

MINUTES
OF THE
BOARD OF MAYOR AND ALDERMEN

August 11, 2022

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

Also present at the meeting were: City Recorder Jim E. Garland, City Attorney Jerry Spore, Police Chief Gary Davidson, Building Official Brent Beshires, Public Works Director Carter Scales, Deputy Fire Chief Kevin Roeder, and Assistant Utility Director David Russell.

Mayor King called the meeting to order at the appointed time. Alderman Maness gave the invocation and Alderman Rhodes 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. Rhodes. 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.

Discuss the request to locate a food truck on the closed alley next to the Sue Shelton White Park downtown. Mr. Edgard Macias with Atzimba Mexican Restaurant based in Selmer, TN addressed the board stating that the board members had received a packet containing the proposed business plan. He stated that the request is more than just a food truck in the alley, it is covered outdoor seating with lighting that will serve Tex-Mex cuisine. Ald. Maness asked if they had checked with the state regarding the grease trap and he stated that they had. Ald. Smith stated that if the truck was licensed in McNairy County (base) the tax revenue collected would be paid to McNairy County meaning neither Chester County nor the City of Henderson would receive any revenue from this entity. Mr. Macias stated that the intent is to make this a permanent structure so that after 180 days the tax revenue benefit would change.

Ald. Barber stated that this plan would negate all access to the alley in question. Ald. Phelps stated that he was not in favor of blocking the alley. Mayor King then asked if we start allowing food trucks on this city-owned property, would we be opening up all city property to allow food trucks, and asked City Attorney Spore for his thoughts. Mr. Spore stated that there were three things to look at when leasing city property: 1) allocate the risk and expectations, 2) proper licensing and setting up the proper revenue stream, and 3) the proper insurance on city property to ensure that the city is covered. He stated that all of these are manageable.

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Recorder Garland stated that our regulations do not allow food trucks on city property except during festivals (a temporary time frame). Ald. Barber stated that the plan being presented looked like a good plan but the zoning ordinance as written does not allow food trucks on city property. He sees no advantage in changing the ordinance.

Mayor King stated if they ran the business inside the building versus a food truck, they would be allowed to have outside tables in the alley as long as no permanent structures were installed.

There being no further delegations, the board proceeded with the regular agenda items.

The first item on the agenda was to consider an ordinance on the final reading amending the 2022-2023 Budget to correct an omission in the Police Department Budget concerning the equipment purchase line item. Recorder Garland stated that an error was made and a line in the police department budget got zeroed out back in April. This was passed on the first reading in July. A motion was made by Ald. Barber to approve an ordinance amending the 2022-2023 Police Department budget moving \$25,000 from Capital Outlay to PD Equipment line item, duly 2nd by Ald. Phelps. Upon a roll call vote, the following was cast on the final reading:

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

Absent and not voting: Donna R. Butler.

Noes: None.

Mayor King declared Ordinance #553, as approved on the final reading.

The next item on the agenda was to discuss and approve the City Employee's Health Insurance matching rate effective Jan 1st. Recorder Garland stated that typically each year the employee health insurance goes up and for calendar 2023 the aggregate increase is 7.5%. We have been lucky enough to fund 90% of the employee-only best plan. He is proposing that for the plan year starting Jan 1, 2023, the employee portion be set at 10% with the city to pay the balance of 90% based on single coverage of the most expensive plan (Preferred PPO). For coverage starting Jan 1, 2023, the city portion will be \$710 per month per employee. He stated that the Preferred PPO plan was changing from a 90/10 plan to an 85/15 plan which means more out-of-pocket expenses for participants. Ald. Smith added that he feels the practice of paying 90% was the least the city could do. A motion was made by Ald. Smith to approve the matching rate of 90% of the total cost of \$710 per month for calendar 2023, duly 2nd by Ald. Phelps. Motion carried.

The next item on the agenda was to discuss and consider an ordinance amending Title 5, Chapter 5 of the municipal Code pertaining to "Purchasing". Recorder Garland stated that the State of Tennessee amended the laws pertaining to bidding. The city can increase bid limits to \$25,000. He amended the ordinance to reflect the changes. A motion was made by Ald. Barber to approve the 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, Buel Maness, Michael Phelps, Jason Rhodes, and Keith Smith.

Absent and not voting: Donna R. Butler.

Noes: None.

Mayor King stated the ordinance passed on the first reading and the final reading would take place at the next meeting.

The next item on the agenda was to consider the purchase of attachments for the Utility Dept Skid Loader. Recorder Garland has passed out the estimate from Stribling Equipment to the board members. Asst. UD Russell stated that the funds for this purchase were in the budget. A motion was made by Ald. Smith to approve the purchase of the 48-inch pallet fork and backhoe attachment, in the amount of \$19,162.65 if on a state contract/cooperative purchase agreement, duly 2nd by Ald. Maness. Motion carried.

Mayor King asked Asst UD Russell to present the quotes on the air conditioning replacement at the shop on Record Drive. Asst. UD Russell stated that the current 2006 model unit has been worked on several times and recently had freon put in it and the compressor caught on fire. UD Green has been researching units and feels the American Standard unit is a better unit even though it is more expensive. Asst. UD Russell stated that this unit services the sewer lab and the sewer equipment room. Ald. Barber asked how the quote works if the quote is not the low quote but the department head recommends the higher quote. Recorder Garland stated that the board is to select the 'best' bid which could be based on the reputation of the company and if they serve other units at the city facilities. After further discussion, a motion was made by Ald. Maness to approve the purchase of the new American Standard Unit from Mike LeCornu Heating and Air in the amount of \$6,881.00, duly 2nd by Ald. Rhodes. Motion carried.

The next item on the agenda was a report on STBG W. Main Street Project. Recorder Garland stated that the city gets a block of money each year to use on certain street projects. Originally, they were going to use the money to light more areas at the intersection of US-45 and Hwy-100 and work their way North. The estimate only allowed them to fund six lamps. For that amount of money, he did not think that the lighting project could be justified. They started looking at alternate street projects and they are suggesting that the money be used to pave West Main Street from US-45 out to Hwy 100 bypass. The project estimate is \$385,722 and currently, half of the funds would come from the STBG fund and the other half would be city paid. This would likely be completed in the summer of 2024 so another year of STBG funds (95K) could possibly be allotted for this project. We have met the application deadline for the request.

Any other business:

1. Accept the resignation of Fire Chief Greg Lipford and discuss the process of filling the vacant position. Mayor King stated that the board members had received a copy of the resignation letter from Chief Lipford and he needed a motion to accept the resignation and direction on how to move forward to hire a new fire chief.

A motion was by Ald. Smith to accept the resignation of Fire Chief Greg Lipford effective August 12, 2022, duly 2nd by Ald. Barber. Motion carried.

Recorder Garland stated that several times over the years there had been discussion about making the fire chief position a Monday thru Friday, 40-hour work week like other department head positions. In order to ensure coverage with this change, an additional full-time fireperson would need to be hired. After further discussion, a motion was made by Ald. Barber to advertise for a new fire chief with the updated scheduled work week, duly 2nd by Ald. Smith. Motion carried.

Building Official Beshires stated that he had a group talk to him this week about a mobile cart to sell food out of. He told them about the ordinance and that they could not be on city property and had to meet all state health regulations and have a peddler's license. He is seeing this as being the way of the future.

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Ald. Barber verified that the fire chief position would be advertised both internally and externally.

Ald. Smith thanked Chief Lipford for his service to the city and wished him well in his future endeavors.

Ald. Smith also stated that we would like to get information sooner and referred to the air conditioner estimates that were presented earlier in the meeting. He feels like this could have been in the packet sooner for review prior to the meeting.

Mayor King stated that there was going to be an emergency meeting tomorrow at 2:00 for the BBQ Festival and he needs a representative from the police, fire, and public works departments to attend to go over security and street/safety issues.

Fire Chaplain Gary Roeder addressed the board and stated that although Deputy Chief Roeder is his son, he wanted to talk to the board about his Deputy Chief. He is supposing that Deputy Chief Roeder will be the acting interim chief until the position is filled. He stated that in the years that Deputy Chief Roeder has been in position, the department has grown in numbers and in training. He would appreciate the board's consideration to promote Deputy Chief Roeder to the Chief position. He stated that they were very well trained for the size of the department. He is asking for an exception to the mileage restriction for the chief position (9/10th of a mile).

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

Signed: Robert W. King

APPROVED: _____
MAYOR

Signed: Jim E. Garland

ATTEST: _____, CITY RECORDER