

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

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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, November 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, Johnny 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, City Clerk Darian Leath, Public Works Director Jerry King, Building and Zoning Official Brent Beshires, Utility Superintendent David Russell and Fire Chief Glenn Bryan.

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

Mayor King reported that Recorder Garland was recovering from surgery and was not scheduled to attend the meeting and Mrs. Darian Leath was going to take the minutes of tonight's meeting. Recorder Garland did feel like attending the meeting but Mrs. Leath was still going to perform this task for training purposes. Recorder Garland was available if any matter needed his input.

The minutes of the previous meeting of the city board were presented for approval. There being no questions or corrections, motion was made by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Smith 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.

Mayor King moved the matter of utility bill collections at the Bethel Springs City Hall up on the agenda because of the newly appointed Bethel Springs City Recorder Ms. Helen Hart's presence at the meeting. The City of Bethel Springs had been collecting the gas bills for the Henderson Utility Department for more years than anyone remembers. Checks collected for such bills are made out to the Henderson Utility Department and all cash collections are converted to a single check from Bethel Springs to the Henderson Utility Department. On the

due date, an employee of the HUD is sent to Bethel Springs City Hall to pick up these collections and then the clerks at the HUD enter all the payments before penalties are accrued. This practice came into question when a little over a month ago, the city board of Bethel Springs dismissed the city recorder, city clerk and the water department director. This in essence closed the Bethel Springs City Hall and it has been closed for approximately one month. Some of the HUD customers had paid at Bethel City Hall but since it closed, the majority of the customers came to Henderson to pay or mailed them into the HUD. Only very few people are on the cut off list for Bethel and this number is no higher than any other month. The Henderson Gas Department does pay a franchise fee of 2% to Bethel Springs for providing this service with last years fee being approximately \$2,600. Mayor King stated that he had been in contact with Mayor Norma Smith of Bethel Springs and advised her that continuing the practice of allowing Bethel Springs to collect payments for the HUD would be discussed at tonight's meeting. With more payment options available today such as bank draft, credit card, etc. than were available when this practice was started, the board might want to consider not continuing allowing Bethel Springs to collect utility payments for the HUD. The city was also considering allowing customers to pay their utility bills over the internet on the city web site. This matter was discussed in great depth. The matter of the franchise fee was also discussed. Recorder Garland stated that he has been unable to locate any written copy of a franchise agreement with Bethel Springs since working for the city.

After considerable discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Phelps to stop allowing Bethel Springs to collect utility payments for the HUD immediately and to bring all collections back to the HUD. Any action on the 2% franchise fee would be postponed to give Bethel Springs opportunity to locate any written agreement concerning this matter. Motion carried.

Mayor King opened the meeting for three (3) public hearings on zoning matters. Board members were provided copies and maps of the proposed items in advance of the meeting. All three items received a favorable recommendation from the Planning Commission. The items and the related comments are as follows:

1. Consider an ordinance amending the City of Henderson Zoning Ordinance to create an M-3 Retail/Industrial Zone.

No comments on the proposed text amendment creating the new M-3 Retail/Industrial Zone.

2. Consider an ordinance amending the Zoning Map to rezone property located along the east side of N. Church/US Hwy 45 N; starting at approximately 490 N. Church Ave. northward to approximately 1000 US Hwy 45 North from M-1 Industrial and B-4 Highway Business to M-3 Retail/Industrial.

Building Official Brent Beshires explained the area to be rezoned. The area to be rezoned is mostly made up of the city industrial park. In the industrial park, rezonings have taken place to change property from Industrial to Business and from Business back to Industrial. The city administration felt that the use of the land may be more apt to be used as retail than industrial but there could be industrial used also. This combination zone allows either use. Ald. Smith asked questions on the zoning of the Gene Record

Park. Recorder Garland explained that a park is a use permitted in any zone so the actual zone of the area makes no real difference.

3. An Ordinance amending the Zoning Map to rezone property located along a proposed extension of Sheila Drive from R-1 Low Density Residential to R-2 Medium Density Residential.

Building Official Beshires explained that this area was a pre-existing sub-division from the late 60s or early 70s that had never been developed. It was recently purchased by Anthony Moody and he wanted to develop it. Mr. Beshires stated that the future land use map showed the property being developed as multi-family residential. It does border an R-2 District to the south. Ald. Farris had concerns about this rezoning because almost all the existing structures in the area were single family dwellings. The developer wanted lower setbacks and lot sizes than what was allowed in an R-1 Zone but they were planning on building single family homes. But if the property was rezoned, duplexes could be built in this development.

There being no other comments, Mayor King closed the public hearings.

Motion was made by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Farris to pass the ordinance amending the City of Henderson Zoning Ordinance to create an M-3 Retail/Industrial Zone (Ordinance #451) 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.

Motion was then made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Barnes to pass Ordinance #451 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 zoning text amended.

Motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Faulkner to pass the ordinance amending the Zoning Map to rezone property located along the east side of N. Church/US Hwy 45 N; starting at approximately 490 N. Church Ave. northward to approximately 1000 US Hwy 45 North from M-1 Industrial and B-4 Highway Business to M-3 Retail/Industrial (Ordinance #452) 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.

Minutes – November 12, 2009 (Cont'd)

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Motion was then made by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Faulkner to pass Ordinance #452 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 property rezoned.

Motion was made by Ald. Faulkner to pass the ordinance amending the Zoning Map to rezone property located along a proposed extension of Sheila Drive from R-1 Low Density Residential to R-2 Medium Density Residential on the first reading. Motion failed due to the lack of a second. Options for the property owner to appeal the lack of action on this rezoning request were unclear and thus Building Official Beshires and Recorder Garland were to research and advise him of his options. No further action was taken.

Ald. Farris reported to the full city board the recommendation of the committee on the request from SWHRA to set a purchase price on the city building presently occupied by them. Ald. Farris stated that committee set a selling price on the property/buildings at \$1,550,000. If SWHRA continued to lease, the lease amount would remain the same at \$103,000 per year. A draft lease had been forwarded to the board members. Committee members did recommend that an inspection clause be added to the draft lease agreement. Ald. Smith also made comments about the reasons for the committee recommendation.

Motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Farris to accept the recommendation of the committee as proposed. Motion carried.

Mayor King stated that he had been contacted today by SWHRA Director Mike Smith that stated that due to the lending source basing the amount that could be borrowed on the building on an appraisal and since the committee was recommending a figure that was much higher than what their appraisal had valued the property at which was \$780,000, he asked if the city would be willing to hire their own appraiser to help justify the selling price. The board felt that there was no reason to have a second appraisal completed.

Mayor King recognized Emily Shelton and Patricia Ledford from the Chamber of Commerce who addressed the board concerning a project in which the Shopping Center Group would design a retail recruitment package for the city. The total project cost is approximately \$7,000 with the city funding \$5,000 and the balance split between the chamber and county. The Chamber would receive brochures, books, maps and digital copies of all the information so they could be reproduced or emailed to potential retail clients. Examples of other community projects such as Brownsville were available for review. It would be also accessible from the city's and chamber's web sites. Shopping Center Group not only performs these recruitment packages but they also build and lease shopping center space as well as being hired to do site selection for many major retailers across the country. Mayor King recommended this project and felt if we failed to get this information available, we were going to get behind in retail development. Retail development brings so much to the city in sales taxes, business tax, employment and property taxes. After due discussion, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to fund the \$5,000 for the project from the Industrial Park Fund. Motion carried.

The city received a CDBG Grant in the amount of \$200,000 to fund the sewer extension for the Old Jacks Creek Road area. The estimated cost of this project had varied widely but at present it was estimated at approximately \$400,000. Recorder Garland reported that the local funds would be funded by the \$500,000 balance left in the 2008 TML Loan that had been earmarked for this project. The final cost of the project would not be known until the project bids are received. The city made a conscious decision to apply for less than the maximum 80% grant in order to lower the grant cost per customer in order to better our chances to receive the grant funding. The number of customers per dollar invested was discussed in depth by the board. When the city annexed the area, the city had thought that more developable land would be available in this area. After construction of the bypass and as a result of the flood plain and the dirt borrow pits, not much development land was available. Anthony Bolton planned on developing 10 to 14 lots after the sewer is constructed. De-annexation of this area was mentioned by Ald. Maness. Ald. Farris stated that de-annexation was not an option. Mayor King stated that he would veto any action on de-annexation. How much flexibility the city had in the design of the project because of the grant application was discussed. After considerable discussion, motion was made by Ald. Farris, 2<sup>nd</sup> by Ald. Barnes to table any action on this matter until next month and they asked for a more detailed cost estimate, grant requirements/options and customer count could be presented. Motion carried.

Police Chief Tommy Davis asked permission to bid and purchase a new marked patrol car using drug funds to replace an aging unit. He was planning on changing the color scheme of the standard black/white patrol car. Motion by Ald. Farris duly 2<sup>nd</sup> by Ald. Smith to approve the purchase of a patrol car from the Drug Fund. Motion carried.

Chief Davis also informed the city board that he wished to purchase sixteen (16) portable radios for the officers using ARRA (Federal Recovery) Grant Funds. The grant will fund 100% of the cost of the radios. Motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Maness to purchase the radios with the grant funds.

Mayor King reported that Mid-South Castings postponed the beginning of the lease of the city industrial building at 60 Record Drive until December 15<sup>th</sup>.

Ald. Faulkner asked that the utility department start taking credit cards over the phone. This matter would be discussed by the utility and accounting staff and UD Elkins would be asked to report back next month on this matter.

Police Chief Davis reported that this is the third and final year of the OCJ (Office of Criminal Justice) Byrne Grant that funds 75% of Community Crime Prevention Officer Rhodes and certain equipment. Some of the equipment was police records software. The OCJ office says the department can not use the funds for the software. The police department got approval to use the funds to purchase a utility vehicle. The vehicle would be used at the schools with the fatal vision goggles to teach the dangers of drunk driving, patrol of high crime areas, search and rescue as well as extra patrol during events such as the Bar-B-Que Festival. This will also make the officers more approachable to the public. The utility vehicle would be funded 75% grant and 25% local with a total cost being less than \$10,000. The local funds had already been budgeted.

Minutes – November 12, 2009 (Cont'd)

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After due discussion, motion by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Farris to approve the purchase of the utility vehicle. Motion carried.

Chamber Events Director Patricia Ledford wanted to extend an invitation to the city board members to participate in the Christmas Parade this year. Both the city board members and the county commissioners were being asked to either ride or walk in the parade on Thursday, December 3<sup>rd</sup>.

There being no other business, motion by Ald. Farris, 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