

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN

January 11, 2024

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, January 11, 2024, 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, Buel Maness, Michael Phelps, and Keith Smith.
Absent: Donna R. Butler, and Jason Rhodes.

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 Doug Acred, Utility Director Darryl Green, and Asst CMFO Alicia Holder.

Mayor King called the meeting to order at the appointed time. Alderman Maness gave the invocation, and Alderman Barber 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. A motion was made by Ald. Smith to accept the minutes as presented, duly 2nd by Ald. Phelps. Motion carried.

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

The first item on the agenda was a call for delegations to address the board.

1. Police Department – Police Officer Award Presentation. Chief Davidson stated that there is a lot of unknown work that police officers do that goes unrecognized. He is presenting Officer Danielle Cook with the Lifesaving Citation Award.
 - On Saturday, February 4th, 2023, Officer Danielle Cook, being assigned to Patrol duties, while working the second shift responded to a 911 call of an unresponsive male. Upon arrival, Officer Cook observed an adult male unresponsive. Officer Cook quickly determined the male was suffering from a drug overdose and would at times stop breathing. Officer Cook without hesitation administered two doses of Narcan with no immediate effect. Officer Cook with the assistance of her partner was able to position the male on the floor so that CPR could be started. Once on the floor, Officer Cook administered a third dose of Narcan, at which point the individual began gagging and rolled to his side. Paramedics then made the scene and were able to transport this individual to the Emergency Room for further treatment. Officer Cook’s action epitomizes the best Police Officer qualities of motivation, commitment, and selfless service. Her exceptional and timely efforts in rendering medical aid to an overdose victim was very instrumental in saving this individual’s life.

There being no further delegations, the meeting continued.

The next item on the agenda was to hear a report from Matt Wood, CPA of ATA, Inc. on the June 30, 2023, City and Utility Department Audit Report. Board members had been presented with a copy of the audit before the meeting thus allowing the opportunity for review. Mr. Wood reviewed several pages of the report and reported that no deficiencies had been found regarding internal controls. He stated that this year there was a single audit performed due to the city having more than \$750,000 in federal grant expenditures mainly due to ARP and all that testing came back fine. He stated that the city was in good financial condition. At the end of his presentation, he stated that the General Fund Budget to actual had no department or function over budget, which speaks to the maintenance of the budgets. He was pleased with that.

Recorder Garland added that the ARP funds were pulled back for audit purposes into the general fund.

The budget year revenue and expenditures had the following effects on the governmental fund balances:

Fund	Increase (Decrease)	Ending Balance
General Fund	\$558,532	\$4,862,645
Drug Fund	(\$4,876)	\$32,490
State Street Aid	\$49,868	\$181,611
Sanitation Fund	\$59,068	\$216,418
General Debt Service Fund	(\$44,564)	\$173,404

The Utility Department posted the following net income (loss) for the year:

Water Department	\$478,630
Sewer Department	\$24,152
Gas Department	\$446,537

There were no questions and Mr. Wood was thanked for his presentation and service.

The next item on the agenda was to consider an Ordinance per the requirements of the Henderson Municipal Code to set the Mayor’s Salary for the person who will be elected to the position in August 2024. The mayor’s salary can only be adjusted every four years as stipulated by the State Constitution and the City Charter. According to the City Charter, the ordinance setting the salary has to be finalized 180 days before the election. Ald. Smith had presented a worksheet to the board members last month showing the methodology used to calculate his recommended salary. The recommended salary is \$89,500.00 annually effective September 1, 2024 and will not change for the four-year term (2024-2028). After further discussion, a motion was made by Ald. Smith to pass Ordinance #566, setting the salary of the City Mayor to \$89,500.00 annually, and leave the Alderman’s salary as is currently, on the final reading, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast:

Ayes: Michael Phelps, and Keith Smith.

Noes: Buel Maness.

Absent and not voting: Donna R. Butler and Jason Rhodes.

Abstained: Mark A. Barber

Motion failed. When Ald. Maness was asked why he voted no, he asked for clarification on the effective date and stated he did not understand then wanted to change his vote once he realized the effective date is September 1, 2024 – with the new city mayor being elected.

After further discussion, a motion was made by Ald. Maness to reconsider Ordinance #566, setting the salary for the new city mayor effective September 1, 2024, duly 2nd by Ald. Phelps.

A motion was made by Ald. Smith to reconsider Ordinance #566, setting the salary of the City Mayor to \$89,500.00 annually, and leave the Alderman's salary as is currently, on the final reading, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast:

Ayes: Buel Maness, Michael Phelps, and Keith Smith.

Noes: none

Absent and not voting: Donna R. Butler and Jason Rhodes.

Abstained: Mark A. Barber

Recorder Garland stated that this was now a tie vote and Mayor King would have to 'break' the tie. Mayor King stated the absent votes and the abstention are not counted therefore it is not a tie.

Mayor King declared Ordinance #566, as approved on the final reading. (which was the correct action)

***Note: Recorder Garland contacted MTAS the next morning to ensure that what had transpired was acceptable with the city charter. He found that the original vote – even with the no vote – was enough to pass the ordinance.

The next item on the agenda was to consider action to amend the Municipal Zoning Map of Henderson, Tennessee by rezoning tax parcels 5, 6, 7, 8, and 8.03, Chester County Tax Map 45 from R-1 (Low-Density Residential) to B-1 (General Business). Parcels are further described as the north side of Jacks Creek Street from 425 through 505 Jacks Creek Street which are owned by Chester County Board of Education.

Building Official Beshires stated that the school board had projects they wanted to do on this property. This zoning would get all the property lines removed making this one property. The Planning Commission met and gave a positive recommendation in the November meeting.

A motion was made by Ald. Barber to adopt Ordinance #565 as presented on the final reading, duly 2nd by Ald. Smith. Upon a roll call vote, the following was cast:

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

Absent and not voting: Donna R. Butler and Jason Rhodes

Noes: None.

Mayor King declared Ordinance #565, as approved on the final reading.

The next item on the agenda was to consider eliminating the six-month probationary period for all new employees before they are enrolled into the Tennessee Consolidated Retirement System (TCRS).

1. Consider the passage of the Resolution required by TCRS.
2. Consider an ordinance amending the Personnel Policy to reflect this change.

Recorder Garland stated that our new employees must wait six months before they are enrolled in TCRS at a mandatory 5% withholding. An employee would have to ‘buy back’ the first six months to get that credit before retiring. We recently had new team members who are in TCRS from another job that according to TCRS means we would ‘waive’ the six-month wait period and get them enrolled effective day one of employment. A motion was made by Ald. Barber to adopt Resolution # 2024-001 to eliminate the six-month probationary period for TCRS, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast:

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

Absent and not voting: Donna R. Butler and Jason Rhodes

Noes: None.

Recorder Garland stated that Ordinance #567 amends the personnel policy section stating the change that was just made. A motion was made by Ald. Smith to adopt the ordinance that amends the personnel policy TCRS change, duly 2nd by Ald. Phelps on the first reading. Upon a roll call vote, the following was cast on the first reading:

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

Absent and not voting: Donna R. Butler and Jason Rhodes

Noes: None.

The second/final reading will take place at the next meeting.

The next item on the agenda was to consider the purchase of concrete barriers to create a storage area for the utility department’s sand and gravel stockpile. UD Green stated that out by the TDOT highway garage, they have some of these block storage areas. He is proposing making two bins, one for gravel and one for sand to prevent scattering. The estimate to create two bins is \$4,000 and he wants to purchase additional blocks to make a bin for salt storage at the public works department and to tear down a building on Mill Street (currently houses the salt). He is asking for permission to spend a total of \$8,000 on both projects. A motion was made by Ald. Barber to approve the purchase as requested, duly 2nd, by Ald. Smith. Motion carried.

Any other Business:

1. Discuss COVID Leave for employees. HR Clerk Kirkpatrick Smith stated that the COVID leave policy expired December 31, 2023, and is asking the board to extend it further. We had three new employees who contracted COVID in December and they were able to use COVID leave. A motion was made by Ald. Smith to extend the paid COVID leave up to 40 hours for employees who have not used any of the time and retro to January 1, 2024, to run through June 30, 2024, duly 2nd by Ald. Phelps. Motion carried.
2. Next was to consider the A2H contract for the Park Grant Design. Recorder Garland stated that they had received the contract from A2H with an effective date of February 1 so they can begin design at that time. He has given the board members a copy of the agreement. The LPRF Grant is a 50/50 grant. He needs approval from them to give the mayor permission to sign the contract. A motion was made by Ald. Barber to authorize Mayor King to sign the contract and get things rolling, duly 2nd by Ald. Phelps. Motion carried.

Police Chief Davidson commended his officers, stating that one officer has been admitted to hospital, another officer is out with a worker's comp injury, and another officer is out with the flu and he is short three. His officers covered fourteen shifts in ten days since Christmas. He was able to hire a new officer this week. He is post-certified and will start on February 5, 2024.

Building Official Beshires stated that he had forwarded an email from Stoll's Woodcraft regarding the sign at the property. As part of the 1995 covenants, they must get board approval before they can update the business sign. A motion was made by Ald. Barber to approve the change to the property, duly 2nd by Ald. Maness. Motion carried.

UD Green stated that they have a vendor that has contacted him and they have some 415 gas meters available. He would like to purchase 20 meters for \$10,000. The customer pays for the meter upon installation of an on-demand water heater. These are for meters to put on the shelf so customers are not waiting. A motion was made by Ald. Barber to purchase the meters, duly 2nd by Ald. Phelps. Motion carried.

UD Green also stated that they take two samples per week from the south lagoon to be tested for COVID with a CDC contractor. Based on the reports he gets, they can see an increase in cases.

Recorder Garland stated that there are a lot of grants in the process currently:

- LPRF – got contract
- Site Development – made presentation a month ago – still waiting
- CDBG Childcare – Playground equipment
- TDEC ARPA- plans are completed on North Ave and approved – notice to bid
- TDOT- multi modal-bids sent to Nashville on October 25, 2023. Waiting on TDOT approval
- TDOT STBG- West Main repaving – still under environment – makes no sense
- Police Radio Grant – equipment ordered and 100% grant
- TN Highway Safety Grant – Fire department equipment is in
- PEP – Safety Partners and Property grant – turn out gear and firewall with Kevin
- CDBG – Fire Truck
- TIFF Agreement – outline with the attorney what each party is doing (cap of \$2M)

Ald. Phelps stated that he is VERY proud of department heads and the employees of the city and the jobs they do. In all the years he has served – he does not hear any complaints about the employees.

Ald. Barber commended Officer Cook for her service as well as all that serve. He thanked the group for a great audit. He is proud of the group.

Ald. Smith stated for over ten years he has repeated this same message: he is proud of the clean audit with no findings. It says a lot. That the department heads are managing their budgets like their own money.

Mayor King stated that he had pushed out a message last week on social media thanking the city alderman for being conservative. This has resulted in a decrease in city debt.

Minutes – January 11, 2024 (Cont'd)

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

APPROVED: _____
Signed: Robert W. King
MAYOR

ATTEST: _____, CITY RECORDER
Signed: Jim E. Garland