

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN
AUGUST 10, 2017

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, August 10, 2017 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. City Recorder Jim E. Garland called the roll with the following being present:

Aldermen: Mark A. Barber, Donna R. Butler, Johny R. Farris, Buel Maness,
Michael Phelps and Keith Smith
Absent: None.

There also present at the meeting were: City Attorney Jerry Spore, City Recorder Jim E. Garland, Police Chief Wilton Cleveland, Public Works Director Carter Scales, Fire Chief Glenn Bryan, Building Official Brent Beshires and Utility Director Darryl Green.

Mayor King called the meeting to order at the appointed time. Alderman Mark Barber gave the invocation and Alderwoman Donna Butler led the Pledge to the Flag. The following proceedings were entered here-to-wit:

The minutes of the previous regular meeting were presented for approval. Ald. Barber clarified that Jon Hardin's name was spelled "Jon" not "John". There being no other corrections to the minutes, motion was made by Ald. Smith, duly 2nd by Ald. Barber to approve the minutes as prepared. Motion carried.

The accumulated accounts were presented for informational purposes. There being no questions on the accounts, the meeting continued.

The next item on the agenda was a call for delegations to address the board:

The first delegation was supposed to be Mr. Jeff McEarl but he was not present at the meeting. Building Official Brent Beshires was provided the information which was placed in the board members packets. Mr. McEarl was asking permission to construct two new buildings under the restrictions of his deed on property that originally came from the city. The property is located at 195 Record Drive. Mr. McEarl wished to build a 50' x 60' enclosed metal building on the north side of his existing structure and another 30' x 70' vehicle/equipment metal shed at the rear of his existing building that would be open on the west side. Mr. McEarl had enclosed an aerial map showing the proposed locations. Building Official Beshires explained Mr. McEarl's plan as it was presented to him. There was a question about the requirement that no wood building be constructed unless covered by brick, decorative block, etc. The two proposed buildings would be considered "outbuildings" or "accessory buildings" and would be wood frame construction covered by metal.

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This request was discussed in depth by the board and due to the location and with many of the surrounding buildings being metal, motion was made by Ald. Maness, duly 2nd by Ald. Butler to approve the construction of the two buildings as designed as long as he is able to meet the zoning setbacks. Upon a roll call vote the following was cast:

Ayes: Mark A. Barber, Donna R. Butler, Buel Maness, Michael Phelps
and Keith Smith.

Noes: Johny R. Farris.

Therefore Mayor King declared the motion carried.

Doctor Carey Frix addressed the board asking for approval under his deed restrictions to construct a new building on property he owned at the southwest corner of US Hwy 45 and White Ave (SR 365). This property is adjacent to his current Convenient Medical Clinic and Los Portales Mexican Restaurant. Mr. Frix handed out three copies of the proposed building layout. The plans did contain elevation views but did not contain details of size, site plan or outside material. The proposed building would include a pharmacy with other space. A Huddle House was mentioned at an earlier meeting but no final action had materialized on that tenant. When asked by Ald. Farris about the finish of the outside walls, Dr. Frix stated that they were still tossing around ideas on that matter but it would be a mixture of materials. Ald. Smith asked about how the building site worked in relation to the existing building, the parking and Los Portales. Dr. Frix stated the structure would meet all the setbacks under the zoning ordinance. The elevation views did seem to show that the side facing north (White Ave) only contained four walk through doors. Ald. Farris asked Building Official Beshires about the sketches. Mr. Beshires stated that this was the first he had seen them and did not have sufficient time to review them properly but before construction could begin, the building department would have to receive a full set of architect stamped building design plans. After considerable discussion, motion was made by Ald. Farris, duly 2nd by Ald. Butler to grant Dr. Frix authority to begin design and construction of the building as proposed as long as he meets the design requirements in the deed restrictions and the zoning ordinance. If he deviates from either of these, further action must be taken by the board. Upon a roll call vote the following was cast:

Ayes: Mark A. Barber, Donna R. Butler, Johny R. Farris, Buel Maness
and Michael Phelps.

Noes: Keith Smith.

Therefore Mayor King declared the motion carried. Dr. Frix collected all sets of the drawings and left the meeting.

A lady addressed the board on behalf of her son that has two dogs. Both dogs are ½ Pit Bull Dog and ½ Boxer Bull Dog and are 6 and 7 years old. They are not aggressive dogs but the city has an ordinance not allowing Pit Bull Dogs inside the city. The police have informed her son that he must get rid of the dogs or move outside the city limits. She stated he had been living on Old Montezuma Road for 4 years with no complaints. Most all the time the dogs live inside the house. She pleaded to the board to consider changing the ordinance of allowing the dogs since they were not full blooded. The reason her son did not attend the meeting was he was working 12 hour shifts. Recorder Garland stated the law has been on the books for many years and the police actively enforce it. The city judge normally works with violators but requires

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them to either move or relocate the dogs outside the city in lieu of fines. Several of the board members expressed concern on changing the current law pertaining to pit bulls. No action was taken by the board.

A draft ordinance amending Title 10 of the Municipal Code pertaining to and regulating Chickens and Honey Bees was presented for discussion at the request of the board members at the previous meeting. Recorder Garland stated the proposal was loosely copied from ordinances from other cities especially Knoxville. He explained that several steps needed to take place including passage of an ordinance and also amendments being made to the zoning regulations. Recorder Garland summarized the high points of the ordinance including the allowance of up to six backyard chickens (hens only, no roosters) on single family residential lots, if you have five acres you can apply for up to 25 chickens, an annual permit with a \$25 per year fee, fences and hen houses are regulated, fenced area and hen house must be 20 feet from any property line only in the rear yard. Recorder Garland also stated a chapter was added pertaining to Honey Bees. Due to restrictions placed on the city, this chapter only adopts state law and the State Apiary “Honey Bee Best Management Practices Policy”. Recorder Garland asked the board how they wanted to proceed concerning this matter.

The board members began discussing the Honey Bee regulations in detail. The lack of distance requirements from property line and neighboring houses concerned the board members but the city was unable restrict them. After due consideration, motion was made by Ald. Farris, duly 2nd by Ald. Barber to add the Chapter as drafted pertaining to “Honey Bees” on the first reading. Upon a roll call vote the following was cast:

Ayes: Mark A. Barber, Johny R. Farris, Michael Phelps and Keith Smith.

Noes: Donna R. Butler.

Abstained and Not Voting: Buel Maness

Therefore Mayor King declared the Chapter pertaining to Honey Bees passed on the first reading. Due to the fact the passage was not unanimous; the final reading will take place at the September meeting of the board.

With the Honey Bee chapter being passed on the first reading as a separate ordinance, the board went back to discussion of the Chicken Regulations. Ald. Butler stated her biggest two issues with the proposed ordinance was the distance from property lines and the waste removal/composting. Lot sizes and setbacks were discussed by the board with Building and Zoning Official Brent Beshires. There was considerable discussion and with the board members unable to come forward with a final proposal, motion was made by Ald. Farris, duly 2nd by Ald. Butler to table this matter until the next meeting. Motion carried.

Recorder Garland addressed the board pertaining to the city employee health insurance and the related cost. He presented the board with two spreadsheets that contained information on the premium cost on each of the four plans offered through the State Local Government Plan. The first spread sheet contained information directly from the State showing the plan increase effective January 1, 2018. The Premier PPO (Partnership) increases by 5%, Standard PPO decreases by 3%, Limited PPO increased by 11%, and The Health Savings CDHP increased 11%. The city is currently paying \$575 per month for each employee for whichever coverage he/she selects. Recorder Garland asked the board to consider increasing the amount the city pays to \$600 per month. This would be within the current year budget. With this proposed change,

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the second spreadsheet showed the cost to the employee for each plan/coverage level. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Smith to approve an expense of up to \$600 per month for employee health insurance. In no instance shall the city be out more than the \$600 on any employee. Motion carried.

The next item to be discussed is a request from Star Physical Therapy to install a curb on the east edge of their property along Mifflin Ave. Traffic cuts through their parking lot to miss the traffic light at the intersection and this is a dangerous situation. Plus there is a large amount of water that comes down the street into their parking lot. PWD Carter Scales reported that the complete project would cost approximately \$1,200. The Public Works employees would cut the edge of the payment and install dowels to anchor the curb. Atwater Concrete is being hired for \$750 to form and finish the curb. There was no need for board action but the board members instructed the Public Works Department to proceed with the project.

Police Chief Wilton Cleveland asked permission to purchase two patrol vehicles (one being a Dodge Charger, the other being a Dodge Durango) on state contract through the Dodge dealer in Columbia. The contract can include all the necessary equipment to have the units complete when delivered. Ald. Smith questioned if the new units were all wheel drive (AWD). Chief Cleveland stated that yes both the units would be AWD and within the approved budgets. Motion was made by Ald. Smith, duly 2nd by Ald. Farris to purchase the vehicles on state contract. Motion carried.

The next item to be discussed was parking issues in two locations: On Crook Ave in front of the post office and on Front Street.

Chief Cleveland advised the board that No Parking signs were removed from in front of the Post Office back in 1993 because they were not being enforced. Chief explained that this is a hazardous situation where people parking at this location block the view of person entering Crook Ave from Hart St. Many people are parking illegally by parking on the left side of the curb (wrong direction) and the officers have been addressing this by first writing warning parking tickets and later with actual parking tickets. Chief Cleveland asked that the No Parking be reinstated at the front of the post office. Ald. Smith stated that he understood the request but he worried about some unintended consequences of this change. He was concerned with where the overflow would park. At times the post office parking lot is full and with surrounding parking either restricted or full, where will these people go. He stated there might be enough room to add three more spaces along Hart Street by removing the curb and grass area. The city might do so in-kind labor to assist in this change. This brought up the issue of the post office drop boxes that have people approaching the boxes on the wrong side of the road along Hart to drop off mail. Ald. Farris stated he was fine with making area in front of the post office a No Parking Zone. After due discussion of this matter, Mayor King was to discuss the situation with County Mayor Seaton to see if a couple of restricted spots in front of the Public Safety Building could be moved to allow these to be used for Post Office parking. Mayor King advised he would get public works to paint the curb along the intersection and in front of the fire hydrant to yellow for no parking. No other action was taken on the parking at this meeting.

Front Street parking was discussed. Front Street is a One Way Street and the recommendation was made to move the parking from the left side of the roadway to the right side (west) of the roadway. After due discussion, motion was made by Ald. Farris, duly 2nd by Ald. Maness to move the parking along Front Street to the right side (west side) of the roadway. Motion carried.

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The city has been in discussion with Southwest TN Electric concerning changing out the city's street lights and replacement them with LED Fixtures. This had been discussed at a couple of earlier meetings. The total cost of the project was estimated at \$164,100 with \$180,000 being budgeted for this project to handle any changes to the original design or number of fixtures. The savings from the lower energy cost would allow for the city to recoup the capital outlay within about 3½ years. Mayor King advised the board that he felt like there would be small changes to the type, wattage and location of some lights and he was asking permission to approve the agreement with STEMC and to make necessary changes as the project proceeded. After due discussion, motion was made by Ald. Barber, duly 2nd by Ald. Butler to proceed with the LED Street Lighting Project and authorize Mayor King to take all steps necessary to complete this project as soon as possible. Motion carried.

Mayor King stated that he had been contacted by a company wishing for the City to endorse an insurance program offering insurance that covers customer's water service line from the water meter to the home. A representative from the company asked to come to address the board concerning the program. The board members had no interest in endorsing any private insurance company with this program and furthermore, they did not feel it was appropriate to do so.

PWD Carter Scales advised the board members that the paving contractor was scheduled to be in town this month to complete several paving jobs.

Utility Director Darryl Green advised the board that he received a cost on the repair of Well #6 in the amount of \$25,896. A detailed report of the repairs needed was presented. This being an emergency repair, motion was made by Ald. Smith, duly 2nd by Ald. Butler to proceed with the project. Motion carried.

UD Green also advised the board that the survey work had begun on the O'Neal Lane sewer line relocation. He also stated that the Proctor Road Water Line was substantially complete. UD Green advised the board the North Lagoon dredging project was 90% complete and would be finished within approximately 2 weeks. The total cost was estimated to be 10 to 20% over the budget based on the actual amount of material removed from the lagoon.

Fire Chief Glenn Bryan advised the board that the Aerial Fire Truck was going into the shop on Monday for repair to the pump that was not currently working. The cost of the repair was unknown until the truck was torn apart.

Police Chief Cleveland advised the board they had completed a study on traffic with the department's electronic speed unit along White Ave recently and it resulted in 600 speeders going at least 11 miles over the speed limit in a 2 week period. The department did traffic saturation at the prime speeding time between 5 and 6 PM and over two weeks they cited 51 speed violators in the area. The electronic speed unit is now deployed in another location that speeding has been an issue.

Chief Cleveland reported that the department was going to hold its first Citizen Police Academy starting September 11th. It will be an 8 week course and they will only accept 12 applicants. He summarized the program for the board members.

Chief Cleveland also reported that he was beginning interviews for applicants for the patrolman position.

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Ald. Barber asked about the sink hole that keeps being refilled on E Main in front of the Henderson Plaza. UD Green advised the board that that this a result of the water service line leak for the Plaza that was recently repaired by boring a new service under the road. The area may remain soft and require filling for some time as the water drains away.

Ald. Smith commended all the city's first responders to the recent house fire on North Ave where three lives were lost. He appreciated all their efforts during the response.

Ald. Smith also asked about City Hall Janitor Ed Braun that was recovering from bypass surgery. It was reported that he continues to improve. Mr. Braun has retired from his position but the city was trying to get him to return to assist in maintenance at city hall when he feels better.

Ald. Butler asked about some city limits signs that were used in the past that recognized Henderson as the "Home of Eddy Arnold". This was discussed and the signs in question had been removed many years ago. She asked why these signs were removed. No one remembered the reason the signs were removed for certain but it was theorized the signs became old, rusty and faded and were later replaced. Ald. Butler expressed interest in having signs such as this reinstalled.

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

Signed: Robert W. King

APPROVED: _____

MAYOR

ATTEST:

Signed: Jim E. Garland

CITY RECORDER

MINUTES
OF THE
HENDERSON BEER BOARD

AUGUST 10, 2017

The Beer Board of the City of Henderson, Tennessee met in regular session on Thursday, August 10, 2017 at 7:00 P.M. immediately following the regular meeting of the City Board in the Council Chamber of the City of Henderson City Hall. There present and presiding, was Robert W. King, Chairman and the following:

Members Present: Mark A. Barber, Donna R. Butler, Johny R. Farris,
Buel Maness, Keith Smith and Michael Phelps.
Member(s) Absent: None.

There also present were: City Attorney Jerry Spore, City Recorder Jim E. Garland and Police Chief Wilton Cleveland.

The only item on the agenda was an application for the retail sale of packaged beer by Kalbhairar Inc (Kamleshkumar A Patel, owner), DBA: Zippy's at 3825 US Hwy 45 North. Mr. Patel was present at the meeting. Police Chief Cleveland reported that a background check revealed no reason that Mr. Patel could not obtain a beer permit. Mr. Patel had purchased the business from the previous permit holder and the old permit had been surrendered. Mr. Patel had been unable to sell beer for the past couple of weeks until this application could be considered.

There being no other questions, motion by Ald. Farris, duly 2nd by Ald. Barber to grant the Beer Permit. Motion carried.

There being no other business, motion by Ald. Barber, duly 2nd by Ald. Smith, the meeting be adjourned. Motion carried.

Signed: Robert W. King

APPROVED: _____
CHAIRMAN

Signed: Jim E. Garland

ATTEST: _____
CITY RECORDER