become a reality, TG will need to request that those 2 lots be excluded from the Fairvue HOA. That decision is within the HOA control to approve or deny. If that request is made by TG, the Board will put the request up for a vote by the HOA residents. Before a vote will be requested, detailed information of the concept will be required.

The HOA Board has and will continue to meet and work with TG on behalf of the Fairvue Residents. The Board has been vocal with TG leadership on the need for TG to provide more details and suggested a Town Hall type meeting. This format could be helpful and enable concerned residents to express concerns while also gaining a better understand of TG’s vision.

The Board does not feel it is appropriate for us to present TG’s Plan or answer questions about their plan other than the impact we believe it might have on our residents. And, as stated before, the HOA Board believes the time to react to any specific concept is when the concept is presented with enough detail for the Fairvue Residents to make an informed opinion.
The HOA Board does believe it is appropriate to assist in the communication of information that TG wishes to share with our community regarding their plan. As TG provides us with written communication regarding their plan, we will continue to distribute.

The Board recognizes that any proposed development of this magnitude brings with it an array of emotions; both positive and negative and everyone wants more information. We encourage anyone who has questions pertaining to specifics of Tennessee Grasslands plan communicate directly with them at admin@tngrasslands.com.

If you have questions for the HOA Board or want to express your concerns or support for the Master Plan as a whole or individual concepts please send them to the HOA Board at thardiman@cma-communities.com. Terry Hardiman will pass those communications to the Board for review. If a question can be answered based on existing policies or decisions the Board has made, you should receive an answer within a few days. If your question or concern is something that will need to be addressed and possibly voted on by the Board, your answer will be communicated after the next monthly Board meeting.

Respectfully,

HOA Board of Directors
ATTACHMENT 4

REvised Master Development Plans
for
The Last Plantation
At Fairvue Mansion
Gallatin, Sumner County, Tennessee
Western Peninsula Revision

Index of Drawings

Location Map

Not to Scale

Barse Waggoner Sumner & Cannon, Inc.
Engineers Architects Planners
Landscape Architects and Surveyors
Wm. Cannon, P.E.

Rev. Master Development Plans

Gallatin, Tennessee

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<td>Phase 10</td>
<td>8-5390-15</td>
<td>7.32</td>
<td>50</td>
<td>7.12</td>
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| Phase 11 | (See Foxland Crossing) | 27 | 226 | | | | | | | | |
| Phase 11, Sec 1 | (See Foxland Crossing) | PC0872-11 | 1-28-08C | | | | | | | | |
| Phase 12 | (See Foxland Crossing) | PC0872-11 | 1-28-08C | | | | | | | | |
| Phase 13 | (See Foxland Crossing) | PC0877-11 | 1-28-08C | | | | | | | | |
| Phase 14 | (See Foxland Crossing) | PC0877-11 | 1-28-08C | | | | | | | | |
| Phase 15 | (See Foxland Crossing) | PC0877-11 | 1-28-08C | | | | | | | | |
| Phase 16 | (See Foxland Crossing) | 1-28-08C | | | | | | | | | |

| Total | 522 | 1.78 | 5356 | 23625 | | | | | | |
F. Procedures to Amend a Preliminary Master Development Plan or Final Master Development Plan

Major amendments to the master development plan must be submitted to the Planning Commission for review and recommendations and approved by the City Council. Major amendments shall include, but not be limited to:

1. An increase in the density of the development;
2. Substantial changes in circulation or access;
3. Substantial changes in the mix of dwelling unit types included in the project;
4. Substantial changes in grading or utility provision;
5. Substantial changes in the mixture of land uses;
6. Reduction in approved open space, landscaping, and bufferyards;
7. Substantial changes in architectural or site design features of the development; or
8. Any other change that the City Planner determines to be a major divergence from the approved preliminary master development plan. The Planning Commission may overrule this determination upon the favorable vote of a majority of the entire membership of the Planning Commission.

All other changes in the preliminary or final master development plan shall be considered revisions to the approved plan. The planning commission may approve these minor revisions.

15.07.040 Review and Recommendations by the Planning Commission

The Planning Commission shall review and make recommendations to the Mayor and Aldermen on all proposed amendments to this Ordinance.

15.07.050 Reserved.

15.07.060 Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance prior to second reading by the Mayor and Aldermen. Notice of such hearing shall be displayed as follows:

A. The City shall give notice in a newspaper of general circulation within the City of Gallatin at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, time and place of the meeting, current and proposed zoning classification and it may contain a graphic illustration of the area.

B. Public Notice Signs – Public notice signs shall be posted in accordance with the following provisions on any property subject to consideration by the Planning Commission and Mayor and Aldermen for a zoning amendment to the official zoning map. Notwithstanding, the following provisions shall not apply to changes in zoning district titles, zoning amendments initiated by the City of Gallatin pursuant to the provisions contain within Section 15.07, and amendments pertaining to Special Districts authorized under Article 10.00, Special District Regulations, with the exception of the Historic (H-1) District.
BUSINESS AND EMPLOYMENT

Gallatin's economy has historically relied on manufacturing and agriculture. Growing sectors of high-tech industries, health services and warehousing have benefited greatly from Gallatin's improved access to the greater Middle Tennessee region. The City has also worked to attract more tourists who can take advantage of the City's historic sites, natural beauty and recreation areas associated with Old Hickory Lake and the City's park system. Ensuring the provision of infrastructure adequate to accommodate growing employment centers is vital to Gallatin's economic future.

Goal: Ensure that the Planning Department and other City departments coordinate efforts with the Gallatin Economic Development Agency so that growth and development infrastructure needs are consistent with EDA targeted industries and other projects

- Objective: Continue efforts to recruit and support new business; develop strategic partnerships with business, industry, and education leaders; attract first class office space, data centers, and corporate office space; and improve communications and technology

- Objective: Guide new technological, industrial and commercial development to appropriate areas of the community

- Objective: Provide opportunities for larger scale commercial developments at the intersection of major road corridors that are designed and scaled to be consistent with the surrounding land uses and to protect the integrity of the City's transportation system

- Objective: Provide adequate levels of public services and infrastructure, including vacant land designated and prepared for industrial development, to further the City's economic development opportunities

- Objective: Promote Gallatin as a hub for retail, dining, arts, recreation and history

Gallatin has the opportunity to grow its tourism sector due to the recent improvements in variety of retail, dining, arts and recreation. The City has the opportunity to place greater emphasis on its historic sites as well as take advantage of the tourism associated with the City's many recreational venues. The City must find a way to tie these various attractions into one brand that it can market to tourists of all sorts and bring additional visitors and revenue to the City. As growth in residential population continues, the City will likely continue to attract a greater variety of retail and restaurants.
GENERAL DESCRIPTION OF EXISTING DEVELOPMENT PATTERNS

The Suburban Neighborhood character area describes areas where typical types of suburban residential subdivision development have occurred in the post World War II era. Neighborhoods are characterized by low pedestrian orientation, medium-to-larger lot sizes, high to moderate degree of building separation, and are predominantly residential with scattered civic buildings and varied street patterns (often curvilinear) that include cul-de-sacs. Neighborhoods included in this character area are generally stable. Improved pedestrian and bicycle networks, especially near school and other civic uses would provide safer routes and encourage walking and bicycling as a transportation option.

LOCATION

Areas within this character area include the following:

- South Gallatin neighborhoods of Halewood and Woodvale
- West Gallatin neighborhoods in the Lock 4 Road/Peninsula Drive area
- Newly-developed portions of the West Gallatin neighborhoods in the Fairvue/Baypoint (Browns Lane) area
- Newly-developed and established portions of the Douglass Bend area
- East Gallatin neighborhoods in the Grandview subdivision and surrounding area

INTENT

The development pattern should seek to:

- Maintain residential uses
- Preserve existing tree cover
- Provide safe facilities for pedestrians, school buses, and bicyclists using the road right-of-way
- Accommodate in-fill development that compliments the scale, setback and style of existing adjacent homes
- Accommodate senior housing opportunities, which can be integrated into neighborhoods that benefit from close proximity to goods and services
- Maintain predominant development pattern of detached one-family homes
**Development Strategies**

- Focus on reinforcing stability of more mature Suburban Neighborhood Established areas by encouraging more home ownership and maintenance or upgrade of existing properties.
- Locate schools, community centers, or well-designed small commercial activity centers at suitable locations within walking distance of residences.
- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly multi-use trail/bike routes linking neighboring communities and major destinations such as libraries, neighborhood centers, health facilities, commercial clusters, parks, schools, etc.
- Add traffic calming improvements, sidewalks and increased street interconnections to improve walkability within existing neighborhoods.
- Limit driveway spacing along the highway frontage and align driveways where needed to improve traffic flow.
- Protect older subdivisions that lack detailed design-related covenants and restrictions.

**Implementation Measures**

- Develop residential infill guidelines applicable in Suburban Neighborhood Established areas in order to ensure that the scale and character of new development on vacant lots is compatible with existing development.
**REGIONAL ACTIVITY CENTER**

**General Description**

These suburban centers are emerging mixed-use centers developed or planned with large-scale master plans. While unique mixtures of uses and styles are developed for each suburban center based on the market trends, these centers require sustainable designs that provide for flexibility as the market evolves. These centers include a variety of housing types and densities, employment centers, retail/office and other services that serve a regional scale.

**Location**

Areas within this character area include the following:
- Commercial and residential portions of the Village Green Planned Unit Development (south of the railroad)
- Big Station Camp emerging center
- Kennesaw Farms/Thoroughbred Park
- Foxland
- Area near the intersection of SR-174/Long Hollow Pike and SR-386/Vietnam Veterans Boulevard

**Intent**

- Provide for open-air shopping centers and mixed-use centers that offer a wide variety of services, shopping, office, restaurants, entertainment and residences
- Refocus strip or corridor commercial development into master planned villages and nodal development with a "main street feel"
- Provide for pedestrian-friendly areas with public spaces, relatively high intensity mix of businesses, retail and offices, employment, education, hospitality and entertainment facilities
- Provide opportunities for new centers that complement existing centers within the City

![Image of a landscaped parking lot located in front of a strip mall located within the Village Green planned unit development](image-url)
Development Strategies

- Connect residential and non-residential areas to other areas with wide, pedestrian-friendly sidewalks and paths.
- Address design factors, including the size of commercial buildings (facades of large buildings can be broken down into more pedestrian-scaled units), incorporation of outdoor seating and gathering areas, design parameters for parking and internal circulation, architectural treatments, building setbacks, siting and orientation, and adequate buffers to ensure compatibility with adjacent uses.
- Include civic and cultural uses.
- Locate buildings in close proximity to each other and on both sides of the street to make walking convenient.
- Provide interconnectivity between parcels.
- Construct wide sidewalks with street trees, landscaping and traditional lighting.
- Accommodate bikes with lanes and bike racks located throughout the center.
- Locate taller buildings to the interior of a development, allowing for height step down toward the edge near adjacent development.
- Serve a regional population of 60,000 to 80,000 people within a 20-mile radius (and typically a minimum of five miles spacing between Regional Activity Centers).
- With ordinances, address building/site design and establish requirements for future reuse of “Big Box” stores.

Implementation Measures

☑ Prepare and adopt a Big Box Ordinance
DEPARTMENT: PLANNING DEPARTMENT

SUBJECT: An Ordinance No. O1911-57 of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan, and approving an Amendment to the Foxland at Fairvue Preliminary Master Development Plan, and approving the Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 +/- acres, zoned MRO-Multiple Residential and Office, located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard.

SUMMARY: An Ordinance of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Last Plantation at Fairvue Preliminary Master Development Plan and an Amendment to the Foxland at Fairvue Preliminary Master Development Plan to remove the golf courses and associated uses and approving the Preliminary Master Development Plan for Tennessee Grasslands, on 285.88 +/- acres, located adjacent to Plantation Boulevard and adjacent to Foxland Boulevard and in the vicinity; authorizing the revision to the Official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

On October 28, 2019, the Gallatin Municipal-Regional Planning Commission did not recommend approval of a Resolution to amend and approve the master plans by a 4-2 vote (File No. MDP-2019-0012). The Planning Commission's primary reasoning was that the request would not change the rights or responsibilities the applicant has under the current plans and that the communities with the golf courses should be retained within the existing master development plans.

RECOMMENDATION:

ATTACHMENT:

- Resolution
- Ordinance
- Correspondence
- Contract
- Bid Tabulation
- Other

Approved
Rejected
Deferred
Notes:
ORDINANCE NO. O1911-60

ORDINANCE APPROPRIATING $14,304.27 FROM REVENUE RECEIVED FROM INSURANCE FOR DAMAGE TO ENGINE 3

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $14,304.27 is hereby appropriated from revenue received from the insurance payment on damage to ENGINE 3, account #110-36350, to the following account:

Vehicle Repairs account #110-42220-260, for repairs,

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
DEPARTMENT: FIRE
AGENDA #

SUBJECT:
ORDINANCE APPROPRIATING FUNDS

SUMMARY:
ORDINANCE APPROPRIATING $14,304.27 FROM REVENUE RECEIVED FROM INSURANCE FOR DAMAGE TO FIRE ENGINE 3

RECOMMENDATION:

ATTACHMENT:

☐ Resolution ☐ Correspondence ☐ Bid Tabulation
☒ Ordinance ☐ Contract ☐ Other

Approved ☒ Rejected ☐ Deferred ☐

Notes:
ORDINANCE NO. O1912-61

ORDINANCE APPROPRIATING $20,000 FROM STORMWATER MAINTENANCE TO STORMWATER ADMINISTRATION AND APPROPRIATING $9,305 FROM FINANCE TO HUMAN RESOURCES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $20,000 is hereby appropriated from the Stormwater Maintenance Salaries, 12343150-111, to Stormwater Administration Professional Services, 12343800-250; and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $9,305 is hereby appropriated from Finance Salaries, 11041500-111, with $4,125 going to Human Resources Professional Services, 11041650-250; and $5,180 going to Human Resources Salaries, 11041650-111; and,

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
12/10/2019

DEPARTMENT: Finance

AGENDA #

SUBJECT:
Ordinance to move funds from Stormwater Maintenance to Stormwater Administration, and to move funds from Finance to Human Resources.

SUMMARY:
Ordinance to move funds from Stormwater Maintenance to Stormwater Administration for various projects that require professional services. Due to position vacancies, there will be unspent funds in the Maintenance budget that can be transferred to Administration without impacting the budget bottom line.

Additionally, ordinance to move funds from Finance to Human Resources for staffing/consulting costs. Finance has available funds from the budgeted Grant Coordinator position that has not yet been filled. Human Resources would like to use these funds for 2 purposes; to pay for contractual help and to pay for the new director to being before Mrs. Johnson retires.

Since these funds are already budgeted, there will be no impact to the total budget and no new money required.

RECOMMENDATION:
approval

ATTACHMENT:

- Resolution
- Ordinance
- Correspondence
- Contract
- Bid Tabulation
- Other

Approved
Rejected
Deferred

Notes:
ORDINANCE NO. O1912-62

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING A PORTION OF TWO PARCELS, TOTALING 87.34 +/- ACRES, FROM THE PGC-PLANNED GENERAL COMMERCIAL DISTRICT TO THE MRO-MULTIPLE RESIDENTIAL AND OFFICE DISTRICT AND A 0.64 +/- ACRE PORTION OF A PARCEL FROM ESTATE-A (SUMNER COUNTY) DISTRICT TO THE PGC-PLANNED GENERAL COMMERCIAL DISTRICT AND APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR MCCAIN'S STATION, TOTALING 130.78 +/- ACRES, LOCATED NORTH OF HIGHWAY 386 AND EAST OF BIG STATION CAMP BOULEVARD; 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 the properties submitted a complete application to rezone 87.98 +/- acres with a Preliminary Master Development Plan for McCain's Station on 130.78 +/- acres, located in the City of Gallatin, Tennessee; and

WHEREAS, the zoning map amendment conforms to the general plan of the area including the established Regional Activity Center Character Area and that the public necessity, convenience, and general welfare, will be served by approving the proposed amendment; and

WHEREAS, the property proposed for rezoning has adequate public utilities, infrastructure and private or municipal services necessary to serve the existing and proposed development and population permitted by the requested zoning or such necessary services and facilities will be provided upon development of the property; and

WHEREAS, the rezoning will be compatible with the surrounding environment 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; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the proposed rezoning with Preliminary Master Development Plan in GMRPC Resolution 2019-145; and

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

WHEREAS, the City Council approved by majority vote of the members present the rezoning request of the described property; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE as follows:
Section 1. The City Council of the City of Gallatin does hereby rezone portions of two parcels, totaling 87.34 +/- acres from the PGC-Planned General Commercial District to the MRO-Multiple Residential and Office District and a 0.64 +/- acre portion of a parcel from the Estate-A (Sumner County) District to the PGC-Planned General Commercial District as described in Exhibit ‘A’ and with a Preliminary Master Development Plan for McCain’s Station as described in Exhibit ‘B’.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City’s Official Zoning Atlas to show the classification for the area as hereby rezoned.

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

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

Section 5. This ordinance shall become effective immediately upon adoption.

PASSED FIRST READING:

PASSED SECOND READING:

__________________________
MAYOR PAIGE BROWN

ATTEST:

__________________________
CONNIE KITRELL
CITY RECORDER

APPROVED AS TO FORM:

__________________________
SUSAN HIGH-MACAULEY
CITY ATTORNEY

Exhibit A: Legal Descriptions
Exhibit B: Description of PMDP with conditions
EXHIBIT 'A'
Legal Descriptions
PGC TO MRO REZONING, TOTALLING 87.34 ACRES


COMMENCING AT A POINT IN THE NORTHERLY RW OF BIG STATION CAMP BOULEVARD BEING THE SOUTHWEST CORNER OF THE SAID BOWLES PROPERTY; THENCE LEAVING THE SAID RW NORTH 08 DEGREES 56 MINUTES 30 SECONDS EAST, 215.44 FEET TO A ½" IRON ROD (OLD); THENCE NORTH 09 DEGREES 11 MINUTES 12 SECONDS EAST, 234.19 FEET TO A ½" IRON ROD (OLD) BEING THE SOUTHWEST AND POINT OF BEGINNING OF THE ZONING AREA HEREIN DESCRIBED, ALSO BEING THE SOUTHEAST CORNER OF THE SAID REVERE AT HIDDEN CREEK SUBDIVISION; THENCE NORTH 09 DEGREES 11 MINUTES 39 SECONDS EAST, 835.42 FEET TO A ½" IRON ROD (OLD); THENCE NORTH 06 DEGREES 53 MINUTES 00 SECONDS EAST, 1074.89 FEET TO A ½" IRON ROD (OLD) BEING IN THE SOUTHERLY LINE OF THE SAID FRANKLIN PROPERTY; THENCE LEAVING THE SAID REVERE AT HIDDEN CREEK SOUTH 82 DEGREES 40 MINUTES 53 SECONDS EAST, 27.13 FEET TO A POINT; THENCE SEVERING THE FRANKLIN PROPERTY AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 1341.50 FEET, AN ARC LENGTH OF 793.30 FEET, A CENTRAL ANGLE OF 33 DEGREES 52 MINUTES 56 SECONDS, AND A CHORD BEARING AND LENGTH OF NORTH 62 DEGREES 43 MINUTES 59 SECONDS EAST, 781.79 FEET TO A POINT; THENCE NORTH 45 DEGREES 47 MINUTES 32 SECONDS EAST, 31.83 FEET TO A POINT IN THE SOUTHERLY LINE OF THE CITY OF GALLATIN PROPERTY; THENCE WITH THE CITY OF GALLATIN PROPERTY SOUTH 41 DEGREES 10 MINUTES 53 SECONDS EAST, 707.34 FEET TO A POINT; THENCE SOUTH 82 DEGREES 40 MINUTES 53 SECONDS EAST, 601.56 FEET TO A MONUMENT IN THE WESTERLY LINE OF THE SAINT BLAISE ESTATES SUBDIVISION; THENCE WITH THE SAID SUBDIVISION THE FOLLOWING FOUR CALLS: SOUTH 08 DEGREES 19 MINUTES 24 SECONDS WEST, 482.43 FEET TO A MONUMENT; THENCE SOUTH 53 DEGREES 20 MINUTES 19 SECONDS EAST, 23.97 FEET TO A

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MOUMENT; THENCE SOUTH 83 DEGREES 20 MINUTES 17 SECONDS EAST, 331.64 FEET TO A 1/2" IRON ROD (OLD); THENCE SOUTH 15 DEGREES 04 MINUTES 07 SECONDS WEST, 1461.49 FEET TO A 5/8" IRON ROD (OLD); THENCE LEAVING THE SAID SUBDIVISION ITH A LINE SEVERING THE LANDS OF BOWLES THE FOLLOWING TEN CALLS: NORTH 73 DEGREES 21 MINUTES 48 SECONDS WEST, 971.90 FEET TO A POINT; THENCE NORTH 41 DEGREES 07 MINUTES 23 SECONDS WEST, 621.48 FEET TO A POINT; THENCE SOUTH 48 DEGREES 52 MINUTES 37 SECONDS WEST, 68.95 FEET TO A POINT; THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 784.00 FEET, AN ARC LENGTH OF 468.54 FEET, A CENTRAL ANGLE OF 34 DEGREES 14 MINUTES 29 SECONDS, AND A CHORD BEARING AND LENGTH OF SOUTH 31 DEGREES 45 MINUTES 23 SECONDS WEST, 461.60 FEET TO A POINT; THENCE SOUTH 14 DEGREES 38 MINUTES 08 SECONDS WEST, 332.49 FEET TO A POINT; THENCE NORTH 84 DEGREES 48 MINUTES 04 SECONDS WEST, 14.42 FEET TO A POINT; THENCE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 170.50 FEET, A CENTRAL ANGLE OF 54 DEGREES 16 MINUTES 19 SECONDS, AND A CHORD BEARING AND LENGTH OF NORTH 48 DEGREES 13 MINUTES 42 SECONDS WEST, 164.20 FEET TO A POINT; THENCE NORTH 21 DEGREES 05 MINUTES 33 SECONDS WEST, 96.75 FEET TO A POINT; THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 220.00 FEET, AN ARC LENGTH OF 62.96 FEET, A CENTRAL ANGLE OF 16 DEGREES 23 MINUTES 52 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 29 DEGREES 17 MINUTES 29 SECONDS WEST, 62.75 FEET TO A POINT; THENCE NORTH 37 DEGREES 29 MINUTES 25 SECONDS WEST, 46.62 FEET TO THE POINT OF BEGINNING CONTAINING 3,804,195 SQUARE FEET OR 87.34 ACRES MORE OR LESS.

ESTATE-A (SUMNER COUNTY) TO PGC REZONING, TOTALLING 0.64 ACRES

BEING A PROPOSED ANNEXATION AREA IN THE 4TH CIVIL DISTRICT OF SUMNER COUNTY, CITY OF GALLATIN, TENNESSEE. BEING A PORTION OF PARCEL 7.03 AS SHOWN ON SUMNER COUNTY PROPERTY TAX MAP NUMBER 137 WHICH IS THE PROPERTY OF DONNA WACASER OF RECORD IN RECORD BOOK 1630, PAGE 705 RECORDS OFFICE OF SUMNET COUNTY, TENNESSEE (R.O.S.C.T.), BEING BOUNDED ON THE SOUTH BY BIG STATION CAMP BOULEVARD RIGHT-OF-WAY (90' PUBLIC RIGHT-OF-WAY), ON THE NORTH BY THE NANCY AND ROBERT FRANKLIN PROPERTY OF RECORD IN RECORD BOOK 4560, PAGE 664 (R.O.S.C.T.), ON THE SOUTHWEST BY THE REMAINING DONNA WACASER PROPERTY, AND ON THE EAST BY THE RAY AND JEAN BOWLES PROPERTY OF RECORD IN RECORD BOOK 3373, PAGE 674 (R.O.S.C.T.), SAID PROPOSED ANNEXATION AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING A POINT IN THE NORTHERLY R/W OF BIG STATION CAMP BEING IN THE SOUTHWEST CORNER CORNER OF THE SAID FRANKLIN PROPERTY AND THE SOUTHEAST CORNER OF THE ANNEXATION AREA HEREIN DESCRIBED; THENCE LEAVING BIG STATION CAMP BOULEVARD SOUTH 86 DEGREES 26 MINUTES 11 SECONDS EAST, 253.52 FEET TO A POINT IN THE WESTERLY LINE OF THE SAID BOWLES PROPERTY; THENCE LEAVING THE SAID FRANKLIN PROPERTY SOUTH 08 DEGREES 56
MINUTES 30 SECONDS WEST, 215.44 FEET TO A POINT IN THE NORTHERLY R/W OF BIG STATION CAMP BOULEVARD; THENCE WITH BIG STATION CAMP R/W AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 3831.27 FEET, AN ARC LENGTH OF 317.04 FEET, A CENTRAL ANGLE OF 04 DEGREES 44 MINUTES 29 SECONDS, AND A ChORD BEARING AND DISTANCE OF SOUTH 43 DEGREES 50 MINUTES 34 SECONDS EAST, 316.95 FEET TO THE POINT OF BEGINNING CONTAINING 27,883 SQUARE FEET OR 0.64 ACRES, MORE OR LESS.
EXHIBIT 'B'

The Preliminary Master Development Plan for McCain’s Station consists of:

- Seventeen (17) sheet plan, prepared by Ragan Smith Associates of Nashville, TN, Chattanooga, TN, and Murfreesboro, TN, with job number 19091, dated October 14, 2019, with a final revision date of December 2, 2019, and a
- Architectural Packet for McCain’s Station, consisting of 31 pages, prepared by Ragan Smith Associates, stamped date received December 2, 2019,

with the following conditions:

1. Add the following note, “PMDP approval is conditional with the understanding that upon adoption of the Establishment of the Big Station Camp Boulevard Transportation Improvement District Ordinance by the City of Gallatin, FMDP’s, including final plats and site plans, will be subject to the findings and recommendations of the study associated with the Ordinance. Pro-rata contributions toward traffic infrastructure improvements, as recommended in the study or subsequent traffic studies submitted for the developments review and approval may be required of development impacting select needed infrastructure improvements. Prior to recording of any Final Plat and/or approval of a Final Master Development Plan, the developer shall enter into a pro-rata contribution agreement with the City.”

2. Improvements recommended by the approved Traffic Impact Study (TIS) must be shown on the PMDP. TIS must be approved by the City Engineer.

3. Add the following note, “The Water Quality Buffer as shown hereon is a permanent water quality buffer in accordance with Article 6 Section 9 of the City of Gallatin Stormwater Ordinance. Water Quality Buffers, provided around waterbodies, are not to be mowed, and are to remain undisturbed in a natural vegetated state free of obstructions, structures, or intrusions. Maintenance and or restoration within water quality buffers to be limited to hand held and hand operated tools and to be performed in accordance with current City of Gallatin Stormwater Ordinance and or at the direction of City of Gallatin Engineering Division.”

4. Remove any street trees located within the sight triangles of all roadway intersections.

5. Properly identify the property for a future park owned by the city on Sheet PM1.0.

6. Submit two (2) half-sized, corrected folded copies of the Preliminary Master Development Plan and Pattern Book and digital files consisting of a PDF and AutoCAD (dwg.) drawings to the Planning Department.
DEPARTMENT: PLANNING DEPARTMENT AGENDA # 8

SUBJECT:
An Ordinance No. 1912-62 of the City of Gallatin, Sumner County, Tennessee, rezoning portions of two parcels, totaling 87.34 +/- acres from the PGC-Planning General Commercial District to the MRO-Multiple Residential and Office District and a 0.64 +/- acre portion of a parcel from the Estate-A (Sumner County) District to the PGC-Planned General Commercial District and approval of a Preliminary Master Development Plan for McCain’s Station, totaling 130.78 +/- acres.

SUMMARY:
An Ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning portions of two parcels, totaling 87.34 +/- acres from the PGC-Planning General Commercial District to the MRO-Multiple Residential and Office District and a 0.64 +/- acre portion of a parcel from the Estate-A (Sumner County) District to the PGC-Planned General Commercial District and approval of a Preliminary Master Development Plan for McCain’s Station, totaling 130.78 +/- acres. The proposed master plan contains 112 single-family detached residential lots, 195 multi-family (townhome) units, 377 townhomes/flat units, six (6) commercial lots/outparcels, nine (9) open (green) space tracts and right (8) public rights-of-way, located north of Highway 386 and east of Big Station Camp Boulevard; authorizing the revision to the Official Zoning Atlas; repealing conflicting ordinances; providing for severability; and providing an effective date.

RECOMMENDATION:
On November 18, 2019, the Gallatin Municipal-Regional Planning Commission recommended approval of the rezoning and master development plan in GMRPC Resolution 2019-145 (ZONE-2019-0005)

ATTACHMENT:
RESOLUTION NO. R1912-65

RESOLUTION APPOINTING THE RETIREMENT PLAN COMMITTEE

WHEREAS, Section 13-62 of the Gallatin Municipal Code provides for the appointment of one representative from the Finance Department, two representatives of the City Council and two employees, all of whom shall be appointed by the Mayor, to administer the trust agreement adopted under the terms of the Employee Retirement Benefits and Plan; and

WHEREAS, Employee Representative, James Spray, Police Department Representative, whose term of office on the Gallatin Retirement Committee expires on December 31, 2020, has tendered his resignation from the City of Gallatin, effective October 14, 2019; and

WHEREAS, the name of Kate Novitsky, is being forwarded by the Mayor to fulfill Officer Spray’s term; and

WHEREAS, the following names are being forwarded by the Mayor with the respective terms expiring with the dates listed beside each name:
Rachel Nichols, Finance Department Representative December 31, 2021
Zach Wilkinson, Employee Representative (Police Works Department) December 31, 2021
Kate Novitsky, Employee Representative (Department) December 31, 2020

WHEREAS, Section 13-62 of the Gallatin Municipal Code requires that the governing body approve said appointments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN TENNESSEE, Rachel Nichols, Zack Wilkinson, and Kate Novitsky are hereby appointed to the Gallatin Retirement Plan Committee to the above stated terms.

This Resolution shall take effect the date of passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

______________________________
MAYOR PAIGE BROWN

ATTEST:

______________________________
CONNIE KITTRELL
CITY RECORDER

______________________________
SUSAN HIGH-MCAULEY
CITY ATTORNEY
DEPARTMENT: Mayor's Office

AGENDA # 5

SUBJECT:
Retirement Committee appointments

SUMMARY:
Requesting to make the following appointments and re-appointments to the Retirement Committee
Rachel Nichols, Finance Department Representative,
Zach Wilkinson, Employee Representative,
Last Employee Representative is being appointed to serve the remainder of James Spray's term ending December 31, 2020.

RECOMMENDATION:
Approve

ATTACHMENT:

Resolution ☒  Ordinance ☐  Correspondence ☐  Contract ☐  Bid Tabulation ☐  Other ☐

Approved ☒  Rejected ☐  Deferred ☐

Notes:
RESOLUTION FOR IMPLEMENTATION OF THE BARRY BRADY ACT – PUBLIC CHAPTER 490

WHEREAS, the 111th Tennessee General Assembly passed HB 316/SB 1442 on May 2, 2019; and

WHEREAS, Governor Bill Lee signed Public Chapter 490, Acts of 2019 to become effective on July 1, 2019; and

WHEREAS, Tennessee became the 43rd state in the United States to enact such legislation; and,

WHEREAS, Captain Barry Brady, a retired fire captain from Sparta, Tennessee and dedicated fire professional, lost his battle with colon cancer; and

WHEREAS, The Barry Brady Act amends Tenn. Code Ann. § 7-51-201 by adding subsection (d) which outlines specific types of cancers that are presumed to have been acquired as the result of employment in the fire service and the eligibility requirements for firefighters seeking to be covered by the presumption.

NOW THEREFORE BE IT RESOLVED, that the City Council approves the implementation of a plan to address the Barry Brady Act. The plan will include education and outreach to eligible employees.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its final passage the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:
MAYOR PAIGE BROWN

ATTEST:

CONNIE KITRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY
"Barry Brady Act"

A Report with Recommendations for Tennessee Municipalities on Public Chapter 490

Melissa Ashburn, MTAS Legal Consultant
Steven Cross, MTAS Fire Management Consultant
Elisha Hodge, MTAS Legal Consultant
Richard Stokes, MTAS Human Resources Consultant
Dennis Wolf, MTAS Fire Management Consultant

September 2019
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Introduction

In collaboration with the Tennessee Fire Service Coalition, the 111th Tennessee General Assembly passed HB 316/SB 1442 on May 2, 2019. Governor Bill Lee subsequently signed the legislation and on July 1, 2019, Public Chapter 490, Acts of 2019, became effective. The legislation is codified in Tennessee Code Annotated (hereinafter “T.C.A.”) § 7-51-201(d). The legislation, known as the “Barry Brady Act” (hereinafter “the Act”) made Tennessee the 43rd state in the United States to enact such legislation. The Act was named for Captain Barry Brady, a retired fire captain from the Sparta, Tennessee Fire Department. Captain Brady was a dedicated fire professional who fought a courageous battle with colon cancer. Captain Brady lost his battle with cancer but never lost his passion for the fire service or for his brothers and sisters that do the job every day.

Summary

The Act became effective on July 1, 2019, after being passed unanimously in both the Tennessee State House of Representatives (94-0 vote) and the Tennessee State Senate (33-0 vote). The Act amends T.C.A. § 7-51-201 by adding subsection (d) which outlines specific types of cancers that are presumed to have been acquired as the result of employment in the fire service and the eligibility requirements for firefighters seeking to be covered by the presumption. This public chapter outlines specific employment, pre-employment, and annual medical monitoring that a firefighter must undergo in order to be covered by the presumption.

UT-MTAS Recommendations

UT-MTAS recommends that public entities proactively approach and educate their employees about the requirements of the Act. Proactively addressing physical medical examinations and cancer screening demonstrates the value public entities place on the long-term health and safety of their employees. It is important to note that compliance with the Act is incumbent on the firefighter requesting appropriate physical medical examinations and cancer screenings, not the public entity.

It is recommended that public entities:

- Develop a policy that outlines the process in which the entity will seek to minimize risks associated with contracting cancer due to employee lifestyle choices and workplace exposures.
- Notify eligible employees about the Act and determine if the employee has a desire to participate in physical medical examinations and cancer screenings required by the Act.
- Document, using a waiver form, the desire of each eligible employee to either participate in a physical medical examinations and cancer screening program or waive his/her participation in the program.
What is the Barry Brady Act?

The Act is legislation that provides that when the State of Tennessee, any municipal corporation, or other political subdivision of the state maintains a fire department that has established or establishes any form of compensation to be paid to firefighters for any condition of impairment of health that results in the loss of life or personal injury in the line of duty or course of employment, there is a presumption that any condition or impairment of health of firefighters caused by all forms of cancers covered by this statute, that results in hospitalization, medical treatment or disability, has arisen out of employment, unless the contrary is shown by competent medical evidence.

Cancers covered are all forms of the following:
- Non-Hodgkin's Lymphoma
- Colon cancer
- Skin cancer
- Multiple myeloma cancer

Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have arisen out of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a physician board certified in oncology.

Secondary employment and/or lifestyle habits may be considered when determining whether a firefighter is eligible for the presumption.

Effective Date of the Act

The Act was signed into law by Governor Bill Lee on May 24, 2019 and became effective on July 1, 2019. This honors the life and legacy of Captain Barry Brady.

Definitions

As used in the Act:

- Firefighter—means any full-time, paid employee of a fire department of the state or a political subdivision of the state, and
- Fire department—means a department recognized by the state fire marshal's office pursuant to the fire department recognition act, compiled in title 68, chapter 102, part 3, and manned by fulltime, paid employees.\(^1\)

\(^1\) Fire department recognition must be renewed with the Tennessee State Fire Marshal's Office every three years.
Firefighter Eligibility Requirements

In order to be eligible for the presumption, a firefighter:

- Must be employed as a firefighter for the State of Tennessee, a municipality, or other political subdivision of the state that maintains a fire department that has established or establishes any form of compensation to be paid to a firefighter for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment.
- Must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter in the firefighter's capacity as an employee;
- Must have completed five (5) or more consecutive years in service with an eligible fire department;
- Must acquire one of the covered cancers.
- If employed prior to July 1, 2019, must request to obtain a physical medical examination and cancer screenings, before July 1, 2020, that test for, and fails to reveal, any of the cancers covered by the Act.
- If employed on or after July 1, 2019, must request to obtain a pre-employment physical medical examination and cancer screenings that test for, and fails to reveal, any of the cancers covered by the Act.
- Must obtain an annual physical medical examination that includes cancer screening for the cancers covered by this Act.

If I Meet All the Eligibility Requirements, Am I Automatically Covered?

No, the presumption is rebuttable. A board-certified physician of oncology may consider lifestyle habits or secondary employment when making a determination of eligibility for the presumption.

Who Pays for Required Medical Examinations and Cancer Screenings?

The Act provides that the employer is responsible for all costs associated with any medical examinations and cancer screenings required pursuant to the Act. The firefighter must request the physical medical exam and cancer screening tests from the employer.

How Long Are Firefighters Covered?

Firefighters that meet the eligibility requirements for the presumption are eligible for benefits for up to five (5) years from the date of the firefighter's last exposure to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter.
Can My Employer Screen for Additional Types of Cancer?

Yes, your employer may elect to screen for cancer types that are not listed in the law, and this is desirable for early detection of cancer. However, if a firefighter is diagnosed with a cancer that is not listed in the law, the cancer will not be considered as having arisen out of employment under this law.

Can My Employer Cover Additional Types of Cancer?

Yes, your employer may elect to establish a presumption that covers additional types of cancers not covered by this Act, arose out of employment. However, the inclusion of additional cancers by your employer does not impact the applicability of this Act.

What Types of Screening Tests are Available for the Covered Cancers?

National Fire Protection Association (NFPA) Standard 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, 2018 edition, contains guidelines on the medical evaluation of both candidates and current members of fire departments, including screening for different types of cancer as part of both pre-employment and annual physical medical evaluations.

MTAS recommends that, if desired, municipalities consult with a physician for definitive medical advice on the types of cancer screenings the municipality may elect to use.

Non-Hodgkin’s Lymphoma

Non-Hodgkin lymphoma is a form of cancer that affects the lymphocytes, a type of white blood cell found in the lymphatic system. A medical exam is the starting point for screening for Non-Hodgkin’s Lymphoma. The physician will perform a physical exam, checking for swollen lymph nodes in the neck, underarm, and groin, and will check for a swollen spleen or liver. The exam will include questions about the firefighter’s personal and family medical history. If the physician believes that there is a likelihood of cancer, the physician will order tests and procedures used to diagnose the stage and type of non-Hodgkin’s lymphoma, including:

- Blood and urine tests to help rule out an infection or other disease.
- An ultrasound to look for an enlarged lymph node(s) near the surface of the body and for an enlarged spleen and/or liver.
- Imaging tests, such as X-ray, CT, MRI and positron emission tomography (PET), to look for tumors in the body.
- A lymph node biopsy procedure to remove all or part of a lymph node for laboratory analysis to reveal whether the firefighter has non-Hodgkin’s lymphoma and, if so, which type.
- Pleural or peritoneal fluid sampling, where fluid is drawn from the chest or abdomen to look for cancer cells.
- A bone marrow aspiration and biopsy procedure to look for non-Hodgkin's lymphoma cells.
- A lumbar puncture to look for cancer cells in the cerebrospinal fluid.

These tests are usually progressive in nature, starting with the least invasive, and will be determined by the physician based upon the findings of the medical history and physical exam.

**Colon cancer**

Colon cancer is a malignancy that begins in the colon or large intestine. In general, doctors recommend that colon cancer screenings begin at age 50; however, it is recommended that African Americans begin getting colon cancer screenings at age 45. The Act requires that firefighters be screened for colon cancer regardless of their age. The best screening test is a colonoscopy. However, colonoscopies are expensive, which can drive up the cost of an employers' healthcare budget. Most physicians recommend that patients receive a colonoscopy once every ten years starting at age 50, or age 45 for African Americans, so what options are available for those under 50 and 45, respectively?

Screening can be performed, from the least invasive to the most invasive, via the use of a fecal occult blood test, fecal immunochemical testing, screening imaging via a camera swallowed, and colonoscopy.

Current medical consensus is leaning toward the use of fecal immunochemical testing as an annual screen, followed by additional evaluation for anyone with positive results.

Fecal occult blood testing may be used for screening, but some people may not be eligible for this screening due to underlying pre-existing bowel disease. NFPA 1582 recommends annual fecal occult blood testing for all members. The cost for this test is between $3 and $40.²

A stool DNA test analyzes the DNA from a person's stool sample to look for cancer. The test uses changes in the DNA that occur in polyps and cancers to determine whether a colonoscopy should be done. The cost for this test is between $400 and $800.

Capsule endoscopy may be used before a colonoscopy. The patient swallows a small pill capsule with two small video cameras. The pill passes through the digestive tract and the cameras wirelessly transmit images to a recorder the patient wears on a belt. The physician will review the

² The estimated cost ranges for the screening included in this document come from various medical websites on the Internet.
images and determine if further testing is needed. The cost for this test is between $1,141 and $2,379.

A colonoscopy would be used for patients determined to be at higher risk, or with positive test results, as determined by a physician. The cost of a colonoscopy is between $1,100 and $3,000.

**Skin cancer**

Skin cancer is the abnormal growth of skin cells and can occur anywhere on the skin. There are three major types of skin cancer: basal cell carcinoma, squamous cell carcinoma, and melanoma.

A physician will screen for skin cancer by performing a medical exam that includes obtaining a patient's personal and family medical history, asking about any symptoms the patient may have noticed or experienced, and conducting a physical exam that involves looking for any abnormal areas on the skin.

If the physician finds anything that is abnormal, he/she may order a skin biopsy to test for cancerous cells. Additional tests might include imaging tests to examine the nearby lymph nodes for signs of cancer, a sentinel lymph node biopsy, or removal of a lymph node and testing signs of cancer.

NFPA 1582 recommends screening for skin cancer as part of the annual medical physical examination, so the cost for this screening should be nominal.

**Multiple myeloma cancer**

Multiple myeloma is a type of blood cancer that affects plasma cells, causing malignant plasma cells to accumulate in the bone marrow crowding out the normal plasma cells that help fight infection.

Screening for multiple myeloma starts with a medical exam that includes a physical and patient and family history. The physician will ask about signs and symptoms associated with multiple myeloma. After the medical exam, if the physician believes that additional screening is required, he/she can order specific tests to confirm a diagnosis of multiple myeloma. These tests include:

- A complete blood count (hereinafter “CBC”)
- blood chemistry tests
- urine tests
- a fine needle or core needle biopsy
- a bone marrow biopsy
- an abdominal fat pad aspirate biopsy
- imaging tests including X-rays, magnetic resonance imaging (MRI), computed tomography (CT) scans, and positron-emission tomography (PET) scans
- a genome sequencing test
- an echocardiogram.
The most common screening test for multiple myeloma is the CBC, which is a part of a routine medical exam. The cost for a CBC is between $6 and $167.

**Conclusion**

Firefighters provide vital public safety services to the public at large. The job brings with it many inherent hazards that can cause serious physical and emotional injuries, including death. The Act establishes a presumption that firefighters who acquired any of the four (4) types of cancer covered by this legislation, acquired the cancers as the result of being exposed to the some of the inherent hazards mentioned above, in the line of duty. It is important for firefighters to obtain the required physical medical examinations and cancer screenings, and make good lifestyle choices, in order to be and remain eligible for the presumption.

**Questions or Assistance**

Please contact the following MTAS staff for questions or assistance.

- **Melissa Ashburn, Legal Consultant**  
  Ashburnm@tennessee.edu  
  865.974.0411

- **Steven Cross, Fire Management Consultant**  
  Steven.Cross@tennessee.edu  
  931.548.6827

- **Elisha Hodge, Legal Consultant**  
  Elisha.Hodge@tennessee.edu  
  615.532.6827

- **Richard Stokes, Human Resource Consultant**  
  Richard.Stokes@tennessee.edu  
  615.532.6827

- **Dennis Wolf, Fire Management Consultant**  
  Dennis.Wolf@tennessee.edu  
  901.579.9247
Additional Resources

Public Chapter 490, Acts of 2019


IAFC Heath Care Provider’s Guide to Firefighter Physicals

The International Association of Fire Chiefs (IAFC) developed the Heath Care Provider’s Guide to Firefighter Physicals.
http://www.fstaresearch.org/resource/?FstarId=11591

NIOSH Study

The federal National Institute for Occupational Safety and Health (NIOSH) published the results of the largest firefighter cancer study to date in 2013. Researchers examined cancer risks for career firefighters by examining data from nearly 30,000 firefighters from three large U.S. cities (San Francisco, Chicago, and Philadelphia). NIOSH researchers looked at both cancer incidence and mortality between 1950 and 2009.

CDC Study

http://www.cdc.gov/niosh/firefighters/pdfs/OEM_FF_Ca_Study_10-2013.pdf

LeMaster’s Study


Recommended Firefighter Physical Exam and Screening Tests

An open letter to health care providers regarding firefighter physical exam and screening tests from Dr. Michael G. Hamrock for the Boston Fire Department.
NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments, 2018 edition

The National Fire Protection Association (NFPA) provides free, read-only access to its standards. Use this link to gain access:
https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access.

Sample Medical History and Examination Form for Firefighters

MTAS has a link to a sample Medical History and Examination Form for Firefighters based on NFPA 1582 available on the MTAS Knowledgebase website at this link:
http://www.mtas.tennessee.edu/knowledgebase/nfpa-1582-standard-medical-requirements-firefighters-and-fire-department-physicians

Sample Barry Brady Act Waiver Form:

MTAS has a link to a sample Barry Brady Act Waiver Form on the MTAS Knowledgebase website at this link:
https://www.mtas.tennessee.edu/knowledgebase/brady-act-pre-employment-physical-medical-examination
DEPARTMENT:  Human Resources / Fire Department

SUBJECT:  Barry Brady Act - Public Chapter 490

SUMMARY:
In collaboration with the Tennessee Fire Service Coalition, the 111th Tennessee General Assembly passed HB 316/SB 1442 on May 2, 2019. On July 1, 2019, Public Chapter 490, Acts of 2019, it was signed into law by Governor Bill Lee. The legislation is codified in T. C. A. 7-51-201 (d). Tennessee became the 43rd state in the United States to enact such legislation. The Act was named for Captain Barry Brady, a retired fire captain from Sparta, TN. Capt. Brady was a dedicated fire professional who fought a courageous battle with colon cancer. Capt. Brady lost his battle with cancer.

The City shall establish a plan to address the Barry Brady Act. The Act outlines specific types of cancers that are presumed to have been acquired as the result of employment in the fire service and the eligibility requirements for firefighters seeking to be covered by the presumption. This public chapter outlines specific employment, pre-employment, and annual medical monitoring that a firefighter must undergo in order to be covered by the presumption.

Attached is the MTAS report explaining the legislation and employee education required. A program will be developed by the City to address these provisions and enforce the Act.

RECOMMENDATION:
Approve

ATTACHMENT:

- Resolution
- Ordinance
- Correspondence
- Contract
- Bid Tabulation
- Other

Approved  
Rejected  
Deferred  

Notes: