

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
AUGUST 13, 2009

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, August 13, 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 Bobby Barnes gave the invocation and Alderman Johny Farris led the Pledge to the Flag. The following proceedings were entered here-to-wit:

The minutes of the previous meeting of the city board were presented for approval. Recorder Garland asked the board to make a correction on page two of the minutes, first paragraph when the document states that the meeting would be recessed until "August 16th" when it should read "July 16th". There being no questions or corrections, motion was made by Ald. Farris, duly 2nd 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. Ald. Smith asked about the roof repair on the industrial building. Recorder Garland stated that Matlock Roofing is still going by during/after rain events to check for more leaks. There being no other questions concerning the accounts, the meeting continued.

Delegations were called for by Mayor King.

Mayor King introduced Mrs. Emily Shelton who had been appointed as the new director of the Chamber of Commerce. Mrs. Shelton stated that she had been on the job for about three weeks and was really excited about working for the Chamber. She thanked the city for their ongoing financial support and she stated that she looked forward to working with the city in the future.

The next item was to consider final action on the proposed rezoning from M-1 (Light Industrial) to B-4 (Highway Business), a tract of land along the east side of the Industrial Drive. The land is located from approximately 1132 Industrial Drive north to and including the water

tank at 1150 Industrial Drive. The property is owned by the City of Henderson. The public hearing and first reading took place at the July meeting.

Motion was made by Ald. Faulkner, duly 2nd by Ald. Farris to pass the ordinance (Ordinance #449) to rezone the property on the second/final reading. Upon a roll call vote the following was cast:

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

Noes: None.

Therefore Mayor King declared Ordinance #449 duly passed and the property rezoned.

A request was made to allow the 911 Director to assign all house numbers in the city using the city's existing grid system of numbering. This would be done at no cost to the city. Building Official Brent explained that this matter had been discussed for several months with the 911 Director and the 911 Board. At the current time some of the city numbers are assigned by Mr. Beshires while other numbers on certain streets are assigned by 911. This is mainly due to annexation of areas since the inception of the 911 system. Making this change will allow a single point of contact for all house numbers. The board members had concerns about the 911 Director having the authority to change street names or existing street numbers. The procedure for street name changes was reviewed and only the city board could change existing street names. It was explained that for new streets, street names were recommended by the developer, reviewed by the 911 Director to ensure no conflicts with existing street names and approved by the planning commission along with the plat. The city board asked that before the 911 Director changed any existing house numbers, that a list be prepared and presented to the city board for approval before the residents were notified. With the above stipulations, motion was made by Ald. Farris, duly 2nd by Ald. Smith to allow the 911 Director to number all homes inside the city using the existing grid system of numbering. Motion carried.

At the meeting on July 16th, the city board authorized that bids be taken for the sale of the Industrial Building located at 60 Record Drive and approximately 3.97 acres of land with a minimum bid of \$225,000. The city received no bids on the building. Mayor King asked what the board members wished to do about the building. Several options were discussed. Ald. Barnes expressed his willingness to provide the building at a reduced cost to a company willing to provide a specified number jobs and equipment investment at the site. Ald. Farris wanted to advertise the building for sale or lease. Ald. Faulkner stated that he felt the building was priced too cheap and wanted the city to hold onto it. Ald. Smith stated that he felt that the city should sell it to anyone willing to pay the set price of \$225,000. The building had been listed for over year on the WTIA website with the entire 7 acres for \$425,000. With the board members unwilling to sell the entire site at this time, motion was made by Ald. Farris, duly 2nd by Ald. Barnes to remove this advertisement for of the entire site from the WTIA website. Motion carried.

After further discussion, motion was made by Ald. Faulkner, duly 2nd by Ald. Smith to authorize Mayor King to sell the building to anyone willing to purchase the building with the 3.97 acres for \$225,000, put down a 5% non-refundable deposit, and close within 30 days. Motion carried.

Mayor King reported that Andrew Carroll had the contract for the mowing of the city cemeteries. During the time when he submitted his bid, his other employment at the Chickasaw

Golf Course was questionable due to the proposed closing of the course. Since his employment at the golf course had continued, he was having trouble fulfilling his obligations to the city. The cemetery was in terrible shape and needed attention. Mayor King called Mr. Carroll and a mutual decision was made to terminate his mowing contract. Mayor King called the next lowest bidder Mr. Kenneth James and he was willing to mow the cemetery for his bid amount of \$840 per mowing (only \$40 per mowing higher than Mr. Carroll). Motion was made by Ald. Farris, duly 2nd by Ald. Smith to award the contract to Mr. James pending proper insurance. Motion carried.

Attorney Larry McKenzie had contacted the city after completing a title search on the Specialty Products building at 170 Record Drive that Dr. Carey Frix had agreed to purchase. In a strange turn of fate, the City of Henderson had a First Right of Refusal on the property. The board members were familiar with the building. The selling price was somewhere in the range of \$200,000 to \$240,000. Mayor King asked if the city was willing to release their First Right of Refusal or were they interested in purchasing the building. After due discussion, motion by Ald. Faulkner, duly 2nd by Ald. Maness to release the First Right of Refusal. Motion carried.

Mayor King advised the board that he, PWD King and Recorder Garland along with county officials met with TEMA and FEMA about the possibility of receiving federal funds for the recent storm cleanup. Based on initial estimates, the city and county may get 75% reimbursement on the cleanup cost.

Ald. Smith reported back to the board about the status of some sidewalks that had been removed by FHU. These sidewalks include in front of Paul Gray Hall and more importantly in front of the Black Box Theater. He stated that Dwayne Wilson of FHU stated that the work will be completed prior to the beginning of school year which is the weekend of August 22nd. There was some concern from the city about possible liability due to this situation.

Ald. Smith also stated that there had been concerns expressed to him about people trying to cross the ditch at the City Park behind the Civitan Pavilion to get to the soccer fields. Someone had evidently piled some stones in the ditch and people were attempting to cross on them and falling. Due to liability, does the city need to address this matter? A culvert was discussed but PWD King reported that due to the amount of water that flows down that drainage area during large rain events, culverts were not practical and previous culverts have been washed out of the ground. He suggested a concrete forge be made which the water could run over during large rain events. The board authorized PWD King to build the forge if he feels this is the most feasible solution.

The widening of the end of North Ave at W. Main Street was discussed. PWD King stated that project materials would cost an estimated \$4,500. After due discussion, motion was made by Ald. Smith, duly 2nd by Ald. Phelps to widen the street if the funds were in the budget. Motion carried.

City Attorney Jerry Spore asked that the board meet with him concerning a legal matter after the adjournment of the meeting.

UD Elkins addressed the board that Utility Clerk Angie Hysmith Morris had been omitted from the approved step increases at budget time. According to her hiring documents,

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she was due a step increase to \$12.11 per hour. Motion by Ald. Barnes, duly 2nd by Ald. Farris that the raise be approved retroactive to budget time. Motion carried.

Fire Chief Glenn Bryan reported that the fire department recently received a severe lightening strike that caused in excess of \$10,000 in damage. Most of the damage will be covered by insurance.

There being no other business, motion by Ald. Farris, duly 2nd by Ald. Smith to adjourn. Motion carried.

Signed: Robert W. King

APPROVED: _____
MAYOR

Signed: Jim E. Garland

ATTEST: _____
CITY RECORDER