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**CITY OF GALLATIN  
COUNCIL COMMITTEE MEETING**

**August 25, 2015**

**6:00 p.m.**

**Dr. J Deotha Malone  
Council Chambers**

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- Call to Order – Councilwoman Brackenbury
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton – Mayor Brown
- Approval of Minutes: July 28, 2015 Council Committee Meeting
- Public Recognition
- Mayor's Comments

**AGENDA**

1. Digital Billboards **(Mayor Paige Brown)**
2. Abusive Conduct Prevention Policy **(Debbie Johnson, Director of Human Resources & Susan High-McAuley, City Attorney)**
3. Resolution Amending Gallatin Personnel Rules & Regulations Rule 4, Section 4-3(b) and Rule 4(a) Relating to Pay Plan **(Debbie Johnson, Director of Human Resources)**

- Other Business
- Department Head Reports
- Adjourn

**City of Gallatin  
Council Committee Meeting**

Tuesday, July 28, 2015  
Dr. J. Deotha Malone Council Chambers

**PRESENT:**

Mayor Paige Brown  
Councilman John D. Alexander  
Councilwoman Julie Brackenbury  
Councilman Steve Camp  
Vice Mayor Craig Hayes  
Councilman Ed Mayberry  
Councilman Jimmy Overton

**ABSENT:**

Councilwoman Anne Kemp

**OTHERS PRESENT:**

Bill McCord, City Planner  
Rachel Nichols, Finance Director  
Ricky Troup, Police Dept.  
David Gregory, Public Utilities Dir.  
News Examiner Reporter  
Susan High-McAuley, City Attorney  
Rosemary Bates, Special Projects  
Debbie Johnson, Human Resource Dir.  
Elaine Hudson, Leisure Services Asst. Dir.

Nick Tuttle, City Engineer  
Zach Wilkinson, Public Works Director  
Gallatin News Reporter  
Connie Kittrell, City Recorder  
Lori Smiley, IT Director  
Chuck Stuart, Building Official  
Tommy Dale, Assistant Fire Chief

Councilman John Alexander called the meeting to order at 6:00 P.M.

**Approval of Minutes**

Councilman Alexander presented the June 23, 2015 Council Committee Meeting minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

**Public Recognition**

Councilman Alexander called for public recognition.

- Jean Rayborn of 975 Aqua Drive spoke about the noise ordinance. Ms. Rayborn stated she has no problem with the music from Awedaddy's but she does not want to hear the music inside her home.
- Joe Debord of 1007 Hart Street spoke about the budget for the new year and suggested the following:
  - All fire equipment have traction devices
  - A paint booth installed at the vehicle maintenance shop
  - The Gallatin Police Department required to have qualified people for big truck inspections/certified employees
  - ASE sign posted at the vehicle maintenance shop

Mr. Debord asked about the cost of the City purchasing property for Albert Gallatin Extension versus the State purchasing the property. Mr. Debord also requested the appointment of a committee to study the city trash pick-up.

Vice Mayor Hayes replaced Councilman Alexander chairing the meeting.

- Jim Turley of 1516 East Calvert Court spoke about the produce stands and working with Councilwoman Brackenbury on options for the Farmer's Market.
- Buddy Wilkins of 727 Marina Private Road of the Gallatin Marina asked about the readings taken on decibel meters at the Marina. Vice Mayor Hayes said that will be discussed later under Item #12.

With no one else wishing to speak Vice Mayor Hayes closed public recognition.

### Mayor's Comments

Mayor Brown commented on the following:

- Mayor thanked everyone that participated and helped with the Memorial Service held last Saturday.
- Police Chief Don Bandy is in Knoxville representing our district at the Association of Chief of Police Board meeting.
- Mayor thanked Leisure Services for "Movies in the Park" event along with all the regular ballgames.
- County Executive Anthony Holt's mother passed away.

## Agenda

Vice Mayor Hayes moved Item #8., Item #11. and Item #12. to the top of the agenda.

### **8. 2015-2016 Paving List**

City Engineer Nick Tuttle provided the updated paving list to council. Mr. Tuttle explained the addition of Airport Road to the list. He also spoke about South Water Avenue and Airport Road resurfacing and adding a third lane.

Councilman Camp asked Mr. Tuttle the status of the sidewalk grants. Mr. Tuttle stated the City was awarded \$720,000 by the MPO and he's in the process of getting a contract with the TDOT.

There was discussion on the timeline of sidewalk installation and paving.

Councilman Alexander asked for an update on Blakemore Street and moving the Housing Authority sign to their property.

Public Works Director Zach Wilkinson stated the City has obtained the majority of the right-of-way easements and documents prepared. Mr. Wilkinson stated that after Park Avenue is completed they will move to Blakemore Street. He added that the sign will be moved.

Discussion continued.

Councilwoman Brackenbury asked City Engineer Nick Tuttle about the realignment of Cairo Road. Mr. Tuttle stated it would be shifted to the West.

Finance Director Rachel Nichols stated it will be August 20<sup>th</sup> before the city receives state money but the projected amount will be \$3.5 million for surplus projects.

Discussion continued.

### **11. Roadside Produce Vendors**

Councilwoman Brackenbury stated she has plans to meet with the produce vendors to discuss other options and solutions.

## **12. Noise Ordinance**

Officer Ricky Troup of the Gallatin Police Department explained the recent decibel level readings. He stated there are many variables to the readings.

There was much discussion.

Councilman Camp suggested lowering the decibel levels back to the 55-60 levels.

Discussion continued.

Councilman Mayberry asked Officer Troup to take a reading from Buffalo Wild Wings tomorrow night about 8:30 - 9:00 PM behind the brick wall.

Councilwoman Brackenbury made motion to amend the decibel level to 60; Councilman Camp seconded. Motion carried with 5 ayes and Councilman Overton voted nay.

There was more discussion.

## **1. Health Insurance**

Human Resource Director Debbie Johnson provided Council with a handout and explained in detail.

Councilman Alexander left the meeting at this time.

There was much discussion on the rate increase.

HR Coordinator Amy Summers stated the City pays 35% for family coverage.

Michael Wertenburger with Blue Cross Blue Shield explained the three (3) options and gave a history of those rates.

Discussion continued.

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

**2. McGrath Recommendations from Recent Compensation & Benefits Study**

Human Resource Director Debbie Johnson presented the benefit study suggesting that the City add two (2) holidays; President's Day and Veteran's Day. There was also an increase in vacation leave.

There was much discussion on a floating holiday.

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

**3. Department Head Recruitment Process**

Human Resource Director Debbie Johnson explained and requested this be moved to Council.

Vice Mayor Hayes moved to Council with no objection.

**4. Resolution Authorizing City to Participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program**

City Attorney Susan High-McAuley explained this resolution for the city to participate in the grant.

Vice Mayor Hayes moved to Council with no objection.

**5. Exception to Refuse Service Refund Policy**

City Attorney Susan High-McAuley presented a draft resolution for council to review.

Public Works Director Zach Wilkinson stated he is currently working on a revision to the application forms.

Discussion continued.

**6. Ordinance Appropriating Funds for Completion of Infrastructure Improvements in Bakers Crossing**

City Engineer Nick Tuttle presented a letter of credit to appropriate money for this ordinance.

Vice Mayor Hayes moved to Council with no objection.

**7. Stormwater Ordinance**

City Engineer Nick Tuttle presented a list of changes to make to the Stormwater ordinance.

Vice Mayor Hayes moved to Council with no objection.

**9. Ordinance Approving Amended Preliminary Master Development Plan for Foxland Crossings**

City Planner Bill McCord explained this ordinance. He stated the Planning Commission recommended approval with no opposition and requested this be moved to Council for first reading.

Vice Mayor Hayes moved to Council with no objection.

**10. Town Creek Greenway Access at Oaks Drive**

Vice Mayor Hayes suggested installing steps to save on the cost to the city.

Special Projects Director Rosemary Bates stated the access has to be ADA compliant.

Public Works Director Zach Wilkinson said he would work on this and come back with a revised plan and cost estimate.

**Other Business**

Vice Mayor Hayes called for other business.

- Councilman Overton spoke about his concerns with the Planning Department process and the need to make some changes.

**Department Head Reports**

Vice Mayor Hayes called for Department Head reports and there were none.

**Adjourn**

With no other business to discuss Vice Mayor Hayes adjourned the meeting at 7:38 P.M.

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Mayor Paige Brown

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Connie Kittrell, City Recorder

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

August 25, 2015

**DEPARTMENT: Mayor's Office**

**AGENDA # 1**

**SUBJECT:**

Digital Billboards

**SUMMARY:**

Representatives of Lamar Outdoor Advertising are asking the City to change its ordinance to allow them to replace three static billboards with two digital billboards. Denise Shewmake, Territory Manager for Lamar, will present Lamar's request to the City Council. The Planning Commission heard Lamar's request on August 10, 2015. However, the Planning Commission would like direction from Council before pursuing any ordinance changes related to this request.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

August 25, 2015

**DEPARTMENT:** Human Resources & City Attorney

**AGENDA # 2**

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**SUBJECT:**

Abusive Conduct Prevention Policy

**SUMMARY:**

The 108<sup>th</sup> General Assembly passed Public Chapter 997, Acts of 2014, "the Healthy Workplace Act," to address abusive conduct in government workplaces. Any government that adopts a policy that conforms to the requirements set out in Tennessee Code Annotated, Section 50-1-503(b), is immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish.

**RECOMMENDATION:**

Approve

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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**Notes:**

**RESOLUTION ADOPTING THE CITY OF GALLATIN'S ABUSIVE CONDUCT PREVENTION POLICY, BASED ON THE MODEL ABUSIVE CONDUCT PREVENTION POLICY, PURSUANT TO THE HEALTHY WORKPLACE ACT, TENN. CODE ANN. SECTIONS 50-1-501, *ET SEQ.***

**WHEREAS**, the Tennessee Legislature enacted the Healthy Workplace Act of 2014 in an effort to help prevent "abusive conduct" in the workplace in the state and local governments of Tennessee and required the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to create a model policy for state and local employers to prevent abusive conduct in the workplace; and

**WHEREAS**, the Healthy Workplace Act at Tenn. Code Ann. Sec. 50-1-504 provides that if a local government employer adopts the model policy created by TACIR or a policy conforming to the requirements in Tenn. Code Ann. Sec. 50-1-503(b), the local government shall be immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of emotional anguish; and

**WHEREAS**, TACIR has now published the Model Abusive Conduct Prevention Policy for adoption and review by local governments; and

**WHEREAS**, the City of Gallatin is committed to a workplace free from abusive conduct and one that promotes respect, collaboration, openness, safety, and equality for all employees; and

**WHEREAS**, the Mayor and City Council have determined that it should establish and adopt an Abusive Conduct Prevention Policy to prevent abusive conduct from occurring in the workplace at the City of Gallatin.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE** that the City of Gallatin adopts the Abusive Conduct Prevention Policy attached to this Resolution as Exhibit A.

**BE IT FURTHER RESOLVED** that all employees shall be provided a copy of the Abusive Conduct Prevention Policy and sign an acknowledgement of receipt of the Policy.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

\_\_\_\_\_  
MAYOR PAIGE BROWN

ATTEST:

\_\_\_\_\_  
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
SUSAN HIGH-MCAULEY, CITY ATTORNEY

**ABUSIVE CONDUCT PREVENTION POLICY**  
**Pursuant to the Healthy Workplace Act, Tenn. Code Ann. § 50-1-501, et seq.**

**Statement of Commitment, Values, and Purpose**

The City of Gallatin is firmly committed to a workplace free from abusive conduct as defined herein. We strive to provide high quality products and services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. All complaints of negative and inappropriate workplace behaviors will be taken seriously and followed through to resolution. Employees who file complaints will not suffer negative consequences for reporting others for inappropriate behavior.

This policy applies to all full-time and part-time employees of the City of Gallatin, including interns. It does not apply to independent contractors, but other contract employees are included. This policy applies to any sponsored program, event or activity, including, but not limited to, sponsored recreation programs and activities; and the performance by officers and employees of their employment related duties. The policy includes electronic communications by any employee.

**Definition of Abusive Conduct**

Abusive conduct includes acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, which can include, but is not limited to:

- Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Verbal, nonverbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
- The sabotage or undermining of an employee's work performance in the workplace.

A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

Abusive conduct does **not** include:

- Disciplinary procedures in accordance with adopted policies of the City of Gallatin;
- Routine coaching and counseling, including feedback about and correction of work performance;
- Reasonable work assignments, including shift, post, and overtime assignments;
- Differences of opinion on work-related concerns; or
- The non-abusive exercise of managerial prerogative.

## **Employer Responsibility**

Supervisors and others in positions of authority have a particular responsibility to ensure that healthy and appropriate behaviors are exhibited at all times and that complaints to the contrary are addressed in a timely manner. Supervisors will:

- Provide a working environment as safe as possible by having preventative measures in place and by dealing immediately with threatening or potentially violent situations;
- Provide good examples by treating all with courtesy and respect;
- Ensure that all employees have access to and are aware of the abusive conduct prevention policy and explain the procedures to be followed if a complaint of inappropriate behavior at work is made;
- Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates; or
- Respond promptly, sensitively and confidentially to all situations where abusive behavior is observed or alleged to have occurred.

## **Employee Responsibility (including witnesses)**

Employees shall treat all other employees with dignity and respect. No employee shall engage in threatening, violent, intimidating or other abusive conduct or behaviors. Employees are expected to assume personal responsibility to promote fairness and equity in the workplace and report any incidents of abusive conduct in accordance with this policy.

Employees should cooperate with preventative measures introduced by supervisors and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures.

## **Retaliation**

Retaliation is a violation of this policy. Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

## **Training for Supervisors and Employees**

All supervisors and employees are encouraged to undergo training on abusive conduct prevention conduct as directed by the City of Gallatin. Training should identify factors that contribute to a respectful workplace, familiarize participants with responsibilities under this policy, and provide steps to address an abusive conduct incident.

## **Complaint Process**

### **Reporting**

*Employees:* Any employee who feels he or she has been subjected to abusive conduct is encouraged to report the matter orally or in writing to a supervisor including his or her supervisor, manager, department head, or to the Director of Human Resources. Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above.

Any employee seeking to file a complaint should ensure the complaint consists of precise details of each incident of abusive conduct including dates, times, locations and any witnesses. Formal complaints should be documented in writing.

*Witnesses:* An employee who witnesses or is made aware of behavior that may satisfy the definition of abusive conduct (as defined herein) should report any and all incidents as set forth herein.

*Supervisors:* Supervisors must timely report known incidents involving workplace abuse, intimidation, or violence to the Director of Human Resources. Supervisors and department heads are required to take reasonable steps to protect the complainant, including, but not limited to, separation of employees involved.

The person complained against will be notified that an allegation has been made against him or her and informed of the investigative procedure.

### **Investigation**

Investigations of abusive conduct shall be conducted as soon as practicable by the Department of Human Resources and in accordance with the policies and practices of the City of Gallatin. The objective of the investigation is to ascertain whether the behaviors complained of occurred, and therefore will include interviewing the complainant, accused, and witnesses with direct knowledge of the alleged behaviors. All interviews will be appropriately documented. The investigation will be conducted thoroughly, objectively, with sensitivity, and with due respect for all parties. The Director of Human Resources will provide a copy of the investigative report to the relevant department head(s), city attorney, and mayor for further action. All affected parties will be informed of the investigation's outcome.

### **Corrective Action**

In the event of a finding of abusive conduct, the employer will take immediate and appropriate corrective action. Remedies may be determined by weighing the severity and frequency of the incidences of abusive conduct and in accordance with existing disciplinary policies of the City of Gallatin.

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, and disciplinary action up to and including termination, or changes in job duties or location.

Supervisory personnel who allow abusive conduct to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action may include but is not limited to participation in counseling, training, or disciplinary action up to and including termination, or changes in job duties or location.

While the City of Gallatin encourages all employees to raise any concern(s) under this policy and procedure, the City of Gallatin recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Individuals falsely accusing another of violations of this policy will be disciplined in accordance with the disciplinary policy of the City of Gallatin.

Any employees exhibiting continuing emotional or physical effects from the incident in question should be informed of established employee assistance programs or other available resources.

When abusive conduct has been confirmed, the employer will continue to keep the situation under review and may take additional corrective actions if necessary. Preventative measures may also be taken to reduce the reoccurrence of similar behavior or action.

### **Confidentiality**

To the extent permitted by law, the City of Gallatin will maintain the confidentiality of each party involved in an abusive conduct investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. However, state law may prevent the employer from maintaining confidentiality of public records. Therefore, the City of Gallatin cannot guarantee confidentiality.

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

August 25, 2015

**DEPARTMENT:**    **Human Resources**

**AGENDA # 3**

**SUBJECT:**

Resolution Amending Gallatin Personnel Rules & Regulations Rule 4, Section 4-3(b) and Rule 4-4(a) relating to Pay Plan

**SUMMARY:**

Discuss Personnel Rules & Regulations

**RECOMMENDATION:**

Approve

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

RESOLUTION NO. R1509-48

**RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS RULE 4 SECTION 4-3(b) AND RULE 4-4(a) RELATING TO PAY PLAN**

WHEREAS, Section 13-104 of the Gallatin Municipal Code provides for amendment of the Personnel Rules;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Personnel Rules and Regulations, **Rule 4, Section 4-3(b)** is hereby amended as follows:

- (b) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances (such as the inability to fill the position at the hiring rate or exceptional qualifications of an applicant) warrant employment of an employee at a higher rate in the pay range. *The department head may appoint an applicant up to step 3 of the pay schedule with approval from the Director of Human Resources. Placement of an applicant above step 4 at the time of hire will require the approval of the Director of Human Resources and the Mayor. Consideration should be given to the skills and experience of the individual being hired in relation to current placement on the schedule of current employees. The department head desiring to appoint an applicant to start at a pay rate above the minimum must submit a written justification to the Mayor for approval. Such appointments shall be made only in exceptional cases.*

BE IT FURTHER RESOLVED, that the Gallatin Personnel Rules and Regulations, **Rule 4, Section 4-4(a)** is hereby amended as follows:

- (a) When an employee is promoted to a position in a higher class: *their pay shall be increased to the minimum starting rate of the new class or increased to the step in the new class that is closest to the employee's current salary with at least a 5% increase, whichever is greater, and they shall thereafter be eligible for subsequent step increases according to Section 4-3(c) above.*
- (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.*

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

