
**CITY OF GALLATIN
COUNCIL MEETING**

August 4, 2015

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order – Mayor Brown
- Invocation
- Pledge of Allegiance – Councilwoman Brackenbury
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: July 7, 2015 City Council Meeting
- Public Recognition on Agenda-Related Items
- Mayor’s Comments

AGENDA

1. **Public Hearing Ordinance No. O15Ø7-44** An ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 3.01 (+/-) acre lot, from Agricultural Residential District (A) to Residential 40 – Low Density Residential District (R40), located at 275 Saint Blaise Road; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Vice Mayor Hayes)**
2. **Second Reading Ordinance No. O15Ø7-45** Ordinance appropriating 2015 Water Sewer Revenue Bond in the amount of \$5,000,000 **(Councilman Overton)**
3. **Second Reading Ordinance No. O15Ø7-46** Ordinance appropriating funds for 2014/2015 carry-over capital projects **(Councilman Camp)**
4. **First Reading Ordinance No. O15Ø7-47** An ordinance of the City of Gallatin, Sumner County, Tennessee approving an amended Preliminary Master Development Plan for Foxland Crossings Phases 11 – 16 , authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Vice Mayor Hayes)**
5. **First Reading Ordinance No. O15Ø7-48** Ordinance appropriating funds for completion of infrastructure improvements in Bakers Crossing, Phase 1 **(Councilman Overton)**
6. **First Reading Ordinance No. O15Ø8-49** Ordinance to amend the City of Gallatin, Tennessee Municipal Code, Chapter 18, Stormwater **(Councilman Alexander)**
7. **First Reading Amended Ordinance No. O15Ø8-51** Ordinance to amend the City of Gallatin, Tennessee Municipal Code, Sec. 10-100(4), Table A, Noise Standards **(Councilwoman Brackenbury)**
8. **Resolution No. R15Ø8-42** Resolution authorizing the City of Gallatin to participate in the TML Risk Management Pool “Safety Partners” Loss Control Matching Grant Program **(Councilman Camp)**
9. **Resolution No. R15Ø8-43** Resolution establishing an exception to the City’s Refund Policy for incorrect payments for solid waste, garbage or refuse services, establishing a reimbursement procedure and establishing a deadline to file a claim for reimbursement **(Councilman Mayberry)**

10. Resolution No. R1508-44 Resolution awarding health insurance contract for the City of Gallatin **(Councilman Alexander)**
11. Resolution No. R1508-45 Resolution amending Gallatin Personnel Rules and Regulations relating to department head recruitment **(Councilwoman Brackenbury)**
12. Resolution No. R1508-46 Resolution amending Gallatin Personnel Rules and Regulations relating to holiday and vacation leave **(Councilman Mayberry)**

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

City of Gallatin City Council Meeting

July 7, 2015

The Gallatin City Council met in regular session on Tuesday, July 7, 2015 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. Councilman Ed Mayberry led the opening prayer and Councilman Jimmy Overton led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present.

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

David Brown, Leisure Services Dir.
Gallatin News, Reporter
Debbie Johnson, Human Resource Dir.
News Examiner, Reporter
Connie Kittrell, City Recorder
Rosemary Bates, Special Projects Director
Susan High McAuley, City Attorney
Zach Wilkinson, Public Works Director
David Kellogg, Asst. Supt of Public Utilities

Rachel Nichols, Finance Director
Nick Tuttle, City Engineer
Don Bandy, Police Chief
Lori Smiley, IT Director
Chuck Stuart, Building Official
Tommy Dale, Assistant Fire Chief
Bill McCord, City Planner

Approval of Minutes

Mayor Brown presented the June 2, 2015 City Council Minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

Special Presentation

Mayor Brown presented a Proclamation from the City of Gallatin to Leah Finch, a senior at Gallatin High School. Ms. Finch assisted with the rescue of two sisters while on vacation in Perdido Key, Florida. Ms. Finch is the granddaughter of Councilman Steve Camp.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

With no one wishing to speak, Mayor Brown closed public recognition

Mayor's Comments

- Welcomed new Department Head Zach Wilkinson as Director of Public Works
- Gallatin Fire Department Captain and Chaplain Mark Hall's father passed away. Remember his family in your thoughts and prayers.
- Thanked the Sumner County Food Bank for the successful 4th of July Celebration
- Thanked the Police Department, Fire Department, EMS, Public Works, and Leisure Services staff for participating and volunteering in the July 4th event.
- Sumner County Anti-Drug Coalition Bold Enough Rodeo Challenge is this weekend at Triple Creek Park

Agenda

1. Ordinance #O1505-29 - Second Reading

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Greensboro Village Planned Unit Development (PUD) Master Development Plan to relocate 204 multi-family residential use units from parcel 'B' consisting of a 174.33 (+/-) acre tract, located south of Nashville Pike and east and west of GreenLea Boulevard, to parcel 'A', consisting of a 95.33 (+/-) acre tract, located east and west of GreenLea Boulevard, east of St. Blaise Road and north of Nashville Pike, and to relocate 76 one-family detached dwelling residential use units from parcel 'A' to parcel 'B', and approving the GreenLea Commons Preliminary Master Development Plan (304 multi-family units) on a portion of parcel 'A'; authorizing the revision to be indicated on the Official Zoning Atlas;

repealing conflicting ordinances; providing for severability; and providing for an effective date. (PC File #4-290-15)

Vice Mayor Hayes made motion to approve; Councilman Camp seconded.

Councilwoman Brackenberry asked if widening St. Blaise Road would cause the tree line to go away.

City Engineer Nick Tuttle stated that the widening would occur on the east side of the road leaving the tree line.

Mayor called for the vote. Councilman Alexander, Councilman Camp and Vice Mayor Hayes voted aye. Councilman Mayberry, Councilwoman Brackenbury and Councilman Overton voted nay. Mayor Brown voted aye to break the tie. Motion carried.

2. Ordinance #O1506-36 - Second Reading

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 48.564 (+/-) acre parcel, from Residential-15 Planned Residential Development (R15-PRD) Medium Density Residential District to (R15) - Medium Density Residential District and R20 - Low Density Residential District, located south of Shagbark Way and west of Roundtree Drive; authorizing the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

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

3. Ordinance #O1506-40 - Second Reading

Councilman Overton presented this ordinance appropriating funds for completion of infrastructure improvements in Cumberland Place North, Section 1.

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

4. Ordinance #O1506-41 - Second Reading

Councilwoman Brackenberry presented this ordinance amending Gallatin Municipal Code, Chapter 5, Buildings and Building Regulation, Section 5-58 amendments to International Building Code.

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

5. **Ordinance #O1506-42 – Second Reading**

Councilman Alexander presented this ordinance amending Gallatin Municipal Code, Chapter 9, Fire Protection and Prevention by adopting International Building Fire Code and related amendments.

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

6. **Ordinance #O1506-43 – First Reading**

Councilman Mayberry presented this ordinance waiving tap fees for Habitat for Humanity.

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

7. **Resolution #R1506-40**

Vice Mayor Hayes presented this Resolution approving transfer of 2014 GO Bond funds in the amount of \$1625.33 from Civic Center Fitness Equipment to Triple Creek Soccer Field Lights.

Vice Mayor Hayes made motion to approve; Councilwoman Brackenberry seconded. Motion carried with 6 ayes and 0 nays.

8. **Resolution #R1507-41**

Councilman Mayberry presented this amendment to Resolution reassigning Animal Control Duties from Public Works Department to Gallatin Police Department.

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

Other Business

- Mayor Brown requested the trash services reimbursement issue placed on next week's agenda.

City Council Minutes
July 7, 2015

- Mayor stated that the Special Census will be on the next Committee Meeting agenda.
- Mayor Brown addressed Councilman Mayberry's question concerning Hatten Track and stated that the property is owned by the City of Gallatin.
- Councilman Alexander asked about the safety of the kitchen. Mayor Brown said the fryer is ready to use again.
- Vice Mayor Hayes asked for expense information on the kitchen use on next week's agenda.

Public Recognition on Non-Agenda Related Items

Mayor Brown called for public recognition on non-agenda related items.

- Leisure Services Director David Brown announced that on July 25, 2015 the Gallatin Day Care will be offering "Movies in the Park".
- Councilman Overton asked for an update on the Time/ Attendance system at the next work session.
- Councilwoman Brackenberry asked that the noise ordinance be added to the work session agenda for next week.

With no one else wishing to speak, Mayor closed Public Recognition on Non-Agenda Related Items

Adjourn

Mayor Brown adjourned the meeting at 6:25 PM.

Mayor Paige Brown

City Recorder Connie Kittrell

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, REZONING AN APPROXIMATE 3.01 (+/-) ACRE LOT, FROM AGRICULTURAL RESIDENTIAL DISTRICT (A) TO RESIDENTIAL 40 – LOW DENSITY RESIDENTIAL DISTRICT (R40), LOCATED AT 275 SAINT BLAISE ROAD; AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the property has submitted a complete application to rezone a 3.01 (+/-) acre lot, located in the City of Gallatin, Tennessee; and

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

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

WHEREAS, the proposed rezoning will provide opportunities for single-family development on the property consistent with housing on area properties and provide for development that will compliment the scale, setbacks and style of existing adjacent homes and accommodate a greater variety of housing choices within the property designated for Emerging Walkable Community.

WHEREAS, the proposed rezoning will be compatible with the surrounding environment and will protect the public health, safety and welfare and will not be injurious to other property or improvements in the area in which the property is located; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the proposed rezoning in GMRPC Resolution 2015-86; and

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

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

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

Section 1. The City Council of the City of Gallatin does hereby approve rezoning a 3.01 (±) acre lot from the (A) Agricultural - Residential District to the R40 – Low Density Residential District as described in Exhibit ‘A’.

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

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

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

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

PASSED FIRST READING: July 21, 2015.

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MACAULEY
CITY ATTORNEY

Exhibit ‘A’ – Legal Description of Lot 7, Saint Blaise Estates

Exhibit 'A' – Legal Description of Lot 7, Saint Blaise Estates

EXHIBIT 'A'

R-40 DESCRIPTION

Being a tract of land situated along the southerly and westerly margins of Saint Blaise Road in the 4th Civil District of Sumner County, Tennessee. Said tract of land also being known as Lot 7 on the plan of Saint Blaise Estates which is of record on Plat Book 10, Page 373, R.O.S.C., TN., and more particularly described as follows:

Beginning at an iron pin in the southerly margin of Saint Blaise Rd. Said pin being the northeast corner of Lot 6 and northwest corner of the herein described tract. Thence leaving Lot 6 with the margin of said road S 73°35'42" E a distance of 170.68' to a concrete monument. Thence with a curve to the right having a length of 63.97', a radius of 48.69', a Delta Angle of 75°17'09", a chord bearing of S 35°57'06" E, and a chord distance of 59.47' to a concrete monument. Thence S 01°41'27" W a distance of 517.94' to an iron pin; thence leaving the margin of said road, N 85°31'06" a distance of 266.79' to an iron pin. Thence with the east line of Lot 6 N 02°03'50" E a distance of 227.74' to an iron pin; thence S 87°56'10" E a distance of 61.20' to an iron pin; thence N 02°03'50" E a distance of 368.07' to the point of beginning. Containing 3.01 acres (131,115.6 sq ft) more or less.

Being the same property conveyed to James E. Freeze and wife, Susan G. Freeze by deed of record in R.B. 288, PG. 459, R.O.S.C., TN.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JULY 14, 2015

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 3

SUBJECT:

Ordinance No. O1507-44, an ordinance of the City of Gallatin, Sumner County, Tennessee, amending the zoning on a 3.01(+/-) acre lot from Agricultural-Residential (A) to R40 Low Density Residential District.

SUMMARY:

An Ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 3.01(+/-) acre lot, from Agricultural-Residential (A) to R40 - Low Density Residential District, located at 275 Saint Blaise Road (Lot 7 of Saint Blaise Estates); Authorizing the revision to be indicated on the official Zoning Atlas; Repealing conflicting ordinances; Providing for severability; and Providing an effective date.

On June 22, 2015 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2015-86. (PC File# 3-687-15)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**ORDINANCE APPROPRIATING 2015 WATER SEWER REVENUE BOND
IN THE AMOUNT OF \$5,000,000**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$5,000,000 is hereby appropriated from the 2015 Water Sewer Revenue Bond, account 318-36920, to account 31841920-934, Water and Sewer Utility Lines, for expansion and upgrade of infrastructure; 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: July 21, 2015.

PASSED SECOND READING: _____.

MAYOR PAIGE BROWN

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

7/14/2015

DEPARTMENT: Finance

AGENDA #

SUBJECT:

Ordinance appropriating proceeds from 2015 water/sewer bond

SUMMARY:

Ordinance appropriating proceeds from 2015 water/sewer bond

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**ORDINANCE APPROPRIATING FUNDS FOR 2014/2015
CARRY-OVER CAPITAL PROJECTS**

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$563,200 is hereby appropriated from the water and sewer fund reserve for the following projects which were not yet complete at the end of 2015:

Eng. Design Contract 208, 41352211-972, \$88,473

Leak survey (water), 41352114-934-111, \$12,500

Sewer flow monitoring, 41352212-934-123, \$89,595

Ind park water/sewer crossing, 41352114-934-102, \$82,610

Sewer rehabilitation contract 212, 41352212-934-26, \$286,025

Odor Control System, 41352114-934-112, \$3,997;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,068,699 is hereby appropriated from the gas fund reserve for the following projects which were not yet complete at the end of 2015:

Gas line contract "214", 41552414-934-113, \$785,332

Airport Rd/Industrial Park gas lines, 41552414-934-114, \$278,197

Gas Operations & Maintenance Manual update, 41552414-934-144, \$5,170;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$2,342,519 is hereby appropriated from the general fund reserve for the following projects which were not yet complete at the end of 2015:

HR grant, 11041650-320, \$8,098

Records Preservation grant, 11041510-329, \$14,780

Police annex building renovation, 11042110-922, \$43,665

Litter grant salaries, 11041800-111-56, \$26,900

Litter grant FICA, 11041800-141-56, \$2,360
Litter grant supplies, 11041800-720-56, \$19,552
Sidewalks, 11043000-865, \$40,070
Drainage Projects, 11043000-868, \$28,909
Richland Circle, 11043000-912-21, \$38,209
Liberty Branch drainage, 11043000-912-68, \$13,487
Service Center, 11043000-922, \$23,052
Office Equipment, 11043000-947, \$2,400
Downtown Signage, 11043120-939, \$7,249
Paving, 11041670-923, \$120,694
Park Avenue rehabilitation, 11041670-931-4, \$109,665
Greenlea extension, 11041670-931-5, \$1,290,960
US 31E & SR 25 intersection, 11041670-931-6, \$110,562
Driver's Lane relocation, 11041670-931-37, \$205,970
College Street rehabilitation, 11041670-931, \$83,850
Intersection improvements, 11041670-931, \$40,590
Traffic Calming improvements, 11041670-931-107, \$82,900
Engineering Training, 11041670-140, \$1,315
Civic Center Parking Lot, 11044420-939-35, \$27,282

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: July 21, 2015.

PASSED SECOND READING: _____.

MAYOR PAIGE BROWN

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

7/14/2015

DEPARTMENT: **Finance**

AGENDA #

SUBJECT:

Ordinance appropriating 2014/2015 carry-over projects

SUMMARY:

Ordinance re-appropriating funds to complete various projects city-wide that were ongoing as of June 30, 2015.

RECOMMENDATION:

approval

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR FOXLAND CROSSING PHASES 11 – 16, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property has submitted a complete application to amend the Foxland Crossing Phases 11-16 Preliminary Master Development Plan on two (2) parcels totaling 55.68 (+/-) acres located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located west of Douglas Bend Road and south of Nashville Pike and is zoned Mixed Use (MU); and

WHEREAS, the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of the amendment to the Foxland Crossing Phases 11-16 Preliminary Master Development Plan in GMRPC Resolution No. 2015-87; and

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

WHEREAS, The City Council has approved by majority vote of the members present the rezoning request of the described property.

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

Section 1. The City Council of the City of Gallatin does hereby approve the Preliminary Master Development Plan as described in Exhibit ‘A’.

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

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

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

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

The Amended Preliminary Master Development Plan for Foxland Crossing, Phases 11-16, consists of a four (4) sheet plan prepared by Dewey and Estes Engineering of Nashville, TN with Job No. 15015, dated 5-27-14 with final revision date of 7-7-15, with the following conditions of approval:

1. Label the required Type 10 Bufferyards adjacent to Foxland Boulevard.
2. Indicate a Type 10 alternative bufferyard along the property boundary underneath the TVA powerlines, which includes no large canopy trees, only shorter flowering trees.
3. Provide, in a table, curve data that matches the legal description.
4. Provide all yard lines, setbacks, and easements for the commercial outparcels.
5. Clarify if Road 'G' between the two (2) commercial outparcels will be public or private.
6. Clearly indicate phase lines.
7. Reserve the 30-ft right-of-way cross sections and street sections as private streets and indicate this on the plans.
8. Remove the perpendicular on-street parking if street remain public streets (Parallel spaces may be permitted on public streets). Perpendicular spaces are not recommended for private streets.
9. Provide a minimum 50-ft wide public right-of-way cross-section for "Road A".
10. Realign "Road G" to allow more direct and concise traffic flow from Nashville Pike, through the proposed development southward to Foxland Boulevard. The intersection of "Road G" and "Road A" shall have as minimal spacing as possible.
11. Indicate a greenway extension through the property consistent with Exhibit 4-12 of the Gallatin on the Move 2020 Plan and a
12. Provide a stormwater runoff analysis/calculations/report(s) for the proposed development must be submitted in conjunction with the FM DP and a stormwater maintenance agreement will be required for this development. A recorded copy must be submitted prior to the recording of a final plat.
13. Submit three (3) folded and corrected copies of the Amended Preliminary Master Development Plan after approval by City Council.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

JULY 28, 2015

DEPARTMENT: PLANNING DEPARTMENT

AGENDA # 9

SUBJECT:

Ordinance #O1507-47 of the City of Gallatin, Sumner County, Tennessee, approving an amended Preliminary Master Development Plan for Foxland Crossing Phases 11 – 16, authorizing the revision to be indicated on the official zoning atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date., (S.B.E. Tax Map #136//Parcels 027.01 and 027.03). (PC File #3-705-15)

SUMMARY:

The owner and applicant is requesting approval of an Amended Preliminary Master Development Plan for Foxland Phases 12 and 14-16, consisting of 222 townhouse units, three (3) commercial outparcels, open space tracts, and 13 rights-of-way, on a property containing 55.68 (+/-) acres, zoned Mixed Use (MU). The property is located south of Nashville Pike and west of Douglas Bend Road. Attached and Multi-family Dwellings are permitted uses in the Mixed Use (MU) zone district.

On July 13, 2015 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2015-87. (PC File# 3-705-15)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS FOR COMPLETION OF
INFRASTRUCTURE IMPROVEMENTS IN BAKERS CROSSING, PHASE 1

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$34,000 is hereby appropriated from surety proceeds received for completion of infrastructure in the Bakers Crossing, Phase 1 subdivision;

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$34,000 be appropriated from the General Fund Unassigned Balance to account number 311-41670-931-147, Bakers Crossing;

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:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER

Volunteer State Bank

101 HWY 52 W
PORTLAND, TN 37148

Remitter: VSB/INDIAN LAKE VILLAGE/Baker's Crossing

PAY TO THE ORDER OF: CITY OF GALLATIN

Thirty-Four Thousand dollars *****

CASHIER'S CHECK

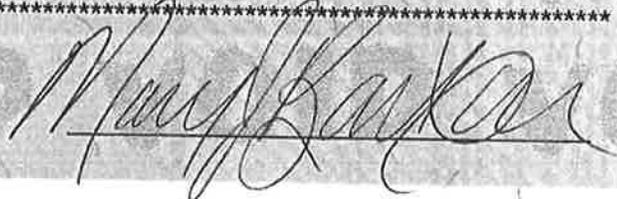
PC File #1-19-07C

Please deposit into
Acct. #

110-35200
for called
sureties

285517
06/13/2012

\$34,000.00



"285517" ⑆064⑆02999⑆ 0013129⑆

PC File #1-19-07C

Volunteer State Bank
101 HWY 52 W
PORTLAND, TN 37148

Cashiers Check

285517
06/13/2012

Operator jbarton
Branch Greensboro Village Branch (12)
Memo: CD 1033682 PER KEITH WHITLEY

RECONCILIATION

Notice to Purchaser: As a condition to this institution's issuance of this check, Purchaser agrees to provide an indemnity Bond prior to the refund or replacement of this check in the event it is lost, misplaced, or stolen

Purchaser: VSB/INDIAN LAKE VILLAGE
700 JOHNNY CASH PARKWAY
HENDERSONVILLE, TN 37075-0000

Payee: CITY OF GALLATIN
132 WEST MAIN STREET
GALLATIN, TN 37066

Amount: \$34,000.00
Fee: \$0.00
Total: \$34,000.00

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Engineering

AGENDA # 6

SUBJECT:

Ordinance Appropriating Funds for Completion of Infrastructure Improvements in Bakers Crossing, Phase 1

SUMMARY:

The City received \$34,000 from surety proceeds for the completion of infrastructure in Phase 1 of Bakers Crossing 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 TO AMEND THE CITY OF GALLATIN, TENNESSEE MUNICIPAL CODE, CHAPTER 18, STORMWATER

WHEREAS, the City of Gallatin is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit and applicable regulations, 40 CFR Section 122.26 for stormwater discharges; and

WHEREAS, Tennessee Code Annotated Section 68-221-1101 authorizes municipalities to regulate stormwater discharges; and

WHEREAS, it has come to the attention of the Mayor and City Council that the City of Gallatin Municipal Code, Chapter 18, Stormwater, requires revision and should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Chapter 18 of the Gallatin Municipal Code is hereby amended by deleting the current chapter in its entirety and replacing it as follows:

CHAPTER 18
STORMWATER ORDINANCE

Article

- 1 General Provisions
- 2 Definitions
- 3 *For Future Use*
- 4 Waivers
- 5 Land Disturbance Permit
- 6 Stormwater Management Standards
- 7 Erosion Prevention and Sediment Control Performance Standards
- 8 Post Construction
- 9 Illicit Discharges
- 10 Floodway/Floodplain
- 11 Enforcement
- 12 Penalties
- 13 Appeals

Appendix A

Article 1 General Provisions

(1) Purpose

It is the purpose of this Ordinance to:

- (a) Protect, maintain, and enhance the environment of the City and the public health, safety and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City’s stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City;
- (b) Enable the City to comply with the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Permit and applicable regulations, 40 CFR 122.26 for stormwater discharges;
- (c) Allow the City to exercise the powers granted in Tennessee Code Annotated § 68-221-

1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

- (i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
- (ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
- (iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
- (iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
- (v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
- (vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
- (vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- (viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Authority

The City Engineer shall administer all provisions of this chapter, unless noted otherwise.

(3) Jurisdiction

This Ordinance shall govern all properties within the corporate limits for the City of Gallatin, Tennessee.

(4) Right of entry

Designated City staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated City staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurements of the property's stormwater operations or discharges.

The City has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter

(5) Administering entity

The City's Engineering Division shall administer the provisions of this chapter.

(6) Conflicting standards

If any provisions of this chapter and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

(7) Stormwater management policy

The City has adopted this Stormwater Ordinance with the intended purpose to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater.

Article 2 Definitions

For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

“As built plans” are drawings depicting the elevation, location, and material of stormwater facilities as they were actually constructed.

“Best Management Practices” or “BMPs” The physical, structural, and/or managerial practices that, when used alone or in combination, prevent or reduce pollution of water, that have been approved by the City of Gallatin, and that have been incorporated by reference into the Storm Water Ordinance as if fully set out therein.

“Brownfield Redevelopment” means redevelopment which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

“Cemetery” means all real property owned by federal, state, and/or local governments, and private enterprises that has been designated by such governmental entity for use as a cemetery.

“City Engineer” means the City of Gallatin City Engineer or his/her designee who is designated to supervise the operation of the stormwater management programs and system.

“Civil penalty” Administrative Penalties - under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

“Common plan of development or sale” is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

“Construction” is the erection, building, alteration, reconstruction, improvement or extension of private and/or public infrastructure.

“Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

“Design storm event” means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall

amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either 24-hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

“Developed property” means real property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events.

“Discharge” means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

“Erosion” means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

“Hotspot” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

- (a) vehicle salvage yards and recycling facilities
- (b) vehicle service and maintenance facilities
- (c) vehicle and equipment cleaning facilities
- (d) fleet storage areas (bus, truck, etc.)
- (e) industrial sites (included on SIC code list)
- (f) marinas (service and maintenance)
- (g) public works storage areas
- (h) facilities that generate or store hazardous waste materials
- (i) commercial container nursery
- (j) restaurants and food service facilities
- (k) other land uses and activities as designated by an appropriate review authority

“Illicit connections” means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

“Illicit discharge” means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under Article 9, Section 3.

“Impervious surface” is a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

“Impervious surface area” is the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior limits of the structure, foundations, columns or other means of support or enclosure.

“Injection well” is a natural surface depression that has been altered in order to direct fluids into the hole opening. Injection Wells are regulated under TDEC’s Underground Injection Control

(UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

“Land disturbance” is a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

“Maintenance” means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

“Municipal ownership” see “public ownership”.

“Municipal Separate Storm Sewer System” or “MS4” means the conveyances owned or operated by the City for the collection, treatment, and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate stormwater system.

“National Pollutant Discharge Elimination System permit” or “NPDES permit” means a permit issued pursuant to 33 U.S.C. 1342.

“Off-site facility” means a structural BMP located outside the subject property boundary described in development plan.

“On-site facility” means a structural BMP located within the subject property boundary described in the development plan.

“Operator” in the context of stormwater associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

- (a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically considered the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
- (b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a Stormwater Pollution Prevention Plan (SWPPP) for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee and is considered a secondary permittee. It is anticipated at different phases of a construction project, different types of parties may satisfy the definition of “operator”.

“Park land” means all real property owned by federal, state and/or local governments that has been designated by such governmental entity for use as a public park.

“Person” means any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

“Property owner” is the property owner of record as listed in the City’s and/or county’s tax assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

“Private ownership” is all facilities privately owned and maintained.

“Public ownership” or “Municipal ownership” is all facilities having been dedicated to and accepted by the City of Gallatin, Sumner County, State of TN, or Federal Government.

“Redevelopment” means building or constructing new infrastructure in an area that has previously been built or constructed on, and the old infrastructure is to be replaced with new.

“Runoff” means that portion of the precipitation on a drainage area that is discharged from the area.

“Sediment” means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface either above or below sea level.

“Sinkhole” means a cavity in the ground providing a route for surface water to disappear underground.

“Stabilization” means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

“Stormwater” means water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

“Stormwater Design Appeals Board” Created as outlined in Article 4 of this chapter with the purpose of reviewing alternative requests to the stormwater management standards outlined in Article 6, and where deemed appropriate, granting alternative approvals as outlined.

“Stormwater hearing authority” Administrative board with the powers and jurisdiction as granted and set out in T.C.A. 68-221-1106 and Article 13 (1) of this chapter. The purpose of said board is to hear stormwater utility billing appeals and civil penalty and damage assessments for violations of the Stormwater ordinance.

“Stormwater management” means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

“Stormwater management facilities” means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

“Stormwater management plan” means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

“Stormwater runoff” means flow on the surface of the ground, resulting from precipitation.

“Stormwater system” or “System” means all stormwater facilities, stormwater drainage systems and flood protection systems of the City and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

“Stream” means a surface water that is not a wet weather conveyance. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(20)]

“Structural BMPs” means devices that are constructed to provide control of stormwater runoff.

“Surety” is a Letter of Credit or other acceptable form of assurance for completion of improvements, as deemed acceptable by the City Attorney.

“Surface water” are waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

“User” is the owner or customer of record of property subject to the storm water user fee imposed by this ordinance.

“Watercourse” means a manmade or natural hydrologic feature with a defined linear channel which discretely conveys flowing water, as opposed to sheet-flow. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(24)]

“Water quality buffer” is a strip of dense undisturbed perennial native vegetation, either original or reestablished, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into and through the buffer zone as shallow sheet flow. Buffer zones are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in receiving waters.

“Waters of the State” means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters. [T. C. A. § 69-3-103]

“Wetland(s)” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

“Wet weather conveyances” are man-made or natural watercourses, including natural

watercourses that have been modified by channelization: that flow only in direct response to precipitation runoff in their immediate locality; whose channels are at all times above the ground water table; that are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish, or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. [Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(25)]

Article 3 (For Future Use)

Article 4 Waivers

(1) General

No waivers will be granted for any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the primary requirements may be considered, if:

- (a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters.
- (b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for management of stormwater discharges have been established in a stormwater management plan.
- (c) It can be demonstrated that multiple criteria (not based solely on the difficulty or cost of implementing measures) rule out an adequate combination of infiltration, evapotranspiration, and reuse such as: lack of available area to create the necessary infiltrative capacity; a site use that is inconsistent with capture and reuse of stormwater; physical conditions that preclude use of these practices.

(2) Downstream damage, impairment, etc. prohibited

In order to receive consideration of alternative stormwater management, the applicant must demonstrate to the satisfaction of the Engineering Division that the proposed alternative will not lead to any of the following conditions downstream:

- (a) Deterioration of existing culverts, bridges, dams, and other structures;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated stream bank or streambed erosion or siltation;
- (d) Increased threat of flood damage to public health, life or property.

(3) Alternative request procedure

For consideration of an alternative stormwater management measure, a formal request shall be submitted to the City Engineer. The formal request shall be submitted with a stormwater management plan outlining why the primary stormwater management measures cannot be addressed and how the alternative measures will address the provisions outlined in Article 6 section 5 of this Ordinance. The plan shall demonstrate how the proposed development is not likely to impair attainment of the objectives of this chapter.

The alternative request shall be accompanied by a review fee as outlined in Appendix A. The Gallatin Stormwater Design Appeals Board shall review the alternative request and determine whether the alternative request is consistent with the provisions of this chapter. Meetings shall be held within forty (40) days of the alternative request. All appeal determinations shall be applied utilizing a strict interpretation of the Stormwater Ordinance. At any hearing related to an

alternative request, the City shall be allowed to present evidence, findings, and recommendations; appealing parties and applicants shall be given an opportunity to present evidence, findings, and recommendations.

The Gallatin Stormwater Design Appeals Board may request additional information; the committee may defer the determination of an alternative request one time to the next regularly scheduled meeting of the Gallatin Stormwater Design Appeals Board. Each alternative request shall be placed on the Gallatin Stormwater Design Appeals Board agenda for the next regularly scheduled meeting, which meeting is at least twenty (20) days after the City Engineer receives the written alternative request.

The City Engineer shall notify the appellant customer of the date of the alternative request review hearing in writing; such written notice shall be given at least ten (10) days prior to the hearing by regular mail at the address provided in the written alternative request document. The decision of the Gallatin Stormwater Design Appeals Board shall be final and conclusive with no further administrative review.

(4) Establishment of Stormwater Design Appeals Board

The Stormwater Design Appeals Board shall consist of five (5) members, all to be residents of Sumner County. The members shall be appointed by the mayor and confirmed by a majority vote of the City council. Each member shall be appointed for a two-year term, and shall serve until their successor is appointed. Each member shall serve without compensation. Four (4) members shall be required for a quorum to conduct business, but a lesser number of members may adjourn the meeting from day to day in the absence of a quorum. All decisions shall be by a majority vote of those present. Meetings shall be held at the call of the chairperson or mayor, by written notice, as required by law. The members shall elect from the members a chairperson annually.

The five (5) members shall consist of the following:

- (a.) One (1) member to be a licensed professional Engineer or Landscape Architect familiar with stormwater treatment and design
- (b.) One (1) member to be experienced in regulatory enforcement
- (c.) One (1) member to be experienced in land development
- (d.) Two (2) members to be private citizens.

In the event of a conflict of interest involving any member, the mayor shall appoint a temporary replacement for the matter.

(5) Land Disturbance Permit not to be issued where alternatives requested

No Land Disturbance Permit shall be issued where an alternative has been requested until the alternative is approved, unless allowed by the City Engineer. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management.

Article 5 Land Disturbance Permit

(1) General

The Land Disturbance Permit process is designed to track all applicable land disturbance activities and ensure they are monitored for compliant erosion prevention and sediment controls, the absence of illicit discharges leaving the site, and compliance with the City's TDEC MS4 general permit, along with any applicable TDEC Construction General Permits, TDEC Aquatic Resources Alteration Permits (ARAP), and any other relevant permits. Tracking of these activities allows inspection, and in cases of non-compliance, enforcement actions to be taken.

(2) Applicability

A Land Disturbance Permit shall be required for any land disturbing activity meeting any of the following requirements:

- (a) Land disturbance of greater than 1 acre.
- (b) Change in elevation of property.
- (c) Land disturbance of less than an acre, if such activities are part of a larger common plan of development, even though multiple, that is a part of separate and distinct land development activities that may take place at different times on different schedules.
- (d) Any land disturbance that requires coverage under a TDEC Construction General Permit.
- (e) Any disturbance that requires coverage under a TDEC ARAP.
- (f) Any disturbance requiring a TDEC Underground Injection Well Permit.
- (g) Any disturbance that the Engineering Division determines that discharges from the site are causing, contributing to, or are likely to contribute to a violation of a state water quality standard.

(3) Exemptions

The following land disturbance activities are exempt from the requirements of obtaining a Land Disturbance Permit:

- (a) Surface mining as is defined in Tennessee Code Annotated Section 59-8-202.
- (b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additions or modifications, home maintenance work, and other related activities that result in no soil erosion leaving the site.
- (c) Agricultural practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.
- (d) Any project carried out under the technical supervision of the NRCS, TDOT, TDEC, or ACOE.
- (e) Installation, maintenance, and repair of any underground public utility lines when such activity occurs on an existing hard surface road, street, or sidewalk which is hard surfaced and such street, curb, gutter or sidewalk construction has been approved.
- (f) Construction, repair or rebuilding of tracks or other related facilities of a railroad company.
- (g) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

These activities may be undertaken without a Land Disturbance Permit; however, the persons conducting these excluded activities shall remain responsible for conducting these activities in accordance with provisions of this Ordinance and other applicable regulations including responsibility for controlling sediment, illicit discharges, and runoff.

(4) Supplemental Permit

In cases where a separate owner/operator will be working within an area already covered by an existing Land Disturbance Permit, a supplemental Land Disturbance Permit shall be obtained. The application fee is waived for any supplemental permit. All site operators are required to obtain a supplemental Land Disturbance Permit prior to work commencing. Where applicable, prior to issuance of the supplemental Land Disturbance Permit, the applicant must show coverage under the sites NPDES Construction general permit. Once covered by a permit, all site operators are to be considered as co-permittees, if their involvement in the construction activities affects the same project site, and are held jointly and severally responsible for complying with the terms of the permit.

(5) Application

Application for Land Disturbance Permit shall be made to Engineering Division. Applications are available on the City’s Engineering webpage. No land disturbing activities shall take place prior to approval of Land Disturbance Permit application. An application fee of \$50 is required prior to issuance of the Land Disturbance Permit.

(6) Permit Requirements

The following are conditions of Land Disturbance Permit coverage. Any violation of these conditions will make permit holder subject to all enforcement actions and penalties outlined in Articles 11 and 12 of this Ordinance.

- (a) Submittal and approval by Engineering Division Staff of Erosion Prevention and Sediment Control plans.
- (b) Compliance with the site’s TDEC Construction general permit, TDEC ARAP, TDEC Underground Injection Well Permit, FEMA Flood Plain Development Permit, and other Federal or State permits where applicable.
- (c) Compliance with approved erosion prevention and sediment control plan and EPSC performance standards outlined in Article 7.
- (d) Implementation and maintenance of appropriate erosion prevention and sediment control best management practices.
- (e) Construction site operators must control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site to avoid adverse impacts to water quality.

(7) Land Disturbance Surety

Prior to the issuance of a permit for any land disturbance activity affecting more than five (5) acres, the applicant shall be required to provide a Land Disturbance Surety to the City of Gallatin to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development or nearby lakes, streams or large drainage ditches, the applicant may be required, at the discretion of the City Engineer, to provide a Land Disturbance Permit Surety to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.

(8) Permit Duration

Every Land Disturbance Permit shall expire and become null and void when one of the following has occurred:

- (a) Six months of no activity has occurred.
- (b) Final Stabilization of the site per the approved plans has occurred.
- (c) Issuance of the TDEC Notice of Termination.
- (d) Three years from issuance of Permit.
- (e) In the case of public infrastructure, acceptance by the City of Gallatin has occurred.

In cases of expiration of the Land Disturbance Permit, a permit may be re-issued with no additional fee, if the plan and scope of the project submitted on the original Land Disturbance Permit does not change significantly.

Article 6 Stormwater Management Performance Standards

(1) General

In order to address stormwater management for new development and redevelopment and to prevent or minimize water quality impacts, performance standards are set forth comprising of runoff reduction, pollutant removal, and runoff quantity requirements. Stormwater shall be

managed such that post development hydrology does not exceed the pre-development hydrology at the site, in accordance with the performance standards contained in this section.

(2) Applicability

The following stormwater performance standards apply to all new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development.

(3) MS4 Stormwater Design and BMP Manuals

- (a) The City adopts as its MS4 stormwater design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as if fully set out herein:
 - (i) City of Gallatin Design and Construction Manual
 - (ii) Tennessee Permanent Stormwater Management and Design Guidance Manual

(4) Runoff Reduction Performance Criteria

The following performance criteria shall be addressed for stormwater management at all applicable sites effective upon June 9, 2015 utilizing methods outlined in the BMP Manuals referenced above:

- (a) Site must, in combination or alone, implement management measures that are designed, built, and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters. Any alternative to addressing this requirement shall be obtained as outlined in Article 4 of this ordinance, unless the project falls under the incentive standards for re-developed sites.
- (b) Incentive Standards for re-developed sites: a 10% reduction in the volume of rainfall to be managed by runoff reduction for any of the following types of development. Such credits are additive such that a maximum reduction of 50% of the standard in the paragraph above is possible for a project that meets all 5 criteria:
 - (i) Redevelopment;
 - (ii) Brownfield redevelopment;
 - (iii) High density (>7 units per acre);
 - (iv) Vertical Density, (Floor to Area Ratio (FAR) of 2 or >18 units per acre)
 - (v) Mixed use and Transit Oriented Development (within ½ mile of transit)
- (c) Limitations to the application of runoff reduction requirements include, but are not limited to:
 - (i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;
 - (ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;
 - (iii) Presence of sinkholes or other karst features.
- (d) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(5) Runoff Reduction Performance Criteria Alternative Options

For projects that cannot meet 100% of the runoff reduction requirement, unless subject to the incentive standards, alternative stormwater management measures shall be obtained as outlined in Article 4. For consideration of alternative, the following options are available:

- (a) The remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove 80% total suspended solids (TSS). The treatment

technology must be designed, installed and maintained to continue to meet this performance standard.

- (b) The Runoff reduction measures are installed off-site within the same USGS 12-digit hydrologic unit code (HUC) as the original project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on site. The off-site mitigation location and runoff reduction measures must be approved by the Engineering Division. The mitigation location shall be in a priority area identified by the Engineering Division. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.
- (c) For projects that cannot meet the 100% runoff reduction, 80% TSS, and cannot provide for off-site mitigation, the applicant can make payment into the City's Stormwater Management Fund. Payment must be a minimum of 1.5 times the estimated cost of on-site runoff reduction controls as estimated by the Engineering Division.

(6) Channel Protection Performance Criteria

- (a) To protect stream channels from degradation, specific channel protection criteria shall be provided, including meeting the **Qcp** requirement as prescribed in the City of Gallatin Design and Construction Manual. This standard requires that the runoff volume from the 1-year frequency, 24-hour storm be captured and discharged over no less than a 24-hour period. In the design of the channel protection control, the 24-hour release period shall be measured from the approximate center-of-mass of inflow to the approximated center-of-mass of outflow.
- (b) Downstream channel protection provided by an alternative approach may be considered in lieu of controlling the **Qcp**, provided that sufficient hydrologic and hydraulic analysis shows that the alternative approach will offer adequate channel protection from erosion. Downstream channel protection provided by an alternative approach must be approved by the City Engineer.

(7) Downstream Flooding Performance Criteria

- (a) To prevent downstream flooding, post development flow rates for the **2-year thru 10-year 24-hour storm events** must be controlled to release at rates less than that of pre-development flows, with an emergency overflow capable of handling the 100-year discharge as prescribed in the City of Gallatin Design and Construction Manual.

Downstream flood protection provided by an alternative approach may be considered in lieu of controlling the 2-year thru 10-year 24 hour storms; provided that sufficient hydrologic and hydraulic analysis shows that the alternative approach will offer adequate flooding protection for downstream properties. Flooding protection provided by an alternative approach must be approved by the City Engineer.

(8) General Performance Criteria

- (a) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (b) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.
- (c) If hydrologic or topographic conditions warrant greater control than that provided by these performance standards, the Engineering Division may impose any and all additional requirements deemed necessary to control the volume, timing, rate, and treatment of runoff.

(9) Water Quality Buffers

A permanent water quality buffer zone (setback measured from the top of water body bank) shall be required along all wetlands, streams, and sinkholes as defined in this ordinance, for new development and redevelopment projects as outlined below:

- (a) Drainage areas less than 1 square mile: Minimum of 30' width
- (b) Drainage areas greater than 1 square mile: Minimum of 60' width. The 60' width can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 30' at any measured location
- (c) For redevelopment projects that have existing encroachments into the prescribed buffer, the portion of the existing encroachment that contains a footprint within the buffer is exempt, if no modification to the existing use of the encroachment is to occur and does not violate the objectives of Article 4 (2). If modification to the existing use of the encroachment is to occur, buffer widths outlined above shall apply.
- (d) If existing encroachment is to remain in use, the encroachment amount shall be factored into the average buffer width in determining the buffer width.
- (e) Work within the Water Quality Buffer is allowable for the following types of work:
 - (i) Work covered and approved by an ARAP or CGP permit approved by TDEC.
 - (ii) Construction/maintenance of greenways and parks.
- (f) Any alternative stormwater management measure requested in lieu of the water quality buffer requirements shall be presented to the Gallatin Stormwater Design Appeals Board as outlined in Article 4 (3) for their decision.

(10) Sinkhole/Injection Well Policy

- (a) A TDEC injection well permit is required for any use or modification of a sinkhole/injection well.
- (b) Drainage calculations shall be submitted for any development in or around sinkholes.
- (c) Minimum standards for flood management around sinkholes are based on the 100-year 24 hour design storm, assuming plugged conditions (zero cfs outflow) for the sinkhole.
- (d) A permanent water quality buffer of 30' shall be provided around the highest complete contour around the sinkhole (also called the rim) and no structure or public infrastructure shall be built within 60' of the rim.
- (e) For any runoff draining to a sinkhole from a developed area, runoff reduction performance criteria must be met as outlined in this ordinance and the City of Gallatin Design and Construction Manual.
- (f) Post developed flows and volume shall not exceed pre developed flows and volume entering into a sinkhole.
- (g) Any "capping" of a sinkhole shall be done under the direction and approval of the City Engineering Division. Drainage formerly entering the capped sinkhole shall be accounted for and meet the standards outlined in (10)c above.
- (h) Any alternative stormwater management measure requested in lieu of the sinkhole/injection well policy requirements shall be presented to the Gallatin Stormwater Design Appeals Board as outlined in Article 4 (3) for their decision.

Article 7 Erosion Prevention and Sediment Control Performance Standards

(1) General

In order to address construction site runoff management for new development and redevelopment and to prevent or minimize pollutants from construction activities, performance standards are set forth comprising of erosion prevention and sediment control requirements.

(2) Applicability

The performance standards outlined in this Article shall be implemented in any new development

and redevelopment project that disturbs greater than one acre, including projects less than one acre that are part of a larger common plan of development along with any project that requires a Land Disturbance Permit as outlined in Article 5 of this Ordinance.

(3) MS4 Erosion Prevention and Sediment Control (EPSC) Design and BMP Manuals

- (a) The City adopts as its MS4 EPSC design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as if fully set out herein:
 - (i) City of Gallatin Design and Construction Manual
 - (ii) TDEC Erosion Prevention and Sediment Control Handbook
 - (iii) TDOT Manual for Management of Stormwater Discharges Associated with Construction Activity

(4) General Performance Criteria for EPSC Management

The following performance criteria shall be addressed for EPSC management at all sites:

- (a) All construction site operators shall implement appropriate EPSC best management practices (BMP)'s. All BMP's shall be consistent with those described in the above referenced design and BMP manuals and meet the current TDEC Construction General Permit requirements.
- (b) EPSC design must meet the requirements for design storms and special conditions for impaired waters as outlined in the latest TDEC Construction General Permit.
- (c) All construction site operators shall control waste materials including but not limited to; discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste to avoid adverse impact to water quality.
- (d) If hydrologic, soil, or topographic conditions warrant greater control than that provided by these performance standards, the Engineering Division may impose any and all additional requirements deemed necessary to control the discharge of sediment or other illicit discharges to water of the state.

All applicable sites not meeting these criteria are subject to all enforcement actions and penalties outlined in Articles 11 and 12 of this Ordinance.

Article 8 Post Construction

(1) General

To ensure the long term maintenance and effectiveness of stormwater facilities, a surety for completion, as-built plans, and maintenance and inspection programs are required for new and existing development.

(2) Surety

Depending on the type and size of the development, the City may hold a surety to insure the completion of the development to City Standards. The amount of the surety will be determined by the City Engineering Division based upon the cost to complete the stormwater facilities. All sureties must contain automatic renewal provisions in language satisfactory to the City Attorney. Before final release of the Surety; all stormwater, EPSC, and stabilization measures must be completed, stabilized, and functioning to the satisfaction of the City Engineer.

(3) As-Built Plans

Prior to release of the surety for completion of the stormwater facilities, As-Built Plans are to be submitted for any stormwater facilities after final construction is completed. The plan must show the final constructed facilities will function as approved to meet the performance standards outlined in this ordinance. Plans shall be stamped by a Tennessee licensed surveyor. Any discrepancy from the final constructed facilities and the approved design shall be noted on the As-Built Plan. Where required by the City Engineer, updated calculations stamped by a Tennessee licensed engineer shall be submitted and approved by the City Engineer, showing the

as-constructed facilities will function adequately to meet the performance standards of the Stormwater Ordinance.

Both digital CAD and paper copies shall be provided in the Tennessee State Plane Coordinate system, NAD83, NAVD88. The following shall be shown in the plan:

1. Invert elevation, top of casting elevation, slope, location, and material of all pipes, drainage inlets/outlets, junctions, etc.
2. Size and material of all outlet dissipation pads.
3. Ditch size, slope, and materials.
4. Top of berm elevations on all drainage facilities.
5. Volume of all detention/retention facilities.
6. Location and description of all permanent stormwater BMP's (i.e. rain garden, pervious pavement, buffer, etc.)

(4) New Stormwater Management Facilities Maintenance and Inspection

(a) Private Ownership:

Prior to final approval of any site or subdivision subject to the performance standards outlined in Article 6 of this ordinance, an *Inspection and Maintenance Agreement for Storm Water Facilities*, which is available in the office of the City Engineer, must be executed between the City of Gallatin and owners of the property. Said agreement runs with the land, and operates as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to homeowner associations or other groups or entities. Facilities are subject to penalties as outlined in Article 12 of the Stormwater Ordinance.

(b) Municipal Ownership:

The City shall be responsible for maintenance of all stormwater management facilities under Municipal Ownership as defined.

(5) Existing Stormwater Management Facilities Maintenance and Inspection

The City may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges and to verify that all stormwater management facilities are functioning within design limits. These inspections may be performed randomly or in response to complaints or violations. The ownership of the facilities will be made aware of any violations as outlined in the City's Enforcement Response Plan and are subject to penalties as outlined in Article 12 of the Stormwater Ordinance.

Article 9 Illicit Discharges

(1) General

In order to carry out the City's Illicit Discharge Detection and Elimination Program, illicit discharges, as outlined in Article 9 Section 3, are illegal to subject to penalties as outlined in Article 12 of the Stormwater Ordinance.

(2) Applicability

This section shall apply to all water generated on developed or undeveloped land entering the City's separate storm sewer system, including water generated by Hot Spots.

(3) Prohibition of Illicit Discharges

No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or when applicable any discharge that flows from stormwater facility that is not in compliance with its approved Stormwater Facilities Inspection and Maintenance Agreement. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks,

improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources
 - (ii) Landscape irrigation or lawn watering with potable water
 - (iii) Diverted stream flows
 - (iv) Rising ground water
 - (v) Groundwater infiltration to storm drains
 - (vi) Pumped groundwater
 - (vii) Discharges from potable water sources
 - (viii) Foundation or footing drains
 - (ix) Lawn watering
 - (x) Crawl space pumps
 - (xi) Air conditioning condensation
 - (xii) Springs
 - (xiii) Non-commercial washing of vehicles;
 - (xiv) Natural riparian habitat or wetland flows;
 - (xv) Swimming pools (if de-chlorinated - typically less than one PPM chlorine)
 - (xvi) Street wash water
 - (xvii) Firefighting activities
 - (xviii) Any other uncontaminated water source.
- (b) Discharges specified in writing by the City as being necessary to protect public health and safety.
- (c) Dye testing
- (d) Discharges authorized by the TDEC Construction General Permit, which comply with Section 3.5.9 of the same:
 - (i) dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) water used to control dust in accordance with section 3.5.5;
 - (iv) potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
 - (v) routine external building washdown that does not use detergents or other chemicals;
 - (vi) uncontaminated groundwater or spring water; and
 - (vii) foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.)

(4) Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(5) Reduction of Stormwater Pollutants by the use of Best Management Practices

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater

associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

(6) Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(7) No Illegal Dumping Allowed

No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City.

Article 10 Floodway/Floodplain

All provisions of the City of Gallatin Municipal Floodplain Ordinance as outlined in Article 10.03 of the Gallatin Zoning Ordinance shall be followed.

Article 11 Enforcement

(1) General

In order to enforce the provisions of this ordinance, the City of Gallatin shall have the Authority to issue Notices of Violation, Stop Work Orders suspending construction activities, suspend issuance of building permits, withhold approval of plans, and impose Civil Penalties as outlined in the City's Enforcement Response Plan (ERP). The ERP is located in the office of the City Engineer.

(2) Applicability

The provisions of this article shall be applicable to all new and existing construction, existing residential, commercial and industrial developments, hot spots, and any such property or facility which causes violations to the provisions of this ordinance.

Article 12 Penalties

(1) Violations

Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Gallatin Engineering Division, shall be guilty of a civil offense.

(2) Penalties

Under the authority provided in Tennessee Code Annotated § 68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of Gallatin Engineering Division of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring Civil Penalties

In assessing a civil penalty, the City of Gallatin Engineering Division may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the City;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of Damages and Costs

In addition to the civil penalty in subsection (2) above, the City may recover:

- (a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
- (b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) Other Remedies

The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies Cumulative

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

Article 13 Appeals

Pursuant to Tennessee Code Annotated § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the stormwater hearing authority.

(1) Stormwater hearing authority created

- a) A stormwater hearing authority is created, with the powers and jurisdiction as granted and set out herein and in T.C.A. 68-221-1106 as may hereafter be amended
 - i) The local stormwater hearing authority shall consist of five (5) members, all to be residents of the county. The members shall be appointed by the mayor and confirmed by a majority vote of the City council. Each member shall be appointed for a two-year term, and shall serve until their successor is appointed. Each member shall serve without compensation. Four (4) members shall be required for a quorum to conduct business, but a lesser number of members may adjourn the meeting from day to day in the absence of a quorum. All decisions shall be by a majority vote of those present. Meetings shall be held at the call of the chairperson or mayor, by written notice, as

- required by law. The members shall elect from the members a chairperson annually.
- ii) The five (5) members shall consist of the following:
 - (1) One (1) member to be from a major industry.
 - (2) One (1) member to work in utilities.
 - (3) One (1) member to work in finance.
 - (4) Two (2) members shall be private citizens.
- iii) In the event of a conflict of interest involving any member, the mayor shall appoint a temporary replacement for the matter.

(2) Appeals to be in writing

The appeal shall be in writing and filed, with the appeal review fee (Appendix A), with the City Engineer for the City of Gallatin within thirty (30) days after the civil penalty, late fee and/or damage assessment is served in any manner authorized by law.

(3) Public hearing

Upon receipt of an appeal, the City’s stormwater hearing authority shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days’ notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the stormwater hearing authority of the City shall be final.

If a refund is due, the City Engineer shall authorize the refund and appeal review fee, which will be provided as the City Engineer deems as necessary.

(4) Appealing decisions of the stormwater hearing authority

Any alleged violator may appeal a decision of the City’s stormwater hearing authority pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

Appendix A

**Property classifications and rates for stormwater user fee:
Schedule**

Stormwater Hearing Authority Review Fee: \$50

Stormwater Design Appeals Board Review Fee: \$50

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 PAIGE BROWN

ATTEST:

CONNIE KITTRELL

CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

Major Stormwater Ordinance Revisions

The following table summarizes the major additions, subtractions, and revisions to the newly proposed stormwater ordinance. Many of the revisions are the result of obligations to the City's NPDES MS4 Permit and an effort to coincide with the NPDES Construction General Permit (CGP).

<u>Additions</u>	<u>Description</u>
Stormwater Design Appeals Board <u>Article 4 (4)</u>	Creation of board to hear request for waivers from the newly established stormwater performance standards, many of which are required by the MS4 Permit. These waivers would be for Runoff Reduction, Channel Protection, Downstream Flooding, Water Quality Buffer, and Sinkhole/Injection Well requirements. The City Engineer acted as this body in the old ordinance.
Land Disturbance Permit Fee <u>Article 5 (5)</u>	\$50 fee for all Land Disturbance Permits. Current permit if free. See LDP comparison sheet to view other Municipalities fees in place.
Runoff Reduction Performance Criteria <u>Article 6 (4)</u>	Required by City MS4 Permit. Requires all sites over an acre be designed to infiltrate, evapotranspire, harvest and/or use at a minimum the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. The first inch of rainfall must be 100% managed with no discharge to surface waters. Waivers are available as outlined in <u>Article 6 (5)</u> . Standard is allowed to be met utilizing TDEC Manual or Nashville/Gallatin Manual.
Channel Protection Performance Criteria <u>Article 6 (6)</u>	Proposed to address 303D list streams impaired by sediment. Qcp detentioning requirement is a supplement to the existing detentioning requirements of the 2-year thru 10-year 24 hour design storm requirements. Qcp requires the 1-year design storm be released over an extended period of time to reduce velocity and flow rates in streams for more frequent storms.
As-Built Plans Requirement <u>Article 8 (3)</u>	Addition of as-built survey requirement for any new stormwater facilities. Subdivision Regulations currently require this for any subdivision.
Floodway/Floodplain <u>Article 10</u>	References FEMA requirements outlined in Article 10.03 of Zoning Ordinance
Stormwater Hearing Authority <u>Article 13 (1)</u>	Creation of board to hear appeals to Stormwater Utility fees/penalties and Stormwater Ordinance penalties. The City Council acted as this body in the old ordinance.

<u>Subtractions</u>		<u>Description</u>
Old Stormwater Ordinance Article 1V		All design and construction specifications removed and are to be relocated in the City of Gallatin Design and Construction Manual under development.
<u>Revisions</u>		<u>Description</u>
Water Quality Buffers Article 6 (9)		Old buffer requirement was 25' from top of bank or the floodway in cases of streams mapped by FEMA. New requirement as required by City MS4 Permit is 30' from top of bank for streams with drainage area less than 1 square mile. 60' for drainage areas greater than 1 square mile. Clause for allowance of existing encroachments was added. Buffer applies to wetlands and sinkholes as well.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Engineering

AGENDA # 7

SUBJECT:

Stormwater Ordinance

SUMMARY:

In order to comply with the City's MS4 permit, significant changes are required in the City's Stormwater Ordinance. A draft Ordinance was presented to the Council in March. Attached is a summary of the revisions, and a copy of the proposed Stormwater Ordinance. The Engineering Division is currently in the process of completing its Design and Construction Manual, which will complement the Stormwater Ordinance.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

AMENDED ORDINANCE NO. O1508-51

ORDINANCE TO AMEND THE CITY OF GALLATIN, TENNESSEE MUNICIPAL CODE, SEC. 10-100(4), TABLE A, NOISE STANDARDS

WHEREAS, the City Council amended the City of Gallatin Municipal Code regarding noise violations by adding Sec. 10-100 pursuant to Ordinance NO. O1506-39 on June 16, 2015; and

WHEREAS, the City Council of the City of Gallatin, Tennessee, has now determined that the Noise Standards adopted in Table A of Sec. 10-100 should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, Section 10-100(4), Table A shall be amended as follows:

The 65dB(A) noise standard set forth in Table A shall be stricken and a 60dB(A) noise standard shall be inserted in its place. All other standards remain unchanged. Table A shall read as follows:

10-100 Supplemental excessive noise regulations.

Table A Noise Standards

<u>Noise Level</u>	<u>Time Period</u>
75dB(A)	7:00am – 6:00pm, everyday
60 dB(A)	6:00pm – 9:00pm, Sun. – Thurs.
60 dB(A)	6:00pm – 10:00pm, Fri. – Sat.
55 dB(A)	9:00pm - 7:00am, Sun. night –Thurs. night
55 dB(A)	10:00pm – 7:00am, Fri. night- Sat. night

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:

PAIGE BROWN, MAYOR

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Councilwoman Brackenbury

AGENDA #

SUBJECT:

Noise Ordinance

SUMMARY:

This issue was on the July 14 City Council Committee Meeting and Council deferred it to July 28.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**RESOLUTION AUTHORIZING THE CITY OF GALLATIN TO PARTICIPATE IN THE
TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL
MATCHING GRANT PROGRAM**

WHEREAS, the safety and well being of the employees of the City of Gallatin is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for employees of the City of Gallatin; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Loss Control Matching Grant Program; and

WHEREAS, the City of Gallatin now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin is hereby authorized to participate in the "Safety Partners" Loss Control Matching Grant through the TML Risk Management Pool, seeking the maximum grant of two thousand and 00/100 (\$2,000.00) by having expenditures in excess of four thousand and 00/100 (\$4,000.00) for safety training, equipment, and devices.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: _____.

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: CITY ATTORNEY

AGENDA #

SUBJECT:

Resolution Authorizing the City of Gallatin to participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program.

SUMMARY:

The Pool has offered its annual "Safety Partners" Grant Program offering reimbursement of up to 50% of the cost of approved safety devices, equipment and safety training necessary to control employee safety hazards.

This money is incurred every year by the Police Department for the purchase of body armour. The City can utilize the opportunity to receive up to \$2,000 to put towards additional safety training for employees.

RECOMMENDATION:

Pass attached Resolution

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1508-43

RESOLUTION ESTABLISHING AN EXCEPTION TO THE CITY'S REFUND POLICY FOR INCORRECT PAYMENTS FOR SOLID WASTE, GARBAGE OR REFUSE SERVICES, ESTABLISHING A REIMBURSEMENT PROCEDURE AND ESTABLISHING A DEADLINE TO FILE A CLAIM FOR REIMBURSEMENT

WHEREAS, the City of Gallatin has adopted a refuse collection service fee refund policy whereby the City will refund no more than the prior month's overpayment or incorrect payment by a customer for refuse collection services;

WHEREAS, the City charges customers on a per refuse container basis and has done so since approximately 1997; and

WHEREAS, the City Council has deemed it the responsibility of the customer to ensure that refuse accounts are set up and billed correctly and to examine each month's statement to determine the billing is correct; and

WHEREAS, beginning with the April 2015 billing for trash services, the City began to identify the number of containers billed to each customer on their City utility bill, rather than denoting only the lump sum fee for which the customer is charged; and

WHEREAS, it has recently come to the attention of the Mayor and City Council that several customers have alleged that they have been billed and paid for two trash containers without requesting service for two containers and when in fact they only have one trash container; and

WHEREAS, the Mayor and City Council have determined that it should establish an exception to the City's general refuse collection service fee refund policy whereby the City will refund no more than the prior month's overpayment or incorrect payment by a customer for refuse collection services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that the City of Gallatin adopts a limited exception to its refuse collection service fee refund policy and declares that for only those customers who file a claim for reimbursement with the

City of Gallatin Public Works Department, Environmental Services Division, the City shall refund up to thirty-six (36) months of overpayments by customers for refuse collection services.

BE IT FURTHER RESOLVED that all claims for reimbursement of overpayment of refuse collection service fees must be completed by customers on forms designed by the City of Gallatin and made available at the City of Gallatin Public Works Department, 641 Long Hollow Pike, Gallatin, TN, and online on the City of Gallatin's website and submitted to the Gallatin Public Works Department at 641 Long Hollow Pike, Gallatin, TN, on or before September 30, 2015.

BE IT FURTHER RESOLVED that upon submission of a claim form to the Public Works Department, the Public Works Department shall investigate all such claims and review all technology available to determine if the claim has merit. The Public Works Department shall have six (6) weeks to issue a determination. If the claim is approved, the Public Works Department shall notify the Finance Department and request reimbursement be made to the customer. If the claim is determined not to have merit, the Public Works Department shall deny the claim in writing. The customer shall have 10 days from the date of the written denial to appeal to the Mayor. The City shall have until November 30, 2015 to appropriate money for reimbursement and issue refunds.

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

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: City Attorney/Public Works

AGENDA #

SUBJECT:

Exception to Refuse Service Refund Policy

SUMMARY:

Discuss the Refuse Service Refund Policy and Procedures

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1508-44

**RESOLUTION AWARDING HEALTH INSURANCE CONTRACT FOR THE
CITY OF GALLATIN**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin approves and accepts a contract for health insurance benefits provided by BlueCross BlueShield of Tennessee, and that the Mayor is hereby authorized to sign said contract on behalf of the City of Gallatin. The renewal contract shall begin October 1, 2015, and end September 30, 2016. (See attached plan summary)

BE IT FURTHER RESOLVED that Kelly Coley of Coley Insurance Agency and Michael Wertenberger of Premier Benefits Group remain appointed as co-agents of record for this one-year contract.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN

HEALTH INSURANCE RENEWAL

OCTOBER 1, 2015

Summary of Core Health Benefits

*City Sponsored Plan	*Option #1	Buy Up Option #2	Buy Up Option #3
PPO Network	Basic (S PPO Network)	Enhanced (P PPO Network)	Basic (S PPO Network)
Individual Deductible (\$1,000 City HRA)	\$2,000 (\$1,000 Employee)	\$2,000 (\$1,000 Employee)	\$1,750 (\$750 Employee)
Coinsurance (In & Out)	80/60	80/60	90/70
Individual Out-of-Pocket (Includes Deductible)	\$4,000 (\$3,000 Employee)	\$4,000 (\$3,000 Employee)	\$4,000 (\$3,000 Employee)
Office Visit Copay	\$30/\$50	\$30/\$50	\$30/\$50
Outpatient Surgery	Ded/Coins	Ded/Coins	Ded/Coins
Inpatient Hospitalization	Ded/Coins	Ded/Coins	Ded/Coins
Emergency Room Copay	\$250	\$250	\$250
Prescription Drug Card	\$10/25/50	\$10/25/50	\$10/25/50
Mental Health	Copay or Ded/Coins	Copay or Ded/Coins	Copay or Ded/Coins
Wellness	100%	100%	100%
Vision Coverage*	Included	Included	Included

*Current Vision 2 Plan Rider cannot be renewed in our medical plan due to healthcare reform. A comparable BCBST VisionBlue plan is included in our new rates, as in the past.

Health Recommendation:
Approve the BCBST renewal as the City's health carrier
effective 10/01/15.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Human Resources

AGENDA # 1

SUBJECT:

Health Insurance

SUMMARY:

Update on health insurance renewal effective October 1, 2015.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1508-45

RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS RELATING TO DEPARTMENT HEAD RECRUITMENT

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 5, Recruitment and Employment** is hereby amended with the following addition:

Section 5-6 Department Head Recruitment and Selection Procedures

Department Head – A person, appointed in accordance with the provisions of the Charter or Municipal Code, who is responsible for administering the functions of a department.

(a) The Recruitment of Applicants:

Before filling any department head position at the City of Gallatin, an internal and external search must be conducted simultaneously. The process as described below may be modified as circumstances warrant with appropriate approvals by the Mayor and City Council.

(1) Advertising/Posting Vacancy:

A position description and appropriate pay range must be authorized by the Mayor and approved by the City Council. The Director of Finance and the Director for Human Resources will review and confirm that the position is included in the approved budget and funded at the level to be advertised. The search packet will include:

- The finalized position description
- An advertising/recruitment plan. The listing may include, but is not limited to: professional journals, minority outreach listing, Volunteer State Community College website, Department of Labor website, City of Gallatin website, departmental in-house postings, local newspapers, Career Builder – The Tennessean, and other sources identified by the Council.
- The duration of the job posting is internally seven days and externally a minimum of 30 days
- If necessary, a listing of the committee members including the names, race and gender of the proposed committee members.

Human Resources will post the department head position for seven days internally. Human Resources will post the position on the City of Gallatin website, distribute postings to each department, and advertise with any outside entities, including minority outreach, as previously identified in the advertising plan. All advertisements must include the abbreviated EEO nondiscrimination statement.

All inquiries regarding the position from potential candidates should be forwarded to the Director for Human Resources.

- (2) Minimum Amount of Time for Advertising:
Department Head job vacancies shall be advertised for a minimum of thirty (30) days.
- (3) Application Process:
All prospective applicants must complete the City of Gallatin application form, as well as any additional materials requested. In this way, all applicants will be strongly encouraged and given an opportunity to indicate their status as a member of a protected group and there will be consistency in the application material received.
- (4) The Applicant Pool
The applicant pool must generally reflect the availability data for the defined vacancy in that labor market or field as determined by the HR Director based upon census data and recruitment area desired for the position. The HR Director will confirm that the pool has been certified to the City Council.
- (5) Review of Applicant Pool:
Human Resources will pre-screen the application pool for minimum qualifications and forward those meeting minimum qualifications to the Council.

An expert panel from the field where the department head vacancy occurs will be recommended by the Director of Human Resources and approved by the Mayor and City Council. Individuals within the community may offer their assistance and be considered for service on the panel.

The panel will recommend and forward for approval a list of candidates for interview. The Director for Human Resources will review the pool for adequate representation of females and minority candidates. The Human Resources Director shall present to the City Council all efforts to recruit minority and female persons.

- (6) Interviewing Process:
Upon receiving the necessary approval by Council, the Director of Human Resources will schedule interviews. The expert panel members and each City Council member will individually interview each candidate. Prior to the interview, the Council members and expert panel shall, in addition to becoming familiar with the applications, review the position summary/job description, required qualifications, and the advertisement. Human Resources Director will provide appropriate interview inquiries.

(7) Checking References:

Since reference checks provide useful indicators for predicting the applicant's potential for success, the interests of both the City of Gallatin and the applicant are served by reference checking. A listing of questions to ask for references will be provided by the Director of Human Resources to the Council members and/or expert panel members.

(b) The Appointment of an Applicant:

(1) Procedure for Recommending Appointments:

Specific Department heads per municipal code shall be required to maintain their residence either within the corporate limits or within two (2) miles of the corporate limits, but in no event outside the boundaries of Sumner County, Tennessee; provided, however, that this residency requirement does not apply until ninety (90) days after their appointment.

All officers of the city, except the city attorney, shall devote all of their time to their respective offices.

The expert panel will recommend a candidate for appointment to the City Council. The City Council then will consider for appointment the candidate recommended. Department heads shall be appointed by a majority vote of the councilmembers present, and shall serve at the will of the council.

If a majority vote does not occur, the expert panel will recommend another candidate to the City Council. This process will continue until the Council has a majority vote.

Once a majority vote occurs, the department head's appointment will be approved by resolution. The Director for Human Resources will forward a request to offer to the Mayor and City Council containing the following supporting material:

- All completed reference checks
- Justifications to support the decision
- The proposed salary – Salary recommendations will be in agreement with the pay plan.
- Proposed effective date.

The Office of Human Resources will provide an offer of employment to the candidate for signature. Human Resources will also provide a background authorization form, and inform the candidate of physical screening requirements.

Any official communication regarding the offer shall be through the Director of Human Resources. Candidates shall communicate any changes in acceptance through the Director of Human Resources.

(2) Prior Approval for Employment:

Under no circumstance shall a commitment be made to an applicant until the Office of Human Resources has reviewed and approved the recommendation for employment.

(3) Notification of Applicants:

Using the applicant tracking system, the Office of Human Resources will update the status of the remaining candidate pool to notify the remaining candidates for Department Head that the position has been filled. If a position is re-opened, all applicants shall be apprised of the status of his or her application.

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

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Human Resources

AGENDA # 3

SUBJECT:

Department Head Recruitment Process

SUMMARY:

Resolution regarding the Department Head Recruitment Process information was handed out at the June 9, 2015, work session regarding a procedure that represents the HR best practice process for recruitment of department heads. A standard process requiring HR review and input will provide a framework and benchmarks for the recruitment and selection process.

Once approved, Human Resources will insure consistency in its application.

RECOMMENDATION:

Approve

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION NO. R1508-46

RESOLUTION AMENDING GALLATIN PERSONNEL RULES AND REGULATIONS RELATING TO HOLIDAY AND VACATION LEAVE

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 16, Section 16-1** is hereby amended as follows:

The following days shall be declared official holidays for the Municipal Government employees, and other such days as may be designated by the City Council:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	3 rd Monday in January
<i>President's Day</i>	<i>3rd Monday in February</i>
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
<i>Veteran's Day</i>	<i>November 11</i>
Thanksgiving Day	4 th Thurs. in November
Day after Thanksgiving	Fri. after Thanksgiving Day
Christmas Eve	December 24
Christmas Day	December 25

- (a) When January 1 falls on a Saturday or Sunday, New Years Day shall be celebrated on the following Monday; Dr. Martin Luther King, Jr. Day shall be celebrated on the Monday as officially designated by the United States Government; *when Veteran's Day falls on a Saturday, Veteran's Day shall be celebrated on the preceding Friday; and, when Veteran's Day falls on a Sunday, Veteran's Day shall be celebrated on the following Monday;* when Christmas Eve falls on a Saturday or Sunday, it shall be celebrated on the preceding Friday; when Christmas Day falls on a Saturday or Sunday, it shall be celebrated on the following Monday; when July 4 falls on a Saturday, Independence Day shall be celebrated on the preceding Friday; and, when July 4 falls on a Sunday, Independence Day shall be celebrated on the following Monday.
- (b) After the first 60 days of employment, all classified and probationary employees shall be granted holiday pay either on the date set aside for the holiday or another day as agreed upon by the City; except, if a day off proves detrimental to the interests of the City, employees may be compensated by being paid an amount equal to eight hours off at the straight-time rate in effect as of the day set aside to celebrate the holiday. Full-time classified and probationary employees compensated on a 40-hour-per-week average work schedule shall receive eight

hours off with pay. Part-time classified and probationary employees' holiday pay shall be calculated at a proportionate rate based on the tier assigned to in accordance with Rule 9, Section 9-8.

- (c) All employees that are required to work on the day set aside for observance of the holiday, including those employees whose working hours specifically include holiday work time, shall be paid for the time worked at the straight-time rate in effect on that day.
- (d) All employees who are granted a compensatory holiday in lieu of time off on a holiday shall take the compensatory holiday off during the month in which the holiday occurs or during the month immediately preceding or following the month in which the holiday occurs. Any compensatory holiday not taken within the foregoing specified time period shall be forfeited and void. *If an employee takes compensatory holiday time in the month preceding the actual holiday and then is terminated for any reason prior to the actual holiday, the amount of compensatory holiday time utilized must be reimbursed to the City.*
- (e) Employees shall not be authorized to work holidays except by prior approval of the department head or in case of an emergency.
- (f) Any employee who is absent without leave or absent without pay on the working day immediately preceding or following the day set aside in observance of a holiday shall lose pay for the holiday.
- (g) Official holidays occurring during any paid leave shall not be charged to the time the employee is on paid leave.
- (h) As exceptions to the above provisions, hourly fire personnel who are compensated on a 56-hour-per-week average work schedule shall accrue 11.2 hours holiday pay for those official holidays as designated in this section. Hourly police personnel who are compensated on a 42-hour-per-week average work schedule shall accrue 8.4 hours holiday pay for those official holidays as designated in this section. Payment for such holiday leave shall be made in accordance with Section 16-1 (d) above.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin Personnel Rules and Regulations, Rule 16, Section 16-2 Vacation Leave is hereby amended as follows:

All classified full-time employees shall be allowed to accumulate vacation leave according to the following schedule:

YEARS SERVICE COMPLETED	ANNUAL VACATION LEAVE (WORKING DAYS)
0	0
1	5
2-9	10

10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20 or more	20

<i>0 – 1 years</i>	<i>5 days</i>
<i>2 – 5 years</i>	<i>10 days</i>
<i>6 – 10 years</i>	<i>12 days</i>
<i>11 – 15 years</i>	<i>15 days</i>
<i>16 – 18 years</i>	<i>18 days</i>
<i>19 or more years</i>	<i>21 days</i>

Vacation leave for designated Department Heads/Assistant DH, the City Attorney, the Executive Director of Economic Development, Mayor, and City Recorder shall be fifteen (15) business days each year for the first ~~ten (10)~~ five (5) years of service, and thereafter increasing one (1) business day for each year of service up to a maximum of to twenty (20) business days:

0 through 10 years	15 days
11 th year	16 days
12 th year	17 days
13 th year	18 days
14 th year	19 days
15 plus years	20 days
<i>0 - 5 years</i>	<i>15 days</i>
<i>6 + years</i>	<i>20 days</i>

For vacation leave purposes, the term “workday” as it applies in this section shall be computed on an eight-hour basis for all employees except fire employees who work 24 hours on/48 hours off work shifts, and whose workdays for vacation purposes shall be computed in an 11.2 hour basis. Hourly police personnel who are compensated on a 42-hour-per-week average work schedule shall have their vacation pay computed on an 8.4 hour basis.

- (a) Vacation leave time will be accounted for and controlled on a calendar-year basis.
- (b) Vacation leave compensation shall be figured at the employee’s regular straight-time pay rate in effect as of the date the vacation leave time is taken.

- (c) The date of service to be used in determining the vacation leave time accrual rate is the beginning date of the employee's current period of continuous classified service.
- (d) Should employment terminate prior to completion of the probationary period, no vacation leave time or pay shall be allowed. Vacation shall be granted only after satisfactory completion of the probationary period, ~~except for personal or emergency reasons authorized by the Mayor.~~
- (e) Temporary, casual, provisional, and student employees are not eligible for the accrual of vacation leave and shall not be entitled to vacation leave pay or time upon separation. Prior service as a temporary, casual, provision, or student employee does not count in the years of service computation.

Only the employee's current, continuous period of service, exclusive of any official leave periods, may be counted for vacation leave accrual purposes. If a temporary, casual, provision, or student employee is subsequently reclassified as a probationary or classified employee, the accrual of vacation leave time begins with the date of reclassification.

- (f) Classified part-time employees' years of service shall be calculated at a proportionate rate based on the tier assigned to in accordance with Rule 9, Section 9-8. If a classified part-time employee is subsequently reclassified to a classified full-time employee, only the equated full years of service may be counted for vacation leave carryover and accrual purposes.
- (g) For vacation purposes, reinstated employees shall be considered as new employees, regardless of the reason(s) for separation.
- (h) Vacation leave may not be taken before it is earned. If it is necessary that an employee be absent from work in excess of accrued vacation leave time, the proper deduction must be authorized from the employee's pay.
- (i) Earned vacation may be taken throughout the year in whole, in part, or on a piecemeal basis to cover short periods of absence needed for recreation, rest, or other personal reasons. The department head may authorize or deny requests for ~~short, unscheduled periods of absence~~ *vacation leave* consistent with the needs of his/her work unit.
- ~~(j) Any vacation leave of two or less working days may be scheduled with proper approval on a first come, first served basis, provided all other considerations are met as provided for in this section; however, seniority shall be given consideration when scheduling any vacation leave of three or more consecutive working days.~~
- (k) Any one vacation leave should generally not exceed 10 consecutive working days; however, under unusual or special circumstances and workload demands permitting, specific approval of the employee's department head may be obtained

for a longer vacation. In approving requests for more than 10 consecutive days of vacation, department heads should be guided by the following considerations:

- (1) The effect of the employee's absence on the functioning and workload of the organization. Arrangements should be made to insure that there will be no detrimental effect to the workload of the organization due to the extended absence;
 - (2) The time needed by the employee to complete a special trip or project;
 - (3) The recent occurrence of the employee's last extended vacation. It is anticipated that the need for such vacations will not be frequent; and,
 - (4) The employee's standing with the City.
- (l) The department head has the ultimate responsibility of seeing that proper staffing is adequate to insure that workload demands of the organization are met to provide needs and services for the overall operation and continuity at optimum efficiency and minimum cost; therefore, the number of consecutive days taken in any one vacation and the time any vacation leaves are to be taken shall be scheduled well in advance with the employee by the immediate supervisor and final approval shall rest with the department head.
- (m) Classified full-time employees (and classified part-time employees on a proportionate basis) may accumulate and carry forward from one calendar year to the next the maximum number of days specified in the introductory paragraph of this section (the amount you earned in the previous year). In the event an employee has a greater accumulation than his/her maximum entitlement under paragraph one at the end of any calendar year, the carry-forward amount will be reduced to that maximum; however, the Personnel Official may authorize vacation hours which would otherwise be forfeited to be carried forward for a period not to exceed one hundred twenty (120) days in the next calendar year. In such instance, the department head must show that the employee, through no fault of his or her own, was unable to take the required number of hours vacation due to the requirements of his or her position.
- (n) The increased accrual rates based on length of continuous service become effective the first day of the work period following the completion of the required service period.
- (o) Official holidays falling within a period of vacation leave are charged as holiday leave rather than vacation leave.
- (p) An employee moving from one department to another retains all accrued, unused vacation leave.
- (q) Classified full-time employees, and classified part-time employees on a proportional basis, who are being separated for any reason, ~~and employees who are~~

~~taking regular retirement as provided for in these Rules, may receive terminal vacation leave for any unused portion of their accumulated vacation leave not to exceed the maximum amounts specified in Section 16-2 above. For terminal leave purposes, an employee's leave balance shall be rounded to the nearest whole day. For example, a terminating employee with a leave balance of 10.3 days would receive 10 days of terminal vacation pay. An employee with a balance of 10.8 days would receive 11 days terminal vacation leave pay.~~

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

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

July 28, 2015

DEPARTMENT: Human Resources

AGENDA # 2

SUBJECT:

McGrath Recommendations from our recent compensation and benefits study.

SUMMARY:

We asked that a comparison of our benefits be conducted with other municipalities. As a result of this analysis, Dr. Victoria McGrath proposed increased vacation leave for classified staff and department heads and two additional holidays.

RECOMMENDATION:

Approve

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes: