

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
SEPTEMBER 9, 2010

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, September 9, 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 Attorney Jerry Spore, City Recorder Jim E. Garland, Police Chief Tommy Davis, Interim Public Works Director Carter Scales, Building and Zoning Official Brent Beshires, Fire Chief Glenn Bryan and Utility Director Mark Elkins.

Alderman Buel Maness gave the invocation and Alderman Faulkner 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 2nd 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. Ald. Faulkner questioned the purchase of new badges and the purchase of the treadmill for the fire department. Chief Bryan explained that the badges were for the full time firemen's dress uniforms and were purchased with their uniform allowance. The treadmill was purchased to replace an existing machine that wore out. He stated that 6 to 8 firemen use the treadmill daily. There being no other questions concerning the accounts, the meeting continued.

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

Being the first meeting of the board after the election, Mayor King stated that it was time to appoint a new vice mayor. The new vice mayor will serve for the next two years. Ald. Farris nominated Ald. Keith Smith to serve as Vice-Mayor. There were no other nominations therefore the nomination of Ald. Smith as Vice Mayor was duly 2nd by Ald. Barnes. Motion carried.

Recorder Garland addressed the board members concerning the State of Tennessee FastTrack Grant for the improvements to the Arvin Sango site. A budget of the project was presented that reflected a total estimated cost of approximately \$825,000. Recorder Garland

reviewed the history of the project and the agreements made by the city two years earlier on the grant and with Arvin Sango. Arvin Sango was on a critical timeline to complete the facility and therefore wants the project expedited as soon as possible in order to have building construction underway before winter. Bids on the site improvements were being accepted until September 23rd and the city needed to be ready to award the contract to get the work started. To accomplish this, the board needed to authorize Mayor King to award the bid to the lowest responsible bidder as recommended by TLM Associates (the design firm). The maximum local funds needed for the project would be \$80,000, some of which may be funded by Arvin Sango. After considerable discussion of the project, motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to authorize Mayor King to award the contract to the lowest responsible bidder, designate that up to \$80,000 of local funds could be spent from the Industrial Park Fund and to proceed with the project. Motion carried.

Mayor King spoke to the board concerning the benefits that the 3-Star Certification has on this and all other grants obtained by the city and county. The Chamber of Commerce does all the steps in order to obtain and keep the city and county certified in 3-Star. Being a Level 1 3-Star community, the city and county will save 4% on the local match of all grants due to the certification and on this grant alone it is worth approximately \$30,000. If the county took steps to have a planning commission and county wide planning, the Chamber feels they could become a Level 2 or 3 county and therefore save an additional 3% on all grant matching. This is one of the many things the Chamber does for the community.

The next item to discuss was the adoption of the 2009 International Residential Building Code (IRBC). As explained by Building Official Brent Beshires, the State of Tennessee adopted the IRBC and will begin enforcing the Code on October 1st unless city adopts a residential building code, 2003 or later. An ordinance adopting the 2009 IRBC was presented as follows:

ORDINANCE NO. 461 .

AN ORDINANCE TO AMEND TITLE 12, CHAPTER 8 OF THE HENDERSON MUNICIPAL CODE HEREBY ADOPTING OF THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF HENDERSON, TENNESSEE, THAT:

Section 1. The Board of Mayor and Aldermen of the City of Henderson, Tennessee hereby adopts the 2009 Edition of the International Residential Code, including Appendices B, C, G and N (see International Residential Code Section R102.5) regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Henderson and the Henderson Planning Region.

Section 2. The following sections of the 2009 International Residential Code are hereby revised, amended or deleted as follows:

Delete: Section R105.2 (Work Exempt From Permit),
Section R313 (Automatic Fire Sprinkler Systems),
Section R315 (Carbon Monoxide Alarms) and
Chapters 34 – 43.

Section R101.1. Insert: CITY OF HENDERSON, TENNESSEE

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Table R301.2 (1) Insert:

Ground Snow Load – 10
Wind Design Speed – 90 MPH
Topographic Effects – None
Seismic Design Category – D o
Weathering – Moderate
Frost Line Depth – 12 inches
Termite – Moderate to Heavy
Winter Design Temp - 18°
Summer Design Temp - 95°
Ice Barrier Underlayment Required – None
Flood Hazard – See Adopted Flood Hazard District Ordinance
Air Freezing Index - Less than 1500
Mean Annual Temperature – 59.4° F

Section P2603.6.1 Insert: Twelve Inches in Two Locations.

Section 3. That a copy of the 2009 International Residential Code shall remain on file in the office of the City Recorder of the City of Henderson, being marked and designated as the International Residential Code, 2009 edition, including Appendices B, C, G and N (see International Residential Code Section R102.5, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Henderson, in the State of Tennessee for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Recorder of the City of Henderson are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Mayor and Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. BE IT FURTHER ORDAINED THAT this ordinance shall take effect on October 1, 2010, the public safety and welfare requiring it.

Mr. Beshires explained the deletions under Section 2. The ordinance eliminated the exempted work due to the fact it would conflict with the existing city policy, it deleted the requirements for residential sprinkler (as did the state) and certain Carbon Monoxide Alarm requirements. The Section also deleted all requirements for electrical work because that is already regulated by the state. Mr. Beshires also explained the table in which numbers or amounts were inserted based on our location in the county. These deal with snow loads, wind design, frost lines, seismic design, etc. There being no other questions by the board members, motion was made by Ald. Farris,

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duly 2nd by Ald. Smith to pass Ordinance #461 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.

With the first reading being unanimous, motion was made by Ald. Smith, duly 2nd by Ald. Phelps to pass Ordinance # 461 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 # 461 duly passed and the 2009 International Residential Building Code duly adopted.

Mayor King recommended appointing a Parks and Recreation Advisory Board. He stated that while working with the state on the park grant it became obvious that the state liked having an Advisory Board of citizens that would make recommendations to the city board on improvements needed to the park. The city board would maintain all control over the funds spent at the park. Mayor King had earlier emailed his recommendations for the advisory board to the city board at an earlier date. He also made note that a city board member would always serve as chairman of the Advisory Board. The recommended members are:

- 1) Michael Phelps, Chairman
- 2) Mark Barber
- 3) Michelle Cavaness
- 4) Heather Griffin
- 5) Amy Rogers
- 6) Claudia Aleman

Motion was made by Smith, duly 2nd by Ald. Maness to appoint these people to serve on the Parks and Recreation Advisory Board for the next two years. These members' terms would coincide with the term of Vice-Mayor and would be replaced or re-appointed every two years. Motion carried.

The next item to be discussed was the employee's health insurance. At the last meeting of the board, Recorder Garland handed out information concerning all the changes that were taking place with the State of Tennessee Local Government Plan which covers the city employees. The board was given a spread sheet showing the plans, their cost and the benefits provided under each. The employees must make decisions and the necessary paperwork has to be in Nashville by October 15th so the employees need to know what the city is going to fund for the calendar year starting January 1, 2011. This year for the first time, the local government plan has 4 tiers including employee, employee + children, employee + spouse and employee + family.

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Employees also have to select between a Partnership PPO, Standard PPO or a Limited PPO. The coverage is provided by either BCBS or CIGNA at the employee's choice. The administration was proposing that the city fund a total of up to \$450 per month per employee that has coverage in the Local Government Plan. This is 80% of the Standard PPO plan cost for the employee. If the employee chooses the Partnership PPO, then they could save money over what they are paying now under the existing plans. If they wished they could choose the Limited PPO and not be out any money for their coverage but the limited plan has higher deductibles and co-pays. Under this plan, for the first time, an employee could choose the Limited Plan and city would even fund a small portion using the remaining amount of the \$450 to help pay for coverage for children or spouse. All the rates were presented to the board members. This was discussed in depth by the board.

Motion was made by Ald. Faulkner, duly 2nd by Farris to approve the city paying up to \$450.00 per month per employee for all employees covered in Local Government Insurance Plan. Motion carried.

Chief Davis asked permission to take bids on two new patrol cars. These cars are in the budget. Motion by Barnes, duly 2nd by Ald. Farris to approve taking bids on two patrol cars and have the mayor and chief award the bid to lowest bidder. Motion carried.

Ald. Farris stated that since questions were raised with the condemnation procedure at the last meeting, he asked that City Attorney Spore look over our procedures to ensure that we follow the proper course in the future.

Ald. Faulkner questioned if the situation with UD Elkins on the gas line at his house had been taken care of. It was reported by Utility Superintendent David Russell that one of the meters had been set, the second line had been partially installed for the future and all the trenches had been covered up. The correct applications were also on file.

Ald. Faulkner asked about gas connections in the Mifflin area. UD Elkins with assistance with US Russell reported that ten services had now been connected in the Mifflin area.

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

MINUTES
OF THE
HENDERSON BEER BOARD

SEPTEMBER 9, 2010

The Beer Board of the City of Henderson, Tennessee met in session on Thursday, September 9, 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:

Members: 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.

Mr. Tammam Naji Alnajjar, permit holder at the Family Market had been summoned to appear before the beer board because he sold beer to a minor. The following notice was run in the "Chester County Independent" newspaper and notices were mailed to the permit holders by Certified Mail, Return Receipt Requested.

PUBLIC NOTICE

"Notice of Show Cause Hearing"

The City of Henderson Beer Board will hold a "Show Cause" hearing on Thursday, September 9, 2010 at 7:00 P.M. (immediately following the city board meeting) in the Council Chamber of the Henderson City Hall at 121 Crook Ave.

The following Permit Holder/Business is accused of having an employee that sold Alcoholic Beverages to a Minor:

Tammam Naji Alnajjar DBA: Family Market
245 W. Main Street
Permit #80

The permit holders should attend and answer charges against them and should show cause why their permits should not be suspended or revoked.

Under regulations of Tennessee Code Annotated and the Henderson Beer Ordinance, Section 8-213, the beer board may offer to the permit holders the option of paying a civil penalty of up to \$1,500.00 instead of the suspension or revocation of the permit. All interested parties are invited to attend this public hearing.

Henderson Beer Board

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Mr. Tammam Naji Alnajjar of the Family Market at 245 W. Main Street (Permit #80) was present to answer charges. In the board members packets was the police report where Mr. Alnajjar himself actually sold beer to a minor as well as his guilty plea in General Sessions Court. Chief Davis explained the same information. Chief Davis did state that the department did a beer sting approximately a month before this incident and no permit holder sold to the minor including the Family Market. This was the second offense for Mr. Alnajjar as a permit holder (before it was an employee of Mr. Alnajjar) but with the first offense being some two years earlier, this offense must be treated as a first offense. Motion was made by Ald. Farris, duly 2nd by Ald. Faulkner to assess the standard penalty of the choice of 90 days suspension or a \$1,500 civil penalty. Motion carried. Mr. Alnajjar stated he would pay the penalty.

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

Signed: Robert W. King

APPROVED: _____
CHAIRMAN

Signed: Jim E. Garland

ATTEST: _____
CITY RECORDER