

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
MARCH 11, 2010

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, March 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, 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 Michael Phelps 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 2nd 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 about the accounts, the meeting continued.

Delegations were called for by Mayor King.

Mrs. Rhonda Woodham addressed the board on behalf of Project Graduation 2010 asking for the city's continued support of the worthwhile project with whatever monetary donation they could make. The city had budgeted for \$500.00 for this project and the police department also gives \$500.00. With the funds already in the budget no action was needed by the board. Mrs. Woodham thanked the board for their donation.

There being no other delegations, Mayor King asked that the agenda item about the SWHRA building be considered next. Mike Smith, Director of SWHRA was present at the meeting. SWHRA is wishing to purchase from the city the building they now occupy and lease from the city. The city and SWHRA had been in negotiations for some time concerning the value of the buildings. At the January meeting the city board reduced their asking price for the buildings to \$1.3 million. A letter was received from SWHRA dated January 22nd that their

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Agenda Policy Council had met on February 18th and voted to make an offer to the city for \$1.15 million. That proposal is not back before the city board for consideration. Mr. Smith addressed the board and thanked the city for their support throughout the relationship. He addressed the situation and talked of the two appraisals completed on the property and his problems with borrowing funds in excess of the appraised values.

Ald Faulkner stated that he made the motion at the last meeting and still felt this to be a fair asking price. He compared the asking price to the recently constructed Tech Center cost.

Mayor King stated that the City of Henderson took a huge risk and went out on a limb to build these buildings for SWHRA when no other city or county would. There was no guarantee of a continued lease past one year. The taxpayers of Henderson paid extra for 12 years before the buildings ever broke even. Now the city is finally reaping some of the rewards of taking that risk. Mayor King went on to say that he did not want SWHRA to leave and have these buildings empty.

Ald Farris stated that he felt it was time for some closure of this matter. He felt that an asking price of \$1.2 million to \$1.25 million was reasonable and wanted to meet them in the middle. He asked Mr. Mike Smith if his board gave him any authority to negotiate. Mr. Smith said no he only could make the offer that was on the table. Ald. Smith stated he would accept \$1.25 million. After a lengthy discussion, motion was made by Ald. Smith, duly 2nd by Ald. Barnes to make a counter offer to SWHRA to sell the buildings for \$1.25 million. Motion carried.

The next item to be considered by the board was a request to amend the Regional Zoning Map to rezone property located along the south side of Hwy 100 East from B (Business) to FAR (Forestry/Agriculture/Residential). Property is further described as the highway frontage of Lots 2, 3, 4, 5 10 and 11 of Baker Sub-division. This rezoning request had been presented to the planning commission and did receive a favorable recommendation. Mayor King opened a public hearing on the proposed rezoning. Said public hearing was duly advertised in the "Chester County Independent" newspaper. Building Official Brent Beshires explained that the homeowners in this area requested the rezoning. All their lots were cut into by the B and FAR zoning.

Motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to approve the ordinance to rezone (Ordinance #454) on the first reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johnny R. Farris, Tim Faulkner, Buel Maness,
Michael Phelps and Keith Smith.

Noes: None.

With the first reading being unanimous, motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to approve the ordinance to rezone (Ordinance #454) on the second reading. Upon a roll call vote the following was cast:

Ayes: Robert C. (Bobby) Barnes, Johnny R. Farris, Tim Faulkner, Buel Maness,
Michael Phelps and Keith Smith.

Noes: None.

Therefore Mayor King declared Ordinance #454 duly passed and the property rezoned.

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A resolution approving the Chester County Hazardous Mitigation Plan was presented for approval. The Mitigation Plan was almost identical to the one approved several years ago by the city and had been recommended by Chester County Emergency Management as well at TEMA. The resolution reads as follows:

RESOLUTION NO. 2010-0001

THIS RESOLUTION approved and adopted by the Board of Mayor and Aldermen of the City of Henderson, Tennessee, on the date hereinafter set forth.

WITNESS TO:

WHEREAS, 44 CFR Part 201 Hazard Mitigation Planning, establishes criteria for hazard mitigation planning authorized by Part 322 of the Stafford Act, as amended by Part 104 of the Disaster Mitigation Act. Section 322 of the Disaster Mitigation Act of 2000, mandates that Chester County: prepare, maintain and keep current a hazard mitigation plan for evaluating the County's hazards, identifying resources and capabilities, selecting appropriate actions, and developing and implementing mitigation measures to eliminate or reduce future damage from those hazards in order to protect the health and safety, and welfare of residents within this County; and

WHEREAS, in response to the mandate stated above, this City has affirmed a commitment to the County they have assisted in preparing a hazard mitigation plan to identify any cost-effective action taken to eliminate or reduce the long-term risk to life and property from natural and technological hazards; and

WHEREAS, this City has also committed to reducing the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this municipality through the efforts outlined by this plan;

NOW, THEREFORE, we the Board of Mayor and Aldermen of the City of Henderson do hereby approve adopt and place into immediate effect the Hazard Mitigation Plan of Chester County. This Plan shall be reviewed every five years to make certain that it conforms to the requirements of the provisions set forth by the Tennessee Emergency Management Agency's guideline.

After due consideration, motion was made by Ald. Barnes, duly 2nd by Ald. Faulkner to approve Resolution 2010-001 approving the Chester County Hazardous Mitigation Plan. 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 Resolution 2010-001 duly adopted and the plan approved.

Mayor King advised the board that in order to protect the new city logo, the state requires that the city formally adopt said logo. The following resolution was presented to do just that and reads as follows:

RESOLUTION No. 2010-002

A RESOLUTION TO FORMALLY ADOPT THE OFFICIAL CITY LOGO

WHEREAS; the City of Henderson wished to develop a City Logo for use in helping identify the city, its vehicles, its employees and its services, and

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WHEREAS; the City of Henderson hired the Bramblett Group to develop said logo including unique colors and schemes for each city department, and

WHEREAS, this new logo will be used on any and all documents and publications of the city including but not limited to: stationery, envelopes, business cards, seals, vehicle identification, public notices, etc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Henderson, Tennessee, that in order to protect this unique design, no person or firm shall use said image or logo either for commercial purposes or in a manner that would cause confusion or mistakes, deceive or falsely suggest a connection with or endorsement of the City of Henderson.

BE IT FURTHER RESOLVED that anyone wishing to use this image or logo for any purpose must receive written permission from the City of Henderson

After due discussion, motion was made by Ald. Barnes, duly 2nd by Ald. Maness to approve Resolution 2010-002 officially adopting the City of Henderson Logo. 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 Resolution 2010-002 duly adopted and the logo approved.

Ald. Farris commended Police Chief Tommy Davis on the look of his new Black and White patrol car design.

Ald. Smith made comments on the condition of North Ave and asked PWD King if funds were available to repave the street. Mr. King said he knew it was in bad condition and needed attention and would prepare an estimate on repaving.

Mayor King stated advised the board that the Southwest Tennessee Development District was beginning a program called the Southwest Tennessee Educational Pathways (STEP) program. The program covers the thirteen counties and provides for scholarships for two years of Junior College or Tech School. The program first helps mentor all eligible applicants in applying for all available federal and other scholarship and grant monies. Then the program can/will provide the last dollars needed for them to attend junior college or tech school. Chester County has been asked to donate a total of \$15,000 with the county donating \$10,000 and they are asking the City of Henderson to provide the remaining \$5,000. Mayor King is not asking for funds tonight but would at a later meeting.

City Attorney Jerry Spore advised the board that Mid-South Castings which was leasing the city building at 60 Record Drive starting January 15th. They are already in default on their payments to the city. They have not set up any operations in the building or changed over the utility services. They have only placed some equipment in the building. It was recommended that if they would vacate the building by April 1st that the city would take no other action to

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collect the past due amounts and the lease would just be voided. Motion by Ald. Farris, duly 2nd by Ald. Barnes to take the recommendation of Attorney Spore in this matter. Motion carried.

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

Signed: Robert W. King

APPROVED: _____

MAYOR

Signed: Jim E. Garland

ATTEST: _____

CITY RECORDER