

MINUTES OF REGULAR MEETING
BOARD OF MAYOR AND COMMISSIONERS
NOVEMBER 12, 2013

The Board of Mayor and Commissioners held its regular meeting on Tuesday, November 12, 2013, at 6:00 p.m., in the conference room at City Hall. Before calling the meeting to order, Mayor Jane Dawkins asked Terry Case to give the invocation and Commissioner Jimmy Wigfall to lead the pledge to the flag. Upon roll call, the following members were present: Commissioner Ronnie Lancaster, Commissioner Jimmy Wigfall, Commissioner Jeff Powers, Commissioner Debbie Hughes, and Mayor Jane W. Dawkins. Absent: none.

Mayor Dawkins asked the Board to review the minutes of the October 8, 2013 board meeting. A **Motion** to approve the minutes of the previous meeting was made by Commissioner Wigfall, seconded by Commissioner Hughes. Voting aye were five, none opposed.

The Mayor asked if there were any comments from the citizens. Suzanne Adcock, County Board Member of the Public Library, wanted to invite everyone to the Beene Pearson Public Library open house on Saturday, December 7th, from 11:00 a.m. to 1:00 p.m., after the Annual South Pittsburg Christmas Parade.

Brian Graham, C & D Recycling, stated that C & D Recycling is getting ready to expand. This will add approximately fifteen to twenty-two local jobs. Graham also said that they are in the early stages of negotiation of purchasing around twenty plus acres for their expansion. Mayor Dawkins said this was the first the Mayor and Board of Commissioners have seen or discussed of this proposal. She also said that the City is not as far along as C & D are at this point.

Lisa Bradford, Parks and Recreation Director, invited everyone to the Annual Christmas Parade on Saturday, December 7th, at 10:00 a.m. The line-up will begin at 9:00 a.m. behind Subway. The theme of this year's parade is "Christmas through the eyes of a child". There will be prizes awarded to floats: 1st place prize \$250, second place prize \$150, and third place prize \$100.

Mayor Dawkins said over four hundred people attended the 1st Annual Halloween Festival at the Armory on Monday, October 28th. She said the festival was a major success.

The Mayor announced the Grand Marshall for this year's Christmas Parade – Terrone Anthony "Bubba" Slatton. She said that Bubba was at the Fire Hall everyday volunteering after the July 10th flood.

Mayor Dawkins announced that on Tuesday, December 3rd, the Christmas Spectacular will be held at the Princess Theater at 6:00 p.m. This will feature the Chattanooga Choo-Choo Chorus along with the SP Elementary School Chorus and the SP High School Band. Santa Claus will make a special appearance. Tickets will be on sell at City Hall for \$5.00. Children five years and younger will be admitted free of charge.

Mayor Dawkins congratulated the South Pittsburg Academy Football Team for their Sequatchie Valley Conference championship.

The Mayor also announced that the South Pittsburg High School Pirates will be hosting Moore County this Friday, November 15th, 7:00 p.m., in the High School Playoffs at Beene Stadium.

Terry Case, SPHA Director, had no comment.

Russell McCain, Street Department Supervisor, said they have the leaf machine out trying to get the city ready for the Christmas Holidays. He also said that they should have all the Christmas lights up before Thanksgiving. The Mayor thanked the department for doing such a wonderful job.

Commissioner Hughes asked for an update on the houses in Richard City. Chief Dale Winters said that letters had been mailed out to the owners and they had ten days to respond. She also wanted an updated Police Report regarding the C & D oil spill that occurred on Friday, not Monday. Winters said he would update this report.

City Administrator Burrows said that around two hundred people have applied for assistance through a grant we received from THDA. He said that fourteen to fifteen people have been approved for money. The inspectors now have to go out inspect and estimate what these repairs will cost. In order for this to happen, the city has to adopt a resolution to follow their process and procedure. A **Motion** to pass **Resolution #936** (A Resolution Adopting and Approving the Tennessee Housing Development Agency Policies and Procedures for the 2013 Rebuild and Recover Disaster Program Grant) was made by Commissioner Hughes, seconded by Commissioner Lancaster. Voting aye were five, none opposed.

The Mayor said that City Administrator Burrows has been employed by the City since May 1st and it is now time to consider an employment contract for him. Attorney Billy Gouger stated that according to the city's charter the City Administrator serves at will the Board and cannot deviate from that by contract. Monroe Powers asked the Mayor to have the City Attorney elaborate on this contract. The Mayor and Attorney both stated that the contract is public record. Mr. Burrows will be paid \$48,000 per year. He will receive the same holidays, sick leave, and vacation leave as the other city employees. The contract contains provisions regarding termination for cause and other reasons other than termination for cause. It also includes voluntary resignation information. A **Motion** to pass **The Employment Contract** was made by Commissioner Wigfall, seconded by Commissioner Hughes. Voting aye were Commissioner Lancaster, Commissioner Wigfall, Commissioner Hughes, Mayor Dawkins. Commissioner Powers voted no.

A **Motion** to pass **Resolution #939** (A Resolution to Adopt a Policy and Procedures Guide for Capital Assets of the City of South Pittsburg, Tennessee) was made by Commissioner Powers, seconded by Commissioner Wigfall. Voting aye were five, none opposed.

A **Motion** to pass **Resolution #937** (A Resolution to Amend the Personnel Policy of the City of South Pittsburg, Tennessee, to Include Policy Guidelines on Take-Home Vehicles) was made by Commissioner Lancaster, seconded by Commissioner Powers. Voting aye were five, none opposed.

A **Motion** to pass **Resolution #938** (A Resolution to Amend the Personnel Policy of the City of South Pittsburg, Tennessee, to Add Bereavement Leave) was made by Commissioner Wigfall, seconded by Commissioner Hughes. Voting aye were five, none opposed.

Mayor Dawkins opened the floor for nominations for the City Judge position which has been held by City Attorney Gouger for the past eight and one half years. Commissioner Powers nominated Ron Powers to serve as City Judge. There being no other nominations, the Mayor asked for a **Motion** that Powers will accepted by acclamation. Commissioner Lancaster made this motion, seconded by Commissioner Wigfall. Voting aye were five, none opposed.

Mr. Powers stated that he appreciates the opportunity and confidence of the Mayor and Board of Commissioners and is looking forward to serving the City of South Pittsburg. Attorney Gouger said that Mr. Powers will have to be sworn in and administer the oath at a later date. This will have to be done before the next city court hearing in January, 2014.

A **Motion** was made by Commissioner Lancaster to terminate Paul West, City Police Officer. West also serves as a volunteer for the Fire Department. Attorney Gouger says this termination does not affect the volunteer position. He stated that all city employees are employed at the will of the Board and can be terminated for any reason as long as it is not for an illegal reason. This **Motion** was seconded by Commissioner Wigfall.

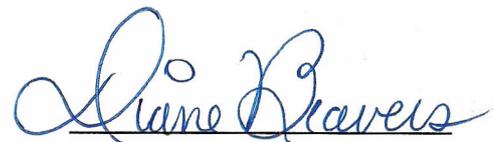
There being no further business and upon **Motion** by Commissioner Lancaster seconded by Commissioner Powers, the Mayor adjourned the meeting.

Approved:



Jane W. Dawkins
Mayor

Respectfully submitted,



Diane Beavers
Recorder

CITY OF SOUTH PITTSBURG, TENNESSEE
RESOLUTION # 936

**A RESOLUTION ADOPTING AND APPROVING THE TENNESSEE
HOUSING DEVELOPMENT AGENCY POLICIES AND PROCEDURES
FOR THE 2013 REBUILD AND RECOVER DISASTER PROGRAM GRANT**

WHEREAS, The City of South Pittsburg, Tennessee has received a \$300,000.00 grant for low-income housing rehabilitation assistance from the Tennessee Housing Development Agency (THDA); and

WHEREAS, as a condition of eligibility, THDA requires that grant recipients adopt the Agency's policies and procedures for the Rebuild and Recover Disaster Program Grant.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Commissioners of the City of South Pittsburg, Tennessee, that the City of South Pittsburg, Tennessee hereby approves and adopts the policies and procedures for the THDA Rebuild and Recover Disaster Program Grant.

Approved this the 12th day of November, 2013.



Jane W. Dawkins, Mayor

Attest



Diane Beavers
City Recorder

Employment Contract

This contract of employment is entered into between CITY OF SOUTH PITTSBURG,

TENNESSEE (hereinafter referred to as 'Employer' and SAMMY BURROWS

(Hereinafter referred to as ('Employee')) on November 12th, 2013 under the terms and

conditions of employment below:

1. **Commencement of Employment:** Effective from May 1st, 2013 for a fixed term contract period of (5) years ending May 1st, 2018.
2. **Position:** City Administrator (Article 3 Section 1.)
3. **Place of Work:** South Pittsburg, Tennessee
4. **Wages:** Basic wages of \$48,000 per Year to be reviewed after (1) year for possible consideration to increase compensation. Consideration shall be given on an annual basis to increase compensation throughout the entire length of employment contract.
5. **Holidays:** Employee shall be entitled to statutory holidays as specified in the City Personnel Policy.
6. **Paid Annual Leave:** Employee shall be entitled to paid annual leave according to the provisions of the City Personnel.
7. **Sick Leave:** Employee shall be entitled to sick leave according to the provisions of the City Personnel Policy.
8. **Health Insurance:** Employee shall be entitled to Health Insurance according to the provisions of the City Personnel Policy.
9. **Retirement:** Employee shall be enrolled into the applicable state or local retirement system and the employer shall make all the appropriate contributions on the employee's behalf.
10. **Termination and Severance:** Termination shall occur when :
 - The majority of the governing body votes to terminate the employee for "Just Cause" at a duly authorized public meeting. Employer is not responsible for providing any type severance package for termination for "Just Cause".
 - The Employer, citizens or legislature acts to amend any provisions of the [charter, code, enabling legislation] pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government, the

Employee shall have the right to declare that such amendments constitute termination and employer shall provide a severance payment equal to (6) month's salary at the current rate of pay. The employee shall also be compensated for all accrued vacation leave and all paid holidays.

- Breach of contract declared by either party with a 30 day cure period for either employee or employer. Written notice of a breach of contract shall be given by depositing in the custody of the United States Postal Service, addressed as follows:

1. [Employer] City of South Pittsburg, 204 West 3rd Street, S. Pittsburg, Tn 37380

2. [Employee] Sammy Burrows 830 Holly Ave. S. Pittsburg, Tn 37380

If Breach is made by Employer the Employee would be entitled to a minimum severance payment equal to (6) month's salary at the current rate of pay.

The employee shall also be compensated for all accrued vacation leave and all paid Holidays. If Breach is made by Employee no severance package is provided.

- Severance shall be paid to the Employee when employment is terminated by the Employer during the six (6) months immediately following the seating and swearing – in of one or more new governing body members, and during such time that the employee is willing and able to perform his duties under the Agreement. This type termination described here and termination without "Just Cause" shall result in the employer providing a minimum severance payment equal to (6) month's salary at the current rate of pay. This severance payment shall be paid as agreed on by the employer and employee. The employee shall also be compensated for all accrued vacation leave and all paid holidays.

11. Resignation: In the event that the employee voluntarily resigns his position with the employer, the employee shall provide a minimum of 30 days notice unless the parties agree otherwise.

The Employer and the Employee hereby declare that they understand thoroughly the above provisions and agree to sign to abide by such provisions. They shall each retain a copy of this contract for future reference.

Signature of Employee

Sam Burrows

Signature of Employer or Employer's Representative

Jane W. Dawkins

Position Held: Mayor

Date: 11-13-13

Date: _____

Attest: Diane Beavers
City Recorder

Date: 11-13-13

CITY OF SOUTH PITTSBURG
RESOLUTION # 939

**A RESOLUTION TO ADOPT A POLICY AND PROCEDURES GUIDE FOR
CAPITAL ASSETS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE.**

WHEREAS, the Governmental Accounting Standards Board has established new accounting rules known as GASB Statement No. 34; and

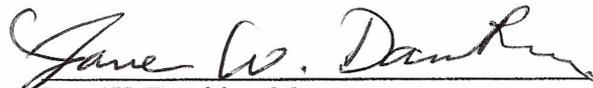
WHEREAS, these new rules substantially change the way governmental accounting is performed; and

WHEREAS, this Resolution adopts and establishes a policy and procedures guide for capital assets to establish thresholds that dictate when expenditures may be capitalized in accordance with generally accepted accounting principles.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Commissioners of the City of South Pittsburg, Tennessee, that the Policy and Procedures Guide for Capital Assets attached hereto as Exhibit "A" is hereby adopted.

BE IT FURTHER RESOLVED by the Mayor and Commissioners that this Resolution shall take effect immediately from and after its passage, as required by law, the public welfare requiring it.

Approved this the 12th day of November, 2013.



Jane W. Dawkins, Mayor

Attest:


Jane Deavers
City Recorder

DATE PASSED: November 12, 2013

CITY OF SOUTH PITTSBURG
RESOLUTION # 937

A RESOLUTION TO AMEND THE PERSONNEL POLICY OF THE CITY OF SOUTH PITTSBURG, TENNESSEE, TO INCLUDE POLICY GUIDELINES ON TAKE-HOME VEHICLES.

WHEREAS, based on a recommendation from the Tennessee Municipal League Risk Management Pool in a risk management loss control visit on March 26, 1996, the City of South Pittsburg, Tennessee acted to implement a policy on take-home vehicles; and

WHEREAS, the Board of Mayor and Commissioners of the City now desires to amend the personnel policy for the City of South Pittsburg, Tennessee to modify and amend the policy guidelines on take-home vehicles.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Commissioners of the City of South Pittsburg, Tennessee, that the take-home vehicle policy previously adopted on August 13, 1996, be deleted in its entirety and that the following take-home vehicle policy be substituted in lieu thereof, as an addition to Section 4-228. Miscellaneous Policies. (6) Use of City Vehicles and Equipment of the personnel policy of the City of South Pittsburg, Tennessee:

- (a) Take-home vehicles. The following personnel shall be allowed the use of take-home vehicles due to their being on call during non-scheduled hours, provided they live within fifteen (15) miles of the city limits: Police Chief, Police Officers, Highways and Street Director, Parks and Recreation Director, and City Administrator.

SPECIAL NOTE FOR POLICE OFFICERS: Police Officers shall radio the Dispatcher when they get in their car and give the beginning and ending mileage and advise the Dispatcher that they are at work, in route to court, etc. The Dispatcher will log the mileage accordingly.

Personnel with take-home vehicles shall not presume any special privileges with a city vehicle during off hours. Vehicles are for official use only. No employee shall use a city vehicle for personal business. Use of such vehicle shall be limited to travel to and from work, to and from official proceedings where attendance is required, to and from locations authorized for approved maintenance, and to and from emergency situations.

Non-employees may accompany one of the above-listed employees as passengers when the vehicle is operated during off hours with prior approval of the City Administrator. Passengers will be covered by the insurance of the City, but the safety of the passengers rests solely with the employee operating the vehicle.

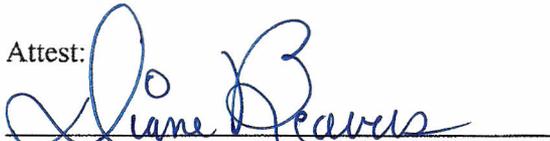
Employees using a take-home vehicle shall exercise good judgment in utilizing the vehicle and shall not drive or use the vehicle in a way that will cause unfavorable comment or reflect discredit on the City of South Pittsburg. Employees shall be responsible for seeing that their assigned vehicle is properly taken care of. Employees shall be responsible for seeing that maintenance is taken care of and that a proper vehicle maintenance log is maintained and a copy submitted to the City Administrator at the end of each month.

Any abuse of take-home vehicle privileges will result in loss of the privileges and/or disciplinary action.

BE IT FURTHER RESOLVED by the Mayor and Commissioners that this Resolution shall take effect immediately from and after its passage, as required by law, the public welfare requiring it.

Approved this the 12th day of November, 2013.


Jane W. Dawkins, Mayor

Attest: 
Diane Beavis
City Recorder

DATE PASSED: November 12, 2013

CITY OF SOUTH PITTSBURG
RESOLUTION # 938

A RESOLUTION TO AMEND THE PERSONNEL POLICY OF THE CITY OF SOUTH PITTSBURG, TENNESSEE, TO ADD BEREAVEMENT LEAVE

WHEREAS, by virtue of the provisions of the Personnel Policy of the City of South Pittsburg, Tennessee, the City Employees are allowed leave with pay under certain specific circumstances; and

WHEREAS, the Board of Mayor and Commissioners of the City has discovered that Bereavement Leave was omitted or removed from the City's Personnel Policy, and the Board now wishes to amend said Personnel Policy to include Bereavement Leave beginning immediately upon passage of this Resolution.

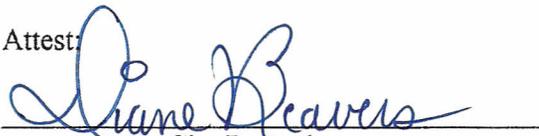
NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Commissioners of the City of South Pittsburg, Tennessee, that the City's Personnel Policy be amended to add Bereavement Leave for City Employees as follows:

Bereavement Leave. Bereavement Leave will be granted to full-time and regular part-time employees. Paid Bereavement Leave shall be granted in the case of the death of a member of the employee's immediately family. Time taken off as Bereavement Leave shall be paid at the employee's regular base pay for up to three (3) days. All Bereavement Leave must be approved by the employee's department head. Bereavement Leave shall not be deducted from any other type of leave earned by the employee. Temporary employees may request and be granted Bereavement Leave without pay in the same limits as listed above with the approval of the department head and/or City Administrator.

BE IT FURTHER RESOLVED by the Mayor and Commissioners that this Resolution shall take effect immediately from and after its passage, as required by law, the public welfare requiring it.

Approved this the 12th day of November, 2013.


Jane W. Dawkins, Mayor

Attest:

Diane Beavers
City Recorder

DATE PASSED: November 12, 2013