

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
MAY 12, 2011

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, May 12, 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, 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 Carter Scales, Building and Zoning Official Brent Beshires, Fire Chief Glenn Bryan and Utility Director Mark Elkins.

Alderman Michael Phelps gave the invocation and Alderman Johnny 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. Faulkner, duly 2nd 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. There being no questions concerning the accounts, the meeting continued.

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

Mayor King opened the meeting for a public hearing on each of two proposed ordinances amending the zoning ordinance. The public hearings were duly advertised in the "Chester County Independent" newspaper and the ordinances are as follows:

Proposed Ordinance #462 amends the Accessory Building and Uses section.

Proposed Ordinance #463 amends the Uses Permitted sections of B-4 (Highway Business) and M-3 (Retail Industrial) to allow Health Services, including Hospitals and Nursing Homes.

Building and Zoning Official Brent Beshires explained both the proposed amendments to the zoning ordinance. Both amendments had been discussed in detail by the Planning Commission and received their favorable recommendations. No one was present at the meeting to make comments concerning the proposed amendments and therefore Mayor King closed the public hearings.

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Ordinance #462 which amends Chapter 3, Section 11 “Accessory Buildings and Uses” was presented to the board for discussion and consideration for passage. Ald. Farris questioned where the regulations came from. Mr. Beshires stated that the city looked at other city’s regulations and worked with the planning commission and the state planner to form this proposal. It did regulate the size and number of accessory buildings by the size of the property they were to be located on not by the zone they were in. The larger the lot, the more accessory buildings you could have and they could be larger. Ald. Farris stated that he felt the proposed ordinance was better than the current regulations but he would like to see the regulations tighter on accessory buildings. Ald. Smith questioned the regulation about having to have the buildings 10 feet apart. Mr. Beshires explained that the 10 feet gives separation for fire protection reasons. The regulations do give the building official some flexibility concerning the 10 foot separation if he feels that being closer would not create a fire hazard.

There being no other discussion, motion was made by Ald. Farris, duly 2nd by Ald. Smith to pass Ordinance #462 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.

There being no other discussion, motion was made by Ald. Barnes, duly 2nd by Ald. Faulkner to pass Ordinance #462 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 #462 duly passed and the regulations concerning accessory buildings amended.

Proposed Ordinance #463 to amend the Uses Permitted in a B-4 (Highway Business) and M-3 (Retail Industrial) Zones to allow Health Services, including hospitals and nursing homes. B-4 and M-3 are the least restrictive commercial zones and as such should allow hospitals and nursing homes.

There being no other discussion, motion was made by Ald. Farris, duly 2nd by Ald. Maness to pass Ordinance #463 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.

There being no other discussion, motion was made by Ald. Smith, duly 2nd by Ald. Barnes to pass Ordinance #463 on the second/final reading. Upon a roll call vote the following was cast:

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

Noes: None.

Therefore Mayor King declared Ordinance #463 duly passed and the Uses Permitted in a B-4 and an M-3 Zone duly amended.

Mayor King reminded the board that Board of Zoning Appeals member Leon Robinson recently passed away leaving a vacancy on that board. Mayor King stated that he had discussed this vacancy with several people and he would like to recommend Mr. Charles McNatt to fill this unexpired term. Mr. McNatt has agreed to serve pending board approval. Motion was made by Ald. Smith, duly 2nd by Ald. Maness to approve Mr. Charles McNatt being appointed to the Board of Zoning Appeals. Motion carried.

A utility department budget meeting was set for Thursday, May 26th at 6:00 PM.

Mayor King reported to the board that Chester County Healthcare LLC had requested annexation of a 7 acre tract of land. The tract of land is immediately behind the existing nursing home and to the right of Mickens Lane. Chester Co Healthcare LLC was planning on constructing a new nursing home on this property. The Planning Commission has begun its review of the matter and would begin the process including preparing a plan of service for this area. After Planning Commission review and recommendation, the city board would be asked to annex the area. Mayor King advised the board that he felt it would be unwise for the city to annex the property until the city was sure that something was going to be built there. Mickens Lane is substandard and the cost of upgrading the road would not want to be taken on unless it serves something. Mayor King stated that he would keep the board members informed on this matter.

Mayor King presented a copy to the board members that he received from County Mayor Dwain Seaton concerning the agreement between the city and the county in 1992. The body of the letter reads:

On November 30, 1992, Chester County and the City of Henderson entered into the Garbage, Rubbish Collection & Disposal Agreement. This agreement was to be in effect for a period of two years, expiring in 1994.

According to the Chester County Solid Waste Department, beginning November 30, 2011, the City of Henderson will be required to pay a hauling fee at a rate of \$152.00 per load for garbage collections hauled to the county landfill. The county will provide a transfer station and will pay for maintenance and personnel. If at some point, the City transfer station need replacing, the City of Henderson will be responsible for half the cost.

If you have any questions concerning this matter, please give me a call. Thank you.

Sincerely
S/Dwain Seaton
Dwain Seaton, Mayor

Mayor King stated that the self renewing contract from 1992 requires a 6 month notice of any change and it appears that this letter gives the city the required 6 months notice. The city

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currently pays all tipping fees at the receiving landfill for garbage hauled to the convenience center. Currently the county covers all transportation costs of the garbage. It appears that the county wants the city to pay the tipping fee as well as the transportation costs of \$152.00 per load. Mayor King advised the board that based on the figures provided by the county, this transportation cost would be approximately \$35,000 annually. That would be an overall cost increase over the existing tipping fees (which runs about \$67,000 annually) by 50%. Mayor King advised that the city has no choice but to begin negotiating with the county concerning this matter. This matter was discussed in depth but it would require further discussion and conversations with the county.

Mayor King advised the board members that the city was having its Relay for Life Burger Lunch tomorrow (May13th) from 11 to 1 at the City Hall parking lot.

Ald. Farris thanked the board and employees for the flowers and cards concerning the recent death of his mother.

Recorder Garland reported that the city only received one bid on the Main & Mifflin Traffic Signal Project. The bids were higher than projected. A decision was made by the Mayor with the engineer's recommendation to reject the bid and to rebid the project. Bids were due in on June 26th. Motion was made by Ald. Farris, duly 2nd by Ald. Smith to authorize Mayor King to accept the best bid received on June 26th. Motion carried.

Ald. Faulkner asked about the progress on the Old Jacks Creek sewer project. Mayor King stated that we were having trouble with one of the easements but the city was going to try and get him to sign. If he refuses to sign, the city would have to go through the appraisal process which would result in more time and costs.

Ald. Faulkner also asked a question about the yard of the old Medical Building at corner of North and Hart that needed mowing. Mr. Beshires advised the board that a letter was sent to the owners on May 6th and the city would follow up on that request to mow.

Mayor King advised the board that Arvin Sango would be taking applications on Friday, May 27th at the High School Parking Lot in a mobile Career Coach which is a mobile office for the Tennessee Department of Labor and Workforce Development.

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

Signed: Robert W. King

APPROVED: _____
MAYOR

ATTEST:

Signed: Jim E. Garland

CITY RECORDER