
**CITY OF GALLATIN
COUNCIL COMMITTEE MEETING**

January 28, 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: January 14, 2014 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. Noise Regulations (**Joe Thompson, City Attorney**)
2. Chamber Marketing Campaign Update (**Mayor Graves/Paige Brown**)
3. Appropriate Funds From TVA Industrial Product Readiness Grant (**James Fenton, Director of EDA**)
4. List of City-Owned Property That Could Be Sold (**Councilman Overton**)
5. Buying Property Next to Farmer's Market (**Councilman Overton**)
6. Internet Cable in The Industrial Park (**Councilwoman Brackenbury**)
7. Grant Tracking for Financial Audit Purposes (**Councilwoman Brackenbury**)
8. Audit Findings (**Rachel Nichols, Director of Finance**)
9. Job Postings (**Councilwoman Brackenbury**)

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin Council Committee Meeting

Tuesday, January 14, 2014
Dr. J. Deotha Malone Council Chambers
Gallatin City Hall

Call to Order

Councilman Craig Hayes called the meeting to order at 6:00 P.M.

Roll Call

City Recorder Connie Kittrell called the roll:

PRESENT:

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

ABSENT:

Councilwoman Anne Kemp

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 Craig Hayes presented the minutes of the December 10, 2013 Council Committee Meeting for approval. Councilman Overton made motion to approve; Vice Mayor Alexander second. Motion carried with 6 ayes and 0 nays.

Public Recognition

Councilman Hayes opened public recognition and with no one wishing to speak, public recognition was closed.

Mayor's Comments

- Martin Luther King Day March is this Saturday, January 18th at 12:00 Noon. The March will begin at City Hall and end at Rucker Stewart School.

Agenda

Councilman Hayes moved Item #4. to the front of the agenda with objection.

Councilwoman Brackenbury stated the emergency conditions policy was requested to be on the agenda for discussion but it is not listed as an agenda item.

4. Building Official Position

Human Resource Director Debbie Johnson introduced Charles Stewart and Addam McCormick.

Mr. Stewart humbly apologized for the events that took place and any confusion he may have caused. He stated he was the primary care giver for several elderly family members and he made a decision based on compassion and love. He added that circumstances have changed and it allows him to fulfill his dream job here at the City of Gallatin. He would like to be reconsidered for this position.

Mr. McCormick stated he has been the interim Building Official since March/ April of last year and had previously held a similar position in another city. He added that when he learned that Mr. Stewart was not accepting the position, he offered his name for consideration. He added he has experience in this position.

Council thanked both candidates.

1. County Greenway/Welch Bible College Development

Mayor Graves introduced County Executive Anthony Holt and Welch College President Matt Pinson.

Mr. Holt and President Pinson addressed the details of the Greenway. Mr. Holt stated he expects to receive the appraisal within two weeks and is ready to sign a formal agreement.

President Pinson spoke about his excitement of coming to Gallatin, the easement for the Greenway and some type of screening between the Greenway and the college ball fields.

Mr. Holt thanked all the attorneys that have worked on this project.

President Pinson presented Mayor Graves with a Welch College sweatshirt.

Discussion continued on this issue.

2. Voting for Non-Resident Property Owners

Mayor Graves introduced Sumner County Administrator of Elections, Lori Atchley.

Ms. Atchley explained the purpose and the process for non-resident property owners to vote in city elections. Ms. Atchley stated she needed Gallatin to pass an ordinance to allow the 133 non-resident property owners to vote in city elections.

Council discussed.

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

Councilman Hayes left the meeting at this time.

3. June 30, 2013 Audit Report

Finance/IT Director Rachel Nichols introduced John Whybrew of Alexander, Thompson, and Arnold auditing firm.

Mr. Whybrew gave a detailed summary of the audit.

There was much discussion on the vehicle take-home policy and other recommendations in the audit.

Ms. Nichols stated after receiving some grant information, the numbers look better.

Discussion continued on the audit.

5. Ordinance appropriating funds received for completion of infrastructure improvements in Foxland Subdivision

City Engineer Nick Tuttle stated this is an additional project for Foxland Subdivision. Mr. Tuttle said the City has received \$120,000 from surety proceeds for the completion of infrastructure in Foxland Subdivision.

Councilman Overton made motion to approve; Councilwoman Brackenbury second. Motion carried with 5 ayes and 0 nays.

6. Request from ABC Technologies

City Attorney Joe Thompson gave the history of the City grant for the ABC Rail Spur and ABC asking to reacquire the property by extinguishing the easement. Mr. Thompson stated his recommendation would be to abandon the easement to ABC pending any grant terms.

Councilman Overton made motion to approve; Councilwoman Brackenbury second. Motion carried with 5 ayes and 0 nays.

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

City Attorney Joe Thompson stated this item was deferred from an earlier meeting to give Council time to look over the new proposed ordinance. Mr. Thompson requested Council amend the ordinance to authorize the creator of the music/noise subject to penalty.

Council discussed.

Councilman Overton requested this be on the next Committee Meeting agenda for further discussion and to look at Hendersonville's noise ordinance.

There was discussion on notifying the attorneys for both parties.

8. Employee Christmas Luncheon

Councilman Camp stated some of the retirees have requested being eligible for the door prize drawings at the annual Employee Christmas Luncheon.

Council discussed and determined to allow the retirees to participate in the door prize drawings.

Councilman Camp made motion to approve; Councilman Overton second.

City Attorney Joe Thompson defined the three groups of retirees.

Vice Mayor Alexander called for the vote. Motion carried with 5 ayes and 0 nays.

9. Social Media Policy

Councilman Overton stated the need for the City to engage in Facebook and other social media.

Finance/IT Director Rachel Nichols passed out a sample of MTAS Social Media Policy. Ms. Nichols stated there are many factors to consider when offering different types of social media; comply with open records policy, internet use policy, IT security policy, ethics policy and records retention policy.

There was much discussion.

Mayor Graves suggested City Attorney Joe Thompson look at this and come back with a report to give the City some direction.

Police Chief Don Bandy stated he has a designated employee that maintains all social media at the police department and their internal policies.

There was discussion on the Civic Center Facebook page and many other issues concerning social media.

10. Personnel Rule Section 4.4

Councilman Overton spoke about the situation in the Personnel Department that occurred with the new job creation/adoption and the salary of that position. He stated that when the position was filled, the pay grade was P (a), a little over \$50,000; that appears to be over a \$10,000 raise.

Mr. Overton stated the personnel rule 4.4 (e) says that upon the recommendation of the department head, the Mayor has the authority to approve any salary. Mr. Overton stated he would like to change the rule to strike Mayor and replace with Council.

City Attorney Joe Thompson spoke about the frequent use of the rule and changing the charter to allow Council to be involved in day to day operations.

There was much discussion on this topic.

Human Resource Director Debbie Johnson gave a history of the events.

Heavy discussion continued.

Other Business

Vice Mayor Alexander called for other business.

- Councilman Overton asked the status of the old Health Department Building on South Water. He said the Police Department needs more space and has found a building that would work for their needs. He asked about the City selling that building and using the money to buy the building for the PD.

Council discussed.

Mayor Graves stated she would provide a list of all City owned properties for discussion at the next committee meeting.

- Councilwoman Brackenbury stated the Emergency Conditions Policy was requested by Leisure Services Director David Brown to be on the agenda tonight for discussion and it is not.

Leisure Services Director David Brown stated he spoke with Human Resource Director Debbie Johnson about his employees and the issue was resolved. That was the reason Ms. Johnson did not put this item on the agenda. Mr. Brown also requested sick leave be an option for those days.

Ms. Johnson explained the resolution to the recent emergency conditions policy.

Much discussion continued.

- Councilman Overton asked about the right-of-way acquisitions for the Greenway.

City Attorney Joe Thompson stated all the right-of-ways have been acquired for the Greenway and they are within their budget.

- EDA Director James Fenton presented a draft ordinance to appropriate \$150,000 from various sources for railroad crossing signalization on Airport Road at Steam Plant Road.

Councilman Camp made motion to approve; Councilman Overton second.
Motion carried with 5 ayes and 0 nays.

- Councilwoman Brackenbury requested the internet/cable situation in the Industrial Park be on the next Committee Meeting agenda for further discussion.
- Finance/IT Director Rachel Nichols passed out amended ordinance #O1311-68 appropriating donation and grant revenues of 2012/2013 carry-over projects. Ms. Nichols stated there have been two (2) paragraphs added to the list and she needed someone to amend this ordinance on second reading.
- Mayor Graves stated the budget process is beginning and all budgets are due February 28th. Mayor stated she would follow the same process as last year for budget hearings.

Mayor requested non-profits turn in their requests for Community Enhancements by February 28th.

There was discussion on notification to the non-profits and required documents provided.

- Councilman Mayberry asked about the sidewalk along 31E being used as a Greenway.

Rosemary Bates stated the sidewalk cannot be the Greenway because of safety issues; being too close to the road and sidewalks do not meet the width requirements for Greenways.

With no other business to discuss, Vice Mayor Alexander closed other business.

Adjourn

With no further business to discuss, Vice Mayor Alexander adjourned the meeting.

Mayor Jo Ann Graves

City Recorder Connie Kittrell

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JANUARY 28, 2014

DEPARTMENT: CITY ATTORNEY

AGENDA # |

SUBJECT:

Noise Regulations

SUMMARY:

Attached to this document are the ordinance initially presented to the City Council by the City Attorney's office in November, 2013 along with Sec. 11-403 of the Hendersonville Municipal Code which deals with "Supplemental Excessive Noise Regulations." The last paragraph of the Hendersonville Municipal Code section contains a blanket noise limitation of 75 dBA in all districts as opposed to the restrictions codified in Sec. 13.02.020 of the Gallatin Zoning Ordinance, which contains a variety of limitations from 45 dBA - 75 dBA depending on the source of the noise and the time of day.

Please study these two ordinances carefully in preparation for the committee meeting.

Regardless of which scheme the council chooses to implement, the city attorney's office will be adding an amendment to make not just the property owner, but the person or persons responsible for the creation of an offensive noise subject to citation.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

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 is 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

HENDERSONVILLE MUNICIPAL CODE

Sec. 11-403. Supplemental excessive noise regulations.

(1) No person or persons owning, employing or having the care, custody or possession of any musical instrument, radio set, television set, phonograph, or other instrument, machine or device for amplifying, producing or reproducing sound, shall operate, use or permit to be operated or used such instrument, machine or device in such a manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the persons who are in the room or chamber in which or who are on the premises from which such instrument, machine or device is operated and who are voluntary listeners thereto.

(2) The operation of any such instrument, machine or device in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless specifically permitted by ordinance or law or by an agency or department of the City of Hendersonville (the "City").

(3) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this subsection, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty or more feet, however, words or phrases need not be discernible and said sound shall include bass reverberation. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the City, Sumner County, Tennessee, or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate governmental agency.

(4) No person or persons owning, operating, or having the care, custody, or control of any facility located within fifty feet of a residence or of a natural conservation area shall permit to be operated any musical instrument or other entertainment device using amplification unless such music or other entertainment is provided within a totally enclosed structure. Such music or other entertainment may be provided outside of a structure only between the hours of seven a.m. and eleven p.m., except when exempted under provisions of the code as a special event, mass gathering or other permitted activity by the City or its boards or commissions. The provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by the City or its agencies and parks under the control of the board of parks and recreation.

(5) No person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment (musical or otherwise), vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity which would emit, cause to be emitted, or permit the emission of any noise in excess of sixty-five (65) Db(A) as

measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface. The provisions of this paragraph shall be in effect between the hours of 9:00 p.m. and 6:00 a.m., Sunday night through Thursday night, and between the hours of 11:00 p.m. and 6:00 a.m., Friday night and Saturday night. At all other times, no person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment (musical or otherwise), vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity which would emit, cause to be emitted, or permit the emission of any noise in excess of seventy-five (75) Db(A) as measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Mayor's Office

AGENDA # 2

SUBJECT:

Chamber Marketing Campaign Update

SUMMARY:

Paige Brown will give an update on the Chamber's marketing campaign.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: EDA

AGENDA # 3

SUBJECT:

Appropriate funds from TVA Industrial Product Readiness grant

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01401-5

ORDINANCE APPROPRIATING FEDERAL GRANT FOR
INDUSTRIAL CENTER SIGNAGE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$18,090.00 is hereby appropriated from Federal Grants, account number 110-33190, to account number 11047100-879 Industrial Development Board, for a federal grant received from the Tennessee Valley Authority for Industrial Center signage, and,

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Councilman Overton

AGENDA # 4

SUBJECT:

List of City-owned property that could be sold.

SUMMARY:

Councilman Overton requested a discussion of city-owned property that could be sold. A list of properties will be provided at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Councilman Overton

AGENDA # 5

SUBJECT:

Buying property next to Farmer's Market

SUMMARY:

Councilman Overton requested for this to be on the agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Councilwoman Brackenbury

AGENDA # 6

SUBJECT:

Internet Cable in the Industrial Park.

SUMMARY:

Councilwoman Brackenbury requested a discussion of internet cable in the industrial park.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Councilwoman Brackenbury

AGENDA # 7

SUBJECT:

Grant tracking for financial audit purposes

SUMMARY:

Councilwoman Brackenbury asked that this item be on the agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: **Finance**

AGENDA # 8

SUBJECT:
Audit Findings

SUMMARY:
Further discussion of the audit findings.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

January 28, 2014

DEPARTMENT: Councilwoman Brackenbury

AGENDA # 9

SUBJECT:

Job Postings

SUMMARY:

Councilwoman Brackenbury asked that the subject of job postings be placed on agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: