

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
JUNE 25, 2013

PRESENT

SCOTT FOSTER, MAYOR
SCOTT SPROUSE, VICE-MAYOR
DON AMES, ALDERMAN
ARLENE CUNNINGHAM, ALDERMAN
HAMILTON FROST, ALDERMAN
PAUL R. GOODE, ALDERMAN
ROSA LONG, ALDERMAN
FRED QUALLS, ALDERMAN
MARK SKIDMORE, ALDERMAN
MATT STAMPER, ALDERMAN
LISA WEST, ALDERMAN
DARRELL WOODCOCK, ALDERMAN
JOHN BRADLEY, CITY ATTORNEY
KAY FRANKLIN, CITY RECORDER

ABSENT

JIM WATERS, ALDERMAN

AGENDA

Skidmore moved; seconded by Frost for acceptance of the agenda as presented.

PUBLIC HEARING

To hear comments on the proposed fiscal year 2013-2014 budget.

Michael Crabb, 203 Southburn Drive, addressed the Board stating each year the Public Works Department budget has \$100,000 included for drainage and that in the past eight years, has had access to \$900,000 and questioned where this money has been spent and on what projects. He stated it takes a catastrophe to get the Board to take action on drainage issues. He urged the Board to move forward with a bond issue for drainage projects and fix the problems and to keep moving forward.

E.P. Ausbrooks, 140 Fairways Drive, addressed the Board stating he feels the budget is too large, the pay plan give too large increases and too much money has been borrowed. He stated

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resources have not been managed well and to keep increasing the salaries of the persons responsible is wrong.

David Whitt, 1030 Margaret Drive, addressed the Board stating there are citizens dealing with flooding on an annual basis and it is devastating. He stated he has seen money spent on frivolous items and encouraged the Board to find the funds so no house will be flooded again. He cited the need for a tax anticipation note and questioned the number of other cities that must do this. He stated building permit fees should be increased. He further stated the Fire and Police Department employees deserve what is proposed in the pay plan but the amounts are too high for City Hall employees. He urged the Board to look at the proposed increases and get rid of the double digit increases and treat all employees the same.

Donna Desopo, 101 Chambliss Court, addressed the Board stating data supports the firefighters and police officers as being underpaid. She stated she researched other cities and feels the Board has been given flawed information. She stated larger pay increases should be given to lower level employees. She questioned paying a vendor to complete the pay plan and sell the compensation package. She stated the Board is not obligated to adopt the entire pay plan. She further stated her request for information was stonewalled and was not available to help her make a decision. She stated she feels there is wasteful spending while there are drainage and paving issues in the City. She questioned the \$4 monthly increase for trash collection and questioned why the City does not have once a week pick up.

Tara Furman, 121 Cloverdale Court, addressed the Board stating her concern with the salaries of the department heads and that all employees should be paid the same. She further stated police officers do more than any one person named in the pay plan. She questioned what these employees do to deserve these salaries. She stated police officers have to work off-duty to support their families and that she is ashamed to live in the City. She stated the police officers make people want to live in the City, not the department heads. She cited the insurance rate increase. She cited the salary of the Special Projects Coordinator and stated she can do that job and do it better than the current consultant. She cited the costs of training police officers.

Kevin Smokowski, 113 Elissa Drive, addressed the Board stating the compensation for executives is through the moon and questioned the necessity of borrowing money to meet payroll. He stated the budget needs to be in order and pay the employees what they deserve. He stated taxpayers struggle in order for executives to live off their backs.

MINUTES

Sprouse moved; seconded by West for approval of the June 11, 2013 minutes.

Sprouse requested an amendment to the minutes showing he voted aye on the motion to include the City Attorney and the City Judge's hourly rate be increased.

There was a unanimous vote for approval of the minutes as amended.

CITIZENS COMMENTS

Michael Crabb, 203 Southburn Drive, addressed the Board urging support of an ordinance amending the municipal code by deleting "excessively repetitive" from Guidelines for Public Comments. He questioned how many times a citizen can speak without violating this ordinance. He cited issues such as flooding and the need to be able to address the Board. He stated it is a bad idea to only limit comments to agenda items and to prohibit comments because the Board is tired of listening to citizens.

E.P. Ausbrooks, 140 Fairways Drive, addressed the Board encouraging citizens to speak and take part in government. He stated the garbage assessment is not a universal system and cited the difference between a one person household versus a large family being charged the same amount.

David Whitt, 1030 Margaret Drive, addressed the Board citing Ausbrooks credentials and stated the "excessively repetitive" comments restriction came about from people like him and Ausbrooks speaking about building codes. He stated their comments got building codes enforced and crawl spaces dry.

Donna Desopo, 101 Chambliss Court, addressed the Board stating to limit repetitive speech limits freedom of speech. She cited her comments on lack of street lights in her subdivision. She stated her concern with the City's lack of transparency as other city websites stream their meetings and have their budgets and pay plans online.

As there was no one else desiring to speak, Foster declared Citizens Comments closed.

Frost moved; seconded by Cunningham at 8:45 p.m. for a recess. There was a unanimous vote for approval.

The meeting reconvened at 8:55 p.m.

REPORTS

Finance Committee – recommended the proposed budget ordinance and amendments, the tax rate ordinance and the garbage assessment ordinance; recommended a \$1.25 million bond for drainage projects; recommended reducing the supplemental paving line item by \$205,000 and transferring this amount to capital projects for the fire hall remodel and an emergency communications network; recommended an ordinance using capital projects funds for city-wide street paving; recommended a resolution authorizing contributions to certain non-profit organizations and reviewed budget overages and May revenues which are over projection and up from last year.

General Committee – no report.

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Public Safety Committee – reported on a special meeting to review and recommended funding on an emergency communication network.

Public Works Committee – reported a joint meeting with the Capital Projects Committee was held.

Capital Projects Committee – reviewed with the Public Works Committee drainage issues and recommended the issuance of a bond to be used for infrastructure and recommended a meeting with Sumner County officials to discuss a formal agreement in regards to the library with the City continuing current maintenance.

Planning Commission – reported a public hearing will be held to hear comments on a new Preliminary Master Development Plan for Walton Park; review of the Final Master Development Plan for Millstone; review of the Preliminary Master Development Plan for Walton Park and review of acceptance of the dedication of the completed streets in Indian Ridge Subdivision, Phases I, II, III, IV, V and VI.

Mayor – announced the City's Freedom Festival will be on July 3 in Memorial Park with fireworks at 9:00; reported a public hearing will be held on the Sanders Ferry Boardwalk on June 27 at the library and reported paving on the Indian Lake Boulevard Bridge will be happening for the next five nights causing lane closures.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2013-28 was read on second and final reading, an Ordinance to adopt a City budget and to appropriate funds for Fiscal Year 2013-2014. West moved; seconded by Goode.

Qualls moved; seconded by Sprouse to amend Ordinance 2013-28 by increasing the Central Administration City Attorney line item \$8,500 and the City Judge line item by \$3,500.

The following voted on the above amendment:

Aye: Ames, Frost, Goode, Qualls, Sprouse, West, Woodcock and Foster.

Nay: Cunningham, Long, Skidmore and Stamper.

Foster declared the motion carried.

Frost moved; seconded by Skidmore to amend Ordinance 2013-28 by adding the intent to borrow up to but not to exceed Capital Outlay Notes in the amount of \$1,250,000.00 for drainage projects.

Cunningham requested a time limit of 12 or 24 months for the funds to be used be imposed.

Frost stated that could be discussed at the time of the bond issuance.

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There was a unanimous vote for approval of the above amendment.

Skidmore moved; seconded by Goode to reduce supplemental paving line item by \$175,000.00 and transfer to capital projects with the funds being used for the fire hall remodel.

There was a unanimous vote for approval of the above amendment.

Skidmore moved; seconded by Frost to reduce supplemental paving line item by \$30,000.00 and transfer to capital projects for an emergency communications network.

There was a unanimous vote for approval of the above amendment.

Qualls stated comments made that department head salaries were increased by double digits is not accurate and that several lower paid employees are receiving 10-11% increases as recommended by the pay consultant.

Stamper stated he disagreed with statements made about the City's debt and that the auditor's concern was with the general fund balance and not the City's debt.

Stamper moved; seconded by Cunningham to remove the Special Projects Coordinator appropriation by \$24,250.00

Ames questioned if a penalty would be assessed for termination of the contract.

Cunningham stated the contract is open ended.

Bradley stated the contract can be terminated.

Sprouse stated he feels a decision on terminating the contract should be made outside of the meeting and can't support removing this appropriation.

Ames questioned the return on the investment if the position saves the City money.

Foster stated a list of the Coordinator's projects has been provided and requested Finance Director Ron Minnicks address the need of the position in regards to the status of the timekeeping system.

Minnicks cited the history of past procedures to obtain an automated timekeeping system. He explained it takes several months to implement the system and the lack of staff to get this done.

Foster stated the Coordinator has skills necessary to handle some projects that will not get done without his assistance.

Cunningham stated she has had several requests for information that have not been fulfilled and stated MTAS offers free assistance. She stated the Coordinator's project list sounds like "wants"

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and not "needs". She questioned if the Coordinator's services could be used on an ad hoc basis instead of by contract and that \$75 per hour is an excessive amount.

Foster stated the contract stated the Coordinator would work 8-10 hours a week and for no more than \$24,250.00.

Long stated the Board should have been notified the Coordinator had been hired and feels these funds can go toward employee raises.

Qualls stated he also had some concerns about the Coordinator position and feels professional services can be bid for a more restrictive and less costly service. He stated he does not see the need for this contract.

Goode stated half of the Coordinator's list would cost more than \$24,250.00 and stated perhaps the contract could be re-evaluated in order to assist the Finance Director.

Woodcock stated his prior motion was made with the understanding the contract was for one year and that he feels misguided. He questioned whether the timekeeping system company would abandon the City if the Coordinator was not here.

Foster explained there needs to be someone here to work with the department heads and the timekeeping system representative to explain the process. He cited the difficult process of the continuing education policy and the Coordinator's previous work on the new travel policy and the details involved in those policies. He stated without the Coordinator, the Finance Director's time would be taken away to work on these projects.

Woodcock questioned getting help from MTAS.

Foster explained the City uses MTAS on a regular basis including the Police Chief recruitment and the City's garbage contract. He cited salary survey information provided by MTAS.

Ames stated the timekeeping system needs to be focused on but can't be done if the funds are removed. He questioned the possibility of leaving a reasonable amount of money to focus on specific needs.

Stamper stated he feels \$75 per hour is too much for this position and that these services could be provided with less money.

Stamper withdrew his previous motion.

Stamper moved; seconded by Cunningham to terminate the Special Projects Coordinator contract but retain the funding.

Sprouse stated his concern with an abrupt termination of the contract as work started will not be completed or knowledge transferred. He stated he is not sure \$75 per hour is too high as the consultant is responsible for his own taxes.

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Qualls stated his concern with the open contract but he is not uncomfortable with leaving funding to secure assistance toward a timekeeping system.

West moved; seconded by Stamper to amend the above motion to keep \$24,250 in the professional services line item for a timekeeping system.

Sprouse stated his concern with allowing for \$24,250 to be used for a consultant for the timekeeping system when this amount was originally to be used for a laundry list of items. He questioned reducing how the funds are to be used but not reducing the funds.

Qualls stated the entire amount will not be used for only one item and the proposal makes sense.

Cunningham questioned how long it will take to implement the timekeeping system after a vendor is chosen.

Minnicks explained recommendations from the past advised starting with small departments to work out problems and will be a long process. He stated he feels from choosing a vendor to implementation would be three to four months.

Ames stated there is a single purpose for this money up to a certain amount.

Ames moved; seconded by Stamper to call for the question.

There was a majority vote for approval with Long and Skidmore voting nay.

The following voted on the amendment to transfer \$24,250.00 to the professional services line item for a timekeeping system consultant.

Aye: Ames, Cunningham, Frost, Goode, Qualls, Stamper, West, Woodcock and Foster.

Nay: Long, Skidmore and Sprouse.

Foster declared the motion carried.

Skidmore questioned what the Coordinator's job does for the citizens of Hendersonville. He stated there is capable staff to take care of these items and the Mayor can deal with the department heads.

The following voted on the termination of the Special Projects Coordinator's contract and transferring \$24,250.00 to the professional services line item for a timekeeping system:

The following voted:

Aye: Ames, Cunningham, Frost, Goode, Qualls, Sprouse, Stamper, West, Woodcock and Foster.

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Nay: Long, Skidmore.

Foster declared the motion carried.

Sprouse cited the difficulty of pay plans in a public organization and the demand for positions over other positions. He questioned if the Fire and Police Chiefs were comfortable with the pay plan as presented. He cited the importance of bringing in independent sources to review pay issues. He stated the idea that fire and police employees be treated separately because what they do diminishes the importance of other City employees is very disappointing. He stated City staff works as a team and recognizes how hard it would be if other departments do not perform their jobs.

Cunningham stated she had concerns with upper level employees' proposed increases and did an independent analysis of the pay plan. She stated she was pleased that the majority of the 10% increases were in the Fire and Police Departments. She stated the pay plan is not perfect but feels it cannot be perfect with over 300 employees. Cunningham stated she is disturbed with the \$85,000 still in the State Street Aid line item that is to be used for vehicles and equipment. She stated as per MTAS, State Street Aid Funds can be used for paving, street repairs, curbing and sidewalks and not for SUV's.

Foster explained State Street Aid funds are set aside for equipment related to paving and trucks are related to paving. He explained the vehicles are at the disposal of staff for work on road projects including travel to TDOT.

Cunningham stated nothing states that State Street Aid funds are to be used for SUV's and she feels this is a misuse of funds.

Foster stated the trucks are shared by various Public Works employees and the City's audits are passed each year.

Cunningham questioned why there is not more detail in the line item.

Foster stated \$85,000.00 is included in the budget each year to be used to replace or repair equipment and it is not designated due to the unknown.

Cunningham moved to remove \$85,000 from line item assets of \$7,000 and above and transfer to maintenance equipment line item.

Motion died due to lack of a second.

Goode stated he would like to hear from the Fire and Police Chiefs on their opinion of the pay plan.

Police Chief Mickey Miller addressed the Board stating he feels this is an equitable and great pay plan and puts the employees in a good place.

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Fire Chief Jamie Steele addressed the Board stating his department cannot do their job without other departments. He stated the employees have been treated fairly and this is the best plan in years.

Frost cited the lack of pay increases for employees in recent years in order to retain jobs. He stated the Fire and Police Departments are two spokes in the wheel and that all jobs are necessary. He further stated he gave his word that pay increases would be given when the opportunity came.

There was a majority vote for approval of Ordinance 2013-28 on second and final reading with Long voting nay.

Foster declared the motion carried.

The caption of Ordinance 2013-29 was read on second and final reading, an Ordinance fixing the rate of taxation in the City of Hendersonville, Sumner County, Tennessee. Frost moved; seconded by West.

There was a unanimous vote for approval of Ordinance 2013-29 on second and final reading.

The caption of Ordinance 2013-30 was read on second and final reading, an Ordinance imposing a fee in the amount of \$259.00 for the purpose of funding "A Universal System of Domestic Garbage Collection and Disposal". Frost moved; seconded by West.

There was a unanimous vote for approval of Ordinance 2013-30 on second and final reading.

The caption of Ordinance 2013-27 was read, an Ordinance amending Hendersonville Municipal Code, Title 1, by deleting "excessively repetitive" from Guidelines for Public Comments. Woodcock moved; seconded by Cunningham.

Bradley explained this does not eliminate repetitive comments but only excessively repetitive comments. He stated excessively is defined as different from usual; not proper or normal.

Qualls stated citizens comments from other entities were reviewed and feels this language would catch almost no one. He stated these guidelines are working and doing no harm.

Ames called for the question.

The following voted on calling for the question:

Aye: Ames, Frost, Goode, Qualls, Sprouse, West and Foster.

Nay: Cunningham, Long, Skidmore, Stamper and Woodcock.

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Foster declared the motion failed.

Long stated citizens have the right to speak for five minutes on anything they desire and the Board needs to listen and be civil.

Stamper stated he is interested in what the citizens have to say and supports this ordinance out of respect.

Woodcock asked the Board to see the other side of the issue if they were experiencing an issue and could only address the Board for five minutes.

West stated she does not support eliminating "excessively repetitive" and will listen to anyone who wants to speak. She stated this guideline needs to remain in place to limit inaccuracies and control maliciousness and has never stopped anyone with an issue from addressing the Board.

Cunningham stated "excessively repetitive" is a subjective term and hard to measure and that the Board is here to serve. She stated she supports this ordinance and that malicious comments can be handled differently.

Woodcock stated he only intended to remove "excessively repetitive" and not malicious from the guidelines.

The following voted on Ordinance 2013-27 on first reading:

Aye: Ames, Cunningham, Frost, Long, Skidmore, Stamper and Woodcock.

Nay: Goode, Qualls, Sprouse, West and Foster.

Foster declared the motion carried.

The caption of Resolution 2013-13 was read, a Resolution authorizing the City of Hendersonville to contribute to certain non-profit organizations by appropriations in the annual general fund operating budget. Stamper moved; seconded by Frost.

There was a unanimous vote for approval of Resolution 2013-13.

OTHER AGENDA ITEMS

Goode moved; seconded by Sprouse for the reappointment of Mike Fussell to serve on the Industrial Development Board.

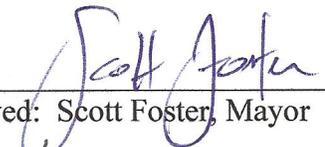
There was a unanimous vote for approval of the above appointment.

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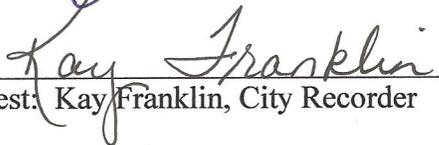
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Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 10:40 p.m.



Approved: Scott Foster, Mayor



Attest: Kay Franklin, City Recorder