

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN  
OCTOBER 14 & 19, 2010

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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, October 14, 2010 at 7:00 P.M. in the Council Chamber of the City of Henderson City Hall. Present and presiding was Vice-Mayor Keith Smith 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 Sergeant Ricky Hardy, Interim Public Works Director Carter Scales, Building and Zoning Official Brent Beshires, Fire Chief Glenn Bryan and Utility Director Mark Elkins.

Vice-Mayor Smith announced that Mayor Robert W. (Bobby) King was unable to attend the meeting due to his daughters wedding in Florida.

Alderman Bobby Barnes gave the invocation and Alderman Michael Phelps 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. 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. Faulkner questioned the expenditures for the testing at the old landfill. Recorder Garland explained the State requires different tests be taken at different times during the year. The tests being paid for now are the most in-depth test for sampling the water wells at the site. Ald Farris questioned the payments to G & C for the barricades and signs. It was explained that this was payment for barricades, traffic cones, safety vests and signs that were purchased with the TML Safety Partners Grant. The grant will reimburse the city 50% of the cost. There being no other questions concerning the accounts, the meeting continued.

Delegations were called for by Vice-Mayor Smith.

The Chester County Chamber of Commerce and a small group of downtown business people were present at the meeting. Mr. Brian Henson of Edward Jones Investments was the spokesman for the group that was requesting that the city apply for a TDOT TEA-21 Grant for downtown streetscape project. The proposed project total cost was estimated at \$900,000 and would require a 20% local match (\$180,000). The deadline for the Grant Application was

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November 1<sup>st</sup>. The group had a PowerPoint presentation and thus the board members came down into the audience to view the presentation. They showed pictures of area towns that had underwent this type of project and compared them to Henderson's downtown. They stated that the project would create a return on investment by increasing local business and creating new business. Mr. Henson stated that he/they were not asking for the money tonight and that it would be a year before the city even knew if they were awarded the grant and another 6 months to a year before the money would be needed. Even if the city was awarded the grant, the city could say no and it would not cost the city anything. Chester County was applying for a TEA-21 Grant to improve the sidewalks, etc around the Courthouse. The details on the design would be worked out after the grant was awarded.

The board members, especially Alderman Barnes expressed their concern on where the local funds would come from if the city was awarded the project. They were also disappointed at the late date that this matter had been brought before them. The board also wanted to know if the city would be penalized if the city was awarded the grant and did not accept it. Engineer Randy McKinnon of TLM Associates was present and addressed this question. He stated that the city would not be penalized if they declined the grant. His firm, TLM along with the Development District was willing to make the application at no cost to the city even if the city declined the grant. Recorder Garland did advise the audience that the city had completed a TEA-21 Grant in the past. The city did want to do downtown sidewalks but due to the recommendation of TLM based on funding priorities of TDOT at the time, the project was changed to include a greenway and sidewalks out toward the schools. Later due to cost and easement problems, the greenway was dropped from the project. This project was discussed in depth by the board. Board members thought that downtown needed this improvement but were concerned where the local funds would come from.

With board members unable to make a decision on such short notice, motion was made by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Maness that at the conclusion of other business, the meeting be recessed until October 19<sup>th</sup> at 6 PM to consider this matter further. Motion carried. Board members returned to their seats.

In an unrelated matter, Chamber Director Emily Shelton addressed the board stating that the Chamber wanted to apply for a new program called Tennessee Downtowns. She stated up front that she did not need any funds. The program provided state funds for local downtown leaders and business people to receive training on downtown revitalization. The training takes place over 18 months. Ms. Shelton was hoping to apply in the Chamber's name but due to the requirements, she may have to apply in the city's name. A resolution on the Tennessee Downtown was presented for consideration upon motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Phelps. The resolution is as follows:

**RESOLUTION NO. 2010-007**

A RESOLUTION AUTHORIZING THE CITY OF HENDERSON TO SUBMIT AN APPLICATION TO PARTICIPATE IN TENNESSEE DOWNTOWNS, A PROGRAM OF THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.

WHEREAS, Tennessee Downtowns has been created to guide communities through and 18-month process to develop direction for the revitalization of their downtown commercial area; and,

WHEREAS, the Tennessee Department of Economic and Community Development will be selecting communities to participate in the Tennessee Downtowns based on a competitive application.

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NOW BE IT THEREFORE RESOLVED by the Board of Mayor and Aldermen of the City of Henderson, Tennessee the following:

SECTION I. That the City of Henderson endorses the submission of this application and participation if selected in the Tennessee Downtowns

SECTION II. That the City of Henderson endorses the revitalization of the downtown commercial district.

SECTION III. That the City of Henderson endorses the steering committee participation in all required meetings for Tennessee Downtowns.

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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 Vice-Mayor Smith declared Resolution #2010-007 duly adopted.

UD Elkins addressed the board on a recent inspection of the natural gas system by the Tennessee Regulatory Authority that cited a violation pertaining to the pressure relief valves on several regulator stations. The pressure relief valves on the stations take too long before they fully open. In order to correct the problem, these valves would need to be replaced with newer Mooney relief valves. The cost of this would be between \$15,000 to \$18,000. After due discussion, motion by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to bid the necessary relief valves, authorize UD Elkins and Mayor King to award to the lowest responsible bidder and to have the project completed. Motion carried.

The city board discussed the interview process for the position of Public Works Director. The board took no action tonight but they decided that they would review the applications and discuss them in detail on Tuesday night during the recessed session. The meeting would be a continuation of this one and be open to the press and the public.

UD Elkins advised the board that the Wilson School Road project was fully completed and the project greatly improved the water pressures on Maness and Dry Creek Roads. The project came in about \$10,000 under budget.

UD Elkins also addressed the board concerning the disappointing response from potential natural gas customers in the Mifflin Area. He stated that out of approximately 200 LP customers they have only had 33 services completed. Many residents have some gas in their LP tanks and are unwilling to convert until they use up all their LP gas. The problem with this is they may not be able to get connected due to our backlog, weather or gas plumber delays. UD Elkins wanted the board's feelings about continuing to run additional mains on approximately 3 miles of Hwy 197 and approximately 5 miles on Hwy 200. The board discussed this matter and they recommended moving forward with the main extensions as time allows.

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Interim PWD Scales advised the board of the problem with street name signs being stolen at an alarming rate. The city has spent approximately \$900 in the past two months on replacement signs and now another 44 panels need to be ordered. The street sign budget will not fund this level of sign replacement. Recorder Garland also advised the board that this is the line item that also funded the barricades and signs just purchased. The board wanted to replace the signs as needed and they would adjust the budget line item as needed.

The board discussed Halloween Trick or Treating with Halloween being on Sunday this year. After due discussion, no change was made and therefore Halloween Trick or Treating would be on Sunday night.

Ald. Faulkner addressed the board concerning certain residents having reoccurring yard sales. He specifically mentioned a resident on North Ave that seems to have one every weekend. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to send a letter to this resident to stop what appears to be a business use in a residential zone. Motion carried. The board also wanted to check into passage of regulations limiting yard sales.

UD Elkins addressed the board concerning a request by Tennessee Gas Pipeline to FERC for a rate increase. Mr. Elkins had met with the Small Customers Group Attorney (Miller, Balis and O'Neal) concerning this matter and based on their estimates, this could cost the gas customers an increase of 25% to 45% in natural gas rates. Mr. Elkins explained this to the board and the Small Customer Group membership unanimously recommended having Miller, Balis and O'Neal hire a specialist to prepare a response to the request of Tennessee Gas Pipeline in this matter and hopefully be able to negotiate a settlement. The cost will be spread to the group based on gas usage with the City of Henderson's part being approximately \$15,300. UD Elkins asked that Ald. Farris, Smith and Faulkner to serve on a committee concerning this matter. UD Elkins stated that he would be happy to meet with any of the board members to discuss this matter in more detail but the subject matter was very in depth. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barnes to participate in this legal process and to spend up to the \$15,300 in fees. Motion carried.

There being no other business for tonight, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Faulkner to recess until Tuesday, October 19<sup>th</sup> at 6:00 AM.

Recessed Session  
October 19, 2010 at 6:00 PM

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The Board of Mayor and Aldermen of the City of Henderson, Tennessee reconvened in regular session on Tuesday, October 19, 2010 at 7:00 P.M. with Mayor Robert W. (Bobby) King presiding and the following:

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

Absent: None

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There also present were: City Recorder Jim E. Garland, Police Chief Tommy Davis, Interim Public Works Director Carter Scales, Building and Zoning Official Brent Beshires and Utility Director Mark Elkins.

Mayor King called the meeting back to order at the appointed time and thanked Vice Mayor Smith for handing the meeting the prior week.

The first item was to discuss the request to apply for a TEA-21 Grant for downtown sidewalks and lampposts. Mayor King asked if anyone was present that wanted to add anything to the discussion that began last week.

Cecil W. Hearn, a downtown building owner, stated that he had been to towns that had completed this type of project and he thinks that is a very good thing to apply and that it would be a big plus for the community. There being no other comments, the board began their discussion.

Ald. Maness stated that he felt that we didn't have the room on Main Street to do what some of the other towns have done. Ald. Faulkner felt the street width did not lend itself to installation of trees and benches. Engineer McKinnon advised that based on the traffic requirements that you could widen the sidewalks some and therefore allowing for an additional foot or more on each side and still have plenty of room for traffic lanes. But these details would be worked out at a later date if the city received the grant. Business people Edward Plunk and Charles McNatt spoke in favor of the project. Concern over the construction timeframe and disruption to business was also expressed. Construction would take between 9 to 12 months but it would be done in phases or blocks at a time. Funding of the project was also discussed. Ald. Farris even mentioned the possibility of having a special assessment tax to the downtown area to pay for the improvements.

Mayor King spoke concerning this matter and stated that above and beyond any aesthetics of such a project, the first responsibility of the city is for the safety of the citizens. Safe sidewalks that are handicap accessible and lighting are the priorities. He also stated that we needed to be very practical and be careful about reoccurring cost such as maintenance and upkeep of trees and flower beds, etc. Mayor King did make it clear to the board that the city board will have the final say in what is included in the project.

Funding suggestions were discussed in depth. Ald. Barnes discussed the cuts and tax and rate increases the city has made in the last couple of years in order to just balance the budget. We have to know where these funds are coming from. Mayor King stated that one option for funding was to use some of the funds from the sale of the SWHRA facility for this project and then replace it over several years. A property tax increase was discussed to replace the funds. Several board members stated they were not in favor of raising taxes. Board members warned Engineer McKinnon that if the application was made, to be sure to budget enough in contingencies to cover any change orders. No additional local funds would be available.

Chamber Director Emily Shelton made a passionate plea to the board members stating that the city deserves this and that Henderson is behind other cities and is losing out everyday. She asked for the board to please give "us" a chance and apply. She stated that downtown is a shame. She stated that she would be very happy with just sidewalks and lights.

After considerable discussion, motion was made by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Smith to pass a proposed ordinance authorizing the application of a TDOT TEA-21 Grant in the total project amount of \$900,000. The resolution is as follows:

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RESOLUTION NO. 2010-008

CITY OF HENDERSON

WHEREAS, the Tennessee Department of Transportation has responsibility for the administration of the Transportation Enhancement (TEA-21) program which is designed to assist communities in their efforts to enhance transportation concerns.

WHEREAS, the City of Henderson, acting by and through its Board of Aldermen proposes to apply for TEA-21 funds for the purpose of performing eligible transportation enhancement activities that will benefit the majority of the residents of the City of Henderson.

WHEREAS, the City of Henderson will provide local financial support in conjunction with the TEA-21 funds to complete the above project; and

WHEREAS, the City of Henderson, as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Henderson as follows:

THAT, Mayor Robert W. King is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Transportation, requesting Fiscal Year 2011 TEA-21 funds and local funds in the amount of \$900,000 for downtown sidewalk replacement/improvement and lighting project; and

THAT, the City of Henderson will be responsible for the local cash/match of 20% or \$180,000 toward the project to be provided in full by the city; and

THAT, Mayor Robert W. King is hereby designated and appointed as Financial Officer and to perform on behalf of the City of Henderson, Tennessee, those acts and assume such duties as are consistent with said position.

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Upon a roll call vote the following was cast:

Ayes: Tim Faulkner, Buel Maness, Michael Phelps and Keith Smith.

Noes: Johny R. Farris.

Abstained and Not Voting: Robert C. (Bobby) Barnes.

Therefore Mayor King declared Resolution #2010-008 duly adopted and he stated he would work to get the application made by the November 1<sup>st</sup> deadline.

The discussion of the position of Public Works Director took place before the board. Motion was made by Ald. Smith that the board adjourn into a committee meeting to discuss the applications. The committee meeting would be open to the public. No second was received on the motion to adjourn therefore Ald. Smith withdrew the motion. The board considered interviewing Interim PWD Scales tonight. Ald. Smith wanted to discuss all the applicants and determine who to interview. After considerable discussion, motion was made by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Barnes to interview Carter Scales on Thursday, November 4<sup>th</sup> at 6:00 PM. Motion carried.

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

Signed: Robert W. King  
APPROVED: \_\_\_\_\_  
MAYOR

Signed: Jim E. Garland  
ATTEST: \_\_\_\_\_  
CITY RECORDER