

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN

January 12, 2023

The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, January 12, 2023, 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 Butler, Buel Maness, Michael Phelps, Jason Rhodes, and Keith Smith.

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, City Attorney Jerry Spore, and Asst 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. Butler stated that there was an error in the closing business statement on the December minutes, she was not present and therefore could not have made the motion. This was supposed to have been Ald. Barber. A motion was made by Ald. Barber to accept the minutes with the stated correction, 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. There being no delegations, the meeting continued.

The next item on the agenda was to hold a Public Hearing to discuss the City's intent to submit an application for a FY2023 Community Development Block Grant (CDBG) identifying needs and how CDBG funds can be used. Melissa Davis with the Southwest Development District stated that the hearing was to get community input on the block grant. The grant is funded thru HUD and can be used for community revitalization projects, community centers, libraries, road projects, and public health and safety projects. Last year the CDBG grant was not funded. One option is to re-submit the same application or submit a new one for something that is beneficial to the city. There were points lost on last year's project need due to the cost per person being too high (\$141/LMI person). We would need to try to get that down by either 1) asking for a lower grant amount or 2) getting more target area surveys. Applications for this cycle are not due until April 14th so there is time to get more target area surveys completed. We can apply for up to \$420,000 this year. Last year the city applied for \$343,000 with a match of \$63,000 for a total of \$424,000 for a fire pumper truck. Ald. Barber asked how surveys were collected. Fire Chief Acred stated that last year the fire department had a crew going door to door collecting

information for the surveys. Chief Acred stated he was going to utilize social media to inform residents of the upcoming door-to-door campaign.

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 on the CDBG Grant.

The next item on the agenda was to hold a Public Hearing where citizens are encouraged to discuss community parks and recreation and discuss the City's intent to apply to the State of Tennessee Dept of Environment and Conversation for Local Parks and Recreation Grant (LPRF). Melissa Davis with Southwest Development District stated these grants are for all things recreation. They had a cycle in 2020 but the only way to apply was to have a Master Plan. There were lots of communities that did not have Master Plans so there were a lot of funds left over. This year you can apply for whatever amount you want if you have the 50% match. The minimum to apply for is \$20,000 but there is no maximum. The next step is to decide how much to apply for and what to use it for based on the Master Plan. The pre-application is due February 15th and if the required documents are in order, the city can move to the full application. Before the 15th we need to know exactly what applying for. Ald. Smith stated that the board decided to commit part of the ARP funds for the match.

Ald. Barber is also the chairman of the park board and stated that they had met with Joni Bailey from A2H to break down the master plan into long-term phases (10 years) to include a new pavilion, moving the farmer's market, a pickleball court, a new restroom, and a new playground. With ARP funds they decided they could do a million-dollar project (\$500,000 from city ARP and \$500,000 from the LPRF grant. The phase one initial plan included new restrooms by the playground (leaving the existing and building a new one), expanding the swing area of the playground, and adding something for bigger kids (middle school age) by adding a new playground facility down by soccer area with a new pavilion with picnic tables. Ald. Butler asked about the soccer area update being in phase 2 and Ald. Barber stated that with the tile work that had been done, the fields were draining better and should be ok to use this year. Joni Bailey stated that the new bathroom will be a pre-fabricated 26x10 building that is tornado rated. It will have two stalls per gender with a closet. This will be put right next to the handicap-accessible playground. The old bathroom will be re-utilized for storage. Melissa Davis stated that another requirement is that someone will have to present this to two civic organizations, being on their agenda, and submit the minutes of such presentations (Lions Club or Senior Citizens or Chamber of Commerce). She will also need a letter regarding the matching funds to submit with the application.

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.

The next item on the agenda was to hear a report from Matt Wood, CPA of ATA, Inc. on the June 30, 2022, City and Utility Department Audit Report. Board members had been presented with a copy of the audit prior to the meeting thus allowing the opportunity for review. The City of Henderson was also the first city in the state of Tennessee to have a single audit performed due to the ARP funds. Mr. Wood reviewed several pages of the report and reported that no deficiencies had been found regarding internal controls. 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.

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

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Fund	Increase (Decrease)	Ending Balance
General Fund	\$1,447,561	\$4,304,113
Drug Fund	\$18,658	\$37,366
State Street Aid	\$10,397	\$131,743
Sanitation Fund	\$49,741	\$157,350
General Debt Service Fund	\$13,525	\$217,968

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

Water Department	\$164,693
Sewer Department	\$10,778
Gas Department	\$61,484

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

Mayor King noted that there had not been an audit finding since 2013 and was proud of that as we all should be.

The next item on the agenda was to consider the passage of an Ordinance on the final reading amending the personnel policy to reflect the change made to the Fire Chief position converting it to a 40-hour-per-week schedule. Recorder Garland stated that the board had voted in a previous meeting to change the work schedule of the Fire Chief to be the same as other department heads. The verbiage is changed to clarify the sick leave and vacation accrual for the chief versus the non-exempt fire department personnel.

Recorder Garland also stated that the jury duty policy was being clarified. The policy is for employees to turn over jury duty payments in order to be paid for the time away but this was not stated clearly in the personnel policy. Ald. Butler made a motion to accept Ordinance #557 as presented, duly 2nd by Ald. Smith. Upon a roll call vote, the following was cast on the final reading:

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

Noes: None.

Mayor King declared Ordinance #557, as approved on the final reading.

The next item on the agenda was to consider action on a proposed ordinance to amend the Municipal Zoning Ordinance in order to permit Solar Power Facilities within residential and commercial districts as uses permitted on appeal.

1. Hold a Public Hearing on the proposed ordinance.
2. Consider the passage of the ordinance pertaining to Solar Power Facilities.

Building Official Beshires stated that the Planning Commission looked at this initially back in September 2022 and have reviewed the request at each of their meetings coming up with amendments along the way. This will allow solar power panels in the city. There is already something in the region that allows this. The applicants would have to present site plans to the board of zoning appeals for approval. The Planning Commission agreed to allow a 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.

Ald. Smith stated that they would need to look at the size of the acreage needed to install the solar panels, and fencing (8 feet tall) around it, and the last thing was being sure that there was funded decommissioning plan to dispose of the panels when no longer needed. Ald. Butler stated that she learned at a meeting with Senator Page Walley, that there was discussion at the state and federal level regarding the decommissioning (the panels can include silver, lead, arsenic, and cadmium which can be classified as hazardous waste). The lead and cadmium can contaminate groundwater. She is very concerned about this. Building Official Beshires stated that this ordinance mirrors the state recommendations and is a fluid document that can change as the state's plans change. Mayor King stated that without an ordinance in place, someone could just put one up. This puts something on the books to protect the city. After further discussion, a motion was made by Ald. Barber to amend the Municipal Zoning Ordinance as presented, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast on the first reading:

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 #558, on the final reading, duly 2nd 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 #558, as approved on the final reading.

The next item on the agenda was to consider action on a proposed ordinance to amend the Municipal Zoning Ordinance to allow Electric Substations as uses permitted in commercial and industrial districts.

1. Hold a Public Hearing on the proposed ordinance.
2. Consider the passage of the ordinance pertaining to Electric Substations.

Building Official Beshires stated that we were approached by STEMCO and they were looking for a place for a sub-station that was close to TVA lines. This includes specific wording to allow the stations in specific business manufacturing zones. 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. Barber to amend the Municipal Zoning Ordinance as presented, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast on the first reading:

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 #559, on the final reading, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast on the 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 #559, as approved on the final reading.

The next item on the agenda was to consider an ordinance amending the personnel policy pertaining to the probationary period for first responders (police officers and firemen). Recorder Garland stated that Fire Chief Acred had requested that the probation period be extended from 6 months to 12 months due to the extensive training that the new hires go thru. Ald. Butler asked if this change would affect any benefits to the employees and it does not – only the protections awarded to employees after the probationary period is extended. A motion was made by Ald. Butler to approve the ordinance as presented, duly 2nd by Ald. Barber. 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 #560, on the final reading, duly 2nd 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 #560, as approved on the final reading.

The next item on the agenda was to consider the mayor's recommendation to appoint Farris Stout to the Planning Commission to replace Emily Johnson who is resigning from the commission due to moving outside the Planning Region. Her start date will be 02/01/2023 (next meeting). A motion was made by Ald. Butler to accept Ms. Farris Stout to the Planning Commission as recommended, duly 2nd by Ald. Smith. Motion carried.

The next item on the agenda was to consider bids for material to be used by the Public Works Department until June 30, 2023. Recorder Garland stated that we normally bid this out every year but this year we only bid for six months due to rising costs. He asked the board to approve the low bids for the materials as outlined.

33C Rock Gravel ----- Shaw Concrete -----	\$ 20.00 per ton
Hot Mix Asphalt----- Arrow Paving-----	\$ 145.00 per ton
Asphalt Binder----- Arrow Paving -----	\$ 145.00 per ton
Cold Mix Asphalt-----Arrow Paving-----	\$ 102.50 per ton

A motion was made by Ald. Smith to approve the recommended low bidders on each of the materials as outlined above, duly 2nd by Ald. Butler. Motion carried.

The next item on the agenda was to consider approving the proposed Fire Department Captain Pay Scale. Fire Chief Acred stated that they are wanting to incentivize new full-time

firefighters. This takes the top-out pay of the current captains and creates a pay range versus starting them at top pay without the required credentials.

Starting Pay	\$ 15.46
Complete recruit class	\$ 16.46
Complete FFII Cert.	\$ 17.46
Complete Instructor I and Officer I	\$ 18.45

A motion was made by Ald. Butler to adopt the change in the pay scale as presented, duly 2nd by Ald. Rhodes. Motion carried.

The next item on the agenda was to consider the purchase of an equipment-mounted hydraulic jackhammer for the utility department. UD Green stated that they had purchased the skid steer a couple of years ago and continually buy pieces of equipment that will save time and increase productivity. This piece of equipment will attach to the skid steer, is hydraulically operated, and would operate much faster. A motion was made by Ald. Smith to approve the purchase of the hydraulic jackhammer, in the amount of \$12,394.52 from Stribling Equipment on a Sourcewell contract, duly 2nd by Ald. Phelps. Motion carried.

The next item on the agenda was to recognize Utility Employees Dorsey Talley Jr., Garrett Hathcock, and Ben Quarles for passing their Water Distribution – Grade II certification. UD Green stated that these three individuals took the exam in the November 2022 exam cycle. There were 123 people that took the Grade II Distribution test and had a pass rate of 46.3% so more people failed than passed. Out of all the categories of exams, the highest score on any exam in the State of Tennessee was by Dorsey Talley.

Other Business:

Mayor King stated that he would like to have the board meet for a work session to go over the building renovations and any budget requests from board members to be January 31st at 5:00 pm. He is looking for input from the board before meeting with the department heads in the budget cycle.

Police Chief Davidson stated that the two new Explorers are here and having decals put on. They should be in service tomorrow. Last month he had Captain Stewart present the violent crime initiative grant and stated that Melissa Davis is working on the application but everything is on track.

Fire Chief Acred stated that he had submitted the annual report for last year for the fire department and notated that 51% of the fire calls are false alarm calls. They are going to work on trying to cut the false alarms down.

He also stated that the AFG (FEMA) grant period opened on January 9th and they could apply for up to \$1M with a 5% match. There is a lot of data requested for this grant and since he has not been in the position long, he does not have the data ready however, he would like to apply for a micro-grant which is \$50,000 with a 5% match and use that money to purchase miscellaneous tools, nozzles, and needed equipment. Ald. Butler made a motion to allow Chief Acred to move forward with the micro-grant application, duly 2nd by Ald. Maness. Motion carried.

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Chief Acred also stated AFG has a vehicle acquisition grant every year but does not feel that he has sufficient time to gather all the information needed.

Lastly, he introduced our new Fire Captain Lorenzo Black to the board. He was promoted from a volunteer firefighter to a captain on January 9th, 2023.

Recorder Garland stated that the second public hearing on the city park grant (CDBG) would be Wednesday, January 18th at 1:00 pm here at City Hall.

Ald. Barber asked for a status on the Multi-Model project. Recorder Garland stated that he is not sure why TDOT or TLM is not moving this forward. Currently, we are having an issue with the right of way with TDOT even though there is no right of way required that is not already on the state right of way. The final plans are at TDOT for review.

He then stated that he has had several people ask him about getting more lights at the park. It is very dark, especially in the winter months. There are five box lights that are run during the soccer season that are not being used currently. Recorder Garland stated that he would reach out to STEMC to find out about the soccer lights and the cost to turn them on during the winter months.

Ald. Smith welcomed Captain Black to the City of Henderson. He was happy with the clean audit and thanked everyone for the good work.

Recorder Garland then stated that there was one number he wanted to bring to their attention. There was a \$69,000 profit in the gas department which is a profit but not as big a profit as in years past.

Ald. Butler stated that it was dark downtown. Recorder Garland stated that they were sporadically going out during a rain event. He and Park Superintendent have looked at it several times. He stated that there are four fixtures that are not working and Delta electric is working on getting the parts to fix them.

She thanked everyone for a good audit report and welcomed Captain Black to the team.

Ald. Rhodes thanked everyone for their hard work and welcomed Captain Black to the City of Henderson.

Mayor King added that he appreciated what they did during the cold spell of -15 degrees.

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

Signed: Robert W. King

APPROVED: _____
MAYOR

Signed: Jim E. Garland

ATTEST: _____, CITY RECORDER