

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
OCTOBER 8, 2009

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, October 8, 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, 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 Buel Maness 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. There being no questions or corrections, motion was made by Ald. Faulkner, duly 2nd by Ald. Maness 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 payment to the county for the city's 50% share of the Tech Center and wanted to know if this was the final payment. Recorder Garland stated that he had not been given notice concerning this being the final payment but the project was almost complete. There being no other questions concerning the accounts, the meeting continued.

Delegations were called for by Mayor King.

Mr. Dan Leatherwood of 335 North Avenue appeared before the board concerning the Jackson Sun throwing out their free "Extra" newspapers in his driveway and driveways all over town. He had appeared at last month's meeting and the city board asked City Attorney Spore to research this matter. Attorney Spore had sent a report to the city which had been forwarded to board members as well as Mr. Leatherwood that stated: "... the City does not have the authority to regulate or sanction the parties who are placing newspapers on private property." Attorney Spore went on to say that the private individual could have the right to sue to stop this action. Mr. Leatherwood asked if the city could draft a letter to the Jackson Sun asking them to come back and pick up the newspapers that were not picked up by the residents. Attorney Spore said

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he saw no problem sending this type of letter. After due discussion, Mayor King agreed to send a letter drafted by Attorney Spore to this affect. No other action was needed.

SWHRA Director Mike Smith had formally requested that the city set a selling price for the building and property currently owned/occupied by SWHRA. SWHRA had an appraisal done on the property which was presented to the board last month. The board members felt the appraised price was too low to consider as a selling price. Mr. Smith was present at the meeting and addressed the board stating that the appraisal was just a starting place for discussions on price. The appraisal result placed the market value at \$750,000 to \$780,000. Mr. Smith stated that SWHRA had been occupying the building since 1992. He stated that the SWHRA board wanted to own the building and property at some point. They felt that they had paid for the original building and the storage building through the lease payments. The only thing left was the recent addition. He did want to hold the city harmless in this transaction and make sure the city gets all their money back plus some. They were one of the largest employers in the county. They are presently adding 4,000 sq foot to the storage building and they are paying for this out of fund balances. They have a \$35 million budget and a 26 member board. He wants to have an open discussion that will allow them to own the buildings and at the same time hold the city harmless. Ald. Farris asked that when SWHRA first approached the city to build the facility for them, that SWHRA could not issue long term debt for the facility or even sign a long term lease, why they can they do this now. Mr. Smith stated that changes in state law now allow Human Resource Agencies to do these things. Mr. Smith stated that SWHRA wanted to get to the point that they stop putting funds into something they don't own. If they can not do this, they might look at another location for the facility. Ald. Faulkner asked if Mr. Smith had a figure in mind for the price. Mr. Smith stated that he did not have a figure in mind. Ald. Faulkner stated that the previous rent does not have a bearing on the selling price in his opinion. Mr. Smith even mentioned that they might be willing to pay an in-lieu-of-tax amount to help the city with a revenue stream. Mayor King stated that Attorney Spore had drafted a lease agreement that was given to the board members. A copy was provided to Mr. Smith.

After considerable discussion, motion was made by Ald. Barnes, duly 2nd by Ald. Phelps to sell the building/land if a mutually agreed upon price could be reached. The committee previously appointed, concerning the lease, would be utilized to discuss the asking price and to report their recommendation back to the board. Motion carried.

A proposed amendment to the city's Cross Connection Program (Title 18, Chapter 5) was presented for consideration. This ordinance shifted the responsibility of testing backflow devices from the utility department staff to the individual property owners. An annual report would still have to be filed with the department. The utility department would assist in providing customers with a list of qualified cross connection testers in which to choose from. Utility Director Elkins explained this change in more detail at the last meeting and it was a result from a recommendation made by TDEC.

ORDINANCE NO. 450.

AN ORDINANCE TO AMEND TITLE 18, CHAPTER 5, SECTION 18-508, PARAGRAPH (6) OF THE HENDERSON MUNICIPAL CODE.

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

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Section 1. Title 18, Chapter 5, Section 18-508, Paragraph (6) is hereby amended to read as follows:

(6) Testing of devices. The Customer is responsible for having device(s) inspected annually (no less than 10 months and nor more 12 months from the previous inspection) by a qualified person possessing a valid cross-connection certification from the Tennessee Department of Environment and Conservation, Division of Water Supply. A copy of the Annual Inspection Report indicating an approved inspection must be filed with the utility with 30 days of the inspection date. Annual Inspection Reports must contain, at a minimum, the following information:

- A. Customer name
- B. Business name
- C. Business 911 address
- D. Device type
- E. Device manufacture
- F. Device model number
- G. Device serial number
- H. Device location
- I. Testing Operator's Name
- J. Testing Operator's Phone number
- K. Testing Operator's License number
- L. Testing equipment manufacture
- M. Testing equipment serial number
- N. Date of test
- O. Time of test

The utility may elect to perform follow up device integrity testing and a site inspection.

Section 2. BE IT FURTHER ORDAINED THAT this ordinance shall take effect immediately upon final passage, the public safety and welfare requiring it.

Motion was made by Ald. Barnes, duly 2nd b y Ald. Faulkner to pass Ordinance #450 amending Title 18, Chapter 5, Section 18-508 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 made by Ald. Smith, duly 2nd b y Ald. Barnes to pass Ordinance #450 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 #450 duly passed and the Cross Connection Program amended.

Mayor King addressed the board concerning employee health insurance. Beginning January 1, employees must pay for 20% of their individual coverage. Under the State of Tennessee, Local Government Plan the employees have a choice of three different plans, PPO

(BCBS), PPO Limited (BCBS) and POS (CIGNA). With the city paying the entire premium for the individual coverage, no one had taken the PPO Limited Plan due to higher deductibles and higher out of pocket costs. A benefit summary for each plan as well as the rates were presented to the board for review. Mayor King went on to state that the premium for the PPO Limited was considerably cheaper than the other plans. After reviewing the situation, the city administration has requested if the board would consider paying 100% of this PPO Limited Plan. This would still be \$77 to \$94 cheaper than the 80% of the other plans. This would give healthy employees a chance to keep health insurance without paying the \$100+ out of pocket expense but this would not be the best choice for other employees. Employees could only make the decision to change plans at the annual renewal time which is Oct 15 to Nov 15 of each year.

After due discussion and since the cost to the city was actually less, motion was made by Ald. Farris, duly 2nd by Ald. Smith to, effective January 1st to pay 100% of the individual health insurance coverage if the employee selects the PPO Limited Plan and to pay 80% of the individual coverage if the employee chooses either PPO or POS. Motion carried.

Police Chief Tommy Davis asked the board to consider increasing the impound storage fee for vehicles confiscated by the police department. The present rate is \$10.00 per day. He asked that the rate be increased to \$25.00. On vehicles taken due to driving on revoked, when the vehicle is sold, the city only is able to keep the towing and storage bill, any remaining funds have to be sent to the state. Chief Davis stated that local wrecker companies were charging \$40.00 per day. After due discussion, motion by Ald. Barnes, duly 2nd by Ald. Farris to increase the daily storage fee to \$40.00 per day. Motion carried.

Mayor King requested that the regulations concerning the use of the Farmer's Market be amended to allow use by certain non-profit events and fund raisers with permission. He stated that the facility had not been used very much by the farmers during harvest time. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to allow Mayor King to allow the use of the facility for non-profit events and fund raisers if the facility was not being used by farmers for produce. Motion carried.

Ald. Smith discussed the widening of the south end of North Ave at Main Street. He wanted to paint stripes to make sure people were certain that we did not create a turn lane and to make sure people knew it was a right turn only onto Main Street. PWD King stated that they reinstalled the right turn only sign today and he would take care of the stripes.

Ald. Smith asked about the possibility of closing North Ave from Hart to Third and Crook Ave from Hart Street to Second to through traffic for safety for the kids trick or treating. This suggestion brought on a lot of discussion by the board as well as the department heads. Several members of the board were against closing the street. After considerable discussion, no action was taken.

Fire Chief Glenn Bryan advised the board of an Open House at the Fire Department on Saturday October 10th from 10 to 4. He invited the board members come by the department.

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

Signed: Robert W. King

APPROVED: _____
MAYOR

Signed: Jim E. Garland

ATTEST: _____
CITY RECORDER