

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
SEPTEMBER 10, 2009

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, September 10, 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 Keith Smith 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. There being no questions or corrections, motion was made by Ald. Faulkner, 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 discussed the funds used for street paving. PWD King reported that the paving included North Church and other small projects and was within budget. These funds came from the State Street Aid Fund which are restricted to be used only on streets. There being no other questions concerning the accounts, the meeting continued.

Delegations were called for by Mayor King.

Mr. Dan Leatherwood of 335 North Ave addressed the board making a request and a complaint (not against the city) concerning the Jackson Sun throwing out there free "Extra" newspapers in his driveway and driveways all over town. He had an example of the newspaper. He wrote the Jackson Sun asking them to stop this practice but they have not. This causes a litter problem all over town because they throw them in all driveways, including vacant houses and businesses. He was asking for the city's help to get this practice stopped. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Phelps to have City Attorney Jerry Spore check on this matter and see if the city has any options to stop this practice. Motion carried.

Utility Director Mark Elkins addressed the board concerning a vacancy in the department left when an employee could not return to work due to a medical condition. He presented an

Minutes – September 10, 2009 (Cont'd)

organization chart of the department. He stated that it was imperative that the city fill this position. The position was included in the current year budget. Motion by Ald. Barnes, duly 2nd by Ald. Maness to allow UD Elkins to fill the vacancy. Motion carried.

UD Elkins then addressed the board concerning the water departments cross connection program. He explained that during the recent sanitary survey by TN Department of Environment and Conservation (TDEC), one of the deficiencies was the lack of compliance in the cross connection program. UD Elkins presented a short explanation of the program and the problems with the existing procedures. Annual inspections are not being performed as required and several businesses that need back flow prevention devices do not have them. In the past, annual inspections have been performed by Utility Department staff. Limited staff in the department as well as difficulty obtaining access to the devices makes the testing time consuming. If the device is faulty, the customer is required to hire a certified contractor to repair the device. UD Elkins was recommending changing the policy to require the annual testing of the devices be performed by an outside certified contractor that is selected and hired by the customer. The inspection report would be filed with the city. This cost for these inspections is estimated at approximately \$30.00 per device. A discussion took place on who is required to have these devices. The board stressed that all customers needed to be treated the same.

After further discussion, motion was made by Ald. Farris, duly 2nd by Ald. Barnes to authorize UD Elkins to draft an amendment to the program to require the annual inspection be performed by an outside certified contractor and other changes that needed to be made and bring it back to the board for approval. Motion carried.

The detour route for the Main Street closing during the annual Bar-B-Que Festival was discussed. Main Street would be closed from just east of Crook Ave to just west of White Ave. Crook Ave and White Ave would remain open. Maps of the proposed routes were presented to the board. The proposed route for local traffic would be up White, Second Street and Crook Ave. The proposed route for truck traffic would be US 45 or N Church to White Ave back to Main. Several alternatives were discussed. Motion was made by Ald. Farris to approve the routes as proposed. This motion was later withdrawn due to concerns of other members. Closing Main at the N. Washington intersection was discussed but there were concerns about the loss of parking on Main Street. After considerable discussion, motion was made by Ald. Phelps, duly 2nd by Ald. Farris to approve the plan as presented with no changes. Motion carried.

Fire Chief Glenn Bryan addressed the board asking for permission to purchase 24 sections of 3" fire hose. He presented three quotes on the hose and he recommended purchasing from G & C Supply Co. for Snap-Tite hose for \$5,232.00. The funds for this purchase are included in the budget. Motion by Ald. Faulkner, duly 2nd by Ald. Farris to approve the purchase. Motion carried.

Mayor King stated that he had met just this afternoon with the owner of Mid-South Metal Coatings LLC who was interested in renting the city industrial building at 60 Record Drive (formerly Preferred Seating). He was proposing a one year lease of the building at \$2,000 per month, with an option to purchase for the asking price of \$225,000 for the building and the approximate 3.97 acres at the end of the year. He would also perform the routine maintenance on the building. He would start with 5 employees and work up to 8 within the first year. Motion was made by Ald. Farris to approve the proposed lease after a company background check. Motion was duly 2nd by Ald. Faulkner. Motion carried.

Minutes – September 10, 2009 (Cont'd)

SWHRA Director Mike Smith had brought by the Mayor a copy of an appraisal report on the city property/buildings that were occupied and leased by SWHRA. This appraisal was a result of SWHRA's offer to purchase the property and as a result of discussions between SWHRA and a committee of the city board. The appraisal result placed the market value at \$750,000. This was about half what the city thought it was worth. An appraisal made by the city's insurance carrier valued the buildings (no land or parking areas) at \$1.5 million. The city had completed an addition and renovation about 18 months ago that cost \$400,000 so it seems hard to believe that the two buildings and the 10 acre site is only worth \$750,000. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Phelps to reject the appraisal and not consider selling the building for this price. Motion carried.

Ald. Farris asked if SWHRA had paid the rent due on the Storage Building. Their last payment was in May. They felt that the original agreement was for the lease payment to stop at that time. No lease could be located and the city minutes state that a residual lease would be paid on the building. Recorder Garland stated that he did not think that SWHRA had paid the past due amount. Mayor King stated that Attorney Spore was working on a combined lease for all the buildings. Ald. Farris wanted SWHRA contacted and require them to pay the past due amount on the storage building. Mayor King stated that he would take care of this matter.

Ald. Farris thanked PWD King and the entire Public Works Department for their hard work in the City Park.

Ald. Phelps asked about the city being able to get some FEMA money to help with the expense of the storm clean up and the fire department lightening damage. Recorder Garland reported that this was two different matters and happened during two different storm events. The fire department damage would not qualify for FEMA funds but the city's insurance would cover most of the damage costs. The city and county was going to qualify for FEMA funds for the storm related cleanup. The exact amount of the reimbursement could not be determined at this time but would be 87.5% of the approximate \$30,000 to \$40,000 of expenses for the cleanup. FEMA representatives would be in the city hall tomorrow for the kick off meeting to begin the project.

PWD Jerry King wanted the board and the public to know of the donation of labor and material by Anthony Moody Construction and Simmons Lumber for the construction of the bridge across the ditch to the new soccer fields. He also wanted to thank R. Jones Underground for their help with equipment and labor during the storm cleanup.

Ald Faulkner stated that he had some people ask how the city had the funds to pave North Church when we had no money at budget time. He wanted to make sure that people were aware that these streets were paved with State Street Aid funds which come from state gasoline tax. It can only be used for street related expenses.

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