

MINUTES  
OF THE  
BOARD OF MAYOR AND ALDERMEN

September 8, 2022  
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The Board of Mayor and Aldermen of the City of Henderson, Tennessee met in regular session on Thursday, September 8, 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 Butler, Buel Maness, Michael Phelps and Keith Smith.  
Absent: Jason Rhodes.

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, Utility Director Darryl Green and Assistant Finance Officer Alicia Holder.

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

The accumulated accounts were presented for informational purposes. Ald. Smith asked if the city was still paying Turf Obsession \$900 per mowing of the city cemeteries. Recorder Garland confirmed that was correct. There being no other questions on the accounts, the meeting continued.

As prescribed in the City Charter, this being the first meeting after a city election, the board had to appoint a Vice-Mayor to serve the next two years. Ald. Phelps respectfully nominated Alderman Mark Barber to serve as Vice-Mayor. This was duly 2<sup>nd</sup> by Ald. Smith. Mayor King called for any other nominations. Ald. Maness nominated Alderwoman Donna Butler. This was duly 2<sup>nd</sup> by Ald. Butler. There being no other nominations, Mayor King asked for a roll call vote with each member casting their vote for the nominee they wished to serve as Vice Mayor.

Voting for Ald. Barber: Ald. Phelps, Ald Barber and Ald. Smith.  
Voting for Ald. Butler: Ald. Butler and Ald. Maness.  
Absent and not voting: Ald. Rhodes.

Therefore, Mayor King declared that Ald. Mark Barber had been duly elected to serve as Vice Mayor for the next two years.

The next item on the agenda was a call for delegations to address the board. There being none, the meeting continued.

The next item on the agenda was to consider an ordinance on the final reading 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. Changes in the city policy include: increasing the bid limit to \$25,000, increasing the amount when a department head has to come to the board from \$4,000 to \$5,000 and increasing the purchase order amount from \$500 to \$1,000. After due discussion, motion was made by Ald. Butler, duly 2<sup>nd</sup> by Ald. Barber to approve the Purchasing Ordinance (Ordinance No. 554) on the final reading. Upon a roll call vote, the following was cast:

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

Absent and not voting: Jason Rhodes.

Noes: None.

Mayor King stated the Purchasing Ordinance (Ordinance No. 554) passed on the final reading.

The next item on the agenda was to discuss and consider a resolution increasing natural gas rates. Recorder Garland explained that he hated to bring this before the board especially this winter. He explained that the gas department operated on a rate that is adjusted monthly based on the cost of natural gas paid by the city plus a mark up to cover the cost of operations. This markup was last set in 2010 at a rate of \$2.00 for inside city customers and \$2.50 for outside city customers. There is also a special industrial rate of cost plus \$1.50 for industries that use year-round natural gas in their manufacturing process. He went on to explain that the city also had a floor rate set that was the cost paid by any customer even if the calculated rate was lower than that rate. The floor rate had been \$6.50 inside, \$7.00 outside and \$6.00 for the industrial rate for many years. The gas department had been making enough profit between the cost of gas and the floor rate that allowed the markup to remain at current rate. Based on the past year ending June 30, rates have been above the floor rate for all but one month and it was only below by a few cents. The result of this is the Gas Department Profit and Loss reflects (before final auditor adjustments) that the department is either going to lose money or barely make any profit this year. Based on the projected natural gas rates the city estimates that the rates will never return to the floor rate in the near future and as such if the markup rate is not adjusted, the gas department will definitely lose a considerable amount of money this winter. Recorder Garland and Assistant Finance Director Holder had studied and based on current gas usage and increased operation cost the markup will need to increase by \$1.00 and the floor rate needs to increase by \$0.50. Recorder Garland advised that this increase would not guarantee a profit next year and would depend on the total burn of gas. The city may have to reevaluate rates again in January.

The following Resolution was presented for discussion and consideration.

**RESOLUTION NO. 2022-007**

**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 \$3.00 Per Mcf.

The markup for “Outside” city natural gas customers shall be \$3.50 Per Mcf.

The markup for “Optional Industrial Rate” customers shall be \$2.50 Per Mcf.

(NOTE: all markups increase by \$1.00 Per Mcf)

**SECTION 2:**

The minimum (floor) rate for “inside” city natural gas customers shall be \$7.00 Per Mcf.  
(an increase of \$0.50)

The minimum (floor) rate for “outside” city natural gas customers shall be \$7.50 Per Mcf.  
(an increase of \$0.50)

The minimum (floor) rate for “Optional Industrial Rate” customers shall be \$6.50 Per Mcf.  
(an increase 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.**

After considerable discussion by the board and staff, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Maness to adopt the resolution (Resolution 2022-007) as prepared. Upon a roll call vote the following was cast:

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

Absent and not voting: Jason Rhodes.

Noes: None.

Mayor King declared Resolution 2022-007 duly adopted and the Gas Markup and Floor Rates adjusted.

The board then considered the bids received on the City Hall Renovation Project. The bids received are as follows:

- 1. MSB Construction (Jackson, TN)----- \$ 702,000.00
- 2. E & T Contracting LLC (Henderson, TN)----- \$ 729,856.00

Recorder Garland stated that both contractors had an extended timeframe due to delays in getting HVAC units. Both contractors used the same HVAC subcontractor so this timeframe would be the same for either bidder. The low bidder was contacted and if awarded the contract they would start construction in January 2023 and be complete by the end of May. This would result in a construction

time not to exceed 5 months. Recorder Garland also explained that the much-needed repairs to the leaking windows was not included in the base bid but the water testing was part of the contract. This is because there was no way for any contractor to estimate repair costs to the windows until an investigation could take place. One window might be a \$50.00 fix while the next one might be \$2,500.00. The window leak repairs would have to be an additional cost (change order) after the investigation is complete. Another item not in the contract is the data and voice wiring. The conduit and boxes are part of the project but not the wiring and termination on both ends. A separate contract would be executed by the city for this service.

Recorder Garland stated that the city set aside \$650,000 of ARP Funds to complete this project. He stated that toward the end of the budgeting process at Ald. Smith's recommendation \$100,000 of ARP Funds was set aside for street lighting and if the city rather use all ARP funds for this project, the board could transfer these funds to complete City Hall and look at the street lighting project next year funded by the general fund. Ald. Smith agreed that completing the city hall project was more important than the street lighting.

After further discussion, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Phelps to transfer the \$100,000 from ARP Street Lighting Project to City Hall Renovation and award the project to low bidder MSB Construction. Motion carried.

The next item on the agenda was to consider the purchase of a Heavy-Duty Brush Cutter for the Utility Dept Skid Loader. The board member's packets contained an information sheet and price from Stribling Equipment. The price being \$9,295.00. UD Green stated that the funds for this purchase were in the budget and delivery would be less than 60 days. A motion was made by Ald. Butler to approve the purchase of the Brush Cutter from Stribling Equipment, in the amount of \$9,295.00, duly 2<sup>nd</sup> by Ald. Maness. Motion carried.

The next item was to consider adoption of Resolution No. 2022-008 approving the application for TDEC ARP Funds and approve the local match for Water and Wastewater system improvements. This had been discussed for several months. These funds are a combined award of both the City of Henderson TDEC ARP allotment of \$1,206,020.89 and Chester County TDEC ARP allotment of \$2,795,227.12 as well as a 10% local match of \$400,125.00. The city plans on completing several projects to make long term improvements to our water and wastewater system. The local funds would come from the Water and Wastewater reserve funds on hand. UD Green summarized the projects included.

After due discussion, motion was made by Ald. Barber, duly 2<sup>nd</sup> by Ald. Butler to adopt Resolution 2022-008 as prepared and apply for the funds. Upon a roll call vote, the following was cast:

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

Absent and not voting: Jason Rhodes.

Noes: None.

Mayor King declared Resolution 2022-008 duly adopted.

Deputy Fire Chief Kevin Roeder (currently serving as Fire Chief with the resignation of Chief Lipford) asked the board for permission to hire a full-time fireman to fill the new position created last month by the board. Chief Roeder explained that the department was short a person and the other personnel were getting tired of working so much. He understood that it was going to take considerable time to hire a new fire chief. The department has at least one part-time and as least one volunteer interested in the full-time position. As been practiced in the past,

candidates would be interviewed by one person from inside the department as well as others from other fire departments. Ald. Butler stated that she understood the issues of being short personnel but also wanted the newly selected fire chief to have some input on the new hire. Ald. Barber agreed with Ald. Butler on this matter. This matter was discussed in depth but no action was taken by the board.

The next item was to discuss the Public Works Vehicles. The ARP budget included \$80,000 for two vehicles including a pickup and a 1-ton truck with a flat dump bed. Recorder Garland stated that the city was able to order a 2022 Ford Ranger on state contract from Lonnie Cobb for \$29,775 instead of the more costly F-150. After this purchase the remaining amount of a little over \$50,000 will not purchase the F-350 truck. The city is waiting on the final cost after cutting several options on the F-350 including going from a diesel to a gas motor the final number should be in the low \$60,000s (Note: The final cost ended up at \$54,426). The truck will be a 2023 year model and Ford is cutting the fleet discounts to governments by 66%. Delivery date for this truck will be up to 18 months. Recorder Garland stated that Public Works has no equipment purchase funds in their regular budget therefore the funds would have to come from Street Paving, General Capital Outlay or ARP Reserve Funds. After due discussion, motion was made by Ald. Smith, duly 2<sup>nd</sup> by Ald. Barber to transfer necessary funds to complete the purchase of the F-350 from ARP Reserve Funds to ARP Public Work Vehicles. Motion carried.

Mayor King advised the board that longtime Planning Commission member Bobby Moten can no longer serve in this capacity due to health reasons. Mayor King contacted Bobby's brother Mr. Ron Moten and asked him to serve on the Planning Commission. He agreed to this appointment. Motion was made by Ald. Butler, 2<sup>nd</sup> by Ald. Smith to approve the appointment of Ron Moten to the Planning Commission. Motion carried.

Mayor King also advised that with the recent passing of Bobby Ruth, the city will need to appoint another member to the Planning Commission at the next meeting as well as appoint a city representative to the County Equalization Board in May of next year. Mr. Ruth served on both these boards.

Police Chief Gary Davidson advised the board that he had hired Mr. Carson Naylor to fill the vacancy in the police department left when Brandon Connor was hired by the county as EMA Director. He should attend the Police Academy starting about October 1<sup>st</sup>.

Chief Davidson also spoke about the startup of the "Keep Me Safe" Program and the "Handle with Care" Program. He explained these two programs.

Recorder Garland asked the board if they were interested in allowing MTAS to perform an Assessment Center for the Fire Chief. Recorder Garland briefly explained the program. The panel would be made up of city officials/fire chiefs from outside the city and they would score the top candidates selected by board members after the initial review of the applications. The final decision on who to hire would still be up to the board. After due discussion the board members approved that MTAS perform the Assessment Center.

Ald. Barber advised the board that the "Trails of Treats" would be held October 29<sup>th</sup> from 2 to 4 PM.

Mayor King reminded the group of the upcoming Bar-B-Que Festival on September 23<sup>rd</sup> and 24<sup>th</sup>.

Minutes – September 8, 2022 (Cont'd)

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

Signed: Robert W. King  
APPROVED: \_\_\_\_\_  
MAYOR

Signed: Jim E. Garland  
ATTEST: \_\_\_\_\_, CITY RECORDER