CITY OF GALLATIN
COUNCIL COMMITTEE MEETING

October 11, 2016 | **6:00 pm** | **Dr. J. Deotha Malone Council Chambers**

- Call to Order – Councilwoman Brackenbury
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes– Mayberry – Overton – Mayor Brown
- Approval of Minutes: September 27, 2016 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. MS4 Stormwater Permit Annual Report **(Nick Tuttle, City Engineer)**
2. Resolution Accepting Public Improvements for Stratford Park Phase 4, Section 1 **(Nick Tuttle, City Engineer)**
3. Dangerous Buildings Procedures **(Chuck Stuart, Building Official)**
4. Gallatin Fire Department Station #5 **(Victor Williams, Fire Chief)**
5. First Amendment to PCS Site Agreement with Sprint Spectrum **(Susan High-McAuley, City Attorney)**
6. Ordinance Expanding the Permitted Locations of Apiaries **(Bill McCord, City Planner)**

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin
Council Committee Meeting

Tuesday, September 27, 2016
Dr. J. Deotha Malone Council Chambers

PRESENT:

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

ABSENT:

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OTHERS PRESENT:

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

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

Approval of Minutes

Councilman Alexander presented the August 23, 2016 and September 13, 2016 Council Committee minutes for approval. Councilman Overton made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

Public Recognition

Councilman Alexander opened public recognition.

- Ken Thompson was present representing Sumner County Museum Director Ryan Baker. Mr. Thompson said he is here to present signatures for the road closure for the Cemetery Tour set for this Saturday evening. Mr. Thompson stated the road closure would be October 1st from 4:00 P.M. to 9:00 P.M.

  Councilman Overton said Mr. Thompson has the signatures but not on the proper form with all the department head signatures. Councilman Overton stated he wants to make sure that Chief Bandy and all department heads are aware of the street closures.

  Councilman Mayberry made motion to approve upon all department heads made aware of the road closure; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

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

Mayor's Comments

- Main Street Festival is this weekend.
- Walk Across Sumner begins this Saturday morning.
- The Cemetery Tour is this Saturday evening.
- Human Resource Director Debbie Johnson father-in-law passed away and his funeral is tomorrow.
- Retired Police Officer Danny Strope passed away and his service will be Friday, 3:00 P.M. at Family Heritage Funeral Home.

Agenda

1. Ordinance Appropriating Funds Received from Insurance Claims for Damage to Traffic Signals

City Engineer Nick Tuttle stated there have been two (2) accidents damaging traffic signals.

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

2. Albert Gallatin/Hatten Track Extension

City Engineer Nick Tuttle gave an update on the Albert Gallatin/Hatten Track Extension. Mr. Tuttle stated there are a few complications with right-of-ways but the project should go to bid in March or April of 2017.

There was discussion on the billboard delaying the progress of Albert Gallatin/Hatten Track and discussion on the Federal Uniform Relocation Act.

Councilman Mayberry asked about the Nichols Lane/109 Project. Mr. Tuttle stated that clearing is scheduled to begin October 15, 2016 and not expecting any delays.

There was also discussion on a right turn lane on Belvedere to Long Hollow. Mr. Tuttle said the funds are in place, the consultant to prepare the plan and purchase right-of-way.

The project with the Corp. of Engineers was also discussed. Mr. Tuttle stated the Corp. is in the fact finding mode and this will be a lengthy project.

Mr. Tuttle said Storm Water Coordinator Jennifer Watson is now on board in his office. He announced that on October 24th Dwayne Buck Rogers will be back on staff in his department.

3. Transfer Funds from Clearview Park Basketball Renovations to Municipal Park Basketball Renovations

Leisure Services Director David Brown requested the transfer of funds from the Clearview Basketball renovations to the Municipals Park Basketball renovations.

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

City Attorney Susan High-McAuley stated the account numbers are incorrect on the ordinance and they will be corrected for the Council meeting.

4. Voluntary Buyout Program

Finance Director Rachel Nichols provided handouts for this ordinance to appropriate the funds for the Voluntary Buyout Program. Mr. Nichols stated she is representing Ms. Debbie Johnson in her absence.

Ms. Nichols explained there are four (4) employees who have elected to participate in the program and this appropriates the funds for the buyout.

Vice Mayor Hayes made motion to approve; Councilwoman Brackenbury seconded. Motion carried with 5 ayes, 0 nays, and Councilman Overton abstained.

5. Resolution Implementing Job Title, Job Description and Appropriating Pay Grade for Building and Electrical Codes Official and Implementing Job Title and Appropriating Pay Grade for Codes Inspector IV into the Personnel Classification System

Finance Director Rachel Nichols provided Ordinance #O1610-54 appropriating the funds/expenses. Ms. Nichols gave the history of Building Official Chuck Stuart restructuring his office and creating a new job title, job description and pay grade. Ms. Nichols added that this will not come out of the general fund. She said they anticipate the new inspections will cover the additional revenue requested.

Vice Mayor Hayes made motion to approve the resolution and the ordinance; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

6. Discussion of Community Enhancement Grants

Mayor Brown passed out the applications for Community Enhancement Grant, the Memorial Foundation Grant and the United Way Grant for Council review. Mayor said this was discussed earlier this year during the budgeting process and she recommends updating the Community Enhancement application.

Councilman Overton suggested appointing a committee and have the same process as these other committees.

Council continued to discuss.

Mayor said she would come back with a recommendation and an updated application.

Other Business

Councilman Alexander called for other business and there was none.

Department Head Reports

Councilman Alexander called for department head reports.

- EDA Director James Fenton stated Berretta will be having a sale in the vacant Gallatin Furniture Store on the Downtown Square October 15th from 10:00 A.M. until 4:00 P.M.

  Mr. Fenton also reminded everyone of the Manufacturing Day Celebration on October 7th at 7:30 A.M. at The Club at Fairvue Plantation.

  Mr. Fenton informed Council that he received the RFQ's for the Parking Garage Study and Zach Wilkinson and Nick Tuttle will assist him with those. He will report their findings.

  Mr. Fenton also informed Council that the Industrial Wage/Benefit Study is complete and the average pay is $64,805.

- Public Works Director Zach Wilkinson gave an update on the North Blakemore Project. Mr. Wilkinson said there have been a few issues to slow the project. He said the project should be complete by Christmas.

  Mr. Wilkinson informed Council that Rogers Group will be performing milling work for the next two weeks.

- Councilman Alexander asked about flags along 765 Anthony Street. No department heads were aware of the flags. Mr. Wilkinson said it is not a city project that they are aware of.

- City Planner Bill McCord invited Council to the public information meeting on the Transportation Grant Thursday at 7:00 P.M. here at City Hall. Mr. McCord said this is an information meeting to identify sidewalk locations.

- City Planner Bill McCord discussed extending the sidewalk on South Water Avenue at Hale Avenue down to 109 which will tie into the new sidewalk constructed in the 109 widening project. Mr. McCord said Mr. Tuttle requested to forego construction of that sidewalk at this time and include that in the new construction portion of South Water.

Adjourn

Councilman Overton made motion to adjourn; Councilwoman Brackenbury seconded. Motion carried with 6 ayes and 0 nays.

Councilman Alexander adjourned the meeting at 6:25 P.M.

Mayor Paige Brown

Connie Kittrell, City Recorder

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

October 11, 2016

DEPARTMENT: **Engineering** **AGENDA #** 1

SUBJECT:
MS4 STORMWATER PERMIT ANNUAL REPORT

SUMMARY:
Attached is the annual report for review, as required by TDEC.

RECOMMENDATION:

ATTACHMENT:

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

Approved ☐
Rejected ☐
Deferred ☐

Notes:

City of Gallatin
Engineering Division
Memorandum

To	:	Mayor Paige Brown
From	:	Jennifer Watson, Stormwater Coordinator
Date	:	September 26, 2016
Subject	:	Annual Stormwater Report

Dear Mayor Brown,

Enclosed is our Annual Stormwater Report for your signature, please.

As you know, the City of Gallatin has coverage under a National Pollutant Discharge Elimination System (NPDES) permit to manage the quality of stormwater discharges into waters of the state from the City's stormwater conveyance system. This permit is called the "Municipal Separate Storm Sewer System" (MS4) permit. This designation applies to all municipalities in Tennessee with a population of 10,000 people or more (although smaller communities may be designated if they are adjacent to a large urban area).

The Tennessee Department of Environment & Conservation (TDEC) has been granted the authority by EPA to oversee this permit in Tennessee. In order to satisfy one of the annual requirements of this permit, the City has compiled an Annual Report, which is due each year on September 30th, outlining the milestones and accomplishments the City has achieved to maintain compliance with the permit.

This Annual Report is enclosed for your review and signature, please.

Thank you,

Jennifer Watson

Tennessee Department of Environment and Conservation
Division of Water Resources
William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11th Floor, Nashville, Tennessee 37243
1-888-891-8332 (TDEC)

Municipal Separate Storm Sewer System (MS4) Annual Report

1. MS4 INFORMATION

City of Gallatin	TNS077534
Name of MS4	MS4 Permit Number
Aaron Hickson	aaron.hickson@gallatin-tn.gov
Name of Contact Person	Email Address
615-451-5965	
Telephone (including area code)	
132 West Main Street, Room 204	
Mailing Address	

Gallatin	TN	37066
City	State	ZIP code

What is the current population of your MS4? 33,347 for 2014 (http://www.city-data.com/city/Gallatin-Tennessee.html)

What is the reporting period for this annual report? From July 1, 2015 to June 30, 2016

2. WATER QUALITY PRIORITIES (SECTION 3.1)

A. Does your MS4 discharge into waters listed as impaired on TN's most current 303(d) list and/or according to the on-line GIS mapping tool? ☒ Yes ☐ No

B. If yes, please attach a list all impaired waters within your jurisdictional area.

C. Does your MS4's jurisdictional area contain any waterbodies where a TMDL has been approved for parameters other than pathogens, siltation and habitat alterations? If yes, please attach a list.

D. Does your MS4 discharge to any Exceptional TN Waters (ETWs) or Outstanding National Resource Waters (ONRWs)? If yes, please attach a list. ☐ Yes ☒ No

E. Are you implementing additional specific provisions to ensure the continued integrity of ETWs or ONRWS located within your jurisdiction? ☐ Yes ☒ No

3. PROTECTION OF STATE OR FEDERALLY LISTED SPECIES (SECTION 3.2.1 General Permit for Phase II MS4s)

A. Are there any state or federally listed species within the MS4's jurisdiction? ☒ Yes ☐ No

B. Are any of the MS4 discharges or discharge-related activities likely to jeopardize any state or federally listed species? ☐ Yes ☒ No

C. Please attach any authorizations or determinations by U.S. Fish & Wildlife Service on the effect of the MS4 discharges on state or federally listed species.

4. PUBLIC EDUCATION AND PUBLIC PARTICIPATION (SECTION 4.2.1 AND 4.2.2)

A. Have you developed a Public Information and Education plan (PIE)? ☒ Yes ☐ No

B. Is your public education program targeting specific pollutants and sources of those pollutants, such as Hot Spots? ☒ Yes ☐ No

C. If yes, what are the specific causes, sources and/or pollutants addressed by your public education program? The cause of much of stormwater contamination is the general public, commercial business, and construction industry's lack of knowledge of the impacts of illicit discharges on the storm sewer system. For the general public: petroleum products, washing/cleaning products, and fertilizers are specifically addressed. For the commercial businesses: dumpster maintenance, parking lot maintenance, and efficient irrigation techniques are addressed. Erosion and sediment control is specifically addressed with the construction industry.

D. Note specific successful outcome(s) (NOT tasks, events, publications) fully or partially attributable to your public education program during this reporting period. The City has received request and inquiries from the general public for stream cleanup and tree planting events. Contractors are implementing construction BMP's on site prior to being asked to, and are much more knowledgeable on when and in what circumstances to implement them.

E. Do you have an advisory committee or other body comprised of the public and other stakeholders that provides regular input on your stormwater program? ☐ Yes ☒ No

F. How do you facilitate, advertise, and publicize public involvement and participation opportunities? The City has partnered with several different organizations for various public involvement and participation opportunities. These opportunities include tree plantings, cleanups, public informational meetings, and our new Adopt-A-Stream Program. We advertise and publicize all events by sending out mass emails, contacting our local newspapers, posting information of the City's website, and flyers.

G. Do you have a webpage dedicated to your stormwater program? ☒ Yes ☐ No

If so, what is the link/URL: http://www.gallatin-tn.gov/your-government/departments/engineering/stormwater/

H. Are you tracking and maintaining records of public education, outreach, involvement and participation activities? Please attach a summary of these activities. ☒ Yes ☐ No

5. Illicit Discharge Detection and Elimination (Section 4.2.3)

A. Have you completed a map of all outfalls and receiving waters of your storm sewer system? ☒ Yes ☐ No

B. Have you completed a map of all storm drain pipes of storm sewer system? ☐ Yes ☒ No

C. How many outfalls have you identified in your system? 45

D. Have any of these outfalls been screened for dry weather discharges? ☒ Yes ☐ No

F. What is your frequency for screening outfalls for illicit discharges? The goal is annually.

G. Do you have an ordinance that effectively prohibits illicit discharges? ☒ Yes ☐ No

H. During this reporting period, how many illicit discharges/illegal connections have you discovered (or been reported to you)? 9

I. Of those illicit discharges/illegal connections that have been discovered or reported, how many have been eliminated? All discharges were mitigated.

6. Construction Site Stormwater Runoff (Section 4.2.4)

A. Do you have an ordinance or adopted policies stipulating:

Erosion and sediment control requirements? ☒ Yes ☐ No

Other construction waste control requirements? ☒ Yes ☐ No

Requirement to submit construction plans for review? ☒ Yes ☐ No

MS4 enforcement authority? ☒ Yes ☐ No

B. How many active construction sites disturbing at least one acre were there in your jurisdiction this reporting period?58

C. How many of these active sites did you inspect this reporting period? 58

D. On average, how many times each, or with what frequency, were these sites inspected (e.g., weekly, monthly, etc.)? Twice a month.

E. Do you prioritize certain construction sites for more frequent inspections? ☒Yes ☐ No

If Yes, based on what criteria? Proximity to streams and/or previous experience with contractor/builder.

7. **PERMANENT STORMWATER CONTROLS (SECTION 4.2.5)**

A. Do you have an ordinance or other mechanism to require:

Site plan reviews of all new and re-development projects?	☒ Yes	☐ No
Maintenance of stormwater management controls?	☒ Yes	☐ No
Retrofitting of existing BMPs with green infrastructure BMPs?	☐ Yes	☒ No

B What is the threshold for new/redevelopment stormwater plan review? (e.g., all projects, projects disturbing greater than one acre, etc.) Any project that requires Planning Commission approval, requires a TDEC CGP NOC and/or ARAP, or is adjacent to a 303(d) listed stream.

C. Have you implemented and enforced performance standards for permanent stormwater controls? ☒ Yes ☐ No

D. Do these performance standards go beyond the requirements found in Section 4.2.5.2 and require that pre-development hydrology be met for:

Flow volumes	☐ Yes	☒ No
Peak discharge rates	☒ Yes	☐ No
Discharge frequency	☐ Yes	☒ No
Flow duration	☐ Yes	☒ No

E. Please provide the URL/reference where all permanent stormwater management standards can be found.

http://www.gallatin-tn.gov/wp-content/uploads/subdivision-regulations-amended-04-26-10.pdf and http://www.gallatin-tn.gov/wp-content/uploads/Ordinance-O1508-49-Amending-GMC-Chpt-18-Stormwater.pdf

F. How many development and redevelopment project plans were reviewed for this reporting period? 64

G. How many development and redevelopment project plans were approved? 56

H. How many permanent stormwater management practices/facilities were inspected? 38

I. How many were found to have inadequate maintenance? 0

J. Of those, how many were notified and remedied within 30 days? (If window is different than 30 days, please specify) 0

K. How many enforcement actions were taken that address inadequate maintenance?0

L. Do you use an electronic tool (e.g., GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance? ☒ Yes ☐ No

M. Do all municipal departments and/or staff (as relevant) have access to this tracking system? ☒ Yes ☐ No

N. Has the MS4 developed a program to allow for incentive standards for redeveloped sites? ☐ Yes ☒ No

O. How many maintenance agreements has the MS4 approved during the reporting period? 7

8. CODES AND ORDINANCES REVIEW AND UPDATE (SECTION 4.2.5.3)

A. Is a completed copy of the EPA Water Quality Scorecard submitted with this report? ☐ Yes ☒ No

B. Include status of implementation of code, ordinance and/or policy revisions associated with permanent stormwater management. Amended Stormwater Ordinance that includes water quality buffers and the runoff reduction method was adopted August 18, 2015. The TDEC post-construction BMP manual is utilized.

9. STORMWATER MANAGEMENT FOR MUNICIPAL OPERATIONS (SECTION 4.2.6)

A. Have stormwater pollution prevention plans (or an equivalent plan) been developed for:

All parks, ball fields and other recreational facilities	☐ Yes	☒ No
All municipal turf grass/landscape management activities	☐ Yes	☒ No
All municipal vehicle fueling, operation and maintenance activities	☒ Yes	☐ No
All municipal maintenance yards	☒ Yes	☐ No
All municipal waste handling and disposal areas	☒ Yes	☐ No

B. Are stormwater inspections conducted at these facilities? ☒ Yes ☐ No

1. If Yes, at what frequency are inspections conducted? In response to complaints.

C. Have standard operating procedures or BMPs been developed for all MS4 field activities? (e.g., road repairs, catch basin cleaning, landscape management, etc.) ☒ Yes ☐ No

D. Do you have a prioritization system for storm sewer system and permanent BMP inspections? ☒ Yes ☐ No

E. On average, how frequently are catch basins and other inline treatment systems inspected? Monthly.

F. On average, how frequently are catch basins and other inline treatment systems cleaned out/maintained? As needed based on inspections.

G. Do municipal employees in all relevant positions and departments receive comprehensive training on stormwater management? ☒ Yes ☐ No

H. If yes, do you also provide regular updates and refreshers? ☒ Yes ☐ No

If so, how frequently and/or under what circumstances? We aim to hold annual refreshers. The Engineering Division continually provides consultation for all Public Works projects as well, which includes proper stormwater management techniques.

10. STORMWATER MANAGEMENT PROGRAM UPDATE (SECTION 4.4)

A. Describe any changes to the MS4 program during the reporting period including but not limited to:

Changes adding (but not subtracting or replacing) components, controls or other requirements (Section 4.4.2.a). The City's PIE is continually being added to. See previous attachment "Public Education & Outreach Activities Log" (APPENDIX C).

Changes to replace an ineffective or unfeasible BMP (Section 4.4.2.b). APPENDIX D

Information (e.g. additional acreage, outfalls, BMPs) on program area expansion based on annexation or newly urbanized areas. N/A

Changes to the program as required by the division (Section 4.4.3). N/A

11. Evaluating/Measuring Progress

A. What indicators do you use to evaluate the overall effectiveness of your Stormwater Management Program, how long have you been tracking them, and at what frequency? Note that these are not measurable goals for individual BMPs or tasks, but large-scale or long-term metrics for the overall program, such as in-stream macroinvertebrate community indices, measures of effective impervious cover in the watershed, indicators of in-stream hydrologic stability, etc.

Indicator	Began Tracking (year)	Frequency	Number of Locations
Example: E. coli	*2003*	*Weekly April–September*	*20*

B. Provide a summary of data (e.g., water quality information, performance data, modeling) collected in order to evaluate the performance of permanent stormwater controls installed throughout the system. This evaluation may include a comparison of current and past permanent stormwater control practices. N/A

12. Enforcement (Section 4.5)

A. Identify which of the following types of enforcement actions you used during the reporting period, indicate the number of actions, the minimum measure (e.g., construction, illicit discharge, permanent stormwater control) or note those for which you do not have authority:

Action	Construction	Permanent Stormwater Controls	Illicit Discharge	Authority?	
Notice of violation	#12	#0	#0	☒ Yes	☐ No
Administrative fines	#0	#0	#0	☐ Yes	☒ No
Stop Work Orders	#0	#0	#0	☐ Yes	☒ No
Civil penalties	#0	#0	#0	☐ Yes	☒ No
Criminal actions	#0	#0	#0	☐ Yes	☒ No
Administrative orders	#0	#0	#0	☐ Yes	☒ No
Other _____	#0	#0	#0		

B. Do you use an electronic tool (e.g., GIS, data base, spreadsheet) to track the locations, inspection results, and enforcement actions in your jurisdiction? ☒ Yes ☐ No

C. What are the 3 most common types of violations documented during this reporting period? Inadequate EPSC measures and inadequate paperwork/inspections on site.

13. Program Resources (Optional)

A. What was your annual expenditure to implement the requirements of your MS4 NPDES permit and SWMP this past reporting period? _____

B. What is next year's budget for implementing the requirements of your MS4 NPDES permit and SWMP?

_____

C. Do you have an independent financing mechanism for your stormwater program? ☐ Yes ☒ No

D. If so, what is it/are they (e.g., stormwater fees), and what is the annual revenue derived from this mechanism?

Source: Amount $

Source: Amount $

E. How many full time employees does your municipality devote to the stormwater program (specifically for implementing the stormwater program vs. municipal employees with other primary responsibilities that dovetail with stormwater issues)? 0

F. Do you share program implementation responsibilities with any other entities? ☒ Yes ☐ No

Entity	Activity/Task/Responsibility	Your Oversight/Accountability Mechanism
Gallatin Public Works	Roadway and Storm System maintenance. SWPPP has been developed and is under review. Once completed GPW will be responsible to meet all items outlined in SWPPP.	Engineering Division Staff
Gallatin Public Utilities	Sewer overflow inspection/enforcement/cleanup. SWPPP has been developed and is under review. Once completed GPU will be responsible to meet all items outlined in SWPPP.	Engineering Division Staff
Gallatin Leisure Services	Facilitates some public outreach and education activities. SWPPP has been developed and is under review. Once completed GLS will be responsible to meet all items outlined in SWPPP.	Engineering Division Staff
Gallatin Fire Department	Illicit Spill	Engineering Division Staff

G. Please attach a copy of your Organizational Chart

14. CERTIFICATION

Municipal Separate Storm Sewer System (MS4) Annual Report

This report must be signed by a ranking elected official or by a duly authorized representative of that person. See signatory requirements in sub-part 6.7.2 of the permit.

"I certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision. The submitted information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. As specified in Tennessee Code Annotated Section 39-16-702(a)(4), this declaration is made under penalty of perjury."

Phil Brown, Mayor — Printed Name and Title

Signature

9/27/2016 — Date

Annual reports must be submitted in accordance with the requirements of Section 5.4. (Reporting) of the permit. Annual reports must be submitted to the appropriate Environmental Field Office (EFO) by September 30 of each calendar year, as shown in the table below:

EFO	Street Address	City	Zip Code	Telephone
Chattanooga	1301 Riverfront Pkwy, Suite 206	Chattanooga	37402	(423) 634-5745
Columbia	1421 Hampshire Pike	Columbia	38401	(931) 380-3371
Cookeville	1221 South Willow Ave.	Cookeville	38506	(931) 432-4015
Jackson	1625 Hollywood Drive	Jackson	38305	(731) 512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601	(423) 854-5400
Knoxville	3711 Middlebrook Pike	Knoxville	37921	(865) 594-6035
Memphis	8383 Wolf Lake Drive	Bartlett	38133	(901) 371-3000
Nashville	711 R S Gass Boulevard	Nashville	37216	(615) 687-7000

APPENDIX A

Water	Pollution Cause Name	Pollution Source Name
Rankin Branch	Alteration in stream-side or littoral vegetative covers	Channelization
	Alteration in stream-side or littoral vegetative covers	Discharges from Municipal Separate Storm Sewer Systems (MS4)
	Nutrient/Eutrophication Biological Indicators	Discharges from Municipal Separate Storm Sewer Systems (MS4)
Unnamed Trib to Old Hickory Reservoir	Sedimentation/Siltation	Discharges from Municipal Separate Storm Sewer Systems (MS4)
Town Creek	Other anthropogenic substrate alterations	Discharges from Municipal Separate Storm Sewer Systems (MS4)
	Other anthropogenic substrate alterations	Channel Erosion/Incision from Upstream Hydromodifications
	Sedimentation/Siltation	Discharges from Municipal Separate Storm Sewer Systems (MS4)
	Sedimentation/Siltation	Channel Erosion/Incision from Upstream Hydromodifications

Aaron Hickson

From: Alexander, Steven <steven_alexander@fws.gov>
Sent: Friday, August 26, 2016 7:53 AM
To: Aaron Hickson
Cc: Rob Todd
Subject: City of Gallatin MS4 NPDES Permit Annual Reporting

Mr. Hickson

Re: FWS #2016-EC-0160

Dear Mr. Hickson:

Thank you for your e-mail received August 15, 2016, regarding compliance with the Tennessee Department of Environment and Conservation (TDEC) Notice of Coverage annual reporting requirements for the City of Gallatin's MS4 permit (TNS0775341) and stormwater management program in Sumner County, Tennessee. U.S. Fish and Wildlife Service (Service) personnel have reviewed your request for technical assistance and offer the following comments.

Review of our endangered species database indicates that no federally listed or proposed endangered or threatened species occur within the jurisdictional boundaries of the City of Gallatin's stormwater management program; however, additional information is needed for a specific determination to be made. The Service has been actively working with TDEC regarding minimum information and data needs for assessing the efficacy of the various components of a
municipality's stormwater management program and the specific annual reporting requirements related to endangered species act compliance within MS4 permits. Relevant information and data utilized for those assessments could include, but are not limited, to the following:

• A synopsis of current regulations in place pertaining to stream buffer zones, pollution control plans for developments, fees and construction inspections, etc.
• A simple tabular matrix that outlines the number of inspections conducted, number of corrective actions taken, and number/type of corrective actions implemented for the reporting period
• An inventory of the number of discharges within your jurisdictional boundaries with coordinates and relevant assessment/survey data, and
• Spatial data (e.g., location/acreage/other attributes) of development sites generated by the public works department utilized in your stormwater management program.

We can fully evaluate the efficacy of the City of Gallatin's stormwater management program upon receipt of this information. Thank you for the opportunity to comment. If you have any questions, please contact me at 931/5286481, ext. 210, or via email at steven_alexander@fws.gov.

Sincerely,

--
Steven R. Alexander

Ecologist / Environmental Contaminants Specialist

U.S. Fish and Wildlife Service
Tennessee Ecological Services Field Office
446 Neal Street
Cookeville, TN 38501
931/528-6481 x210
931/260-3527 (cell)
931/528-7075 (fax)
steven_alexander@fws.gov
Web: http://cookeville.fws.gov

TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
P. O. BOX 40747
NASHVILLE, TENNESSEE 37204

September 22, 2016

Aaron Hickson
Project Manager
City of Gallatin Engineering Division
132 West Main Street
Gallatin, TN 37066

Re: City of Gallatin MS4 Determination Review

Dear Mr. Hickson:

The Tennessee Wildlife Resources Agency has reviewed the information that you provided regarding your MS4 permit. Data available to us indicates that the only aquatic state listed species under our authority that has been documented within your jurisdictional area is the state deemed-in-need-of-management southern cavefish (*Typhlichthys subterraneus*); although there is a terrestrial state listed species within your city's jurisdiction, Bewick's Wren (*Thryomanes bewickii*). It is our opinion that current city ordinances and policies, and other efforts to protect water quality are sufficient to minimize potential impacts to listed species under our authority in order to not jeopardize the continued existence of these species; and we agree with your determination that the MS4 discharges or discharge-related activities within the City of Gallatin are not likely to jeopardize any state listed species.

If you have questions regarding this matter or if I may be of further assistance, please contact me at 615-781-6572.

Sincerely,

Robert M. Todd

Robert M. Todd
Fish and Wildlife Environmentalist

The State of Tennessee

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City of Gallatin
Stormwater Public Education & Outreach Activities

Reoccurring Events

Activity	Date	Description	Status	Groups Targeted	Effectiveness (Scale 1-10)
City's Website	Year-round	Our website features links, audio recordings, and contact information for the public. The featured material includes a Stormwater Fact Sheet, a Illicit Discharge Fact Sheet, a Water Conservation PSA, a Watershed Education PSA, a Stormwater Game, contact information for the public to ask questions or report violations, and the City's Stormwater Ordinance. Land Disturbance and Right-of-Way Excavation Permits are also available.	Ongoing	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	8 -We have good information posted on our website and are continuously looking for more information to add. We specifically need to add more from a construction stand point.
Public Display	Year-round	Flyers, fact sheets, and brochures that target residential, commercial, and agricultural sectors of the population are available at the entrance of the Codes/Planning & Engineering Departments on the 2nd floor of Gallatin City Hall. There is also a Display Board with information and pictures in the 2nd floor lobby.	Ongoing	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	9 - We have good information available, and have recently put a display board in the 2nd floor lobby.
Public Educational Material	Year-round	The following public educational material is available in our office: USDA brochure "What is a Watershed?", TDEC brochure "A Guide to Traveling Tennessee's Watersheds", Illicit Discharge Fact Sheets- Household Guide & Business Guide, Stormwater Fact Sheet, EPA brochure "After the Storm"	Materials Printed As Needed	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	8 - We have a lot of good handouts and information available on request but we need to make it more available to the public.
Teacher/Student Educational Material	Year-round	The following handouts/activities are available in our office: "Be Stormwater Smart" worksheet, Stormwater Word Search, EPA Crossword Puzzle, Stormwater Maze Activity Sheet, a handout featuring ideas for supplemental activities and discussion, a Stormwater Education Teacher Guide (provided by City of Goodlettsville). There is also a Stormwater Game Show that Teachers could pull up online and play with their students.	Printed As Needed	Educators, Students	8 - We are limited on the materials available. We do have quite a bit of electronic material such as lesson plans and activities available on our website.
Public Service Announcements	Year-round	Lightning 100 and Volunteer State Community College run PSAs for the stormwater program on their stations. The City of Santa Barbara, California also shared some of the PSA's they created with us. We have posted those on our website.	Ongoing	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	9 - The PSAs we advertise provide a great information.
Sumner County Stormwater Group	Year-round	Representatives of the stormwater departments in Sumner County meet monthly to discuss stormwater related topics and events that are being planned or are going on in the community.	Ongoing	Municipal Employees	10 - Meeting with surrounding cities not only helps us stay up to date on any changes but also helps us to be more involved with stormwater events and projects going on. It also provides us with contacts if we are never in need of help/information.
Outfall Identification & Annual Inspections	Year-round	The Engineering Division's Engineering Technician makes it a priority to inspect all identified outfalls at least annually. Staff also looks to identify any new outfalls at any given time.	Ongoing	Municipal Employees	9 - Annual inspections ensure that our City stays in compliance with TDEC standards.
Hot Spot Identification & Annual Inspections	Year-round	The Engineering Division's Engineering Technician makes it a priority to inspect all identified hot spots at least annually. Staff also looks to identify any new hot spots at any given time.	Ongoing	Municipal Employees	9 - Annual inspections ensure that our City stays in compliance with TDEC standards.
Pre-Construction Meetings	Year-round	Pre-Construction meetings are held prior to any approval being given on any project.	When Needed	Contractors, Developers, Property Owners/Managers	9 - he meetings are a positive way to introduce the rules and regulations that the City has in regards to construction. It also allows the contractors and developers to ask any questions they may have.
On-site Inspections	Year-round	Project Managers constantly conduct on-site inspections to make sure developments meet all specifications and are on track.	When Needed	Contractors, Developers, Property Owners/Managers	9 - Site inspections ensure the City and the contractors/developer that all work meets required specifications. It also allows the City to answer any questions.
Good Housekeeping Classes	Annually	The City tries to put on at least one Good Housekeeping Class a year to meet standards setup by TDEC	Ongoing	Contractors, Developers, Property Owners/Managers, Municipal Employees	7 - Due to project demands and staff ratio, sometimes good housekeeping classes are not scheduled as often as needed. However, the staff strives to make it a priority in the future.

Reoccurring Events

Activity	Date	Description	Status	Groups Targeted	Effectiveness (Scale of 1-10)
Adopt-A-Stream Program	Year-round	The City has created a Adopt-A-Stream Program for members to be able to adopt our waterways in an effort to keep our citizens educated and our streams and lakes clean. The City Council passed a resolution on June 4th, 2013 putting the program and program guidelines in place.	Ongoing	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	

City of Gallatin
Stormwater Public Education & Outreach Activities

One-Time Events

Activity	Date	Description	Status	Groups Targeted	Effectiveness (Scale of 1-10)
Public Meeting	8/21/2015	The Engineering Division Partnered with the Codes/Planning Department to provide the public, contractors, and developers a time to ask any questions and go over all rules and regulations that the city sets forth.	Complete	Contractors, Developers, Municipal Employees	9 - The meeting was very informative and we received great feedback from contractors, designers, and developers. There were 70 in attendance.
Lock 4 Park Stream Clean-up	10/3/2015	The Engineering sponsored a stream clean-up put on by Team Change of Vol State Community College and the Tennessee Environmental Council. The event was from 9am-12pm. One person from the Engineering Department was able to attend. Our department also provided trash grabbers, gloves, trash bags, and water.	Complete	General Public, Public Officials, Developers, Municipal Employees	9- Along with 1 City Employee, 7 people participated in the clean up. They were able to collect 3 tires, 5 metal drums, and a dozen bags of trash.
Litter Program Newsletter	1/22/2016	The City of Gallatin sent out a newsletter with all Utility bills highlighting the City's Recycling and Litter Program. It highlighted the number of lbs of litter that was removed from roadways, how many lbs were recycled and how Citizens can get involved.The newsletter reached 16,000 customers.	Complete	General Public, Public Officials, Developers, Municipal Employees	10- This newsletter was able to reach 16,000 customers and stressed the importance of keeping litter out of roadways and streams.
Clean Our Streams & Shorelines Event	5/24/16 , 5/26/16, 6/4/16	The City hosted a 3 day clean up effort. We sent out mass emails to the General Public, adverstised on the City's website, and reached out to local girl scout/boy scout troops. Day 1 occurred at Lock 4 Park from 9-11am, Day 2 at Triple Creek/Town Creek Greenway from 1-3pm and Day 3 at Lower Station Camp Creek from 9am-noon.	Complete	General Public, Contractors, Developers, Educators, Business Owners, & Municipal Employees	9- There was a decent volunteer turn out. The City was able to collect several truck loads of trash and debris. We can improve next year by holding the even a little earlier in the month to be able to catch school groups before they let out for summer.

APPENDIX D

MS4 Program Changes 2015-2016

Replacements/Revisions:

BMP	Change	Reasoning
1D	Holding annual stormwater meeting in October	Going to incorporate annual report into meeting, so revising timing of meeting works better.
3B	GIS implementation has been pushed to Milestone Year 7.	Still finalizing current database workflow, and undergoing personnel changes in the Codes/Planning departments where talk of implementation of new software that could potentially be utilized for this task is underway. A new GIS position was opened, but a personnel change happened before implementation could occur.
5B	Implementation of SWPPP for GPU and development of SWPPP for GLS has been delayed.	Personnel changes within the Engineering Division.

ATTACHMENT 2

CITY OF GALLATIN STORMWATER

DEPARTMENT ORGINIZATIONAL CHART

Gallatin Codes/Planning Department

- Responsible for distribution of stormwater fact sheets and assist in review of new hot spots.
- Process all incoming new/redevelopment plans.
- Largely involved in review and approval process of new/redevelopment.
- Responsible for enforcement of many City Ordinances.

Gallatin Fire Department

- Part of Illicit Spill Response Plan.

Gallatin Public Works

- Responsible for City Stormwater System maintenance.
- Responsible for City vehicle fleet maintenance.
- Responsible for implementation of GPW SWPPP.
- Part of Illicit Spill Response Plan.

Gallatin Engineering Division

Responsible for compliance and implementation of MS4 Stormwater Permit

Gallatin Public Utilities

- Responsible for City Sanitary Sewer System maintenance.
- Responsible for implementation of GPU SWPPP.

Gallatin Leisure Services

- Responsible for City Golf Course maintenance.
- Responsible for City Park maintenance.

Gallatin Information Technology Department

- Aid in maintenance of Storm Sewer System Map.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

October 11, 2016

DEPARTMENT: **Engineering** **AGENDA #2**

SUBJECT:
Resolution Accepting Public Improvements for Stratford Park Phase 4, Section 1

SUMMARY:
The Planning Commission approved the GMRPC Resolutions on September 26, 2016, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

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

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R16Ø9-51

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY THE CITY OF GALLATIN, TENNESSEE
STRATFORD PARK, PHASE 4, SECTION 1

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Stratford Park, Phase 4, Section 1; and

WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements in the Stratford Park, Phase 4, Section 1 have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations; and

WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of way, public easements, and public utility improvements, as described Stratford Park, Phase 4, Section 1, Plat Book 28, Page(s) 196-197, recorded on August 8, 2014 in the Register's Office for Sumner County, are hereby accepted by 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 PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

GMRPC Resolution No. 2016-95

A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR STRATFORD PARK PHASE 4, SECTION 1, TO THE GALLATIN CITY COUNCIL – (PC 5-2191-16)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION approved the final plat for Stratford Park Phase 4, Section 1 and was recorded in Plat Book 28, page 196-197, R.O.S.C., Tennessee on August 8, 2014; and

WHEREAS, the subject public improvements have been completed and the City has determined that the public improvements were constructed to the design standards and specifications of the City; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Stratford Park Phase 4, Section 1 submitted by the applicant, Barge Waggoner Sumner & Cannon, at its regular meeting on September 26, 2016; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report and the evidence and testimony presented during the meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-406 and 13-4-307:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.

2. By accepting the public improvements the legal purposes for which zoning and subdivision regulations exists are not contravened.

3. By accepting the public improvements it will not create an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.

4. By accepting the public improvements no one property owner or small group of property owners will benefit materially from the acceptance to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request to accept public improvements in Stratford Park Phase 4, Section 1 to the Gallatin City Council with the following conditions:

1. Provide a maintenance surety in the amount of $33,400 per Section 3-102, Gallatin Subdivision Regulations.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION 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: 7

NAY: 0

DATED: 09/26/2016

Dick Dempsey

Dick Dempsey, Chairman

Johnny Wilson

Johnny Wilson, Secretary

APPROVED AS TO FORM:

Susan High-McAuley

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

OCTOBER 11, 2016

DEPARTMENT: **Building Codes** **AGENDA #** 3

SUBJECT:
Dangerous Buildings Procedures

SUMMARY:
Chuck Stuart would like to discuss current procedures for dealing with dangerous buildings and suggested revisions

RECOMMENDATION:

ATTACHMENT:

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

Approved _____
Rejected _____
Deferred _____

Notes:

Gallatin Municipal Code
Chapter 5, Buildings and Building Regulations
ARTICLE 1X. DANGEROUS BUILDINGS

- FOOTNOTE(S):

--- (8) ---

Cross reference— Building standards, § 5-56 et seq.; fire prevention and protection, ch. 9; health and nuisances, ch. 10; nuisances, § 10-56 et seq.; utilities, ch. 17.

State Law reference— Dangerous buildings, T.C.A. §§ 68-18-109, 68-18-117.

Sec. 5-241. Dangerous buildings defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.

(5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living within.

(6) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city.

(10) Those buildings existing in violation of any provision of the building code of this city, or any provision of the fire prevention code, or other ordinances of the city.

Sec. 5-242. Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the building inspector and/or the city council in ordering repair, vacation, or demolition:

(1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

(2) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated and secured against further entry until such time as it is determined that said building is to be repaired or demolished pursuant to the provisions of section 5-245.

(3) In any case where a dangerous building is fifty (50) percent damaged or destroyed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any other ordinance of the city or statute of the state, it shall be demolished.

Sec. 5-243. Nuisances.

All dangerous buildings within the terms of section 5-24 1 are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Sec. 5-244. Duties of building inspector.

The building inspector shall:

(1) When in his opinion he considers it reasonably necessary and at reasonable intervals, inspect or cause to be inspected all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of section 5-241.

(2) Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire or police department of the city as probably existing in violation of the terms of this article.

(3) At reasonable times, inspect any building known to him or believed by him to be in a dangerous condition and he may at all reasonable times inspect any or all buildings in any section of this city to determine whether they are dangerous buildings within the terms of this article.

(4) Notify in writing the owner, occupant, lessee, mortgage, agent, and all other persons having an interest in said building as shown by the tax records in the assessor's office of this city and the land records of the recorder of deeds of the county and any building found by him to be a dangerous building within the standards set forth in section 5-241, that:

a. The owner must vacate, or repair, or demolish such building in accordance with the terms of the notice and this article;
b. The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession;
c. The mortgagee, agent, or other person having an interest in said building as shown by the land records of the recorder of deeds of the county and/or the tax records in the tax assessor's office for the city may at his own risk repair, vacate, or demolish said building or have such work or act done; provided,

that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding sixty (60) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(5) Set forth, in the notice provided for in subsection (4) above, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding sixty (60) days, as is reasonable.

(6) Report to the city council any noncompliance with the notice, provided for in subsections (4) and (5) above.

(7) Appear at all hearings conducted by the city council and testify as to the condition of dangerous buildings.

(8) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the records in the tax assessor's office of this city and the land records in the register's office of Sumner County, Tennessee. It is unlawful to remove this notice until such notice is complied with."

Sec. 5-245. Duties of city council.

The city council shall:

(1) Upon receipt of a report of the building inspector as provided for in section 5-244(6), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county and/or the tax records in the tax assessor's office of the city, to appear before the council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector's notice provided for by section 5-244(5).

(2) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, as shown by the land records of the recorder of deeds of the county or the tax records of the tax assessor of the city, shall offer relative to the dangerous building.

(3) Make written findings of fact from the testimony offered pursuant to subsection (2) above as to whether or not the building in question is a dangerous building within the terms of section 5-24 1.

(4) Issue an order, based upon findings of fact made pursuant to subsection (3) above, commanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the recorder of deeds of the county, and/or the tax records in the tax assessor's office of the city, to repair, vacate, or demolish any building found to be a dangerous building within the terms of this article and provided that any person so notified shall have the privilege of either vacating or repairing such dangerous building, or any person having any interest in such building may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands.

(5) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in subsection (4) above within a time period designated by the council, the city council may cause such building or structure to be repaired, vacated, or demolished, as the facts may warrant, under the standards provided for in section

5-242, and may with the assistance of the city attorney cause the costs of such repair, vacation, or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land upon which the building stands or did stand, or to be recovered in an action or a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety, or general welfare of the people of this city, the city council shall notify the city attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(6) Report to the city attorney the names of all persons not complying with the order provided for in subsection (4) above.

Sec. 5-246. Violations; penalty for disregarding notices or orders.

(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate, or demolish such building when such notice or order is given by any person authorized by this article to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined under section 1-15.

(b) Any occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair such building in accordance with any notice given as provided for in this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined under section 1-15.

(c) Any person removing the notices provided for in section 5-244(8) hereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined under section 1-15.

Sec. 5-247. Duties of city attorney.

The city attorney shall:

(1) Prosecute all persons failing to comply with the terms of the notices provided for herein in section 5-244(4) and (5) and the order provided for in section 5-245(4).

(2) Appear at all hearings before the city council in regard to dangerous buildings, when requested to do so.

(3) Bring suit to collect all municipal liens, assessments, or costs incurred by the city council in repairing or causing to be vacated or demolished dangerous buildings.

(4) Take such other legal action as is necessary to carry out the terms and provisions of this article.

Sec. 5-248. Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated, or demolished, the building inspector shall report such facts to the city council and the city council may and shall have the right to cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the manner as provided in section 5.245.

Sec. 5-249. Where owner is absent from city.

In cases, except in emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the city all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee

and all other persons having an interest in said building as shown by the land records in the register's office of the county and/or the tax records in the tax assessor's office of the city, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service. In cases where desirable the notices and order provided for herein may be served on such parties in the same manner as a summons is served in the courts of general jurisdiction.

Sec. 5-250. Administrative liability.

No officer, agent, or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of the proceeding therein.

Sec. 5-25 1. Duties of fire department.

The employees of the fire department shall make a report in writing to the building inspector of all buildings or structures which are or may be, or are suspected to be dangerous buildings within the terms of this article. Such reports must be delivered to the building inspector and/or the city council within twenty-four (24) hours of the discovery of such buildings by any employee of the fire department.

Sec. 5-252. Duties of police department.

All employees of the police department shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this article. Such reports must be delivered to the building inspector and/or the city council within twenty-four (24) hours of the discovery of such buildings by any employee of the police department.
(Code 1979, § 4-7 12)

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

OCTOBER 11, 2016

DEPARTMENT: **FIRE** **AGENDA #** 4

SUBJECT:
Gallatin Fire Department Station #5

SUMMARY:
Gallatin Fire Department Fire Station #5 Project Presentation.

- Floor Plans
- Office Space
- EMS Capabilities
- Conference/Meeting Room
- Funding

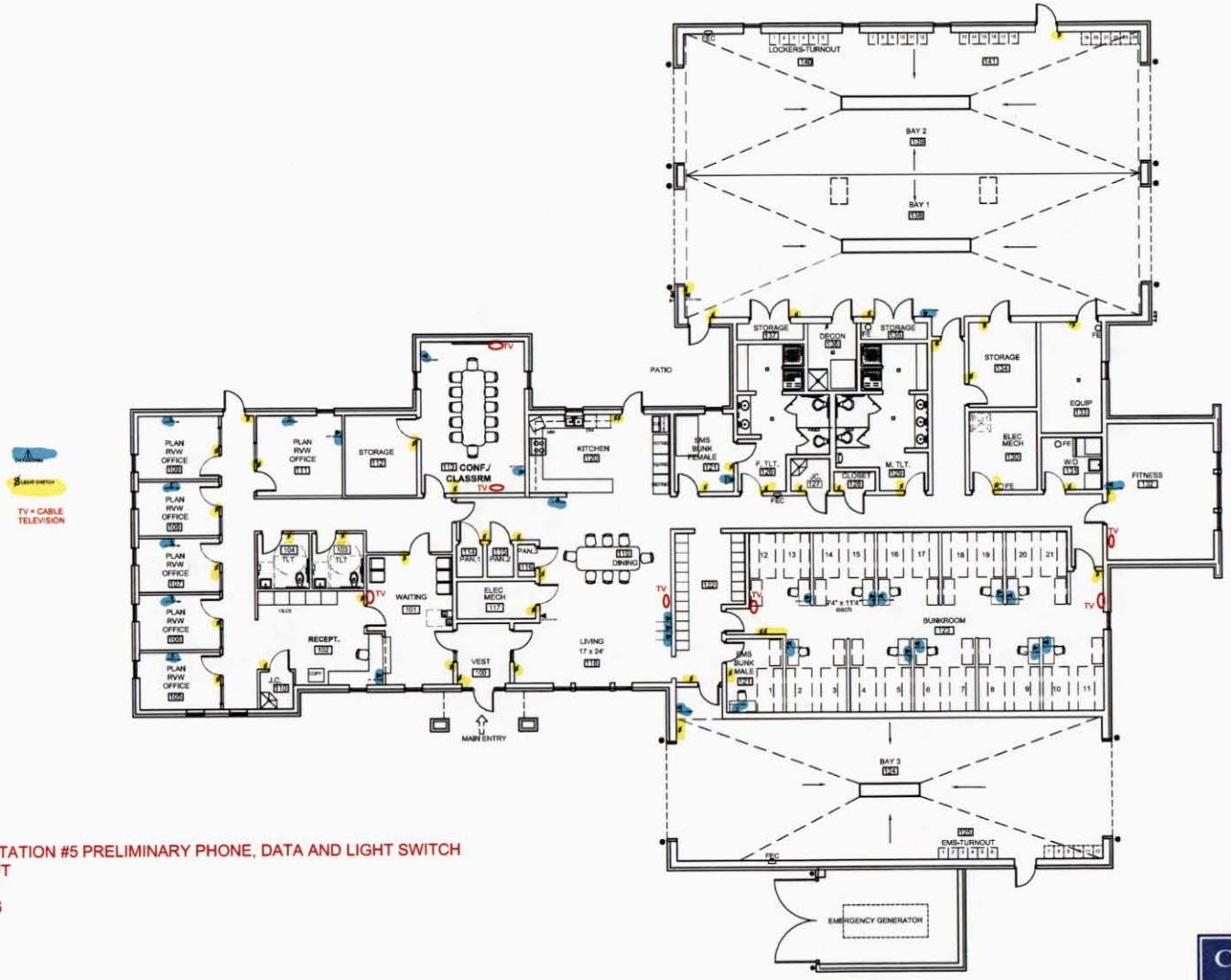
RECOMMENDATION:

ATTACHMENT:

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

Approved ☐
Rejected ☐
Deferred ☐

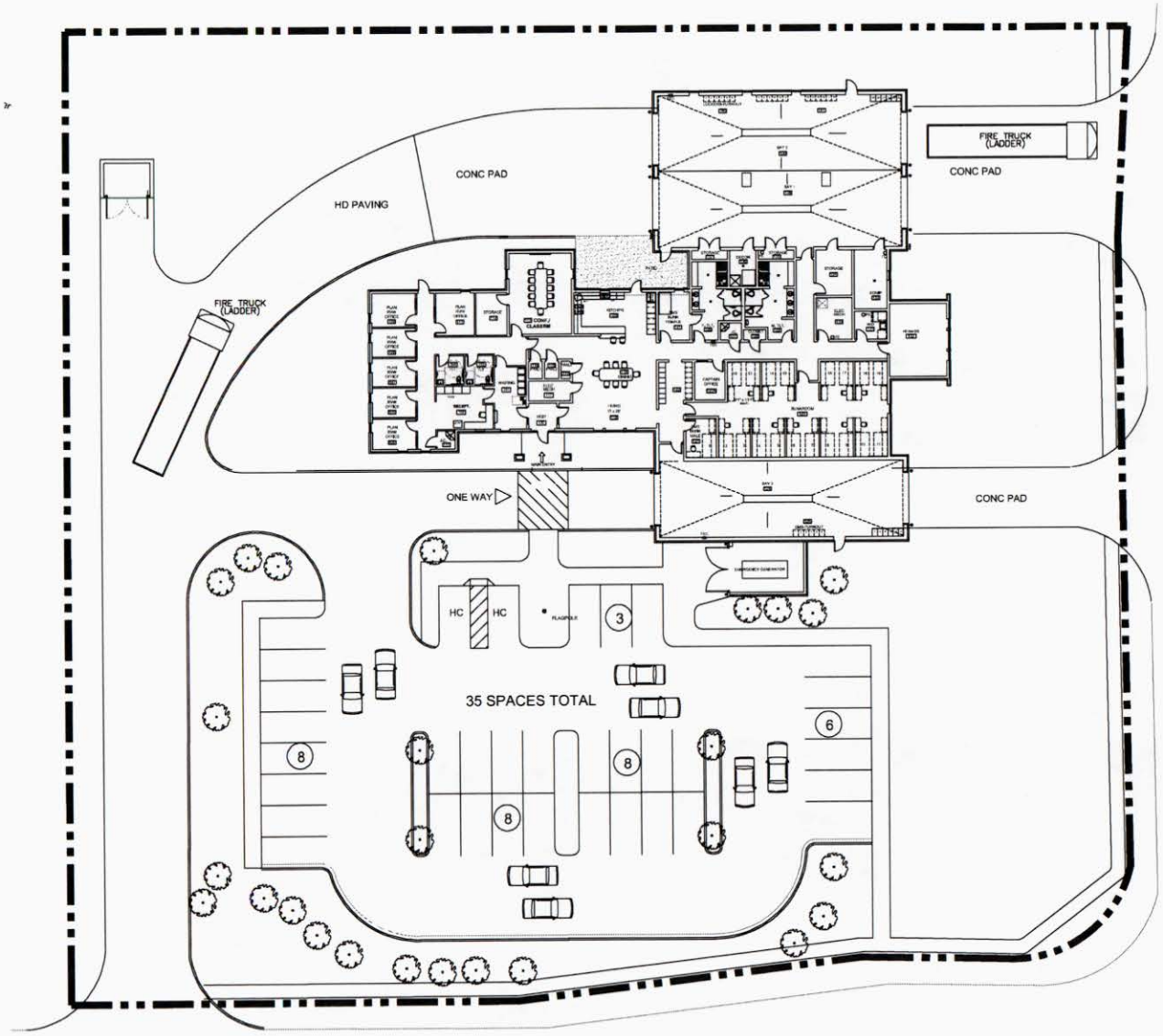
Notes:



FIRE STATION #5 PRELIMINARY PHONE, DATA AND LIGHT SWITCH LAYOUT

8-27-16

CASSETTY ARCHITECTURE



SCHEMATIC DESIGN AUTHORIZATION

__ This signed form approves the Schematic Design Phase
__ and authorizes CASSETTY ARCHITECTURE to proceed
__ into the Design Development Phase and / or
__ Construction Document Phase based upon
__ this plan and it's layout and size as indicated.
__ CASSETTY ARCHITECTURE will be contractually obligated to
__ consultants in this next phase and therefore must relay
__ costs related to changes to the client, should changes occur.
__
__ After approval of this plan, changes to this plan will be
__ considered additional services, and therefore will increase
__ the fee amount. CASSETTY ARCHITECTURE will submit to
__ the client the additional fee amount prior to commencing
__ with the changes.

Signature for approval to proceed to the next phase:

_____ date: _____
Client, or client representative

_____ date: _____
Client, or client associate

A NEW
PUBLIC SAFETY BLDG.

FIRE STATION NO. 5

FOR THE CITY OF GALLATIN, TN

NICHOLS LANE
GALLATIN, TN

CASSETTY
ARCHITECTURE

PRELIMINARY NOT FOR CONSTRUCTION

CASSETTY ARCHITECTURE
901 West Main Street
Hendersonville, TN 37075
(615) 822-5711
FAX 824-9089
www.cassettyarchitecture.com

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ORIG. ISSUE DATE:
08-25-2016
SCHEMATIC PHASE FINAL

PROJECT NUMBER
2416

CONCEPTUAL SITE PLAN
F

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CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

October 11, 2016

DEPARTMENT: **City Attorney** **AGENDA #** 5

SUBJECT:
First Amendment to PCS Site Agreement with Sprint Spectrum (Cell Tower)

SUMMARY:
Sprint Spectrum's contract with the city will expire on January 9, 2022 and they would like to extend it to January 9, 2047.

RECOMMENDATION:

ATTACHMENT:

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

Approved ☐
Rejected ☐
Deferred ☐

Notes:
Update on contract negotiations.

RESOLUTION NO. R1610-53

RESOLUTION AUTHORIZING MAYOR TO EXECUTE FIRST AMENDMENT TO PCS SITE AGREEMENT WITH STC FIVE LLC

WHEREAS, the City of Gallatin (City) and Sprint Spectrum, L.P. (SLLP) entered into a PCS Site Agreement ("Agreement") on January 10, 1997 whereby the City leased SLLP approximately 7,691.71 square feet of land for the purpose of constructing, maintaining and operating a communications facility, including tower structures and related equipment, improvements and structures and any incidental uses and;

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and;

WHEREAS, STC Five LLC is the successor-in-interest in the Agreement to SSLP; and

WHEREAS, the term of the Agreement commenced on January 10, 1007, and has an original term of, including all renewal terms, that will expire on January 9, 2022, and the City and STC Five LLC now desire to amend the terms of the Agreement to provide for additional Renewal Terms beyond the original term, and to make other changes.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, the Mayor is authorized to execute a First Amendment to PCS Site Agreement with STC Five LLC which extends the term of the Agreement to January 9, 2047, unless sooner terminated as provided in the Agreement, and providing additional consideration, as more fully set forth in the First Amendment to PCS Site Agreement, attached hereto as Exhibit A;

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

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

_____

MAYOR PAIGE BROWN

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

SUSAN HIGH-MCAULEY
CITY ATTORNEY

FIRST AMENDMENT TO PCS SITE AGREEMENT
(BU878599)

THIS FIRST AMENDMENT TO PCS SITE AGREEMENT ("First Amendment") is made effective this _____ day of _____, 2016, by and between THE CITY OF GALLATIN ("Owner"), and STC FIVE LLC, a Delaware limited liability company ("STC Five LLC"), successor-in-interest to Sprint Spectrum L.P., a Delaware limited partnership ("SSLP"), by and through its attorney-in-fact, Global Signal Acquisitions II LLC, a Delaware limited liability company.

WHEREAS, Owner and SSLP entered into a PCS Site Agreement dated January 10, 1997, togther with the addendum attached to the end thereto (as assigned, the "Agreement"), whereby Owner leased to SSLP a portion of land being originally described as a 7,679.71 square feet portion of that property (said leased portion, together with those certain access, utility and/or maintenance easements and/or rights of way granted in the Agreement being the "Site") located at 150 Municipal Park Drive (Tax Parcel #113F A 007.00 000), Gallatin, in Sumner County, Tennessee, and being further described in Book 272, Page 773 in the Sumner County Register of Deeds ("Registry"). The Agreement is evidenced by, and the Site is described in that certain Memorandum of PCS Site Agreement recorded in Book 682, Page 326 in the Registry; and

WHEREAS, STC Five LLC is the successor-in-interest in the Agreement to SSLP; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the term of the Agreement commenced on January 10, 1997, and has an original term, including all Renewal Terms (as defined in the Agreement), that will expire on January 9, 2022 ("Original Term"), and Owner and STC Five LLC now desire to amend the terms of the Agreement to provide for additional Renewal Terms beyond the Original Term, and to make other changes.

NOW THEREFORE, in exchange for the mutual promises contained herein, Owner and STC Five LLC agree to amend the Agreement as follows:

1. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement. The recitals in this First Amendment are incorporated herein by this reference. "SSLP" shall be replaced throughout the Agreement with "STC Five LLC".

2. Section 2 of the Agreement is amended by replacing "four" with "nine (9)", thereby adding five (5) additional five (5) year Renewal Terms to the Agreement beyond the Original Term, and extending its total term to January 9, 2047, unless sooner terminated as provided in the Agreement.

3. On January 1, 2017, the annual rent shall increase one-time by an amount equal to ten percent (10%) of the annual rent in effect for the immediately preceding year ("One-Time

Rent Increase") in addition to the regular percentage rent increase that is scheduled to occur pursuant to the Agreement on the same date ("Regular Rent Escalation"). The Regular Rent Escalation shall be applied first, and then the One-Time Rent Increase shall be applied after the rent is increased pursuant to the Regular Rent Escalation. Following such increase, the annual rent shall continue to adjust pursuant to the terms of the Agreement, as amended herein.

4. Section 3 of the Agreement is amended by adding the following to the end thereto:

> Notwithstanding the foregoing, commencing on January 1, 2022, the annual rent shall no longer increase as provided above. Instead, commencing on January 1, 2022, and every five (5) years thereafter (each an "Adjustment Date"), the annual rent shall increase by an amount equal to fifteen percent (15%) of the annual rent in effect for the year immediately preceding the Adjustment Date.

5. Section 6 of the Agreement is amended by replacing STC Five LLC's notice address with the following notice address:

> Notices to STC Five LLC are to be sent to: STC Five LLC, c/o Crown Castle USA Inc., General Counsel, Attn: Legal-Real Estate Department, 2000 Corporate Drive, Canonsburg, Pennsylvania 15317-8564.

6. As additional consideration for amending the Agreement in accordance with this First Amendment, STC Five LLC agrees to pay to Owner Twenty Thousand Dollars ($20,000.00) within sixty (60) days of full execution of this First Amendment by both parties.

7. Representations, Warranties and Covenants of Owner. Owner represents, warrants and covenants to STC Five LLC as follows:

(a) Owner is duly authorized to and has the full power and authority to enter into this First Amendment and to perform all of Owner's obligations under the Agreement as amended hereby.

(b) Except as expressly identified in this First Amendment, Owner owns the Site free and clear of any mortgage, deed of trust, or other lien secured by any legal or beneficial interest in the Site, or any right of any individual, entity or governmental authority arising under an option, right of first refusal, lease, license, easement or other instrument other than any rights of STC Five LLC arising under the Agreement as amended hereby and the rights of utility providers under recorded easements.

(c) Upon STC Five LLC's request, Owner shall discharge and cause to be released (or, if approved by STC Five LLC, subordinated to STC Five LLC's rights under the Agreement as amended hereby) any mortgage, deed of trust, lien or other encumbrance that may now or hereafter exist against the Site.

(d) Upon STC Five LLC's request, Owner shall cure any defect in Owner's title to the Site which in the reasonable opinion of STC Five LLC has or may have an adverse effect on STC Five LLC's use or possession of the Site.

(e) STC Five LLC is not currently in default under the Agreement, and to Owner's knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by STC Five LLC under the Agreement.

(f) Owner agrees to execute and deliver such further documents and provide such further assurances as may be requested by STC Five LLC to effect any release or cure referred to in this paragraph, carry out and evidence the full intent and purpose of the parties under the Agreement as amended hereby, and ensure STC Five LLC's continuous and uninterrupted use, possession and quiet enjoyment of the Site under the Agreement as amended hereby.

8. STC Five LLC reserves the right, at its discretion and at its sole cost, to obtain a survey ("Survey") specifically describing the Site and any access and utility easements associated therewith. STC Five LLC shall be permitted to attach the Survey as an exhibit to this First Amendment and any related memorandum for recording, which shall update and replace the existing description, at any time prior to or after closing of this First Amendment.

9. IRS Form W-9. Owner agrees to provide STC Five LLC with a completed IRS Form W-9, or its equivalent, upon execution of this First Amendment and at such other times as may be reasonably requested by STC Five LLC. In the event the Site is transferred the succeeding Owner shall have a duty at the time of such transfer to provide STC Five LLC with a completed IRS Form W-9, or its equivalent, and other related paper work to effect a transfer in rent to the new Owner. Owner's failure to provide the IRS Form W-9 within thirty (30) days after STC Five LLC's request shall be considered a default and STC Five LLC may take any reasonable action necessary to comply with IRS regulations including, but not limited to, withholding applicable taxes from rent payments.

10. In all other respects, the remainder of the Agreement shall remain in full force and effect. Any portion of the Agreement that is inconsistent with this First Amendment is hereby amended to be consistent with this First Amendment. All of the provisions hereof shall inure to the benefit of and be binding upon Owner and STC Five LLC, and their personal representatives, heirs, successors and assigns. This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, it being understood that all parties need not sign the same counterparts.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner and STC Five LLC have signed this instrument under seal, and have caused this First Amendment to be duly executed on the day and year first written above.

OWNER:

The City of Gallatin

By: _____(SEAL)
Print Name: _____
Title: _____

Site Name: City of Gallatin
BU: 878599
PPAB 3389419v2

IN WITNESS WHEREOF, Owner and STC Five LLC have signed this instrument under seal, and have caused this First Amendment to be duly executed on the day and year first written above.

STC FIVE LLC:

STC FIVE LLC,
a Delaware limited liability company

By: Global Signal Acquisitions II LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By:_____
Name:_____
Title:_____

Site Name: City of Gallatin
BU: 878599
PPAB 3389419v2

Prepared out of State by:
Parker Poe Adams & Bernstein, (BGB)
Post Office Box 389
Raleigh, North Carolina 27602-0389

Return to:
Crown Castle
1220 Augusta, Suite 500
Houston, Texas 77057

Tax Parcel #113F A 007.00 000

Cross Index: Book 682, Page 326

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

MEMORANDUM OF FIRST AMENDMENT TO PCS SITE AGREEMENT

THIS MEMORANDUM OF FIRST AMENDMENT TO PCS SITE AGREEMENT ("Amended Memorandum") is made effective this _____ day of _____, 2016, by and between THE CITY OF GALLATIN ("Owner"), with a mailing address of 132 W. Main Street, Gallatin, Tennessee 37066, and STC FIVE LLC, a Delaware limited liability company ("STC Five LLC"), successor-in-interest to Sprint Spectrum L.P., a Delaware limited partnership ("SSLP"), by and through its attorney-in-fact, Global Signal Acquisitions II LLC, a Delaware limited liability company, with a mailing address of c/o Crown Castle USA Inc., 2000 Corporate Drive, Canonsburg, Pennsylvania 15317-8564.

WHEREAS, Owner and SSLP entered into a PCS Site Agreement dated January 10, 1997, togther with the addendum attached to the end thereto (as assigned, the "Agreement"), whereby Owner leased to SSLP a portion of land being originally described as a 7,679.71 square feet portion of that property (said leased portion, together with those certain access, utility and/or maintenance easements and/or rights of way granted in the Agreement being the "Site") located at 150 Municipal Park Drive (Tax Parcel #113F A 007.00 000), Gallatin, in Sumner County, Tennessee, and being further described in Book 272, Page 773 in the Sumner County Register of Deeds ("Registry"). The Agreement is evidenced by, and the Site is described in that certain Memorandum of PCS Site Agreement recorded in Book 682, Page 326 in the Registry; and

WHEREAS, STC Five LLC is the successor-in-interest in the Agreement to SSLP; and

WHEREAS, the Site may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the term of the Agreement commenced on January 10, 1997, and has an original term, including all Renewal Terms (as defined in the Agreement), that will expire on January 9, 2022 ("Original Term"), and Owner and STC Five LLC now desire to amend the terms of the Agreement to provide for additional Renewal Terms beyond the Original Term, and to make other changes; and

WHEREAS, Owner and STC Five LLC made and entered into a First Amendment to PCS Site Agreement of even date herewith ("First Amendment") and pursuant to the terms of, and for that consideration recited in, the First Amendment, the parties wish to hereby amend certain provisions of the Agreement, and provide this Amended Memorandum as notice thereof, as follows:

1. Owner does hereby lease and grant unto STC Five LLC, its successors and assigns, the Site for five (5) additional five (5) year Renewal Terms beyond the Original Term, such that the Original Term and all Renewal Terms of the Agreement may last for a term of fifty (50) years, expiring on January 9, 2047, unless sooner terminated as provided in the Agreement.

2. The description of the Site is recorded in that certain Memorandum of PCS Site Agreement recorded in the Registry at Book 682, Page 326.

3. This Amended Memorandum contains only selected provisions of the First Amendment, and reference is made to the full text of the Agreement and the First Amendment for their full terms and conditions, which are incorporated herein by this reference. Except as otherwise provided in the First Amendment and this Amended Memorandum, the terms and conditions of the Agreement remain in full force and effect. This Amended Memorandum may be executed in two or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, it being understood that all parties need not sign the same counterparts. A copy of the Agreement and its amendments are located at the office of the STC Five LLC.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner and STC Five LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

OWNER:

The City of Gallatin

BY: _____(SEAL)
NAME: _____
TITLE: _____

STATE OF _____)

COUNTY OF _____)

Before me, _____, a Notary Public in and for said State and County aforesaid, duly commissioned and qualified, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the _____ of the City of Gallatin, the within-named bargainor, and that he/she, as such officer, being duly authorized so to do, executed the foregoing Memorandum of First Amendment to PCS Site Agreement for the purposes therein contained by signing the name of the city by himself/herself as such officer.

WITNESS my hand and seal at office on this the _____ day of _____, 2016.

_____
Notary Public

My Commission Expires:

_____

IN WITNESS WHEREOF, Owner and STC Five LLC have signed this instrument under seal, and have caused this Amended Memorandum to be duly executed on the day and year first written above.

STC FIVE LLC:

STC FIVE LLC,
a Delaware limited liability company

By: Global Signal Acquisitions II LLC,
a Delaware limited liability company,
Its Attorney-in-Fact

By:_____(SEAL)

Name:_____

Title:_____

STATE OF _____)

COUNTY OF _____)

Before me, _____, a Notary Public in and for said State and County aforesaid, duly commissioned and qualified, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself/herself to be the _____ of Global Signal Acquisitions II LLC, a Delaware limited liability company, as attorney-in-fact for STC Five LLC, a Delaware limited liability company, the within-named bargainor, and that he/she, as such officer, being duly authorized so to do, executed the foregoing Memorandum of First Amendment to PCS Site Agreement for the purposes therein contained by signing the name of the company by himself/herself as such officer.

WITNESS my hand and seal at office on this the _____ day of _____, 2016.

_____
Notary Public

My Commission Expires:

_____

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

October 11, 2016

DEPARTMENT: **Planning** **AGENDA #6**

SUBJECT:
Ordinance O1610-55 expanding the permitted locations of Apiaries

SUMMARY:
On August 9, 2016, Tracy Finnegan, President of the Northern Tennessee Beekeepers Organization, requested the Council to amend City Ordinance, Chapter 4, Article I, Section 4-8, to permit apiaries in additional areas of the city. The ordinance now limits these activities to the A - Agricultural Residential and R40 - Low Density Residential districts. The ordinance will expand areas where apiaries are permitted but regulate the number of colonies based on density and lot size. The ordinance restricts apiraires to residential zoning districts, certain commerical districts and to the industrial districts. The ordinance also restricts the location on lots where the colonies can be placed and requires design and accessory accoutrements to ensure the health and survival of the colony. The ordinance also will require applicants to register their apiraries with the City so the City can track the location of apiaries and ensure the placement standards are met. The ordinance has been reviewed by the State Apiraist office who indicated that they generally agree to the provisions. Some minor changes were made to the draft since it was intially sent to the Stae Apiraist for review but they are not significant. All beehives shall comply with state requirements and best management practices as regulated by state statute and the Tennessee Department of Agriculture.

RECOMMENDATION:

ATTACHMENT:

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

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE O1610-55

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, AMENDING CHAPTER 4, SECTION 4-8 OF THE MUNICIPAL CODE OF THE CITY OF GALLATIN, TENNESSEE TO REGULATE THE LOCATION OF APIARIES OR BEEHIVE COLONIES WITHIN THE CITY AND THE PLANNING REGION; AUTHORIZING THE REVISION TO BE INCLUDED IN THE CODE OF ORDINANCES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, honeybees perform a pollination function that is beneficial to humans and essential to the propagation of many species of flowering plants in Tennessee, and

WHEREAS, honeybees are the major pollinator for most flowering plants; and

WHEREAS, the City of Gallatin intends to amend its code to expand areas where honeybees are permitted to ensure an adequate population of honeybee pollinators by reducing restrictive standards governing the location of regulated honeybee hives; and

WHEREAS, honeybee hives can be kept in urbanized areas with controls on density and properly located on lots or parcels to ensure that human and animal life is protected.

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

Section 1. The City Council of the City of Gallatin hereby amends Chapter 4, Section 4-8, Municipal Code of the City of Gallatin, Tennessee in its entirety and replacing it with the following:

Sec. 4-8. - Apiaries and beehives

Apiaries (domesticated beehives) and the practice of apiculture is permitted in the City of Gallatin under the following standards.

(a) *Permitted Zoning Districts.* Apiaries are permitted in the following districts:

- A - Agricultural Residential
- R40 – Low Density Residential
- R20 – Low Density Residential
- R15 – Medium Density Residential
- R10 – Medium Density Residential on lots, parcels or tracts of greater than one-quarter acre in area
- R8 – Medium Density Residential on lots, parcels or tracts of greater than one quarter acre in area
- R-6 – High Density Residential on lots, parcels or tracts of greater than one quarter acre in area
- In Commercial districts, including:
  - MRO - Multiple-Residential and Office,

- OR – Office Residential
- SP – Specific Plan
- CS – Commercial Services
- CG – Commercial General
- PGC – Planned General Commercial
- PNC – Planned Neighborhood Commercial
- CSL – Commercial Service Limited
- PBP - Planned Business Park,

In Commercial districts with a contiguous open space area, the dimensions of the open space area shall be equal to or greater than one-quarter acre and shall be provided on a single lot, parcel or tract. Large expanses of linear open space areas shall not qualify as suitable open space. The open space area shall generally be of similar distances or dimensions in width and length.

- IR – Industrial Restrictive
- IG – Industrial General

(b) *Prohibited Districts.* Apiaries are prohibited in the following districts:

- MU – Mixed Use
- MUG – Mixed Use General
- MPO – Medical Professional Office
- GO – General Office
- CC – Core Commercial

(c) *Allowed Densities.* It shall be unlawful to keep more than the following number of bee colonies on any lot, parcel or tract of land, based upon the size or configuration of the lot, parcel or tract on which the apiary is situated.

(1) one-quarter acre to one-half acre – two (2) colonies
(2) one-half acre to one acre – four (4) colonies
(3) More than one acre – six (6) colonies

However, no apiary or colony shall be located within 200 feet from an existing apiary or colony or an inhabited dwelling.

(d) *Yards, location and buffer requirements.* Any structure used for apiculture shall comply with the following yard and setback requirements:

(1) All beehive or colony structures shall be located in a side or rear yard.
(2) All beehives or colony structures shall be located at least 10 feet from any property line.
(3) On properties without a principal structure, all hives and colonies shall be located behind the required front building setback lines as established by zoning.
(4) All beehives and colonies shall be setback no less than 50 feet from a private right-of-way or public street right-of-way.

(e) *Accessory requirements.* The following accessory features shall be provided with each beehive or colony.

(1) When a beehive or colony is located within 25 feet of a property line, an opaque flyway barrier, such as a fence or wall at least six feet in height, shall be constructed between the beehive or colony and the adjacent property line for a distance of at least 10 feet from the outer edge of the beehive or colony.
(2) All beehives shall provide and maintain a continuous source of clean water placed within ten (10) feet of the colony(ies) to reduce potential conflict with water sources used by humans or animals.
(3) If placed within a drainage or utility easement, the beekeeper or owner shall be responsible for removing the beehive and colonies, within 15 days of notice by the city or utility provider.
(4) All persons operating a beehive shall provide a registration form indicating the address and location on the lot, parcel or tract to the Planning Department. Said registration form shall be signed by an official of the Planning Department certifying that the placement of the colony(ies) complies with the provisions of this ordinance prior to the owner placing the colony(ies) on the property.
(5) All beehives shall comply with the requirements of Tenn. Code Ann. Sec. 44-15-101-125 and best management practices for honeybees established by the Tennessee Department of Agriculture.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision to be shown in the Municipal Code.

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

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

Section 5. This Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

Council Committee Meeting
August 9, 2016

Public Recognition

Councilman Overton opened public recognition.

- Joe Debord of 1007 Hart Street spoke about the following:
    - Requested public recognition at end of meeting
    - Opportunities for young drivers to learn rules of the road etiquette, ride bicycles, walk to school
    - Appreciate the city's efforts for the many projects around town

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

Mayor's Comments

Mayor was absent.

Agenda

1. Amending Municipal Code to Allow for Beekeeping in Other Zones

Tracy Finnegan of 201 Spring Valley Road, Hendersonville stated she is the President of the Northern Tennessee Beekeepers Organization. Ms. Finnegan stated that State Apiarist Michael Studer is on his way to this meeting and she requested more time for Mr. Studer to arrive.

Council moved on to Item #2. to allow time for Mr. Studer to arrive.

Mr. Michael Studer, Tennessee Department of Agriculture provided an informational handout with Gallatin City Stats and Honey Bee Fact Sheet. Mr. Studer explained the law passed in 2011 stating the city can zone beekeepers out. He explained that managed European Honey Bee colonies are being utilized to reduce the change for the establishment of Africanized Honey Bees in the State of Tennessee.

Mr. Studer recommended allowing beekeepers as long as they follow the guidelines established back in 2011.

Councilman Overton recommended City Planner Bill McCord research this issue and present a plan and recommendations to Council.

The Apiary Act of 1995

(Unofficial version)

44-15-101. Title - Purpose.

(a) This part shall be known and may be cited as the "Tennessee Apiary Act of 1995"

(b) Honeybees are kept in beehives by beekeepers throughout the state, and many colonies of feral honeybees have established nests in hollow trees and in walls of buildings. These honeybees perform a pollination function that is essential to the propagation of many species of flowering plants in Tennessee. These flowering plants include many agricultural crops, wildflowers, and forest plants that are of great importance to all Tennesseans, and the honeybees are the major pollinator for most of these plants. Therefore, the state should take appropriate actions to help assure the continued availability of an adequate population of honeybee pollinators. Honeybees, like other animal species, are afflicted by a variety of contagious diseases and pests that can cause serious population reductions. The natural behavior of honeybees cause them to be interactive with bees from other colonies and therefore vulnerable to transmission of some diseases and pests. Therefore, persons involved in the keeping of bees in a given area can engage in beekeeping practices that will have a real and direct impact on the honeybees and beekeeping in surrounding areas. This part enables and provides for the development of regulatory programs for beekeeping activities in the state as may be needed to help protect honeybees from diseases, pests, and other threats that could seriously reduce the availability of the honeybee pollinators.

[Acts 1995, ch. 402, § 2; T.C.A. § 44-15-201.]

44-15-102. Definitions.

As used in this part, unless the context otherwise requires:

(1) Abandoned apiaries" means an apiary that has not been subjected to at least the minimal beekeeping practices necessary to maintain the bees in a healthy, productive, and safe condition so that the honeybees and beekeepers in surrounding areas will not be adversely affected;
(2) "Advisory committee" or "ATAC" means the apicultural technical advisory committee that is established pursuant to this part;
(3) "Apiary" means a collection of one (1) or more colonies of bees in beehives at a location. A building or room in a building is considered to be the location of an apiary only if one (1) or more beehives containing colonies of honeybees are housed within that building;
(4) "Apiary inspectors" means those persons with relevant qualifications and beekeeping training who are employed by or working under contract with the department of agriculture for the purpose of implementing regulatory programs as directed by the state apiarist;

(5) "Appliances" means any apparatus, tools, machines or other devices used in handling and manipulating bees, honey, and wax which may be used in an apiary, or in transporting bees and their products and apiary supplies;
(6) "Bee disease or pest" means a condition in which a colony is infested/infected with a bacterial, fungal, viral, or parasitic condition or an organism that can or will affect the well-being of a colony;
(7) "Beekeeper" means any individual, association, corporation, or other entity who deliberately provides nesting sites for colonies of honeybees and attempts to establish and maintain such colonies at any location;
(8) "Bees" or "honeybees" means any developmental stage of any sub- species of the species Apis mellifem;
(9) "Certification" means a voluntary training program approved by the department that when successfully completed authorizes the beekeeper to detect, identify, and control regulated bee diseases and pests in colonies under the management of that beekeeper;
(10) "Certified beekeeper" means any person who has successfully met the requirements of a voluntary certification program for beekeepers as approved by the state apiarist;
(11) "Colony" means all of the bees living together as one (1) social unit and may include the bee equipment in which the bees are living;
(12) "Commissioner" means the commissioner of agriculture or such commissioner's designated agent;
(13) "Department" means the Tennessee department of agriculture;
(14) "Feral bees" means those honeybees not kept in a beehive provided by a beekeeper and whose nest sites are usually located in a cavity within a tree or a building;
(15) "Hive" or "beehive" means that container or structure used by a beekeeper to provide a cavity in which a colony of bees is expected to establish a permanent nest;
(16) "Registered apiary" means an apiary location that has been properly registered with the department as required by this part;
(17) "Registered beekeeper" means a beekeeper whose apiaries are properly registered with the department;
(18) "Regulated bee disease" or "regulated pest" means a bee disease or pest that presents a significant threat to the population of honeybees and for which regulatory actions can be taken to mitigate that threat; and
(19) "State apiarist" means that person employed by the department who has the qualifications prescribed by this part and has been designated as state apiarist by the commissioner.

[Acts 1995, ch. 402, § 3; T.C.A. § 44-15-202.]

44-15-103. State apiarist.

(a) (1) The commissioner shall appoint a state apiarist, subject to any applicable rules or qualifications established by the department of personnel. Such state

apiarist is responsible for the apiary work of the department of agriculture and, with the necessary assistants, is charged with the duty of enforcing the provisions of this part. The person designated as state apiarist shall have, as a minimum, a college degree in one (1) of the biological sciences and a minimum of five (5) years apiary experience.

(2) The state apiarist is responsible for developing, implementing, and administering the apiary program needed to satisfy the objectives and provisions of this part, and shall have the duty of enforcing those rules and regulations promulgated pursuant to this part.

(b) The commissioner may appoint, in accordance with any applicable personnel rules and regulations, such assistants, apiary inspectors, and other employees as may be required, and to prescribe their duties; to delegate to apiary inspectors and other employees such powers and authority as may be deemed proper within the limits of the power and authority conferred upon the commissioner by this part.

(c) The state apiarist and the apiary inspectors may provide educational literature and may conduct training programs for beekeeping on topics related to prevention, detection, and control of bee diseases and pests and other topics which will help beekeepers maintain needed populations of honeybees. The literature and training programs may be developed and conducted in cooperation with the extension apiculturist at the University of Tennessee.

(d) The state apiarist and all apiary inspectors may own colonies of bees and engage in beekeeping activities on their own time, and their beekeeping activities will be subject to the same rules and regulations as applied to all other beekeepers. The department shall not prohibit such activities but may develop guidelines to avoid interference with work responsibilities and to prevent conflicts of interest.

[Acts 1995, ch. 402, § 4; T.C.A. § 44-15-203.]

44-15-104. Cooperative agreements.

The commissioner is hereby authorized to enter into cooperative agreements and/or grants with any person, municipality, county and other departments of this state, and boards, officials and authorities of other states and the United States for inspection with reference to infectious and contagious diseases and regulated pests of honeybees, and for their control and eradication.

[Acts 1995, ch. 402, § 5; T.C.A. § 44-15-204.]

44-15-105. Registration of apiaries.

(a) Every beekeeper owning one (1) or more colonies of bees shall register each apiary location by January 1, 1996, and every three (3) years thereafter. Upon establishment of a new apiary location, it is the duty of the owners or operators of such apiary to register such new locations within thirty (30) days. Any person, firm, or corporation moving bees into the state shall register all apiary locations within thirty (30) days from the date of the establishment of each apiary.

(b) If an unregistered apiary is found, the state apiarist or any apiary inspector shall make a reasonable effort to locate the owner of the bees and notify the beekeeper by means of a registered letter of the registration requirements and the consequences of noncompliance.

(c) The state apiarist shall issue to each beekeeper with one (1) or more registered apiaries a unique registration number that will be used for apiary identification purposes.

[Acts 1995, ch. 402, § 6; T.C.A. § 44-15-205.]

44-15-106. Moveable frames.

Each beekeeper is required to provide moveable frames in all hives used by that beekeeper to contain bees, so that any such frame can be removed from the hive and inspected for any regulated diseases and pests. Any beekeeper having a colony of bees living in any beehive or other container that does not have moveable frames may be ordered by the state apiarist to transfer the bees into a hive with moveable frames within a specified period of time. If the beekeeper does not make the transfer within the specified time period, the state apiarist shall have the authority to confiscate the bees and hive or hives.

[Acts 1995, ch. 402, § 7; T.C.A. § 44-15-206.]

44-15-107. Inspection program.

The state apiarist, assisted by the apiary inspectors identified in this part, has the authority and responsibility to establish and implement a program for inspection of apiaries throughout the state for the purpose of detecting regulated bee diseases and pests and for implementing control measures as needed to minimize the adverse impacts of those diseases and pests on the honeybee population in the state. The apiary inspection program will be conducted in accordance with standard procedures that are developed by the state apiarist. The state apiarist may require or supervise the treatment, destruction, or disposition of diseased bees or contaminated bee equipment or bee supplies in accordance with rules and regulations promulgated under the authority of this chapter. Any apiary inspector duly authorized by the state apiarist has the authority to go upon any public or private property for the purpose of

conducting an inspection of an apiary located on that property. The inspector shall make a reasonable effort to notify the beekeeper of a planned inspection prior to the actual inspection.

[Acts 1995, ch. 402, § 8; 1999, ch. 192, § 1; T.C.A. § 44-15-207.]

44-15-108. Sale or movement of bees.

(a) No bees may be sold, offered for sale, moved, or transported, shipped or delivered within the state, unless they have been inspected by an appropriate official of the state and certified to be apparently free of infectious or contagious regulated bee diseases and pests in accordance with rules and regulations promulgated under this part.
(b) All persons desiring to move bees, hives, slumgums, used beekeeping equipment or appliances into the state must apply to the department for a permit. Such application shall be accompanied by a certificate of health certifying that all bees, hives, slumgums, used beekeeping equipment or appliances have been inspected by an authorized official within thirty (30) days prior to transportation into Tennessee, and that such bees, hives, slumgums, used beekeeping equipment or appliances were found apparently free from any regulated diseases or pest.

[Acts 1995, ch. 402, § 9; T.C.A. § 44-15-208.]

44-15-109. Duty to report disease or pest - Authority to inspect.

(a) If a beekeeper knows that a colony of bees has a regulated bee disease or pest, the beekeeper shall immediately report to a state apiary inspector all facts known about the bee's disease or bee's pests.
(b) If any apiary inspector has substantial reason to believe that a feral colony of bees may be harboring any regulated bee disease or pest, the inspector has the authority to enter onto any property public or private to locate and examine that feral colony of bees. The examination of a feral colony and any subsequent regulatory activity must be conducted in accordance with rules established by the department.

[Acts 1995, ch. 402, § 10; T.C.A. § 44-15-209.]

44-15-110. Quarantine.

(a) The state apiarist and the duly authorized apiary inspectors have the power and authority to declare a quarantine on any apiary found to be infected/infested with any regulated bee diseases or pests. Immediately after the apiary is declared to be infected/infested, a quarantine notice will be presented to the beekeeper and will include specific instructions as to required actions by the beekeeper. The appliances directly associated with that apiary shall be under quarantine and shall be subject to regulatory actions imposed by the department. The commissioner

may declare a geographical area quarantine against any county, group of counties, region, or state where a regulated bee disease or pest is found in a sufficient number of apiaries that the infestation can be considered endemic. However, bees may not be moved from the quarantine area except by permission from the state apiarist or an apiary inspector.

(b) It is unlawful for any person in the state who participates in or conducts a deliberate act that exposes free-flying honeybees to a known source of any regulated bee disease or pest or to any substance commonly known to kill bees. This section does not apply to farmers, gardeners, or others who are using legally registered pesticides in strict compliance with the label instructions. The deliberate acts that are prohibited include, but are not limited to, the following:

(1) Placing in a location that is accessible to free-flying honeybees any beeswax combs, beekeeping equipment, honey, or other substance known to be attractive to honeybees and capable of transmitting bee diseases or pests and known to have been in contact with or associated with sources of regulated bee diseases or pests;

(2) Placing in a location that is accessible to free-flying honeybees any honey, sugar syrup, corn syrup, or other substance known to be attractive to bees and to which some pesticide or other substance harmful to honeybees has been added; or

(3) Producing, making, releasing, or otherwise causing any spray, smoke, fog, dust, or other substances to enter a beehive for the purpose of killing the bees therein except as requested by the owner of the bees or as required by a state regulatory order.

[Acts 1995, ch. 402, § 11; T.C.A. § 44-15-210.]

44-15-111. Certification program.

(a) The department may authorize establishment of a certification program whereby beekeepers who successfully complete the requirements of the program will be certified to have demonstrated the knowledge and skills needed to effectively detect, identify, and control regulated bee diseases and pests. The state apiarist will develop and administer any regulatory certification program that is established.

(b) The beekeeper certification program shall be a voluntary program, and any applicant must successfully complete the program requirements to become a certified beekeeper. Each person who becomes certified will be granted certain privileges with regard to regulatory requirements promulgated pursuant to this part.

[Acts 1995, ch. 402, § 12; T.C.A. § 211.]

44-15-112. Used beekeeping equipment.

No person shall sell or give to any other person any used beekeeping equipment until the equipment has been sanitized by a method approved by the state apiarist. This requirement will not apply to equipment that is occupied by live bees.

[Acts 1995, ch. 402, § 13; T.C.A. § 44-15-212.]

44-15-113. Entry permit - Inspection certificates.

(a) Any person wanting to move live bees in beehives or empty brood combs (combs that have been used for rearing bee brood) into the state must apply to the department for an entry permit. Such application shall be accompanied by a certificate of health from the originating state's regulatory agency certifying that all bees and beehives and used brood combs have been inspected by an authorized official thirty (30) days prior to transportation into Tennessee. The certificate of health must show what diseases and pests were found as a result of the inspection. The state apiarist shall review the application and the health certificate and will determine whether or not an entry permit shall be granted and what conditions or requirements must be met prior to entry.
(b) Any person, firm or corporation transporting colonies and/or used beekeeping equipment into, within, or through the state must secure the hives and equipment in such a manner as to prevent the escape of bees.
(c) The state apiarist and all apiary inspectors shall be empowered to intercept any person or persons transporting colonies or appliances to determine if the person or persons have the required inspection certificates.
(d) Colonies, beehives, slumgums, used bee equipment or appliances brought into this state in violation of this part or any applicable rules and regulations of the department shall be removed by the owner from this state and returned to their state of origin within five (5) days after notification by the department. Failure to comply may result in confiscation as provided in § 44-15-218 without any remuneration to the owner.

[Acts 1995, ch. 402, § 14; T.C.A. § 44-15-213.]

44-15-114. Penalty.

Any person violating any of the provisions of this part or the rules and regulations made thereunder, or of any order or notice given pursuant thereto, or who shall forge, counterfeit, destroy, or wrongfully or fraudulently use, any certificate, permit, notice or other like document provided or who impedes, hinders or otherwise prevents, or attempts to prevent, the commissioner or the commissioner's duly authorized agent from performing such official's duty in connection with the provisions of this part, may, in a lawful proceeding pursuant to the Uniform Administrative Procedures Act, compiled in

title 4, chapter 5, be assessed a civil penalty of not more than five hundred dollars ($500) for each violation.

[Acts 1995, ch. 402, § 15; T.C.A. § 44-15-214.]

44-15-115. Disposition of funds.

All fees, fines, and proceeds resulting from the sale of seized properties collected under the provisions of this part shall be paid into the general fund and the same are hereby appropriated exclusively to the department to be used in carrying out the provisions of this part.

[Acts 1995, ch. 402, § 16; T.C.A. § 44-15-215.]

44-15-116. Experimental apiaries.

The state apiarist is empowered to establish or to authorize establishment of apiaries for experimental purposes associated with research on or evaluation of conditions related to any bee disease or pest.

[Acts 1995, ch. 402, § 17; T.C.A. § 44-15-216.]

44-15-117. Disposition of confiscated bees and beehives.

All bees and beehives confiscated by the state apiarist as allowed by this part shall be destroyed by burning if the state apiarist determines that the confiscated property is infested with a regulated disease or pest to such an extent that it presents a significant and unacceptable threat to bees in the surrounding area. The state apiarist is allowed to use or to authorize use of confiscated property for experimental purposes. Otherwise the property may be donated to any college or university within the state that requests the property for research or educational purposes or disposed of at the discretion of the commissioner.

[Acts 1995, ch. 402, § 18; T.C.A. § 44-15-217.]

44-15-118. Preventive measures.

After inspection of infected/infested bees or fixtures, or handling diseased bees, the state apiarist or such assistants, before leaving the premises on which disease is found, or proceeding to any other apiary, shall take such measures as to prevent the spread of the disease or pests by infected/infested material adhering to such person's or persons' body or clothing, or any tools or appliances used by the state apiarist or any assistants which have come in contact with infected/infested materials.

[Acts 1995, ch. 402, § 19; T.C.A. § 44-15-218.]

44-15-119. Unlawful activities.

It is unlawful for any person to knowingly give false or misleading information in any matter pertaining to the enforcement of the provisions of this part, or to resist, impede, or hinder the state apiarist or any duly authorized apiary inspector in the discharge of duties as described in this part.

[Acts 1995, ch. 402, § 20; T.C.A. § 44-15-219.]

44-15-120. Honey storage and handling.

(a) Honey can be contaminated with certain organisms that can cause disease in honeybees. Therefore, honey containers and beekeeping equipment that are wet with honey shall be stored, transported, and handled in such a way that free-flying honeybees will not be able to gain access to that honey.
(b) No candy or other food containing honey shall be used in queen mailing cages.

[Acts 1995, ch. 402, § 21; T.C.A. § 44-15-220.]

44-15-121. Previous rules and regulations revoked - Authority to promulgate new rules.

(a) All rules and regulations heretofore promulgated on the subject matter of this part are hereby revoked.
(b) The department shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the purposes of this part.

[Acts 1995, ch. 402, § 22; T.C.A. § 44-15-221.]

44-15-122. Charges.

In order to recover departmental costs, the commissioner is authorized to charge for the use of equipment and materials in providing technical assistance to beekeepers.

[Acts 1995, ch. 402, § 24; T.C.A. § 44-15-222.]

44-15-123. Indemnity for destruction.

The commissioner may establish procedures for the payment of indemnities for honey bee colonies destroyed under the authority of this chapter. Indemnity under this section is not intended to be a full reimbursement but a partial compensation based on, but not limited to, the value of the colonies and the availability of funds for such purpose. Indemnification may be disallowed if the owner is in violation of this chapter.

[Acts 1999, ch. 274, § 1; T.C.A. § 44-15-223.]

44-15-124. Restrictions on keeping honeybees in hives.

No county, municipality, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance or resolution prohibiting the establishment or maintenance of honeybees in hives, provided that such establishment or maintenance is in compliance with this chapter. This section shall not be construed to restrict or otherwise limit the zoning authority of county or municipal governments; provided, however, that a honeybee hive being maintained at a location in compliance with applicable zoning requirements on June 10, 2011, shall not be adversely affected and may be maintained at the same location notwithstanding any subsequent zoning changes.

HISTORY: Acts 2011, ch. 463, § 1.

44-15-125. Liability for personal injury or property damage.

(a) Any person who has registered an apiary pursuant to § 44-15-105, is otherwise in compliance with this part and operates such apiary in a reasonable manner shall not be liable for any personal injury or property damage that is caused by the keeping and maintaining of:

(1) Bee equipment, queen breeding equipment, apiaries, affiliated appliances that are located on such apiary; or

(2) Bees that nest in a beehive that is located on such apiary.

(b) The limitation of liability established by this section shall not apply to intentional tortuous conduct or acts or omissions constituting gross negligence.

HISTORY: Acts 2011, ch. 474, § 1.

Voluntary Honey Bee Best Management Practices Agreement

By initializing each page, signing this agreement and mailing it to the Tennessee Department of Agriculture, Apiary Section, Box 40627, Nashville, TN 37204 a beekeeper agrees to follow the Voluntary Honey Bee Best management.

(1) A beekeeper will be considered to be following Voluntary Honey Bee Best management practices if he/she does the following:

1. The beekeeper voluntarily agrees to conform to the Honey Bee Best Management Practices contained in this agreement as outlined below:

2. The beekeeper posts a honey bee caution sign in or near the apiary clearly indentifying the apiary with their unique Tennessee Apiary Registration number. The sign will be easily readable from a distance of fifty feet.

3. The beekeeper agrees to limit the number of hives in relation to property lot size in accordance with the following:

   In property, less than 0.5 acre - 4 colonies (0.5 acre = 21,780 sq. ft. roughly 100 ft. x 218 ft.).

   In property, more than 0.5 acre, less than 1 acre - 6 colonies (1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.).

   In property, more than1 acre, less than 5 acres - 8 colonies (1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.).

   In property, greater than 5 acres- No Limit on the number of hives (1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.).

   Regardless of lot size: If all hives are situated at least 200 feet in any direction from all inhabited dwellings on adjoining properties of the lot on which the apiary is situated or as long as all adjoining property that falls within a 200-foot radius of any hive is undeveloped property, there will be no limit on the number of hives.

   Regardless of lot size: There will be no limitation to the number of queen mating nucs.

   Regardless of lot size: if all hives are 20 feet or more above the ground on a platform or roof top there is no limit to the number of hives.

Initials _____

4. Hive entrances shall face away from neighboring property and in such a direction that bees fly across the beekeeper's property a sufficient distance to gain a height of six feet or above. If bordering property is within a distance of 50 feet, the use of barriers (hedges, shrubs or fencing six feet high) shall be employed to redirect the bees' flight pathway and establish bee flight pathways above head height.

5. Tennessee Beekeepers shall maintain a water source near the colonies at a distance less than the nearest unnatural water supply.

6. No apiary shall be kept within 50 feet of an established animal that is tethered, kenneled or otherwise prevented from escaping a stinging incident.

7. Tennessee Beekeepers shall avoid opening colonies for inspection or manipulation when neighbors are present or in the immediate vicinity.

8. It is strongly encouraged for Tennessee Beekeepers to avoid purchasing queens and honey bees from areas that are documented as having been designated as an established Africanized Honey Bee (AHB) zone and that they keep a record of when and from whom they have purchased queens for 3 years.

9. Tennessee Beekeepers shall manage all colonies to minimize swarming.

10. Tennessee Beekeepers shall within seven days replace queens in colonies exhibiting overly aggressive behavior that may be injurious to the general public or domesticated animals as determined by Tennessee Department of Agriculture Apiary Staff.

11. Any aggressive colony that remains overly aggressive after two attempts to requeen the colony will be immediately depopulated.

12. Anyone transporting colonies shall secure the load and screen entrances or place a net over the colonies to prevent bees from escaping.

13. Tennessee Beekeepers shall properly discard all pesticides and other control agents after proper use as label directions require.

14. Honey Bees used for public demonstrations, entertainment or educational purposes shall be enclosed so as to avoid release of honey bees to the public.

15. The beekeeper will not extract honey from the frames outdoors and exposed to free flying honey bees.

Initials _____

16. Tennessee Beekeepers shall manage all colonies to minimize robbing.

17. Tennessee Beekeepers will not place wet supers of extracted honey comb in an area accessible to free flying honey bees.

18. Tennessee Beekeepers shall notify the State Apiarist immediately if they encounter an overly aggressive colony.

(a) A Registered beekeeper signs a Voluntary Honey Bee Best Management Practices agreement to be kept on file at Tennessee Department of Agriculture headquarters.

Tennessee Registration Number _____

By signing this agreement, I agree to follow all the Best management Practices as listed above.

Sign _____ Date _____

Initials _____