CITY OF GALLATIN  
COUNCIL MEETING  
March 03, 2020  
6:00 pm  
Dr. J. Deotha Malone  
Council Council Chambers  

- Call to Order – Mayor Brown  
- Invocation  
- Pledge of Allegiance – Councilman Alexander  
- Roll Call: Alexander – Vice Mayor Camp – Fann – Fennell – Hayes – Love – Overton  
- Approval of Minutes: None Provided  
- Public Recognition on Agenda-Related Items  
- Mayor’s Comments  

### AGENDA  

1. **Public Hearing Ordinance No. O2002-9** Ordinance to vacate right-of-way on Randolph Circle located in the Vertrees Terrace Subdivision *(Councilman Alexander)*  
2. **Second Reading Ordinance No. O2002-8** Ordinance appropriating $500,000 State Grant for Miracle Park and Field Facility *(Vice Mayor Camp)*  
3. **Second Reading Ordinance No. O2002-12** Ordinance appropriating funds for the installation of traffic calming measures on Belvedere and Peninsula Drive *(Councilman Overton)*  
4. **First Reading Ordinance No. O2002-11** Ordinance appropriating $192,621 for a State of Tennessee Economic Development Site Development Grant *(Councilman Fann)*  
5. **First Reading Ordinance No. O2002-13** Ordinance appropriating $7,557.00 for Nearmap Aerial Imagery *(Councilman Fennell)*  
6. **Resolution No. R2002-15** Resolution reassigning gas line permitting and inspection from Public Utilities to Building Codes Department *(Councilman Hayes)*  
7. **Resolution No. R2002-16** Resolution accepting public improvements by the City of Gallatin, Tennessee Oakhill, Phase 2A *(Councilwoman Love)*  
8. **Continued Discussion on Urban Growth Boundaries** *(Bill McCord, City Planner)*  

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

03/03/2020 Council Meeting Agenda-Page 1
ORDINANCE NO. O2002-9

ORDINANCE TO VACATE RIGHT-OF-WAY ON RANDOLPH CIRCLE
LOCATED IN THE VERTREES TERRACE SUBDIVISION

WHEREAS, THE CITY OF GALLATIN has determined that it no longer needs and proposes to vacate certain right-of-way, initially platted as McClellan Circle and now known as Randolph Circle, in the Vertrees Subdivision; and

WHEREAS, the Owners of the adjacent properties to the certain right-of-way requested the City to abandon said right-of-way; and

WHEREAS, The Gallatin Municipal-Regional Planning Commission reviewed and recommended to the City Council abandonment of said right-of-way consistent with Title 13, Chapter 3, Section 311, Tennessee Code Annotated; and

WHEREAS, the Gallatin Charter, Article II, Section 1(13) authorizes the City Council to vacate, abandon and dispose of property and/or right-of-way within the corporate limits by ordinance.

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

Section 1. That the portion of right-of-way shown on attached exhibit and description on Randolph Circle (formerly McClellan Circle) adjacent to Lot 1 of Block ‘E’ and of Lots 39, 40, and 41 of Block ‘C’, by a line representing an extension to the south of the westerly property line of Lot 1 of Block ‘E’ to the northerly property line of Lot 38 of Block ‘C’ (being 25.00’ wide by 97.70’ deep and containing 2,443 Sq. Ft., or 0.06 acres, more or less) as dedicated by recording of Vertrees Terrace Subdivision as recorded in Plat Book 1, Page 25, Register’s Office of Sumner County, Tennessee is wholly vacated and shall no longer be a part of the street and alley systems of the City of Gallatin, whereby the northerly 12.5 feet and the southerly 12.5 feet of such vacated right-of-way is hereby transferred equally to the owners of lots adjacent to the certain right-of-way referenced above.

Section 2. That, upon future need by the City of the certain right-of-way to be abandoned, the City hereby retains a public utility and drainage easement across said former right-of-way and no structures shall be placed in said area.

Section 3. That the Mayor is authorized to execute any and all documents necessary to effectuate the terms of this agreement.

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

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
EXHIBIT ‘A’

That the portion of right-of-way shown on attached exhibit and description on Randolph Circle (formerly McClellan Circle) adjacent to Lot 1 of Block ‘E’ and of Lots 39, 40, and 41 of Block ‘C’, by a line representing an extension to the south of the westerly property line of Lot 1 of Block ‘E’ to the northerly property line of Lot 38 of Block ‘C’ (being 25.00’ wide by 97.70’ deep and containing 2,443 Sq. Ft., or 0.06 acres, more or less) as dedicated by recording of Vertrees Terrace Subdivision as recorded in Plat Book 1, Page 25, Register’s Office of Sumner County, Tennessee is wholly vacated and shall no longer be a part of the street and alley systems of the City of Gallatin, whereby the northerly 12.5 feet and the southerly 12.5 feet of such vacated right-of-way is hereby transferred equally to the owners of lots adjacent to the certain right-of-way referenced above.
ITEM 18
PLANNING DEPARTMENT STAFF REPORT
Public Right-of-Way Abandonment – portion of Randolph Circle
Located east of Randolph Circle and east of North Blakemore Avenue
Date: January 27, 2020

REQUEST: Owner and Applicant of an adjacent property request the City of Gallatin to abandon an approximate 25.00' +/- x 97.70' +/- segment of the public right-of-way of Randolph Circle, located east of Randolph Circle and east of North Blakemore Avenue, adjacent to 511 and 515 Randolph Circle.

OWNER: CITY OF GALLATIN

APPLICANTS: ARDAINYA ADAMS & LLOYD STRINGER

STAFF RECOMMENDATION: RECOMMEND APPROVAL OF GMRPC RESOLUTION 2020-024

STAFF CONTACT: SHARON BURTON

PLANNING COMMISSION DATE: JANUARY 27, 2020

COUNCIL COMMITTEE DATE: FEBRUARY 11, 2020

PROPERTY OVERVIEW: The owner of an adjacent property requests the City of Gallatin to abandon an approximate 25.00 X 97.70 ft. (.06 acre) section of Randolph Circle in the Vertrees Terrace Subdivision, located east of Randolph Circle and east of North Blakemore Avenue. (Attachment 18-1 and Attachment 18-2)

The public right-of-way was platted as McClellan Circle (now Randolph Circle) part of the Vertrees Terrace Subdivision in October, 1945. A stub street of Randolph Circle extends between two lots to a parcel of land that is currently zoned CG and used as a commercial business.

The Planning Department and the Engineering Division recommend approval of Resolution 2020-024.

CASE BACKGROUND:

Previous Approvals and History
The right-of-way was created upon recording the Vertrees Terrace subdivision plat in 1945.

In June, 2010, the City Engineer received a request to abandon the right-of-way between 511 and 515 Randolph Circle.

In July, 2013, the applicant presented a letter to the City Council requesting abandonment of the right-of-way.
In May, 2014, a formal application by an adjacent property owner, requesting the abandonment was submitted to the Planning Department. When the process was started, all City Departments were asked to comment on the request. No City Department had comments at that time.

Due to communication and surveying problems, the process did not proceed in a timely manner.

In November, 2019, the applicant approached the City Planner requesting an update on abandonment status.

**Proposed Abandonment**
The right-of-way adjacent to applicant’s property is unimproved and is 25 feet wide by 97.70 feet in length. No City departments have expressed any concerns with abandoning the right-of-way. There is a P.U.D.E. on the front (westerly) portion of the right-of-way property lot along the roadway of Randolph Circle. The applicant owns property on the south side of the right-of-way which includes lots 38-41, Block ‘C’. Another person owns lot 1, Block ‘E’ on the north side of the right-of-way. If vacated each of the adjacent property owners would obtain one-half of the former right-of-way located adjacent to their property.

**Engineering Division**
The Engineering Division certified that the applicant submitted all the necessary documents for the abandonment of the right-of-way of this portion of Randolph Circle.

**Other Departmental Comments**
Other departments reviewed the abandonment request and had no comments.

**RECOMMENDATION:**
Staff recommends that the Planning Commission approve GMRPC Resolution 2020-024.

By approval of the Resolution, the Planning Commission recommends that the City Council also adopt an Ordinance and execute a Quitclaim Deed abandoning the right-of-way in accordance with Section 1-111 of the Subdivision Regulations and T.C.A Section 54-18-204 and Section 54-18-206.

**ATTACHMENTS:**
Attachment 18-1 Location Map
Attachment 18-2 Map of Abandonment Area
Attachment 18-3 Draft City Council Ordinance No. O2020-XXX
Right-of-way between parcel 1 and 25

SUMNER COUNTY, TENNESSEE

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.

MAP DATE: January 17, 2020

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DEPARTMENT: Engineering

SUBJECT:
Ordinance to Vacate ROW on Randolph Circle

SUMMARY:
The attached Ordinance proposes the abandonment of the public right-of-way on Randolph Circle. Planning Commission Resolution No. 2020-024 recommending this Ordinance was passed on January 27th, 2020.

RECOMMENDATION:

ATTACHMENT:

Resolution [ ]
Ordinance [x]
Correspondence [ ]
Contract [ ]
Bid Tabulation [x]
Other [ ]

Approved [x]
Rejected [ ]
Deferred [ ]

Notes:
ORDINANCE NO. O2002-8

ORDINANCE APPROPRIATING $500,000 STATE GRANT FOR MIRACLE PARK AND FIELD FACILITY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $500,000 is hereby appropriated from State Grant revenues, account number 110-33490-211, to the Miracle Park and Field expenditures, account number 11044720-937-211, to reflect the State grant awarded for this project; 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 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

02/11/2020

DEPARTMENT: Finance

AGENDA # 2

SUBJECT:
Ordinance to appropriate State grant

SUMMARY:
Ordinance to appropriate $500,000 State grant for the Miracle Park and Field facility at Triple Creek Park

RECOMMENDATION:
approval

ATTACHMENT:

Resolution
Correspondence
Bid Tabulation

Ordinance
Contract
Other

Approved
Rejected
Deferred

Notes:
ORDINANCE NO. O2002-12

ORDINANCE APPROPRIATING FUNDS FOR THE INSTALLATION OF TRAFFIC CALMING MEASURES ON BELVEDERE AND PENINSULA DRIVE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $23,500.00 is hereby appropriated from the Undesignated Fund Balance of the General Fund for the installation of Traffic Calming measures along Belvedere and Peninsula Drive;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $23,500.00 be appropriated to account number 11043120-931, Streets.

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


PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
DEPARTMENT:  ENGINEERING  

SUBJECT:  
Belvedere Drive and Peninsula Drive Traffic Calming

SUMMARY:  
Update Council on the history of traffic calming in the neighborhood, present results from the traffic counts, and give recommendations based on City Staff findings.

RECOMMENDATION:  
An ordinance will be brought to the February 18th Council Meeting to appropriate funds to install temporary traffic calming measures.

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

Approved  
Rejected  
Deferred

Notes:
ORDINANCE NO. 02002-11

ORDINANCE APPROPRIATING $192,621 FOR A
STATE OF TENNESSEE ECONOMIC DEVELOPMENT
SITE DEVELOPMENT GRANT

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum
of $192,621 is hereby appropriated to account #11047200-912-248 for an EDA Site
Development Grant with $96,310 coming from account #110-33490-248, State Economic
Development grant, and with $96,311 coming from the EDA designated fund balance,
account #110-27400;

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 KITRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
DEPARTMENT: Economic Development

SUBJECT: Site Development Grant Appropriation

SUMMARY: The Gallatin Economic Development Agency has been awarded a Site Development Grant from the Tennessee Department of Economic & Community Development for a regional detention pond in Industrial Center Phase 2. The grant amount is $192,621.00, with 50% paid in reimbursements by the state and 50% paid from the EDA's reserve committed account. This ordinance appropriates the funding for the grant.

RECOMMENDATION:

ATTACHMENT:

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

Approved [ ] Rejected [ ] Deferred [ ]

Notes:
ORDINANCE NO. O2ØØ2-13

ORDINANCE APPROPRIATING $7,557.00 FOR NEARMAP AERIAL IMAGERY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $7,557.00 is hereby appropriated from the undesignated balance of the General Fund to the Information Technology Department account #11041640-250-165 to purchase an annual subscription for Aerial Imagery products.

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
RESOLUTION REASSIGNING GAS LINE PERMITTING AND INSPECTION FROM PUBLIC UTILITIES TO BUILDING CODES DEPARTMENT

WHEREAS, the Building Codes Department currently permits and inspects mechanical installations, including gas-powered appliances, the City has determined that it is in the best interest of the City to transfer the responsibilities for the permitting and inspection of the gas lines associated with these installations to the Building Codes Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, That all building-related gas line permits and inspections, including but not limited to, mechanical gas line plan reviews, new construction installations and renovation/replacements be transferred from Gallatin Public Utilities to the Building Codes Department.

BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its final passage, the public welfare requiring such. Enforcement shall begin on April 1, 2020.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

ATTEST:

MAYOR PAIGE BROWN

CONNIE KITRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY
DEPARTMENT: Building Codes

SUBJECT:
Transfer permitting and inspections for structural gas piping from Public Utilities to Building Codes Department.

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

Resolution [X] Correspondence [ ] Bid Tabulation [ ]
Ordinance [ ] Contract [ ] Other [ ]

Approved [X]
Rejected [ ]
Deferred [ ]

Notes:
RESOLUTION NO. R2002-16

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY THE CITY OF GALLATIN, TENNESSEE
OAK HILL, PHASE 2A

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Oak Hill, Phase 2A; and

WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements in Oak Hill, Phase 2A have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations; and

WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq., of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of-way, public easements, and public utility improvements, as described in Oak Hill, Phase 2A, Plat Book 29, Page(s) 95, recorded on December 15, 2015 in the Register’s Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

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

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

MAYOR PAIGE BROWN

APPROVED AS TO FORM:

CONNIE KITRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

03/03/2020 Council Meeting Agenda-Page 19
CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

February 25, 2020

DEPARTMENT: Engineering
AGENDA # 2

SUBJECT:
Resolution Accepting Public Improvements for Oak Hill, Phase 2A

SUMMARY:
The Planning Commission approved the GMRPC Resolution on January 27, 2020, to accept the public improvements for Oak Hill, Phase 2A.

RECOMMENDATION:

ATTACHMENT:

☑ Resolution Ordinance  ☐ Correspondence Contract  ☒ Bid Tabulation Other

☐ Approved  ☒ Rejected  ☐ Deferred

Notes:
PROPOSED URBAN GROWTH BOUNDARY CHANGES FOR THE CITY OF GALLATIN - 2020

Gallatin is considering amending its Urban Growth Boundary to better reflect policies of the City’s Comprehensive Plan, Gallatin on the Move 2020 and to better comply with the intent and authorization of growth management legislation approved by adoption of Tennessee Code Annotated, Title 6, Chapter 58, Sections 100-118 (Public Chapter 1101).

Gallatin adopted the Urban Growth Boundary along with other Sumner County municipalities and the County in 2000. The Urban Growth Boundary was intended to represent an area necessary to accommodate the growth of the City for the next 20 years. Gallatin was projected to have a population of 35,617 by 2020 according to the US Census Bureau, Tennessee State Data Center and Nashville Area MPO as reported in the 2035 Sumner County Comprehensive Plan. The University of Tennessee Boyd Center for Business and Economic Research (UTBER) provides long-term population projections to be used for evaluating Urban Growth Boundaries. The adopted Urban Growth Boundary contains 51,950.3 acres or 81.17 square miles. Gallatin’s growth since adoption of the Urban Growth Boundary has fallen well short of the anticipated by the Urban Growth Boundary with urbanized uses. Much of the area remains in rural uses including large lot estates, agriculture uses and, to a lesser extent, forestry uses. However, the City’s population has kept pace and actually exceeded historic projections made the UTBER office but within a more confined geographic area. Also, since adoption of the Urban Growth Boundary nearly 10 square miles has been added to the city which is approximately 30% increase in area. All of the annexed territory is contained within the Urban Growth Boundary.

Based on future population projection and the amount of land needed to accommodate urban growth including lands for residential, commercial, industrial, and recreation activities, a revised Urban Growth Boundary is proposed. While the City and the surrounding area will continue to grow, new development will occur within the existing city limits and on specifically identified properties in close proximity to the city, particularly on properties that are serviced with central water and sewer systems and within a four minute response time to existing and proposed fire stations. In addition, since the Gallatin on the Move 2020 plan was adopted after the Urban Growth Boundary, in most cases properties identified as Rural Community in the 2020 Plan are not needed to meet the projected population for the next 20 years. Therefore, the City proposes to reduce the size of the Urban Growth Boundary to promote a more compact urban growth pattern to allow for additional growth, preserve rural areas, including environmentally sensitive areas, and to control the cost of extending and maintaining public infrastructure and providing municipal services. The proposed UGB area will comprise 40,606.1 acres or 63.44 square miles, which is a 22 percent reduction in the size of the Urban Growth Boundary. As a result of the change in the City’s UGB, the county will need to amend its Urban Growth Plan and boundaries and assign the area ceded by Gallatin as either the Planned Growth Area or Rural Preserve Area.

Proposed Urban Growth Boundary for the City of Gallatin - 2020
In addition, the City proposes to exchange small areas of its UGB (42.22± acres including eight parcels and highway right-of-way) currently within the Gallatin UGB with lands currently designated within the Hendersonville UGB and exchange areas (20.4 acres including part of Big Station Camp Boulevard right-of-way and a parcel and part of a parcel and a portion of Army Corps of Engineers Old Hickory Lake Reservation) currently within the Hendersonville UGB.

The City's proposed UGB amendment will require review and approval by the County Coordinating Committee and approval of other local governments in the County and finally, the approval of the State Local Planning and Advisory Committee.

Prior to formally amending the UGB the city will need to prepare an amendment or amended report of the Initial Urban Growth Boundary Plan.

**Proposed Gallatin Urban Growth Boundary Changes:**

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<th>Acres (Current)</th>
<th>Acres (Proposed)</th>
<th>Square Miles (Current)</th>
<th>Square Miles (Proposed)</th>
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<td>40,606.1</td>
<td>81.17</td>
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**Historic and Projected Gallatin Population:**

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<th>Population</th>
<th>Area (Square Miles)</th>
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<td>1980</td>
<td>17,191</td>
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<td>1,002.89</td>
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<tr>
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<td>35,617*</td>
<td>32.17</td>
<td>1,104.04</td>
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<tr>
<td>2030</td>
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<td>2040</td>
<td>46,616</td>
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UTBER: 2020 = 35,195; 2030 = 39,538

* From Sumner County Comprehensive Plan

**Area exchange with Hendersonville:**

Remove from Gallatin Urban Growth Boundary and add to Hendersonville Urban Growth Boundary = 42.22± acres (North of the CSX Railroad)

Remove from Hendersonville Urban Growth Boundary and add to Gallatin Urban Growth Boundary = 20.4± acres (Big Station Camp Blvd. and a parcel east of Big Station Camp Boulevard)

Proposed Urban Growth Boundary for the City of Gallatin -2020
Applicable Urban Growth Boundary Statutes
Title 58, Chapter 58, Section 100 et. seq.


As used in this chapter, unless the context otherwise requires:
(1) “Calendar quarter” means any one of the following time periods during a given year: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31;
(2) “Committee” means the local government planning advisory committee established by § 4-3-727;
(3) “Council” means the joint economic and community development council established by § 6-58-114;
(4) “Growth plan” means the plan each county must file with the committee by July 1, 2001, as required by § 6-58-107;
(5) “National flood insurance program (NFIP)” means the insurance program administered by the federal emergency management agency, as authorized by the National Flood Insurance Reform Act (42 U.S.C. § 4001 et seq);
(6) “Planned growth area” means an area established in conformance with § 6-58-106(b) and approved in accordance with the requirements of § 6-58-104;
(7) “Rural area” means an area established in conformance with § 6-58-106(c) and approved in accordance with the requirements of § 6-58-104;
(8) “Special flood hazard area” means the land area covered by the floodwaters of the base flood on NFIP maps; and
(9) “Urban growth boundary” means a line encompassing territory established in conformance with § 6-58-106(a) and approved in accordance with the requirements of § 6-58-104.

History

6-58-102. Purpose of chapter.

With this chapter, the general assembly intends to establish a comprehensive growth policy for this state that:
(1) Eliminates annexation or incorporation out of fear;
(2) Establishes incentives to annex or incorporate where appropriate;
(3) More closely matches the timing of development and the provision of public services;
(4) Stabilizes each county's education funding base and establishes an incentive for each county legislative body to be more interested in education matters; and
(5) Minimizes urban sprawl.

History

(a) Except as otherwise provided pursuant to subdivision (a)(9), effective September 1, 1998, there is created within each county a coordinating committee, which shall be composed of the following members:

(A) The county mayor or the county mayor's designee, to be confirmed by the county legislative body; provided, that a member of the county legislative body may serve as such designee subject to such confirmation;

(B) The mayor of each municipality or the mayor's designee, to be confirmed by the municipal governing body;

(C) One (1) member appointed by the governing board of the municipally owned utility system serving the largest number of customers in the county;

(D) One (1) member appointed by the governing board of the utility system, not municipally owned, serving the largest number of customers in the county;

(E) One (1) member appointed by the board of directors of the county's soil conservation district, who shall represent agricultural interests;

(F) One (1) member appointed by the board of the local education agency having the largest student enrollment in the county;

(G) One (1) member appointed by the largest chamber of commerce, to be appointed after consultation with any other chamber of commerce within the county; and

(H) Two (2) members appointed by the county mayor and two (2) members appointed by the mayor of the largest municipality, to assure broad representation of environmental, construction and homeowner interests.

(2) It is the duty of the coordinating committee to develop a recommended growth plan not later than January 1, 2000, and to submit such plan for ratification by the county legislative body and the governing body of each municipality. The recommended growth plan shall identify urban growth boundaries for each municipality within the county and shall identify planned growth areas and rural areas within the county, all in conformance with § 6-58-106. In developing a recommended growth plan, the coordinating committee shall give due consideration to such urban growth boundaries as may be timely proposed and submitted to the coordinating committee by each municipal governing body. The coordinating committee shall also give due consideration to such planned growth areas and rural areas as may be timely proposed and submitted to the coordinating committee by the county legislative body. The coordinating committee is encouraged to utilize planning resources that are available within the county, including municipal or county planning commissions. The coordinating committee is further encouraged to utilize the services of the county technical assistance service, and the municipal technical advisory service.

(3) Prior to finalization of the recommended growth plan, the coordinating committee shall conduct at least two (2) public hearings. The county shall give at least fifteen (15) days advance notice of the time, place and purpose of each public hearing by notice published in a newspaper of general circulation throughout the county.
(4) Not later than January 1, 2000, the coordinating committee shall submit its recommended growth plan for ratification by the county legislative body and by the governing body of each municipality within the county; provided, that, notwithstanding this chapter to the contrary, if a municipality is completely contiguous to and surrounded by one (1) or more municipalities, then the corporate limits of the surrounded municipality shall constitute the municipality’s urban growth boundaries and such municipality shall not be eligible to ratify or reject the recommended growth plan. Not later than one hundred twenty (120) days after receiving the recommended growth plan, the county legislative body or municipal governing body, as the case may be, shall act to either ratify or reject the recommended growth plan of the coordinating committee. Failure by such county legislative body or any such municipal governing body to act within such one hundred twenty-day period shall be deemed to constitute ratification by such county or municipality of the recommended growth plan.

(5) If the county or any municipality therein rejects the recommendation of the coordinating committee, then the county or municipality shall submit its objections, and the reasons therefor, for resolution in accordance with subsection (b). In resolving disputes arising from disagreements over which urban growth boundary should contain specific territory, due consideration shall be given if one of the municipalities is better able to efficiently and effectively provide urban services within the disputed territory. Due consideration shall also be given if one of the municipalities detrimentally relied upon priority status conferred under prior annexation law and, thereby, justifiably incurred significant expense in preparation for annexation of the disputed territory.

(6)

(A) A municipality may make binding agreements with other municipalities and with counties to refrain from exercising any power or privilege granted to the municipality by this title, to any degree contained in the agreement including, but not limited to, the authority to annex.

(B) A county may make binding agreements with municipalities to refrain from exercising any power or privilege granted to the county by title 5, to any degree contained in the agreement including, but not limited to, the authority to receive annexation date revenue.

(C) Any agreement made pursuant to this subdivision (a)(6) need not have a set term, but after the agreement has been in effect for five (5) years, any party upon giving ninety (90) days written notice to the other parties is entitled to a renegotiation or termination of the agreement.

(7)

(A) Notwithstanding this chapter or any other law to the contrary, any annexation reserve agreement or any agreement of any kind either between municipalities or between municipalities and counties setting out areas reserved for future municipal annexation and in effect on May 19, 1998, are ratified and remain binding and in full force and effect. Any such agreement may be amended from time to time by mutual agreement of the parties. Any such agreement or amendment may not be construed to abrogate the application of any provision of this chapter to the area annexed pursuant to the agreement or amendment.

(B) In any county with a charter form of government, the annexation reserve agreements in effect on January 1, 1998, are deemed to satisfy the requirement of
a growth plan. The county shall file a plan based on such agreements with the committee.

(8) No provision of this chapter shall prohibit written contracts between municipalities and property owners relative to the exercise of a municipality's rights of annexation or operate to invalidate an annexation ordinance done pursuant to a written contract between a municipality and a property owner in existence on May 19, 1998.

(9) 

(A) Instead of the coordinating committee created under subdivision (a)(1), in any county in which the largest municipality comprises at least sixty percent (60%) of the population of the entire county and on May 19, 1998, there is no other municipality in the county with a population in excess of one thousand (1,000), according to the 1990 federal census or any subsequent federal census, the coordinating committee in such county shall be the municipal planning commission of the largest municipality and the county planning commission, if the county has a planning commission. The mayor of the largest municipality and the county mayor of such county may jointly appoint as many additional members to the coordinating committee as they may determine. Notwithstanding the provisions of this subsection (a) with respect to the adoption or ratification of the recommended growth plan, in any county to which this subdivision (a)(9)(A) applies, upon adoption of a recommended growth plan, the coordinating committee shall submit its recommendation to the county legislative body for ratification. The county legislative body may only disapprove the recommendation of the coordinating committee if it makes an affirmative finding, by a two-thirds (2/3) vote, that the committee acted in an arbitrary or capricious manner or abused its official discretion in applying the law. If the county legislative body disapproves the recommendation of the coordinating committee, then the dispute resolution process of this section shall apply.

(B) Instead of the coordinating committee created pursuant to subdivision (a)(1), if the county legislative body and the governing body of each municipality located therein all agree that another entity shall perform the duties assigned by this chapter to the coordinating committee, then such other entity shall perform such duties of the coordinating committee, and such coordinating committee shall not be created or continued, as the case may be.

(b) 

(1) If the county or any municipality rejects the recommended growth plan, then the coordinating committee shall reconsider its action. After such reconsideration, the coordinating committee may recommend a revised growth plan and may submit such revised growth plan for ratification by the county legislative body and the governing body of each municipality. If a recommended growth plan or revised growth plan is rejected, then the county or any municipality may declare the existence of an impasse and may request the secretary of state to provide an alternative method for resolution of disputes preventing ratification of a growth plan.

(2) Upon receiving such request, the secretary of state shall promptly appoint a dispute resolution panel consisting of a minimum of one (1) member and a maximum of three (3) members. The secretary of state shall have the discretion to determine the size of the panel. Each member of the panel shall be appointed from the ranks of the administrative law judges employed within the administrative procedures division. Each member shall
possess formal training in the methods and techniques of dispute resolution and mediation. Panel members and their spouses and immediate family shall not be residents, property owners, officials or employees of the county or any municipality within the county.

(3) The panel shall attempt to mediate the unresolved disputes. If, after reasonable efforts, mediation does not resolve the disputes, then the panel shall propose a non-binding resolution. The county legislative body and the municipal governing bodies shall be given a reasonable period in which to consider the proposed resolution. If the county legislative body and the municipal governing bodies do not accept and approve the resolution, the secretary of state shall appoint a new panel of administrative law judges, composed and selected in the same manner specified in subdivision (b)(2), for the purpose of adopting a growth plan. The panel may initiate formal proceedings, if they are necessary to obtain sufficient information for adopting a growth plan. These proceedings shall be conducted subject to the open meetings provisions of title 8, chapter 44, but need not be in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The panel may consult with experts in urban planning, growth and development, and may commission or contract for additional studies and reports on population growth and projections, land utilization and needs, environmental impacts, and the development and production of maps adequate for the use of the panel in mediating a dispute or in adopting a growth plan. The costs associated with obtaining the services of experts, the production of studies, reports, maps and other documents shall be a reasonable and necessary cost associated with the panel's development of the growth plan.

(4) The secretary of state shall certify the reasonable and necessary costs incurred by the dispute resolution panel, including, but not necessarily limited to, salaries, supplies, travel expenses and staff support for the panel members. The county and the municipalities shall reimburse the secretary of state for such costs, to be allocated on a pro rata basis calculated on the number of persons residing within each of the municipalities and the number of persons residing within the unincorporated areas of the county; provided, that if the dispute resolution panel determines that the dispute resolution process was necessitated or unduly prolonged by bad faith or frivolous actions on the part of the county and/or any one (1) or more of the municipalities, then the secretary of state may, upon the recommendation of the panel, reallocate liability for such reimbursement in a manner clearly punitive to such bad faith or frivolous actions.

(5) If a county or municipality fails to reimburse its allocated or reallocated share of panel costs to the secretary of state after sixty (60) days notice of such costs, the department of finance and administration shall deduct such costs from such county's or a municipality's allocation of state shared taxes.

(e)

(1) No later than July 1, 2001, the growth plan recommended or revised by the coordinating committee and ratified by the county and each municipality therein or alternatively adopted by a dispute resolution panel shall be submitted to and approved by the local government planning advisory committee.
(B) If urban growth boundaries, planned growth areas and rural areas were recommended or revised by a coordinating committee and ratified by the county and each municipality therein; then the local government planning advisory committee shall grant its approval, and the growth plan shall become immediately effective.

(C) In addition, in any county with a charter form of government, the annexation reserve agreements in effect on January 1, 1998, are deemed to satisfy the requirement of a growth plan, and the local government planning advisory committee shall approve such plan.

(D) In all other cases: If the local government planning advisory committee determines that such urban growth boundaries, planned growth areas and rural areas conform with the provisions of § 6-58-106; then the local government planning advisory committee shall grant its approval and the growth plan shall immediately become effective; However, if the local government planning advisory committee determines that such urban growth boundaries, planned growth areas and/or rural areas in any way do not conform with the provisions of § 6-58-106; then the committee shall adopt and grant its approval of alternative urban growth boundaries, planned growth areas and/or rural areas for the sole purpose of making the adjustments necessary to achieve conformance with the provisions of § 6-58-106.

(E) Such alternative urban growth boundaries, planned growth areas and/or rural areas shall supersede and replace all conflicting urban growth boundaries, planned growth areas and/or rural areas and shall immediately become effective as the growth plan.

(2) After the local government planning advisory committee has approved a growth plan, the committee shall forward a copy to the county mayor who shall file the plan in the register's office. The register may not impose a fee on the county mayor for this service.

(d)

(1) After the local government planning advisory committee has approved the county's initial growth plan, the plan shall stay in effect for not less than three (3) years absent a showing of extraordinary circumstances. After the initial three-year period, a growth plan may be amended as often as deemed necessary by the county and cities. Any time after the expiration of the initial three-year period, the mayor of any municipality in the county or the county mayor or county executive may propose an amendment to the growth plan by filing notice with the county mayor or county executive and with the mayor of each municipality in the county. Upon receipt of such notice, the county mayor or county executive shall take appropriate action to reconvene or reestablish the coordinating committee within sixty (60) days of the receipt of the notice. Except as provided for in this subdivision (d)(1), the procedures for amending the growth plan shall be the same as the procedures in this section for establishing the original plan. The burden of proving the reasonableness and necessity of the proposed amendment shall be upon the party proposing the change. It is the duty of the coordinating committee to submit the proposed amendment with its recommendation either for or against the amendment to the county legislative body and to the governing body of each municipality within the county for their approval or disapproval within six (6) months of the date of the coordinating
committee's first meeting on the proposed amendment. After the proposed amendment is approved by the county legislative body and the governing body of each municipality and by the local government planning advisory committee, the amendment shall become part of the county's growth plan.

(2) In any county with a charter form of government with annexation reserve agreements in effect on January 1, 1998, any municipality or the county may immediately file a proposed amendment after May 19, 1998, in accordance with this subsection (d).


(a) The affected county, an affected municipality, a resident of such county or an owner of real property located within such county is entitled to judicial review under this section, which shall be the exclusive method for judicial review of the growth plan and its urban growth boundaries, planned growth areas and rural areas. Proceedings for review shall be instituted by filing a petition for review in the chancery court of the affected county. Such petition shall be filed during the sixty-day period after final adoption of such urban growth boundaries, planned growth areas and rural areas by the local government planning advisory committee. In accordance with the provisions of the Tennessee rules of civil procedure pertaining to service of process, copies of the petition shall be served upon the local government planning advisory committee, the county and each municipality located or proposing to be located within the county.

(b) Judicial review shall be de novo and shall be conducted by the chancery court without a jury. The petitioner shall have the burden of proving, by a preponderance of the evidence, that the urban growth boundaries, planned growth areas and/or rural areas are invalid because the adoption or approval thereof was granted in an arbitrary, capricious, illegal or other manner characterized by abuse of official discretion. The filing of the petition for review does not itself stay effectiveness of the urban growth boundaries, planned growth areas and rural areas; provided, that the court may order a stay upon appropriate terms if it is shown to the satisfaction of the court that any party or the public at large is likely to suffer significant injury if such stay is not granted. If more than one (1) suit is filed within the county, then all such suits shall be consolidated and tried as a single civil action.

(c) If the court finds by a preponderance of the evidence that the urban growth boundaries, planned growth areas and/or rural areas are invalid because the adoption or approval thereof was granted in an arbitrary, capricious, illegal or other manner characterized by abuse of official discretion; then an order shall be issued vacating the same, in whole or in part, and remanding the same to the county and the municipalities in order to identify and obtain adoption or approval of urban growth boundaries, planned growth areas and/or rural areas in conformance with the procedures set forth within § 6-58-104.

(d) Any party to the suit, aggrieved by the ruling of the chancery court, may obtain a review of the final judgment of the chancery court by appeal to the court of appeals.

(a) The urban growth boundaries of a municipality shall:
   
   (1) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty (20) years;
   
   (2) Identify territory that is contiguous to the existing boundaries of the municipality;
   
   (3) Identify territory that a reasonable and prudent person would project as the likely site of high density commercial, industrial and/or residential growth over the next twenty (20) years based on historical experience, economic trends, population growth patterns and topographical characteristics; if available, professional planning, engineering or economic studies, or any of these studies, may also be considered;
   
   (4) Identify territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban services; and
   
   (5) Reflect the municipality's duty to facilitate full development of resources within the current boundaries of the municipality and to manage and control urban expansion outside of such current boundaries, taking into account the impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before formally proposing urban growth boundaries to the coordinating committee, the municipality shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The municipality shall also determine and report the current costs and the projected costs of core infrastructure, urban services and public facilities necessary to facilitate full development of resources within the current boundaries of the municipality and to expand such infrastructure, services and facilities throughout the territory under consideration for inclusion within the urban growth boundaries. The municipality shall also determine and report on the need for additional land suitable for high density, industrial, commercial and residential development, after taking into account all areas within the municipality's current boundaries that can be used, reused or redeveloped to meet such needs. The municipality shall examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the urban growth boundaries and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management areas.

(3) Before a municipal legislative body may propose urban growth boundaries to the coordinating committee, the municipality shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality not less than fifteen (15) days before the hearing.
(b)

(1) Each planned growth area of a county shall:
   (A) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty (20) years;
   (B) Identify territory that is not within the existing boundaries of any municipality;
   (C) Identify territory that a reasonable and prudent person would project as the likely site of high or moderate density commercial, industrial and/or residential growth over the next twenty (20) years based on historical experience, economic trends, population growth patterns and topographical characteristics; (if available, professional planning, engineering and/or economic studies may also be considered);
   (D) Identify territory that is not contained within urban growth boundaries; and
   (E) Reflect the county’s duty to manage natural resources and to manage and control urban growth, taking into account the impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before formally proposing any planned growth area to the coordinating committee, the county shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The county shall also determine and report the projected costs of providing urban type core infrastructure, urban services and public facilities throughout the territory under consideration for inclusion within the planned growth area as well as the feasibility of recouping such costs by imposition of fees or taxes within the planned growth area. The county shall also determine and report on the need for additional land suitable for high density industrial, commercial and residential development after taking into account all areas within the current boundaries of municipalities that can be used, reused or redeveloped to meet such needs. The county shall also determine and report on the likelihood that the territory under consideration for inclusion within the planned growth area will eventually incorporate as a new municipality or be annexed. The county shall also examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the planned growth area and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management areas.

(3) Before a county legislative body may propose planned growth areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

c)

(1) Each rural area shall:
   (A) Identify territory that is not within urban growth boundaries;
   (B) Identify territory that is not within a planned growth area;
   (C) Identify territory that, over the next twenty (20) years, is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial or residential development; and
   (D) Reflect the county’s duty to manage growth and natural resources in a manner that reasonably minimizes detrimental impact to agricultural lands, forests, recreational areas and wildlife management areas.
(2) Before a county legislative body may propose rural areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

(d) Notwithstanding the extraterritorial planning jurisdiction authorized for municipal planning commissions designated as regional planning commissions in title 13, chapter 3, nothing in this chapter shall be construed to authorize municipal planning commission jurisdiction beyond an urban growth boundary; provided, that in a county without county zoning, a municipality may provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

6-58-118. Urban growth boundaries — Expansion without reconvening coordinating committee or approval from county.

A municipality may expand its urban growth boundaries to annex a tract of land without reconvening the coordinating committee or approval from the county or any other municipality if:

(1) The tract is contiguous to a tract of land that has the same owner and has already been annexed by the municipality;

(2) The tract is being provided water and sewer services; and

(3) The owner of the tract, by notarized petition, consents to being included within the urban growth boundaries of the municipality.

History

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA
FEBRUARY 25, 2020

DEPARTMENT: PLANNING DEPARTMENT AGENDA # 7

SUBJECT:
Discussion of proposed amendments to the City of Gallatin Urban Growth Boundary

SUMMARY:
The Planning Department requests that the City Council consider changes to the Urban Growth Boundary. The Urban Growth Boundary was established in 2000 as required by Tennessee Code Annotated, Title 6, Chapter 58, Sections 101-108. The Urban Growth Boundary was initially established to encompass an area that the City believed would be necessary to accommodate existing and future urban development for a twenty year timeframe (until 2020). The current Urban Growth Boundary encompasses approximately 81 square miles including all 32.5 square miles in the existing city limits. Staff analyzed the existing boundary and proposes to reduce the size of the Urban Growth Boundary based on historic and projected growth for the next 20 years. Maps of the existing and proposed Urban Growth Boundary will be provided to the Council Committee at the meeting. Other communities in Sumner County area also proposing changes to their growth boundaries.

The Planning Commission has not reviewed the proposed changes. Staff intends to discuss this issue with the Planning Commission on February 24th but not to seek endorsement of a revised map at this time.

RECOMMENDATION:

ATTACHMENT:

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

Approved [ ]
Rejected [ ]
Deferred [ ]

Notes: