

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

APRIL 9, 2009

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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, April 9, 2009 at 7:00 P.M. in the Council Chamber of the City of Henderson City Hall. Present and presiding was Mayor Robert W. (Bobby) King and the following:

Aldermen: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner,  
Buel Maness, Michael Phelps and Keith Smith.

Absent: None

There also present were: City Attorney Jerry Spore, City Recorder Jim E. Garland, Police Chief Tommy Davis, Public Works Director Jerry King, Building and Zoning Official Brent Beshires, Utility Director Mark Elkins and Fire Chief Glenn Bryan.

Alderman Keith Smith gave the invocation and Alderman Michael Phelps led the Pledge to the Flag. The following proceedings were entered here-to-wit:

The minutes of the previous meeting were presented for approval. There being no questions or corrections, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to approve the minutes as prepared. Motion carried.

The accumulated accounts were presented for informational purposes and the board was asked if they had any questions concerning the accounts. There being no questions concerning the accounts, the meeting continued.

Delegations were called for by Mayor King. Richard Taylor of FHU was listed on the agenda but they had asked to be removed from the agenda and would address the matter at a later date.

Mr. Mike Smith, Executive Director of SWHRA was present and addressed the board. He spoke of the good relationship between the City and SWHRA. He spoke of the programs that SWHRA provides and the additional funds that the organization will receive under the new federal stimulus program. He explained to the new members of the board and the audience that SWHRA operates in buildings constructed and owned by the city. They are currently paying a total of \$86,000 per year lease on the central office building with the addition and \$17,009 per year on their 4,000 square foot storage building. Under the new stimulus program, the Commodity Program has increased dramatically and as such it has taken all the storage space that the organization has on hand. They are currently leasing space and they wish to build onto the storage building. They wished to add an additional 4,000 square foot of space to the commodity storage building and to enter into a lease to retire the debt. Their board has not formally approved this action but it was on the agenda for the May meeting. SWHRA has a desire to own the buildings that they reside in at some point the future. The lease amendment for

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the addition to the center office that took place two years ago was never finalized by both organizations. A committee of the city council, former Mayor Patterson and Recorder Garland had meet with Mr. Smith and representatives from SWHRA concerning this matter but an agreement could not be reached due to the ownership issue that was being proposed by SWHRA. SWHRA did start paying the lease payment as agreed upon when the city agreed to build the addition. Mr. Smith stated that currently his board is adamant about some agreement being reached where they can own the buildings at some point. They are ready to meet with the city to begin a dialog to see if any terms could be reached to that end. Concerning the current request for the addition to the storage building, Mr. Smith stated that he wanted to double the size of the building at a cost of approximately \$350,000. They would like to have this completed in approximately six months.

Mayor King stated that based on his understanding, SWHRA came to the city many years ago and asked that the city build them an office building. At the time SWHRA could not build their own building or issue long term debt. They also could not guarantee their existence but from year to year depending on federal and state funding. The city took the risk and built the building with no guarantees. Now that portions of the building debt have been paid off, the city was finally recovering something for that risk. This is the reason that the ownership is an issue. Mayor King recommended a committee of three members of the board be appointed to meet with SWHRA to review the existing agreements and then make a recommendation back on any action to the full board.

Concerning the addition to the storage building, Mr. Smith wanted permission to contact an architect to design the building. He said that SWHRA could pay for the building or the city could do so and they would lease the space. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to authorize Mr. Smith to hire an architect to design the storage building addition and determine the cost and in the meantime the committee would work out the details on the options on paying for the construction. Motion carried. Mayor King recommended that Ald. Farris, Ald. Smith and Ald. Faulkner serve on the committee to work with SWHRA on these matters and make a recommendation back to the full board for consideration.

The next item on the agenda was to consider action amending the Flood Maps for the City and the Planning Region. Mayor King opened the floor for a public hearing on the proposed amendments. Said hearing and the proposed amendments was duly advertised in the "Chester County Independent" newspaper. Building and Zoning Official Brent Beshires addressed the audience and the board members concerning the amendments stating that the amendments were recommendations made by FEMA and in order for persons with structures in the flood plain to continue to receive the national flood insurance coverage, the amendments must be approved by the local governing body. Mayor King asked for public comments about the amendments, there being none the public hearing was closed.

Motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. by Ald. Faulkner to pass Ordinance #442 amending the City Flood Panels on the first reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

With the vote being unanimous, motion was made by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Smith to pass Ordinance #442 on the second/final reading. Upon a roll call vote the following was cast:

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Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Ordinance #442 duly passed and the City Flood Maps amended.

Motion was made by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Phelps to pass Ordinance #443 amending the Regional Flood Panels on the first reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

With the vote being unanimous, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to pass Ordinance #443 on the second/final reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Ordinance #443 duly passed and the Regional Flood Maps amended.

The TML Risk Management Pool (the Pool) has sent a letter requesting that the city (along with all other participants in the Pool) adopt an updated Resolution and authorize Mayor King to sign the new Interlocal Cooperation Agreement. This will accomplish the following things: 1) Removes the assessment clause and wording, 2) Adds Addendum 1 – the Ethics Policy and 3) Housekeeping change regarding the Pool's Board structure as per the TML Pool Charter. After due discussion, motion by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to adopt the Resolution No. 2009-003 and to authorize Mayor King to sign the new Interlocal Cooperation Agreement. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Resolution No. 2009-003 duly adopted.

An ordinance amending Title 18 and Title 19 of the Municipal Code was presented for consideration. The ordinance as proposed does the following: 1) waves the reconnection charges for water and gas for persons qualified and receives funds through department's Helping Hands Program, 2) amends the way the cost of natural gas is calculated in order to reflect changes in the way the city purchases natural gas, and 3) states that the markup on the natural gas is set by resolution by the board and not by the ordinance itself. Mayor King, Recorder Garland and UD Elkins explained the proposed ordinance. The Ordinance reads as follows:

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ORDINANCE NO. 444

AN ORDINANCE TO AMEND TITLE 18 AND TITLE 19 OF THE HENDERSON MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE, THAT:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE, THAT:

**Section 1.** Title 18, Chapter 1, Section 18-115 is hereby amended to read as follows:

**18-115. Reconnection charges.** Whenever water/sewer and/or natural gas service has been discontinued for non-payment, a reconnection charge of fifty dollars (\$50.00) shall be collected by the city before service is restored. The reconnection fee shall be waived for customers who qualify for utility payment assistance through the Helping Hands Program.

**Section 2.** Title 19, Chapter 2, Section 19-208 is hereby amended to read as follows:

**19-208. Reconnection charges.** Whenever natural gas and/or water/sewer service has been discontinued for non-payment, a reconnection charge of fifty dollars (\$50.00) shall be collected by the city before service is restored. The reconnection fee shall be waived for customers who qualify for utility payment assistance through the Helping Hands Program.

**Section 3.** Title 19, Chapter 2, Sections 19-201 through 19-204 are hereby amended as follows:

Natural gas rates for all “inside” city customers presently reads as follows:

“All Gas Usage .....Cost of gas including pipeline and storage charges for the previous month **plus** \$2.00 Per MCF”

This rate shall be amended to read:

“All Gas Usage .....Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, **plus** a markup per MCF set by resolution of the Board of Aldermen that covers the operations and overhead expenses of the department.”

Natural gas rates for all “outside” city customers presently reads as follows:

“All Gas Usage .....Cost of gas including pipeline and storage charges for the previous month **plus** \$2.20 Per MCF”

This rate shall be amended to read:

“All Gas Usage .....Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, **plus** a markup per MCF set by resolution of the Board of Aldermen that covers the operations and overhead expenses of the department.”

The Optional Industrial Rate presently reads as follows:

“Deliverability charge of 10% of the pipeline monthly charge, plus The city cost of natural gas (commodity), plus \$1.40 per MCF.”

This rate shall be amended to read:

“All Gas Usage .....Cost of gas including pipeline, inventory, storage and all other related charges as certified by the utility director and approved by the mayor, plus a markup per MCF set by resolution of the Board of Aldermen that covers the operations and overhead expenses of the department.”

**Section 4.** BE IT FURTHER ORDAINED THAT this ordinance shall take effect immediately upon final passage, the public safety and welfare requiring it.

After due discussion by the board motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Phelps to pass Ordinance #444 on the first reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness, Michael Phelps and Keith Smith.

Noes: None.

With the vote being unanimous, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to pass Ordinance #444 on the second/final reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness, Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Ordinance #444 duly passed and Title 18 and Title 19 amended.

With the change brought about by the above ordinance, the board now needed to set, by resolution, the natural gas markup. The rate being proposed was identical to the rate that had been set by the previous ordinance. The resolution reads as follows:

**RESOLUTION NO. 2009-004 .**

**A RESOLUTION TO APPROVE THE NATURAL GAS MARKUP PER MCF TO COVER THE COST OF OPERATIONS AND OVERHEAD PER THE REQUIREMENTS OF CITY OF HENDERSON MUNICIPAL CODE; TITLE 19, CHAPTER 2, SECTION 19-201.**

**BE IT RESOLVED BY THE CITY OF HENDERSON BOARD OF MAYOR AND ALDERMEN THAT:**

The markup for “inside” city natural gas customers shall be \$2.00 Per Mcf.

The markup for “outside” city natural gas customers shall be \$2.20 Per Mcf.

The markup for “Optional Industrial Rate” customers shall be \$1.40 Per Mcf.

**BE IT FURTHER RESOLVED THAT THE NATURAL GAS MARKUP FEES SET FOR IN THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION. THE PUBLIC WELFARE REQUIRING IT.**

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After due discussion, motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Farris to adopt the Resolution No. 2009-004 and to set the natural gas markup. Upon a roll call vote the following was cast:

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Ayes: Robert C. (Bobby) Barnes, Johny R. Farris, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Resolution No. 2009-004 duly adopted.

The bids received on the City Park Restroom/Concession Stand facility are as follows:

- 1) Eddie Mathews Construction ----- \$ 94,071.00
- 2) E & T Contracting ----- \$ 98,800.00
- 3) Mid South Business Construction ----- \$ 110,987.00
- 4) Julian Builders ----- \$ 118,471.00
- 5) M & M Construction ----- \$ 120,664.43
- 6) Clark Builders ----- \$ 138,339.00

The city received a grant in the amount of \$30,000 and the board understood and expected the bids to be somewhat higher than the grant amount but no one expected the bids to be this high. If the city did not use the grant funds very soon, they would have to be returned to the state. The board discussed options and suggested building only the restroom portion of the building. The funds from the soccer organization were discussed and they had pledged \$10,000 for the project in order to get some storage rooms in the building but even those funds are questionable after Soccer Director Kim McNeil stated that they did not have the funds and that it may take them two years to come up with the \$10,000. The cost of the building was discussed in depth and the requirements to conform with the 2006 International Building Code. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to reject all the bids. Mayor King and Building Official Beshires were instructed to see if they could determine what a restroom only facility would cost and report back to the board during budget meetings.

Fire Chief Glenn Bryan advised the board that the emergency generator for Station #1 had to be replaced. It was no longer cost effective to repair the old generator. The new generator cost \$5100 and Chief Bryan asked permission to transfer unused funds from Volunteer Fire Pay to cover the cost of the new generator. Motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Phelps to approve the purchase and the budget line item transfer to cover the cost of the generator. Motion carried.

Police Chief Tommy Davis advised the board that under the Stimulus Package, the Henderson Police Department received \$12,796.00 for equipment with no local matching funds. He asked permission to apply for the grant and to use the funds for the purchase of new portable radios for all police officers. Many of the existing radios are in excess of 10 years old. Motion by Farris, duly 2<sup>nd</sup> by Ald. Phelps to approve the grant application and the portable radio purchase. Motion carried.

The proposed rules for the Farmers Market were presented for consideration as follows:

FARMERS MARKET GUIDELINES

Mission: To provide the community with a clean, safe and friendly environment for customers and vendors with offerings of produce. This market will provide a gathering place that is an asset to the community.

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A. Market operation: Spaces are available Monday thru Saturday only. No Sunday sales. Available during daylight hours only.

B. Availability: Six total spaces (stalls) available that can be reserved up to one week in advance by calling City Hall. Stalls will be reserved on a weekly basis. Stalls will be numbered and will have electrical hook ups.

C. Housekeeping: Vendors will clean their space before leaving each day. No produce, pea hulls, corn shucks, etc will be left overnight. Boxes, crates, bags will be removed each night.

D. Minors: A parent or guardian must accompany Vendors under age 18. Vendors' children, under the age of 10, must be accompanied by an adult when leaving their stall.

E. Behavior: Hawking or calling attention to your product in a loud, repetitive public manner is not allowed.

F. Prohibited: Yard sales/rummage sales.

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Motion by Ald. Barnes, 2<sup>nd</sup> by Ald. Smith to approve the rules as prepared. Motion carried.

Mayor King stated that there were several step raises for employees that were scheduled to take place before July 1<sup>st</sup> but due to the budget situation, he asked if the board wanted to go ahead with the raises as scheduled or wait and consider them along with budget. This matter was discussed in depth by the board. Motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to approve the step raises due prior to July 1<sup>st</sup>. Motion carried.

Ald. Smith asked that another ad be run in the local newspaper notifying citizens about the end of loose leaf pickup. He stated that several persons are continuing to rake loose leaves even though the city had stopped this service till the fall. The city does continue to collect bagged leaves all year.

Mayor King reported that the mowing bid for the cemetery had been awarded to Andrew Carroll for this mowing season.

A Budget Meeting was set for April 20<sup>th</sup> at 6:00 PM.

There being no other business, motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Faulkner to adjourn. Motion carried.

Signed: Robert W. King

APPROVED: \_\_\_\_\_  
MAYOR

Signed: Jim E. Garland

ATTEST: \_\_\_\_\_  
CITY RECORDER