

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
FEBRUARY 26, 2013

PRESENT

SCOTT FOSTER, MAYOR
SCOTT SPROUSE, VICE-MAYOR
DON AMES, ALDERMAN
ARLENE CUNNINGHAM, ALDERMAN
HAMILTON FROST, ALDERMAN
PAUL R. GOODE, ALDERMAN
ROSA LONG, ALDERMAN
FRED QUALLS, ALDERMAN
MARK SKIDMORE, ALDERMAN
MATT STAMPER, ALDERMAN
JIM WATERS, ALDERMAN
LISA WEST, ALDERMAN
DARRELL WOODCOCK, ALDERMAN
JOHN BRADLEY, CITY ATTORNEY
KAY FRANKLIN, CITY RECORDER

AGENDA

Skidmore moved; seconded by Waters for acceptance of the agenda.

Sprouse moved; seconded by Goode to withdraw first reading of Ordinance 2013-4 after action in the Finance Committee.

There was a unanimous vote for approval to withdraw Ordinance 2013-4 from the agenda.

Waters moved; seconded by Cunningham for acceptance of the agenda as amended.

There was a unanimous vote for approval of the agenda as amended.

MINUTES

West moved; seconded by Sprouse for approval of the February 12, 2013 minutes.

There was a unanimous vote for approval.

CITIZENS COMMENTS

James Morgan, 104 Diddle Court, addressed the Board and presented a petition of over 200 signatures requesting land be set aside for a dog park. He stated with permission, he would like to raise funds and seek donations to build a dog park.

David Whitt, 1030 Margaret Drive, addressed the Board urging adoption of the 2012 building codes. He cited the need for the adoption of the Building Code Commentary as well.

Donna DeSopo, 101 Chambliss Court, addressed the Board citing the need for the adoption of the Building Code Commentary in order to protect the health and safety of the citizens.

As there was no one else desiring to speak, Foster declared Citizens Comments closed.

REPORTS

Finance Committee – reported no action was taken or required on an ordinance regarding building plan review fees for fire prevention and suppression; recommended an ordinance appropriating \$124,400.00 from a letter of credit for the Otter Pointe project; recommended an ordinance accepting and appropriating \$70,170.00 from an emergency solutions grant with the Samaritan Association as the sub-recipient of these funds and reviewed the month-end financials reporting overages in various insurance costs and that revenue is above projection.

General Committee – no report.

Goode reported the Hendersonville Utility District has requested the Public Works Department 's involvement to get New Shackle Island Road repaired and paved from their construction project. He stated weather permitting, the paving should be done in the next two weeks.

Public Safety Committee – no report.

Public Works Committee – reported during a special meeting Skidmore was elected chairman and West vice-chairman and reported a vote by the Board is needed on proposed litigation in regards to Willowbrooke.

Skidmore moved; seconded by Long to move forward on the Willowbrooke litigation.

There was a unanimous vote for approval.

Sprouse moved; seconded by Skidmore to place first reading of Ordinance 2013-4 back on the agenda.

There was a unanimous vote for approval of the above motion.

Capital Projects Committee – reviewed the status of current projects.

Planning Commission – reported the upcoming agenda will have public hearings and rezoning requests to rezone 160 Commerce Drive to Industrial General and to rezone 8 Industrial Park Drive to Mixed Commercial Service District; review of the Preliminary and Final Master Development Plan for Indian Lake Village, Phase V-A and reported a staff approved Site Plan for Piranha Bar and Grill located at 248 Sanders Ferry Road for storefront conversion.

Mayor – requested Parks Director Dave LeMarbre give a report for a proposed dog park.

LeMarbre reported a public hearing on a proposed dog park will be held at the next Parks Board meeting scheduled for March 25 to hear ideas and suggestions.

Foster stated it was all right for Mr. Morgan, as a private citizen, to raise funds for a dog park and expressed his appreciation to the Public Works Department for their assistance getting New Shackle Island Road paved.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2012-27 was read on first reading, an Ordinance approving a new Preliminary Master Development Plan to govern the development of Millstone Planned Unit Development (formerly known as Willowbrooke) located on the east side of Saundersville Road between Avondale Road and Wynbrooke Drive, zoned Low Density Residential Planned Unit Development (R-15 PUD) and General Commercial Services Planned Unit Development (GCS PUD). West moved; seconded by Goode.

Waters moved; seconded by Cunningham to suspend the rules to allow the developer to answer questions.

There was a unanimous vote for approval.

Waters asked for confirmation that there would be no apartments or townhomes in the development.

Mike Stanton, representing Goodall Homes, stated no apartments or townhomes will be included in this development. He further stated there are attached multi-family homes that would be owner-occupied.

Waters stated he appreciated Goodall's concessions on front-load garages but that he preferred more side or rear entry garages and larger lots. He further stated he wanted a development phase totally finished before moving on to the next phase.

Stanton stated Goodall Homes is a developer and a builder and has a commitment to have a beautiful development.

Cunningham questioned the percentage of attached homes to be built and the percentage of brick versus vinyl.

Stanton stated it is under 32% for attached homes and 65% minimum brick and the remainder would be Hardi-plank.

Cunningham stated her concern with the development not being finished.

Stanton stated the history of the company shows they always finish their developments. He cited completed developments by Goodall in other areas.

Woodcock stated his concern about coordinating with NHC on the 15+ acres of property still owned by them.

Stanton stated an agreement with NHC is expected soon and they would be looking at rezoning the property to residential.

Woodcock asked for an explanation on the connector road into Wynbrook.

Planning Director Fred Rogers explained the requirement to extend the stub street in Wynbrook to Millstone as well as a back stub street in Wynbrook that will extend into Saundersville Station. He explained how traffic would use the two different connectors to access the area schools and the net effect would be no greater traffic on Wynbrook Trace.

Woodcock questioned the need for a new traffic study as the one used was done in 2005.

Public Works Director Jerry Horton explained the traffic projection numbers have not changed and if a new study was done today, the results would be the same. He stated as far as engineering studies, the developer will be responsible for making infrastructure improvements as the subdivision is developed.

There was a majority vote for approval of Ordinance 2012-27 on first reading with Long and Skidmore voting nay.

Foster declared the motion carried.

Sprouse moved; seconded by Goode to group the following:

- First reading of Ordinance 2013-4, an Ordinance amending the Hendersonville Municipal Code, Title 7, Chapter 2, Fire Code;
- First reading of Ordinance 2013-5, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 1, Section 12, regarding the adoption of a Building Code and amendments to same;
- First reading of Ordinance 2013-6, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 2, Section 12, regarding the adoption of a Plumbing Code and amendments to same;

- First reading of Ordinance 2013-7, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 3, Section 12, regarding the adoption of a Gas Code and amendments to same;
- First reading of Ordinance 2013-8, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 4, Section 12, regarding the adoption of a Housing Code and amendments to same;
- First reading of Ordinance 2013-9, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 5, Section 12, regarding the adoption of an Energy Conservation Code and amendments to same.
- First reading of Ordinance 2013-10, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 7, Section 12, regarding the adoption of the International Swimming Pool and Spa Code and amendments to same.
- First reading of Ordinance 2013-11, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 9, Section 12, regarding the adoption of a Mechanical Code and amendments to same;
- First reading of Ordinance 2013-12, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 11, Section 12, regarding the adoption of an Existing Building Code and amendments to same;
- First reading of Ordinance 2013-13, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 12, Section 12, regarding the adoption of the International Residential Code and amendments to same;
- First reading of Ordinance 2013-14, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 13, Section 12, regarding the adoption of an Electrical Code and amendments to same;
- First reading of ordinance 2013-15, an Ordinance amending the Hendersonville Municipal Code, Title 12, Chapter 1, Section 13, regarding the adoption of a Property Maintenance Code and amendments to same.

Sprouse moved; seconded by Goode for approval of the above Ordinances on first reading.

Stamper questioned adopting the residential code without adopting the commentary.

Codes Director Steve Mills cited a letter from the Senior Regional Manager of the International Code Council stating the commentary is to be used in conjunction with the International Building Code and not as a substitute, stressing the commentary is advisory only. The letter further stated the code official alone possesses the authority and responsibility for interpreting the code. Mills further stated no other jurisdictions adopt the commentary as it is non-enforceable language. He explained by adopting reference material and making it law, complications would be created. He further explained an appeal can be made to the Board of Appeals should the need arise.

Stamper commented the ICC letter stated to adopt the commentary would be "highly unusual" but he does not know of anything that would preclude adopting the commentary.

Cunningham questioned if by adopting the advisory only commentary, it still becomes law.

BOARD OF MAYOR AND ALDERMEN
MINUTES OF FEBRUARY 26, 2013
PAGE 6

Bradley stated it would need to be made clear that the commentary is not a part of the code. He stated the commentary is already being used in an advisory capacity.

Mills explained if the commentary is adopted along with the code, it becomes a part of the ordinance. He further explained the commentary is already used in an advisory capacity as well as the ICC staff and that if adopted, all other directories such as UL would have to be adopted. He stated this creates conflict and does not accomplish anything.

Sprouse called for the question.

There was a majority vote for approval of Ordinances 2013-4, 2013-5, 2013-6, 2013-7, 2013-8, 2013-9, 2013-10, 2013-11, 2013-12, 2013-13, 2013-14 and 2013-15 on first reading with Long and Stamper voting nay.

Foster declared the motion carried.

OTHER AGENDA ITEMS

Sprouse moved; seconded by Ames for the reappointment of Linda Evjen to serve on Beautiful Hendersonville.

There was a unanimous vote for approval of the above appointment.

Sprouse moved; seconded by Skidmore for the reappointment of Phyllis Leonard to serve on Beautiful Hendersonville

There was a unanimous vote for approval of the above appointment.

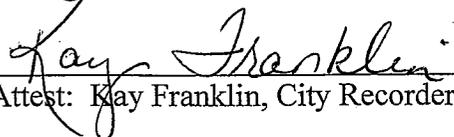
Waters moved; seconded by Goode for the appointment of Gerald Hatt to serve on the Beer Board.

There was a unanimous vote for approval of the above appointment.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:26 p.m.



Approved: Scott Foster, Mayor



Attest: Kay Franklin, City Recorder