

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

APRIL 14, 2011

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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, April 14, 2011 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, Tim Faulkner, Buel Maness,  
Michael Phelps and Keith Smith.

Absent: Johny R. Farris.

Ald. Farris was absent due to the passing of his mother. There also present were: City Attorney Jerry Spore, City Recorder Jim E. Garland, Police Chief Tommy Davis, Public Works Director Carter Scales, Building and Zoning Official Brent Beshires, Fire Chief Glenn Bryan and Utility Director Mark Elkins.

Alderman Keith Smith gave the invocation and Alderman Tim 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. 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 payment from the Utility Department to Chris Simmons and Randy Crouse of \$1200. UD Elkins explained that the city leases a block of ground at the rear of Henderson Home Furnishings for a water well. The lease is for \$400 per year but the city failed to pay the last three years therefore the amount owed was \$1200. Ald. Faulkner also questioned the payment to Miller, Balis and O'Neil for legal fees. UD Elkins explained that this is the law firm in Washington that represents the small gas customer group in all actions pertaining to FERC. They are currently handling the request from Tennessee Gas Pipeline to increase rates. The fees are pro-rated between member utilities. There being no other questions concerning the accounts, the meeting continued.

Delegations were called for by Mayor King.

Mr. Kenneth Maness of 303 North Ave. addressed the board concerning the city not allowing him to have yard sales at his home. Building Official Brent Beshires did send Mr. Maness a letter in October 2010 which stated:

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“Due to the frequency, amounts and types of items sold at sales at your residence, it has become obvious that you are operating a business endeavor at your residence at 303 North Ave. This is a violation of the city’s zoning regulations and we must ask you to stop this operation. If you wish to operate a business, you need the proper city, county and state licenses and operate in a designated commercial zone within the city. Failure to comply with this request could result in you being cited for violation of city ordinance.”

Mr. Maness admitted to purchasing items, including furniture, and reselling them at his yard sale. Ald. Barnes stated that the problem was the frequency of the sales as well as buying for resale. Traffic congestion of a residential street was also a problem during the sales. Mr. Maness stated that others were doing this also. Mayor King went on to state that a yard sale is for people and families to sell items that they no longer need. People would normally only have a couple of sales each year. Mr. Maness was having a sale once a month except for the winter months. This would be considered a business endeavor and as such should be conducted in a commercial zone and he should have the required licenses. Mr. Maness stated that other people are doing this but he was the only one that got a letter and shut down. The board did say the city would look into other people violating the policies. Mr. Maness thanked the board for their time.

Mayor King addressed the board concerning the need to study recycling in the city. The reason this came about is due to a recent meeting Mayor King had with County Mayor Dwain Seaton and County Sanitation Supervisor Danny Benard. At that meeting Mayor Seaton and Mr. Benard explained that the county contracts to have the garbage hauled to Decatur Co. Landfill at a cost of \$152 per trip. The cost to haul the city’s garbage was approximately \$34,000 last year. This is in addition to the \$70,000 to \$75,000 in tipping fees that is passed on to the city to pay. The city’s contract with the county concerning garbage has been in place since 1992 and has long since expired but it automatically renews unless one party gives the other a 6 months notice of any changes. That contract states that the city will pay the tipping fee of the receiving landfill but the county will cover the cost of transportation. To summarize the meeting, the county was encouraging the city to start a recycling program to lower the amount of trash hauled to the landfill, thus reducing the hauling and tipping fee and well as providing a revenue stream that could be shared between the city and county. If the city is unable to assist with the recycling, the county may be forced to pass some or all of the transportation cost on to the city. If the city could collect the recyclables and deliver them to the county transfer station, then the staff there would separate the recyclables into different categories and then bale the items and have them sold. The members of the board discussed recycling in much detail. Mayor King was asking for the board to appoint a committee to study the recycling as a possible way to reduce the garbage hauling bill. After considerable discussion, a committee of Ald. Maness, Ald. Faulkner, Mayor King and PWD Scales was appointed to study recycling options and to report back to the board.

Bids on the Traffic Signal at E. Main and Mifflin Ave were due to be opened April 19 at 10 AM. The engineers estimate was approximately \$150,000 and in order to expedite the project, the staff was asking the board to authorize Mayor King to award the bid to the lowest responsible bidder based on the engineer’s recommendation. Motion was made by Ald. Faulkner, duly 2<sup>nd</sup> by Ald. Smith to authorize the mayor to award the bid. Motion carried.

A budget meeting was set for Thursday, April 28<sup>th</sup> at 6 PM. Fire Chief Glenn Bryan was going to be out of town. Mayor King asked him to send someone to represent the department.

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UD Elkins addressed the board asking permission to purchase odorant for the natural gas system. The city only purchases this material every 3 to 4 years and Mr. Elkins explained that deliver time is a problem with this material. He presented two price quotes which are: 1) GPM Equipment \$7,200.00; 2) Tri-State Meter \$7,154.58. He asked permission to award the purchase order to the company that could guarantee the earliest delivery date with the bids being within \$50 of each other. Motion by Ald. Barnes, duly 2<sup>nd</sup> by Ald. Faulkner to authorize the purchase be made from the company with the earliest delivery date. Motion carried.

Mayor King informed the board and the public that he was proclaiming April as “Fair Housing Month” in the City of Henderson. This is in conjunction with April being Fair Housing Month in the State of Tennessee and reflection of the city’s resolve to provide equal housing to all persons regardless of race, color, religion, sex, national origin, familial status, or disability.

UD Elkins reported on the gasoline underground storage tanks that were leaking at the former Q-mart location at the corner of West Main and N Church Ave. The recent test on the reclamation units showed no detectable bi-products of gasoline. The reclamation process will continue for many months or years but this is good news for the water system and the city as a whole.

Ald. Barnes did want the city to follow up on the furniture sales that were happening on the parking lot of the former Q-mart location on the weekends.

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

Signed: Robert W. King

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

MAYOR

ATTEST:

Signed: Jim E. Garland

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CITY RECORDER