

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
FEBRUARY 12, 2009

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, February 12, 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 Captain Derek Holloway.

Alderman Michael Phelps gave the invocation and Alderman Buel Maness 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 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. There being no questions concerning the accounts, the meeting continued.

Mayor King asked for delegations to address the board, there being none, the meeting continued.

The first item on the agenda was to discuss the progress made on the handicap accessible playground for the Gene Record Park. Ms. Katrina Vince spearheaded this project and the fundraising to provide the money for the construction. A detailed report of the fundraising efforts was presented to the board members showing that of the \$109,168 pledged for the project, \$104,785 had been received by the city. Ms. Vince reported that the largest donation, which was a matching donation, was from the Clayton Foundation for \$75,000. They had asked that the playground be named "The Clayton Family Playground". Ms. Vince reported that the remainder of the funds pledged would come in shortly. As explained in the report, the cost of the equipment and installation is \$119,636.25 with \$7,500 of that being estimated for the cost of the concrete and forming materials. The public works department would be required to do the dirt/site work as well as building the forms. Conaway Paving was going to donate the labor to finish the slab. Ms. Vince had told the board when the fundraising started that she would be back to ask the city for funds when she needed the last \$10,000 and she was now asking. The

project was discussed in detail with the board. Dirt work would begin approximately March 1st with project completion by around May 15th. After due discussion, motion by Ald. Faulkner, duly 2nd by Ald. Smith to proceed with the project as planned and to use \$10,000 of the Timber Funds that had been reserved for park improvements to complete the project. Motion carried.

An ordinance amending Title 4, Chapter 5 of the Municipal Code (the Travel Policy) was presented for consideration as follows:

ORDINANCE NO. 440 .

AN ORDINANCE TO AMEND TITLE 4, CHAPTER 5 OF THE HENDERSON MUNICIPAL CODE.

Section 1. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE, that Title 4, Chapter 5 of the Municipal Code be hereby amended to read as follows:

4-501. PURPOSE. The purpose of this ordinance is to bring the city into compliance with Public Acts 1993, Chapter 433. This act requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by "Any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by Charter or general law."

To provide consistent travel regulations and reimbursement, this Ordinance is expanded to cover regular city employees. It's the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense.

4-502. ENFORCEMENT. The mayor of the city or his/her designee shall be responsible for the enforcement of these travel regulations.

4-503. MISCELLANEOUS RULES AND REGULATIONS. In the interpretation and application of this ordinance, the term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this ordinance. "Authorized traveler" shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.

Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; registration fees for conferences, conventions, and seminars; and other actual and necessary expenses related to official business as determined by the mayor. The travel expense reimbursement form will be used to document all expense claims.

To qualify for reimbursement, travel expenses must be: directly related to the conduct of the city business for which travel was authorized, and actual, reasonable, and necessary under the circumstances. Expenses considered excessive won't be allowed.

4-504. DISCIPLINARY ACTION. Violation of travel rules can result in disciplinary action for employees including possible termination of employment. Any person attempting to defraud the

city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances. Travel fraud will result in criminal prosecution of officials and/or employees.

4-505. TRAVEL REQUEST. To be eligible for reimbursement of official travel expenses, an approved travel authorization form is required for trips where the combination of all expenses (including mileage, gas, lodging, meals and conference fees) exceeds one hundred dollars (\$100.00). Lack of pre-approval will prohibit reimbursement on travel expenses in excess of \$100.00. Trips that contain travel expenses of less than \$100.00 will not require a travel authorization form to be filed prior to travel. When required, all costs associated with the travel should be reasonably estimated and shown on the travel authorization form. The traveler must prepare an accurate description of the travel and why it is necessary. A copy of the conference program, if applicable, should be attached to the form. If the program isn't available prior to the travel, submit it with the reimbursement form. Travel advances will not be given but prepayment of registration fees, lodging, etc. will be allowed when paid directly to the provider.

4-506. CITY VEHICLE USE. When out of town travel is required, the city may require the employee to drive a city vehicle. If a city vehicle is assigned to an employee, special permission must be obtained from the department head or mayor for an employee to use a personal vehicle (see Section 4-507 below). If a city vehicle is provided for travel, the traveler is responsible for seeing that the vehicle is used properly and only for acceptable reasons. Acceptable reasons shall be; a) between places of official business, b) to and from places of temporary lodging, and c) between either a) or b) of this section and restaurants, drug stores or similar places related to comfort and health of the business traveler.

The employee will be reimbursed for expenses directly related to the actual and normal use of the city vehicle when proper documentation is provided. Out-of-town repair cost to the city vehicle in excess of \$100.00 must be cleared with the proper city official before the repair is authorized.

Fines for traffic or parking violations while using a city vehicle won't be reimbursed by the city.

4-507. PERSONAL VEHICLE USE. Employees shall use city vehicles when available. If a city vehicle is assigned to an employee, it shall be assumed that the city vehicle will be used for out of town travel. If an employee is not assigned a city vehicle, a vehicle "may" be made available by the city. In any case, use of a private vehicle for business related travel must be approved in advance by the mayor or department head.

If a city vehicle is available for the employee to use and the employee chooses to use his personal vehicle, the city will pay a mileage rate of \$.20 per mile. If a city vehicle is not available for business related travel, the city will pay a mileage rate of \$.45 per mile. The miles for reimbursement shall be paid from origin to destination and back by the most direct route. Necessary vicinity travel related to official city business will be reimbursed. If an indirect route is taken, the Rand-McNally mileage table will be used to determine the mileage to be reimbursed.

If a privately owned automobile is used by two or more travelers on the same trip, only the traveler who owns or has custody of the automobile will be reimbursed for mileage. It's the responsibility of the traveler to provide adequate insurance to hold harmless the city for any liability from the use of the private vehicle.

Travelers will not be reimbursed for automotive repair, breakdowns, or fuel when using their personal vehicle.

Fines for traffic or parking violations while using a personal vehicle won't be reimbursed by the city.

4-508. LODGING. The authorized traveler shall attempt to select hotels or motels that are reasonably priced and they should request special government rates if available. Even if it costs more, travelers may be allowed to stay at the officially designated hotel of the meeting or conference. Lodging receipts must be submitted with the reimbursement form.

4-509. MEALS AND INCIDENTALS. This city will pay per diem for meals, including related tips and incidentals (M&IE), only when travel is for more than twelve (12) hours at a rate of \$39.00 per day based on the table below. No receipts are required for meals, related tips and incidentals. No more than thirty-nine dollars (\$39.00) will be paid for meals on any one day for any one traveler.

Any meal that is part of or is provided during a conference or meeting, the following rate will be deducted from the per diem. Breakfast \$8.00, Lunch \$8.00, Dinner \$20.00.

When travel is		Your allowance is
More than 12 hours but less than 24 hours		50% of the applicable M&IE rate.
24 hours or more, on	The day of departure	50% of the applicable M&IE rate.
24 hours or more, on	Full days of travel	100% of the applicable M&IE rate.
24 hours or more, on	The last day of travel	50% of the applicable M&IE rate.

When prisoners are transported by police officers, meals shall be reimbursed to the officer at a rate not to exceed \$6.00 breakfast, \$8.00 lunch and \$12.00 dinner.

4-510. MISCELLANEOUS EXPENSES. Registration fees for approved conferences, conventions, seminars, meetings, and other educational programs will be allowed and will generally include the cost of official banquets, meals, lodging, and registration fees. Registration fees should be specified on the original travel authorization form and can include a request for a pre-registration fee payment. Parking fees, rental car fees, taxi or other business related expenses will be reimbursed at actual cost as long as the traveler provides receipts.

Laundry, valet service, baggage handling and tips or gratuities paid for such services are considered personal expenses and aren't reimbursable.

4-511. TRAVEL RECONCILIATION. Within ten (10) days of return from travel, the traveler is expected to complete and file the expense reimbursement form. It must be certified by the traveler that the amount due is true and accurate. Lodging, travel, taxi, parking fees, and other required receipts must be attached. A copy of the travel authorization form, when required, should be attached with the reconciliation. If a travel authorization was not required, a brief description of the trip is to be included on the reconciliation. Direct payments made by the city should be included on the travel reconciliation form in the space provided. The travel reconciliation form shall be signed by the department head and the mayor or his/her designee prior to payment being made.

Section 2. BE IT FURTHER ORDAINED that this amendment take effect immediately, the public safety and welfare requiring it.

Mayor King explained that he submitted this amendment. The changes included increasing meal expense while on travel status from \$29.00 to \$39.00 per day which is the same

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as the state rate but not allowing meals unless an employee is out of town for more than 12 hours. The amendment also encourages the use of city vehicles by lowering the mileage reimbursement if a city vehicle is available and the employee chooses to take their personal vehicle on travel. The proposed amendment was discussed by the board.

Motion was then made by Ald. Farris, duly 2nd by Ald. Barnes to pass the above ordinance (Ordinance #440) amending the Travel Policy 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 2nd by Ald. Phelps to pass Ordinance #440 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 the ordinance passed and the Travel Policy amended.

A resolution entitled (proposed as Resolution #2009-001): "RESOLUTION TO FILE A 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR A SEWER LINE EXTENSION PROJECT" was presented to the board for the Old Jacks Creek Road Sewer Project. This would be the same project that was applied for the previous year that did not receive funding. The grant request was \$200,000 and the local match was estimated at \$163,500. The city would not be notified until November of 2009 if the grant has been approved or denied. The project, the project cost and the feasibility of providing sewer to the small number of structures on the east side of the bypass and even de-annexation were discussed in depth by the board. When asked if the city could refuse the grant if it got funded, Recorder Garland reported that the city may be able to refuse but it would be in the best interest of the city to make that decision before applying for the grant. Where the city would get the local funds was also discussed. When the city approved the latest \$1.0 million loan with the TML bond fund, one half of the funds were for the tech school and the other half was to be used for other projects. This is one of the projects that the remainder of the TML Loan was earmarked for. Mayor King asked that only one discussion take place at a time, both ends of the aldermen table had different discussions taking place on this matter at the same time. UD Elkins estimated that one third of the cost for the project was for the customers on the east side of the bypass. After a lengthy discussion, motion was made by Ald. Farris, duly 2nd by Ald. Phelps to pass the resolution authorizing the 2009 CDBG Grant Application for the Old Jacks Creek Road Sewer Project. 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.

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Therefore Mayor King declared the resolution was adopted. See resolution on file in the recorder's office.

A resolution asking Charter Cable to reconsider their action of dropping the Nashville stations from their cable lineup was presented for consideration as follows:

RESOLUTION NO. 2009-002

A RESOLUTION TO ADDRESS THE DELETING OF NASHVILLE CHANNELS 4 AND 5 FROM THE CHARTER COMMUNICATIONS LINEUP IN HENDERSON TENNESSEE

WHEREAS, the City of Henderson desires to protect the welfare of the citizens of Henderson, and

WHEREAS, the City of Henderson specifically recognizes the importance of the news and programming provided from channels 4, and 5 from Nashville, TN, and

WHEREAS, the citizens of the City of Henderson rely heavily on the aforementioned programming, and

WHEREAS, the City of Henderson is currently inundated with complaints from the taxpayers and business owners of the city concerning the status of these stations, and

WHEREAS, the City of Henderson also desires a cooperative nature with corporations providing services within the City of Henderson limits, and

WHEREAS, the City of Henderson requests that Charter Communications heed the will of local citizens, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE; that the City of Henderson requests the cooperation of Charter Communications in restoring channels 4 and 5 to the Basic Cable line-up in Henderson, Tennessee.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect on the date of its adoption and approval, the welfare of the City of Henderson requiring it.

Mayor King stated that he has received numerous calls concerning this matter and some mentioned that other cities had passed resolutions supporting this stand and asked that Henderson do the same. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to adopt Resolution No. 2009-002 and send the signed resolution to Charter Communications. 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 the resolution was adopted.

A draft of the proposed lease to Tommy Prince for the Firing Range in Magic Valley was received only today from City Attorney Spore. Mayor King apologized that the lease was not given to the board with the agenda packets and stated that if the board did not feel comfortable with passage tonight, action can be postponed till the next meeting. Mr. Prince was present at the meeting and only received the draft lease about 10 minutes before the meeting. Mr. Prince said that he had a chance to read the lease and stated that he had no problem with the terms.

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After due discussion, motion by Ald. Farris, duly 2nd by Ald. Faulkner to approve the five year lease with Mr. Prince. Motion carried.

Building Official Brent Beshires reported that he had sent out five letters to property owners under the slum clearance ordinance asking that they appear before him to answer to the concerns about dilapidated dwellings. The owners will either have to submit a plan for renovation (if suitable) or have the structure(s) demolished. If they fail to take action, the city board at a later date may have to authorize the city to remove the structures.

UD Elkins reported with pleasure that a Retirement Reception will be held on February 24th from 12:00 Noon to 1:00 PM for former employees Joe Bingham and Ricky Mullins. He invited the board members.

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

Signed: Robert W. King

APPROVED: _____

MAYOR

Signed: Jim E. Garland

ATTEST: _____

CITY RECORDER