

CITY OF HENDERSONVILLE  
BOARD OF MAYOR AND ALDERMEN  
MINUTES OF REGULAR MEETING  
APRIL 12, 2011

PRESENT

SCOTT FOSTER, MAYOR  
GARRY FORSYTHE, VICE-MAYOR  
STEVE BROWN, ALDERMAN  
ARLENE CUNNINGHAM, ALDERMAN  
TOMMY ELSTEN, ALDERMAN  
HAMILTON FROST, ALDERMAN  
CHRIS GALLAHER, ALDERMAN  
JIM HOBACK, ALDERMAN  
JACK LONG, ALDERMAN  
FRED QUALLS, ALDERMAN  
SCOTT SPROUSE, ALDERMAN  
MATT STAMPER, ALDERMAN  
JOHN BRADLEY, CITY ATTORNEY  
KAY FRANKLIN, INTERIM CITY RECORDER

ABSENT

LISA WEST, ALDERMAN

AGENDA

Sprouse moved; seconded by Stamper for approval of the agenda as presented. There was a unanimous vote for approval.

PRESENTATION

Foster presented a proclamation to members of Beautiful Hendersonville proclaiming April 30, 2011 as Earth Day in Hendersonville.

Sharrone Lincoln of Beautiful Hendersonville announced the Hendersonville Earth Day festivities will be held on April 30 at Memorial Park. She cited the history of Earth Day and announced the scheduled events.

MINUTES

Sprouse moved; seconded by Frost for approval of the March 22, 2011 minutes. There was a majority vote for approval with Forsythe abstaining.

MINUTES OF REGULAR MEETING

APRIL 12, 2010

PAGE 2

Foster declared the motion carried.

CITIZENS COMMENTS

Fred See, Commander of VFW Post 9851, addressed the Board stating the Sumner County Veterans Affairs Coordinator will be at the Post on the second Wednesday of each month to assist veterans and their families.

Donna DeSopo, 101 Chambliss Court, addressed the Board asking them to be proactive in their decision making at budget time and take the opportunity to obtain street lights for Monthaven Green Subdivision.

Eric Stamper, 1010 Strathmore Way, addressed the Board announcing the Tennessee Liberty Festival scheduled for April 16 at The Park at Indian Lake Village. He cited the speakers and activities planned for this event.

REPORTS

Finance Committee – no report.

General Committee – recommended an ordinance establishing a Green Building Incentive Program; heard an appeal from Flower Express and sent on to the Board; discussed an amendment to the proposed ordinance on liquor stores regarding residency and reviewed FY2012 budgets for the Codes, Executive and Planning Departments.

Public Safety Committee – discussed lowering the speed limit in Autumn Creek and recommended the issue to the Traffic and Parking Committee; received an update on the aerial truck and fire boat grants and heard a presentation from a representative from Code Red Weather Warning System.

Public Works Committee – reviewed the Public Works Department's FY2012 budget; and announced the TDOT public hearing on the intersection realignment at Walton Ferry and Old Shackle Island Roads to be held on April 18.

Capital Projects Committee – no report.

Planning Commission – recommended the site plans for Ulta Beauty at Glenbrook, Super Speed Wash and an accessory storage building for Hendersonville Golf Center.

Mayor – no report.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2011-4 was read on second and final reading, an Ordinance appropriating General Funds in the amount of \$16,400.00 with respect to Cherokee Road. Frost moved; seconded by Elsten.

Hoback called for the question.

Foster stated there are other speakers in the queue to speak.

Forsythe stated this issue has been reviewed by the Finance Committee twice and cited the lack of funds for this project. He stated this issue needs to be a part of the budget process which is the time to appropriate money for projects.

Sprouse stated the City has experienced some difficult financial years and is not through the storm yet. He stated the City should not be spending money it does not have. He questioned the return on the investment for this project and cited the amount of money the City will need for the Linden Drive property buyout.

Foster stated the City's share for the Linden Drive property buyout is 12.5% of a \$1.2 million total estimate.

Sprouse stated he feels the Cherokee Road project has a small impact as there are other homes with similar circumstances.

Elsten stated his second on the call for the question.

There was a majority vote not to call for the question with Gallaher and Hoback voting aye. Foster declared the motion failed.

Hoback stated the City borrowed \$4.5 million to fund ARRA projects with no true estimates on the costs for those projects. He stated this project will repair a small culvert that affects Hendersonville High School as well as two residential properties.

Cunningham stated her concern on spending money for a drainage study without the money to fund the repairs. She cited the needs of the Police Department and that this issue should be a part of the budget process.

Elsten stated the City has engineers on staff and questioned the need for this study. He cited the size of the pipes and upstream culverts and stated the project was not done correctly the first time.

Long cited the volume of water that affects this area and how it has run over the road. He stated this is a danger for the residents.

MINUTES OF REGULAR MEETING

APRIL 12, 2010

PAGE 4

Hoback stated the intent of this ordinance is to fund the study and the cost to replace the culvert is unknown at this time.

Brown stated the City has to start somewhere with drainage issues.

Hoback moved; seconded by Elsten to call for the question.

The following voted on the motion to call for the question:

Aye: Brown, Elsten, Frost, Gallaher, Hoback, Long, Qualls and Stamper.

Nay: Cunningham, Forsythe, Sprouse and Foster.

Sprouse stated he does not understand the rush to call the question on this issue or to put this issue before the budget process or to put this project before projects where people have lost their homes. He stated the money is not available and this is not the proper time to fund this project and cited the need to set priorities.

The following voted on Ordinance 2011-4 on second and final reading:

Aye: Brown, Elsten, Frost, Gallaher, Hoback, Long, Qualls and Stamper.

Nay: Cunningham, Forsythe, Sprouse and Foster.

Foster declared the motion carried to pass Ordinance 2011-4 on second and final reading.

The caption of Ordinance 2011-8 was read on second and final reading, an Ordinance accepting a Federal Emergency Management Agency Port Security Program Grant for the purchase of a replacement fire and rescue boat. Stamper moved; seconded by Forsythe.

There was a unanimous vote for approval of Ordinance 2011-8 on second and final reading.

The caption of Ordinance 2011-10 was read on second and final reading, an Ordinance to amend the Municipal Code, Title 8, Chapter 1, Alcoholic Beverages, to add areas where liquor stores may be located and to establish a license application, review and issuance process. Qualls moved; seconded by Frost.

Qualls moved; seconded by Elsten to amend Ordinance 2011-10 as follows:

Section 1, 8-105(d) to read as follows: (d) Number of years Applicant and persons in the Applicant Group have been residents of the Hendersonville zip code, city limits or the Hendersonville Urban Growth Boundary.

MINUTES OF REGULAR MEETING

APRIL 12, 2010

PAGE 5

Add Section 3 to read as follows:

Section 3, Section 8-107, Limitation on Number of Licenses, Subsection (2) is hereby amended to read as follows: (2) No license shall be issued to any person or persons unless such person's or persons' legal residence has been within the Hendersonville zip code, city limits, or Hendersonville Urban Growth Boundary for at least two years prior to submittal of an application for the retail license. Likewise, no license shall be issued to any corporation unless all stockholders', directors' and officers' legal residence and the corporation's principal place of business have been within the Hendersonville zip code, city limits or the Hendersonville Urban Growth Boundary for at least two years prior to submittal of an application for the retail license. Thereafter, any change in such residence or place of business, whereby the retail licensee(s) or any stockholder, director or officer would be outside this area, such change must be approved by a majority of the board of mayor and aldermen. However, in any event, such person's, persons', or corporation's legal residence, and, in the case of a corporation, its principal place of business and office, must be within the State of Tennessee.

Foster questioned how corporate entities, such as Sam's, would be handled if the principles were required to live in the City.

Bradley stated this amendment would prohibit them from obtaining a license for a liquor store. He suggested the current residence requirement remain in effect. He explained the difficulty enforcing and monitoring the residences of shareholders, directors and officers. He also explained there may be a question of legality as well.

Brown stated he would like to review and study this issue more. He stated he would like to keep the money and store ownership in town.

Brown moved; seconded by Frost to refer Ordinance 2011-10 to the General Committee for further review.

Sprouse questioned if a residency requirement would apply to current liquor store owners.

Bradley explained current owners already have their license and are grandfathered in.

Sprouse stated he cannot support restricting store ownership to Hendersonville residents when other businesses do not have similar restrictions.

Hoback called for the question.

There was a unanimous vote for approval to refer Ordinance 2011-10 to the General Committee for further review.

MINUTES OF REGULAR MEETING

APRIL 12, 2010

PAGE 6

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:45 p.m.

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Approved: Scott Foster, Mayor

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Attest: Kay Franklin, Interim City Recorder