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**CITY OF GALLATIN  
COUNCIL COMMITTEE MEETING**

**March 25, 2014**

**6:00 p.m.**

**Dr. J Deotha Malone  
Council Chambers**

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- Call to Order – Councilman Mayberry
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Kemp – Hayes – Overton – Mayor Graves
- Approval of Minutes: March 11, 2014 Council Committee Meeting
- Public Recognition
- Mayor's Comments

**AGENDA**

1. Roadside Produce Vendors (**Councilwoman Brackenbury**)
2. Continued Discussion on Social Media Policy (**Joe Thompson, City Attorney**)
3. Ordinance O14Ø3-15 Awarding Bid and Authorizing Funds for Industrial Park Water and Sewer System Improvements (**David Gregory, Superintendent of Public Utilities**)
4. Noise Committee Recommendation (**Councilman Overton**)
5. Disposition of the Old Health Department on S. Water (**Councilman Overton**)
6. Ordinance O14Ø3-10 Appropriating Funds from Sale of Equipment for the Public Works Department in the Amount of \$3,484.65 (**Ronnie Stiles, Director of Public Works**)
7. Job Description of Assistant Building Official (**Chuck Stuart, Building Official**)
8. Industrial Development Board (IDB) Budget for 2014-2015 (**James Fenton, Executive Director of EDA**)

- Other Business
- Recess
- Budget Presentations
- Adjourn

## City of Gallatin Council Committee Meeting

Tuesday, March 11, 2014  
Dr. J. Deotha Malone Council Chambers  
Gallatin City Hall

### Call to Order

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

### Roll Call

Marianne Mudrak called the roll:

#### PRESENT:

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

#### ABSENT:

None

#### OTHERS PRESENT:

Rosemary Bates, Special Projects Director  
Rachel Nichols, Finance/IT Director  
Nick Tuttle, City Engineer  
Debbie Johnson, Human Resources Director  
David Brown, Leisure Services Director  
James Fenton, EDA Director  
Chuck Stuart, Codes Official  
Vickie Willoughby, Finance

Don Bandy, Police Chief  
Ronnie Stiles, Public Works Dir.  
Bill McCord, City Planner  
David Gregory, Public Utilities  
Billy Crook, Fire Chief  
David Kellogg, GPU  
News Examiner, Reporter  
Gallatin Newspaper, Reporter

### **Approval of Minutes**

Councilman Mayberry presented the minutes of the February 25, 2014 Council Committee Meeting for approval. Vice Mayor Alexander made motion to approve; Councilman Overton seconded. Motion carried with 6 ayes and 0 nays.

### **Public Recognition**

Councilman Mayberry opened public recognition.

Mr. Randy Perry, with Perry Engineering, said he would like to make a presentation on the sidewalk connection that will be addressed next week. Councilman Overton asked that Mr. Perry give his presentation when this item comes up on the agenda.

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

### **Mayor's Comments**

Mayor Graves said this Saturday is the Shamrock Run. Participants must be at the Calvin Short Football Field, at 7:00 a.m. Mayor Graves encouraged everyone to join the festivities.

### **Agenda**

#### **1. Big Station Camp Boulevard Corridor Traffic Study**

Mr. Nick Tuttle, City Engineer, presented a concept that Engineering Division is considering and wanted to get the endorsement of Council. The Planning Commission endorsed this concept last night. This project requires no additional funds and it is regarding the large annexation of the western side of the city, at the Big Station Camp Boulevard area. The Engineering Division has a concern that eventually improvements would need to be made to on-ramps, off-ramps, and the intersection. This study would forecast what the needed improvements might be, at this corridor. The concern is that it would be difficult to make any one development responsible for a traffic signal and other improvements, because most of the impact will come from up and down the corridor. Mr. Tuttle read from a section of the Gallatin Zoning Ordinance that discusses pro-rata contributions, Chapter 13, Section .06.010E, related to requesting a developer to make improvements, such as traffic signals.

Mr. Tuttle Introduced Mr. Greg Judy, Engineer and Senior Manager, with Neel-Shaffer, Inc. Mr. Judy said this type of study is not typically done in Tennessee and he has been working with staff to determine what a scope might be, for the project. There is a desire on the part of staff to be ahead of the curve and the idea is to produce a traffic

projection model to establish future transportation needs. There are three (3) main steps; forecast and predict the transportation impacts, propose recommendation and estimate costs and create a mechanism to allow staff to assign those costs in an equitable, fair, pro-rata manner. Mr. Judy discussed the development potential up and down the corridor and the dynamic mix of the type of development existing in the area. He added that thresholds would be developed to determine the types of improvements that would be needed, including connectivity of sidewalks and lighting.

Councilman Overton asked how often the study would be updated. Mr. Tuttle said the area was annexed in 2008 and the only properties developed were the elementary school, apartments, and Fire Hall #4. Growth may occur rapidly, when it begins and there may be a need for an update in two (2) to three (3) years.

## **2. Monthly Financial Reports**

Ms. Rachel Nichols, Director of Finance, distributed the monthly finance reports, through January 2014. She said general funds are at break even and February was a strong property tax collection month. Approximately 94% of property tax revenue is collected in February and another half million is collected between now and June. Councilman Mayberry asked how sales tax is running. Ms. Nichols said that sales tax have been higher each month than the same month of any prior year.

## **3. Roadside Produce Vendors**

Councilwoman Brackenbury said that she would like to defer this item, until Ms. Connie Kittrell, City Recorder and Mr. Joe Thompson, City Attorney are present. Councilwoman Brackenbury said she is trying to establish a venue for produce sellers to come to, particularly the Farmer's Market, instead of being out on the road. Vendors complain that the Farmer's Market is not open every day and Greater Gallatin has agreed to have the market open seven (7) days a week.

Councilman Brackenbury ask if it would be possible to use the parking spaces at the Police Department, behind the Farmer's Market, for vendors who drive pickup trucks to drive straight in to those spaces and sell from their trucks.

## **4. Appropriation of \$380,363 from TVA InvestPrep Grant for Gateway Drive Utility Expansion**

Mr. James Fenton, Director of EDA, said this is a 50/50 match grant to help move forward water and sewer. Mr. Gregory of GPU has put aside more than enough money to match the grant funds.

Councilwoman Kemp motioned to approve; Councilman Camp seconded. Motion carried 5 ayes, 0 nays. Vice Mayor Alexander left the meeting before the vote.

#### **5. Marketing & Events Coordinator for Leisure Services**

Councilwoman Brackenbury asked Mr. David Brown, Leisure Services Director and Ms. Debbie Johnson, Director of Personnel to give an update on this position. Mr. Brown said he offered the position to a candidate and said he is going to request that the job title come back to Council for a proposed change. Mayor Graves asked the final salary. Mr. Brown said the salary offered to the candidate is \$50,180.60.

#### **6. Ordinance O1309-45 Amending Multiple Residential and Office (MRO) Zone District to Planned Neighborhood Commercial (PNC) Zone District**

Councilman Overton invited the developer to give a brief summary of the project. This item is going to Council for second reading this month.

Mr. Randy Perry, with Perry Engineering, represented the applicant, and said staff is working with us on this project. He said one issue is the sidewalk connection from the project's internal sidewalk to the intersection of Lock 4 Road and Nashville Pike. The sidewalk connection would be very costly, approximately \$8,000, due to a ditch that would require fill material, at least a 24" pipe, and two head walls. Mr. Perry said sidewalks would be installed to connect to the existing sidewalk in front of Wendy's and this request to waive sidewalks is for the particular section of sidewalk, at the intersection.

Mr. Bill McCord, Director of Planning, said staff believes it is in the best interest of the City to require the developer install this section of sidewalk.

Councilman Hayes asked if there was an alternative to installing the sidewalks now. Councilman Overton asked how soon sidewalks would be developed on the southeast corner of Lock 4 and SR109. Mr. McCord said development could occur at any time. Councilman Overton asked why a sidewalk was not required during the Kroger renovation.

Councilman Mayberry expressed concern about encouraging pedestrians to use that intersection, because it is a very dangerous intersection.

Councilman Hayes expressed concern that waiving the sidewalk installation would set a precedent.

Mayor Graves said if the developer is allowed to post a letter of credit, he is still obligated to build the sidewalks. Mr. McCord said the Mayor was correct and added

that there could be additional costs, due to inflation, if the sidewalks are installed in the future. Councilman Overton said the letter of credit would have to include a reasonable timeframe for release that would accommodate the City and the developer.

Councilman Mayberry asked what would require Council to build a sidewalk in that location. Mr. McCord said Council would not be required to build a sidewalk; however, there would be a gap in that location. Councilman Overton said there would only be a gap on one little lot and there are no other sidewalks until after the Kroger Store. Mr. McCord said this is true all over the City.

Councilwoman Brackenbury asked if we are going to lose this deal if the sidewalk is required considering there are no sidewalks until after the Kroger Store. She asked if there might be an alternate way to connect to Nashville Pike.

Mr. Perry said a payment in lieu of might work, because the cost of the concrete is not the concern, but the cost of the fill, pipes and the headwalls. The payment in lieu could be used for sidewalks needed elsewhere in the City. He added that a sidewalk here would feed pedestrians into a dangerous intersection and into a merge lane. Mr. Perry said the bond is an issue; however, in lieu of payment would be fine with the applicant.

Councilman Overton suggested this item go to Council for second reading. He added that this applicant has complied with everything the City has asked of him, in particular the fence in back of the lot.

## **7. Continued Discussion Social Media Policy**

Ms. Nichols said a committee created a final draft, which is included in the Council packet. The current personnel policy is also included and, from an employee standpoint, the Social Media Policy would not change anything that the employees have already agreed too. This policy would be to set out guidelines as to how the City social media sites would work.

Councilman Overton asked Ms. Nichols to explain how a department would post to a site. Ms. Nichols said the request to post would go through the IT Department email support system and the IT Department would review the proposed post for appropriateness and then post.

Councilman Overton motioned to forward this item to City Council; Councilman Hayes seconded. Motion carried 5 ayes, 0 nays.

**8. Resolution R1402-7 supporting the City's Home Grant Program Application**

Ms. Katherine Schoch, Assistant Director of Planning, said this is a resolution in support of the Home Grant Application for the 2012/2013 grant cycle.

Councilman Overton motioned to approve; Councilwoman Brackenbury seconded. Motion carried 5 ayes, 0 nays.

**Other Business**

Mayor Graves presented two resolutions appointing Homer Vaughn to the Municipal Board of Zoning Appeals, and Elaine Gore to the Sumner County Solid Waste Management Board.

Councilman Hayes motioned to forward both resolutions to Council; seconded by Councilman Camp. Motion carried 5 ayes, 0 nays.

**Department Head Reports**

None

**Adjourn**

With no further business to discuss, Councilman Mayberry adjourned the meeting.

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Mayor Jo Ann Graves

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City Recorder Connie Kittrell

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25 2014

**DEPARTMENT:** Councilwoman Brackenburg

**AGENDA #** |

**SUBJECT:**

Roadside Produce Vendors

**SUMMARY:**

Councilwoman Brackenburg requested a discussion of this topic be placed on the agenda along with a copy of the current ordinance.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE AMENDING CHAPTER 11, ARTICLE V, SECTIONS 11-136 – 11-143 OF  
THE GALLATIN MUNICIPAL CODE RELATING TO PEDDLERS, SOLICITORS, AND  
ITINERANT VENDORS

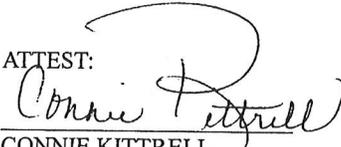
BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Chapter 11, Article  
V, Sections 11-136 thru 11-143 of the Gallatin Municipal Code, dealing with entitled “Peddlers,  
Solicitors, Itinerant Vendors” is hereby amended by deleting said sections in its entirety and  
replacing them with the new **Sections 11-134 thru 11-143**, that is attached to this ordinance as  
Exhibit A.

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: September 4, 2007.

PASSED SECOND READING: September 18, 2007.

ATTEST:

  
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CONNIE KITTRELL  
CITY RECORDER

  
\_\_\_\_\_  
MAYOR JO ANN GRAVES

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

## EXHIBIT A

### ARTICLE V. PEDDLERS, SOLICITORS, ITINERANT VENDORS

#### SECTION

11-134.	Definitions.
11-135.	Exemptions.
11-136.	Permit required.
11-137.	Permit procedure.
11-138.	Restrictions on peddlers, street barkers and solicitors.
11-139.	Restrictions on transient vendors.
11-140.	Display of permit.
11-141.	Suspension or revocation of permit.
11-142.	Expiration and renewal of permit.
11-143.	Violation and penalty.

- 11-134. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:
- (1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the city, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.
  - (2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery, except that the term shall not include solicitors for subscriptions as those terms are defined below.
  - (3) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the city, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.
  - (4) "Transient vendor"<sup>1</sup> means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not

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<sup>1</sup> Tennessee Code Annotated, § 62-30-101 et seq. contains permit requirements for 'transitory vendors.'

The definition of "transient vendors" is taken from Tennessee Code Annotated, § 62-30-101(3). Note also that Tennessee Code Annotated, § 67-4-709(a) prescribes that transient vendors shall pay a tax of \$50.00 for each 14 day period in each county and/or municipality in which such vendors sell or offer to sell merchandise for which they are issued a business license, but that they are not liable for the gross receipts portion of the tax provided for in Tennessee Code Annotated, § 67-4-709(b).

previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks of merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

- (5) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade.

11-135. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold.

11-136. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter.

11-137. Permit procedure. (1) Application form. A sworn application containing the following information shall be completed and filed with the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for subscriptions:

- (a) The complete name, permanent address, phone number and temporary address, if any of the business or organization the applicant represents;
- (b) Age, height, weight, color of hair and eyes;
- (c) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
- (d) Temporary address and telephone number from which business will be conducted, if any;
- (e) Nature of business to be conducted and a brief description of the goods offered, and any services offered;
- (f) Proposed method of delivery of goods, if applicable;
- (g) The dates for which the applicant intends to do business or make solicitations.
- (h) The names and permanent addresses of each person who will make sales or solicitations within the city.
- (i) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.
- (j) The last three previous cities, villages, towns, where applicant conducted similar business;

(k) Address and phone number where applicant can be contacted for at least seven days after leaving the city;

(l) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction.

(m) Tennessee State sales tax number, if applicable.

- (2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor or street barker shall submit with his application a nonrefundable fee of fifty dollars (\$50.00). There shall be no fee for an application for a permit as a solicitor for subscriptions.
- (3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the recorder shall issue a permit and provide a copy of the same to the applicant.
- (4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the city recorder, the city recorder shall submit to the chief of police a copy of the application form and the permit.

**11-138. Restrictions on peddlers, street barkers and solicitors.** No peddler, street barker, solicitor, or solicitor for subscriptions shall:

- (1) Be permitted to set up and operate a booth or stand on any street or sidewalk, or in any other public area within the city.
- (2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.
- (3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind.
- (4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.
- (5) It shall be unlawful for any peddler or solicitor to call at any dwelling or other place between the hours of 7 p.m. and 9 a.m. except by appointment; to call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; to call at the rear door of any dwelling place; or to remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (6) It shall be unlawful for a direct seller to misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents.
- (7) It shall be unlawful for any peddler, solicitor or transient vendor to allow rubbish or litter to accumulate in or around the area in which he is conducting business.

**11-139. Restrictions on transient vendors.** A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

11-140. Display of permit. Each peddler, street barker, solicitor, or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand.

11-141. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the city recorder for any of the following causes:

- (a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or
- (b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

11-142. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days.

11-143. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.

CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA

3/25/2014

DEPARTMENT: Finance/I. T.

AGENDA # 2

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**SUBJECT:**

Social Media policy, continued discussion

**SUMMARY:**

At the request of the City Attorney, item was deferred until 3/25/2014 to correct potential First Amendment rights issue.

**RECOMMENDATION:**

approval

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

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Approved   
Rejected   
Deferred

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Notes:

RESOLUTION ESTABLISHING SOCIAL MEDIA POLICY

WHEREAS, the Gallatin City Council adopted an Information Technology Standard Operating Procedures manual on June 19, 2012; and

WHEREAS, the initial S.O.P. manual is a working document to be amended and revised as needed; and

WHEREAS, the use of social media is an integral part of business operations;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Social Media Policy attached to this Resolution as Exhibit A is hereby approved and adopted; and

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the attached policy will be incorporated into the Information Technology Standard Operating Procedures manual.

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 JO ANN GRAVES

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON, CITY ATTORNEY

## SOCIAL MEDIA USE AND INTERNET POSTING POLICY

### SECTION 1: APPLICABILITY

- 1.1 This policy applies to every employee, whether part-time, full-time, currently employed by the city in any capacity who posts any material whether written, audio, video or otherwise on any Web site, blog or any other medium accessible via the internet.
- 1.2 For the purposes of this policy, social media is content created by individuals using accessible and scalable technologies through the internet. Examples include: Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Google+, Instagram, etc.

### SECTION 2: CITY-OWNED OR CREATED SOCIAL MEDIA

- 2.1 The city maintains an online presence. An employee may not characterize him or herself as representing the city, directly or indirectly, in any online posting unless pursuant to a written policy of the city.
- 2.2 All city social media sites directly or indirectly representing the city must be created pursuant to this policy and be approved by either The Mayor's Office or the pre-appointed department designee.
- 2.3 The city's primary and predominant internet presence shall remain <http://www.gallatin-tn.gov/> and no other Web site, blog or social media site shall replace it.
- 2.4 The city's IT Department designee is responsible for the content and upkeep of any official social media sites created pursuant to this policy unless otherwise specified. All posting requests for social media sites must be submitted through the currently used support ticket system managed by the city's IT Department.
- 2.5 Whenever possible a social media site shall link or otherwise refer visitors to the city's main Web site.
- 2.6 In addition to this policy, all social media sites shall comply with any and every other applicable city policy including but not limited to:
- a. Open Records Policy
  - b. Internet Use Policy
  - c. IT Security Policy
  - d. Ethics Policy
  - e. Records Retention Policy

2.7 A social media site is subject to Tennessee's Public Records Act (T.C.A. § 10-7-101, *et seq.*) and Open Meetings Act (T.C.A. § 8-44-101, *et seq.*) and no social media site shall be used to circumvent or otherwise violate these laws. All information posted on a social media site shall be a public record and subject to public inspection. All lawful records requests for information contained on a social media site shall be fulfilled by the city's IT department or designated department representative and any employee whose assistance is necessitated. Every social media site shall contain a clear and conspicuous statement referencing the aforementioned state laws. All official postings on a social media site shall be preserved in accordance with the city's records retention schedule.

2.8 Whenever possible a social media site shall also contain a clear and conspicuous statement that the purpose of the site is to serve as a mechanism for communication between the city and its constituents and that all postings are subject to review and deletion by the city. Whenever possible, commenting on city posts will be disabled (With the exception of sites used for legal and/or investigative purposes). However, in instances where commenting cannot be disabled, the following content will not be allowed and will be immediately removed at the discretion of the department head:

- Comments not related to the particular social medium article being commented upon;
- Comments in support of or in opposition to political campaigns or ballot measures;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Content that violates a legal ownership interest of any other party
- Content that violates a social media sites respective policy or terms

2.9 The city will approach the use of social media tools, software, hardware and applications in a consistent, citywide manner. All new tools, software, hardware and applications must be approved by either The Mayor's Office or the pre-appointed department designee.

2.10 Administration of city social media sites. The city will maintain a list of all social media sites, tools, and login information which have been approved for use. Department heads will submit support tickets including any changes they wish to be made to existing social media sites.

2.11 For each social media tool approved for use by the city the following documentation will be developed and adopted:

Operational and usage guidelines

Standards and processes for managing accounts on social media sites

City and departmental branding standards

Enterprise-wide design standards

Standards for the administration of social media sites

### **SECTION 3. NON-CITY SOCIAL MEDIA SITES**

3.1 An employee may not characterize him or herself as representing the city, directly or indirectly, in any online posting unless pursuant to this policy and under the direct supervision and permission of a department head of the City of Gallatin.

3.2 The use of a city e-mail address, job title, official City name, seal or logo shall be deemed an attempt to represent the city in an official capacity. Other communications leading an average viewer to conclude that a posting was made in an official capacity shall also be deemed an attempt to represent the city in an official capacity.

3.3 Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department heads may allow or disallow employee participation in any social media activities in their departments.

3.4 Any posting on a non-city social media site made in an official capacity shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

3.5 An employee or official posting on a social media site shall take reasonable care not to disclose any confidential information in any posting.

3.6 When posting in a non-official capacity an employee or official shall clearly state the he or she is posting in a private capacity and that the views expressed are his or her own and not representative of the City of Gallatin or any of its departments.

CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA

3/11/2014

DEPARTMENT: Finance/I. T.

AGENDA #

**SUBJECT:**

Social Media policy, continued discussion

**SUMMARY:**

Draft Social Media Policy is attached. The social media committee drafted the policy after reviewing other governments' social media policies and incorporated elements which will allow the City to maintain a social media presence and comply with Federal, State and Local policies, rules, laws.

Upon approval, the Social Media policy will be incorporated into the City of Gallatin Information Technology Standard Operating Procedures manual.

Also, a copy of the current employee *Computer, E-mail, and Voice Mail Systems Policy* is attached. From the employee's perspective, the new Social Media Policy will not change any existing rules.

**RECOMMENDATION:**

approval

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

Notes:

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25, 2014

**DEPARTMENT:** Utilities

**AGENDA # 3**

**SUBJECT:**

Ordinance #O1403-15 Industrial Park Water and Sewer Improvements. Authorize funds from water and sewer reserves in the total amount of \$1,029,000.00 and award bid to Parchman Construction Co., Inc., Contract "209"

**SUMMARY:**

New water and sewer lines for the Industrial Park.

**RECOMMENDATION:**

Authorize funds and award bid.

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

Project cost summary

ORDINANCE AWARDING BID AND AUTHORIZING FUNDS  
FOR INDUSTRIAL PARK WATER AND SEWER SYSTEM IMPROVEMENTS  
CONTRACT "209"

**BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that the bid for the Industrial Park Water and Sewer System Improvements pursuant to plans and specifications under Contract "209", 2014, submitted by Parchman Construction Company in the amount of \$872,007.75 is hereby accepted and awarded.

**BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE**, that the total funds in the amount of \$ 1,029,000.00 for said water and sewer improvements are authorized and appropriated from water/sewer reserves.

**BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE**, that the Mayor and Superintendent of Public Utilities are hereby authorized to execute all necessary contracts and agreements for said water and sewer project.

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

PASSED FIRST READING: \_\_\_\_\_, 2014.

PASSED SECOND READING: \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE THOMPSON, CITY ATTORNEY

**JAMES C. HAILEY & COMPANY**

*Consulting Engineers*

7518 Highway 70 South  
Suite 100

Nashville, Tennessee 37221-1849

Telephone: 615-883-4933

Fax: 615-883-4937

JAMES C. HAILEY, P.E.  
NEAL WESTERMAN, P.E.

ROBERT L. RAMSEY, P.E.  
JAMES W. GARRETT, P.E.  
ANTHONY L. PELHAM, P.E.  
MATTHEW R. TUCKER, P.E.  
MICHAEL N. GREEN, P.E.

March 14, 2014

Mr. David Gregory  
City of Gallatin  
Department of Public Utilities  
239 Hancock Street  
Gallatin, TN 37066

**RE: Contract 209**  
**Industrial Park Water & Sewer Additions**

Dear Mr. Gregory:

On March 13, 2014, bids were received for the above-referenced project. A tabulation of bids is attached displaying the bids for each contractor for Contract 209.

All bids were sealed with proper documentation, and no irregularities were apparent at the bid opening. Based on our evaluation, we recommend that the City of Gallatin award the **Contract 209** - to **Parchman Construction Co., Inc.** in the amount of **\$872,007.75**.

If you have any questions or if we can be of assistance, please let us know.

Sincerely,

**JAMES C. HAILEY & COMPANY**  
Consulting Engineers



James C. Hailey

Enclosures

CITY OF GALLATION  
INDUSTRIAL PARK  
WATER & SEWER ADDITIONS  
PROJECT BUDGET

CONSTRUCTION	\$ 872,007.75
CONSTRUCTION ENGINEERING	43,800.00
PERMITS, TDEC FEES, ETC.	7,800.00
INSPECTION	56,000.00
PROJECT CONTINGENCY	<u>49,392.25</u>
TOTAL ESTIMATED PROJECT COST	<u><u>\$ 1,029,000.00</u></u>

BID TABULATION  
CITY OF GALLATIN  
CONTRACT 209- INDUSTRIAL PARK WATER SYSTEM IMPROVEMENTS

CITY OF GALLATIN  
239 Harwick Street  
Gallatin, TN 37066

BID DATE: 03/13/2014

BASE BID ITEM	QUAN.	UNIT DESCRIPTION	BID BOND			BID BOND			BID BOND			BID BOND			BID BOND		
			UNIT PRICE	TOTAL AMOUNT													
1	70	L.F. F818" PVC SEWER PIPE @ 10'-6" DEEP	43.00	3,010.00	59.00	4,130.00	36.00	2,520.00	50.00	3,500.00	52.00	3,640.00	52.00	3,640.00	52.00	3,640.00	
2	340	L.F. F818" PVC SEWER PIPE @ 6'-8" DEEP	47.00	16,403.00	62.00	21,638.00	39.00	13,611.00	55.00	19,195.00	59.00	20,591.00	59.00	20,591.00	59.00	20,591.00	
3	292	L.F. F818" PVC SEWER PIPE @ 8'-10" DEEP	51.25	14,965.00	65.00	18,980.00	46.00	13,432.00	60.00	17,520.00	64.00	18,728.00	64.00	18,728.00	64.00	18,728.00	
4	113	C.F. F818" PVC SEWER PIPE @ 10'-12" DEEP	55.25	6,243.25	67.00	7,571.00	47.00	5,311.00	50.00	5,700.00	75.00	8,475.00	75.00	8,475.00	75.00	8,475.00	
5	80	L.F. F818" PVC SEWER PIPE @ 12'-14" DEEP	61.25	4,900.00	69.00	5,520.00	50.00	4,000.00	55.00	4,400.00	60.00	4,800.00	60.00	4,800.00	60.00	4,800.00	
6	87	L.F. F818" PVC SEWER PIPE @ 14'-16" DEEP	69.50	6,046.50	71.00	6,177.00	74.00	6,438.00	61.00	5,307.00	65.00	5,655.00	65.00	5,655.00	65.00	5,655.00	
7	223	L.F. F818" PVC SEWER PIPE @ 16'-18" DEEP	72.00	16,056.00	74.00	16,502.00	74.00	16,502.00	49.00	11,053.00	55.00	12,325.00	55.00	12,325.00	55.00	12,325.00	
8	26	L.F. F818" PVC SEWER PIPE @ 18" DEEP	45.25	1,191.25	55.00	1,485.00	59.00	1,533.75	61.00	1,587.00	64.00	1,664.00	64.00	1,664.00	64.00	1,664.00	
9	167	L.F. F818" PVC SEWER PIPE @ 8'-10" DEEP	49.25	8,334.25	51.50	8,605.50	51.50	8,605.50	54.00	9,118.00	58.00	9,706.00	58.00	9,706.00	58.00	9,706.00	
10	160	L.F. F818" PVC SEWER PIPE @ 10'-12" DEEP	57.50	9,200.00	63.00	10,080.00	63.00	10,080.00	66.00	10,596.00	68.00	11,184.00	68.00	11,184.00	68.00	11,184.00	
11	348	L.F. F818" PVC SEWER PIPE @ 12'-14" DEEP	62.00	21,696.00	65.00	22,620.00	59.00	20,532.00	60.00	20,880.00	63.00	21,804.00	63.00	21,804.00	63.00	21,804.00	
12	18	L.F. F818" PVC SEWER PIPE @ 14'-16" DEEP	64.00	1,152.00	70.00	1,260.00	67.00	1,206.00	69.00	1,242.00	71.00	1,278.00	71.00	1,278.00	71.00	1,278.00	
13	3	L.F. F818" PVC SDR 21 FORCE MAIN	23.25	69.75	26.00	78.00	25.00	75.00	25.00	75.00	25.00	75.00	25.00	75.00	25.00	75.00	
14	3	EA. F818" 3" SERVICE TEE	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	
15	3	EA. F818" 3" SERVICE TEE	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	
16	3	EA. F818" 3" SERVICE TEE	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	186.00	558.00	
17	4	EA. F818" 3" SERVICE TEE	186.00	744.00	186.00	744.00	186.00	744.00	186.00	744.00	186.00	744.00	186.00	744.00	186.00	744.00	
18	2	EA. F818" 3" SERVICE BENDS OR FITTINGS	25.75	51.50	25.75	51.50	25.75	51.50	25.75	51.50	25.75	51.50	25.75	51.50	25.75	51.50	
19	59	L.F. F816" PVC SERVICE LINE	18.65	1,099.35	18.65	1,099.35	18.65	1,099.35	18.65	1,099.35	18.65	1,099.35	18.65	1,099.35	18.65	1,099.35	
20	12	EA. F81 STD. 4" DIA. MANHOLES	210.00	2,520.00	210.00	2,520.00	210.00	2,520.00	210.00	2,520.00	210.00	2,520.00	210.00	2,520.00	210.00	2,520.00	
21	40	V.F. F81 EXTRA MANHOLE DEPTH (OVER 6')	168.00	6,720.00	168.00	6,720.00	168.00	6,720.00	168.00	6,720.00	168.00	6,720.00	168.00	6,720.00	168.00	6,720.00	
22	7	EA. F81 MANHOLE WATERTIGHT FRAME & COVER	450.00	3,150.00	450.00	3,150.00	450.00	3,150.00	450.00	3,150.00	450.00	3,150.00	450.00	3,150.00	450.00	3,150.00	
23	1	EA. F81 CONNECTION TO EXISTING MANHOLE	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00	
24	3	EA. F81 COMBINATION AIR VALVE	4,450.00	13,350.00	4,450.00	13,350.00	4,450.00	13,350.00	4,450.00	13,350.00	4,450.00	13,350.00	4,450.00	13,350.00	4,450.00	13,350.00	
25	800	LB. F81 M DUCTILE IRON FULL BODY FITTINGS	8.00	6,400.00	8.00	6,400.00	8.00	6,400.00	8.00	6,400.00	8.00	6,400.00	8.00	6,400.00	8.00	6,400.00	
26	100	TN. F81 CRUSHED STONE	22.50	2,250.00	22.50	2,250.00	22.50	2,250.00	22.50	2,250.00	22.50	2,250.00	22.50	2,250.00	22.50	2,250.00	
27	5	S.Y. F81 CLASS "A" CONCRETE SURFACE REPLACEMENT	56.00	280.00	56.00	280.00	56.00	280.00	56.00	280.00	56.00	280.00	56.00	280.00	56.00	280.00	
28	20	C.Y. F81 CLASS "B" CONCRETE	112.00	2,240.00	112.00	2,240.00	112.00	2,240.00	112.00	2,240.00	112.00	2,240.00	112.00	2,240.00	112.00	2,240.00	
29	30	C.Y. F81 EXTRA DEPTH EXCAVATION WHERE ORDERED	675.00	20,250.00	675.00	20,250.00	675.00	20,250.00	675.00	20,250.00	675.00	20,250.00	675.00	20,250.00	675.00	20,250.00	
30	1	L.S. F81 PUMP STATION COMPLETE AS SHOWN ON PLANS	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	241,500.00	
TOTAL BID SEWER SYSTEM			551,252.75	551,252.75	559,928.00	559,928.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	595,116.00	
TOTAL BID WATER SYSTEM			320,755.00	320,755.00	338,920.00	338,920.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	345,560.00	
TOTAL BID WATER & SEWER SYSTEM ADDITIONS			872,007.75	872,007.75	898,848.00	898,848.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	
TOTAL BID WATER & SEWER SYSTEM			923,258.00	923,258.00	958,776.00	958,776.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	940,676.00	

I, James C. Hinely, certify that the above Bid Tabulation reflects the actual Bids submitted with errors corrected for Contract 209 - Industrial Park Water System Improvements





**NOTICE OF AWARD**

TO: **Parchman Construction Co., Inc.**  
**695 Highway 149E**  
**Cumberland City, TN 37050**

**PROJECT DESCRIPTION: CONTRACT 209 -INDUSTRIAL PARK WATER AND SEWER**  
**SYSTEM ADDITIONS**

The **OWNER** has considered the **BID** submitted by you for the above-described **WORK** in response to its Advertisement to Bid dated February 2014, and Information for Bidders.

You are required by the Information for Bidders to execute the Agreement and furnish the required **CONTRACTOR'S** Performance and Payment Bond within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said bonds within ten (10) days from the date of this Notice, said **OWNER** will be entitled to consider all your rights arising out of the **OWNER'S** acceptance of your **BID** as abandoned and as a forfeiture of your Bid Bond. The **OWNER** will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this **NOTICE OF AWARD** to the **OWNER**.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
City of Gallatin  
**OWNER**  
BY \_\_\_\_\_  
Title \_\_\_\_\_ Mayor

**ACCEPTANCE OF NOTICE**

Receipt of the above **NOTICE OF AWARD** is hereby acknowledged

By Parchman Construction Co., Inc.

this the \_\_\_ day of \_\_\_\_\_, 2014

By \_\_\_\_\_

Title \_\_\_\_\_

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25, 2014

**DEPARTMENT:** Councilman Overton

**AGENDA #** 4

**SUBJECT:**

Noise Committee Recommendation

**SUMMARY:**

The Noise Committee consisting of Mayor Graves, Councilman Mayberry, Councilman Overton, Police Chief Don Bandy, and Planning Director Bill McCord met on February 10, 2014 and February 24, 2014. Minutes of the two meetings, approved by the committee on March 18, 2014, are attached. At the February 24 meeting, the committee unanimously approved a motion by Councilman Overton to have the City Attorney prepare a draft ordinance to present to the full City Council for discussion. The draft ordinance is also attached.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

ORDINANCE AMENDING SECTION 13.02.020 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE, IN ORDER TO AMEND PERFORMANCE STANDARDS REGULATING NOISE

WHEREAS, THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION, pursuant to Section 15.07.040 of the Zoning Ordinance of Gallatin, Tennessee, has reviewed and recommended approval of this amendment; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 13.02.020 of the Zoning Ordinance of Gallatin, Tennessee is hereby amended by deleting Subsection C. in its entirety and replacing it with the following:

C. Maximum Permitted Sound Levels – The maximum permitted sound pressure levels in decibels shall be in accordance with Table 13-01 below. This table shall be used to determine the maximum noise level in A weighted decibels. For purposes of determining whether a violation of the limitations set forth below has occurred, all measurements shall be at the lot line of the receiving property, with the exception of property zoned for residential purposes.

For purposes of determining whether a violation of the limitations set forth below has occurred where the receiving property is zoned for residential purposes, the decibel level shall be measured from a point as close as possible to the outside walls of the residential structure closest to the source of the noise at a height of four feet above the immediate surrounding surface.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Section 13.02.020 of the Zoning Ordinance of Gallatin, Tennessee is hereby amended by deleting **TABLE 13-01** in its entirety and replacing it with the following:

**TABLE 13-01**

MAXIMUM PERMITTED SOUND LEVELS (Sun.-Thur.)

<u>RECEIVING LAND USE</u>	<u>(dBA) LIMIT - (7 p.m.-7 a.m.)</u>	<u>(dBA) LIMIT - (7 a.m.-7 p.m.)</u>
IR, IG & A	55	75
All Others	45	60

MAXIMUM PERMITTED SOUND LEVELS (Fri.-Sat.)

<u>RECEIVING LAND USE</u>	<u>(dBA) LIMIT - (10:30 p.m.-7 a.m.)</u>	<u>(dBA) LIMIT - (7 a.m.-10:30 p.m.)</u>
IR, IG & A	55	75
All Others	45	60

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

PASSED FIRST READING: \_\_\_\_\_, 2014.

PASSED SECOND READING: \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON  
CITY ATTORNEY

# CITY OF GALLATIN

## NOISE ORDINANCE COMMITTEE MEETING

February 10, 2014

Mayor Jo Ann Graves called the meeting to order at 9:00 A.M. The meeting was held in the Mayor's Conference Room, Gallatin City Hall. Special Projects Director, Rosemary Bates called roll and the following were present:

Mayor Jo Ann Graves  
Councilman Ed Mayberry  
Councilman Jimmy Overton  
Don Bandy, Police Chief  
Joe Thompson, City Attorney  
Bill McCord, Director of Planning  
Rosemary Bates, Special Projects Director

### Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items. No one came forward to speak; therefore, Mayor Graves closed public recognition.

### Agenda

Discuss the Noise Ordinance and make recommendations on revisions of the ordinance to the Gallatin City Council.

Chief Bandy referred to a spreadsheet showing measurements of noise at different distances from the Gallatin Marina, with windows open and windows closed. There is a page that shows examples at different addresses at different times. With the band playing, the average decibel level was 65 to 69 at 10:00 P.M. measured outside at a point 100 feet behind the Marina. Chief Bandy said a police siren from two blocks away was at 79 decibels; however, that sound is brief, as opposed to a band playing for a length of time.

Councilman Overton said the print out Chief Bandy presented said normal conversation is between 60 and 65 decibels at three (3) feet. Chief Bandy said there are other examples, such as truck traffic and train whistles listed in the print out.

Mayor Graves said the decibel limit allowed shown in the City ordinance is from 11:00 P.M. to 7:00 A.M. Mayor Graves said the decibels vary from different locations. Mayor Graves asked if time should be discussed, as well as decibel level.

Councilman Mayberry said the Marina and Restaurant have been there for a long time; however, the outside entertainment just began with the new owners and is the greater concern. Mayor

Graves said there was outside music in years past; however, they played in the front and was usually a solo entertainer. Mayor Graves said the problems began when the bands began to play.

Councilman Overton said the owners have agreed to cut the hours to 10:00 P.M. during the week and 11:00 P.M. on Friday and Saturday nights.

Mr. Thompson said the City of Hendersonville Municipal Code section on noise has the exact same language as Gallatin, which was derived from the MTAS from standard enabling legislation; however, they added more specific regulations. This is where the times and excess decibels are located.

Councilman Overton said the lake has a lot to do with amplifying the sound. Councilman Overton said, even if the Marina noise stops, there will still be issues with boats on the lake making noise.

Mr. Thompson said the committee must take out the Marina and those that have come to City Council and ask yourself if you are in any house in the City, what is the reasonable noise level.

Councilman Mayberry said this ordinance would refer to the entire City; not just specific locations.

Mayor Graves asked that a discussion be held on holding the bands accountable for the sound level instead of the property owner. Mayor Graves said if the property owner is not on site, the band could play as loud as they want without consequences. Councilman Overton said there is a problem with citing just the band because they may never play at the property again. Mr. Thompson said if the bands are cited and it re-occurs, you cite a public nuisance on the property owner and ask a judge for an injunction. Councilman Overton asked where the sound is registered. Mr. Thompson said the most meaningful sound measure is at the outside wall of a residential structure.

Mayor Graves suggested that music be banned on Sunday. Mr. McCord asked why only Sunday night and would it be appropriate to single out one night. Councilman Overton asked if it could be specified that no amplification be used on Sunday. Mr. Thompson said the City still has a liquor law on Sunday. Mr. Thompson said he is more concerned that the ordinance is City wide. Councilman Overton said it could be specified that there be certain hours and decibel limits on Sunday. Mr. Thompson said the City of Hendersonville does specify Sunday hours and decibel limits. Councilman Overton said the problems on Aqua Drive would most likely go away with the same Sunday regulations as Hendersonville.

Mayor Graves said if the decibel limit is raised, would the bands make the music louder. Councilman Overton said the bands most likely are not keeping up with the regulations.

Mr. Thompson said the City of Hendersonville's regulations state 65 decibels is the limit ending at 9:00 P.M. Sunday through Thursday and ending at 11:00 P.M. Friday and Saturday.

Chief Bandy said the residents will complain more at this level of sound. Mayor Graves said the problem is playing outside in a residential area because the sound is different than playing inside a building.

Mayor Graves said the current ordinance does not have specialties in the code and asked if there could be a specific category for outside music venues. Mr. Thompson said he is not aware of a problem with noise from an inside venue. Mr. McCord asked if the sound level is the problem or the frequency of the sound, such as bass drums, etc. Councilman Overton said there are complaints at just singing. Councilman Overton said there have been as many complaints from the customers talking as music playing.

Mr. Thompson asked what paces the Planning and Zoning Department would put a new business through as far as outside music as a permitted use or a conditional use. Mr. McCord said it is an accessory use and the owner would be advised of the regulations.

Mr. Thompson asked Mr. McCord to look at the application for AweDaddy's Restaurant. Mr. Thompson said they applied for a Conditional Use Permit and then withdrew it. Councilman Mayberry said they applied to build a restaurant and would have outside music and were told that 45 decibels were a regulation of the zoning ordinance.

Mayor Graves said the committee must determine if 45 decibels is reasonable and what hours are reasonable. Mr. Thompson suggested that the decibel level stay the same and increase the hours.

Councilman Overton reiterated that the suggestion is that the decibels be allowed at 65 decibels until 11:00 P.M. on Friday and Saturday and then it would go down to 45 decibels. Mayor Graves said she would like to see it banned after 11:00 P.M.

Councilman Overton said if you make the decibel level go down after 11:00 P.M. to 45 decibels you may avert some of the problems.

Mayor Graves reiterated that she would like to see the noise banded after 11:00 P.M.

Mr. Thompson said there is a difference between a vehicle traveling down the road with a loud radio and the instance of a band playing. Mayor Graves asked why a band should be allowed to play outside after 11:00 P.M. Councilman Overton said he believes everyone is in agreement, but he does not believe you can tell businesses that you must stop music at 11:00 P.M. if they are outside.

Mr. Thompson said the problem with artistic expression is that it can only be addressed from the standpoint of it annoying other people. If we said you must stop all outside music at 11:00 P.M. and no one is being bothered by it, you run into a problem. Mr. Thompson said he believes 45 decibels would fix the problem.

Mayor Graves asked how we are getting to the number of 65 decibels. Mr. Thompson said it is in the City ordinance, but at a different time. Right now the levels are 45 from 7:00 P.M. to 7:00

A.M. and it is 65 decibels at 7:00 A.M. to 7:00 P.M. Mr. Thompson said 65 decibels is already in our code.

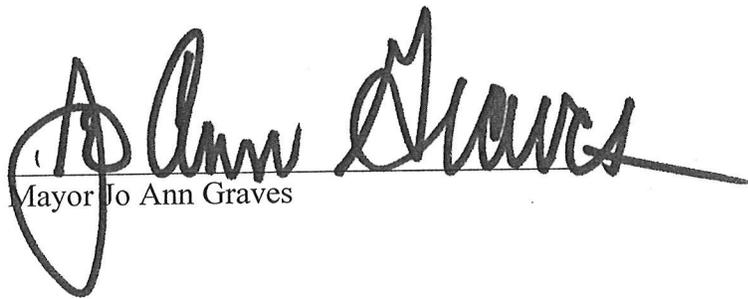
Chief Bandy said the decibel for conversation is 65 decibels. Mayor Graves said we need justification for picking the decibel level of 65, when the level now is 45 decibels, after 7:00 P.M. Mayor Graves added that based on police research and today's environment, the City is picking the decibel level of 65 decibels. Mayor Graves said the City is basically staying with the same ordinance, but changing hours, according to Mr. Thompson's proposal.

Mayor Graves asked if the time should be decreased Sunday through Wednesday, at 7:00 P.M. and 45 decibels, so that the residents can have some relief. Bill McCord asked about holidays and asked if there might be a permit for unusual activity, such as weddings, etc. Mayor Graves said some of the cities do have special permits for events.

Mr. Thompson suggested it be left as is, from Sunday through Wednesday 7:00 P.M. to 7:00 A.M., 45 decibels and Thursday through Saturday, 65 decibels dropping to 60 decibels, and from 10:30 P.M. to 7:00 A.M. it drops back to 45 decibels.

Mayor Graves asked Mr. Thompson to draft an ordinance. Another meeting was scheduled for Monday, February 24, 2014, at 9:00 AM., so that this discussion may be continued. Mayor Graves said she wanted something in writing before taking anything to City Council.

Without objection, Mayor Graves adjourned the meeting.



\_\_\_\_\_  
Mayor Jo Ann Graves

\_\_\_\_\_  
City Recorder Connie Kittrell

CITY OF GALLATIN  
NOISE ORDINANCE COMMITTEE MEETING

February 24, 2014

Mayor Jo Ann Graves called to order, the second meeting of the Noise Ordinance Committee at 9:00 a.m., in the Mayor's Conference Room, Gallatin City Hall. The roll was called and the following were present:

Mayor Jo Ann Graves  
Councilman Ed Mayberry  
Councilman Jimmy Overton  
Don Bandy, Police Chief  
Joe Thompson, City Attorney  
Bill McCord, Director of Planning  
Rosemary Bates, Special Projects Director  
Marianne Mudrak  
Phillip Kelly, Attorney  
Josh Cross, News Examiner Reporter

**Public Recognition on Agenda Related Items**

Mayor Graves opened public recognition on agenda related items. No one came forward to speak; therefore Mayor Graves closed public recognition.

**Agenda**

**Discuss the Noise Ordinance and make recommendations on revisions of the ordinance to the Gallatin City Council.**

City Attorney, Joe Thompson distributed a handout of a draft ordinance. Mr. Thompson said some of the draft ordinance may not be accurate.

City Planner, Bill McCord described what was discussed, at the previous meeting. The hours and decibels discussed were Sunday through Wednesday 7:00 a.m. to 7:00 p.m., at 60 decibels and Sunday through Wednesday 7:00 p.m. to 7:00 a.m., at 45 decibels. Thursday through Saturday 7:00 a.m. to 10:30 p.m., at 60 decibels and Saturday 10:30 p.m. to 7:00 a.m., at 45 decibels.

Councilman Mayberry asked for clarification as to what the allowed decibel level would be on Thursday at 8:00 p.m. Chief Bandy said the allowed decibel level would be 60 decibels. Councilman Mayberry said he is not in favor of a high decibel level on a Thursday night because it is a work and school night.

Mr. McCord mentioned that there is a separate standard for Industrial and Agricultural zones, stating the hours and the allowed decibel level is 7:00 p.m. to 7:00 a.m. at 55 decibels and 7:00 a.m. to 7:00 p.m. at 75 decibels.

Chief Bandy said officers reported on the decibel level in the area of complaint. Windows down at nine (9) feet away, the decibel level was 52 decibels and at 1300 feet away at 40 to 48 decibels. Measurements were taken at the receiving property. Chief Bandy said behind the band, the reading was 65 to 69 decibels.

Mayor Graves asked Councilman Overton his opinion of the Thursday night hours and allowed decibel level. Councilman Overton said just the conversation of the customers is over 45 decibels. Councilman Overton said they would not be able to play any music on the nights the allowed decibel level is over 45 decibels.

Mr. McCord said there is a description of noise in the City Municipal Code under Health & Nuisances, and it states specific hours. This new ordinance should reflect the Municipal Code. Mr. Thompson said the Municipal Code copies the Municipal Technical Advisory Service (MTAS) language, which most cities adopt this language, but some cities, such as Hendersonville, add an amendment to the language.

Mr. Thompson advised the committee to consider where the City wants to protect the citizens, outside their homes at the property line or inside their homes. Options to measuring the violation from the sending property line are to choose a measuring line at the receiving property line or outside the receiving structure wall. Mr. Thompson cautioned that whatever is adopted must be City wide and the standard for measurement should be consistent.

Chief Bandy agreed that the measurements should be taken from the outside wall of the receiving structure.

Mayor Graves asked if the committee agrees that the measurement should be taken from the outside wall of the receiving property structure. Mr. Thompson said the outside wall would be a better measurement. Mr. McCord said he has a concern that, in order to enforce this, the Police Department would have to get permission to go on private property. Chief Bandy said that if there is call from that property, the Police Department would most likely be invited to go on the property to take a measurement.

Councilman Mayberry asked if there is a receiving distance in the zoning ordinance. Mr. Thompson said there is not a receiving distance in the zoning ordinance. Councilman Mayberry asked about leased property. Mr. Thompson said if the property is leased, the lease hold interest would describe the property line and the measurement would be from wherever the lease hold interest ends.

Mr. McCord asked about calibrated instruments and who would calibrate the instruments. Mr. McCord also asked why Hendersonville measures four (4) feet from the ground. Mr. Thompson said he does not know why Hendersonville uses four (4) feet from the ground as a measuring point.

Councilman Mayberry told Mr. Phillip Kelly, Attorney representing some of the residents of Aqua Drive, that the City is trying to create peace between the residents and the businesses and asked if he had any suggestions to create a compromise between the residents and the businesses.

Mr. Kelly said Aqua Estates has been in existence for many years before the restaurant at the marina and said the residents understand music, but are disturbed when there is a constant base, not necessarily just the music itself. He suggested the City cite the band as well as the property owner and look at the music coming from boats on the dock and the lake, as well as, other situations throughout the City.

Mayor Graves asked Mr. Kelly if his clients would be agreeable to the proposed changes. Mr. Kelly said if the band is held responsible, he feels it would really help the situation. Mr. Kelly said you can still have a nuisance within the allowed decibel level. Mr. Kelly said he would discuss the proposed changes with his clients.

Mr. McCord suggested Sunday through Thursday 7:00 a.m. to 7:00 p.m. at 60 decibels and 7:00 p.m. to 7:00 a.m. at 45 decibels and Friday through Saturday 7:00 a.m. to 10:30 p.m. at 65 decibels and 10:30 p.m. to 7:00 a.m. at 45 decibels and measure to the property boundary of the sending property. He added that the night before a holiday be treated the same as a weekend standard.

Chief Bandy suggested that the higher decibel level on the weekend stay at 60 decibels and measurements be taken from the outside wall of the receiving property. He added that he agrees the band should be held accountable.

Mayor Graves said the band and the property owner should be cited. Councilman Overton agreed that the band and the property owner should be cited.

Mr. Kelly had doubts that increasing the decibel level on Friday and Saturday would sit well with the residents. Mayor Graves said the committee is discussing not changing the ordinance on week nights, but changing the weekend to a higher allowed decibel level, but shortening the time to 10:30 p.m., measuring from the outside wall of the receiving property, and holding the band and the property holder responsible.

Mayor Graves expressed concern about special events and holidays. Mr. Thompson suggested that specific occasions not be included in this ordinance, but be left to the discretion of the officer. He reiterated that we are not changing the Municipal Code, just the Zoning Ordinance. He added that the residents are not unreasonable people and would have different expectations on a holiday, such as Fourth of July.

Mayor Graves reviewed what was discussed, stating the following proposed changes:

- Sunday through Thursday 7:00 a.m. to 7:00 p.m. at 60 decibels and 7:00 p.m. to 7:00 a.m. at 45 decibels
- Friday through Saturday 7:00 a.m. to 10:30 p.m. at 60 decibels and 10:30 p.m. to 7:00 a.m. 45 decibels

- Decibels would be measured on the receiving unit on the outside corner of the structure and both the property owner and the band could be cited. All other instances are at officer discretion.

Mayor Graves asked if someone out on the lake in a boat exceeding the allowed decibel level could be cited. Mr. Thompson said there is charter language that allows the City to cite one mile outside the City limits.

Mr. Kelly asked about vacant lots. Mr. Thompson said every land use except those zoned industrial or agricultural are included in this proposed ordinance. Councilman Overton said farm properties that are close to industrial areas produce decibel levels that exceed those proposed in this ordinance every day. Mr. McCord said the decibel level proposed allows for the factory noise to be at 75 decibels. Mayor Graves said she suggests industrial and agricultural not be addressed in this ordinance. Mr. Thompson said there is no proposal to change industrial and agricultural.

Councilman Mayberry reiterated that the proposed changes are, 30 minutes be cut from the weekend time from 11:00 p.m. to 10:30 p.m., but increase the allowed level 15 decibels from 45 decibels to 60 decibels and the measurement is taken from the receiving property structure and both the band and the sending property owner can be cited. Mr. Thompson reminded the committee that this is different than the Municipal Code.

Councilman Overton asked if the proposed ordinance could be enforced in the planning region. Mr. Thompson said the Health, Safety and Welfare ordinance states the City can enforce one mile outside the City limits.

Mayor Graves asked the committee if they are comfortable with the proposed changes. Councilman Mayberry said he would like to see a draft ordinance and have time to digest the information, before moving it to City Council Committee. Councilman Overton agreed and Overton asked Mr. Thompson to include all of the studies completed by the Police Department be included in the packet.

Councilman Overton motioned to direct Mr. Thompson to draft an ordinance to be presented at the next City Council Committee meeting.

Mayor Graves asked Mr. Josh Cross, News Examiner reporter to be sure to clearly state that this is a draft ordinance and would be presented to City Council at the next committee meeting.

Councilman Mayberry seconded the motion and the motion carried 5 ayes, 0 nays.

There being no further business to discuss, Mayor Graves adjourned the meeting.

  
Mayor Jo Ann Graves

\_\_\_\_\_  
City Recorder Connie Kittrell

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25, 2014

**DEPARTMENT:** Councilman Overton

**AGENDA # 5**

**SUBJECT:**

Disposition of the Old Health Department on S. Water

**SUMMARY:**

Councilman Overton requested this item be placed on the agenda.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

CITY OF GALLATIN  
THE COUNCIL COMMITTEE  
AGENDA SUMMARY  
March 25, 2014

AGENDA # 4

DEPARTMENT: Public Works

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SUBJECT: APPROPRIATION OF FUNDS-SALE OF EQUIPMENT

SUMMARY: Ordinance in the amount of \$3,484.65 attached

RECOMMENDATION:

ATTACHMENT:

Resolution

Correspondence

Bid Tabulation

Ordinance

Contract

Other Account detail

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Approved \_\_\_\_\_

Rejected \_\_\_\_\_

Deferred \_\_\_\_\_

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Notes:

ORDINANCE NO. O14Ø3-10

ORDINANCE APPROPRIATING FUNDS FROM SALE OF EQUIPMENT FOR THE  
PUBLIC WORKS DEPARTMENT IN THE AMOUNT OF \$3,484.65

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum  
of \$3,484.65 is hereby appropriated from account # 110-36330, Sale of Equipment to  
110-43170-266 Vehicle Maintenance Repair and Maintenance of Buildings.

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

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
MAYOR JO ANN GRAVES

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE THOMPSON, CITY ATTORNEY



03/11/2014 14:30  
 annette.bailey

City of Gallatin Live Database  
 G/L ACCOUNT DETAIL

PG 1  
 glactinq

Org: 110 Object: 36330  
 SALE OF EQUIPMENT 110-36330

YEAR	PER	JOURNAL	EFF	DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK	NO	WARRANT	VDR	NAME/ITEM	DESC	COMMENTS
2014	08	000169	02/20/2014	CRP	1	77163			-16.00	N				GOVDEALS		GPD	
2014	08	000169	02/20/2014	CRP	1	77163			-177.00	N				GOVDEALS		GPD	
2014	08	000169	02/20/2014	CRP	1	77163			-48.77	N				GOVDEALS		CITY HALL ADMIN	
2014	08	000009	02/03/2014	CRP	1	75219			-664.00	N				GOVDEALS		PWK-STREETS	
2014	07	000354	01/22/2014	GEN	1		GOVDEALS		139.00	N				GOVDEALS		CORRECTION TO GOVDEALS CH	
2014	07	000354	01/22/2014	GEN	1		GOVDEALS		-139.00	N				GOVDEALS		CORRECTION TO GOVDEALS CH	
2014	07	000341	01/27/2014	CRP	1	74823			-2,569.88	N				GOVDEALS		GPD	
2014	07	000341	01/27/2014	CRP	1	74823			-831.99	N				GOVDEALS		PWKS STREETS	
2014	07	000341	01/27/2014	CRP	1	74823			-258.00	N				GOVDEALS		CITY HALL ADMIN	
2014	07	000341	01/27/2014	CRP	1	74823			-710.00	N				GOVDEALS		PWK STREETS	
2014	07	000341	01/27/2014	CRP	1	74826			2,569.88	N				GOVDEALS		GPD	
2014	07	000341	01/27/2014	CRP	1	74826			831.99	N				GOVDEALS		PWKS STREETS	
2014	07	000341	01/27/2014	CRP	1	74826			258.00	N				GOVDEALS		CITY HALL ADMIN	
2014	07	000341	01/27/2014	CRP	1	74826			710.00	N				GOVDEALS		PWK STREETS	
2014	07	000341	01/27/2014	CRP	1	74827			-2,569.88	N				GOVDEALS		GPD	
2014	07	000341	01/27/2014	CRP	1	74827			-831.99	N				GOVDEALS		PWK STREETS	
2014	07	000341	01/27/2014	CRP	1	74827			-258.00	N				GOVDEALS		CITY HALL ADMIN	
2014	07	000341	01/27/2014	CRP	1	74827			-139.00	N				GOVDEALS		PWK VEH MAINT	
2014	06	000271	01/02/2014	CRP	1	72315			-5,201.00	N				GOV DEALS		GPD 2009 DODGE CHARGER	
2014	05	000027	11/05/2013	CRP	1	64332			-1,775.00	N				GOVDEALS INC		LEISURE-PARKS	
2014	04	000132	10/16/2013	CRP	1	63841			-925.00	N				GOV DEALS		LEISURE - PARKS	
2014	04	000132	10/16/2013	CRP	1	63841			-1,175.00	N				GOV DEALS		CITY HALL - ADMIN	
2014	03	000432	09/30/2013	CRP	1	63345			-54.00	Y				GOVDEALS INC		GOVDEALS INC	
2014	03	000168	09/23/2013	CRP	1	63079			-51.00	Y				GOVDEALS		GOVDEALS - GPD COMPUTER &	
2014	03	000121	09/17/2013	CRP	1	62962			-158.66	Y				GOV DEALS		PWK STREETS	
2014	03	000121	09/17/2013	CRP	1	62962			-26.00	Y				GOV DEALS		GPD-POLICE	
2014	03	000058	09/09/2013	CRP	1	62821			-154.00	Y				GOV DEALS		PWK-STREETS	
2014	02	000089	08/13/2013	CRP	1	62381			-122.00	Y				GOVDEALS		PWK - STREETS (CONCRETE B	
2014	02	000042	08/06/2013	CRP	1	62273			-1,415.00	Y				GOVDEALS		PWK-STREETS (5 IND.GARAGE	
2014	01	000175	07/22/2013	CRP	1	61988			-2,140.00	Y				GOVDEALS		CITY HALL/CODES/PLANNING	
2014	01	000123	07/15/2013	CRP	1	61837			-1,135.00	Y				GOV DEALS INC		FOV DEALS-CITY HALL-CODES	
2014	01	000048	07/08/2013	CRP	1	61689			-1,245.00	Y				GOVDEALS INC		CITY HALL/CODES/PLANNING	

Total Amount: -20,281.30

\*\* END OF REPORT - Generated by Annette Bailey \*\*

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25, 2014

**DEPARTMENT:** Codes

**AGENDA #** 7

**SUBJECT:**

Job Description of Assistant Building Official

**SUMMARY:**

Codes would like to eliminate Chief Inspector/Plans Examiner and create an Assistant Building Official job description with Pay Grade T, which ranges from \$50,190.40 to \$74,464.00. Chuck Stuart will provide additional information at meeting.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**

**RESOLUTION NO. R1403-11**

**RESOLUTION APPROVING REVISED JOB DESCRIPTION OF ASSISTANT  
BUILDING OFFICIAL FOR THE CODES DEPARTMENT**

**BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE**, that the attached revised job description for the Assistant Building Official (Grade T) is hereby approved and ordered implemented into the Personnel Classification System for the City of Gallatin, Tennessee.

**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 JO ANN GRAVES

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
JOE H. THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN  
COUNCIL COMMITTEE AGENDA**

March 25, 2014

**DEPARTMENT:** Economic Development Agency

**AGENDA #** 8

**SUBJECT:**

Industrial Development Board (IDB) Budget for 2014-15

**SUMMARY:**

When EDA presented its budget to the Council, some members of the Council had questions about the IDB's budget line. Members of the IDB will be present to explain their budget request and answer questions.

**RECOMMENDATION:**

**ATTACHMENT:**

Resolution  
 Ordinance

Correspondence  
 Contract

Bid Tabulation  
 Other

Approved   
Rejected   
Deferred

**Notes:**