

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN  
MARCH 10, 2016  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, March 10, 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. 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 were: City Attorney Jerry Spore, 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 Mark Barber gave the invocation and Alderman Michael Phelps 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. Smith, duly 2<sup>nd</sup> by Ald. Barber to approve the minutes as presented. Motion carried.

The accumulated accounts were presented for informational purposes. Ald. Smith questioned what the payment to West Tennessee Railroad was for. Recorder Garland advised the board that the annual payment was made for easements under the railroad track for utility lines. There being no other questions on the accounts, the meeting continued.

Mayor King asked if anyone wished to address the board.

Mr. Jeremy Gleason of 894 O'Neal Lane addressed the board requesting the city allow backyard chickens. Mr. Gleason had contacted Brent Beshires Building and Zoning Official and was told that under the zoning ordinance, chickens (fowls) were not allowed in RS and R1 residential Zones. The city ordinance might allow it based on a permit by the animal control officer. This seemed to conflict with the Zoning Regulations. This ordinance was last amended in 1976. Due to the vagueness of the rules, Mr. Gleason wanted clarification and wanted to start some friendly dialog with the city on amending the rules to allow a few (up to about 8) backyard chickens. Recorder Garland explained that normally if two city regulations conflict, the more restrictive shall apply. Mr. Gleason does live in a RS residential zone. Mr. Gleason spoke of the health benefits of eating home grown eggs. He did mention that even the City of Nashville allows backyard chickens. This matter was discussed by the board which took the matter under advisement

Minutes – March 10, 2016 (Cont'd)

and would review the existing rules and discuss possible amendments to the regulations in approximately sixty days.

There being no other delegations, the next item on the agenda was to consider final action on an ordinance amending the Uses Permitted in an (I) Institutional Zone. Mayor King opened the meeting for a public hearing on the proposed amendment. The said public hearing was advertised in the “Chester County Independent” newspaper. This matter was discussed and considered on the first reading at last month’s meeting. Building and Zoning Official Brent Beshires explained that the city received a request to use a residential type structure in an Institutional (I) Zone as a Medical Billing Facility. The proposed ordinance amends Section 11-601, (A) (9), Services Allowed in an Institutional Zone to include all health services as well as medical billing facilities. There being no public comments, Mayor King closed the public hearing. The proposed ordinance read as follows:

ORDINANCE NO. 494

AN ORDINANCE AMENDING SECTION 11-601, (A), (9) OF THE OFFICIAL MUNICIPAL ZONING ORDINANCE OF HENDERSON, TENNESSEE ALLOWING MEDICAL BILLING FACILITIES AS USES PERMITTED IN INSTITUTIONAL (I) DISTRICTS

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City to enact the Henderson Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Official Municipal Zoning Ordinance; and,

WHEREAS, the Henderson Municipal-Regional Planning Commission has reviewed said proposed amendment pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Henderson Board of Mayor and Aldermen; and,

WHEREAS, the Board of Aldermen has given due public notice of hearing on said amendment and has held a public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance and map by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Henderson, Tennessee, that the Henderson Official Municipal Zoning Ordinance be amended as follows:

SECTION 1. That the following amendment be made to Section 11-601, Institutional (I) Districts, Letter (A), Uses Permitted, Number (9) Services, limited to (:), be amended to read as follows:

*9. Services, limited to:*

- a. Health services, including general medical and surgical hospitals;*
- b. Educational services;*
- c. Social services, limited to child day care services and homes for the aged, with health care incidental (assisted living facilities), provided the proposed use adheres to the provisions in Chapter 9;*
- d. Membership organizations; and,*
- e. Medical billing facilities; and,*
- f. Accessory buildings customarily incidental to the permitted use.*

Minutes – March 10, 2016 (Cont'd)

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SECTION 2. BE IT FURTHER ORDAINED, that this Ordinance shall become effective immediately after its final reading, the public welfare so requiring it.

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Motion was made by Ald. Butler, duly 2<sup>nd</sup> by Ald. Smith to pass the ordinance amending the Institutional (I) Uses Permitted (Ordinance No. 494) on the second/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. 494 passed on the second/final reading and the zoning regulations amended.

Bids received on the Cemetery Mowing Contract were presented to the city board for consideration as follows:

- 1) Turf Obsession Landscaping ----- \$ 750.00 per mowing
- 2) K & R Landscaping Service ----- \$ 1,370.00 per mowing

Turf Obsession Landscaping was the low bidder and the company that mowed the cemetery the last few years. They had done a good job mowing the cemeteries. Motion as made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness to award the Cemetery Mowing Contract to Turf Obsession. Motion carried.

The next item for discussion was to consider purchasing a new Sewer Push Camera for the sewer department's current system. This color camera head is needed to be able to video smaller 3", 4" and 6" service lines and mains. The current camera can only fit in a 6" or larger sewer main. UD Darryl Green presented a quote from Improved Construction Methods (ICM) for a Push Color Camera that included 200' of push cable, footage head with encoder and skid ring. The camera will connect to the existing control/recording system. The cost is \$5,220.00 and the funds are in the current year budget for this purchase. Motion by Ald. Smith, duly 2<sup>nd</sup> by Ald. Farris to approve the purchase of the sewer camera. Motion carried.

Recorder Garland advised the board that as discussed during the last two budget years, the city was looking at a significant computer system upgrade. The city was currently using a UNIX server that was approximately 15 years old. The software the city was using needed to be upgraded. He stated that the city had looked at four different companies for new software. After reviewing all four, the most cost effective decision was to stay with the current provider, Local Government Corporation. They are a not-for-profit company that deals exclusively in city and county clients. Recorder Garland presented a summary report of the upgrade that included two phases. Phase one was mainly new hardware and operating systems. The cost estimate was \$47,350 with some of the cost going to the utility department. Phase two would be approximately another \$30,000 and would take place in next budget year. After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Butler to approve proceeding with the project. Motion carried.

Mayor King advised the board of the need to review the Natural Gas Floor. The city had been pricing and adjusting the natural gas rate to the customers based on the actual cost of natural gas for many years. In January 2015, the city board set a floor on the rate at \$7.00 inside city and \$7.50 outside city to generate some cash in the department to pay for capital improvements to keep from having to borrow funds in the future. Since that time the cost of gas has continued to decline to the point that the floor needed to be reviewed and possibly lowered. After review, the staff was recommending a reduction in the floor by an additional \$0.50 per mcf. Future decreases may need to be studied in a few more months. The proposed “markup” will remain at the current amount. The following resolution was presented for consideration by the board.

**RESOLUTION NO. 2016-002**

**A RESOLUTION TO APPROVE THE NATURAL GAS MARKUP PER MCF AND A MINIMUM (FLOOR) RATE TO COVER THE COST OF OPERATIONS AND OVERHEAD PER THE REQUIREMENTS OF CITY OF HENDERSON MUNICIPAL CODE; TITLE 19, CHAPTER 2, SECTION 19-201 THROUGH 19-204.**

**BE IT RESOLVED BY THE CITY OF HENDERSON BOARD OF MAYOR AND ALDERMEN THAT:**

**SECTION 1:**

The markup for “inside” city natural gas customers shall be \$2.00 Per Mcf.

The markup for “outside” city natural gas customers shall be \$2.50 Per Mcf.

The markup for “Optional Industrial Rate” customers shall be \$1.50 Per Mcf.

**SECTION 2:**

The minimum (floor) rate for “inside” city natural gas customers shall be \$6.50 Per Mcf.  
(a decrease of \$0.50)

The minimum (floor) rate for “outside” city natural gas customers shall be \$7.00 Per Mcf.  
(a decrease of \$0.50)

The minimum (floor) rate for “Optional Industrial Rate” customers shall be \$6.00 Per Mcf.  
(a decrease of \$0.50)

**BE IT FURTHER RESOLVED THAT THE NATURAL GAS MARKUP FEES AND MINIMUM (FLOOR) RATES SET IN THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY UPON ADOPTION. THE PUBLIC WELFARE REQUIRING IT.**

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After due discussion, motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Smith to adopt the proposed Resolution 2016-002 and lower the natural gas floor by \$0.50 per mcf. 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 Resolution 2016-002 adopted and the rate floor amount amended.

Minutes – March 10, 2016 (Cont'd)

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The roof of City Hall was in need of replacing. Extra funds were placed in the current budget for this project. Recorder Garland stated that he did not feel comfortable writing the roof specifications and handling the construction inspection process. He had spoken to three different roofing companies and each had their own idea of what was needed to fix the situation. After discussion with Mayor King, Recorder Garland contacted Jev Vaughan, the original architect of the building for help. Mr. Vaughan reviewed the needs and upon request had submitted a proposed fee to handle the entire process. That fee was \$11,150.00 and was formally submitted to the board in a letter. Mr. Vaughan stated that three options might be available. One was a glorified patch job (3 to 5 year guarantee); two, re-roof over existing roof (12 to 15 year) or three; was a complete tear off and re-roof. (20 year). This matter was discussed and motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Barber to hire Mr. Vaughan (Vaughan Associates Architects, Inc.) to handle the project. The bids received would be reported back to the city board for final action. Motion carried.

Mayor King reported that he had met with Chester County Librarian Nancy Canada recently. She had asked for the city to consider earmarking or pledging a set amount of funds for an expansion of the county library. This expansion had been discussed for several years. Mayor King advised her that he felt that until the County made a decision on what they were willing to do it was premature for the city to consider the request. The board members were not willing to consider the matter until after the county made some decision on the project.

Mayor King stated that he had received an email from one of the aldermen about some upcoming training. He stated that the board does not have any funds budgeted for board members to travel or attend training but that decision lies with the board. Does the board want to consider earmarking sufficient funds for board members travel/training? Ald. Butler stated that the email came from her and the training was about Economic Development. She thought it would be beneficial to her as a board member. Ald. Farris expressed concern that this could get out of hand really quickly. Who decides and how much is reasonable for each member? After considerable discussion, the board members were unwilling to make a decision tonight. The matter will be discussed again during budget meetings.

PWD Scales reported that the city had received the new refuse packer. He also stated that the department had taken down some of the trees that were possibly blocking the view at the intersection of S. Mifflin and Mill Street intersection.

Recorder Garland reported that Mrs. Odessa Austin passed away. Mrs. Austin served for 20 years on the city board and was vice-mayor for 18 of those years. Her body was at Johnson Chapel with services to be held Saturday.

Assistant Police Chief Leon Johnson stated that the city had 11 seized vehicles for DOR and DUI that were going to be sold. He asked that the funds be placed in the Drug Fund to be used for Police Equipment Purchases. Recorder Garland recommended against putting the funds in the Drug Fund. He explained that if the funds were placed in the drug fund they are strongly restricted and they could only be used for non-reoccurring police equipment purchases or drug enforcement. The funds can remain in the general fund and just be earmarked for the police department. This would give the police department more flexibility in using them. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Butler to earmark the proceeds for the police department. Motion carried.

Minutes – March 10, 2016 (Cont'd)

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Ald. Barber asked about the progress on the proposed LPRF (city park) Grant and had any information been received from the engineer (A2H). The park committee decided to follow the survey results and recommend lighting the walking trail. The city had just received a picture of the proposed fixture and a proposed budget. Details would be presented at the next meeting for final approval by the board.

Ald. Smith asked about the sale of the old city dump site south of town. Recorder Garland reported the land size ended up to be 6.3 acres instead of the 4.0 shown on the tax rolls. The sale price was \$1,000 an acre so the sale price will be \$6,300. The city received a draft deed from Attorney McKenzie's office today. It does contain the statement about being a former dump site. The transaction should be closed within the next week or so.

Ald. Smith wanted to make sure that no parking signs were replaced on S. Cason Ave. Some signs have been removed during construction of the FHU Library and some were weathered.

Ald. Farris asked about the hand rails on the downtown project and the overhead bridge lights. Recorder Garland explained that there was a delay on sending the final drawings on the rails to the engineer. The drawings were currently being reviewed by the engineer and should be approved shortly. Then fabrication will begin. Mayor King stated he was working with McEarl Electric on the bridge lights which were not part of the downtown project.

Recorder Garland reported that the board members and department heads will be cooking at Arts in the Alley next Thursday.

Fire Chief Bryan asked permission to sell the 1977 Fire Engine on GovDeals. Motion was made by Ald. Farris, duly 2<sup>nd</sup> by Ald. Maness for the fire chief to set a reserve on the truck and sell it on the auction site.

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