CITY OF GALLATIN
COUNCIL MEETING

June 21, 2016 | **6:00 pm** | **Dr. J. Deotha Malone Council Chambers**

- Call to Order – Mayor Brown
- Invocation
- Pledge of Allegiance – Vice Mayor Hayes
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: May 17, 2016 City Council Meeting
- Public Recognition on Agenda-Related Items
- Mayor's Comments

AGENDA

1. **Third Reading Ordinance No. O16Ø5-31** Ordinance to provide revenue for the City of Gallatin Tennessee for municipal purposes for the 2016 tax year and the 2017 fiscal Year **(Councilwoman Kemp)**

2. **Second Reading Ordinance No. O16Ø5-32** An ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Foxland Crossing Preliminary Master Development Plan for Vintage at Foxland Harbor, 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)**

3. **Second Reading Ordinance No. O16Ø5-33** An ordinance of the City of Gallatin, Sumner County, Tennessee amending the Zoning Ordinance, Article 13, Section 13.07, Sign Regulations, to allow on-premises digital signs and the conversion of a limited number of non-conforming billboards to digital billboards and providing miscellaneous clarifications and refinements to the text of the sign regulations; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilman Mayberry)**

4. **Second Reading Ordinance No. O16Ø5-34** An ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Preliminary Master Development Plan for Bakers Crossing, the Forza Group, authorizing the revision to the PMDP to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date. **(Councilman Overton)**

5. **Second Reading Ordinance No. O16Ø5-37** Ordinance amending the Gallatin Municipal Code, Chapter 9, Fire Protection and Prevention, by adding Article V, Blasting Regulation and Permitting **(Councilman Camp)**

6. **Second Reading Ordinance No. O16Ø5-38** Ordinance appropriating funds from The Pool in the amount of $5,000 **(Councilwoman Brackenbury)**

7. **Second Reading Ordinance No. O16Ø6-39** Ordinance of the City of Gallatin, Tennessee adopting the annual budget for the fiscal year beginning July 1, 2016 through June 30, 2017. **(Councilman Alexander)**

8. **Resolution R16Ø5-30** Resolution establishing Internal Controls Manual **(Councilman Alexander)**

9. **Resolution R16Ø6-33** Resolution appointing Lynda Love as board member of the Gallatin Historic District Commission **(Councilman Overton)**

10. **Resolution R16Ø6-34** A resolution of the City of Gallatin, Tennessee endorsing a revised list of project priorities for the development of three sidewalk improvement projects using Active Transportation Grant funds from the Nashville Area Metropolitan Planning Organization in the City of Gallatin **(Councilwoman Brackenbury)**

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

City of Gallatin
City Council Meeting

May 17, 2016

The Gallatin City Council met in regular session on Tuesday, May 17, 2016 in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Paige Brown called the meeting to order at 6:00 P.M. Councilwoman Julie Brackenbury led the opening prayer and Vice Mayor Hayes 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
Councilwoman Anne Kemp
Councilman Ed Mayberry
Councilman Jimmy Overton

Absent:

Others Present

Zach Wilkinson, Public Works Director
Gallatin News, Reporter
David Brown, Leisure Services Dir.
News Examiner, Reporter
Connie Kittrell, City Recorder
David Gregory, Public Utilities Dir.
Nick Tuttle, City Engineer
Debbie Johnson, Human Resource Dir.
Rachel Nichols, Finance Director
Susan High-McAuley, City Attorney
Don Bandy, Police Chief
Bill McCord, City Planner
Lori Smiley, IT Director
Chuck Stuart, Building Official
Victor Williams, Fire Chief

Approval of Minutes

Mayor Brown presented April 19, 2016 City Council minutes, May 3, 2016 Special-Called Council minutes and May 3, 2016 City Council minutes for approval. Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor Brown opened public recognition on agenda related items.

- Councilwoman Brackenbury presented a video of Kenley Jones, a student at Union STEM School. Ms. Jones participated in a 4-H speech/project on the benefits of having backyard chickens.

  Councilwoman Brackenbury introduced Kenley and her mother, Kim Jones and thanked Kenley for her comments and information.

  Mayor Brown thanked Kenley for sharing her concerns.

- Don Foy of 2598 Mt. Vernon Road in Bethpage, Tennessee invited Council members and Mayor Brown to the second annual Picnic at Christian Towers sponsored by the Elks Lodge. Mr. Foy said the picnic will be Thursday, May 26th at 6:00 P.M. and there is no cost.

- Dorothy Joyner of 156 Alpha Drive spoke about her subdivision being located adjacent to the property being rezoned to Industrial. Ms. Joyner stated she and her neighbors are interested in what will be located on that property, the noise level and any type of pollution. Ms. Joyner asked that the residents be considered.

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

Mayor's Comments

- Census numbers were verified at 34,473 which equals to approximately $516,000 annually for the City

- Zach Wilkinson in conjunction with Keep Tennessee Beautiful is organizing three clean-up dates; May 24th Lock 4 Park from 9:00 – 11:00 A.M., May 26th at Triple Creek/Towncreek Greenway from 1:00 – 3:00 P.M. and June 4th at Lower Station Camp Creek from 9:00 – 12:00 Noon.

- Transit Alliance Meeting tomorrow night at City Hall at 5:30 P.M.
- Coin Show at the Civic Center this weekend
- Golf Tournament at Long Hollow Golf Course with the Sumner County Veterans and Families in Need
- Farmers Market continues to be open on Saturdays
- Grand Opening in Castalian Springs
- Relay for Life/American Cancer Society event is Saturday at Volunteer State Community College at 2:00 P.M.
- Leukemia/Lymphoma Foundation fundraiser is at the Tennessee Pour House at 4:00 P.M.
- Local Native American Artist Concert at the First United Methodist Church with proceeds going to St. Jude's Children Hospital

Agenda

1. Ordinance #O1604-22 – Second Reading

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Sumner County Career Center, 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 Alexander seconded. Motion carried with 7 ayes and 0 nays.

2. Ordinance #O1604-24 – Second Reading

Councilwoman Brackenbury presented this ordinance of the City of Gallatin, Sumner County, Tennessee, rezoning an approximate 37.62 (+/-) acre parcel (Tax Map 112 Parcel 18.00), from (A)-Agricultural Residential District to (IR)-Industrial Restrictive District, located east of Airport Road and south of Broadway; authorizing

the revision to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilwoman Brackenbury made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

3. **Ordinance #O1604-26 – Second Reading**

Councilman Alexander presented this ordinance appropriating funds in the amount of $95,088.00 from the reserve account for the Economic Development Agency (EDA) into the budget for the EDA.

Councilman Alexander made motion to approve; Vice Mayor Hayes seconded. Motion carried with 7 ayes and 0 nays.

4. **Ordinance #O1605-29 – Second Reading**

Councilman Overton presented this ordinance appropriating an amount not to exceed $1,816.40 for Fire Department Personnel Fire Investigator Training.

Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

5. **Ordinance #O1605-30 – Second Reading**

Councilman Mayberry presented this ordinance amending Gallatin Municipal Code Chapter 4, Animals by adding Section 4-11, Domesticated Chickens.

Councilman Mayberry made motion to approve; Councilman Overton seconded.

City Attorney Susan High-McAuley presented and explained changes to the ordinance: called a license, the City Recorder's office will collect the fee and the license is required to be renewed each year.

Councilman Mayberry made motion to amend to call a license, City Recorder's office to collect fee and renew license each year; Vice Mayor Hayes seconded. Motion carried with 7 ayes and 0 nays.

Mayor called for the vote on the original motion. Motion carried with 7 ayes and 0 nays.

6. **Ordinance #O1605-31 – First Reading**

Councilman Alexander presented this ordinance to provide revenue for the City of Gallatin, Tennessee for municipal purposes for the 2016 tax year and the 2017 fiscal year.

Councilman Alexander made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 7 ayes and 0 nays.

7. **Ordinance #O1605-32 – First Reading**

Vice Mayor Hayes presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Foxland Crossing Preliminary Master Development Plan for Vintage at Foxland Harbor, 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; Councilwoman Brackenbury seconded. Motion carried with 7 ayes and 0 nays.

8. **Ordinance #O1605-33 – First Reading**

Councilman Mayberry presented this ordinance of the City of Gallatin, Sumner County, Tennessee amending the Zoning Ordinance, Article 13, Section 13.07, Sign Regulations, to allow on-premises digital signs and the conversion of a limited number of non-conforming billboards to digital billboards and providing miscellaneous clarifications and refinements to the text of the sign regulations; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilman Mayberry made motion to approve; Councilman Alexander seconded.

Councilman Overton made the following four (4) amendments:

1. 13.07.061(A) City Attorney Susan High-McAuley requested the amendment read: "*any off-premises signs other than an off-site billboard currently permitted by the Tennessee Department of Transportation and/or the City of Gallatin.*"

2. 13.07.061 (B) (4) add after and support structures, "*unless said pole is to be used for the replacement sign and complies with 13.07.061*" (reuse existing pole)

3. 13.070.61 (C) (3) City use the same TDOT requirements of 2,000 feet on the same side of the road.

There was much discussion on this amendment.

City Planner Bill McCord cautioned Council about making requirements more liberal but there is difficulty in making them more conservative.

Discussion continued.

4. 13.07.061 (C) (14) Add "*all sign companies allow real time emergencies and Amber alerts.*"

Councilwoman Brackenbury seconded Councilman Overton's motions to amend.

Vice Mayor Hayes made motion to amend by removing Councilman Overton's #3. amendment; Councilman Mayberry seconded.

Discussion continued on content regulations.

Mayor Brown called for the vote on Vice Mayor Hayes amendment. Motion carried with Vice Mayor Hayes, Councilman Camp, Councilwoman Kemp and Councilman Mayberry voted aye; Councilman Overton and Councilwoman Brackenbury voted nay; Councilman Alexander abstained.

Mayor called for the vote on the first amendment of approving #1., #2., and #4. of Councilman Overton's amendments. Motion carried with 7 ayes and 0 nays.

Mayor called for the vote on the original ordinance. Motion carried with 7 ayes and 0 nays.

9. Ordinance #O1605-34 – First Reading

Councilman Overton presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving an amendment to the Preliminary Master Development Plan for Bakers Crossing, the Forza Group, authorizing the revision to the PMDP to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

10. Ordinance #O1605-35 – First Reading

Councilman Overton presented this ordinance of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Twice Daily authorizing the zoning with PMDP to be indicated on the Official Zoning Atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date.

Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 7 ayes and 0 nays.

Councilman Overton made motion to present the public hearing and second reading at the next Council meeting; Councilwoman Brackenbury seconded. Motion carried with 7 ayes and 0 nays.

11. Ordinance #O1605-36 – First Reading

Councilman Alexander presented this ordinance appropriating $2,426,579.70 for 2016 year end budget adjustments.

Councilman Alexander made motion to approve; Vice Mayor Hayes seconded. Motion carried with 7 ayes and 0 nays.

12. Resolution #R1605-23

Vice Mayor Hayes presented this resolution accepting public improvements by the City of Gallatin, Tennessee Kennesaw Farms, Phase 5, Section 1.

Vice Mayor Hayes made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

13. Resolution #R1605-28

Councilwoman Brackenbury presented this resolution awarding Property, Liability, Gas Liability & Worker's Compensation Insurance for the City of Gallatin to TML Risk Management Pool also known as 'The Pool' in the amount of $926,934.

Councilwoman Brackenbury made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

14. Resolution #R1605-29

Councilman Camp presented this resolution establishing Payment Card Industry Compliance Policies to meet compliance requirements for payment card transactions.

Councilman Camp made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

Other Business

Mayor Brown called for other business.

- Councilman Mayberry requested ACES Program last year's revenue minus expenses and collected revenue year to date for this year minus expenses from Finance Director Rachel Nichols.

- Councilman Mayberry requested the number of units not developed yet; how many approved and not built from City Planner Bill McCord. Mr. McCord said he could provide the number of lots platted.

- Councilman Alexander asked for an update on Blakemore Street. Public Works Director Zach Wilkinson said everything is moving forward and another 600 feet of curb is to be poured next Monday.

- Mayor Brown said City Attorney Susan High-McAuley requested Council meet in executive session immediately following this meeting.

Public Recognition on Non-Agenda Related Items

Mayor Brown opened public recognition on non-agenda related items and with no one wishing to speak public recognition was closed.

- Councilman Mayberry stated the Chamber of Commerce Government Relations meetings will conclude this Friday at Sumner Regional Hospital at 7:30 A.M.

Adjourn

Councilman Overton made motion to adjourn; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

Mayor Brown adjourned the meeting at 6:54 P.M.

Mayor Paige Brown

City Recorder Connie Kittrell

ORDINANCE NO. O16Ø5-31

ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF GALLATIN TENNESSEE FOR MUNICIPAL PURPOSES FOR THE 2016 TAX YEAR AND THE 2017 FISCAL YEAR

BE IT ORDAINED by the City of Gallatin, Tennessee, that:

SECTION I. PROPERTY TAX:

A. All property, real, personal or mixed within the corporate limits of said City shall be and is hereby assessed for taxation for municipal purposes for the tax year 2016, except as is exempt from taxation by the Constitution and the laws of the State of Tennessee.

B. The levy be and is hereby made:

(1) to contribute to the general current expenses of said municipality that are paid from the General Fund; and

(2) to provide an amount, totaling $2,557,382 to contribute to the retiring of the current year's principal and interest obligations;

a tax of ninety-nine cents ($0.99) per every one hundred dollars ($100.00) of taxable property.

C. All collections of property taxes from levies of past years be collected entirely in, and become revenue of the General Fund and that any expenses incurred in collecting such delinquent taxes be entirely expenses of the General Fund.

D. The Tax Assessor for Sumner County, Tennessee, is hereby authorized to assess all the property lying within the Corporate Limits of the City of Gallatin, Tennessee, and the assessment is hereby adopted as the assessed or taxable value of said property for municipal purposes for the City of Gallatin, Tennessee, upon which shall be levied the tax rate as provided in this ordinance.

SECTION II. BUSINESS TAX: The privilege tax levied by the General Assembly of the State of Tennessee known as the "Business Tax Act" and as amended, be and the same is hereby levied for municipal purposes for the City of Gallatin, Tennessee, for the year 2016 and all arts, traces, callings, or occupations created and declared to be a privilege within the City of Gallatin, and for their exercises within the City of Gallatin, the same taxes are hereby levied and shall be collected for the municipal purposes as are now levied and collected for State purposes under and by virtue of said Act of the General Assembly of the State of Tennessee, as amended.

SECTION III. IN-LIEU TAX: Pursuant to, T.C.A. § 7-34-115, payments in lieu of *ad valorem* taxes shall be paid by municipal utility systems to the municipality in an amount not to exceed the amount of taxes payable on privately owned property of similar nature.

SECTION IV. EFFECTIVE DATE: All laws and ordinances in conflict with this ordinance, be and the same are repealed, and this ordinance shall be effective from and after its passage, the public welfare requiring it.

Passed first reading: May 17, 2016.

Passed second reading: June 7, 2016.

Passed third reading:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

5/10/2016

DEPARTMENT: **Finance** **AGENDA #**

SUBJECT:
Ordinance setting tax rate for 2016/2017

SUMMARY:
Tax rate ordinance for 2016/2017 which sets the property tax rate at $0.99 per $100 of assessed value and authorizes the collection of other taxes for the fiscal year.

RECOMMENDATION:
approval

ATTACHMENT:

____ **Resolution**	____ **Correspondence**	____ **Bid Tabulation**
_x_ **Ordinance**	____ **Contract**	____ **Other**

Approved ☒
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O16Ø5-32

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE FOXLAND CROSSING PRELIMINARY MASTER DEVELOPMENT PLAN FOR VINTAGE AT FOXLAND HARBOR, 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 submitted a complete application for the Vintage at Foxland Harbor an amendment to the Foxland Crossing Preliminary Master Development Plan on a 14.19 (+/-) acre parcel, located in the City of Gallatin, Tennessee; and

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

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the Vintage at Foxland Harbor, an amendment to the Foxland Crossing Preliminary Master Development Plan, in GMRPC Resolution No. 2016-56; 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 amendment to the Foxland Crossing Preliminary Master Development Plan.

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 Amended 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 indicating the amended Preliminary Master Development Plan.

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: May 17, 2016.

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 Vintage at Foxland Harbor, consists of a seven (7) sheet plan with S.E.C. Project #16010, prepared by Site Engineering Consultants of Murfreesboro, TN, dated March 28, 2016 with a final revision date of April 14, 2016, a one (1) sheet photometric plan with Job No. 216014, prepared by ED/A of Tulsa OK, dated March 28, 2016, and an eight (8) sheet architecture plan, with Job No. 216014, prepared by Parker Associates Tulsa, of Tulsa, Oklahoma, dated March 28, 2016, with the following conditions:

1. Reconfigure the commercial outparcel access points to provide one (1) driveway per outparcel with a minimum driveway spacing of 185 feet, per the Gallatin on the Move 2020 General Development Transportation Plan.
2. Show and label the tie-in of the 20 foot wide backage road with the conceptual commercial parcels.
3. The developer shall show the approximately 250 foot extension of Foxland Boulevard between Foxland Crossing Phase 12A and the Vintage @ Foxland Harbor collector road.
4. The developer shall submit an availability request to White House Utility District.
5. Submit one (1) full-sized and two (2) half-sized, corrected folded copies of the Preliminary Master Development Plan.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #** 4

SUBJECT:
Ordinance #O16Ø5-32 of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Foxland Crossing Preliminary Master Development Plan for the Vintage at Foxland Harbor development on a 14.19 (+/-) acre parcel.

SUMMARY:
The owner and applicant is requesting approval of an Ordinance to amend the Foxland Crossing Preliminary Master Development Plan, Phase 15 to construct the Vintage at Foxland Harbor, a 206 multi-family dwelling unit complex on a 14.19 (+/-) acre parcel zoned Mixed Use (MU), located south of Nashville Pike and west of Douglas Bend Road and to authorize 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//Parcel 027.01). Dwelling, Multi-Family is a permitted uses in the Mixed Use (MU) zone district.

On April 25, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2016-56. (PC File# 3-1695-16)

RECOMMENDATION:

ATTACHMENT:

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

Approved ☒
Rejected ☐
Deferred ☐

Notes: 1st Reading — Hayes/Brackenbury — UNANIMOUS.

ORDINANCE NO. O1605-33

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE AMENDING THE ZONING ORDINANCE, ARTICLE 13, SECTION 13.07, SIGN REGULATIONS, TO ALLOW ON-PREMISES DIGITAL SIGNS AND THE CONVERSION OF A LIMITED NUMBER OF NON-CONFORMING BILLBOARDS TO DIGITAL BILLBOARDS AND PROVIDING MISCELLANEOUS CLARIFICATIONS AND REFINEMENTS TO THE TEXT OF THE SIGN REGULATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, innovations and emerging technologies have allowed for the advertising industry to more effectively display products and services for clients utilizing such technology and offer greater opportunities for local businesses to advertise their products and services, and

WHEREAS, more businesses desire to apply advanced technologies which permit signs to change copy electronically to better convey products and services offered by such businesses, and

WHEREAS, the proposed text amendment is necessary to accommodate newer technologies promulgated by the sign industry, and

WHEREAS, newer sign technologies may create adverse impacts to adjacent uses or area uses unless regulated in a reasonable manner, and

WHEREAS, the proposed text amendment will allow for businesses and individuals to more effectively advertise messages to benefit citizens and to promote economic development, and

WHEREAS, the proposed text amendments will provide for additional advertising opportunities without adversely affecting the aesthetics of the community, adversely affecting property values or creating significant distractions to vehicle operators or area property owners, including to minimize visual clutter, and

WHEREAS, the legal purposes for which zoning regulations exist are not contravened, and

WHEREAS, the proposed text amendment will not create adverse effects upon adjoining property owners or any such adverse effect is justified by the public good or welfare, and

WHEREAS, no one property owner or small group of property owners will benefit materially from the zoning code text changes to the detriment of the general public, and

WHEREAS, the text amendment is in agreement and consistent with the recommendations of the *Gallatin on the Move 2020* General Development and Transportation Plan, and

WHEREAS, Tennessee Code Annotated, Title 13, Chapter 7, Section 204 authorizes the City to amend its zoning code as necessary upon first being reviewed by the Planning Commission, and

WHEREAS, the Gallatin-Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance reviewed and recommended approval of these amendments in GMRPC Resolution 2016-44, and

WHEREAS, The City Council of the City of Gallatin is authorized under Tennessee Code Annotated Title 13, Chapter 7, Section 201 to adopt zoning regulations for the betterment of the city, and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of these amendments pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance and Tennessee Code Annotated, Section 13-7-203;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article 13, Performance and Design Standards, Section 13.07, Sign Regulations of the Zoning Ordinance of Gallatin, Tennessee is hereby amended as described in Exhibit 'A':

Section 1. The City Council of the City of Gallatin does hereby approve the Zoning Code text amendment 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 Ordinance to show the changes in the text as described in Exhibit 'A'.

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: May 17, 2016.

PASSED SECOND READING:

_____

MAYOR PAIGE BROWN

ATTEST:

_____

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

13.07 Signs Regulations

ADMINISTRATION

13.07.005 Purpose and Intent

B. Allow for the communication of information necessary for the conduct of commerce and to inform the public of community events and activities.

* * * * * * * * * * *

J. Preclude signs from creating ~~conflicting~~ conflicts with the ~~principal permitted use of the site~~ signs, or structures on ~~or~~ adjoining sites.

* * * * * * * * * * *

N. Protect the future of public rights-of-way. ~~Limit~~ Regulate the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the City's General Development and Transportation Plan and without disturbance of the existing conforming ~~and legal non-conforming~~ signs.

O. Encourage the removal of non-conforming signs or the replacement of non-conforming signs with conforming signs.

13.07.010 Rationale, Applicability, Effect, System for Regulation and Overall Use

A. Rationale – The word "sign" is chosen to signify all non-verbal communication in public viewed area because of its traditional use. The word "graphic" is synonymous with "sign" and the two may be used interchangeably within the context of this sign code. ~~An on-premises~~ A sign shall not be considered a principal use except where legally permitted as a non-conforming sign for outdoor advertising as defined in Tenn. Code Annotated, Title 54, Chapter 21.

* * * * * * * * * * *

D. System for Regulation - Before erecting, altering, or relocating any signage, the owner or his agent shall obtain a sign permit from the ~~Codes/Planning Department~~ City pursuant to 13.07.030, except as otherwise exempted herein. If any person, company, or facility violates the provisions of this ordinance, the Zoning Administrator or designee, shall take any or all of the enforcement actions prescribed in the Zoning Ordinance to ensure compliance with, and/or to remedy a violation of this Ordinance.

E. Message Substitution Clause – Subject to the land owner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial

message or any duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legally permitted ~~without any additional approval or permitting~~. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring any particular non-commercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

13.07.015 Code Compliance, Construction, and Maintenance

* * * * * * * * * * *

B. Permanency Required – All signs, except temporary signs, shall be constructed of permanent materials and shall be permanently attached to the ground or building unless exempt herein

* * * * * * * * * * *

13.07.020 Permits and Inspections

A. Permit Required - No sign or sign structure, except as provided in Subsections 13.07.055 and 13.07.060, shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. All signs shall be located on the premises of the principal use to which they pertain except for off-premises signs as permitted herein. The following items are required when applying for a sign permit.

* * * * * * * * * * *

5. All outside agency permits must be provided with any application for a City sign permit.

6. No signs shall be permitted on any property without a permit except where exempted.

B. Fees - Each application for a sign permit shall be accompanied by the applicable fees. An application and fee schedule can be obtained by contacting the City ~~of Gallatin Codes/ Planning Department~~.

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13.07.030 Enforcement and Remedies

Any person, firm, or corporation violating any provisions of this ordinance shall upon conviction thereof, be appropriately fined as cited below. Each day that a violation continues shall be considered a separate offense and an additional violation. Upon receiving actual notice of a violation, by certified mail or by regular mail when an affidavit signed by the City representative

is provided, if within seven (7) calendar days, the owner of a sign fails to contact the Zoning Administrator or designee in order to bring said sign into compliance with this ordinance, or to obtain a permit for said sign, then the Zoning Administrator or designee is herein empowered to have the sign removed and destroyed without further notice.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed Fifty Dollars ($50.00) for each violation.

The Zoning Administrator or designee shall have the authority to remove or order the removal ~~of all signs, at owner's expense, and without notice to the owners thereof,~~ of any sign placed within any right-of-way, or attached to trees, rocks, fence posts, telephone poles, utility poles, or other natural features at owner's expense, and without notice to the owners thereof.

The property owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids, or participates in, or maintains such violation may be found guilty of a separate offense and is subject to the penalties as provided herein.

DEFINITIONS

13.07.045 Definitions

Words and phrases used in this sign ordinance shall have the meanings set forth herein. Words and phrases not defined in this sign ordinance, but defined elsewhere in the zoning ordinance of the City of Gallatin shall be given the meanings set forth therein.

A-Frame Sign – See, Sandwich Board Sign

Abandoned, Obsolete, Defaced Sign - Any sign which: (1) advertises or pertains to a business, profession, commodity, service, product or entertainment which has not been conducted, sold, or offered on the premises upon which said sign is located for a continuous period of ninety (90) days or (2) was created for an occupant, product, or business unrelated to the present occupant of the premises or (3) a site plan or final master development plan has expired or (4) the sign faces are missing.

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign - An awning sign is any lettering, numbering, other than the address, or logo that is placed on the valance/curtain area of an awning. See Subsection 13.07.105 for example of display surface area of awning.

Banner - Any sign constructed of canvas, cloth, paper, flexible plastic, fabric, or any other non-rigid material.

Beacon - Any stationary or revolving light with one or more beams that flashes or projects illumination into the atmosphere or is directed at one or more points on the same zone lot.

Billboard - An off-premises, or off-site, sign that is affixed to or erected upon a freestanding framework that directs attention to a non-commercial message, profession, business, commodity, service, product or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Brightness - The degree that lighting emits a luminance that complies with or exceeds the standards established by the Tennessee Department of Transportation as described in Tenn. Code Annotated, Section 54-21-122.

Building Marker - Any sign indicating the name of a building, date and/or incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

Cabinet Sign - Sign panel(s) within a frame.

Canopy - A rigid or non-rigid multisided overhead structure covered with fabric, metal, or other material, but not enclosed by walls and supported by a building at one (1) or more points or extremities, and by columns or posts embedded in the ground at other points or extremities.

Canopy Signs – A canopy sign is any lettering, numbering, other than an address, or logo that is placed on a canopy and is considered wall-mounted signage.

Changeable Copy (message) Sign (Automated Changeable Copy) - A sign or portion thereof that displays letters or numbers, characters, symbols, graphics, images, non-moving animation, or illustrations, (1) which may be itself ~~are not themselves~~ an illumination device, and (2) which may be changed or rearranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. (Automated changeable copy signs such as "flip matrix," and "segmented~~.~~," ~~Excludes~~ includes digital signs, electronic display screen and electronic message center signs. For purposes of this code this shall be referred to simply as a "digital sign(s)".)

Changeable Copy Sign (Manual) - A sign or portion thereof in which the message can only be changed manually.

Changeable Copy Sign (Multi-Vision) - A sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one of two or more images on a single sign structure. May also be known as "Tri-Vision" signs.

Channel Letters - Individual letters mounted directly to the wall.

Commemorative Sign – A sign, tablet, or plaque memorializing a person, event, structure or site.

Commercial zones – Commercial zones include the following zoning districts: CC, CG, CS, CSL, PGC, PNC, PBP and the Industrial zones of IR and IG and the A zone when a business is authorized for the property.

Community Event Sign - A temporary sign advertising or announcing a special Community-wide event such as fairs, job fairs, carnivals, circuses, sporting events, flea markets, educational, or those conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, a not-for-profit corporation, or religious event or function.

Contractor Sign - A temporary sign placed by a contractor or other professional business such as, but not limited to, a landscaper or painter, to advertise the work currently being done on that property.

Development-In-Progress Sign - A temporary sign which, by means of symbol or name, identifies a project that requires a site plan or final master development plan such as, but not limited to, a shopping center, commercial or industrial park, or other development that may contain a mixture of residential, mixed use, commercial, or industrial uses. Information could contain architect, engineer, contractor, lending agency, and/or developer on construction sites.

Digital Sign – Also see Electronic Display Screen (Digital) Sign, Changeable Copy Sign (Automated), and Electronic Message Center Sign. For purposes of this code this shall be referred to simply as "digital sign(s)".

Directional Sign - A sign that provides on-site directional assistance for the convenience of the public, such as, identifying entrances, exits, drive-thru windows, parking lots, or signs of a similar nature.

Directory Sign - See, Multi-Tenant Wall-Mounted Sign

Display Surface Area - The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. See Subsections 13.07.100 and 13.07.105.

~~Educational Campus – An area of land made up of ten (10) or more contiguous acres constituting and making up the grounds of a college or university. It contains the main building or buildings and other accessory buildings or uses on the site.~~

Electronic Display Screen (Digital) Sign - A sign, or portion of a sign, that displays an electronic or digital image ~~or video~~, which may or may not include text ~~and animation~~. This definition includes signs displayed on television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays. (a.k.a. electronic reader-board signs) (Also see digital signs, changeable copy sign (automated) and electronic message center signs) For purposes of this code this shall be referred to simply as a "digital sign(s)".

Electronic Message Center Sign - Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic message center signs may also include electronic time and temperature and variable message signs. (Also see digital signs, changeable copy sign (automated) and Electronic Display Screen (digital) Sign). For purposes of this code this shall be referred to simply as a "digital sign(s)".

Equipment/Machinery Signage - Attached sign frame that is incorporated into/onto machinery, equipment, cart corals, gas pumps, vending machines, newspaper racks, telephone booths, fee collection boxes or any other type similar device, which identifies or advertises a product or service dispensed by the machine or equipment, or offered on the same zone lot in which it is located.

Face/Sign Face – See, Display Surface Area

Flags - Any fabric, or bunting containing distinctive colors or patterns, and used as a symbol of government, institution, business, or other entity. Neither the flag, flagpole nor other support structure may extend over an adjoining property line without approval of such owners, or a public right-of-way unless approved by City Council~~, or an adjoining property line~~.

Flagpole, Ground - A freestanding structure on a parcel of record and used for the sole purpose of displaying flags of political entities, institutions, businesses or any other entity. For purposes of the Sign Ordinance, a flagpole is deemed to be a sign support structure and subject to all requirements applicable to sign support structures as found in the International Building Code.

Flagpole, Outrigger Wall-Mounted – An outrigger wall-mounted flagpole is one that extends outward from a wall at an inclined angle.

Flashing Sign – Shall be construed to be any sign that flashes or blinks, appears to flash or blink or gives a spectacular or twinkle illusion.

Free-standing/Ground Sign or Monument Sign– A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Frontage-Business - The façade of the business that abuts the required front yard as stipulated in this zoning code shall be considered the business frontage.

Frontage-Primary Business - For individual businesses with multiple frontages, the primary business frontage shall be considered the façade of the business that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this façade.

Frontage-Secondary Business - An additional elevation not designated as a primary business frontage that has a public entrance to the business, faces a public right-of-way, or has a drive-thru window and/or a primary parking area.

Frontage-Street - The length of the property line(s) of any single lot or zone lot along a public way.

Grade Level – The finished average ground elevation around the perimeter of the sign.

Grand Opening – The introduction, promotion, or announcement of a new business, or the announcement, introduction or promotion of an established business changing ownership or location. "Grand Opening" does not mean an annual or occasional promotion of retail sales, or service by a business.

Height (of Sign) - The vertical distance measured from the base of the sign at grade level to the top of the sign structure.

Human Directionals Sign - Also known as sign twirlers, sign spinners, human arrows, sign holders, and mascots.

Illuminated Sign - A sign lighted by or exposed to artificial lighting either ~~by lights~~ on the sign or in the sign, but not directed toward the sign. This includes electronic display screen signs and electronic message center signs.

Illuminated Sign (Direct) - All illuminated signs not included in the definition of "Luminous Background" or "Illuminated Sign (Indirect)."

Illuminated Sign (Indirect) - Illumination of a sign that is affected by a source of light not contained within or on the sign itself.

Incidental Sign - A sign which includes information of a general directive or informational nature such as parking, no parking, handicapped parking, loading area, self-service, and rest room; which bears no advertising matter.

Inflatable and Airborne Sign - A stationary or mobile inflated device of any nature used to attract attention.

Legal Notices or Official Instruments - Any sign erected and maintained by public officials or public agencies other than incidental regulatory signs.

Luminous Background - A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or made to be opaque~~d~~.

Menu Board - A permanently affixed freestanding or wall-mounted sign displaying food and beverage information sold in connection with a restaurant.

Mixed-use Zones – Mixed-use zones include the following zoning districts: GO, OR, MRO, MPO, MUG, MUL, MU and SP.

Monument Sign - see Freestanding/Ground Sign

Multi-Tenant Development - A permanent on-premises freestanding sign, in ~~nonresidential,~~ commercial, mixed use and industrial zone districts, to advertise businesses within a multi-tenant development with five (5) or more tenants; is approved under one (1) preliminary master development plan or site plan; with or without individual street frontage ~~and with a common parking lot or private drive~~. Multi-Tenant Developments that do not qualify for a Multi-Tenant Development sign shall share a single ground sign per Subsections 13.07.065 and 13.07.075.F.

Multi-Tenant Wall-Mounted Sign - An identification sign for a commercial, mixed-use or industrial site with two (2) or more tenants, displaying the names of each tenant on the site.

Neon Sign - A sign containing glass tube lighting that is bent to form letters, symbols, or other shapes. Gas and phosphors are used in combination to create a colored light.

Non-commercial message sign – Any sign expressing an opinion or belief not intended to support a commercial activity.

Nonconforming Sign - A sign lawfully existing and maintained at the time of adoption, revision, or amendment of this ordinance, which has subsequently come under the requirements of this ordinance, but no longer conforms because of said revision or amendment.

Off-Premises Sign - A permanent or temporary sign that directs attention to a profession, business, commodity, service, product, event or entertainment, including non-commercial activities and ideas, not located or sold on the premises on which the sign is located. (Also known as a Billboard.)

Off-Site Sign – (also see Billboard) Any sign that advertises or gives direction to any non-commercial message, business, product, service, attraction, or any other purpose or interest, other than on the property where the industrial, commercial, institutional or other business establishment or premises is located. (Also see Tenn. Code Annotated Section 13-7-208 (h)).

On-Premises Sign - Any sign identifying or advertising a non-commercial activities and ideas, profession, business, commodity, service, product, event or entertainment located on the premises where the sign is installed and maintained.

Out Parcel - Individual lots located within a multi-tenant development; a tract of land adjacent to a larger tract of which it was originally an integral part.

Pennant Streamer - A geometric shaped sign, with or without a logo, made of flexible materials suspended from one (1) or two (2) corners on a stringer with other such signs to create the impression of a line.

Political Sign - A temporary sign expressing support for a candidate for public office or another position regarding a public figure or a public issue, but bearing no commercial message whatsoever.

Portable Sign - Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building, or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure with or without wheels excluding regulatory signs.

Projecting Sign - A projecting sign is any sign that is permanently attached to a building and projects outward. A projecting sign may project outward over a sidewalk if the building is built to the right-of-way.

Public Purpose/Regulatory Signs - A temporary or permanent sign erected by a governmental or quasi-governmental entity for the sole purpose of displaying public awareness or public health, safety and welfare information. Public purpose signs may be erected on public property with permission from the appropriate governmental entity/agency.

Raceway - Individual letters mounted on a track (raceway). Track (raceway) is then mounted to the wall.

Real Estate Sign - A sign advertising property or a building for sale, lease, rent, or auction upon which the sign is located.

Real Estate/Auction Directional Sign - A temporary sign that provides off-premise directional assistance to the property for sale, auction or lease.

Residential Sign - An accessory sign which indicates the names and/or address of the occupant or a permitted home occupation.

Residential Zones – Residential zones include the following zoning districts: A (with no business associated with the property), R40, R20, R15, R8, R6 and PRD or the MRO, MU, OR, MUG, and SP district when residential uses are authorized for the property.

Right-Of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, medians, sidewalks, lighting, utility poles and drainage facilities.

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign - A sign erected on a roof or signs that project above the highest point of the roof line.

Sandwich Board - A sandwich board sign, also known as an A-Frame sign, is a double faced temporary sign that is placed on the sidewalk in front of a business only during business hours.

Sign - Any writing (including letter, word, or numeral, other than an address number); pictorial presentation (including illustration or decoration); emblem (including device, graphic, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:

1. is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and;
2. is used to announce, direct attention, or advertise.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - A sign intended to display messages of a temporary nature. Portable signs, banners, sandwich boards, or any sign not permanently embedded in the ground or permanently affixed to a building or structure embedded in the ground are considered temporary signs.

Traffic Control Sign - Temporary or permanent signs identifying traffic control measures, such as stop, yield, and similar signs, the sign face of which meet the Manual for Uniform Traffic Control Devices and which contain no logo or commercial message of any sort. (Also see Public Purpose/Regulatory signs)

Vehicle Sign - A permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Wall-Mounted Sign - A sign fastened parallel to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign.

Warning Sign - Indicates the dangers of trespassing, swimming, animals, electrical currents, gas lines or similar hazards ~~for non-residential uses~~.

Wind Sign - Any banner, pennant, ribbon, spinner, streamer, inflatable sign, balloons, or similar device, or object or material, fastened in such a manner as to move upon being subjected to pressure by wind.

Window Sign - A sign posted, placed, painted, or affixed to the interior or exterior surface of a window or door of a building with its message intended to be visible and readable from the public way.

Zoning Administrator or Designee - Zoning Administrator or designee charged with enforcement of this ordinance.

REGULATIONS

13.07.050 Prohibited Signs

A. Animated Signs not otherwise permitted herein and including images displayed on digital signs.

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C. Billboards. Existing billboards may be replaced with a digital sign as identified herein.

D. ~~Electronic Display Screen~~ Digital Signs are prohibited within Historic districts, on any property designated by the City Council as an historic property, ~~within the City of Gallatin. Electronic display screen signs existing prior to February 19, 2008 shall be operated according to standards specified in the Gallatin Municipal Code~~ and on buildings. No such signs shall be visible from the street through windows or openings in the building, including any digital signs displaying a video or continuous message and animated signs.

~~E. Electronic Message Center Signs are prohibited within the City of Gallatin. Electronic display screen signs existing prior to February 19, 2008 shall be operated according to standards specified in the Gallatin Municipal Code.~~ Reserved.

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L. Nonconforming sign(s), except as permitted by Tenn. Code Annotated, Section 13-7-208 (h) as amended from time to time, or permitted upon granting an Alternative Plan Approval per subsection 13.07.095.

P. Signs erected on public or private property (such as private utility poles, trees, rocks, utility poles, guy wires, sign poles on which a sign is already permitted, or on other public regulatory or informational signs within rights-of-way) ~~located on public property~~, other than signs erected by public authority for public purposes or as otherwise permitted by the Mayor and Alderman.

T. Exterior or interior decorative lighting including but not limited to, strings, strips or individual bulbs outlining architectural features including windows and doors, containing, LED, neon or incandescent lighting, which are displayed to attract attention of the public. This does not include traditional holiday decorations.

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U. The following signs are generally prohibited unless special conditions apply as specified under Subsection 13.07.060:

1. Banners
2. Inflatable and Airborne Signs
3. Off-Premise Signs, except replacement signs as described herein.
4. Temporary Signs
5. Wind Signs

V. Temporary signs with digital display.

W. Bench signs on public property.

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13.07.055 Exempt Signs

A. Guidance and Restriction for the Use of Sign

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4. Signs shall not be located in the rights-of-way, except when authorized by the governmental agency maintaining such right-of-way.

B. Permissible Exempt Signs

1. Building Marker
2. Commemorative Sign
3. Equipment/Machinery Signage
4. Flags on flagpoles ~~for one-family and two-family dwellings~~ in residential districts.
5. Holiday lights and decorations with no commercial message
6. Incidental Signs
7. Legal Notices and Official Instruments
8. Traffic Control Signs ~~must~~ which meet the requirements in the Manual for Uniform Traffic Control Devices.
9. Warning Signs

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13.07.060 Temporary Signs

A. Guidance and Restrictions for the Use of Signs

1. Temporary signs are permitted to indicate temporary special events activities or messages without regard to content. Special events include, but are not limited to, grand openings, new business locations, business closings and special promotional events such as seasonal sales, services and product promotions.

2. Temporary signs are also permitted to indicate the availability of goods for sale within a temporary structure, such as a tent.

3. A temporary sign shall not be constructed of or operated by electrical, electronic, or mechanical parts or erected so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

4. Temporary signs shall be non-illuminated and shall not harmful to minors as defined by this Subsection include profane messages.

5. The Zoning Administrator or designee shall determine whether a sign's placement is hazardous or vision is obstructed.

6. Temporary signs shall not be mounted on a street signs or public utility pole.

7. Signs shall not be located in the rights-of-way unless authorized by the agency maintaining the roadway.

8. Temporary signs shall not include a digital display.

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13.07.061 Non-Conforming Off-Premises/Off-Site (Billboard) Signs

A. Replacement of Non-Conforming Off-Premises (Off-Site/Billboard) Signs

A permitted non-conforming off-premises or off-site/billboard sign may be replaced as permitted by a sign complying with Tenn. Code Annotated, Title 13, Section 13-7-208 (h). However, if an off-premises sign, including an off-site/billboard, is replaced with a digital sign then no expansion of the sign shall be permitted. Any off-premises signs other than an off-site/billboard currently permitted by the Tennessee Department of Transportation and/or the City of Gallatin is ~~an illegal~~ non-conforming sign. Any billboard replaced under this provision shall be considered a non-conforming use and structure.

B. Cap and Replacement Restrictions

1. *Maximum number of permitted non-conforming off-site/billboard signs.* The maximum number of permitted non-conforming off-site/billboard signs shall be limited to those signs existing on May 17, 2016.

2. *Off-site sign inventory.* The Planning Department shall maintain an inventory of off-site/billboard signs within the city. The Planning Department shall conduct an annual audit of permits issued for off-site/billboard signs to determine the current number of such signs in the city.

3. *Off-site signs within areas annexed into the City.* If property is annexed into the city and contains an existing legally permitted off-site/billboard sign at the time of annexation, the sign(s) shall be, upon annexation, added to the city's inventory of off-site/billboard signs.

4. *Replacement signs.* A permit for the construction of a replacement off-site/billboard sign with a digital billboard may only be issued after the removal of the existing off-site sign(s) and support structures unless said pole is to be used as a replacement sign per Section 13.07.061 C.4.. Said sign permit application shall be submitted within 180 days of the removal of the billboard (off-site signs) being replaced.

C. Design of Replacement off-premises (off-site/billboard) signs

1. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be placed in the same location as the previously permitted sign. For purposes of permitting the replacement sign the same location shall mean within five (5) feet of the location of the previous sign and the replacement sign shall comply with all required setbacks for signs and required by Section 13.07.065.
2. Any off-premises (off-site/billboard) sign replaced shall be the same height or lesser height of the sign being replaced.
3. Any off-premises (off-site/billboard) sign replaced with an digital sign shall be no less than 2000 feet from any other existing or permitted billboard signs utilizing an electronic display screen (digital) sign.
4. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be erected on a single pole or ground mounted column constructed completely with, or sheathed in, decorative material including brick, stone, stucco treated frame or ornamental iron base and shall contain a border around the face of the sign matching the color of the support column.
5. No single-faced off-premise (off-site/billboard) sign shall be replaced with a double-faced or more faced billboard or digital sign.
6. Any off-premises (off-site/billboard) sign replaced shall require the installation of low-level landscaping consisting a continuous hedge row of shrubs and trees of a species on the leased or owned parcel surrounding the base of the sign extending a minimum of five (5) feet from the base of the sign. No chain link or wire fencing shall be placed around the base of the sign.
7. Any replacement off-premises (off-site/billboard) sign shall be located at least two-hundred and fifty (250) feet from any residentially zoned property measured from the closest point of any structural element of the sign to the residentially zoned property boundary.
8. No replacement sign shall be permitted to be placed on-top or under an existing billboard or beside an existing billboard. To be eligible for the replacement with a digital sign, any side-by-side or stacked billboards must be removed and replaced, within the timeframe described herein, only with a single digital billboard sign of a size no larger than the larger of the two billboards.
9. All existing billboards replaced with a digital or automatic changeable message copy may include a digital sign face for 100% of the coverage of the sign or display surface area.
10. All text size on any replacement billboard shall of such sufficient size to be clearly legible from a distance of 500 feet.
11. Any billboard replaced with a digital copy shall be limited message to remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds.
12. The digital sign shall contain a default design that will freeze the sign face in a legible image or position if a malfunction occurs or the sign will turn off.
13. All billboard replacements as authorized herein shall, in addition to this code, comply with the requirements of Title 54, Chapter 21, Section 122, Tenn. Code Annotated.

14. Owners of digital billboards shall coordinate with the City of Gallatin to convey real time emergency information such as Amber Alerts or other emergency directives.

Any conflicts between the Code and the Statute the more restrictive standard shall apply.

13.07.065 General Provisions for Permanent On-Premises Signs

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A. Guidance for the Use of Signs

1. An on-premises sign is for the purpose of conveying information in clear, concise, safe, and compatible units to general motorists and pedestrians on travel ways and within each site.

2. A permanent on-premises sign may be permitted as a freestanding or wall-mounted sign subject to the restrictions imposed by this Subsection and other relevant restrictions imposed by this Article.

3. A single tenant or multi-tenant sign shall be considered an on-premises sign when located within the boundaries of the same approved site plan or final master development plan authorized by this ordinance.

4. A permit is required for all permanent signs unless otherwise exempt under Subsection 13.07.055.

5. All electrical service to freestanding signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.

6. No permanent free-standing/monument sign shall be permitted on any property unless a permanent structure of at least 500 square feet exists on the property except for replacement of non-conforming billboards.

7. No on-premises freestanding/monument sign shall be permitted on a parcel or lot if a non-conforming freestanding/monument sign is located on the same parcel/lot.

B. Setback and Height Requirements

Refer to Subsection 13.07.100 for illustrations of proper setback and height measurements

1. The height of free-standing/ground signs shall be computed as the distance from the base of the sign at grade level to the top of the sign structure. The maximum height for all freestanding/ground signs is eight (8) feet above grade level. The maximum ground clearance between the bottom of the sign and grade level shall be three (3) feet.

2. The leading edge of free-standing/ground signs shall have a minimum setback of five (5) feet from the right-of-way, provided the placement of the sign does not interfere with the sight triangle per Subsection 13.06.050. ~~Should the City's General Development and Transportation Plan state a greater right-of-way width than currently exists, the greater right-of-way width shall apply.~~ Refer to Subsection 13.07.125 for an example on determining the sight triangle. Should the City's General Development and Transportation Plan state a greater right-of-way width than currently exists, the greater right-of-way width shall apply. Said sign setback shall be established based on the projected extent of the right-of-way as determined by the City.

3. ~~On-premises~~ Wall-mounted signs shall not extend above the roof line of the structure. ~~On-premises~~ Wall-mounted signs shall not extend above the top of the wall or parapet more than twenty-five percent (25%) of the height of such sign, to a maximum of eighteen (18) inches for a solid panel sign, or fifty percent (50%) of the height of the letter for individual mounted letters.

C. Calculation of Sign Area

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8. Any digital signs shall be limited to no more than fifty percent (50%) of the total permitted sign area except replacement billboards with digital display as permitted in Subsection 13.07.061.

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13.07.070 Permitted Permanent On-Premises Signs in Residential and Mixed Use Zone Districts

Permanent on-premises freestanding signs and on-premises wall-mounted signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

A. Each residential development containing three (3) through fifteen (15) dwelling units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premises freestanding sign per development entry from a public street, up to a maximum of two (2) from a public street, with a maximum size sign face of eighteen (18) square feet each. The following provisions shall apply:

1. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;

2. No residential freestanding sign shall exceed eight (8) feet in height;

3. All residential freestanding signs ~~shall~~ may be illuminated by direct and steady means only but shall not include any digital sign.

4. Each residential freestanding sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

B. Each residential development containing at least sixteen (16) units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premises freestanding sign per development entry from a public street, up to a maximum of three (3) from a public street, with a maximum size sign face of thirty-two (32) square feet each. The following provisions shall apply:

The on-premises signage at each development entry shall be one (1) of the following:

* * * * * * * * * * * *

G. Non-residential uses in residential zoning districts shall be eligible to place a digital sign per the standards of Section 13.07.085.

A digital signs in a residential district shall be displayed as illuminated text against a black or non-illuminated background. Black or dark text against an illuminated or bright background is not permitted. Messages shall be text only or a non-residential use logo of only one color.

13.07.075 Permitted Permanent On-Premises Signs in Non-Residential and Mixed Use Zone Districts

* * * * * * * * * * * *

B. ~~Changeable Copy~~ Digital Sign ~~(Automated)~~ – The background of each digital ~~changeable copy portion of the~~ sign must be of a single, constant color. The copy/~~or other~~ message displayed shall not be changed more than eight (8) times in a twenty-four (24)-hour period with a one (1) second change interval except for non-commercial message signs displaying only time and temperature.

Any digital signs shall be limited to no more than fifty percent (50%) of the total sign area of a sign. Digital signs shall not be permitted as a wall-mounted sign or window sign except when used as a wall-mounted or monument style (free-standing) menu sign for drive-thru services.

C. Directional Signs – permitted within non-residential and mixed use zone districts. Signs shall not exceed six square feet in sign face area, two and one-half (2.5) feet in height, and shall have a minimum setback of two (2) feet from the right-of-way. Signs shall not be located in the rights-of-way. No directional sign shall consist of a digital signs.

* * * * * * * * * * * *

G. Menu Boards

1. Free-standing – Two (2) free-standing menu board signs shall be permitted per drive-thru lane. Each free-standing drive-thru menu board shall be spaced a minimum of ten (10) feet apart, and from other free-standing signs on the property. A single free-standing menu board sign shall not exceed fifty (5) square feet in area including all attached signs. The total aggregate of all free-standing menu board signs in a single drive-thru lane shall not exceed sixty (60) square feet in area. The maximum sign height shall not exceed eight (8) feet. A Menu Board may consist of a digital sign provided that copy may only change 3 times per day.

2. Wall-Mounted – Two (2) wall-mounted menu board signs shall be permitted in a drive-thru lane. The total aggregate of all wall-mounted menu board signs shall not exceed twenty-four (24) square feet.

* * * * * * * * * * * *

13.07.080 Permanent Signs in the CC Zone District

* * * * * * * * * * * *

C. Permitted Signs

8. Monument Signs

* * * * * * * * * * * *

d. Internally lit freestanding signs ~~are not permitted~~ and digital signs are permitted within the CC zone district provided that the changeable message area shall not exceed fifty percent (50%) of the total sign area.

D. Sign Materials

1. Permitted Materials

All signs permitted under Subsection 13.07.080 shall be constructed of wood, metal, synthetic wood materials, glass, and/or encased Styrofoam.

* * * * * * * * * * * *

E Performance Standards for Glare and Maximum Illumination

* * * * * * * * * * * *

2. In addition to the provisions of Subsection 13.07.090, illuminated signage shall not:

* * * * * * * * * * * *

d. Internally illuminated signs are not permitted, except as digital signs or with ~~but~~ backlighting ~~is permitted~~.

13.07.085 Community Facility On-Premises Signs in Residential Zone Districts

Community Facilities, including those granted a Conditional Use Permit, shall be eligible for a digital sign as permitted in Subsection 13.07.070. G.

All digital signs shall be displayed as illuminated text against a black or non-illuminated background. Black or dark text against an illuminated or bright background is not permitted. Messages shall be text only on a non-residential use or logo of only one color.

A. Signs for Community Facilities:

i. Wall signs: Each service/institution/public facility shall be permitted one (1) on-premises wall sign less than or equal to one (1) square foot per one (1) linear foot of business frontage not to exceed thirty-two (32) square feet. ~~The sign shall not exceed sixty (60) square feet in area, equally divided between not more than two (2) sign faces.~~

ii. Free-standing/monument sign: Each service/institution/public facility shall be permitted one (1) on-premises free-standing/monument sign less than or equal to one (1) square foot per one (1) linear foot of street frontage not to exceed sixty (60) square feet. The maximum height of a free-standing sign shall be eight (8) feet. The minimum setback shall be fifteen (15) feet from the right-of-way. The sign shall not encroach in required side yard setbacks of the zone district and only one (1) such freestanding sign shall be permitted per street frontage except where street frontage exceeds 1000 feet where two signs shall be permitted. On property in excess of 1000 linear feet of roadway frontage, where two (2) signs are proposed, such signs shall be a minimum of three-hundred (300) feet apart.

B. Flagpoles, Ground – Maximum of three (3) per lot, a maximum of thirty five (35) feet in height and with no more than two (2) flags per pole. ~~; and a maximum of thirty-five (35) feet in height.~~ Combined size and weight of all flags must meet the wind load requirements per pole.

C. ~~Educational Campus – A comprehensive plan for the signage of a college or university campus, as defined in Subsection 13.07.045, must be prepared by an architect or engineer~~

~~and submitted to the Codes /Planning Departments for review and approval before a sign permit is issued.~~

* * * * * * * * * * * * *

13.07.090 Performance Standards Regulating Glare and Illuminated Sign Brightness

* * * * * * * * * * * *

B. Limitation of Glare

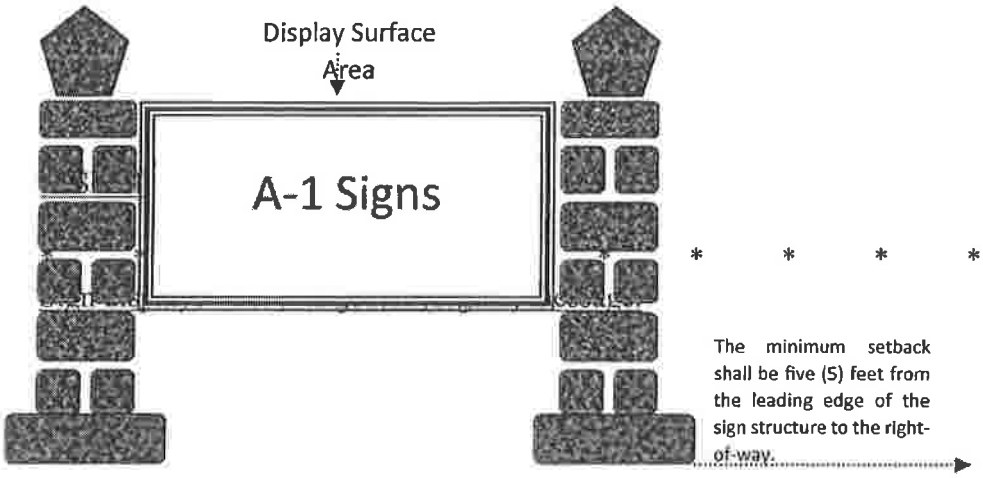
In all zone districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles and digital signs shall not exceed 0.3 foot candles and comply with Title 54, Section 54-21-122, Tenn. Code Annotated.

D. Illuminated Sign Brightness – The brightness and surface illumination of all illuminated signs shall not exceed the provision below in the zone district indicated.

* * * * * * * * * * * * *

Section 13.07.100 Freestanding Sign Height, Setback Requirements and Display Surface Area

Signs display without changeable (digital) message.



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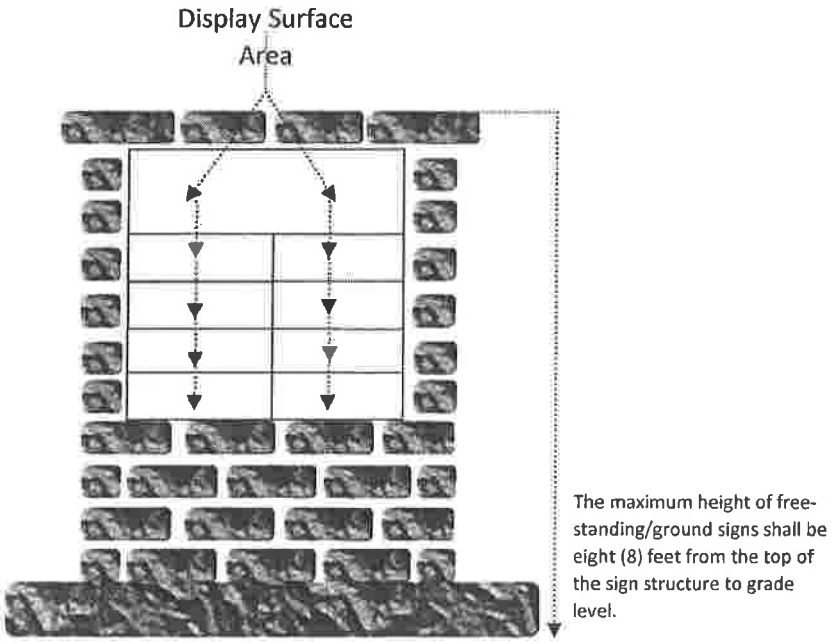
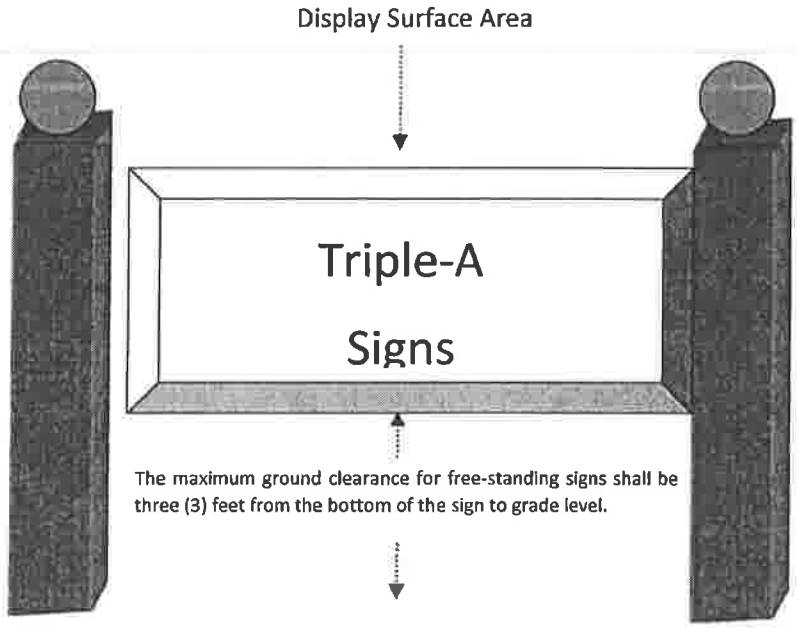
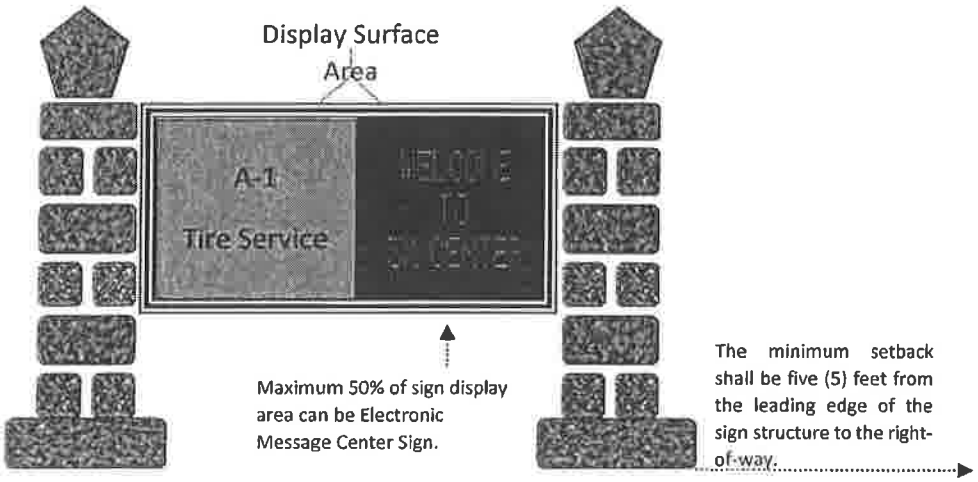
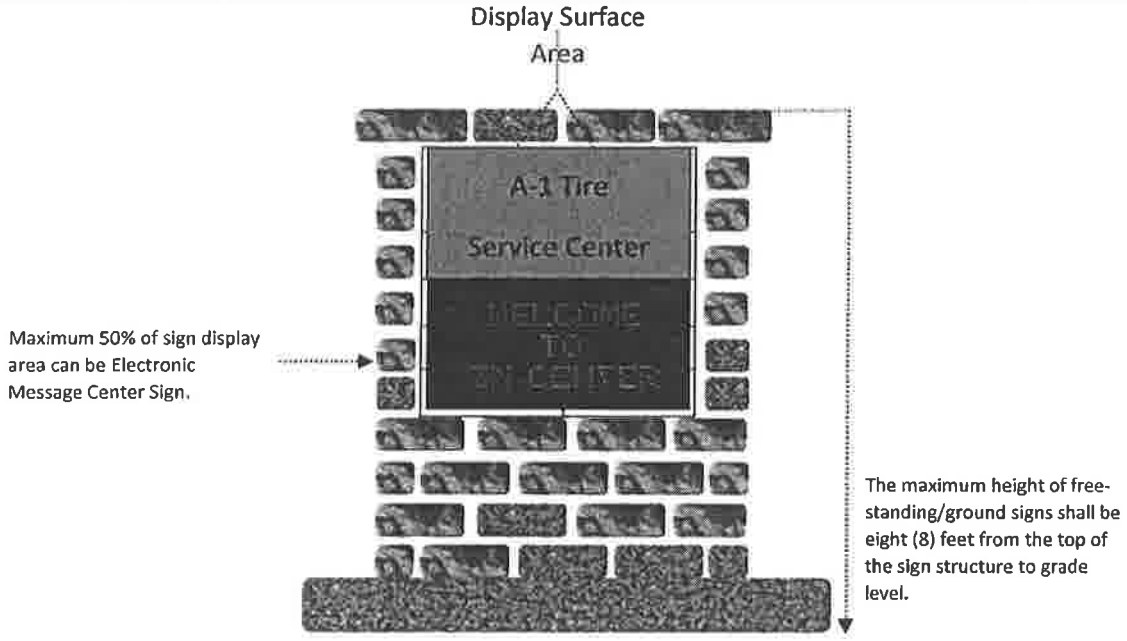



Display Surface Area
Triple-A
Signs
The maximum ground clearance for free-standing signs shall be three (3) feet from the bottom of the sign to grade level.


Display Surface Area
A-1
Tire Service
Maximum 50% of sign display area can be Electronic Message Center Sign.
The minimum setback shall be five (5) feet from the leading edge of the sign structure to the right-of-way.



Any digital signs shall be limited to no more than fifty percent (50%) of the total display surface/sign area as indicated below.

* * * * * * * * * * * * *

13.07.110 Digital or Electronic Message Sign Design Standards

* * * * * * * * * * * * *

1. A digital or electronic message center sign may only be constructed on a parcel or lot having a minimum of 100 feet of roadway frontage.

2. Any digital sign shall be limited to no more than fifty percent (50%) of the total sign area.

3. The conversion of any existing permitted sign to a digital sign or the installation of digital sign equipment on or within an existing permitted signs shall require the approval of a new sign permit pursuant to the procedures described in Article 13, Section 13.07 herein.

4. A digital sign shall be part of a free-standing or ground mounted (monument) style sign no greater than eight (8) feet above grade. A digital sign may not be installed on an existing permitted sign which is taller than eight (8) feet above grade.

5. A digital sign shall not be installed within 250 feet of a conforming single-family residence measured along each side of the right-of-way.

6. A digital sign with a sign face on two sides with no more than 4.5 feet of separation between faces shall be considered a single sign, and the total sign area shall be the area on a single face.

7. The copy content of a digital free-standing/monument sign may change at intervals of no more than eight (8) times in a twenty-four (24) hour period with a one (1) second change interval. The content image must remain stable. Continuous scrolling or flashing of the image is prohibited.

8. The copy content of a digital sign shall not contain effects that are designed to resemble a traffic signal or emergency vehicle strobe lighting.

9. A malfunctioning digital sign shall be programmed default to a display that will freeze the sign face in a legible image position. Otherwise, digital signs must be equipped with software programming controls that automatically turn the sign off if the display is malfunctioning in any way.

10. Exposed neon or fiber-optic tubing on digital signs is prohibited.

11. Digital signs shall be equipped with a sensor or other devise that automatically determines the ambient illumination and can be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

12. The illuminance of a digital sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimal points. Illuminance shall be measured with the digital sign turned off, and again with the digital sign displaying a white image for full color-capable signs, or a solid message for a single color signs. All measurements shall be taken perpendicular to the face of the digital sign as

distance determined by the total square footage of the signs as set forth in the Table" below:

Digital /Brightness Compliance Measurement Distances

Area of Sign (Square footage)	Measurement from Sign (Distance in Feet)
10	32
15	39
20	45
25	50
30	55
35	59

I: Planning\Activities & Projects\Zoning Code Amendments\Zoning Ordinance Amendments\Signs Regulations\City Council\Digital Signs & Billboards Ordinance O1605-33 – Exhibit 'A' (Revised 5-25-16)

ORDINANCE NO. O16Ø5-34

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR BAKERS CROSSING, THE FORZA GROUP, AUTHORIZING THE REVISION TO THE PMDP 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 submitted a complete application for the Bakers Crossing, The Forza Group Amended Preliminary Master Development Plan on an 8.15 (+/-) acre parcel (Tax Map 125M, Group A, portion of Parcel 001.00) located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located on Tulip Poplar Drive between Nashville Pike and North Belvedere Drive and is zoned Mixed Use (MU); and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the Bakers Crossing, The Forza Group Amended Preliminary Master Development Plan in GMRPC Resolution No. 2016-57; 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 Amended PMDP 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 Amended 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 indicating the revised Preliminary Master Development Plan.

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: May 17, 2016.

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 Bakers Crossing, The Forza Group, consists of an eight (8) sheet plan, prepared by Arnold Consulting Engineering Services, Inc. of Bowling Green, Ky., with Job No. L6156 and dated April 14, 2016 and the Architectural Elevations, consisting of a two (2) sheet plan, prepared by Integrity Design of Bridgeville, Pa., dated received April 14, 2016 with the following conditions:

1. Obtain an easement from adjacent property owners to the east to use a driveway located to the east property boundary or obtain the driveway and construct and convey the driveway as a public right-of-way or private roadway and provide an access easement over the south service drive to the property owners along the southerly property boundary.
2. Correct the conceptual sign detail to reflect the maximum height of 12'-0" and maximum sign coverage of 120 square feet for multi-tenant signs.
3. Correct the conceptual sign detail to reflect the maximum height of 8'-0" and maximum sign coverage is 30 square feet (15 square feet on each face, if double sided) for monument signs.
4. Submit five (5) corrected and folded copies, of the Preliminary Master Development Plan for Bakers Crossing, the Forza Group, including one (1) full size and four (4) half size copies to the Planning Department.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #** 6

SUBJECT:
Ordinance #O1605-34 of the City of Gallatin, Sumner County, Tennessee, approving an Amended Preliminary Master Development Plan for Bakers Crossing, The Forza Group development on an 8.15 (+/-) acre parcel.

SUMMARY:
The owner and applicant is requesting approval of an Ordinance to Amend the Preliminary Master Development Plan for Bakers Crossing and 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 125M, Group A, portion of Parcel 001.00). The Forza Group proposes to construct two (2) hotels and conference center, general retail, a restaurant and office buildings in three (3) phases on an 8.15 (+/-) acre parcel zoned Mixed Use (MU), located on Tulip Poplar Drive between Nashville Pike and North Belvedere Drive Transient Habitation, General Retail Sales and Service, Food Service and Financial, Consulting, and Administrative are permitted uses in the MU zoned district.

On April 25, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2016-57. (PC File 3-1697-16)

RECOMMENDATION:

ATTACHMENT:

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

Approved [x]
Rejected [ ]
Deferred [ ]

Notes: 1st Reading – UNANIMOUS

ORDINANCE NO. O16Ø5-37

ORDINANCE AMENDING THE GALLATIN MUNICIPAL CODE, CHAPTER 9, FIRE PROTECTION AND PREVENTION, BY ADDING ARTICLE V, BLASTING REGULATION AND PERMITTING.

WHEREAS, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time, and

WHEREAS, the preservation and promotion of public safety and the preservation of community peace and quiet requires that the City of Gallatin act to assure that blasting within the City be conducted in a safe, responsible and proper manner.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin, Municipal Code, Chapter 9, Fire Protection and Prevention, is hereby amended by adding a new Article V, as follows:

ARTICLE V. - BLASTING REGULATION AND PERMITTING

Sec. 9-81. Permit requirements. No blasting shall be allowed within the corporate limits or planning region of the City unless a valid permit has been obtained from the Building Department. As a condition of the granting of such a permit, applicants shall provide proof of current registration and liability insurance as required by the Tennessee State Fire Marshall's office. Each permit shall identify the permit holder and designate the date(s) and time(s) when, and location(s) where, blasting may be conducted. Each separate blasting location will require a separate permit.

Sec 9-82. Fees. Each blasting permit will be assessed a fee of $50.00.

Sec 9-83. Pre-blast inspection. Permit holders shall schedule a pre-blast inspection by the Gallatin Fire Marshal twenty-four (24) hours prior to conducting any blasting operations.

Sec. 9-84. Prohibitions. Permit holders shall only conduct blasting operations on weekdays (Monday through Friday) between the hours of 9:00 AM and 3:00 PM. In exceptional circumstances, local authorities may extend this time frame. No blasting shall be conducted on weekends or on state or national holidays.

Sec. 9-85. Blasting standards. All blasting occurring within the corporate limits or planning region of the City shall comply with Tenn. Code Ann. § 68-105- 101 *et seq.*, Tennessee Blasting Standards Act of 1975 and the rules of the Tennessee Department of Commerce and Insurance, Division of Fire Prevention, Chapter 0780-02-15 Blasting Standards. Should any provision of this local ordinance differ from those standards, the provisions of the state code shall govern.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that in the event that any portion of this Ordinance or Article V shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this Ordinance or Article V.

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

PASSED FIRST READING: June 7, 2016.

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

MAY 24, 2016

DEPARTMENT: **BUILDING CODES** **AGENDA #**

SUBJECT:
Amend Gallatin Municipal Code, Chapter 9, Fire Protection and Prevention, by adding Article V, Blasting Regulations and Permitting

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

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

Approved __X__
Rejected _____
Deferred _____

Notes:

ORDINANCE NO. O16Ø5-38

ORDINANCE APPROPRIATING FUNDS FROM
THE POOL IN THE AMOUNT OF $5,000

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of $5,000 is hereby appropriated from account 110-36710, Donations From Businesses, with $450 going to account 11042110-922, Police Annex, and with $4,550 going to account 31343000-847, Public Works Service Center, for the Pool property conservation grant;

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: June 7, 2016.

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

5/24/2016

DEPARTMENT: **Finance** **AGENDA #**

SUBJECT:
Appropriate reimbursement from The Pool property conservation grant

SUMMARY:
Appropriate funds received from The Pool back to the Public Works and Police departments for expenses related to the property conservation grant.

RECOMMENDATION:
approve

ATTACHMENT:

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

Approved [x]
Rejected [ ]
Deferred [ ]

Notes:

ORDINANCE NO. O16Ø6-39

ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE, ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2017.

Whereas, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

Whereas, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

Whereas, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

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

SECTION 1: That the governing body estimates anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Local Taxes	$20,523,410	$20,810,356	$22,269,100
Intergovernmental Revenue	6,255,249	4,803,271	5,636,999
Fines and Forfeitures	875,534	683,000	710,000
Miscellaneous Revenue	3,165,114	2,868,017	3,140,966
Total Revenue	$30,819,307	$29,164,644	$31,757,065
Fund Balance	$11,151,766	13,362,735	8,738,793
Total Available Funds	$41,971,073	$42,527,379	$40,495,858

Special Revenue Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Total Revenue	$ 24,256	$ 25,000	$ 25,000
Fund Balance	$ 13,971	$ 14,684	$ 17,684
Total Available Funds	$ 38,227	$ 39,684	$ 42,684

Environmental Serv Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Total Revenue	$ 1,883,447	$ 2,086,801	$ 2,426,601
Fund Balance	$ -	$ 184,861	$ 184,861
Total Available Funds	$ 1,883,447	$ 2,271,662	$ 2,611,462

Drug Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Total Revenue	$ 172,007	$ 190,000	$ 190,000
Fund Balance	$ 190,987	$ 112,170	$ 112,170
Total Available Funds	$ 362,994	$ 302,170	$ 302,170

Water/Sewer Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Total Revenue	$ 13,828,402	$ 14,377,542	$ 15,064,750
Fund Balance	$ 8,880,469	$ 8,222,787	$ 6,625,166
Total Available Funds	$ 22,708,871	$ 22,600,329	$ 21,689,916

Gas Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Total Revenue	$ 18,225,745	$ 17,608,419	$ 15,936,000
Fund Balance	$ 13,486,959	$ 14,022,596	$ 11,467,751
Total Available Funds	$ 31,712,704	$ 31,631,015	$ 27,403,751

SECTION 2: That the governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows:

General Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Government Administration	$ 8,195,636	$ 12,455,329	$ 8,756,486
Public Safety	$ 12,015,592	$ 11,670,544	$ 13,627,390
Public Works	$ 2,092,691	$ 2,637,831	$ 3,194,229
Parks and Recreation	$ 4,375,385	$ 4,526,870	$ 4,609,617
Economic Development	$ 298,660	$ 445,205	$ 468,043
Debt Service	$ 1,630,373	$ 1,777,006	$ 2,557,382
Operating Transfers	$ -	$ 275,801	$ 496,601
Total Appropriations	$ 28,608,338	$ 33,788,586	$ 33,709,748

Special Revenue Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Public Safety	$ 23,543	$ 22,000	$ 22,000
Total Appropriations	$ 23,543	$ 22,000	$ 22,000

Environmental Serv Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Environmental Services	$ 1,698,586	$ 2,086,801	$ 2,426,601
Total Appropriations	$ 1,698,586	$ 2,086,801	$ 2,426,601

Drug Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Police	$ 250,824	$ 190,000	$ 190,000
Total Appropriations	$ 250,824	$ 190,000	$ 190,000

Water/Sewer Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Utilities	$ 14,486,084	$ 16,773,191	$ 15,975,163
Total Appropriations	$ 14,486,084	$ 16,773,191	$ 15,975,163

Gas Fund	FY 2015 Actual	FY 2016 Estimated	FY 2017 Proposed
Utilities	$ 17,690,108	$ 20,163,265	$ 16,019,580
Total Appropriations	$ 17,690,108	$ 20,163,265	$ 16,019,580

SECTION 3. At the end of the 2017 fiscal year the governing body estimates balances as follows:

General Fund	$ 6,786,111
Special Revenue Fund	$ 20,684
Environmental Serv Fund	$ 184,861
Drug Fund	$ 112,170
Water/Sewer Fund	$ 5,714,753
Gas Fund	$ 11,384,171

SECTION 4. That the governing body recognizes that the municipality has bonded and other indebtedness as follows:

Bonded or Other Indebtedness	Debt Redemption	Interest Requirements	Debt Authorized and Unissued	Condition of Sinking Fund
Bonds - General fund	$ 1,250,000	$ 834,076	$ -	within
Notes - General fund	$ 415,000	$ 56,906	$ -	General fund
Bonds - Water/Sewer fund	$ 1,775,000	$ 1,460,061	$ -	

SECTION 5. During the coming fiscal year the governing body has planned capital projects and proposed funding as follows:

Proposed Capital Projects	Proposed Amount Financed by Appropriations	Proposed Amount Financed by Debt
Water/Sewer lines	$ 1,000,000.00	
Gas lines	$ 1,000,000.00	
Sidewalk grant	$ 700,000.00	
Belvedere Dr @ Long Hollow	$ 125,000.00	
Towncreek flooding/drainage study	$ 120,000.00	
Regional detention projects	$ 100,000.00	
Parks Maintenance Building	$ 225,000.00	

SECTION 6. No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 Tenn. Code Ann. Sec. 6-56-208. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Tenn. Code Ann. Sec. 6-56-205.

SECTION 7. Money may be transferred from one appropriation to another in the same fund only by appropriate ordinance by the governing body, subject to such limitations and procedures as it may describe as allowed by Tenn. Code Ann. Sec. 6-56-209.

SECTION 8. A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Tenn. Code Ann. Sec. 6-56-206 will be attached.

SECTION 9. If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year excluding capital until the adoption of the new budget ordinance in accordance with Tenn. Code Ann. Sec. 6-56-210, provided sufficient revenues are being collected to support the continuing appropriations. Approval of the Director of the Office of State and Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.

SECTION 10. All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 11. This ordinance shall take effect on July 1, 2016, the public welfare requiring it.

Passed First Reading: June 7, 2016.

Passed Second and Final Reading: _____

_____
Mayor Paige Brown

_____
Approved as to Form: Susan High-McAuley, City Attorney

_____
Attest: Connie Kittrell, City Recorder

General	
City Administration	988,569
Finance	511,979
City Recorder	490,080
Insurances	835,000
City Attorney	469,545
Information Technology	1,148,169
Human Resources	548,618
Engineering	2,371,302
Planning Commission	24,947
Planning	613,914
Government Buildings	669,111
Codes	754,363
Police Department	7,593,891
A.C.E.S. Program	125,000
Fire Department	5,908,499
Public Works Administration	510,910
Street Maintenance	1,513,086
Vehicle Maintenance	501,122
Community Enhancement	129,000
Community Services	135,000
Civic Center	1,201,708
Golf Course	867,569
Parks	2,276,340
Economic Development	393,043
Economic Development Utility	75,000
Bond Expenses	2,557,382
Operating Transfers	496,601
SOR	7,000
Police Special	15,000
Environmental Serv Admin	68,976
Waste Collections	2,357,625
Drug Fund Investigations	190,000
Water/Sewer	
Water Treatment and Pumping	1,490,437
Transmission & Distribution	2,400,914
Customer Accounting	605,347
Administration & General	1,386,484
Depreciation	3,428,184
Bond Expense	3,235,061
Paying Agent	1,050
Sewer Collection/Lines	1,126,851
Sewer System Rehabilitation	424,466
Sewer Treatment & Disposal	1,514,191
Sewer Admin & General	263,553

Sewer Pre-treatment Program	98,625
Gas	
Depreciation	800,000
Purchased Gas	11,500,000
Transmission & Distribution	2,409,411
Customer Accounting	514,813
Administration & General	795,356

Summary of the City Budget
For the Fiscal Year Ending June 30, 2017

	Actual 2014-15	Estimated 2015-16	Estimated 2016-17
GENERAL FUND			
REVENUES			
Local Taxes	20,523,410	20,810,356	22,191,600
State of Tennessee	6,151,145	4,797,899	5,636,999
Federal Government	104,104	5,372	-
Other Sources	4,040,648	3,549,200	3,783,966
Total Revenues	30,819,307	29,162,827	31,612,565
EXPENDITURES			
Salaries	18,333,135	19,941,415	21,782,635
Other Costs	10,757,381	14,004,171	11,894,086
Total Expenditures	29,090,516	33,945,586	33,676,721
Beginning Balances - July 1	10,610,534	12,339,325	7,556,566
Ending Balances - June 30	12,339,325	7,556,566	5,492,410
Employment	284	291	308

DEBT SERVICE FUND within General Fund

STREET FUND within General Fund

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 24, 2016

DEPARTMENT: **Mayor Paige Brown** **AGENDA # 10**

SUBJECT:
Continued Discussion of 2016/2017 Budget

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

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

Approved ☒
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R16Ø5-30

RESOLUTION ESTABLISHING INTERNAL CONTROLS MANUAL

WHEREAS, Tenn. Code Ann. Sec. 9-18-102 requires the City Council to establish an internal controls manual; and

WHEREAS, such manual must be consistent with the *Standards for Internal Control in the Federal Government* (the Green Book), issued by the U.S. Government Accountability Office (GAO);

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Internal Controls manual attached to this Resolution as Exhibit A is hereby approved and adopted.

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
INTERNAL CONTROL MANUAL

June 21, 2016

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Internal Control Manual

2 INTRODUCTION

The City of Gallatin has the responsibility to its taxpayers, ratepayers and constituents to be good stewards of public monies and property. In our efforts to serve the public as city officials or employees, the City established this Internal Control Manual using widely recognized best practices and state and federal directives.

State of Tennessee statutes require the Comptroller's Office, Department of Audit to prescribe uniform accounting systems for entities that handle public funds. Those statutes require public officials to adopt and use the system designated by the Comptroller's Office. The Tennessee Legislature amended TCA Section 9-2-102 in 2015 to require local governments to establish and maintain internal controls in accordance with guidance issued by the U.S. Government Accountability Office (GAO). The guidance is titled *Standards for Internal Control in the Federal Government* (Green Book). The Green Book follows the format developed by the Committee of Sponsoring Organizations (COSO) which has been the gold standard of internal control for all entities except the federal government for several years.

The internal control system consists of 3 objectives and 5 main components. Within the 5 components there are 17 principles that apply to certain components. The state considers the 5 elements mandatory and the 17 principles are optional. The City of Gallatin has chosen to address all components and principles in this manual.

THREE (3) OBJECTIVES OF INTERNAL CONTROLS:

1. Reporting – reliability
2. Operations – effective and efficient
3. Compliance – compliant with applicable laws, regulations, contracts and grant agreements

FIVE (5) MAIN COMPONENTS OF INTERNAL CONTROLS THAT ARE REQUIRED TO BE ADDRESSED:

1. Control Environment
2. Risk Assessment
3. Control Activities
4. Information and Communication
5. Monitoring

The purpose of this manual is to ensure that the objectives of reporting and compliance are established. The operational objective is addressed at the department level with departmental Standard Operating Procedures (SOPs). The policies to achieve the objectives are derived from various financial best practices, state and federal laws, and regulations. Detailed procedures (SOPs) are developed and documented as a means to comply with the established policies.

OV2.09 THE GREEN BOOK

Figure 3: The Five Components and 17 Principles of Internal Control:

CONTROL ENVIRONMENT:

1. The oversight body and management should demonstrate a commitment to integrity and ethical values.
2. The oversight body should oversee the entity's internal control system.
3. Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.
4. Management should demonstrate a commitment to recruit, develop, and retain competent individuals.
5. Management should evaluate performance and hold individuals accountable for their internal control responsibilities.

RISK ASSESSMENT:

6. Management should define objectives clearly to enable the identification of risks and define risk tolerances.
7. Management should identify, analyze, and respond to risks related to achieving the defined objectives.
8. Management should consider the potential for fraud when identifying, analyzing, and responding to risks.
9. Management should identify, analyze, and respond to significant changes that could impact the internal control system.

CONTROL ACTIVITIES:

10. Management should design control activities to achieve objectives and respond to risks.
11. Management should design the entity's information system and related control activities to achieve objectives and respond to risks.
12. Management should implement control activities through policies.

INFORMATION AND COMMUNICATION:

13. Management should use quality information to achieve the entity's objectives.
14. Management should internally communicate the necessary quality information to achieve the entity's objectives.
15. Management should externally communicate the necessary quality information to achieve the entity's objectives.

MONITORING:

16. Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results.
17. Management should remediate identified internal control deficiencies on a timely basis.

Source: GAO. GAO-14-704G.

3 CONSIDERATIONS IN DEVELOPMENT OF INTERNAL CONTROLS

Internal control is defined as a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance the city's objectives will be achieved. Before developing its Internal Control System (ICS), the city as a whole and each department should determine its mission, strategic goals and objectives, and then formulate a plan to achieve those objectives. The internal controls are policies and procedures put in place to help achieve those goals and objectives. By describing how a city/department expects to meet its various goals and objectives by using compensating controls to minimize risk, the entire city becomes more aware of expectations. Each department's internal control plan will be unique; however it must be based on polices included in this guide which incorporates or references to other comprehensive state, federal or standard setting agency polices that have been adopted. (Exhibits of excerpts from the Comptroller's Audit Manual listing TCA codes and Attorney General Opinions related to local governments are at the end of this manual).

Consistent monitoring of all components will ensure that the ICS is effective. It will be reviewed annually and updated whenever changing conditions justify.

Since a city's/department's policies and procedures are the control activities for its internal control plans, it is important that they be reviewed in conjunction with the plans and referenced where appropriate. Everyone in the city has a responsibility to ensure that internal controls operate effectively.

As directed by T.C.A. 9-18-102 (a) and in accordance with the guidance issued by Tennessee Comptroller's Office, the city has adopted this internal control manual. It is critical to note that the development and operation of the internal control system involves everyone in the organization. As such, management must ensure that the manual is shared with all of its employees. The manual is a work in process and will be assessed periodically.

The following sections document the 5 components of internal control and significant financial and compliance areas that are deemed high risk.

3.1 THE GREEN BOOK STATES DOCUMENTATION IS MANAGEMENT'S RESPONSIBILITY:

3.09 *Management develops and maintains documentation of its internal control system.*

3.10 *Effective documentation assists in management's design of internal control by establishing and communicating the* ***who, what, when, where, and why*** *of internal control execution to personnel. Documentation also provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge as needed to external parties, such as* external auditors.

4 FIVE COMPONENTS OF INTERNAL CONTROL

4.1 CONTROL ENVIRONMENT

Overview

The control environment is the foundation for **all** other components of internal control, providing discipline and structure. Moreover, management establishes the tone at the top regarding the importance of internal control and expected standards of conduct, and reinforces expectations at various levels. Control environment factors include the integrity, ethical values and competence of the city's personnel; the way management assigns authority and responsibility, and organizes and develops its personnel; and the attention and direction provided by the governing body.

OBJECTIVES

1. The governing body and management should conduct business with integrity and ethical behavior.
2. Provide direction and oversight for city's internal control system.
3. Hire qualified and competent management.
4. Establish structure, authority and responsibility and hold individuals accountable for internal control responsibilities

Policies

1. A conflict of interest form is completed as needed. See attached Code of Ethics.
2. A professional code of conduct has been adopted by the City Council and management and is reviewed minimally annually with all employees. See attached Code of Ethics.
3. The City Council through management has adopted a personnel manual which includes job descriptions with minimum job requirements.
4. The City Council also uses the budget process as a means of oversight with department heads.
5. Organizational charts are reviewed for needed changes in regards to authority and responsibility.

4.1 Control Environment (Continued)

Procedures

Procedures of policy 1 – Conflict of Interest Forms

- The Conflict of Interest forms are distributed and filed with the City Recorder.
- Outside Employment forms are distributed to all employees during on-boarding. The employees are required to complete the forms on an annual basis. Forms are signed by the Mayor and City Attorney and returned to the Human Resources Department for filing.
- If there are any conflicts documented or any conflicts suspected but not documented the cases should be discussed with the Mayor.
- The Mayor will schedule a meeting with the employee in question to discuss the conflict and a resolution will be made.
- The Mayor will question the employee to determine if a suspected conflict exists that the employee was not aware was a problem and a resolution will be made.
- When an employee leaves an exit checklist is required which includes a conflict of interest form.

Sec. 2-3. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

Sec. 2-4. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

Sec. 2-9. Outside employment. No full time officer or employee of the city shall accept outside employment without written authorization from the mayor. Even if consent is obtained, no full-time official or employee of the City may accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position, creates the appearance of impropriety, or conflicts with any provision of the municipality's charter, code, personnel rule or regulation, or policy.

4.1 Control Environment (Continued)

Procedures for policy 2 and 3

- The City Council appoints the Finance Director to review the annual audit for internal controls findings. A corrective action plan is to be developed and submitted.
- The city holds annual required training where human resource topics are covered. The code of ethics are part of the training.
- The ethics policy is signed by every employee during in-processing. Distributed annually to every employee with annual policies for signature.
- Training agendas, content and sign-sheets are reviewed to ensure all employees have attended.
- Employees who miss training are required to take make-up classes and sign a form verifying the code of ethics and personnel rules have been made available to them on the City's website.
- When an employee leaves an exit checklist is required which includes a statement that they have attended the required training in the current year or the past calendar year.
- Updated detailed job descriptions with minimum job requirements are distributed to each employee. The minimum job requirements are based on like positions in similar governments and will meet state or federal requirements if applicable, and based on a recent compensation study.
- Hiring procedures are detailed in the personnel rules and prohibit hiring anyone who does not meet the minimum job requirements.

4.1 Control Environment (Continued)

Procedures for policy 4

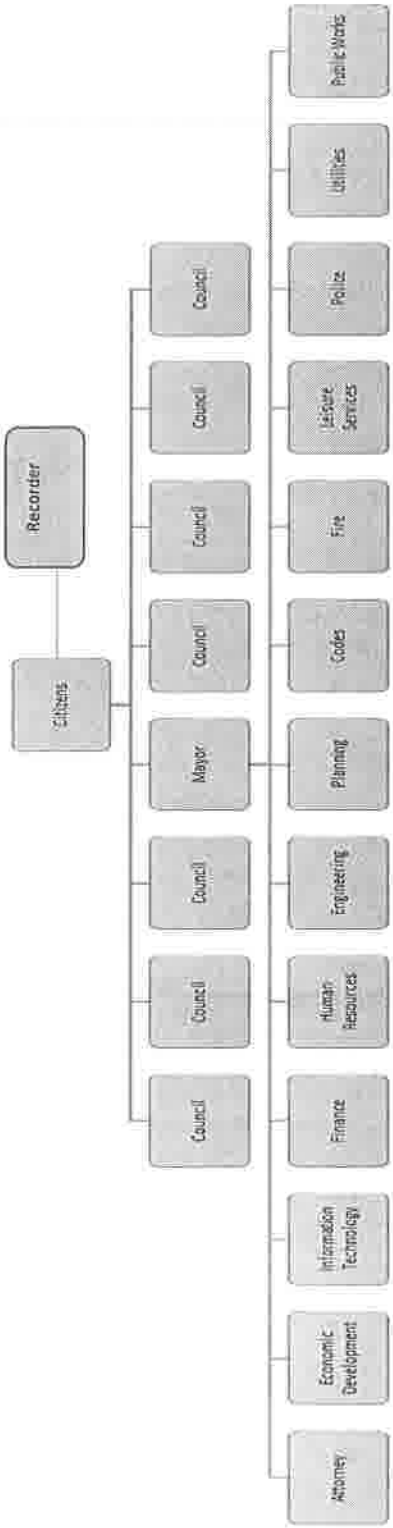
- In the first week in February the Finance Director opens the budget module for the up-coming fiscal year for entry by departments and notifies all department heads of such. Additionally, 5-year capital request spreadsheets are distributed to departments for completion. The budgets are due back to the Finance Director by the last working day of February.
- The Finance Director estimates revenues using the past 3 years collection history and current growth indicators along with any current information relevant to the revenue streams. The Finance Director will also estimate all the appropriations not otherwise assigned to a department head.
- The Mayor will meet with individual department heads during March. All department heads are present to explain their respective budgets and work to reduce any budget overages or request additional funding based on their department strategic plan of operation.
- The Mayor makes recommended changes to the department requests. The Finance Director makes the changes to the proposed budget and identifies problem areas that still exist. During April, the Mayor meets with department heads to discuss the finalized recommendations.
- The Mayor presents his/her recommended budget to City Council during the month of May. The Finance Director will prepare the budget ordinance for its first reading no later than the first Council Meeting of June.
- The required public notice will be placed in the local newspaper no less than 10 days prior to second (final) reading.

Procedures for policy 5

- City organizational charts were developed based on the city structure required in the city charter and code. Charts begin on the following page.
- The charts are reviewed periodically as positions are added or changed to determine if the reporting structure, authority, and responsibility documented in the chart is still accurate.
- As part of the personnel rules, all positions have detailed job descriptions which identifies the immediate supervisor and explains the responsibilities of the position.
- The charts are updated only during the budget cycles. However, when jobs change, the job descriptions are changed.

4.1.1 Organizational Charts for City of Gallatin

4.1.1.1 Strong Mayor



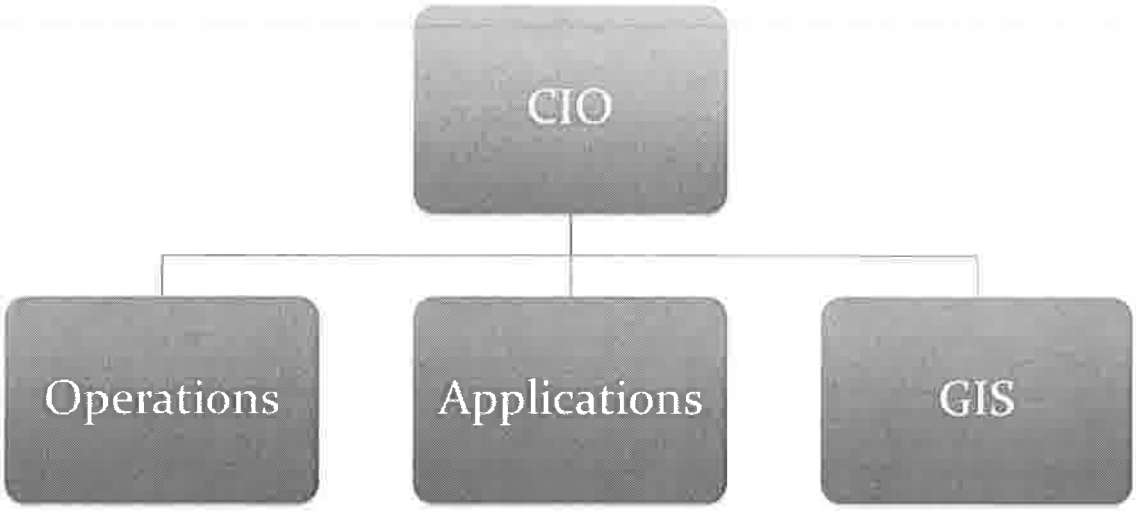
4.1.1.2 Departmental Structures

Mayor's Office

City Attorney Office

Economic Development Agency

Information Technology

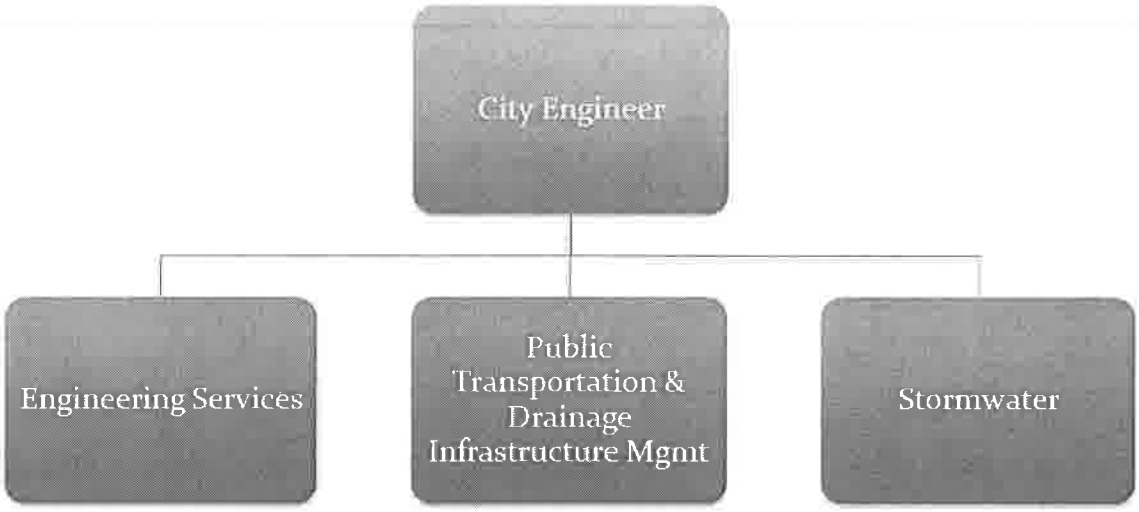


Finance

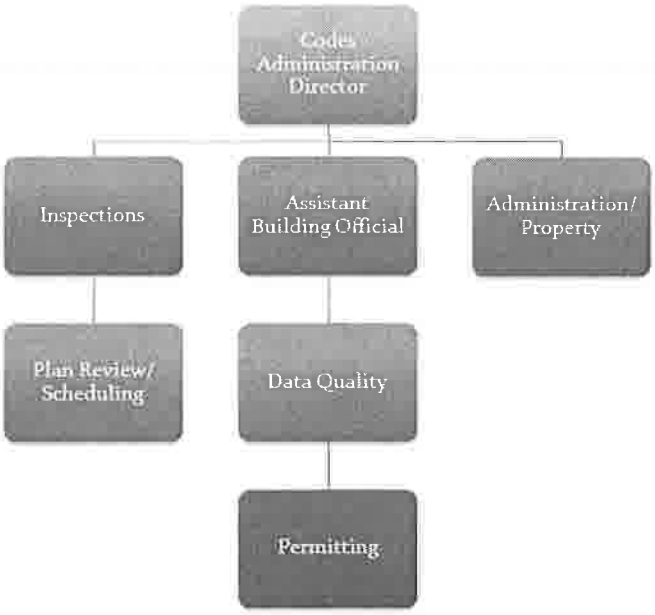
Director of Finance
Purchasing
Accounts Payable/Receivable
Payroll
Internal Controls

Human Resources

Engineering



Codes

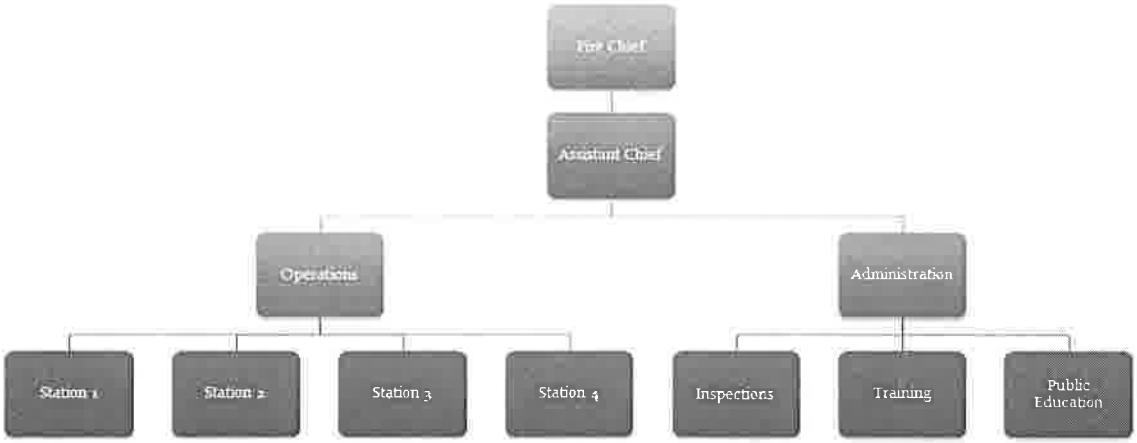

Codes Administration Director
Inspections
Assistant Building Official
Administration/ Property
Plan Review/ Scheduling
Data Quality
Permitting

Planning

City Planner
Assistant City Planner
Plans Review
Comprehensive Planning / Community Planning
Zoning

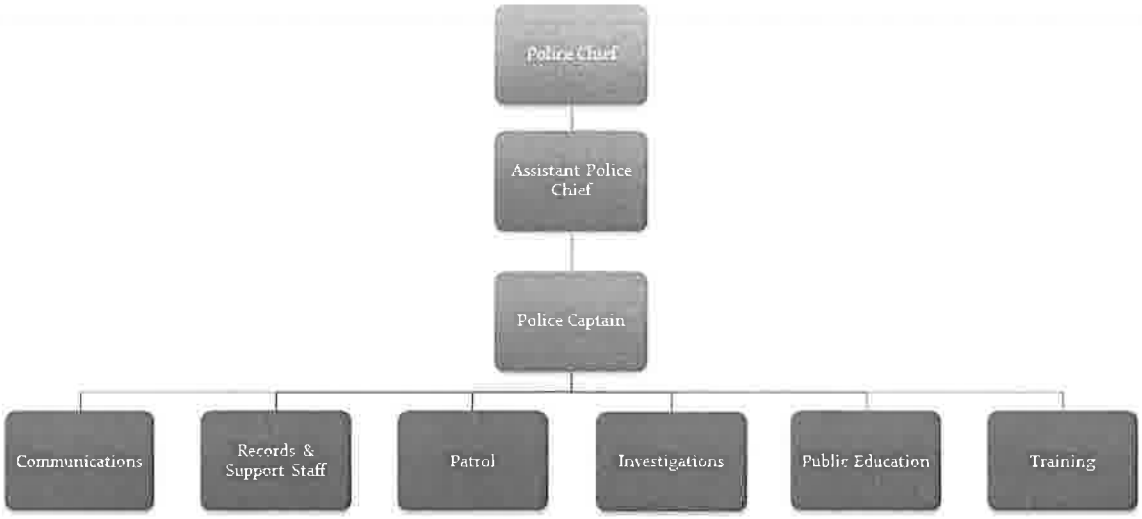
City Recorder's Office

Fire Department



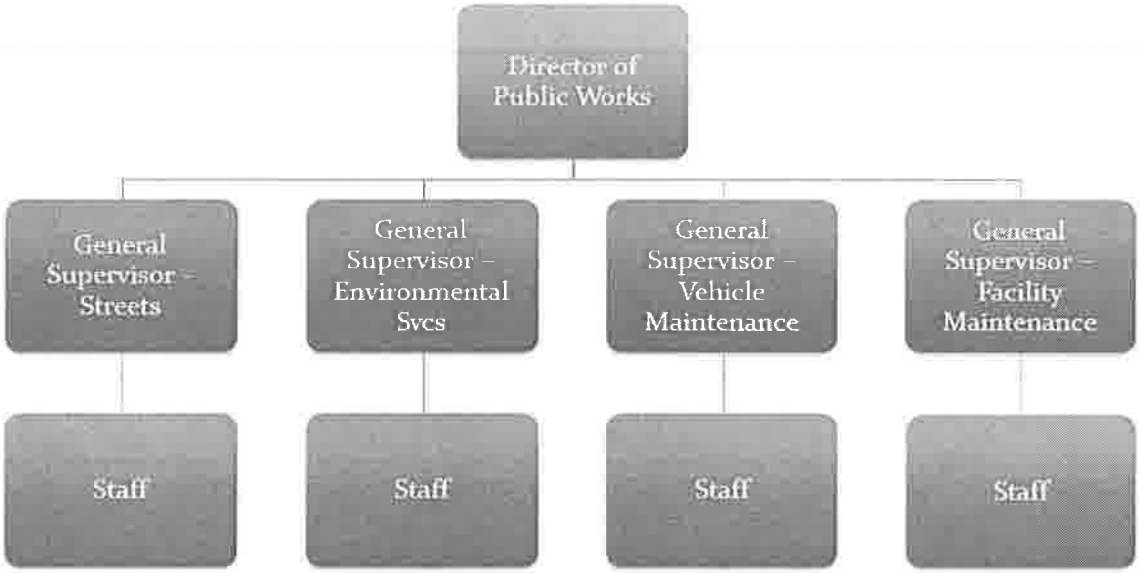
Leisure Services

Police Department



Public Utilities

Public Works



4.2 *Risk Assessment*

Overview

City officials and management assess risk of operations continually. The city has chosen to transfer the most common types of risk through the purchase of the following types of insurance:

- Property and Casualty
- Liability
- Errors and Omissions
- Worker Compensation

There are risks we cannot anticipate or know about and as it relates to financial and compliance issues we have assessed the following areas and identified certain risks that we feel need to be addressed by the development of internal control policies and procedures. Internal controls will not eliminate all risk but will help reduce risk to gain reasonable assurance that reporting and compliance objectives are being met.

Objectives

1. **Collections** are complete, timely and accurate.
2. **Disbursements** are for a valid city purpose and properly recorded.
3. **Assets** are properly safeguarded.
4. City is in **compliance** with contractual, local, state and federal laws and regulations.

Risk

Objective 1

1. Collections could be lost or misappropriated.
2. Collections could be recorded improperly.
3. Collections may not be deposited in the bank and recorded timely.

4.2 Risk Assessment (Continued)

Risk

Objective 2

1. Disbursements could be unauthorized.
2. Disbursements could be for personal items.
3. Disbursements could be made for items never received.
4. Disbursements could be improperly categorized.

Risk

Objective 3

1. Bank balances may be inaccurate due to failure to reconcile bank accounts.
2. Capital assets or inventory items could be missing.
3. Inventory is not available when needed.

Risk

Objective 4

1. Grant funds could be spent for unallowable items.
2. Grant rules may not be followed which could result in having to return federal funds.
3. Federal reporting requirements were not met.

The significant areas of risk are identified above and policies and procedures will be documented in the **next section** to explain how the city plans to put internal controls in place to help reduce some of the risks associated with these area of operations.

4.3 CONTROL ACTIVITIES

Overview

This section is where the detailed procedures will be documented. The objectives, policies and implemented procedures will be described for each of the significant areas identified in the Risk Assessment section.

4.3.1 General Collections/ACHs

Objectives

1. Collections are complete, timely and accurate.
2. Collections are safeguarded.
3. Collections should be recorded accurately and timely in the accounting system.

Policies

Objective 1

1. A receipt will be issued for each collection made.
2. Each cashier will have their own cash drawer.
3. Employee will count down each cash drawer daily and sign the report.
4. Employees are prohibited from working from another person's cash drawer.
5. No checks will be cashed from the cash drawers.
6. All cash drawers will be closed out and counted daily.
7. All funds will be deposited daily.
8. There will be no checks or cash left out of a deposit. If there is a question as to how it should be processed, it will be deposited as miscellaneous revenue in the General Fund to be resolved later.

4.3.1 General Collections (continued)

Procedures

Procedures for policies 1-8

- See attached Gallatin City Recorder SOP 15
- Cashiers immediately stamp all checks "for deposit only" and issue prenumbered receipts for all collections. Receipt lists date, amount, payer, proper accounting code, cash, check or credit/debit card and identifies cashier. A copy is given to every customer or retained with daily cash report.
- Only check or credit/debit card payments are allowed at Codes, Planning, and Engineering; no cash transactions.
- For collections in the City Recorder's Office, Codes, Planning and Engineering, Daily cash reports are given to the Finance department who makes up the bank deposits. For collections at decentralized locations, departments prepare their own deposit slips.
- A public safety officer or police officer is notified and takes the deposit to the bank for the Finance department. Specifically identified employees of GPU and LSV take deposits for their departments.
- Daily cash reports and bank deposit records are given to the Finance department by decentralized departments. Information from these reports are manually entered into the financial software by the Accountant I.
- The Finance Department will reconcile the daily cash reports, deposit slips, and bank statements on a monthly basis.
- The Finance Director will periodically perform surprise cash counts to ensure there are no personal checks being held in the cash drawers and to ensure the drawers are in balance.
- Individual receipts issued at decentralized locations will be reconciled to the city hall receipt to determine if receipts are being turned in daily and intact. Other records will be compared such as the number of children registered for an event on a given day, etc.

4.3.1 General Collections (continued)

Policies

Objective 2

9. All cash draws are locked when unattended.
10. All cash drawers are locked in the vault during closed hours.
11. Access to the vault is always restricted.
12. Deposit bag is secured until the police officer/personnel arrives to transport it to the bank.
13. At no time will cash be left out in the open unattended.
14. Employees are prohibited from comingling city assets with personal assets.

Procedures

Procedures for policies 9 - 14

- See attached Gallatin City Recorder SOP 15
- Each cashier is issued a separate cash drawer to which they have the key. The drawers are to remain locked at all times when unattended.
- The vault should be unlocked each morning, it may be left unlocked but should remain closed during the day. Once all cash drawers are counted down they should be placed in the vault and locked for the night and the weekend. Only the department head and designee should have access to the vault combination, which should be changed as there are changes in these positions.
- All cash drawers will be closed and counted away from the front desk and will be done one at a time so there is always one cashier to take payments.
- All computer passwords will be changed periodically and access to collection, adjustment, voiding and other administrative functions will be restricted and checked regularly.
- The Finance Department will reconcile the daily cash reports, deposit slips, and bank statements on a monthly basis.
- The Finance Director will periodically perform surprise cash counts to ensure there are no personal checks being held in the cash drawers and to ensure the drawers are in balance.
- The Finance Director and Information Technology Director are the only person authorized to have computer software support change restrictions or change control levels.

4.3.1 General Collections (continued)

Policies

Objective 3

15. Chart of accounts codes will be reviewed with cashiers on a regular basis.
16. All daily collection reports are posted to the general ledger by the Finance Department.
17. All accounting system updates and changes are discussed with office staff and appropriate changes made if necessary.
18. Reconciliations are performed monthly by the Finance Department.

Procedures

Procedures for polices 15-18

- All revenue codes used by the city are kept with each cashier. The Finance Director will notify the cashiers if an account code is changed or added.
- The Information Technology Director will notify the office staff when computer updates are scheduled. Staff is to report any problems to the I.T. Director immediately.
- The Finance Department will reconcile the daily cash reports, deposit slips, and bank statements on a monthly basis.
- The Finance Director will periodically perform surprise cash counts to ensure there are not personal checks being held in the cash drawers and to ensure the drawers are in balance.

4.3.1.1 City Courts

- Objectives – same as 4.3.1
- Policies – same as 4.3.1
- Procedures – same as 4.3.1

4.3.1 General Collections (continued)

4.3.1.2 Property Tax Collections

- Objectives – same as 4.3.1
- Policies – same as 4.3.1
- Procedures – same as 4.3.1

4.3.1.3 Utility Billings and Collections

- Objectives – same as 4.3.1
- Policies – same as 4.3.1

Procedures

Procedures for policies 1-18 at GPU

- The Utility has a total of 8 drawers. 3 drawers at the inside window, 3 drawers at Clerk I desks, and with 2 drawers between the two teller windows. The utility also has 2 petty cash drawers, one for gas and one for water/sewer and also a change drawer. Petty cash is generally used for reimbursement of Tags, CDL licenses, and Postage. Petty Cash follows identical procedure as city hall.
- All cashiers work from their own drawers that are lockable (they just put their tray in a drawer). Cashiers also use individual user names/passwords when receipting and posting.
- Cashiers collect money and note cash/check through the system generated receipt.
- At the end of a shift the cashiers count their drawers and reconcile cash/check totals to a register tape and put the report and money into a bank bag.
- The reconciled drawer and bank bag are then put in the vault overnight.
- The following morning specific staff reconciles the bags, check/cash back to the system and prepares the daily deposit.
- Separate staff takes the deposit to the bank and brings back the bank receipt.
- Staff prepare weekly reports and Supervisor prepares monthly reports which are given to the Finance department.
- The Supervisor runs a daily receipt report which is given to the Finance department to help eliminate differences in AR posting. Finance enters the information into the Munis system through an import process.
- The Supervisor periodically selects a random cash drawer for verification.

4.3.1 General Collections (continued)

4.3.1.4 Civic Center and Parks Collections

- Objectives – same as 4.3.1
- Policies – same as 4.3.1

Procedures

Procedures for policies 1-18 at the Civic Center and Parks

- Jonas Fitness provides software used to keep up with all fees collected at the Civic Center.
- Front Desk Supervisor keeps up with the receipts at the Civic Center.
- Start-up money for the concession stand is kept in a safe at the Civic Center.
- There is a tally sheet kept for all concessions.
- Daily reports are generated from the system and tally sheets to prepare and balance bank deposits.
- A public safety officer or police officer is notified and takes the deposit to the bank.
- The Finance Department receives a Cash Summary report and a Deposit slip and enters amounts directly from the Cash Summary sheets into the G/L on a daily basis.

4.3.1.5 Golf Course Collections

- Objectives – same as 4.3.1
- Policies – same as 4.3.1

Procedures

Procedures for policies 1-18 at the Golf Course

- Quickbooks program is used to record all golf course collections.
- Daily reports are generated from the system to prepare and balance bank deposits.
- Due to closing times varying, Personnel make their own deposits daily.
- The Finance Department receives a Cash Summary report and a Deposit slip and enters amounts directly from the Cash Summary sheets into the G/L on a daily basis.

4.3.2 General Disbursements/Drafts

Objectives

- Disbursements are for a valid city purpose and necessary.
- Disbursements are timely.
- Disbursements are accurately coded and recorded in the accounting system.
- Disbursements are legally appropriated.

Policies

Objective 1 and 2

1. The city has adopted purchasing policies that comply with state law.
2. Various levels of authority have been assigned.
3. Purchase orders and packing slips are matched and sent to city hall for payment as soon as possible.
4. Checks are issued multiple times per week to ensure invoices are paid timely.
5. All checks require two signatures.
6. All checks have documentation attached at the time of signing.

4.3.2 General Disbursements/Drafts (continued)

Procedures for policies 1-2

- Purchasing Policy approved by Council in 2010, Ordinance O1007-47
- Purchases over $2,500 require Purchase Orders. Departments requisition items. Through workflow, the request passes from staff to Department Head to Purchasing Agent. After request and required documentation is reviewed, Finance department converts Requisition to Purchase Order.

Procedures

Procedures for policies 3-6

- Invoices are reviewed for accuracy by the department. They are stamped with the proper G/L code and signed/approved by the Department Head. They are attached with PO when applicable and packing slips and sent to the Finance department for payment.
- AP Clerk reviews, requests any missing information from departments, enters invoices, generates reports, generates checks.
- Purchasing Agent reviews all disbursements before mailing.
- Checks are signed electronically during the check printing process.
- Signature key is required to print checks. Key is kept is location away from printer when not in use.
- Check stock is completely blank, no bank information, no company information, no format. All information is printed during check printing process.
- Software is password protected and users have unique logins.

4.3.2 General Disbursements/Drafts (continued)

Policies

Objective 3 and 4

7. The finance department uses a computerized accounts payable system.
8. All purchase orders are coded by purchaser and verified by the accounts payable clerk.
9. Invoices are entered in the accounts payable system daily.
10. Budget availability is verified by the software prior to check run.

Procedures

Procedures for policies 7-10

- Purchasing Policy approved by Council in 2010, Ordinance O1007-47
- AP Clerk reviews, requests any missing information from departments, enters invoices, generates reports, generates checks.
- Software automatically alerts users when available budget is exceeded. Only Finance Department personnel can override the warning.
- Department heads have access to G/L information at all times. Data is current and all activity detail is available for review by department heads and administrative assistants. Departments are encouraged to review data to insure accuracy.

4.3.2.1 Payroll disbursements and payroll liabilities

Objectives

- Disbursements accurately reflect employee earnings and deductions.
- Disbursements are to a valid city employee.
- Disbursements are timely.
- Liabilities and deductions are accurate and are remitted timely.
- Leave balance, earning and usage is accurate.
- Disbursements are accurately coded and recorded in the accounting system.
- Pay policies and calculations comply with State and Federal labor laws.

Policies

1. Automated time and attendance system is used to accurately capture employee time and calculate total hours worked during a pay period.
2. Employees and Supervisors are required to submit/approve timesheets as official record of time worked and/or leave used during a pay period.
3. Segregation of duties and multiple levels of approval safeguard public funds and prevent payments to unauthorized individuals.
4. Federal Publication 15, Circular E, is followed to ensure accurate federal tax withholdings and remittance.
5. Leave is earned in accordance with the Council approved Personnel Rules and Regulations and Employee Handbook. Leave can be used only as defined in same documents.
6. Payroll is processed every two weeks.

4.3.2.1. Payroll disbursements and payroll liabilities (cont.)

Procedures

Procedures for policies 1 - 2

- Employees record hours worked by clocking in and out daily using the automated time and attendance system.
- Every two weeks employees certify the accuracy of the timesheet.
- Supervisors add any approved leave for the pay period and approve submitted timesheets. Through automated workflow, Department Heads approve submittals and pass the information to the Finance Department.
- Finance Department electronically pulls the approved time into the payroll software for processing.

Procedures for policies 3 - 6

- The Human Resources Department is responsible for setting up employees, collecting authorizing documentation from the hiring department, collecting required documentation for employment eligibility purposes, collecting required documentation for payroll deductions, setting rates of pay, setting rates of leave earnings, and assigning the employee to the proper department and G/L code.
- The Finance Department is responsible for bi-weekly posting of leave earnings, collecting hours worked and leave used, calculating pay and deductions, calculating mid-period pay adjustments when applicable, issuing checks or direct deposits for net pay, and remitting federal tax withholdings.
- Federal tax table information is updated annually before the first payroll of the calendar year to ensure accurate tax withholdings. Quarterly filings and annual filings are made per Federal guidelines/deadlines.

4.3.3 Safeguarding of Assets

Objectives

1. Ensure city assets are properly valued and protected.
2. Ensure city assets are protected against loss, misappropriation or theft.
3. Ensure Cash, Accounts Receivable and other asset accounts are reconciled.
4. Ensure investments are safe and in accordance with adopted investment policy.
5. Ensure city assets are protected against loss, misappropriation or theft.
6. Ensure inventory items are available when needed for use.

Policies

1. All bank account statements (checking, savings, investments, etc.) are reconciled to the municipal general ledger accounts within 30 days of the date of the statement.
2. Accounts receivable subsidiary ledgers are reconciled to original billings and amounts collected.
3. All bank accounts are appropriately collateralized. Any bank account balance that exceeds the FDIC coverage limit will be covered at 105% of the balance as per state statute. Any bank account balance maintained in a bank participating in the State Collateral Pool will be made to verify annually the accounts held are classified on the records of the bank as "Public."
4. All bank accounts are held in financial institutions under the municipality's name.
5. All withdrawals, checks, liquidations, etc., from any bank account requires two signatures. Exceptions are construction retainage accounts.
6. All investments require two signatures.
7. The city should keep detailed information to readily identify capital assets by a log with serial numbers or by tagging the assets.
8. The inventory should be conducted at least annually. Conducting an annual inventory provides an accurate accounting of current assets and it requires the city to safeguard and monitor the assets. This will help prevent the abuse or theft of assets.
9. This inventory should be sent in to the Risk Manager and Finance Director on an annual basis.
10. Inventory records contain enough information to readily identify corresponding capital assets. Capital assets are tagged or otherwise identified during a physical inventory that is performed annually.
11. Proper safeguards are in place to prevent theft or loss of assets.

4.3.3 Safeguarding of Assets, (continued)

Procedures

Procedures for policies 1-6

- Bank statements are reconciled monthly (or as received for the small accounts that only issue quarterly statements) by the Finance department.
- General Ledger account information is available to departments for confirmation of balances and reconciliation of accounts receivable. Departments work with Finance when discrepancies are noted to identify and correct postings.
- When new bank accounts are opened, accounts are appropriately collateralized or banks are confirmed to be in the State Collateral Pool.
- All bank accounts are opened in financial institutions under the municipality's name.
- The Mayor and Director of Finance are the authorized signers on city accounts.
- All withdrawals, checks, liquidations, etc., from any bank account requires two signatures. Exceptions are construction retainage accounts and electronic funds transfers.

Procedures for policies 7-11

- The City has insurance coverage in place to protect assets from loss.
- Policies for asset tagging to be developed and implemented prior to 6/30/2017.

4.3.4 Compliance

Objectives

1. Ensure that state law regarding the issuance of debt is followed.
2. Ensure that state and federal grant regulations are understood and followed.

4.3.4 Compliance, (continued)

Policies

Objective 1

1. The city had adopted a debt management policy in accordance with state requirements.
2. The Finance Director is well versed on the state requirements for issuing debt.

Objective 2

3. Every department must notify the Finance Director when an application for grant funding is submitted and subsequently awarded. All grants with matching requirements must be approved by the City Council prior to submission of application.
4. Once awarded, the Finance Director is to be notified of the project budget and detailed expenditure requirements of the grantor agency.
5. The Finance Director must be provided with the grant contact information, grant or contract numbers and whether the grant is state or federal funds.

Procedures

Procedures for Policies 1-2

- The city had adopted a debt management policy in accordance with state requirements.
- Departments annually submit 5-year capital projections to assist in determining if/when debt issues will be required.
- The Finance Director keeps current on all changes from the State Comptroller's Office through annual training, workshops, informative meetings, professional associations, webinars, written communications, etc.

4.3.4 Compliance, (continued)

Procedures for Policies 3-5

- Departments notify the Finance Director when an application for grant funding is submitted and subsequently awarded.
- All grants with matching requirements are presented to the City Council for approval prior to submission of application.
- Once awarded, the awarded department provides the Finance department with the grant contact information, grant/contract numbers, type of award (state or federal funds), the project budget, and the detailed expenditure requirements of the grantor agency.
- Awarded departments submit required periodical filings to the awarding agency per the grant terms.

4.4 Information and Communication

Overview

Management has the responsibility to adequately communicate and provide information to both internal and external parties. It is important that employees know the objectives, policies and procedures management has established and what the expectations are for internal controls. External stakeholders also seek information regarding objectives and reliable financial information.

Objectives

1. Necessary quality information for achieving the entity's objectives is available and used.
2. Necessary quality information for achieving the entity's objectives is internally communicated by management.
3. Necessary quality information for achieving the entity's objectives is externally communicated by management.

4.4 Information and Communication, (continued)

Policies

1. Information maintained in a format should be communicated in that same format. For example, if the general ledger is maintained on computer, the monthly budget to actual reports should be provided through a computer generated report from that software package.
2. Reliable and accurate quality information from municipal internal sources must be communicated to the people who need it in a timely and useful format.
3. Because the credibility of the municipality, its governing body, and its public officials is at stake whenever information is released to outside parties, management should be confident the information being released is accurate and the release is in compliance with policies and procedures.
4. Information is secured to prevent corruption of data.

Procedures

Procedures for Policies 1-3

- The City is transparent with public information.
- Employees are given copies of personnel policies upon hire.
- Current Personnel Policies and Procedures and current Employee Handbook documents are available on the city's website.
- Current and prior year city-wide approved budgets are available on the city's website.
- Current and prior years CAFRs are available on the city's website.
- Financial reports are made to City Council after monthly reconciliations are completed.
- Department access to their financial information is available real-time.
- All Public Records Requests are handled by the City Recorder's Office and all State laws pertaining to such are followed.
- The City Charter and Municipal Code are available on the city's website.
- City Council meetings are televised to the public real-time on local access and are available for view on UStream.

4.4 Information and Communication, (continued)

Procedures for Policy 4

- The City has its own IT Department in house that monitors software and hardware for all departments/locations except the Gallatin Public Utilities Department.
- The IT Department performs daily back-ups of data and email servers for all departments except for the Gallatin Public Utilities Department.
- The facilities housing the network and server hardware are equipped with smoke, heat, and fire detection devices; they are equipped with a FE-25 fire suppression system.
- The IT Department has a long range plan for technology as far as upgrading and expansion needs of all systems under its oversight.
- Access to systems is controlled with individual usernames and passwords for personnel needing permission to perform their job functions.
- The IT department has developed policies regarding how to handle usernames/passwords for new/terminated employees in order to control access to all systems.

4.5 Monitoring

Overview

The internal control system changes as technology, staff, objectives and policies change. Management is charged with continually monitoring the internal control system to determine if it is operating as it was designed to do and to insure the controls are being followed.

Objectives

1. To practice activities to monitor the internal control system and evaluate the results.
2. To address deficiencies noted in the internal control system in a timely manner.

Policies

1. To ensure that internal controls do not deteriorate and continue to work as designed over time, an annual risk assessment will be conducted by municipal management.
2. To establish more efficient and effective operations over time.
3. To ensure accurate and reliable financial information is used in decision-making.

Procedures

Procedures for policies 1 and 2

- Evaluate and document the current state of the internal control system and document the differences between the criteria of the design and the current condition of internal control, for purposes of establishing a baseline.
- Determine whether to change the design of internal control or implement corrective actions to improve the operating effectiveness of internal control for differences that exist.
- Monitor internal control through built in monitoring activities and periodic separate evaluations and document the results.
- Evaluate differences to determine if 1) changes in internal control have occurred but have not been documented, 2) internal control has not been properly implemented, or 3) internal control design changes are needed.

Procedures for policy 3

- A member of management will review cash drawers and deposits randomly once a month to ensure policies are being followed, such as no cashing of personal checks, no borrowing from cash drawer and the makeup of cash vs checks is being documented.
- All accounts with financial institutions (checking, savings, investment, etc.) will be reconciled to the general ledger within 30 days of receipt of any statement from the financial institution.
- The above reconciliation will include a listing of outstanding checks and will be reviewed by management.
- Reconciling items on the above reconciliation will not be carried for more than 90 days.
- Reports comparing actual to budget amounts for revenues and expenditures (expenses) will be generated monthly and reviewed by those in a position of authority over financial operations. Those in a position of authority include, but are not limited to, Department Heads, CMFO, Mayor, and City Council.

4. Selected State Laws Affecting Municipalities

Municipalities must comply with federal, state, and local laws and regulations and charter and contract requirements. When determining which laws and regulations have a material direct or indirect impact on the financial statements, both quantitative and qualitative aspects must be considered. No one source summarizes all the applicable laws and regulations. The following list of references should be used only as a guideline in determining which state laws affect the municipality and should not be considered a comprehensive list of compliance features. These references do not necessarily represent the most significant laws, but represent areas in which recurring questions have arisen.

Many municipalities have "Private Act" charters. The Private Acts of the State of Tennessee should be reviewed for these municipalities to assess compliance requirements.

Selected *Tennessee Code Annotated* References for Municipalities

Charters

Section 6-1-101	Mayor - Alderman
Section 6-18-101	City Manager - Commission
Section 6-30-101	Modified City Manager - Council

Books and Records

Section 6-56-201	Municipal budget law of 1982
Section 8-44-104	Minutes required, open for public inspection
Section 9-2-102	Uniform accounting system
Section 9-2-102	Books closed within two (2) months after fiscal year end (*GO TO DETAILED GUIDANCE – APP.D-9*)
Section 9-2-103 – 104	Consecutively prenumbered receipts required
Section 9-2-106	Violation of receipt requirements is a Class C misdemeanor
Section 9-18-102(a)	Government to establish internal controls (effective 6-30-2016)
Section 39-14-130	Destruction of valuable papers with intent to defraud
Section 39-16-504	Destruction of and tampering with governmental records
Section 66-29-113	Reporting abandoned property

Audits and Other Regulatory Reporting to Local Government Audit

Section 4-30-101	Local Government Electronic Technology Act of 2009
Section 6-54-903	Travel Policies – Filing Requirements
Section 6-56-105	Audits of municipalities
Section 8-4-109	Audits of governmental entities, Comptroller authorized
Section 8-4-115	Audit of Standardized Booking Procedures
Section 8-4-501 – 505	Local Government Instances of Fraud Reporting Act

Audits and Other Regulatory Reporting to Local Government Audit (continued)

Section 9-3-212	Duty to order and pay for audits
Section 9-3-405	Audit Committees
Section 12-9-101 – 112	Local Government Joint Venture Entity Reporting (see Section K of this manual for additional information)
Section 47-10-101 – 103	Uniform Electronic Transactions (audit contract and audit report)
Section 47-10-119	Filing of pre-implementation statement and post-implementation review for electronic business systems that provide for electronic records of signatures and/or authorizations
Section 54-4-203	Request to combine State Street Aid with General Fund
Section 68-221-1012	Reporting water loss

Taxes

Section 6-55-101	Collection and payment of tax
Section 6-55-201	Sale of real estate for delinquency
Section 6-55-301	Privilege tax
Section 8-21-107	Payment (receipt) of fees, fines, costs, etc. by credit card
Section 9-1-108	Collection of taxes with credit or debit card
Section 57-4-306	Mixed drink tax allocation of funds
Section 67-5-2005	Delinquent municipal real property tax certified to county trustees
Section 67-5-2404	Delivery of delinquent tax list to attorney

Purchasing

Section 6-54-107	Officers' interest in municipal contracts prohibited
Section 6-56-301	Municipal purchasing law
Section 12-2-407	Sale of surplus property to governmental entities and not-for-profit corporations
Section 12-3-1201	Purchases for local governmental units (by department of general services)
Section 12-3-1209	Contracts with professional persons
Section 12-4-101	Personal interest of officers prohibited
Section 12-4-107	Contracts for professional services - engineering
Section 39-16-105	Buying and selling in regard to offices held or elected to

Investing and Banking

Section 6-56-106	Authorized investments
Section 6-56-110	Deposits to be secured by collateral
Section 9-1-107	Investments–deposits exceeding insurance limits
Section 9-4-101	Collateral

Debt

Section 9-21-408	Interfund loans
Section 9-21-601	Capital outlay notes
Section 9-21-903	Refunding bond issues

Disbursements

Section 6-54-111	Appropriation of funds for nonprofit organizations (*GO TO LAW SUMMARY – APP.D-15*)
Section 6-54-901	Reimbursement for expenses incident to holding office
Section 6-56-111	Deposit within three working days–petty cash fund
Section 6-56-111(c)	Use of consecutively prenumbered checks
Section 6-56-112	Expenditures for lawful municipal purpose
Section 54-4-204	State street aid: Purposes for expending funds; Accounting

Deficits and Unaccounted for Water

Section 68-221-1010	Report filed with Water and Wastewater Financing Board
Section 68-221-1012	Unaccounted for water

Landfills/Solid Waste

Section 68-211-835(g)	Solid Waste Disposal Fees
Section 68-211-874	Accounting

Municipal Utilities

Section 7-34-115	Disposition of revenue
Section 7-35-401	Sewers and waterworks–authority granted
Section 7-39-302	Municipal gas companies
Section 7-52-101	Municipal electric plant law
Section 7-52-401	Telecommunications Services
Section 7-52-601	Cable Television, Internet and Related Services
Sections 7-39-404, 7-52-118, 7-52-304, 7-52-404, and 7-52-606	In-lieu of tax payments

Police and City Courts

Section 8-4-115	Standardized procedures for booking of arrestees
Section 18-1-105	Court Clerk – Duties
Section 18-1-206	Disposal of physical evidence
Section 39-16-609	Failure to appear

Police and City Courts (continued)

Section 39-17-420	Drug control fines and forfeitures, allowed use of drug funds, Comptroller's guidelines must be followed for confidential expenditures–fingerprinting equipment
Section 39-17-428	Mandatory minimum fines–allocation of proceeds
Section 39-17-505	Possession of gambling device or record–forfeiture
Section 39-17-1317	Confiscation and disposition of confiscated weapons
Section 39-17-1318	New serial numbers for confiscated firearms
Section 40-33-201	Application (procedures in confiscation – general)
Section 40-35-313	Expungement from official records
Section 53-11-201	Procedure in confiscation
Section 53-11-204	Disposition of proceeds
Section 53-11-415	Special revenue account for drug fund
Section 53-11-451	Goods subject to forfeiture –seizure–disposition
Section 55-8-198	Citations based on surveillance cameras
Section 55-10-204	Illegal cancellation of traffic citations
Section 55-10-207	Electronic citation fees – special revenue fund
Section 55-10-208	Uniform traffic citation form
Section 55-10-303	Disposition of collections
Section 55-10-306	Record of traffic cases–report of convictions to department
Section 55-10-403	Forfeiture of vehicles (DUI)
Section 55-16-101	Report of unclaimed vehicles
Section 55-50-502	Suspension of licenses
Section 55-50-503	Surrender of license

Criminal Statutes

Section 39-11-106	Definitions (criminal offenses)
Section 39-14-104	Theft of services
Section 39-16-401	Definitions for public misconduct offenses
Section 39-16-402	Official misconduct
Section 39-16-403	Official oppression
Section 39-16-501	Definitions for interference with government operations offenses
Section 39-16-503	Tampering with or fabricating evidence
Section 40-39-201	Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004

Other

Section 4-4-108	Blanket surety bond required
Section 6-21-104 - 105	Surety bond required – City Manager-Commissioner Charter
Section 6-35-411	Surety bond required - Modified City Manager-Council Charter

Other (continued)

Section 6-51-121	Recording of annexation ordinance or resolution by annexing municipality
Section 6-56-401 et al	Municipal Finance Officer Certification and Education Act of 2007
Section 6-56-407	Penalty for noncompliance with Municipal Finance Officer Certification and Education Act of 2007
Section 8-44-101	Sunshine Law – Policy
Section 8-44-102	Open meetings
Section 8-44-103	Notice of public meetings
Section 9-1-109	Penalty for worthless checks/money orders
Section 9-3-504	Pension Funding Policies
Section 9-21-130	Guidelines and rules and regulations relating to contracts and agreements authorized. *(GO TO SUMMARY – APP.D-9)*
Section 10-7-503	Records open to public inspection
Sections 6-54-107 & 12-4-101	Conflict of interest
Section 62-2-107	Employment of licensees in public works

5. Municipal Donations to Nonprofit Organizations

Section 6-54-111, *Tennessee Code Annotated*, as amended, authorizes a municipality's governing body to appropriate funds for the financial aid of any nonprofit charitable organization that provides year-round services benefiting the general welfare of the residents of the municipality or any nonprofit civic organization working to maintain and increase employment opportunities in the municipality. This section also provides for the Comptroller of the Treasury to establish standard procedures to assist the municipal governing body in the disposition of funds so appropriated. The auditor should consider whether the municipality has complied with the following laws and rules:

1. A municipality may appropriate funds for only those nonprofit charitable organizations that provide year-round services benefiting the general welfare of the residents of the municipality, or any nonprofit civic organization classified under Sections 501(c)(4) or (6) of the Internal Revenue Code working to maintain and increase employment opportunities in the municipality.

2. Municipal payments to nonprofit organizations shall be limited to the amounts appropriated for such purposes and in keeping with the municipality's guidelines for how the appropriated funds may be spent.

3. The municipality shall require that each nonprofit organization receiving financial assistance from the municipality file with the disbursing official of the municipality a copy of an annual audit* of its business affairs and transactions and the proposed use of the contributed funds.

4. For appropriations to nonprofit civic organizations, notices shall be published in a newspaper of general circulation in the municipality of the intent to make an appropriation, specifying the intended amount and purpose.

* Attorney General Opinion number 91-52, addresses the requirement for an annual audit. The basis for the opinion indicates that an annual audit as used in this statute does not mean an audit conducted by an independent certified public accountant.

7. Selected Attorney General Opinions

The State Attorney General issues written legal opinions to certain state officials upon request. The Attorney General is required to provide written legal opinions to "the governor, secretary of state, state treasurer, comptroller of the treasury, members of the general assembly and other state officials...in the discharge of their official duties." 8-6-109 (b)(6), *Tennessee Code Annotated.*

The following is a summary of select opinions of interest;

Books and Records

Date	Opinion Number	Description
08/16/89	89-102	Accounting and auditing standards for local housing authorities
11/28/89	U89-134	Vending machines and pay telephone operations
08/13/90	U90-114	Application of open meetings act to city council interviews with applicants for city manager position
12/23/91	U91-164	Publication of official notices

Audit

Date	Opinion Number	Description
05/29/91	91-52	Filing annual audit under Section 6-54-111(c), *Tennessee Code Annotated*

Bids

Date	Opinion Number	Description
08/23/13	13-065	Requirement for local governments to seek competitive bids for liability insurance

Disbursements

Date	Opinion Number	Description
11/04/80	None	In-lieu-of-tax payments by a municipality's wholly-owned utility
10/27/88	88-194	Use of state street aid funds at the intersection

		of a state highway and a municipal street
11/09/89	U89-130	Providing municipal services to residents on a private street
02/06/90	90-12	Spouse travel expenses
10/12/90	U90-149	Donations to nonprofit charitable and civic organizations

Disbursements (Continued)

09/01/92	U92-100	Municipal utilities and utility revenues
03/04/92	93-18	Loan by municipality to county industrial development corporation
06/11/93	U93-63	Conflict of interest/employee serving as mayor
04/08/94	U94-070	Installation of water lines in a private development
03/06/95	U95-021	Municipality's authority to engage in development of a residential subdivision

Police and City Courts

Date	Opinion Number	Description
11/01/88	88-195	Disposition of confiscated weapons, Section 39-6-1708, *Tennessee Code Annotated*
10/22/90	90-98	Law enforcement agencies' authority to use drug funds to acquire and install satellite communication equipment and pay officer tuition fees for drug enforcement training
10/28/91	91-85	Disposition of criminal fines
05/28/92	92-45	Use of drug fines for drug education programs
10/08/92	U92-121	Deposit of fines under Section 39-17-428, *Tennessee Code Annotated*
11/26/08	08-179	Issuance of traffic citations based on evidence obtained from a surveillance camera

ORDINANCE NO. OØ7Ø2-17

AN ORDINANCE TO AMEND GALLATIN MUNICIPAL CODE CHAPTER 2, ARTICLE I, SECTION 2-1 – 2-11 ADOPTING A CODE OF ETHICS FOR THE CITY'S OFFICERS AND EMPLOYEES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE:

SECTION 1. Chapter 2 of the Gallatin Municipal Code is amended by adding the following Division 1 to Article I:

DIVISION 1. CODE OF ETHICS

Sec. 2-1. Applicability. This chapter is the code of ethics for personnel of the City of Gallatin. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words "municipal" and "municipality" include these separate entities.

Sec. 2-2. Definition of "personal interest."
(a) For purposes of Sections 2-3 and 2-4, "personal interest" means:

(1) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
(2) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
(3) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step-parent(s), grandparent(s), sibling(s), child(ren), or step-child(ren).

(b) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(c) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

Sec. 2-3. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

Sec. 2-4. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

Sec. 2-5. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City:

(a) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(b) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

Sec. 2-6. Use of information.
(a) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(b) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

Sec. 2-7. Use of municipal time, facilities, etc.
(a) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

(b) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the City Council to be in the best interests of the City.

Sec. 2-8. Use of position or authority.
(a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City.

(b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City.

Sec. 2-9. Outside employment. No full time officer or employee of the city shall accept outside employment without written authorization from the mayor. Even if consent is obtained, no full-time official or employee of the City may accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position, creates the appearance of impropriety, or conflicts with any provision of the municipality's charter, code, personnel rule or regulation, or policy.

Sec. 2-10. Ethics complaints.

(a) The city attorney is designated as the ethics officer of the City. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(b)

(1) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(2) The city attorney may request that the City Council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interest in a particular matter.

(3) When a complaint of a violation of any provision of this chapter is lodged against a member of the City Council, the City Council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the City Council determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the City Council.

(c) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(d) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this code of ethics.

Sec. 2-11. Violations. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the municipality's charter or other applicable law, and in addition is subject to censure by the City Council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

SECTION 2. The following sections of the Gallatin Municipal Code are hereby repealed and deleted in their entirety:

Sec. 13-122. Business dealings.
Sec. 13-123. Acceptance of gratuities.
Sec. 13-124. Outside employment.
Sec. 13-125. Use of municipal time, facilities, etc.
Sec. 13-126. Use of pos ition.

EXHIBITS

SECTION 3. This Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: April 3, 2007.

PASSED SECOND READING: April 17, 2007.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBITS

A. PROCEDURES

B. 1. Purpose

This policy establishes a uniform procedure for daily operation, opening, closing and storage of individual cash drawers. The City Recorder and City Court are responsible for receiving and processing City Property Tax Payments, Various License and Permit Fees, as well as Court Fines and Costs. Each City Recorder/City Court employee will be assigned a cash drawer as well as a locking cash bag and key for the purpose of processing, receipting payment transactions and storage of operating cash. Employees are responsible for his or her assigned cash drawer, locking money bag and key and should never allow any other individual access. Each cash drawer shall begin and each day with $250.

C. 2. Procedure

D. At the beginning of each day, Employee is to retrieve his or her assigned locking cash bag from the Vault.

E. Employee is to count the currency contained in his or her assigned locking cash bag and verify there is an opening balance of $250.

   a. Employee shall sign and date the Daily Opening/Closing Cash Drawer Log. Any Overage/Shortage shall be recorded on the Daily Opening/Closing Cash Drawer Log. Additionally, the Employee shall immediately notify a supervisor of the Overage/Shortage or irregularity.

C. A receipt is to be generated for any and **all** transactions an Employee performs. Upon completion of the transaction, a receipt is given to the customer.

VOIDED/REVERSED TRANSACTIONS

   a. In the event an Employee voids or reverses a transaction, a voided or reversed receipt must be generated.

   b. On the voided or reversed receipt, employee shall record an explanation of the transaction, then date and sign the receipt. ***All explanations must include the name of the customer and any other identifying information such as citation number, property number, permit number, etc. and batch number. Additionally, explanations are to be noted in Munis/Incode in the comments or notes section.***

   c. The voided/reversed receipt(s) are to be included in the Employee's end of day batch report he or she submits to the Supervisor.

D. At approximately 3:00 p.m., Employee shall balance all of his or her transactions in any applicable software program(s), print all applicable report(s), and record daily cash, check and credit card amounts on the Cash Reconciliation/Court Reconciliation form. Employee is to verify that all amounts listed on day end reports, reconciliation forms and generated currency amounts agree.

E. Employee is to count the currency remaining in his or her assigned cash drawer to verify a closing balance of $250. Employee is to then place the $250 in operating cash in his or her assigning locking cash bag. Any Overage/Shortage shall be recorded on the Daily Opening and Closing Drawer/Bag Count Log. Additionally, the Employee shall immediately notify a supervisor of the Overage/Shortage or irregularity.

F. All locking cash bags are to be stored in the Vault overnight or when employee is otherwise out of the office.

F. 3. General

- During the course of the normal business day, all Cash Drawers are to be kept in the Employee's desk and locked. All desks are to be capable of locking. If an Employee is unable to lock his or her desk, he or she is to immediately notify a Supervisor.

- At no point in time is Employee to leave his or her assigned Cash Drawer unsecured. In the event an Employee is to leave his or her desk for any amount of time, Employee shall lock his or her desk. ***Any Employee leaving his or her cash drawer unsecured will be held accountable and may be subject to disciplinary action.***

- At no time is Employee to allow any other individual (with the exception of a Supervisor) access to his or her assigned cash drawer, locking cash bag, desk key or locking cash bag key.

- Any overages, shortages or irregularities will be investigated by the Supervisor. The Supervisor will then respond accordingly. During the investigation, Employee is to cooperate with the Supervisor to ensure a timely resolution. Excessive overages, shortages, or irregularities by an Employee could result in disciplinary action.

- If an Employee is contacted by the Finance Department with questions regarding financial reports, monies, etc., Employee shall **immediately** notify a Supervisor.

- The last Employee to close the Vault at night is responsible for ensuring the Vault is LOCKED. After closing the Vault door, the vault handle shall be turned to a horizontal position. Lastly, the combination dial is to be turned completely both clockwise and counter clockwise.

- Supervisors have the right to perform cash drawer audits at any time to ensure Employee compliance.

RESOLUTION NO: R16Ø6-33

RESOLUTION APPOINTING LYNDA LOVE AS BOARD MEMBER OF THE GALLATIN HISTORIC DISTRICT COMMISSION

WHEREAS, Section 10.02.040A of the Gallatin Zoning Ordinance authorizes the Mayor to appoint members to the Gallatin Historic District Commission; and

WHEREAS, the Mayor has forwarded the appointment of Lynda Love to the City Council for confirmation to fill John Garrott's position on the board; and,

WHEREAS, Lynda Love will serve the remainder of Garrott's term expiring January 2017; and

WHEREAS, the Mayor has forwarded the reappointment of Lynda Love to serve a five year term expiring in January, 2022; and,

WHEREAS, Section 10.02.040.A requires that the City Council confirm appointment by resolution;

NOW THEREFORE BE IT RESOLVED, that the Gallatin City Council confirms Lynda Love as appointee to the Gallatin Historic District.

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:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

June 14, 2016

DEPARTMENT: **Mayor Paige Brown** **AGENDA # 6**

SUBJECT:
Appointment of Lynda Love to the Historic District Commission

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

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

Approved [x]
Rejected [ ]
Deferred [ ]

Notes:

RESOLUTION NO. R16Ø6-34

A RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE ENDORSING A REVISED LIST OF PROJECT PRIORITIES FOR THE DEVELOPMENT OF THREE SIDEWALK IMPROVEMENT PROJECTS USING ACTIVE TRANSPORTATION GRANT FUNDS FROM THE NASHVILLE AREA METROPOLITAN PLANNING ORGANIZATION IN THE CITY OF GALLATIN

WHEREAS, the provision of continuous and well placed pedestrian facilities provide safe alternative transportation options to the public to access necessary community activity centers and reduce reliance on automotive trips, which promotes environmental sustainability by reducing air and water pollution, offering substantial energy savings, improving public health, and supporting quality growth principles aimed at conserving land and other natural resources; and

WHEREAS, the Nashville Area Metropolitan Planning Organization (MPO) promotes and offers funding assistance to communities in the region to improve accessibility and mobility options through the development of coordinated transportation and land use policies and sound financial investment in a multi-modal transportation network; and

WHEREAS, the City Council has recognized the need to improve pedestrian and other multi-modal facilities within the City by allocating and seeking funds to develop a comprehensive pedestrian system; and

WHEREAS, the Nashville Area Metropolitan Planning Organization awarded the City an Active Transportation Grant for $560,000 in 2014 for the development of up to 16 sidewalk segments; and

WHEREAS, more recent and thorough costs estimates indicate that not all of the sidewalk segments can be designed and constructed with the limited funds; and

WHEREAS, the City Council desires to construct sidewalks of the highest priority with the limited grant funding and local match funding; and

WHEREAS, the City has identified three sidewalk segments that can be developed with the grant and local funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the City Council of the City of Gallatin hereby modifies the list of projects identified in Resolution number R1405-15 and endorses and supports the City's priority listing for the design and construction of three sidewalk segments within the City as identified in Exhibit 'A' with the Active Transportation Grant funds from the Nashville Area Metropolitan Planning Organization.

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-MACAULEY
CITY ATTORNEY

I: Transportation Planning/MPO/MPO Grant Application Requests/2014 Active Transportation Grant/Resolution R1606-34

EXHIBIT 'A'

Estimated Sidewalk Cost Project Summary

Project Description	Sidewalk Length	NEPA - PE Costs	Total Right-of-Way Costs	Total Construction Costs	Estimated Project Total
North Boyers Avenue from Housing Authority to R.T. Fisher	443	$ 6,140.77	$ 31,010.00	$ 66,627.35	$ 103,778.12
Coles Ferry Road from South Water to Chapel Ridge Apartments	2180	$ 27,572.40	$ 7,640.00	$ 299,160.54	$ 334,372.94
Browns Lane to Starpoint Drive	1821	$ 19,342.54	$ -	$ 209,866.56	$ 229,209.10
Totals	4444	$ 53,055.71	$ 38,650.00	$ 575,654.45	$ 667,360.16

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

JUNE 14, 2016

DEPARTMENT: **Planning Department** **AGENDA # 5**

SUBJECT:
The Planning and Engineering Departments request that Council establish a prioritzation or preferred course of action for applying the approved funds for the Active Transportation Grant. The Council approved a grant request for $560,000 with $140,000 in local matching funds to construct sidewalks in various locations throughout the City. However, based on revised cost estimates, the grant funds are not sufficent to cover the costs to complete the various segments.

SUMMARY:
See Attachment

RECOMMENDATION:

ATTACHMENT:

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

Approved [x]
Rejected [ ]
Deferred [ ]

Notes: