

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

June 9, 2022  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, June 9, 2022, 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, Buel Maness, Michael Phelps, Jason Rhodes and Keith Smith.  
Absent: None

Also present at the meeting were: City Recorder Jim E. Garland, Police Chief Gary Davidson, Building Official Brent Beshires, Public Works Director Carter Scales, Fire Chief Greg Lipford, Utility Director Darryl Green, and Assistant CMFO Alicia Holder.

Mayor King called the meeting to order at the appointed time. Alderman Phelps gave the invocation and Alderman Smith 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. Smith stated that the Senior Class Presidents' name was spelled incorrectly and should be Caraline, not Carolyn. A motion was made by Ald. Barber to accept the minutes with the correction, duly 2<sup>nd</sup> by Ald. Smith. 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. There being no delegations, the board proceeded with the regular agenda items.

The first item on the agenda was to consider the final action on the 2022-2023 City Budget and Tax Rate Ordinance. The proposed tax rate shall be the final "certified" tax rate approved by the Assessor of Property.

1. Public Hearing on the proposed budget and tax rate.
2. Consider the 2022-2023 City Budget and Tax Rate Ordinance on the final reading.

Mayor King opened a public hearing as advertised in the Chester County Independent newspaper. As there were no respondents, Mayor King closed the public hearing.

Recorder Garland stated that the budget was identical to what was passed last month stating that the tax rate had not been certified as of yet. He had heard that it may finalize at \$.90 but still waiting for the final certified rate. A motion was made by Ald. Smith to approve Ord. #548, an ordinance of the City of Henderson appropriating funds and establishing a property tax rate for the fiscal year, July 1, 2022, through June 30, 2023, duly 2<sup>nd</sup> by Ald. Barber. Upon a roll call vote, the following was cast on the second/final reading:

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

Noes: None.

Mayor King declared Ordinance #548, as approved on the final reading.

The next item on the agenda was to consider approval on the final reading of an ordinance for the expenditures of the American Rescue Plan (ARP) funds. Recorder Garland stated this is the same document that was passed on the first reading last month and that all the expenditures are detailed in the ordinance. A motion was made by Ald. Barber to approve Ord. #549, an ordinance of the City of Henderson approving the expenditure of funds from the American Rescue Plan (ARP) for the fiscal year, July 1, 2022, through June 30, 2023, on the second/final reading, duly 2<sup>nd</sup> by Ald. Butler. Upon a roll call vote, the following was cast:

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

Noes: None.

Mayor King declared Ordinance #549, as approved on the final reading.

The next item on the agenda was to consider a resolution approving the 3.5% Cost of Living Increase as well as the standard pay scales for all city departments. Recorder Garland stated that this was the standard resolution on pay raises and Longevity/Christmas bonuses and added that page F-6 was added due to a lack of employees with CDL licenses. CDL drivers are in demand and we are asking for a pay differential for the Utility and Public Works Employees who hold a Class A (Utility) and Class B (PW) of \$1.00 per hour to be effective on the same date. This would be for current and newly hired employees with appropriate CDL (excluding department heads). We are also looking at training options to get employees prepared to take the CDL tests. A motion was made by Ald. Butler to adopt Resolution #2022-005 approving the COLA, pay scales and premium pay for employees with CDL license, as presented, duly 2<sup>nd</sup> by Ald. Rhodes Upon a roll call vote, the following was cast:

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

Noes: None.

Mayor King declared Resolution #2022-005, as adopted.

The next item on the agenda was to consider an ordinance amending the current 2021-2022 Budget (Current Year). Recorder Garland stated that this time of year there are normal budget line-item adjustments to get us in line for year-end. Due to the amount of money involved, the rules require an ordinance for the changes. Recorder Garland presented the board with a corrected page G-1 and then went thru the Revenue and Expenditures listed on the second page of the ordinance. After further discussion, a motion was made by Ald. Smith to approve Ordinance #550 amending the current 2021-2022 budget to account for revenues and expenditures as presented on the first reading, duly 2<sup>nd</sup> by Ald. Barber. Upon a roll call vote, the following was cast on the first reading:

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

Noes: None.

A motion was made by Ald. Barber to approve Ordinance #550, on the final reading, duly 2<sup>nd</sup> by Ald. Phelps. Upon a roll call vote, the following was cast on the final reading:

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

Noes: None.

Mayor King declared Ordinance #550, as approved on the final reading.

The next item on the agenda was to consider an ordinance amending Water and Sewer Rates to fund the extra depreciation expense related to proposed projects paid for with the State TDEC ARP Grant Funds. Recorder Garland stated that last year they approved an increase to the water and sewer rates of 2.5% to increase by the same amount annually for four (4) years to help cover the cost of expenses. The depreciation of the TDEC projects will be funded by customers. This ordinance changes the amount of the increase from 2.5% annually for four (4) years to 5% annually for three (3) years. UD Green stated that the projects were the same projects discussed in previous budget meetings. After further discussion, a motion was made by Ald. Smith to approve the ordinance repealing rate increases in Ordinance #540, Section 3 and amending Title 18, Chapter 1, Section 18-128 of the Henderson Municipal Code setting current water and sewer rates and incorporating future increases on the first reading, duly 2<sup>nd</sup> by Ald. Butler. Upon a roll call vote, the following was cast:

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

Noes: None.

A motion was made by Ald. Barber to approve Ordinance #551, on the final reading, duly 2<sup>nd</sup> by Ald. Rhodes. Upon a roll call vote, the following was cast on the final reading:

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

Noes: None.

Mayor King declared Ordinance #551, as approved on the final reading.

The next item on the agenda was to consider approval of the 2022-2023 Utility Department Operations and Capital Expenditure Budget. Assistant CMFO Holder stated that this was the same budget that was presented in previous budget meetings with the exception of the just-approved rate increase. Recorder Garland stated that, unlike the city budget, this item only requires a motion from the board. A motion was made by Ald. Barber to approve the 2022-2023 Utility Department Operations and Capital Expenditures Budget as presented, duly 2<sup>nd</sup> by Ald. Butler. Motion carried.

The next item on the agenda was to consider action on a text amendment to the Municipal Zoning Ordinance to permit Distribution Centers, Mini-Storage Units, and Warehousing within M-1 (Light Industrial District), M-2 (Heavy Industrial District), and M-3 (Retail Industrial District) as a Permitted Use.

1. Hold a Public Hearing on the proposed change in zoning text.
2. Consider the Ordinance to amend the Municipal Zoning Ordinance.

Building Official Beshires stated that there have been several people that have shown interest in some of our industrial areas for a distribution center and mini storage and currently our zoning does not allow this. The Planning Commission agreed to allow as use permitted in this zone.

Mayor King opened a public hearing as advertised in the Chester County Independent newspaper. As there were no respondents, Mayor King closed the public hearing.

A motion was made by Ald. Butler to amend the Municipal Zoning Ordinance as presented, duly 2<sup>nd</sup> by Ald. Maness. Upon a roll call vote, the following was cast:

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

Noes: None.

A motion was made by Ald. Smith to approve Ordinance #552, on the final reading, duly 2<sup>nd</sup> by Ald. Barber. Upon a roll call vote, the following was cast on the final reading:

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

Noes: None.

Mayor King declared Ordinance #552, as approved on the final reading.

The last item on the agenda was to consider action on an appeal of a decision of the Planning Commission to not recommend the rezoning of property located at 436-440 Fourth Street (owner: Sylvia Flowers) from R-2 Residential to I-Institutional.

1. Hold a Public Hearing on the appeal and proposed change in zoning.
2. With the proper motion, the board may consider passage of the Ordinance to rezone.

Building Official Beshires stated Mrs. Sylvia Flowers, owner of Tender Loving Daycare came to him back in February and discussed possibly rezoning property at 504 and 436-440 Fourth Street for expansion of the daycare facility. In March, the Planning Commission gave a positive recommendation to rezone 504 Fourth Street and decided to table the rezoning request for 436-440 Fourth Street to get further input from neighboring property owners. There was not a Planning Commission meeting in April but the request was brought to the Board at the April meeting and they agreed with the Planning Commission and approved rezoning 504 Fourth Street. The Planning Commission met on May 4<sup>th</sup> and they reviewed signatures and discussed options. They are not willing to rezone the whole area or to spot zone the property at 436-440 Fourth Street and they denied the request to rezone.

Mr. and Mrs. Flowers sent a letter to the Mayor and Board of Alderman to appeal that decision.

Mrs. Flowers stated that back in 2013 the property at 436-440 Fourth Street was a group center that was for after-school/summer programs for 7-12 school-age children. She is wanting to re-establish that property for the same thing now. She also stated that they would use that building for the daycare while the property at 504 Fourth Street was being remodeled.

Mayor King opened a public hearing as advertised in the Chester County Independent newspaper. As there were no respondents, Mayor King closed the public hearing.

Ald. Butler asked why the Planning Commission didn't want to consider the whole project and asked why they turned that down. Building Official Beshires stated that a property owner could not ask to rezone another property owner's property. The property at 504 Fourth

Street bordered another property across the street which is zoned Institutional so that was easier to approve. Building Official Beshires then defined spot zoning: Singling out a parcel of land that benefits the owner because it would allow use not allowed for the surrounding properties. We don't want to do that. That leaves three options: 1) deny the request, 2) rezone the entire strip from 436-440 to 504 Fourth Street, or 3) change the text to allow this use in R-2 Zone. If you change the text to 'use permitted' or 'use on appeal' you give everyone in the R-2 Residential Zone permission to do the same thing throughout the entire city. After further discussion, a motion was made by Ald. Butler to support the decision made by the Planning Commission to deny the appeal, duly 2<sup>nd</sup> by Ald. Barber. Upon a roll call vote, the following was cast to uphold the decision by the planning commission:

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

Noes: None.

Any other business:

Mayor King stated that he had received an email from Clint Malone with Southwest Electric regarding installing car charging stations on Front Street. The email states four (4) stations to be installed but his phone conversation was for two (2) stations. There needs to be clarification with the contract so it will be sent to Attorney Jerry Spore for review. After further discussion, a motion was made by Ald. Barber to give Mayor King, Recorder Garland, and Attorney Jerry Spore, the authority to enter into the contract with STEMC once the clarifications are made and agreed upon, duly 2<sup>nd</sup> by Ald. Phelps. Motion carried.

Police Chief Davidson stated that he had spoken to a representative at Lonnie Cobb Ford and there are SUVs coming in July that are not spoken for and he would like to move forward to purchase an SUV but invoice in July as this is in the 2022-2023 budget. A motion was made by Ald. Smith to proceed with the purchase, duly 2<sup>nd</sup> by Ald. Barber. Motion carried.

UD Green stated that there was an issue with the water lines at Magic Valley. Where they are going to build the mini storage buildings, the water line that had been put in years ago, goes across the highway, down the field at an angle, turns, and goes thru the woods. When they were clearing the property, they found an old leak and glued fittings that are not up to code. When they cut off the valve, it cut off water to the Blue Steel business which is down Wilson School Road. They will have to clean up the issue and he wanted the board to be aware of it.

Fire Chief Lipford stated that he was asking for approval to move forward with the purchase of a new pickup truck for the fire chief. It is in the budget and will not invoice until July.

PWD Scales stated that the paving had been completed. Recorder Garland stated that PW had two trucks that needed to be ordered and asked the board to approve the purchase of them all. A motion was made by Ald. Smith to allow the fire and public works departments to move forward with the purchase of the trucks (one for fire and two for public works) which are in the 2022-2023 budgets, duly 2<sup>nd</sup> by Ald. Barber. Motion carried.

Recorder Garland stated that he had two things to bring the board up to date, 1) the final payment for the walking trail project had been received and this closes the project, and 2) the site

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development grant at the end of Porter Way is moving forward and they had logging trucks at the site to get anything that does not have to be burned off.

Ald. Phelps asked if the city's COVID policy had been extended. Recorder Garland stated that it had but only thru June 30<sup>th</sup> and only for those who have not used it previously. Ald. Phelps stated that he has a department of 50 employees and as of today there are eleven absences due to COVID.

Ald. Barber asked about the next steps for the park application. Recorder Garland stated that there was no hard deadline but we needed to proceed. The Park Board needs to prioritize the projects fairly soon to nail down the application. He will check with Melissa to see if RFPs needed to be completed.

Ald. Smith complimented the Public Works department, especially Danny Wade for getting the stripes painted and trash cans put out. He added that he was looking at the budget report regarding the small loss in the sewer department and wanted to know if we would be able to pull that out. UD Green stated that it would not as there had been an extensive repair recently on the main sewer line on East Main Street. He added that lab costs are increasing.

There being no other business, a motion was made by Ald. Butler to adjourn, duly 2<sup>nd</sup> by Ald. Rhodes. Motion carried.

Signed: Robert W. King

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

Signed: Jim E. Garland

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