
CITY OF GALLATIN COUNCIL COMMITTEE MEETING

January 14, 2014

6:00 pm

Dr. J. Deotha Malone
Council Chambers

- Call to Order – Councilman Craig Hayes
- Roll Call: Vice Mayor Alexander – Brackenbury – Hayes – Kemp – Mayberry – Overton – Mayor Graves
- Approval of Minutes: December 10, 2013 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. County Greenway/Welch College Development (**Mayor Graves/Anthony Holt, County Executive**)
2. Voting for Non-Resident Property Owners (**Mayor Graves/Lori Atchley, Sumner County Administrator of Elections**)
3. June 30, 2013 audit report (**Rachel Nichols, Finance/IT Director**)
4. Building Official (**Debbie Johnson, Director of Human Resources**)
5. Ordinance appropriating funds received for completion of infrastructure improvements in Foxland Subdivision (**Nick Tuttle, City Engineer**)
6. Request from ABC Technologies (**Joe Thompson, City Attorney**)
7. Amending Gallatin Municipal Code Chapter 10, Article IV Relative to Noise (**Joe Thompson, City Attorney**)
8. Employee Christmas Luncheon (**Councilman Camp**)
9. Social Media Policy (**Councilman Overton**)
10. Personnel Rule Section 4-4 (**Councilman Overton**)

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin Council Committee Meeting

Tuesday, December 10, 2013
Dr. J. Deotha Malone Council Chambers
Gallatin City Hall

Call to Order

Councilman Steve Camp called the meeting to order at 6:00 P.M.

Roll Call

City Recorder Connie Kittrell called the roll:

PRESENT:

Vice Mayor John D. Alexander
Councilwoman Julie Brackenbury
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Ed Mayberry

ABSENT:

Mayor Jo Ann Graves
Councilman Jimmy Overton

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance/IT Director
Nick Tuttle, City Engineer
Debbie Johnson, Human Resources Director
Joe Thompson, City Attorney
Connie Kittrell, City Recorder
Bill McCord, City Planner
David Brown, Leisure Services Director

Don Bandy, Police Chief
Ronnie Stiles, Public Works Dir.
Gallatin Newspaper, Reporter
David Gregory, Public Utilities
News Examiner, Reporter
James Fenton, EDA
Billy Crook, Fire Chief

Approval of Minutes

Councilman Steve Camp presented the minutes of the November 12, 2013 Council Committee Meeting for approval. Vice Mayor Alexander made motion to approve; Councilwoman Brackenbury second.

Councilman Camp made a correction to Item #4. of the minutes by replacing the following: "EDA Director James Fenton spoke about offering a PILOT (payment in lieu of tax) on personal property only with companies that had closed and were reopening. Council continued to discuss and determined Mr. Fenton would bring all PILOT requests for businesses that closed and were reopening to Council for approval."

With no other corrections, Councilman Camp called for the vote. Motion carried with 6 ayes and 0 nays.

Public Recognition

Councilman Camp opened public recognition.

Clay Harris, 1029 Grider Drive, spoke about continuing the Greenway Project. Mr. Harris stated that his hope is that the City, the County and Welch College can find a resolution to continue and complete the Greenway project as they move forward in Phase I. Mr. Harris also spoke about the safety risk.

Councilman Hayes informed Mr. Harris of the meeting scheduled next week with the County, Welch College and City Planner Bill McCord and himself.

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

Mayor's Comments

Councilwoman Brackenbury reminded everyone that this Saturday is the Chamber of Commerce Christmas Parade at 12:00 Noon with over 160 entries.

Agenda

1. **Ordinance #O1312-69 concurring and approving amendment to the Preliminary Master Development Plan for the Hidden Creek/Welch College Development located North of Bison Trail and West of Big Station Camp Boulevard**

City Planner Bill McCord explained that the applicant is requesting to amend the Preliminary Master Development Plan. Mr. McCord discussed the amendments and the Greenway/sidewalk issue.

Council discussed the sidewalk requirements and the construction of Jenkins Lane.

City Attorney Joe Thompson referenced item #6 under the Engineering Division Comments, "prior to issuance of building permits in Phase 2, Jenkins Lane extension

shall be completed." Mr. Thompson stated this needs to be incorporated into the original condition and the original condition was "prior to the issuance of any building permits for either the College or Commercial Lot A." Mr. Thompson added that the language in the condition needs to be modified to retain the trigger for Jenkins Lane for Commercial Lot A.

Discussion continued on this issue.

Councilman Camp stated this will be moved onto Council for first reading.

2. Ordinance appropriating funds received for completion of infrastructure improvements in Fairvue Plantation and Foxland Subdivision

City Engineer Nick Tuttle stated he would like to appropriate and use the money the City has received in the amount of \$1,419,000 for the completion of various phases in Fairvue Plantation and Foxland Subdivisions.

Councilman Mayberry made motion to approve; Councilman Hayes second.

There was discussion on the funds being adequate to complete the project.

Councilman Camp called for the vote. Motion carried with 6 ayes and 0 nays.

3. Right of way abandonment on West Jackson Street

City Engineer Nick Tuttle explained this is to replace Ordinance #O1309-46 with the correct language due to the fact it did not include all property owners and did not determine what portion of vacated right-of-way be bestowed to each lot.

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

4. GPU Operation "ROUND UP"

Public Utilities Director David Gregory informed Council of the installation of the "Round Up" computer system. Mr. Gregory stated customers agree to round up their bills to the next dollar and that difference goes into a special account to assist distressed families.

5. Ordinance appropriating donation and grant revenues of 2012/2013 carry-over projects

Finance/IT Director Rachel Nichols stated she placed a new page on each council member's desk and she requested swapping out with that one. She stated she had not budgeted for the Streetscape Phase that goes from the Square to Smith Street, the grant funding we will be receiving nor the expense side. That's the difference between the agenda and what was provided tonight.

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

6. Ordinance appropriating funds from business donations totaling \$849.96

Finance/IT Director Rachel Nichols stated every year Fred's accepts donations. Fred's divides those donations between the Police and Fire Departments. The Fire Department also has another donation from a business.

Mr. Nichols stated the Fire Department would like to use their money on fire prevention supplies and the Police Department would like to use their money on public relations.

Vice Mayor Alexander made motion to approve; Councilwoman Kemp second. There was no discussion and sent onto Council.

7. Appropriating grant money received from BlueCross BlueShield of Tennessee for wellness initiatives

Human Resource Director Debbie Johnson stated the City was awarded a \$5,000 Wellness Initiative Grant through BlueCross BlueShield and she would like to appropriate these funds to the proper account.

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

Other Business

There was no other business discussed.

Department Head Report

- Finance/IT Director Rachel Nichols passed out information on the 2013/2014 Available Funds report. Ms. Nichols gave a short summary of the account balance.

Council discussed.

- Special Projects Director Rosemary Bates announced:

The next Council Meeting will be January 7, 2014

This Saturday is "Wreaths Across America" at 10:00 AM at the Gallatin Cemetery. The City raised more than \$5,000 and thanked everyone for their donations

Wished a Merry Christmas to everyone

- City Engineer Nick Tuttle gave an update to Council on the paving projects.

Adjourn

With no further business to discuss, Councilman Camp adjourned the meeting.

Mayor Jo Ann Graves

City Recorder Connie Kittrell

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Mayor's Office

AGENDA # |

SUBJECT:

County Greenway/Welch College Development

SUMMARY:

There will be a further discussion of the Sumner County Greenway as it relates to the Welch College Development. Representatives of the County and Welch College are expected to be present to discuss.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Mayor's Office

AGENDA # 2

SUBJECT:

Voting for Non-Resident Property Owners

SUMMARY:

Lori Atchley, Sumner County Administrator of Elections, requested an opportunity to address Council about the voting of non-resident property owners in the City of Gallatin.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

1/14/2014

DEPARTMENT: Finance/I. T.

AGENDA # 3

SUBJECT:

June 30, 2013 audit report

SUMMARY:

John Whybrew of Alexander, Thompson, and Arnold will here to present the June 30, 2013 audit report

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Human Resources

AGENDA # 4

SUBJECT:
Building Official

SUMMARY:
At the request of Council, candidates Chuck Stuart and Addam McCormick have been asked to be present at the meeting for further interviews for the position of Building Official.

RECOMMENDATION:

ATTACHMENT:

<input type="checkbox"/> Resolution	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Bid Tabulation
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Contract	<input type="checkbox"/> Other

Approved	<input type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JANUARY 14, 2014

DEPARTMENT: **Engineering**

AGENDA # **5**

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN FOXLAND SUBDIVISION

SUMMARY:

The City has received \$120,000 from surety proceeds for the completion of infrastructure in Foxland subdivision. The attached ordinance is to appropriate this money to a capital outlay line item.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN FOXLAND SUBDIVISION

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$120,000 is hereby appropriated from surety proceeds received from Capitol Indemnity Corporation for completion of infrastructure in the Foxland Subdivision;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$120,000 be appropriated from account number 110-35200, Forfeitures, to account number 311-41670-931-66, Fairvue/Foxland Infrastructure;

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

PASSED FIRST READING:

PASSED SECOND READING:

JO ANN GRAVES, MAYOR

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: CITY ATTORNEY

AGENDA # 6

SUBJECT:
REQUEST FROM ABC TECHNOLOGIES

SUMMARY:

- In the late 1990's, the City applied for and received a grant to construct a rail spur for the benefit of ABC Technologies. Attached are copies of two ordinances reflecting this action.
- Apparently a condition of the grant was that the City acquire a property interest on the land where the rail spur was to be constructed. Attached is a copy of the easement agreement reflecting the transfer of an easement from ABC to the City, along with an aerial photograph depicting its location.
- In mid-December, 2013 the City Attorney was contacted by an attorney on behalf of ABC Technologies. The subject of the phone call was the easement owned by the City. The attorney for ABC stated that ABC's financiers were concerned with the "sole and exclusive use" language at the end of the easement document.
- ABC asked the City to consider permitting ABC to reacquire the property by extinguishing the easement. A copy of an email from ABC's attorney is attached.
- After discussion with EDA, the City has no interest in retaining ownership of the easement. In addition, it is the opinion of the City Attorney, that the easement creates an unnecessary liability on the part of the city.

RECOMMENDATION:

- The only barrier to transferring the easement would be the grant terms themselves. As of the time of placing this item on the agenda, the grant document had not been located. Assuming there is no grant impediment to doing so, the opinion of this office is that the city should abandon the easement to ABC.

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO.: R9709-025

RESOLUTION AUTHORIZING APPLICATION TO THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR A COMMUNITY DEVELOPMENT BLOCK GRANT ON BEHALF OF ABC TECHNOLOGIES TO CONSTRUCT A RAIL SPUR

WHEREAS, ABC Technologies wishes to construct a rail spur to serve their Gallatin plant; and

WHEREAS, ABC Technologies has requested that the City of Gallatin apply for a Community Development Block Grant to pay part of the cost of developing the rail spur; and

WHEREAS, ABC Technologies has agreed to pay necessary matching funds for the grant and for costs exceeding the grant; and

WHEREAS, the City of Gallatin considers this project to be beneficial to this community;

NOW, THEREFORE BE IT RESOLVED that the City of Gallatin will make application to the Tennessee Department of Economic and Community Development for a Community Development Block Grant on behalf of ABC Technologies and the Mayor is authorized to sign necessary documents for this application.

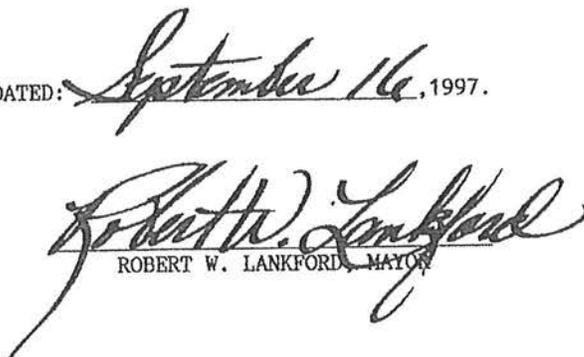
IT IS SO ORDERED.

PRESENT AND VOTING:

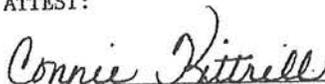
AYE: 5

NAY: 0

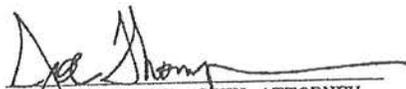
DATED: September 16, 1997.


ROBERT W. LANKFORD, MAYOR

ATTEST:


CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:


JOE THOMPSON, CITY ATTORNEY

RESOLUTION NO.: R9709-026

RESOLUTION TO EMPLOY NEEL-SHAFFER, INC.
FOR THE PURPOSE OF DESIGNING A RAIL SPUR FOR ABC TECHNOLOGIES

WHEREAS, the City of Gallatin has applied for a Community Development Block Grant for the purpose of constructing a rail spur for ABC Technologies; and

WHEREAS, the City wishes to employ an engineering firm for the purpose of designing the rail spur; and

WHEREAS, funds to pay for design of the rail spur will be provided by the Community Development Block Grant;

NOW, THEREFORE BE IT RESOLVED to employ Neel-Shaffer, Inc., an engineering firm licensed in the State of Tennessee, for the purpose of designing the rail spur and to authorize the Mayor to sign necessary documents on behalf of the City of Gallatin.

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

IT IS SO ORDERED.

PRESENT AND VOTING:

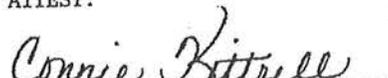
AYE: 5

NAY: 0

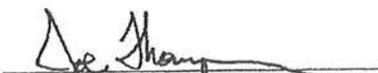
DATED: September 16, 1997.


ROBERT W. LANKFORD, MAYOR

ATTEST:


CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:


JOE THOMPSON, CITY ATTORNEY

12:35

THIS INSTRUMENT PREPARED BY:

STATE OF TENNESSEE
COUNTY OF SUMNER

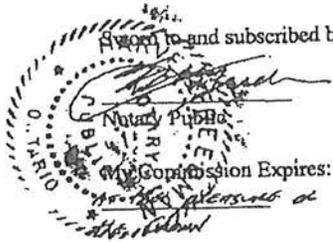
THOMPSON & THOMPSON
ATTORNEYS AT LAW
182 W. FRANKLIN STREET
GALLATIN, TN 37066

The actual consideration for this transfer is \$62.00.

[Signature]
AFFIANT

Pamela L. Whitaker, Register
Sumner County Tennessee
Rec #: 365324 Instrument 477010
Rec'd: 0.00 NBK: 71 P9 388
State: 0.00 Recorded
Clerk: 0.60 5/18/1999 at 12:35 PM
SFC: 2.00 in Record Book
1999: 10.00

Sworn to and subscribed before me this 1st day of MAY, 1999.



310-127-6210 ENTERED
PHILLIP G. SIMPSON
PROPERTY APPRAISOR

MAY 18 1999

EASEMENT

310 MAP 127 GP CT PAR 62.00 P/O

ABC Group Properties Inc. of the County of Sumner, State of Tennessee, owner of real property, for good and valuable consideration, receipt of which is acknowledged, hereby grants, sells, and conveys to the City of Gallatin, Tennessee, of the County of Sumner, State of Tennessee, Grantee, an easement for the purposes hereinafter described over the lands as follows:

A tract of land in the 3rd Civil District of Sumner County, Tennessee and being a portion of a 29.48 Acre tract, more or less, according to survey made by Robert H. Cummings, Tennessee Registered Land Surveyor No. 693, dated September 24, 1986 and known as Job No. 86-100(S) of Record in Deed Book 526, Page 883, R.O.S.C. and being more particularly described as follows:

Beginning at an iron pin intercepting a curve in the westerly right-of-way of the TVA (Steam Plant) Railroad and the southerly boundary line of property owned by Frontier Community Credit Union of Record in Record Book 148, Page 253 in the Register's Office for Sumner County; thence,

from said beginning point along a curve concave to the West and having a radius of 1095.92 feet southeasterly an arc distance of 280.89 feet through a central angle of 14°41'24"; thence,

along a curve concave to the West and having a radius of 453.34 feet northwesterly an arc distance of 366.00 feet through a central angle of 46°21'05"; thence.

North 86°20'00" West 178.84 feet; thence,

South 3°40'00" West 17.00 feet; thence,

North 86°20'00" West 212.19 feet to the edge of a concrete loading ramp; thence,

North 3°40'00" East 17.00 feet to the northerly face of a concrete loading dock; thence,

North 86°20'00" West 318.00 feet along the northerly face of said concrete loading dock; thence,

South 3°40'00" West 17.00 feet along the westerly face of said concrete loading dock; thence,

North 86°20'00" West 421.81 feet; thence,

North 3°40'00" East 98.31 feet to the northerly boundary line of the tract owned by ABC Group Properties Inc. as recorded in Deed Book 526. Page 883 in said Register's Office; thence,

along said boundary South 86°07'00" East 1281.70 feet to the point of beginning the said easement lands containing 2.79 Acres, more or less.

This easement is for the sale and exclusive use and benefit of the City of Gallatin, Tennessee to provide access to a railroad spur track to be constructed thereon, and is being granted for no other use except as aforementioned.

WITNESS my hand this 1st day of MAY, 1999.

ABC GROUP PROPERTIES INC.

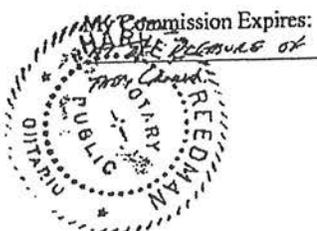
By: [Signature]

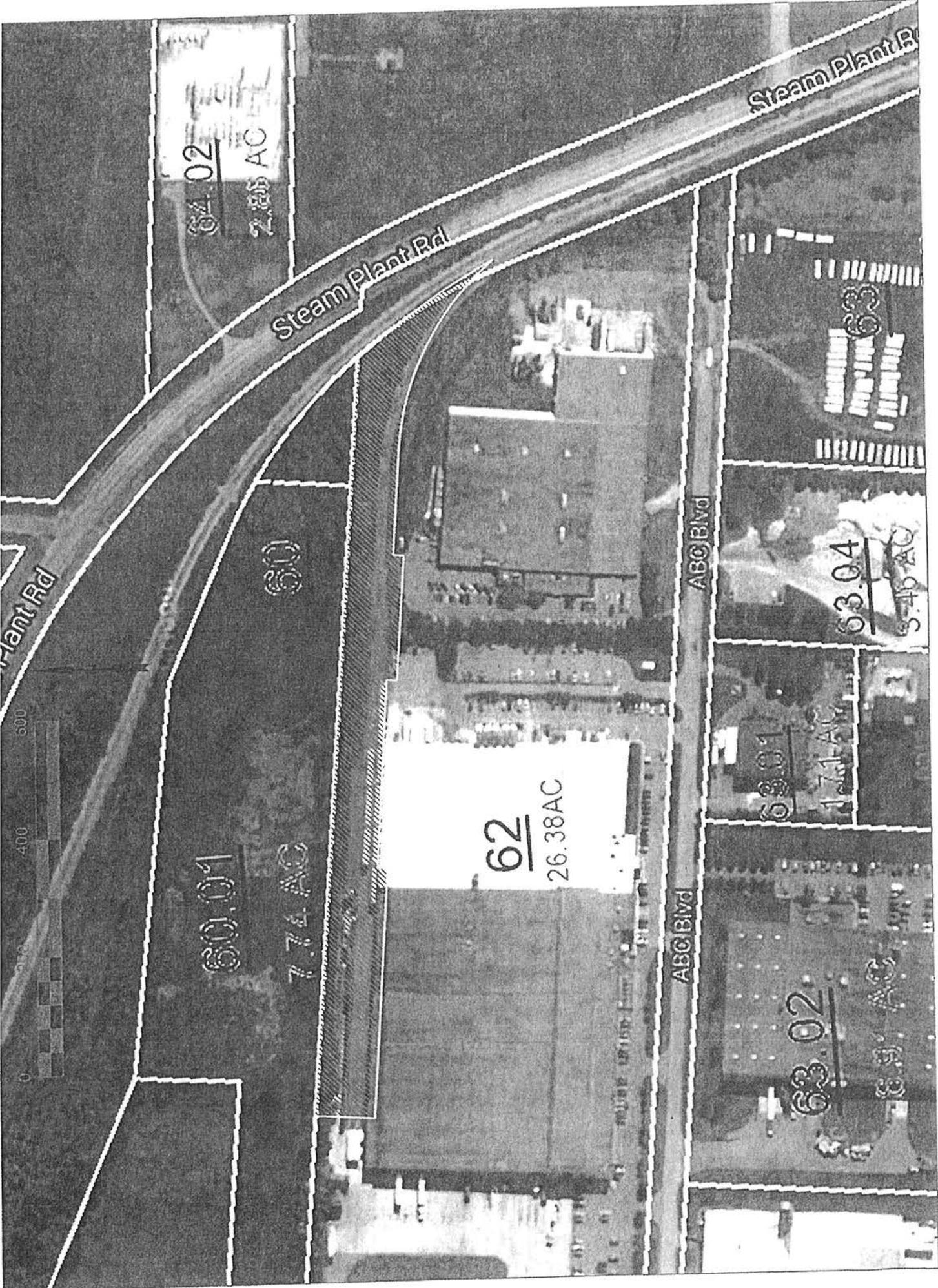
Title: President

STATE OF TENNESSEE
COUNTY OF SUMNER

Sworn to and subscribed before
me this the 1st day of
MAY, 1999.

[Signature]
NOTARY-PUBLIC





64.02

2.88 AC

Steam Plant Rd

Steam Plant Rd

Plant Rd

60

60.01

7.74 AC

62

26.38 AC

ABC Blvd

63.04

5.46 AC

63

63.01

1.71 AC

63.02

6.91 AC

From: DBuck@foley.com [mailto:DBuck@foley.com]
Sent: Wednesday, December 11, 2013 6:29 PM
To: Joe Thompson
Cc: RNederhood@foley.com; DBuck@foley.com
Subject: Gallatin Easement

Joe, nice speaking with you this afternoon. Attached please find the exclusive easement which is causing issues for ABC Group. We are wondering if the City would be willing to assist with one of three possible solutions:

1. Release the easement and allow title to the rail spur and easement area to revert to ABC Group.
2. Make the easement non- exclusive and expressly grant to ABC Group mutual rights to use the easement area.
3. Execute a license acknowledging ABC's use of the easement area and allowing it to continue for the foreseeable future.

The first option would be ABC's first choice and item 3 above would be the least favorable. There may be other options, which ABC would be open to exploring. Once you have reviewed this matter, please let me know your thoughts.

Douglas S. Buck
Foley & Lardner LLP
150 East Gilman Street
Madison, Wisconsin 53703
Tel: 608-258-4282
Fax: 608-258-4258
E-mail: Dbuck@foley.com

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: City Attorney

AGENDA # 7

SUBJECT:

Amending Gallatin Municipal Code Chapter 10, Article IV Relative to Noise

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

This item was deferred at the November 12, 2013 council committee.

ORDINANCE TO AMEND THE CITY OF GALLATIN, TENNESSEE MUNICIPAL CODE,
CHAPTER 10, ARTICLE IV, RELATIVE TO NOISE

WHEREAS, it has come to the attention of the Mayor and City Council that the current sections of the City of Gallatin Municipal Code regarding noise violations are outdated and unenforceable; and

WHEREAS, the Mayor and City Council of the City of Gallatin, Tennessee, believe it is in the best interest of the citizens of the City to update the existing noise ordinance to bring it in line with current technology and to make it more enforceable;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article IV of Chapter 10 is hereby deleted in its entirety and the following substituted in lieu thereof:

ARTICLE IV. OFFENSES AGAINST THE PEACE AND QUIET

10-86. Definitions.

- (1) "Ambient noise" means the all encompassing noise associated with a given environment being usually a composite of sounds from many sources, near and far.
- (2) "City" shall mean the City of Gallatin, Tennessee.
- (3) "Commercial" means and shall include areas of the City of Gallatin zoned CC, CG, CS, CSL, PNC, PGC, GO, OR, MU, MRO, MPO, MUG, MUL, and SP.
- (4) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.
- (5) "Industrial" means and shall include areas of the City of Gallatin zoned IR, IG, and PBP.
- (6) "Person" means any person, person's firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.
- (7) "Public premise" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include any public property leased to any nongovernmental entities.
- (8) "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person or entity from that owned by another person or entity, but not including intrabuilding real property divisions.
- (9) "Residential" means and shall include areas the City of Gallatin zoned A, R-40, R-20, R-15, R-10, R-8, R-6, and PRD and any subsequent residential zone created by ordinance.
- (10) "Sound amplification device" means any apparatus for the amplification of sounds from any radiophonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

10-87. Disturbing the Peace.

No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

10-88. Unnecessary Noise Standard.

(1) *Residential Zoning Districts.* No person shall cause, suffer, allow or permit sound from any sound amplification device which, when measured at least fifty (50) feet from the real property boundary of the source of the sound is plainly audible between the hours of 10:00 p.m. and 7:00 a.m.

(2) *Commercial and Industrial Zoning Districts.* No person shall cause, suffer, allow or permit sound from any source which is plainly audible when measured at least fifty (50) feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m.

(3) Amplification of sound in any outdoor setting located in or within fifty (50) feet of a residential neighborhood is prohibited except for special events where a special permit has been obtained from the City of Gallatin authorizing such event.

10-89. Loud, Unusual or Unnecessary Noises Prohibited; Criteria; Other Prohibited Noises.

(1) Consistent with other provisions of this chapter, and in addition thereto, it shall be unlawful for any person within the limits of the City to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(2) *General provisions; tests for unlawful noise.* The standards which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- a. The volume of the noise.
- b. The intensity of the noise.
- c. Whether the nature of the noise is usual or unusual.
- d. Whether the origin of the noise is natural or unnatural.
- e. The volume and intensity of the background noise, if any.
- f. The proximity of the noise to residential sleeping facilities.
- g. The nature and zoning of the area within which the noise emanates.
- h. The density of inhabitation of the area within which the noise emanates.
1. The time of the day or night the noise occurs.
- J. The duration of the noise.
- k. Whether the noise is recurrent, intermittent or constant.
1. Whether the noise is produced by a commercial or non commercial activity.

(3) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, even if the noises referred to do not violate the noise standards set forth in section 10-88 above:

- a. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle on any street or public place of the City except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- b. *Radio Phonographs, live bands, amplifiers, loudspeakers, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, microphones or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such live band, machine or device if operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, live band, amplifiers, loudspeakers, microphones or other machine or device in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section, subject to the exceptions listed below.
- c. *Amplification.* Amplification of sound in any outdoor setting located in or within fifty (50) feet of a residential neighborhood is prohibited except for special events where a special permit has been obtained from the City of Gallatin authorizing such event.
- d. *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising is or attraction the attention of the public to any building or structure.
- e. *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, particularly between the hours of 9:00 p.m. and 9:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling hotel or other type of residence, or of any persons in the vicinity. If the owner or manager of a commercial enterprise operates his business and is open to the public between the hours of 9:00 p.m. and 9:00 a.m. or at any time on Sunday or holidays, he shall locate his customer parking so his customers and patrons will not violate this chapter. A failure of the owner or manager to so locate his customer parking constitutes a violation of this chapter, when a customer or patron is convicted of violation of this chapter provided the owner or manager permits

customer or patron parking within one hundred (100) feet of a residential zone.

- f. *Animals, birds, etc.* The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- g. *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- h. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- i. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- j. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, particularly other than during the hours between 6:00 a.m. and 6:00 p.m.
- k. *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and from 9:00 a.m. to 6:00 p.m. on Saturdays. Work may also begin on Saturdays at 7:00 a.m. if it would not result in any loud, disturbing, or unnecessary noise that would otherwise violate this chapter. City holidays shall be considered as a Sunday for purposes of this section. If the City Administrator or his designee should determine that the interest of the public health and safety are served, by the erection, demolition, alteration or repair of any building or the excavation of streets or highways within the hours of 9:00 p.m. and 7:00 a.m. and if he shall determine that any loss of inconvenience that might result is outweighed by the public's interest in its safety and welfare, he may grant permission for such work to be done with the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- l. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.
- m. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

- n. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance show or sale.
- o. *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace of such streets or other public places.
- p. *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- q. *Blowers.* The operation of any blower or power fan or any combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- r. *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the City, property owned or leased by the City, or within a public park, within a public parking lot or on any other public premise with the City, which is audible to a person of normal hearing sensitivity more than fifty (50) feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than fifty (50) feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

10-90. Exemptions.

The following uses and activities shall be exempt from noise level regulations:

- a. Noises of safety signals, warning devices, and emergency pressure relief valves.
- b. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- c. Noises resulting from emergency work as defined in the Gallatin Municipal Code, as amended.
- d. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this chapter.
- e. Any vehicle of the City or a public utility while engaged in necessary public business.
- f. Excavations or repairs of bridges, streets, or highways by or on behalf of the City, the county, or the state during the night, when the public welfare and convenience renders it

- impossible to perform such work during the day.
- g. Emergency activities of the City, the county or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.
 - h. Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m.
 - i. Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.
 - j. Human sounds emanating from children including, but not limited to, speech and utterances of laughter, cries and, sounds associated with play.
 - k. Sounds lasting no more than five (5) minutes in anyone (1) hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.

10-91. Application for Special Permit.

(1) Applications for a special permit for relief from the noise level designated in this section on the basis of undue hardship may be made to the Mayor and City Council. Any permit granted by the Mayor and City Council herein under shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Mayor and City Council may grant the relief as applied for, if it finds:

- a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or
- b. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and
- c. That no other reasonable alternative is available to the applicant; and
- d. The Mayor and City Council may prescribe any conditions it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(2) Applications for relief from the noise level in this section for the purpose of a public parade, street fair or similar activity and conducted by a public entity, agency or committee thereof may be made to the Mayor or City Administrator. The Mayor and City Administrator are each authorized to issue for said purposes.

10-92. Penalty for Violation.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount of fifty dollars (\$50.00). Each day such violation is committed or permitted to continue is a separate offense.

10-93. Additional Remedy; Injunction.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

10-94. Severability.

It is the intention of the Mayor and City Council that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the Mayor and City Council that if any provisions thereof shall remain valid and enforceable.

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Councilman Steve Camp

AGENDA # 8

SUBJECT:

Employee Christmas Luncheon

SUMMARY:

Councilman Camp had requested this be placed on the agenda for discussion. Retirees are not currently eligible for door prize drawings at the Employee Christmas luncheon.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Councilman Overton

AGENDA # 9

SUBJECT:
Social Media Policy

SUMMARY:
Councilman Overton requested this issue be placed on the agenda in light of the Council approving a marketing position for Leisure Services.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 14, 2014

DEPARTMENT: Councilman Overton

AGENDA # 10

SUBJECT:

Personnel Rule Section 4-4

SUMMARY:

Councilman Overton requested that this item be placed on the agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

employee shall not qualify for a step increase until the following anniversary review date. No employee shall be granted a step increase at any time when his/her overall performance rating is less than acceptable.

Section 4-4 Rates of Pay for Promotion, Demotion, Transfer, and Reclassification

The following pay rates shall be established when an employee is promoted, demoted, transferred, or reclassified:

- (a) When an employee is promoted to a position in a higher class:
 - (1) If their pay is below the minimum for the new class, their pay shall be increased to the minimum of the new class (Step 0), and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.
 - (2) If their pay is above the minimum of the new class, their pay shall be increased to the step in the new class that provides the smallest pay increase, and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.
- (b) When an employee is demoted without cause to a position for which he/she is qualified, he/she shall be placed at the step in the class to which demoted that equals his/her current pay rate but does not exceed the maximum pay rate of the lower position. If the demotion is taken for cause or if the demotion is requested by the employee pursuant to Rule 11, Section 11-2(d), the employee shall be placed at the entry level (Step 0) in the class to which demoted. (See Section 4-4(e) also.) Demoted employees shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.
- (c) When an employee is transferred from a position of one class to another position within the same class, his/her pay shall continue at the same rate. The action shall have no effect on their review anniversary date and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.
- (d) When an employee is reclassified to a position of one class to another position within a higher class, their pay shall be set as under the criteria for promotion in Section 4-4(a) above and their review anniversary date shall be changed to the promotion date. When an employee is reclassified to a position of one class to another position within a lower class, their pay shall be set as under the criteria for demotion in Section 4-4(b) above.
- (e) Notwithstanding any provision of this section to the contrary, a department head upon written request and evidence of a compelling reason to establish salaries at a step in class other than that provided by this section, may request approval from the Mayor to vary the terms of this section.