

November 10, 2015

Mayor Jane W. Dawkins	P
Commissioner Paul Don King	P
Commissioner Ronnie Lancaster	P
Commissioner Jeff Powers	P
Commissioner Jimmy Wigfall	P

The Board of Mayor and City Commissioners met in a Regular City Meeting on Tuesday, November 10, 2015.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Powers, to approve the minutes of the October 13, 2015 meeting. No roll call vote. Five voted aye.

A **Motion** was made by Mayor Dawkins, seconded by Commissioner Wigfall, to restart the recycle program on Friday, November 13th, at Slick Hudson's Convenience Center. Roll call vote: Commissioner Lancaster, no; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Four voted aye.

After a recommendation by Police Chief Robert Simpson, a **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to hire Emily Huston to the South Pittsburg Police Department. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, giving City Administrator Sammy Burrows permission to work with Terry Reynolds, Ragan-Smith Engineering Company, designing a transportation plan for the City of South Pittsburg. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

After recommendation by City Administrator Burrows, a **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to hire Logan Evans full time in the Street Department. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to purchase three (3) cars for the Police Department. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Three voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, authorizing City Administrator Burrows to use First Volunteer Bank (2.5%) of South Pittsburg, TN, to purchase the three (3) police cars. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Three voted aye.

A **Motion** to pass **Resolution #959** (A Resolution Amending the City's Personnel Policy Section: 4-221 Sick Leave) was made by Commissioner Wigfall, seconded by Commissioner Lancaster. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Three voted aye.

A **Motion** to pass **Resolution #960** (A Resolution Amending the City's Personnel Policy Section: 4-226 Retirement and Insurance Benefits) was made by Commissioner Wigfall, seconded by Commissioner Lancaster. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to pass on first (1st) reading **Ordinance # 758** (An Ordinance for the City of South Pittsburg to Amend the Zoning Ordinance of the City of South Pittsburg Pertaining to Alternative Financial Institutions). Roll call vote: Commissioner

Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to pass on first (1st) reading **Ordinance # 759** (An Ordinance to Abandon Alleyways Described Within the Body of this Ordinance and Shown on the Attached Graphic Within the Corporate Limits of the City of South Pittsburg, TN). Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, giving Trevor Shattuck permission to clean up the City Cemetary. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** to adjourn the meeting was made by Commissioner Wigfall, seconded by Commissioner Powers. No roll call vote.

Respectfully submitted,

Mayor Jane W. Dawkins
Diane Beavers, City Recorder

RESOLUTION NO. 959

A RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY SECTION: 4-221 SICK LEAVE.

Whereas, the City of South Pittsburg has adopted a set of Personnel Policies; and

Whereas, Section 4-221 of such Policies fails to adequately address the use of sick leave for immediate family members;

Now, therefore, be it resolved by the City Commission of the City of South Pittsburg, Tennessee, that Section 4-221 of the City's Personnel Policies Handbook is changed by deleting the following:

4-221. Sick Leave. Each regular full-time employee will accrue sick leave at the rate of eight (8) hours per month. An employee may accrue a maximum of 125 days of sick leave. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains. Any claim for sick leave after the first (3) days per year must be supported by a doctor's statement. Any further absences above three (3) days per year without a doctor's statement may be paid from the employee's earned annual leave at the discretion of the City Administrator. If the employee has exhausted his/her earned annual leave, such absences will be unpaid at the discretion of the City Administrator.

Each day deducted from an employee's sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days. Employees claiming sick leave while on annual leave must support their claim by a doctor's statement. When an employee is on "leave without pay" for 15 days during any calendar month no sick leave accumulates.

After an employee has exhausted his/her accrued sick leave, unpaid leave may be granted, at the discretion of the board of mayor and commissioners, as a reasonable accommodation to persons with disabilities, or he/she may be terminated if the employee is unable to perform their job or another job with or without reasonable accommodation. Should the employee be able later to return to work, upon presentation of certification by a doctor, he/she shall be given preference for employment to a position for which he/she is qualified with the approval of the city administrator or department head.

Employees may not borrow against future sick leave, nor transfer, earned sick leave to another employee. An employee, upon exhausting all earned sick leave may use earned annual leave or take leave without pay. Only the governing body, by a majority vote in a regular meeting, may make exceptions to leave policy due to unusual and/or extenuating circumstances.

Upon termination of employment for any reason, an employee shall lose all accrued sick leave and shall not be paid for any accrued sick leave.

Now, therefore, be it resolved by the City Commission of the City of South Pittsburg, Tennessee, that Section 4-221 of the City's Personnel Policies Handbook is changed by adding the following:

4-221 Sick Leave

Each full-time employee will accrue sick leave at the rate of eight (8) hours per month. An employee may accrue a maximum of 1000 hours (125 days) of sick leave. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains. Any claim for sick leave after three (3) consecutive scheduled work days must be supported by a doctor's statement. Any claim for sick leave after three (3) consecutive scheduled work days without a doctor's statement may be paid from the employee's earned annual leave at the discretion of the City Administrator.

- A. All sick leave must be approved by the employee's department head.
- B. Each day deducted from an employee's sick leave accumulation shall be for a regular work day and shall not include holidays and scheduled off days. Employees claiming sick leave while on annual leave must support their claim by a doctor's statement.
- C. After an employee has exhausted his/her accrued sick leave, leave without pay may be granted at the recommendation of the City Administrator and authorized at the discretion of the Board of Mayor and

Commissioners. Leave without pay will only be granted and for a period not to exceed one (1) month for good and sufficient reasons which are considered uncontrollable. If one (1) month of leave without pay is granted to the employee the employee will still be responsible for paying their part of the monthly health Insurance cost. When an employee is on "leave without pay" for over 14 days during any calendar month no leave accumulates until the employee returns to work.

D. Unpaid leave may also be granted, at the discretion of the Board of Mayor and Commissioners, as a reasonable accommodation to persons with disabilities, or he/she may be terminated if the employee is unable to perform their job or another job with or without reasonable accommodation. Should the employee be able to return to work on a later date, upon presentation of a certification by a doctor, he/she shall be given preference for employment to a position for which he/she is qualified with recommendation of the City Administrator and the approval of the Board of Mayor and Commissioners.

E. Employees may not borrow against future sick leave or transfer earned sick leave to another employee. An employee, upon exhausting all earned sick leave may use earned annual leave or take leave without pay. Only the Board of Mayor and Commissioners, by a majority vote in a regular meeting, may make exceptions to leave policy due to unusual and/or extenuating circumstances.

Upon termination of employment for any reason, an employee shall lose all accrued sick leave and shall not be paid for any accrued sick leave.

Other than as set forth below as it relates to members of an employee's immediate family, sick leave is to be used for personal illness of the employee only, except that sick leave may be used if the employee has been exposed to a contagious disease and his or her presence on the job would endanger his or her fellow employees. Sick leave is not extra "vacation" or "personal time". Sick leave may be taken for sickness, disability due to an accident or illness of one of the following members of the employee's immediate family:

1. Spouse
2. Children
3. Parents, foster parents and parents-in-law
4. Others, at the discretion of the Board of Mayor and Commissioners, who have a relationship with the employee which merits similar consideration.

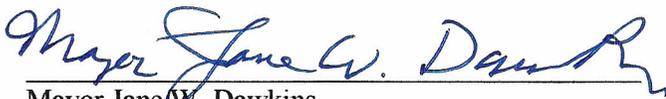
The employee's supervisor may require a doctor's statement for illness or other sick leave to document the necessity of such leave.

Improper use of sick leave shall be grounds for immediate termination by the Board of Mayor and Commissioners. Accrued sick leave will not be paid to the employee upon termination of employment.

Maternity leave is classified the same as any other temporary medical disability. Sick and annual leave may be taken and/or a leave of absence granted as in the case with other medical conditions.

Section 2. This resolution shall be effective upon final passage, the public welfare requiring it.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF SOUTH PITTSBURG,
TENNESSEE, ON THIS DAY OF 11-10, 2015.



Mayor Jane W. Dawkins



City Recorder Diane Beavers

RESOLUTION NO. 960

A RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY SECTION: 4-226 RETIREMENT AND INSURANCE BENEFITS.

Whereas, the City of South Pittsburg has adopted a set of Personnel Policies; and

Whereas, Section 4-226 of such Policies has changed due to health, life and retirement benefits provider changes;

Now, therefore, be it resolved by the City Commission of the City of South Pittsburg, Tennessee, that Section 4-226 of the City's Personnel Policies Handbook is changed by deleting the following:

(1) Retirement system.

Employees of the City of South Pittsburg will be eligible for retirement benefits under the Principal Financial Group 401K program and Social Security.

(2) Hospitalization insurance. Employees of the City of South Pittsburg

Are covered under the Blue Cross and Blue Shield Plan. Rules are set by the board of mayor and commissioners. Employees not covered under the city's plan must show proof of insurance if covered under another plan.

(3) Life insurance. City employees are covered under the Ohio National Plan. Rules are set by the board of mayor and commissioners.

Now, therefore, be it resolved by the City Commission of the City of South Pittsburg, Tennessee, that Section 4-226 of the City's Personnel Policies Handbook is changed by adding the following:

(1) Retirement system.

Employees of the City of South Pittsburg will be eligible for retirement benefits under the TCRS Retirement plan and Social Security.

(2) Hospitalization insurance. Employees of the City of South Pittsburg are offered coverage under the Blue Cross and Blue Shield Plan or Cigna. Rules are set by the board of mayor and commissioners. Employees not covered under the city's plan must show proof of insurance if covered under another plan.

(3) Life insurance. City employees are covered under Dearborn National Life Insurance Co. Rules are set by the board of mayor and commissioners.

This resolution shall be effective upon final passage, the public welfare requiring it.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF SOUTH PITTSBURG,
TENNESSEE, ON THIS DAY OF 11-10, 2015.



Mayor Jane W. Dawkins



City Recorder Diane Beavers

ORDINANCE NUMBER 758

**AN ORDINANCE FOR THE CITY OF SOUTH PITTSBURG
TO AMEND THE ZONING ORDINANCE OF THE CITY OF SOUTH PITTSBURG
PERTAINING TO ALTERNATIVE FINANCIAL INSTITUTIONS**

WHEREAS, Tennessee Code Annotated (TCA) § 13-7-201, allows for the zoning of territory within a municipality; and

WHEREAS, the South Pittsburg Municipal Planning Commission has certified a zoning ordinance as provided for in TCA § 13-7-202; and

WHEREAS, TCA §13-7-204 authorizes amendments to a zoning ordinance; and

WHEREAS, in accordance with TCA § 13-7-203 subsection (b), the South Pittsburg Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Commissioners; and

WHEREAS, in accordance with TCA § 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE THAT:

Section 1: **CHAPTER 2, Section 02.02. Definitions.** is amended with the addition of the term "Alternative Financial Institution" to be placed in its proper alphabetical order. The term shall read as follows:

Alternative Financial Institutions. establishments that are:

- (a) not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
- (b) regulated by the Tennessee Department of Financial Institutions; and
- (c) categorized for purposes of this Ordinance as:
 - 1) "Pawnbrokers" as defined at T.C.A. § 45-6-203; or
 - 2) "Title Pledge Lenders" as defined at T.C.A. § 45-15-103; or
 - 3) "Deferred Presentment Services" as defined at T.C.A. § 45-17-102; or
 - 4) "Check Cashers" as defined at T.C.A. § 45-18-102 except that Check Cashers do not include Check Cashers exempt from state

regulation pursuant to T.C.A. § 45-18-103, or

5) any combination of Alternative Financial Services which include, but are not limited to, "Pawnbrokers", "Title Pledge Lenders", "Deferred Presentment Services" and/or "Check Cashers" as defined herein.

Section 2: **CHAPTER 8 C-1 LOCAL HIGHWAY COMMERCIAL DISTRICT (LIMITED), Section 08.02. Uses Permitted** is amended with the addition of an item "12" which shall read as follows:

12. **Alternative Financial Institutions (Refer to Chapter 13, Section 13.15. Standards for Alternative Financial Institutions.)**

Section 3: **CHAPTER 9 C-2 GENERAL COMMERCIAL DISTRICT, Section 09.02. Uses Permitted** is amended with the addition of an item "5" which shall read as follows:

5. **Alternative Financial Institutions (Refer to Chapter 13, Section 13.15. Standards for Alternative Financial Institutions.)**

Section 4: **CHAPTER 13 SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS** is amended with the addition of a new "**Section 13.15. Standards for Alternative Financial Institutions.**" which shall read as follows:

Section 13.15. Standards for Alternative Financial Institutions.

Alternative Financial Institutions as defined in Section 02.02. of this ordinance shall adhere to the following regulations:

1. No Alternative Financial Services Establishment shall be located within 1500 feet of any other Alternative Financial Services Establishment, with the interval distance to be measured from property line to property line.
2. No Alternative Financial Services Establishment shall be located within 500 feet of any residentially zoned property, with the interval distance to be measured from property line to property line.

NOW, BE FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commissioners, the public welfare requiring it.

RECOMMENDED BY THE PLANNING COMMISSION: July 9, 2015

Date Advertised in the Chattanooga Times: 11-20-15

Date of Public Hearing: _____

First Reading: 11.10.15
Second Reading: _____

Mayor, Jane W. Dawkins

ATTEST:

Recorder, Diane Beavers

ORDINANCE NUMBER: 759

AN ORDINANCE TO ABANDON ALLEYWAYS DESCRIBED WITHIN THE BODY OF THIS ORDINANCE AND SHOWN ON THE ATTACHED GRAPHIC WITHIN THE CORPORATE LIMITS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE.

WHEREAS, the City of South Pittsburg has agreed to abandon an alleyway connecting to Elm Avenue between Fifth Street and Sixth Street as described in the body of this ordinance; and

WHEREAS, the Board of Mayor and Commissioners wish to formalize this agreement in writing; and

WHEREAS, the South Pittsburg Municipal Planning Commission has reviewed and recommended the proposed abandonment of the aforementioned alleyways in their meeting on October 22, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Mayor and Commissioners of the City of South Pittsburg that the Director of Public Works, for the City of South Pittsburg, is instructed and authorized to abandon an alleyway connecting to Elm street between Fifth Street and Sixth Street described more accurately within the body of this ordinance, said alleyway being within the corporate limits of the City of South Pittsburg:

Section 1: Unnamed alleyway defined by being adjacent to the southernmost lot line of parcel 1420 A 004.00, and the northernmost lot line of parcel 1420 A 038.00, which runs parallel to Fifth and Sixth Street, and touches and is perpendicular to Elm Avenue. The abandonment does not include any portion of the right-of way for Elm Avenue.

Section 2: All adjoining property owners shall be entitled to claim property to the center of the alley and to the extent upon which their property borders the street.

Section 3: The City of South Pittsburg, Tennessee reserves the right to maintain any utility easements within the abandoned right-of-way. Nor shall this ordinance impact any other easements which may be in place on the impacted alleyways.

Section 4: Any need to relocate utilities within the alleyways including but not limited to water, sewer and gas shall be the responsibility of the property owner(s) claiming the abandoned areas.

NOW, THEREFORE, BE IT ORDAINED that the Mayor of South Pittsburg and the City Administrator are authorized and instructed to execute the abandonment on behalf of the city.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in force immediately from and after its final passage, the public welfare requiring it.

FIRST READING: 11-10, 2015
SECOND READING: _____, 2015

Mayor, Jane W. Dawkins

ATTEST: _____
Recorder, Diane Beavers