

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

JANUARY 14, 2010  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, January 14, 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. City Attorney Jerry Spore was absent.

Alderman Michael Phelps 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. Smith, duly 2<sup>nd</sup> by Ald. Barnes 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 about the accounts, the meeting continued.

Delegations were called for by Mayor King. There being none, the meeting continued.

Mr. Mike Hewitt of Alexander, Thompson and Arnold was present at the meeting to discuss the results of the annual audit for the year ending June 30, 2009. The staff and board members had been presented a copy of the audit approximately 60 days prior to tonight's meeting thus having a chance to review the document. Mr. Hewitt explained the highlights of the report including the Statement of Net Assets, the Statement of Activities, the Statement of Revenues, Expenditures and Changes in Fund Balance for the General Fund as well as other parts of the report. The budget year revenue and expenditures had the following effects on the governmental fund balances:

General Fund ----- decreased by \$282,253  
Drug Fund ----- increased by \$ 4,277  
State Street Aid ----- increased by \$ 37,498

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Industrial Park Fund ----- decreased by \$120,350  
Sanitation Fund ----- decreased by \$ 15,997  
General Debt Service Fund ----- increased by \$136,321

The Utility Department posted the following net income for the year.

Water Department ----- \$ 34,931  
Sewer Department ----- \$ 66,060  
Gas Department ----- \$ 29,905

Mr. Hewitt stated that there was no material weakness in the city's internal controls. Due to the grants the city had received in the budget year, the auditors had to perform a Single Audit. The results of this additional audit work showed that the city was in compliance with the grant requirements. He did make note of three findings in the audit report and noted that management had taken steps to correct the weaknesses. Mr. Hewitt stated that they were pleased with the condition of the city's financial records and commended the city's staff on their performance. Mr. Hewitt asked if the board had any questions concerning the audit. There were none and Mr. Hewitt was thanked for his service.

Mr. Dwayne Wilson and President Joe Wiley of Freed Hardeman University were present at the meeting. Mr. Wilson addressed the board concerning FHU's request to close Hamlett Ave and the majority of University Street. The board was presented a copy of the proposed plan concerning this matter. Mr. Wilson responded to a recent article concerning this matter in the "Chester County Independent" that stated FHU wanted the city to close the streets and give them to the university "free of charge" was untrue and that if some agreement was reached with the city, the university was willing to pay for the land under the streets. The request was being asked for due to the construction plans of a new Science Building on the southeast corner of E. Main and Hamlett Ave. He stated that the university was asking for this change to improve the safety of the campus by limiting access and through traffic.

Mr. Wilson stated that he understood that there were water, sewer and natural gas lines located under and along the streets and that the city must be able to service and maintain these facilities. Some of the street areas, especially Hamlett from Main to University would be converted into a pedestrian area with walkways and landscaping. He wanted an agreement drafted that would allow the city to maintain utilities and the university would be responsible for repairing/replacing the top layer be it either walkway or landscaping. Addressing a concern of the city, Mr. Wilson stated that the plan would provide adequate emergency vehicle access to all structures in the campus. Several of the board members expressed concern about this request. Building setbacks, changes to traffic flow and emergency access were all discussed.

After due discussion, motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes for the city to take the following actions within the next 30 days. 1) Complete traffic counts on each street affected with the streets in question open and again with them closed, 2) Study emergency access with PW, PD, FD and EMS, 3) Confirm and map utility locations, 4) Draft proposed maintenance agreements for utility access and 5) Review the legal questions on the selling vs. appraisal for determining a fair value. Motion carried.

The next item to be considered was a request for a rezoning of property along a proposed extension of Sheila Drive from R-1 Low Density Residential to R-2 Medium Density Residential. Building Official Brent Beshires stated that this was the identical rezoning that was presented to the city board by a recommendation of the Planning Commission at the November 2009 meeting. The rezoning ordinance failed due the lack of a second on the first reading. The owners of the property requested that the matter be reconsidered. At the recommendation of the State Planner, the owners made their request back to the Planning Commission. At their December meeting, the Planning Commission made a favorable recommendation on the proposed rezoning and thus it is now being brought back to the city board for consideration. Mr. Beshires went on to explain that the pre-existing sub-division was originally platted in the late 1960's or early 1970's but it had never been developed. The future land use map showed this area being developed more as a multi-family residential area and the property does border an R-2 area to the south.

Being duly advertised in the "Chester County Independent" newspaper, Mayor King opened the meeting for a Public Hearing on the proposed rezoning. Mr. Mike Maness of Advanced Land Surveying addressed the board stating that the developers were not planning on duplexes in this area. Most of the proposed lots were of R-1 square footage requirements but they wanted the smaller side yard setback in order to build a larger home. The sewer to the proposed development was discussed and UD Elkins stated that the developers were planning on trying to use gravity sewer with the help of a small bridge. There being no other comments from the public, Mayor King declared the public hearing closed.

Motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Farris to approve the Ordinance to rezone (Ordinance # 453) 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. Faulkner, duly 2<sup>nd</sup> by Ald. Barnes to approve the Ordinance to rezone (Ordinance # 453) 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 # duly passed and the property rezoned.

Police Chief Tommy Davis addressed the board concerning personnel needs in police department. These matters were discussed in a recent planning session of the board. Chief Davis stated that at the present time he only had 12 active officers including 1 Investigator, 1 Assistant Chief, 1 Community Crime Prevention (CCP) Officer and 9 Patrolman. The CCP officer was funded 75% through a Criminal Justice Grant. This grant is not going to be extended so the funding will end June 30<sup>th</sup>. Chief Davis felt this was a very worthwhile program and hoped the board would be willing to continue to fund it. Due to budget cuts, the Narcotics Investigator was eliminated July 1, 2009. Chief Davis was hoping to continue the CCP Officer,

re-hire a Narcotics Investigator in the coming year. The department has one vacancy due to the line of duty death of Captain Dennis Cagle and Chief Davis was taking applications for a patrolman to fill this vacancy. Chief Davis also asked to hire an additional officer to fill the hole left when Patrolman Kyle Connor was sent overseas for active duty in the National Guard. He is scheduled to remain overseas until January 2011. He also stated there was a strong possibility of losing two officers to other employment in the near future. Chief Davis also asked to have a supervisor on each patrol shift by creating 4 sergeant positions and eliminate the vacant captain position. Presently the captain's pay is only \$.54 per hour more than a patrolman. Chief Davis understood that the city was in a very tough budget year and would have another one coming up but he felt bad about promoting anyone and not being able to give them some raise for the additional responsibility. He left the promotion and the raises up to the board but he said his main priority at the present time was to get more trained officers on the street.

Mayor King addressed the board concerning the cost of the recommendations made by Chief Davis. He stated that two positions could be filled without affecting the existing budget due to the fact that they would only be earning the wages no longer paid to Captain Cagle and Patrolman Connor. In the new budget starting July 1<sup>st</sup>, the city would have to fund the 75% of the CCP Officer (approximately \$41,000) and upon the return of Officer Connor the other officer (approximately \$41,785 per year). If Officer Connor returns for 6 months of the next year's budget and the city continues the CCP Officer the additional expense in next year's budget would be approximately \$61,000. If funded totally with property tax, this would be a \$.10 tax increase. This includes salary and benefits. Mayor King agreed that the city could lose an officer within 6 months based on information he is aware of. Mayor King felt it was a good idea to go ahead and hire two officers now (one for the vacancy left due to Cagle's death and one additional officer). Ald. Smith stated that if we hire two now then if we lose someone, we can review it again at that time. Chief Davis stated he really wanted to fill the Narcotics Investigator position as soon as possible. Ald. Farris wanted to go ahead and hire two officers. Chief Davis wanted to make sure that the board understood the cost involved with the recommendations in next year's budget. After considerable discussion, motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to hire two officers at the present time. Motion carried.

Ald. Barnes agreed with the Chief's recommendation of having the supervisors. Concerning pay raises for supervisors, Mayor King reminded the board that the board approved the promotion of David Russell in the utility department but did not approve any raise. Ald. Smith asked what was Chief's recommendation for a pay differential for the sergeant positions. Chief Davis recommended approximately \$.35 per hour above patrolman but he felt that was on the low side. Ald. Barnes asked how Chief Davis was going to base his promotions to the sergeant positions. Under the city policy, the chief will have to post the positions and all officers will have the right to apply. The Chief will recommend persons for the promotions and the mayor has to approve the recommendation. If the chief and the mayor cannot agree, the chief can bring the recommendation to the board for a decision. Chief Davis stated that he would probably get some supervisors/chiefs from other police departments to interview candidates and make recommendations for the promotions. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to approve creating four sergeant positions and the board would set the pay rate at the next meeting. Motion carried.

A discussion of issues with the Dry Creek water line took place at the recent planning session. Ald. Smith stated that we have an existing water line that we cannot hook up any customers on due to low pressure problems. UD Elkins briefly explained the problem and stated that to correct the issues; he would recommend hooking up this area onto the Deanburg system. This would include parts of Wilson School Road, Maness Road and Dry Creek. The estimated cost would be \$60,000. He would need to hire an engineer to verify the design of the project. He recommended Mr. Jim Hilborn of GRW Engineering. The cost for the engineering design would be \$10,000 to \$12,000. Ald. Farris wanted to make sure that any design would provide for plenty of growth in that area. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness to hire GRW to perform the engineering study. Motion carried.

Recorder Garland recently attended a meeting with the Tennessee Consolidated Retirement System (TCRS) to receive the City's Matching Rate based on the two year actuary study. The new rate would go into effect July 1, 2010 and remain in effect for two years. The city had been greatly concerned about this rate in the tight budget times. The rate decreased from 14.31 % of salaries to 12.97%. This was good news but the reason for the decrease was that the TCRS system stretched the amortization of Supplemental Liability from six years to twenty years. This was done for groups where the rate was going to increase in excess of 1.5% without the refinancing. Without this action the city's rate would have been 16.83%. The city had no choice but to agree with the recommendation of the actuary.

UD Mark Elkins addressed the board considering the problems with the east lagoon. He asked for \$3,000 to \$5,000 to hire Jim Hilborn to do a quick study and determine some options to correct some of the issues with the lagoon. After due discussion, motion by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Smith to authorize spending \$3,000 on this study. Motion carried.

UD Elkins addressed the board and presented a report recommending the purchase of four trucks on state contract pricing. He recommended purchasing two Ford Ranger Trucks with cash in the Gas Department using funds from the PCD settlement. He also recommended purchasing two trucks under a lease purchase agreement for a Ford F150 and a Ford F250 4x4 for the water and sewer departments. All trucks would be from Alexander Ford in Murfreesboro. After due discussion, motion by Ald. Farris, duly by Ald. Faulkner to bid the trucks out to allow local dealers a chance to bid. Motion carried.

Fire Chief Glenn Bryan addressed the board at the recent planning sessions. He had discussed the upcoming change in the radio system that would require the replacement of almost all radios and pagers in the department. In order to begin this process, he asked to transfer \$10,900 of unused funds from the volunteer firemen salaries to Equipment purchase to begin purchasing some of this equipment. He hoped he would be able to spread the total cost (being \$22,000) over three budget years. Motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Faulkner to approve the transfer of funds for this use. Motion carried.

Chief Davis stated that the starting wage for a patrolman had been \$12.50 for many years and he asked that it be raised to \$13.25 per hour. The board took no action on this recommendation.

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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