

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN  
JANUARY 14 AND 26, 2016  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, January 14, 2016 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 Recorder Garland called the roll with the following being present:

Aldermen: Mark A. Barber, Donna R. Butler, Buel Maness, Keith Smith  
and Michael Phelps.  
Absent: Alderman Johny Farris.

There also present at the meeting were: Attorney Teresa Luna, City Recorder Jim E. Garland, Assistant Police Chief Leon Johnson, 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 Michael Phelps 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. With no corrections to the minutes, motion was made by Ald. Butler, duly 2<sup>nd</sup> by Ald. Maness to approve the minutes as presented. Motion carried.

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

Mayor King asked if anyone wished to address the board.

Mr. Tommy Prince addressed the board concerning the lease he had with the city to operate the Firing Range in Magic Valley. He stated that he could no longer operate the range and asked the city to let him out of the lease. The lease fee was only One Dollar (\$1) per year. Due to changes in state law concerning handgun possession, people are no longer getting their handgun carry permits. He lost money the past year and wanted to relinquish the lease. Mayor King stated that he had discussed this matter with the Police Chief and Training Officers and recommended the city take the range back. Some improvements would have to be taken on the range that could be discussed during budget meetings. He also recommended restricting it for law enforcement use only due to possible liability for the city.

Motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Barber to authorize the termination of the lease with Mr. Prince (DBA: Prince Firearms School). Motion carried.

Mr. Charles McNatt co-owner of City Drug Store at 118 East Main Street addressed the board asking permission to install a drive up window for customer pickup at the rear of the store.

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The drive up window would be on Braden Street (an alley) and would be installed on the south side of the building replacing existing metal double doors on the western portion of the rear of the building. He stated the store needs the drive up window in order to remain competitive. The window would be staffed at all times and he assured the board that the staff would strive to move traffic through quickly to not back traffic up on Braden Street. If the prescription is not ready for a customer, they get their cell phone number and ask them to pull into the city parking lot until the order was ready for pickup. Mr. McNatt stated that the traffic would have to travel from west to east and therefore they would have to pull across traffic to get the window. Mr. McNatt stated that they would need to install an awning over the window. The possibility of the awning being hit by delivery trucks was discussed. New downtown regulations were also discussed that this drive in and awning would have to conform too. If the city board allowed this, the final plans on the project would have to be reviewed and approved by the Planning Commission.

Mayor King stated that the city was going to be paving Cason Ave and Braden Street within a year. Braden St. would have to be milled down due to the street elevation getting too high in relation to the building doors and the curb. He wanted to make sure that Mr. McNatt understood that this might cause disruption to his drive in window at times. Delivery trucks could also be an issue. Since the drive up window would be located on a public street, no guarantee could be made that the area would not have disruption from other projects or factors. Mr. McNatt understood this. Recorder Garland warned the board that City Drug would be spending a considerable amount of money install this drive up window so this would not be an easy decision to reverse.

Motion was made by Ald. Maness, duly 2<sup>nd</sup> by Ald. Butler to allow City Drug to install a drive up window on the rear of their building which would be on Braden Street. Motion carried.

The next item to be considered was to approve an ordinance to set the Mayor and Aldermen salaries to take effect after new term of office begins the first Monday in September, 2016. This matter is reviewed every four years and according to the State Constitution the salaries cannot be changed during the “term of office”. Ald. Smith had been asked again to review this matter and make a recommendation on the salary for the incoming Mayor. As discussed by the full board at the last meeting, Aldermen salaries would remain the same at \$4,200 annually. Ald. Smith first explained that according to the City Charter, the ordinance setting the salaries had to be finalized 180 days prior to the election. Therefore final action would have to be taken on this ordinance prior to the February regular meeting. Since all members of the board are not present, this cannot be finalized tonight. A special called meeting would have to be held prior to the deadline. Ald. Smith presented a worksheet to the board member showing the methodology he used the making his recommendation. Basically the salary adjustment is based on the COLA raises all other city employees received during the last four years which ranged from 2.0% to 2.5%. With these COLA amounts, Ald. Smith calculated each year’s salary for the mayor’s position and then divided the total by four. Thus the recommended salary was \$69,799.64 which was rounded to an even \$70,000.00 annually.

After due discussion, motion was made by Ald. Butler, duly 2<sup>nd</sup> by Ald. Phelps to pass the proposed ordinance setting the salaries for the Mayor and Aldermen respectfully at \$70,000 and \$4,200 annually. Upon a roll call vote the following was cast:

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

Noes: None.

Absent and Not Voting: Johny R. Farris.

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Therefore Mayor King declared the ordinance passed on the first reading.

After some discussion, a motion was made by Ald. Barber, duly 2<sup>nd</sup> by Ald. Butler, that a special called session be held at 8:00 AM on Tuesday, January 26<sup>th</sup> for final action on the Salary Ordinance. This is the same date and time the city was holding a Public Hearing on the proposed LPRF Grant application. Both meetings would take place in the Classroom. Motion carried.

The next item on the agenda was to discuss and consider a change to the permit and fees charged for septic waste service companies to dump in the sewage lagoons. UD Darryl Green advised the board that a change was needed due to fact that he could not find any record of what the city had been charging for dumping in the lagoons. He called neighboring towns to determine what they were charging. Lexington had a fee of \$65.00 per load (1,000 gallon or 2,000 gallon loads). Jackson charged \$0.035 per gallon or \$35.00 for 1,000 gallon load and \$70.00 for a 2,000 gallon load. He stated that the city had no way of measuring the gallons in each load so his recommendation was to charge \$60.00 for each truck load (either 1,000 or 2,000 gallon). Mr. Green stated that based on past dumping manifest that he could locate; this should generate an estimated \$6,000 in revenue each year.

Mr. Jackie Gilliam of Gilliam Septic Tank Service addressed the board concerning this proposal. He went back through his records over the past 3 years and he averaged dumping 70 loads in our lagoons each year. His truck will carry a maximum of 1,800 gallons but normally only pumps a 1,000 gallon septic tank in each load. He stated that the prior fee was \$25.00 per load and he stated this increase was unreasonable. There evidently had been an ongoing agreement with Mr. Gilliam for many years that the city would not charge him to dump and he in turn would provide pumping service to the city when needed at no fee. The city had not been using Mr. Gilliam services in many months. Ald. Phelps stated that he had an issue with trading services. This makes it impossible to determine both expense and revenue for the sewer department.

After considerable discussion, motion made by Ald. Phelps, duly 2<sup>nd</sup> by Ald. Butler to approve the \$60.00 per truck load fee as recommended by UD Green. Upon a roll call vote the following was cast:

Ayes: Donna R. Butler, Buel Maness and Michael Phelps.  
Noes: Mark A. Barber and Keith Smith.  
Absent and Not Voting: Johny R. Farris.

Therefore Mayor King declared the motion carried and the fee amended to \$60.00 per truck load.

Mr. Randy McKinnon from TLM Associates addressed the board concerning the Downtown Enhancement Project. He summarized the status of the project stating that it was nearing completion. The only remaining concrete work was on the block between Union Alley and North Ave. in front of Frix Jennings Clinic. Landscaping is being installed. There is still some wiring and lighting to finish. Final asphalt paving and stripping cannot take place until after March 15<sup>th</sup> due TDOT regulations about cold weather. Ald. Smith had issue with some of the locations where trees had been placed on the project. He thought that an agreement had been reached at a meeting and that two extra trees had placed on the project that had been agreed to be eliminated. These trees were on the Washington Ave in the bump outs at northwest and southwest corners of Main. Ald. Barber stated that he thought the agreement was to eliminate all trees on Main Street except for two located in the area where parking was eliminated on the north side of main from Washington to Union Alley. This is what had been installed. City Park employee Dena

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Azevedo stated that her notes on the meeting showed that the trees had been installed as agreed upon. Mr. McKinnon stated that to the best of his knowledge, the trees had been installed as agreed but he did not want to place any trees where the city did not want them. Ald. Smith wanted the two trees on Washington Ave. to be removed. After considerable discussion, Ald. Smith realized he did not have the votes to change the existing tree locations; therefore no changes were made to the landscaping.

Ald. Smith also stated he had complaints on the protrusion that the bump outs make on the intersection at Washington and Main Street. He felt that these bump outs need to be moved back to give traffic more room to negotiate turns at that location. Mr. McKinnon had studied this matter and the existing layout does meet the exact plans and has the required 26' of traffic space. He did estimate that the cost of the change would be approximately \$18,000 to \$20,000. After due discussion, Ald. Smith made a motion to move back the two bump outs (northwest and southwest corners) as far as possible to improve traffic flow at a cost of \$18,000 to \$20,000. Motion failed due to the lack of a second.

Mayor King stated that the downtown project was expensive and over budget but there has been a considerable amount of storm drainage improvements that had been completed in this project. He mentioned the handicap accessibility and the improved lighting. Overall the project had greatly improved downtown.

Mayor King reported that the “No Texting” signs that were requested by Ms. Katie Hodges at the last meeting had been received. PWD Scales had one of the signs at the meeting for review. Ms Hodges would be invited during installation of the signs and this story would be put in the local paper.

Mayor King stated that the city had been contacted by a gentleman who offered to purchase the old city dump site south of town near the railroad track. He was purchasing some land surrounding this site. He offered \$1,000 per acre. The 4 acre site had not been used or visited since mid 1970s so the city was unsure of what the condition of the land was. The board members did not feel comfortable making any decision on the request until more information could be obtained. Action was tabled until a future date.

PWD Carter reported that new stop signs had been installed at the S. Mifflin and E. Mill intersection. Flashing beacons had been ordered and should arrive and be installed shortly.

Fire Chief Bryan reported the new Pierce Pumper should be received on or around 1<sup>st</sup> of February.

Ald. Phelps asked about the lighting fixtures on the overhead bridge. Mayor King stated that he was working with McEarl Electric to determine a new fixture that would complement the downtown lighting. He would report back to the board when the information was received.

Ald. Barber reported that the city held the first of three public hearings on the LPRF (Park) Grant at 6 PM before the meeting tonight. The park board heard suggestions on new projects during the meeting. They also decided to do a community input survey on Survey Monkey to get more information on the wishes of the community about park improvements. The next hearing will be held on Tuesday morning, January 26<sup>th</sup> at 8:00 AM.

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Mayor King reminded everyone of the Special Called Session set for Tuesday morning, January 26<sup>th</sup> at 8:00 AM to finalize action on the Salary Ordinance. Mayor King also asked the board to meet downstairs in the conference room immediately after the beer board meeting to meet with Attorney Luna about a pending legal matter.

There being no other business, motion was made by Ald. Barber, 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

MINUTES  
OF THE  
HENDERSON BEER BOARD

JANUARY 14, 2016  
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The Beer Board of the City of Henderson, Tennessee met in regular session on Thursday, January 14, 2016 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, Buel Maness, Keith Smith  
and Michael Phelps.  
Member(s) Absent: Alderman Johny Farris.

There also present were: Attorney Teresa Luna, City Recorder Jim E. Garland and Assistant Police Chief Leon Johnson.

The only item on the agenda was an application for the retail sale of packaged beer by Robert and Samantha Allen, DBA: Oden's Marathon at 375 North Church Ave. Mr. and Mrs. Allen were present at the meeting. Recorder Garland presented a report by Police Investigator Jerry P. Stansell stating that a background of Mr. and Mrs. Allen did not result in any matter that would affect their ability to obtain a beer permit. When questioned, Recorder Garland explained that the facility does meet the greater than 1,000 feet to any church but since there is an existing current permit at this location, the structure would be "grandfathered" from the distance requirements even if a church was next door.

There being no other questions, motion by Ald. Phelps, duly 2<sup>nd</sup> by Ald. Barber to grant the Beer Permit. Motion carried.

It was also noted that there was information in the member's packet that reported that the police department recently completed an operation on under age purchase of beer. They were happy to report that all permit holders checked the identification of the informant and refused to sell them beer.

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

Signed: Robert W. King

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

Signed: Jim E. Garland

ATTEST: \_\_\_\_\_  
CITY RECORDER

MINUTES  
OF A  
“SPECIAL CALLED SESSION”  
OF THE  
BOARD OF MAYOR AND ALDERMEN  
JANUARY 26, 2016  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in Special Session on Tuesday, January 26, 2016 at 8:00 A.M. in the Classroom of the City of Henderson City Hall. Present and presiding was Mayor Robert W. (Bobby) King and Recorder 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 was: City Recorder Jim E. Garland.

The “Special Called Meeting” was called by a vote of the Board of Aldermen on January 14<sup>th</sup>. The following notice was posted around town on Friday, January 15<sup>th</sup> and was run in the “Chester County Independent” newspaper in the January 21<sup>st</sup> Edition.

NOTICE OF A "SPECIAL CALLED" SESSION  
OF THE BOARD OF MAYOR AND ALDERMEN

A "Special Called" Session of the City of Henderson Board of Mayor and Aldermen has been scheduled for Tuesday, January 26, 2016 at 8:00 AM in the 2<sup>nd</sup> Floor Classroom of the Henderson City Hall, 121 Crook Ave to consider the following business:

Consider an Ordinance on the second/final reading setting the salary for the Mayor that shall take affect September 2016 after the city election. Changes in the salaries are only considered every four years as required by the City Charter and must be set 180 days prior to the election.

The public is invited to attend this special called meeting.

Robert W. King, Mayor  
City of Henderson, TN

The ordinance was proposed as follows:

**ORDINANCE NO. 493 .**

AN ORDINANCE, PER THE REQUIREMENTS OF SECTION 5 OF THE CHARTER OF THE CITY OF HENDERSON, TO SET THE SALARY AND BENEFITS OF THE MAYOR AND ALDERMEN.

**Section 1.** BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN that the annual salary of the Mayor taking office on the first Monday in September 2016 shall be **\$70,000** annually.

**Section 2.** BE IT FURTHER ORDAINED that benefits provided or offered to all other full time employees of the city shall be provided to the mayor under the same rules. These benefits shall include but not be limited to group health and dental insurance, retirement and life insurance. The mayor will “not” be eligible to receive Christmas Bonus Pay based on years of service (Longevity) or a Uniform Allowance.

**Section 3.** BE IT FURTHER ORDAINED that the salary of the Aldermen shall remain the current amount of **\$ 4,200** annually.

**Section 4.** BE IT FURTHER ORDAINED that these salaries of the mayor and aldermen shall remain unchanged for four years (the term of office) and will be reviewed in 2020.

**Section 5.** BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage, the public safety and welfare requiring it.

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Motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Butler to pass Ordinance No. 493 as presented above on the final reading. Upon a roll call vote the following was cast:

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

Noes: None.

Therefore Mayor King declared Ordinance No. 493 passed on the second/final reading and the salaries set.

Recorder Garland advised the board of upcoming training to be held by MTAS. The Elected Officials Academy Level II was going to be held in Jackson on February 26<sup>th</sup> and 27<sup>th</sup>. He encouraged the members to attend and the city would pay for fees.

There being no other business that could take place at this special meeting, motion was made by Ald. Butler, duly 2<sup>nd</sup> by Ald. Smith to adjourn. Motion carried.

Signed: Robert W. King

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

ATTEST:

Signed: Jim E. Garland

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CITY RECORDER