

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
JULY 8, 2014

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
JIM WATERS, ALDERMAN
LISA WEST, ALDERMAN
DARRELL WOODCOCK, ALDERMAN
JOHN R. BRADLEY, CITY ATTORNEY
KAY FRANKLIN, CITY RECORDER

AGENDA

Skidmore moved; seconded by Sprouse for acceptance of the agenda.

Goode requested adding an announcement during the Mayor's report.

Goode moved; seconded by Skidmore to add an Executive Session for the Board.

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

There was a unanimous vote for approval to accept the agenda as amended.

MINUTES

West moved; seconded by Waters for approval of the June 24, 2014 minutes.

There was a unanimous vote for approval.

CITIZENS COMMENTS

Michael Crabb, 203 Southburn Drive, addressed the Board in regards to the termination of Public Works Director Jerry Horton.

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Belinda Bledsoe, 225 Shivel Drive, addressed the Board stating former Public Works Director Jerry Horton's many accomplishments during his tenure with the City.

Donna DeSopo, 101 Chambliss Court, addressed the Board on Public Works Director Jerry Horton's termination, the Mayor's and City Attorney's actions.

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

REPORTS

Finance Committee – no report.

General Committee – no report.

Public Safety Committee – no report.

Public Works Committee – announced a special Public Works Committee meeting will be held on July 10, 2014 to discuss the Savely Court drainage project.

Capital Projects Committee – no report.

Planning Commission – approved the Final Plat for Waterford Crossing, Phase 1, Section 1, re-subdivision of Lot B Open Space 1 and 2; approved the Site Plan for Gold's Gym parking addition; approved the Preliminary Plat for Falcon Ridge; approved the Site Plan for Our Lady of the Lake Catholic Church addition, approved with a waiver of remaining landscape requirements, the Site Plan for Burrus Elementary; approved with staff and developer to agree on payment-in-lieu-of bike trail and park, the Site Plan for The Reserve at Waterford and reported on a staff approved project for the Country Montessori School addition.

Mayor – reported on the successful Freedom Festival; reported problems still exist on the traffic signal synchronization due to the recent paving on Gallatin Road; reported paving has been done on Meadow Lake and opened bids totaling \$325,000 for drainage projects.

Goode announced the Agreed Final Judgment in regards to the TIF lawsuit was signed yesterday.

Goode announced the COMPASS breakfast will be held on July 14, 2014 at Long Hollow Baptist Church.

ORDINANCES AND RESOLUTIONS

The caption of Resolution 2014-17 was read, a Resolution of the governing body of the City of Hendersonville, Tennessee, authorizing the issuance, sale, and payment of General Fund Tax Anticipation Notes not to exceed two million five hundred thousand dollars. Qualls moved; seconded by Stamper.

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There was a majority vote for approval of Resolution 2014-17 with Cunningham, Long and Woodcock voting nay.

Foster declared the motion carried.

The Board went into Executive Session at 8:05 p.m.

The Board reconvened at 9:18 p.m.

Sprouse moved; seconded by Goode to suspend the rules to allow Steve Hawkins, Administrator, Tennessee Occupational Safety and Health to address the Board.

Hawkins explained his agency is required to determine if there is a connection between the reporting of safety concerns and discrimination by Robert Cox and does not mean they have reached the determination that discrimination occurred; but it appears on the surface that this allegation is true. He explained the next step is to seek a settlement for the complainant that can be agreed upon; generally that is lost wages and an offer of employment reinstatement to the same capacity when terminated.

Goode moved; seconded by Frost to reinstate Robert Cox at the level of his position he held when he left and/or was terminated from the City and include all back pay less any credits from unemployment, all contingent upon any lawsuits or grievances against the City being dropped or anything related to such, and that Cox is given ten days to either accept or decline.

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

Bradley explained there were several other employees that were affected by the Public Works Department in this period of time going back to a benchmark of one year previous to tonight where there have been employees that have been fired, resigned, reassigned, demoted and various negative actions taken against these employees. Several of those that are no longer with the City have expressed an interest in coming back to the City and as you know, we have Personnel Rules that govern how we hire people and how we recruit people when there are vacancies, and in this case, an unusual case, it seems appropriate to the Mayor, and I concur, that we ask this Board to suspend the applicability of the Personnel Rules as they would normally and strictly apply to rehiring people. These folks that have left in the past year have all been hired at one time by the City recently, or have worked here many years, and it seems appropriate that they not have to go through that process again given the fact that we have made this decision with respect to Mr. Cox's termination. It seems fair and the right thing to do to make a similar kind of offer to other former employees to come back to work if they want to with a streamlined rehiring process for lack of a better way to put it. We have two employees that had resigned that have notified us they would like to rescind those resignations, both of which have been within the last two weeks and we have never formally acted on those resignations so that part of this would be that you also approve those people coming back to work without any loss of pay other than the time they actually did not work and without the loss of benefits. To make it clear, we are asking that this period of thirty days where anyone in the position referenced above, demotion, suspension, being fired or resigning under pressure or because of the situation in the

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Public Works Department, could seek rehiring and could notify the Personnel Office of their interest and the Mayor and the Personnel Office could get together and decide the proper terms for those folks to come back without the strict application of the Personnel Rules for a period of thirty days. I would ask someone approve that in the form of a motion.

Frost moved; seconded by Sprouse to suspend the applicability of the Personnel Rules as they would normally apply to rehiring people as stated above.

Sprouse confirmed the above motion includes resignation and retirement.

Bradley stated yes, there was at least one employee that retired and he would be made the same offer. He stated as part of the motion, after the process is completed, that if the Mayor's office feels like it needs to come back to the Board for ratification that would also be done.

The maker and second of the motion agree to the above addition to their motion.

There was a unanimous vote of approval of the above motion.

OTHER AGENDA ITEMS

West moved; seconded by Sprouse for the appointment of Sheridan Ernst-Cavanaugh to serve on the Hendersonville Arts Council.

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

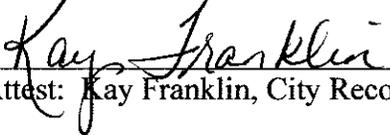
Sprouse moved; seconded by Skidmore for the appointment of Charles A. Young to serve on the Hendersonville Arts Council.

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

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 9:20 p.m.



Approved: Scott Foster, Mayor



Attest: Kay Franklin, City Recorder