

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

FEBRUARY 11, 2010  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, February 11, 2010 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 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. Attorney Teresa Luna was filling in for City Attorney Jerry Spore who was out of town on business.

Alderman Buel Maness gave the invocation and Alderman Keith Smith 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 2<sup>nd</sup> 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. Faulkner questioned the payment to Andrew Carroll for mowing the city cemetery for July. Mayor King explained that the city had just recently received the statement from Mr. Carroll. This is for his final mowings before the city changed mowing contractors. He originally billed for five mowings but Mayor King negotiated the bill down to three mowings. There being no other questions about the accounts, the meeting continued.

Delegations were called for by Mayor King. There were several people present at the meeting due the request of FHU on the street closings so Mayor King asked if anyone wanted to address the board about any other matter before that discussion began. There being none, the matter of the street closing request was opened for discussion and comments.

Mrs. Rebecca Wright addressed the board stating that she was opposed to the closing of the streets. She stated that as a business owner in downtown she had heard several comments against the closings. She listed reasons for not closing the streets being, she believes the streets belong to the city residents and that the city taxpayers had paid for them and the city should not

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give them up, she appreciated the university and what they do for the community, she was concerned about fire department access to the campus facilities to protect students and faculty as well as the residents of Heritage Towers, she expressed her concern on the additional cost to the city to provide adequate fire equipment for the campus and the cost of the numerous fire calls to the campus. She expressed concern about student safety crossing Main Street and not using the cross walks.

Alderman Keith Smith disclosed the fact that he was employed by Freed Hardeman University. Alderman Johny Farris also disclosed the fact that his wife is an employee of the University but that would not affect his vote on this matter.

Mr. Nick Darben, a resident of Farrow Hall, addressed the board being the President and representing the Student Government Organization of FHU. He stated that the Student Government supported the closings of the streets as recommended by the administration of the university. He read the resolution supporting such that was passed on February 10, 2010.

Ms. Ann Hearn, a resident of Heritage Towers, addressed the board stating that FHU was a very good asset for Henderson and appreciated them providing Heritage Towers. She expressed concern over the intersection of the Hamlett and Mill. She feels that Heritage Towers residents should be considered and the streets left open.

Jessica Reddin, CC 911 Director stated that the city needed to also keep in mind that if the streets are closed, twelve to fifteen building addresses would have to be changed on Hamlett plus several more on University.

Mr. Norris McCaskill a local postman addressed the board stating he uses the city street all day long during his job. During the time the streets have been closed temporarily, he has noticed more traffic on other streets. He believes that the residents of Heritage Towers should have an easy and safe way in and out. He was against the street closing.

Ms. Ann Newman addressed the board stating that she had lived and worked in Chester Co all her life. She now lives in Heritage Towers. She stated that when you close off two of the three accesses to Heritage Towers and two dormitories, it creates major congestion and a safety concern. She did not understand why the university wanted the street closed and she felt this would create a more dangerous situation for the students than leaving it open. She asked that the city not sweep their concerns under the rug.

Ms. June Smith addressed the board and stated that the relationship between FHU and the city and county was better now than any other time in history. She would hate to see something take place that would harm that relationship and she felt that closing these streets would do just that.

University President Joe Wiley and Mr. Dwayne Wilson were present at the meeting. Dr. Wiley made a lengthy plea to the board and the audience concerning FHU's request to close Hamlett Ave and the majority of University Street. He stated that the last thing Freed Hardeman wanted to do is to cause a riff between the university and the community. He said this was never their intention. He stated he respected the statements made concerning the street closings and there were no hard feelings against anyone that is opposed to their request. Dr. Wiley stated that when they decided on this path, they felt this was in the best interest of the university and felt that it would not be a detriment to the community or its citizens. He stated that he thought this would be a relative benign request to make as far as any affect on the community. Dr. Wiley stated that the reason for the request to close these streets was not because of the Science Building construction but was for the overall security of the campus. In a time when college campuses have been the site of some terrible tragedies, the overall long term plan of the

university is to better secure the campus by limiting access. Having two public streets go directly through campus does not help provide security. FHU loves to have community events and people from the community on campus for activities but they want to be able to control persons who have no business on campus. He stated that over the next five to ten years, if the city was willing, they would like to limit access to the campus from Midnight to 5:00 AM. They wanted to make the campus more pedestrian and bike friendly. They want to have a more aesthetically pleasing campus. They also realize that they need more parking. The architect made the recommendation on the science building location due to cost savings and the way the request would work into the overall plan of the university. If the city refused to close the street, the building would be moved back and construction will continue. Dr. Wiley agreed that the intersection of Hamlett and Mill was dangerous and needed improvement and they would work with the city to improve this problem. They were also recommending new driveway entrances on S. Mifflin Ave as well as from East Main to provide access to the campus. Dr. Wiley stated that the closing of the streets would not have to take place immediately, they could be closed in six months or two years but they need to know that they would one day be closed before the final location for the science building could take place. In closing Dr. Wiley thanked the board for their consideration of this matter and asked if anyone had any questions.

After being recognized by Mayor King, Attorney Luna addressed the board concerning the process that takes place with a city wishing to close a street. She first stated that the city is not allowed to sell the street because in most cases the city does not own the street rather they only have an easement to maintain for traffic and utilities. If the city wishes to close a street they must abandon the street by ordinance and when doing so, the property reverts back to the adjoining property owners but before this action is taken, the Planning Commission must review the request and make a recommendation back to the board. They must review how this abandonment would affect the community and traffic flows around the area. The Planning Commission may also recommend improvements to other streets, or other access to resolve any issues caused by the closing of the street(s). After the Planning Commission makes a recommendation, the city board must take the final action. They can uphold the recommendation or override it. Ald. Farris recommended sending the matter to the Planning Commission for review. He also voiced his concern about the amount of traffic that would be pushed to Mill Street and the fact that there is not a turn lane on Mill Street.

Mayor King addressed the board stating his concerns over the additional traffic these changes would cause on Mill Street and well as others such as S. Mifflin and Washington. Mayor King explained the increased traffic counts on Mill Street when the city closed the streets for a test of the situation. He saw no way for Mill Street to handle the traffic load in its current condition. If the city were to have to make these improvements, they would either have to borrow funds or raise taxes to complete the work. Money is a major concern in the present economy. Mayor King asked if the university was willing to fund the estimated \$500,000 worth of improvements needed on Mill Street for grading, utility relocation and widening for a turn lane. Mayor King stated that he did not feel that it was the taxpayers' responsibility to fund improvements that were needed due the request of the university.

After considerable discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Faulkner to table this matter until after FHU presents this request to the Planning Commission and they make a recommendation back to the city board. Motion carried.

Police Chief Tommy Davis addressed the board concerning the pay rate for four newly created sergeant positions in the department. The board approved the positions last month but

asked for a month to determine the pay rate. Chief Davis stated that he had two police chiefs and one investigator from other departments come down today and interview the officers who had applied for these positions. They would rate each applicant on a scale of 1 to 5 and this rating would be used along with other information to select the people receiving the promotion. The police chiefs from the other departments were very complimentary of our officers that applied for the position. Chief Davis was still suggesting \$.35 per hour raise above top patrolman for the sergeant positions. After due consideration, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to award the pay increase as recommended for the four sergeant positions. Motion carried.

Chief Davis also reported that he had taken applications for the two vacant positions in the department and between the applicant screening and the testing, he had five individuals that had passed and made it to the final group. Chief Davis stated the city had one slot reserved in the Training Academy for March 30<sup>th</sup> with a one day orientation on March 5<sup>th</sup>, so a final selection and hiring would be completed prior to that time. No action was needed by the board concerning this matter.

The next item for discussion was the results of the appraisal performed by the city on the Southwest Human Resource Agency buildings that are owned by the city. This appraisal was completed at the request of the county mayors on the SWHRA board and cost was to be paid by SWHRA. SWHRA has already had one appraisal performed and the city council believed the appraised value of \$750,000 was too low. The city hired Appraisal Services, Inc (Mr. David Whalley) to perform the second appraisal. The value on the buildings/land was \$1,075,000.00. Ald. Farris, from the committee appointed concerning this matter addressed the board stating he had reviewed the appraisal and he felt the figures/comparison used on the land was too low as well as the value placed on the storage/commodity building. The commodity building was appraised for very little more than the recent addition that was made to the building. He recommended to not accept the \$1.075 million but recommended the asking price be to \$1.2 or \$1.25 million. This is lower than the \$1.55 million that the city originally asked for the property. The total square footage of the buildings was discussed. The ability of the city to finance a portion of the price of the building that the city still owed on was also discussed. Since SWHRA is a quasi-government entity, such an agreement could be allowed by the board with board approval. Mayor King advised the board that the Madison County Mayor was willing to provide SWHRA land at no cost in Madison County for a new central office for SWHRA. SWHRA would have to construct the building. The city does not have a lease agreement with SWHRA so they could leave at any time. After considerable discussion, motion was made by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Barnes to set the building price at \$1.3 million. Motion carried.

Mayor King stated that the term of one member of the Planning Commission and one member of the Board of Zoning Appeals had ended. He contacted the two members being Bobby Ruth on the Planning Commission and Juanita Canada on the BOZA and they were willing to serve another term. Mayor King recommended the reappointment of Mr. Bobby Ruth and Ms. Juanita Canada to their respective boards. Motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Faulkner to approve the recommendation. Motion carried.

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Ald. Buel Maness addressed the board about the possibility of the city offering a discount for the early payment of property tax during the coming year. The county has been doing this for several years. Recorder Garland stated that this could be approved by the board but would need to be discussed during budget meetings. The city board would have to approve this at the same time they set the tax rate.

Police Chief Davis stated that representatives from the Concerns of Police Survivors (COPS) were in town today to meet with the family of Officer Dennis Cagle as well as his former partner Ricky Hardy to discuss the trip to the Fallen Law Enforcement Officers Memorial Service in Washington DC. A majority of the trip is paid for by the organization but the local jurisdiction is asked to fund part of the cost of this trip. The cost includes air travel, hotel, meals, etc. Chief Davis asked for \$5,000 to help with this trip. Mayor King explained the trip in more detail and recommended the participation in this worthwhile trip. Motion by Ald. Smith, duly Ald. Farris to fund the \$5,000 as recommended. Motion carried.

There being no other business, motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Smith to adjourn. Motion carried.

Signed: Robert W. King

APPROVED: \_\_\_\_\_  
MAYOR

Signed: Jim E. Garland

ATTEST: \_\_\_\_\_  
CITY RECORDER