

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

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, March 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 Chief Glenn Bryan.

Alderman Bobby Barnes gave the invocation and Alderman Tim Faulkner 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. Barnes, duly 2nd by Ald. Faulkner 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 January natural gas bill as it related to the expected gas bill for February. UD Elkins stated that he expected the amount to be slightly larger for February. There being no other questions concerning the accounts, the meeting continued.

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

An ordinance amending Title 3, Chapter 2 and Title 15 Chapter 7 concerning the city court cost and the fines for parking violations was presented for consideration. The court cost was to be increased from \$50.00 to \$75.00 while the fee for parking violations was to be increased from \$10.00 to \$20.00. Other sections were also updated to reflect present practice and the recommendations of MTAS. The proposed changes had been discussed with City Judge Patterson and Police Chief Davis. The proposed Ordinance reads as follows:

ORDINANCE NO. 441.

AN ORDINANCE TO AMEND TITLE 3, CHAPTER 2 AND TITLE 15, CHAPTER 7 OF THE HENDERSON MUNICIPAL CODE.

Minutes – March 12, 2009 (Cont'd)

Section 1. BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE, that Title 3, Chapter 2, Section 3-201 and Section 3-202 are hereby amended to read as follows and Chapter 2 shall also be amended by the addition of Section 3-206:

3-201. Maintenance of Docket. The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as name, citation number, warrant and/or summons numbers; alleged offense; disposition; penalties and costs imposed and whether collected; and all other information which may be relevant.

3-202. Imposition of Fines, Penalties and Costs. All fines, penalties and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases tried in city court for violation of ordinances of the City of Henderson or laws of the State of Tennessee and which a conviction results, the costs shall be seventy-five dollars (\$75.00). This will include any and all fees due to the state for litigation tax, etc.

When the case requires it, the following cost may be collected in addition to those listed above:

Warrant	\$ 5.00
Issuing Subpoena	\$ 5.00
Certified Copy of Final Judgment	\$ 5.00

3-206. Contempt of Court. Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

Section 2. BE IT FURTHER ORDAINED that Title 15, Chapter 7, Section 15-705, Paragraph (2) is hereby amended to read as follows:

(2) **Parking Citations.** Any driver and/or owner issued a parking violation may, within ten (10) days, have the charge against him/her disposed of by paying at the City Recorder's Office a fine of Twenty Dollars (\$20.00) provided he/she waives his/her right to a judicial hearing. An official receipt of the city will be issued to the offender upon payment of the fine. If the offender fails to appear within the ten (10) days, the city shall issue a summons to the driver and/or vehicle owner to appear in city court.

Section 3. BE IT FURTHER ORDAINED that this amendment and the fees contained therein shall take effect the first of the month following final passage, the public safety and welfare requiring it.

The board discussed the proposed changes and motion was made by Ald. Barnes, duly 2nd by Ald. by Ald. Faulkner to pass Ordinance #441 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. Farris to pass Ordinance #441 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 #441 duly passed and the court cost and parking fines amended.

Minutes – March 12, 2009 (Cont'd)

Mayor Bobby King asked permission from the board to take bids on the City Park Restroom/Concession Stand facility and report the results back to the board at the next meeting. The architect should be finished with the plans by the end of this week. Motion was made by Ald. Farris, duly 2nd by Ald. Smith to authorize that bids be taken on the project and report the results back to the board at the next meeting. Motion carried.

UD Elkins addressed the board concerning a shortfall in the Capital Budget for the water department. He stated the budget was very short at the beginning of the year. In a report he explained that this was due to three specific reasons; (1) an error in the amount recorded for the water plant project (short by \$7,143), (2) an invoice from new water well #10 was held over in the amount of \$10,658 and (3) the department was exceeding the water meter line item for replacing dead meters as well as new services. UD Elkins explained each of these three items and asked for permission to move \$5000 from the sewer capital budget into water meters to balance the total capital budget for the water department. He asked that \$2500 be taken from both Sewer Mains and Sewer Lagoons. Motion was made by Ald. Farris duly 2nd by Ald. Phelps to move the funds as requested. Motion carried.

When asked, UD Elkins explained that the department had replaced a total of 97 water meters since July 1st. Mayor King expressed his concern on being able to make it to the end of the budget year with the amount of funds remaining in the budget. When meters are being replaced, AMR meters are being used. The board asked that the budget be watched closely.

A committee of the city board was asked to develop a set of rules for the recently constructed Farmers Market. The final set of rules had not been completed. The committee met on the site and made several decisions including that the building should be set up for six bays that can be expanded to twelve bays if needed at a later date. Persons wanting to reserve a space shall contact city hall. Spaces could only be reserved for one week at a time. The building would be for home grown produce, not for yard sales. Charitable Organizations may be approved to use the facility for yard sales upon request. Ald. Barnes stated that he felt that yard sales should not be allowed at anytime at this facility. The board decided not to allow yard sales at the facility and asked that a final set of rules be written up and presented back to the board for more final approval.

Mayor King asked that he and PWD Jerry King be allowed to take bids on mowing the city cemeteries and to select the best bidder for this service. This needed to take place prior to the next meeting of the board. This matter was discussed by the board. The contractor from last year damaged several monuments that had to be replaced. The former contractor will be billed for this damage. The contract was amended this year to state clearly that no herbicides could be used in the cemetery and that the contractor had to move and replace after mowing all ground flowers. These changes may affect the cost of the mowing. Recorder Garland stated that more than half the budgeted amount for mowing had been used during the summer/fall mowing season. There may not be enough funds to complete the spring/summer mowing till June 30th without exceeding the budget. The city taking the project back over and mowing it with city employees and the cost comparative was discussed in depth. The city was saving money by contracting this to a private contractor. After due consideration, motion by Ald. Farris, duly 2nd Phelps to authorize Mayor King and PWD King to select the best bidder on the contract for mowing the cemeteries. Motion carried.

The first budget meeting was set for April 2nd at 6:00 PM. The decision was made for the board to meet first on the budget prior to asking department heads to present their requests.

Minutes – March 12, 2009 (Cont'd)

Mayor King thanked the Public Works Department for their hard work during the recent snow fall and keeping the streets open from falling trees.

Chief Davis addressed the board on a parking problem on the dead end of Harmon Street, from Whitley Ave. west. He stated that a school bus recently hit a parked car due to the narrowness of the street which is 16 feet wide. He asked that this section of the street be made a no parking zone. Motion by Ald. Farris, duly 2nd by Ald. Smith to make Harmon Street from Whitley Ave to the dead end a no parking zone. Motion carried.

Chief Davis also asked permission to purchase eight more tasers for the department out of the drug fund. The total cost would be \$6,350.00 and this would give each street officer their own taser. Motion by Ald. Farris, duly 2nd by Ald. Maness to purchase the tasers as recommended. Motion carried.

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