
**CITY OF GALLATIN
COUNCIL COMMITTEE MEETING**

June 23, 2015

6:00 p.m.

**Dr. J Deotha Malone
Council Chambers**

- Call to Order – Councilman Overton
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Mayor Brown
- Approval of Minutes: May 26, 2015 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. Park Avenue **(Councilman Ed Mayberry)**
2. PIN 111041.00 Albert Gallatin/Hatten Track Extension **(Councilman Ed Mayberry)**
3. Civic Center Expansion **(Councilman Ed Mayberry)**
4. Underground Facilities Locating and Marking Service Agreement with Vendor USIC Locating Services, LLC **(David Gregory, Superintendent of Public Utilities & Susan High-McAuley, City Attorney)**
5. Waiving Fees for Habitat for Humanity **(David Gregory, Superintendent of Public Utilities)**
6. 2015-2016 Paving List **(Nick Tuttle, City Engineer)**
7. Department Head Recruitment Process **(Debbie Johnson, Director of Human Resources)**

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin Council Committee Meeting

Tuesday, May 26, 2015

Dr. J. Deotha Malone Council Chambers

PRESENT:

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

ABSENT:

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
Rachel Nichols, Finance Director
Ronnie Stiles, Public Works Director
David Kellogg, Public Utilities Dept.
David Brown, Leisure Services Director
Susan High-McAuley, City Attorney
Gallatin News Reporter
Tommy Dale, Assistant Fire Chief
Russ Steinike, Asst. Building Official
Kevin Chastine, Planner II

Katherine Schoch, Asst. Planning Dir.
Debbie Johnson, Human Resource Dir.
Don Bandy, Police Chief
Connie Kittrell, City Recorder
News Examiner Reporter
Zach Wilkinson, Project Engineer
Lori Smiley, IT Director
James Fenton, EDA
Rob Kalisz, Planner II

Councilman Ed Mayberry called the meeting to order at 6:00 P.M.

Approval of Minutes

Councilman Mayberry presented the April 28, 2015 Council Committee Meeting and May 12, 2015 Council Committee Meeting for approval. Councilwoman Kemp made motion to approve; Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition

Councilman Mayberry called for public recognition.

David Luckey, President of Southeastern Building Corporation provided council members with a copy of a letter and map requesting the GreenLea PUD amendment be sent back to the Planning Commission for further consideration. Mr. Luckey spoke on each topic listed in his letter.

With no one else wishing to speak Councilman Mayberry closed public recognition.

Mayor's Comments

- Mayor Brown asked everyone to remember the family of Michael Parker following his passing.

Agenda

1. Noise Ordinance

Councilman Camp asked City Attorney Susan High-McAuley to combine the two noise ordinances and set the decibel level at 55.

There was much discussion on setting the decibel level at 55 for all land uses, all times of the day and special exemptions for a resolution to this issue. Ambient noise was also discussed.

Assistant Director of Planning Katherine Schoch stated the Zoning Ordinance has the same decibel level for commercial and residential zoning.

Discussion continued.

Ms. High-McAuley requested consistency with the Code and the Zoning Ordinance.

There was much discussion on measuring the distances of the violation.

Councilman Overton left the meeting at this time.

EDA Director James Fenton spoke about Gallatin being an attractive city, a vibrant community for the enjoyment of our community and allowing this community to grow as we move forward.

Councilman Overton returned to the meeting.

Mayor Brown stated the noise ordinance applies to the entire city; not just the Marina area.

Councilman Camp said he was okay with bringing this back for reconsideration.

Ms. High-McAuley said to be consistent; she would amend the ordinance to include the Municipal Code and Zoning Ordinance with council's approval.

2. Ordinance Amending the Greensboro Village Planned Unit Master Development Plan and Approving the GreenLea Commons Preliminary Master Development Plan

Planner II Rob Kalisz gave a detailed power point presentation of the history of the PUD and the amendment request. Mr. Kalisz said the owner and applicant are present to answer any questions.

Council discussed.

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

3. Ordinance Amending the Zoning on 48.564 (+/-) acres from Residential - 15 Planned Residential Development Medium Density Residential District to R15 Medium Density Residential District (40.546+/-) acres and R20 Low Density Residential District (8.018+/-) acres.

Planner II Kevin Chastine gave a history of the zoning and stated the planning commission recommended approval.

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

4. Citizen Request to Acquire Excess Land

Project Engineer Zach Wilkinson presented the price of \$523.90 for the property requested by property owner Tom Artis at 1162 Blackshear Drive. Mr. Wilkinson stated the exact square footage will not be determined until the survey is complete.

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

City Attorney Susan High-McAuley distributed a copy of the proposed ordinance for Councils review.

5. Overpayment of Refuse Collection Fees

Mayor Brown explained she had received requests from citizens for incorrect billing of trash cans; specifically billed for two (2) cans but only have one (1) can. There was much discussion.

Council directed City Attorney Susan High-McAuley to check and report at the next committee meeting.

6. EDA Board Appointment

Mayor Brown recommended the appointment of Keith Hatley to the Economic Development Agency Board of Directors.

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

7. Financial Documents Required of Non-Profits Receiving \$10,000 or more in City Community Enhancement Grants

Councilman Overton made motion to require the minimum of a third party certified public account financial review for all non-profits receiving \$10,000 or more in City Community Enhancement Funds; Vice Mayor Hayes seconded. Motion carried with 7 ayes and 0 nays.

8. Year-End Appropriations to Clean Up Accounts

Finance Director Rachel Nichols stated this is a year-end appropriation to clean up accounts. Ms. Nichols listed each individual appropriation.

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

9. 2015-2016 Budget

Finance Director Rachel Nichols asked for questions on the budget.

There was much discussion on the Civic Center Extension.

Councilwoman Kemp left the meeting at this time.

Council discussed the rainy day fund balance.

Councilman Mayberry requested City Attorney Susan High-McAuley research any funds that are due the city from the litigation of the intersection of Nashville Pike/Cages Bend.

Zach Wilkinson of the Engineering Department explained the capital road projects.

Councilman Overton made motion to leave Sumner County Museum donation at \$50,000; Councilman Mayberry seconded. Motion carried with 5 ayes and Vice Mayor Hayes votes nay.

Discussion continued on the Civic Center Extension.

10. Appropriation of \$10,784.45 from Revenue Received for Insurance Recoveries

Finance Director Rachel Nichols stated these are insurance recoveries.

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

11. Public Works Superintendent

Human Resource Director Debbie Johnson said she provided Council with a list of the applicants and asked for direction.

Councilman Overton suggested keeping this position inside. Councilman Overton stated his only concern is the distance of Mr. Wilkinson's residence from the city but he is within the county.

Councilman Overton made motion to hire the internal candidate Zach Wilkinson, Human Resource Director Debbie Johnson recommend the salary and vote next week; Vice Mayor Hayes seconded.

There was discussion on the residency requirements and being consistent on hiring department heads.

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

Vice Mayor Hayes left the meeting at this time.

Other Business

Councilman Overton asked for an update on the new time/attendance at the next meeting; is everything working, how much money spent, and who does and does not use it.

Human Resource Director Debbie Johnson presented the resolution (R1505-30) for the new Fire Chief. Ms. Johnson stated last week Council recommended Greg Main as the new Fire Chief and set his salary at \$85,000. She said under the new pay plan the range is actually \$85,651 to \$129,038. Ms. Johnson asked Council to consider the salary at \$87,734 based upon his negotiations and the new pay plan. Mr. Main stated he would still take the position if the higher salary is not granted.

Ms. Johnson informed Council that Mr. Main's starting date will be July 20th and he has asked to be employed on a contractor basis one day a week until July 20th with mileage pay. Mr. Main said he will accept the job even if those conditions are not granted.

There was discussion on \$2,000 for moving expenses and salary range.

Councilwoman Brackenbury made motion Fire Chief Greg Main not begin his employment with the City of Gallatin until he is finished with his current position; Councilman Mayberry seconded. Motion failed by a vote of 2 ayes and 3 nays. The vote was Councilwoman Brackenbury and Councilman Mayberry voted aye; Councilman Alexander, Councilman Overton and Councilman Camp voted nay.

Councilman Mayberry made motion to set Fire Chief Greg Main salary at \$85,651; Councilman Alexander seconded. Motion carried with 5 ayes and 0 nays.

Councilman Overton made motion to contract with Fire Chief Greg Main to work for Gallatin on Thursdays with compensation estimated at \$2,500 and mileage; Councilman Mayberry seconded. Motion carried with 5 ayes and 0 nays.

Department Head Reports

Councilman Mayberry called for Department Head reports and there were none.

Adjourn

With no other business to discuss Councilman Mayberry adjourned the meeting at 8:00 PM.

Mayor Paige Brown

Connie Kittrell, City Recorder

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: Councilman Mayberry

AGENDA # |

SUBJECT:
Park Avenue

SUMMARY:
Councilman Mayberry requested that this item be on the agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: Councilman Mayberry

AGENDA # *2*

SUBJECT:
PIN 111041.00 Albert Gallatin/Hatten Track Extension

SUMMARY:
Councilman Mayberry requested that this item be on the agenda. An update on the project will be provided at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: Councilman Mayberry

AGENDA # 3

SUBJECT:

Civic Center Expansion

SUMMARY:

At the June 16, 2015 Council Meeting following the final vote on the budget, Councilman Mayberry requested that this item be on the work session agenda.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: GPU/Attorney's office

AGENDA # 4

SUBJECT:

Underground Facilities Locating and Marking Service Agreement with vendor USIC Locating Services, LLC

SUMMARY:

Vendor is requiring that the City limit its liability and include indemnification language. Neither the City Attorney nor the Superintendent of Public Utilities has authority to bind the City to such contractual provisions. Council must approve these contract clauses. MTAS recommends all indemnification and limitation of liability clauses be stricken from contracts. Our insurance carrier, The Pool, has also advised that the City should strike such provisions from contracts.

Please see attached contract provisions (6.1 & 7.1), MTAS memorandum, and power point slides from recent workshop with insurance carrier, The Pool.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**UNDERGROUND FACILITIES LOCATING AND MARKING
SERVICE AGREEMENT**

THIS CONTRACT is entered into as of ~~June 18, 2015~~~~June 15, 2015~~~~June 10,~~
2015, and is by and between USIC Locating Services, LLC, an Indiana corporation,
(**USIC**), and ~~the City of Gallatin, Tennessee~~~~Gallatin Public Utilities~~ (**Customer**).

Commented [JF1]: Agreed

BACKGROUND

- A. Customer owns and operates underground facilities in the geographic area described on Attachment A to this Agreement (**Contract Service Area**).
- B. Customer desires to have USIC provide the necessary labor and equipment to provide certain services relative to locating and marking Customer's underground facilities in the Contract Service Area.

AGREEMENT

Based on the Background set forth above and in consideration of the mutual covenants, terms and conditions set forth below, USIC and Customer agree as follows:

1. **Definitions.** In addition to the terms defined above the following capitalized terms when used in this Agreement shall have the following meanings:
 - 1.1 **After Hours Call Out** means locate requests made on USIC-observed holidays (Memorial Day, Independence Day/July 4th, Labor Day, Thanksgiving, Christmas, and New Year's Day), weekends, and weekdays from 5 p.m. to 7 a.m., or any time outside of the applicable state one-call's regular business hours.
 - 1.2 **Tennessee Underground Utility Damage Prevention Act** means Tennessee Code Annotated, Title 65, Chapter 31.

not be liable to Customer for Restoration Costs arising from that Damage to Customers' Facilities and Customer shall indemnify USIC against Third Party Claims in accordance with section 7.1, even if it is later determined that such damage constitutes At Fault Damages.

6. Limitation of Liability and Indemnification of Customer by USIC



6.1 USIC will be responsible for paying Customer's Restoration Costs only if: a) USIC receives a request to provide Locate Services with respect to Customer's Facilities, and b) the Damage to Customer's Facilities constitutes an At Fault Damage. If the Damage to Customer's Facilities is not At Fault Damages or if Customer's Facilities are Unidentifiable Facilities or Unlocatable Facilities, USIC's only responsibility will be to provide whatever support to Customer it can reasonably provide to establish whether the Excavator or another third party is liable for such Damage to Customer's Facilities. USIC shall indemnify and hold harmless Customer, its agents, employees, officers, directors and shareholders (**Customer Indemnities**) from and against any and all Third Party Claims to the extent the same arise from At Fault Damages; provided, however, USIC shall not indemnify Customer Indemnities for Third Party Claims arising from Damages that are not At Fault Damages or damages to Unidentifiable Facilities or Unlocatable Facilities or for Third Party Claims that arise from the negligence or willful misconduct of Customer, its agents or employees. ~~USIC's total liability for all claims of any kind arising from or related to the formation, performance or breach of this contract or any services provided hereunder shall not exceed the annual value of this Agreement.~~



Commented [JF2]: Cannot agree to remove this all together. Could you agree to 3 times contract value?

7. Indemnification of USIC by Customer



~~7.1 Customer shall indemnify and hold harmless USIC, its agents, employees, officers, directors and shareholders (**USIC Indemnities**) from and against any and all Third Party Claims to the extent the same arise from Damage to Customer Facilities if the Customer's Facilities were either Unidentifiable Facilities or Unlocatable Facilities or if the~~

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~~Third Party Claims arose from the negligence or willful misconduct of Customer, its agents or employees.~~

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8.7. Equal Employment

8.47.1 USIC acknowledges that it is an equal opportunity employer. We are committed to ensuring equal employment opportunities for all applicants and employees, and to further our commitment not to discriminate on the basis of sex, race, religion, color, national origin, age, disability, genetic information, or veteran status, or any other basis protected by federal, state or local law ("Protected Classifications).

9.8. Insurance

9.18.1 Workers' Compensation Insurance – USIC shall maintain Workers' Compensation Insurance as required by applicable statute, with a limit of not less than \$1,000,000.00.

9.28.2 Commercial General Liability Insurance – USIC shall maintain Commercial Liability with a limit of not less than \$1,000,000.00 per each occurrence and \$2,000,000.00 aggregate. The policy shall cover liability arising.

9.38.3 Automobile Liability Insurance – USIC shall maintain Automobile Liability with a limit of not less than \$1,000,000.00 each accident.

8.4 Umbrella or Excess Liability Insurance – USIC shall maintain Umbrella or Excess Liability insurance in excess of Employers Liability, General Liability, and Automobile Liability with a limit of not less than \$4,000,000.00 per occurrence.

9.48.5 Prior to commencing any services, USIC shall furnish Certificates of Insurance for all required insurance coverages that name the City of Gallatin, its elected officials, officers, and employees as Additional Insureds. USIC shall be financially responsible for all pertinent

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PUBLIC PURPOSE DOCTRINE AND INDEMNITY

Cities are granted the right to impose taxes to raise public funds in Article II , § 29 of the Tennessee Constitution, which states: “ The General Assembly shall have power to authorize the several counties and incorporated towns in this State, to impose taxes for County and Corporation purposes, respectively....” From this language has grown the public purpose doctrine, which dictates that public funds can be used only for public purposes. Courts have reasoned that, since taxes can be levied for only corporation or public purposes, expenditures can legally be made for only those same purposes. A public purpose is generally anything that promotes the public health, safety, welfare, morals, security, prosperity, or contentment of the residents of the municipality. Shelby Co. v Exposition Company, 96 Tenn. 653, 36 S.W. 696(1896). Incidental benefit to an individual or individuals will not invalidate an expenditure, but its primary purpose must be to benefit the public. City of Chattanooga v. Harris, 223 Tenn. 51, 442 S.W.2d 602 (1969).

The Tennessee Attorney General is frequently called upon to explain this public purpose doctrine and the limits it places on expenditures of public funds. The AG states in one such opinion:

Public funds provided by taxation may be used only for public, not private, purposes. Azbill v. Lexington Mfg. Co., 188 Tenn. 477, 483, 221 S.W.2d 522 (1949). The Legislature's power to authorize counties and incorporated cities to tax is only “for

County and Corporate purposes respectively.” Tenn.Const. Art. II, Sec. 29. This constitutional provision has been interpreted as prohibiting either a city or county from appropriating funds to a purpose not properly within its sphere of action. Metropolitan Development and Housing Agency v. Leech, 591 S.W.2d 427, 429 (Tenn.1979). So, county legislative bodies are powerless to appropriate public funds for other than public or county purposes. Southern v. Beeler, 183 Tenn. 272, 300, 195 S.W.2d 857 (1946). And, likewise, cities cannot donate or apply public taxes to anything but a public use or corporate purpose. McConnell v. City of Lebanon, 203 Tenn. 498, 509, 314 S.W.2d 12 (1958); Smith v. City of Pigeon Forge, 600 S.W.2d 231, 233 (Tenn.1980).

Consistent with the foregoing principles, public equipment and other property paid for, and public officers and employees compensated by public funds appropriated for public purposes from revenues derived by counties and cities from taxes authorized by law cannot properly be donated or applied by a county or city officer to a private use. The end result would be a misapplication by such an officer of public funds, which we believe would be official misconduct for which he might be removed from office if it were knowing or willful on his part. Tenn. Op. Atty. Gen. No. 84-166.

The above-cited language from the Attorney General makes clear that using public resources for work on private property is not only a violation of the Tennessee Constitution, but may be an offense for which an elected officer can be ousted from office.

The courts have applied this doctrine to claims for indemnity by public officials and employees, and the reasoning in these cases apply to indemnity clauses in contracts and other situations in which municipalities attempt to indemnify other parties. The rule in Tennessee governing the expenditure of public funds to indemnify a public official for his or her legal and other costs arising from criminal conduct in the office is extremely strict. In Smith v. Nashville, 72 Tenn. 69 (1879), citizens in the name of the state sued the mayor and city council of Nashville, the treasurer, collector and recorder, and other officers of the city, charging all of them with “the grossest malfeasance in office, and with having brought the corporation to the verge of bankruptcy.” [At 70.] The mayor retained an attorney to defend the suit, and that retainer was subsequently ratified by the city council. But the trial court found as a fact that although the city was made a nominal defendant to the suit, “*no relief was sought against it, and that it had no interest in defending the bill.*” [At 72] In upholding the trial court, the Tennessee Supreme Court declared that:

Where a municipal corporation has no interest in the event of a suit, or in the question involved in the case, it would seem clear that it could not assume the defense of the suit, or appropriate its money for the payment of the expenses incurred....Most clearly the corporation could not appropriate money to defray the costs of an official who had been prosecuted for official misconduct, *although he be acquitted*: [Citations omitted.] Nor to defray the expense of a city action for like official misconduct. A retainer for the prosecution or defense of any suit which the corporation is not directly interested would be of no avail to create a corporate liability: Daniel v. Mayor of Memphis, 11 Hum. 529. [At 72-73]

Although the Court did not expressly mention the public purpose doctrine in Smith v. Nashville, that case makes it clear that reimbursing a city recorder for funds she spent in her defense of a charge of misuse of funds, and the funds which she paid back to the city under a pretrial diversion agreement, is not a corporation purpose. Moreover, it would not have been a corporation purpose even if she had gone to trial and been found not guilty.

This is the same reasoning that applies to the concept of indemnification in general. The Tennessee Attorney General has opined that local governments do not have the authority to enter into contracts providing for the indemnity of other parties:

Local government entities are frequently asked to enter into contracts with state agencies, the United States and private parties which contain indemnity or hold harmless clauses. An agreement to indemnify or hold harmless is a contract of indemnity requiring the indemnitor to prevent loss to the indemnitee or to reimburse the indemnitee for all losses

suffered from a designated peril. Pinney v. Tarpley, 686 S.W.2d 574, 579 (Tenn.App.1984). Hold harmless agreements are intended to shift the liability, cost, or loss to one party regardless of actual or relative fault and regardless of the liability which might otherwise be imposed by existing legal principles. Annotation, Tenant's Agreement to Indemnify Landlord against All Claims as including Losses Resulting from Landlord's Negligence, 4 A.L.R.4th 798, 800 n. 2. (1981).

This office has consistently opined that indemnity agreements by the state and state agencies to hold another party harmless are void unless the General Assembly has authorized the agreement because they constitute an unauthorized waiver of the State's sovereign immunity. See, Op.Tenn.Atty.Gen. U82-008 (Jan. 27, 1982); III Op.Tenn.Atty.Gen. 93 (Jan. 2, 1973). This office has also opined that this rationale extends to local officials at least where indemnity of the United States is concerned. See, Op.Tenn.Atty.Gen. U82-217 (November 10, 1982).

Op. Tenn. Atty. Gen. 93-01.

So what does THAT mean?

Indemnity and hold harmless agreements by a governmental entity to hold another party harmless – even if it's another governmental entity – are void unless the General Assembly has authorized the agreement because they constitute an unauthorized waiver of the State's sovereign immunity. Why? Because it abrogates (does away with) public funds.



CONTRACTS

Be very wary of "standard" form contracts. Why?

- Because many have you – the governmental entity – indemnifying and holding harmless the contractor and waiving your subrogation rights. .

And what does the General Assembly say about that?



**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

[June 23, 2015]

DEPARTMENT: **Utilities**

AGENDA # 5

SUBJECT:

Waiving tap fees for Habitat for Humanity

SUMMARY:

Request from Susan Johnson, Executive Director of Habitat for Humanity of Sumner County to waive water/sewer tap fees for properties located at 183 S. Maple Ave. and 125 Hollywood Blvd. (See Attached Letter)

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. 01506-43

ORDINANCE WAIVING TAP FEES FOR HABITAT FOR HUMANITY

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin Public Utilities Department shall waive any tap fees for water and sewer services associated with 183 S. Maple Ave. and 125 Hollywood Blvd., for Habitat for Humanity of Sumner County.

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

PASSED FIRST READING: _____

PASSED SECOND READING: _____

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY



Habitat
for Humanity®
Sumner County, TN

RECEIVED
JUN 16 2015

Now More Than Ever.
Help Build It!

June 10, 2015

Mr. David Gregory
Gallatin Public Utilities
239 Hancock St.
Gallatin, TN 37066

Dear Mr. Gregory:

Habitat for Humanity of Sumner County is building a home in Gallatin in the Fall of 2015. The address is **125 Hollywood Blvd**).

We are requesting a waiver of the tap fees from Gallatin Public Utilities for this property. Please advise me on what further action, if any, is required of Habitat for Humanity of Sumner County. We appreciate your consideration of this request.

Sincerely,

Susan Johnson, Executive Director

RECEIVED
JUN 16 2015



Now More Than Ever.
Help Build It!

June 2, 2015

Mr. David Gregory
Gallatin Public Utilities
239 Hancock St.
Gallatin, TN 37066

Dear Mr. Gregory:

Habitat for Humanity of Sumner County is building a home in Gallatin in the Fall of 2015. The address is **183 S. Maple Ave.**

We are requesting a waiver of the tap fees from Gallatin Public Utilities for this property. Please advise me on what further action, if any, is required of Habitat for Humanity of Sumner County. We appreciate your consideration of this request.

Sincerely,



Susan Johnson, Executive Director

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: **Engineering**

AGENDA # 6

SUBJECT:
2015-2016 Paving List

SUMMARY:
The recommended 2015-2016 Paving List will be passed out at the meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

June 23, 2015

DEPARTMENT: **Human Resources**

AGENDA # 7

SUBJECT:

Department Head Recruitment Process

SUMMARY:

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

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

RECOMMENDATION:

Approve

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

DRAFT

Department Head Recruitment and Selection Procedures for the City of Gallatin June 2015

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

I. The Recruitment of Applicants

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

A. Advertising/Posting Vacancy

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

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

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

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

B. Minimum Amount of Time for Advertising

Department Head job vacancies shall be advertised for a minimum of thirty (30) days.

C. Application Process

All prospective applicants must complete the City of Gallatin application form, as well as any additional materials requested. In this way, all applicants will be strongly encouraged and given an opportunity to indicate their status as a member of a protected group and there will be consistency in the application material received.

D. The Applicant Pool

The applicant pool must generally reflect the availability data for the defined vacancy in that labor market or field as determined by the HR Director based upon census data and recruitment area desired for the position. The HR Director will confirm that the pool has been certified to the City Council.

E. Review of Applicant Pool

Human Resources will pre-screen the application pool for minimum qualifications and forward those meeting minimum qualifications to the Council.

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

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

F. Interviewing Process

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

G. Checking References

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

II. The Appointment of an Applicant

A. Procedure for Recommending Appointments

Specific Department heads per municipal code shall be required to maintain their residence either within the corporate limits or within two (2) miles of the corporate limits, but in no event

outside the boundaries of Sumner County, Tennessee; provided, however, that this residency requirement does not apply until ninety (90) days after their appointment.

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

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

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

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

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

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

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

B. Prior Approval for Employment

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

C. Notification of Applicants

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