

CITY OF HENDERSONVILLE  
BOARD OF MAYOR AND ALDERMEN  
MINUTES OF REGULAR MEETING  
MAY 14, 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

Stamper moved; seconded by Sprouse for acceptance of the agenda.

Goode requested adding an announcement.

West requested adding a Non-profit Contributions Committee report.

Skidmore moved; seconded by Sprouse to add discussion of Willowbrooke and NHC to Other Agenda Items.

There was a unanimous vote for approval to add the above items to the agenda.

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

PRESENTATIONS

Foster presented a Proclamation proclaiming May, 2013 as "Foster Care Awareness Month".

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MINUTES

Waters moved; seconded by Ames for approval of the April 23, 2013 minutes.

There was a unanimous vote for approval of the minutes.

CITIZENS COMMENTS

Mike Hudson, 114 Savely Court, addressed the Board citing the flooding history of his home. He stated the City has not addressed the 1998 study on fixing the flooding problem at his home. He further stated no money has been included in the budget to repair drainage problems. He questioned why funds were approved to purchase golf carts but not to fix his drainage problem.

Mike Crabb, 203 Southburn Drive, addressed the Board stating the past weekend's rain made the community vulnerable again with both ends of Southburn Drive area subdivision being closed. He stated his concern with Saundersville Road crossing Drakes Creek with a large portion of the road being in a floodplain. He stated the need for the creek and the surrounding area to remain free from obstructions. He explained the road and bridge are on a raised grade causing more encroachment in the area and qualify as obstructions.

Stamper moved; seconded by Long to suspend the rules to allow Crabb five additional minutes to speak. There was a unanimous vote for approval.

Crabb questioned if the design of this section of the road was coordinated with the Corps of Engineers and FEMA. He stated there is a potential safety and structural issue with the road and bridge including erosion developing on the road side. He cited the possibility of the City's liability in hazardous conditions. He stated it is unacceptable for rain to close roads and isolate a community. He stated he has three ways to address the isolation issue and provide emergency services.

Pam Gentry, 110 Savely Court, addressed the Board questioning what is currently being done to address the problem as she feels neglected. She stated her property is being devalued and she becomes emotionally impaired during rain.

William Martin, 120 Overlook Drive, addressed the Board supporting the residents of the Savely Drive area. He stated it is ridiculous for the flooding to take place and the City should own up to the responsibility and do the repair work.

Andrew Friedman, 180 Curtis Crossroads, addressed the Board stating the current emergency wrecker service ordinance appears outdated. He stated he does not oppose the proposed rate increase but questions not voting on changing the entire ordinance. He stated all vendors should have been questioned as to what they wanted. He cited unmanned lots and the need for appointments to retrieve personal property.

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Long moved; seconded by Skidmore to suspend the rules to allow Friedman five additional minutes to speak. There was a unanimous vote for approval.

Friedman stated there are situations requiring access to a vehicle and the right thing needs to be done for the citizens.

George James, 1009 Sterlingshire Drive, distributed information on background check requirements and procedures for various governmental agencies. He cited the dangers of felons picking up people and vehicles and that the ordinance needs to require background checks on wrecker company employees. He further stated the insurance binder needs to be increased. He urged the Board to not increase the rates until other issues are addressed.

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

### REPORTS

Finance Committee – no report.

General Committee – recommended a resolution amending the Design Review Manuel regarding LED and similar lighting and reviewed the proposed FY2013-2014 Codes, Executive, Personnel and Planning Departments' budgets and sent to the Board without a recommendation.

Public Safety Committee – recommended an ordinance accepting and appropriating grant money for bulletproof vests and reviewed the Fire and Police Departments' budgets with further review planned for a special meeting on May 22 and reported a special meeting will be held tomorrow to review the emergency wrecker ordinance.

Public Works Committee – no report.

Skidmore cited the growth of the City but that it doesn't lose sight of issues affecting its citizens. He stated the City recognizes problems at all addresses. He stated the Public Works Committee recommended the Public Works Department speak with the Corps of Engineers about the residences along Drakes Creek to request additional clean-up for better water flow. He stated the Committee will try to identify how the City can solve some problems and create a plan of attack. He further stated new information can be combined with the previous study to find ways to benefit the area.

Foster distributed FEMA flood maps from 1981, 2006 and 2012 showing the Savely Drive/Savely Court area to be in a floodplain. He stated the City has spent several thousand dollars on work since the 1998 study, including installing culverts at Volunteer Drive, Savely Drive and under the railroad tracks. He stated widening the ditch or the culvert under the railroad track does not fix the situation as the homes still remain in the 100 year floodplain and that the ten year floodplain is only about a foot different than the 100 year floodplain. He stated the threshold has not yet been met by the homes on Savely that the federal government will buy them as happened on Linden Drive. He further stated the 1998 study recommends expanding the ditch to 20' x 4' with a trapezoid bottom but the lake will still back up into that ditch and does

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not add additional capacity to Old Hickory Lake. He further stated the City will request the engineer doing work on the Southburn Drive area to review the Savely Drive/Savely Court area. He explained there is very little that can be done to change the 100 year floodplain and no matter how deep the creek is made, the lake will still back up and flood the area.

Capital Projects Committee – reported the Capital Projects Committee will meet on May 28 at 5:30 p.m.

Planning Commission – approved the Hendersonville High School addition, approved the Site Plan for Bojangles, recommended street acceptances for Hunt Club Subdivision, Sections 3 and 4, Berry Hill Subdivision, Phase 1, Sections 1 and 3, Meadows of Indian Lake Subdivision, Phase 3 and Fountain Brooke Subdivision, Phase 1, Sections 1, 2 and 3 and recommended a resolution amending the Design Review Manual regarding LED and similar lighting.

Non-profit Contributions Committee – reported adjustments were made in requests from agencies for a net decrease in recommended appropriations.

Long announced the weatherization program administered by the Mid-Cumberland Community Action Agency is in effect and Andrea Stanley can be contacted at 742-1113 to obtain the necessary forms.

Goode announced the Morning Rotary Club will be holding a Memorial Day program beginning at 9:00 a.m. for presentation and dedication of the new flag poles honoring all branches of the military.

Woodcock announce the Lions Club is almost at the halfway point on fund raising efforts for the dog park.

Mayor – stated spending additional money on the area will not solve the problem at Savely Drive/Savely Court; explained the Saundersville Road Bridge project was approved by the Corps of Engineers and FEMA and is designed for the approaches to overtop and in order to cover the entire floodplain, the bridge would have to have been seven times longer and unaffordable and that like many other bridges, it is designed to flood during excessive rainfall; reported the Indian Lake Boulevard medians were paid for and maintained by developers and further, developers are required to provide green space and detention ponds and announced the City of Hendersonville's Codes Department working in conjunction with ISO, was recently recognized with a Class 2 classification which is a significant improvement from the previous Class 4 and it appears there are no other Class 2 cities in Tennessee.

## ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2013-25 was read on first reading, an Ordinance accepting a federal grant and amending Budget Ordinance 2012-13 by appropriating \$13,650.00 for bulletproof vests for the Police Department. Waters moved; seconded by Stamper.

There was a unanimous vote for approval of Ordinance 2013-25 on first reading.

The caption of Resolution 2013-1 was read, a Resolution accepting dedication of the completed streets in Hunt Club Subdivision, Section 3 and Section 4, Hendersonville, Sumner County, Tennessee. Frost moved; seconded by Skidmore.

There was a unanimous vote for approval of Resolution 2013-1.

The caption of Resolution 2013-5 was read, a Resolution accepting dedication of the completed streets in Berry Hill, Phase 1, Sections 1 and 3, Hendersonville, Sumner County, Tennessee. Cunningham moved; seconded by West.

There was a unanimous vote for approval of Resolution 2013-5.

The caption of Resolution 2013-6 was read, a Resolution accepting dedication of the completed streets in Meadows of Indian lake Subdivision, Phase 3, Hendersonville, Sumner County, Tennessee. Skidmore moved; seconded by Waters.

There was a unanimous vote for approval of Resolution 2013-6.

The caption of Resolution 2013-9 was read, a Resolution accepting dedication of the completed streets in Fountain Brooke Subdivision, Phase 1, Sections 1, 2 and 3, Hendersonville, Sumner County, Tennessee. West moved; seconded by Skidmore.

There was a unanimous vote for approval of Resolution 2013-9.

#### OTHER AGENDA ITEMS

Skidmore moved; seconded by Long for the appointment of Larry Irwin to serve on the Industrial Development Board.

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

Foster explained the Board will now go into Executive Session to hear of a potential lawsuit between Willowbrooke, NHC and the City of Hendersonville.

The Board returned from Executive Session.

Sprouse moved; seconded by Skidmore to add a report from the Executive Session to the agenda. There was a unanimous vote for approval.

Bradley explained he made a report to the Board during the Executive Session concerning the status of the contemplated litigation with the Safeguard Bond Company over the bonds on the Saundersville Road Willowbrooke Project. He explained NHC is also involved and have bonds from the same company and have been in litigation since October. He explained he has

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requested the Board to approve a negotiated settlement with the bond company to resolve the bond claims of NHC as well as the City to get the infrastructure improvements done in the Willowbrooke area and NHC property area as promised by Bob Parks Realty. He stated these are infrastructure improvements bonded with both with the City and NHC. He explained the essence of the agreement would be that the City will reach a compromise settlement with the bond company with our bonds and the NHC bonds and the City will enter into an agreement with NHC that if the proposed Millstone development does not take place where Millstone can make the improvements, which is anticipated will be done, that the City will take the money paid by the bonding company, and the City will make the improvements required to make the NHC property marketable, which means a road to the property from Saundersville Road as well as water and sewer to the property from Saundersville Road. He asked for a motion authorizing the City Attorney and the Mayor to complete those negotiations if possible, and to enter into an agreement with NHC.

Qualls moved; seconded by Sprouse for the above authorization.

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

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 9:00 p.m.

  
Approved: Scott Foster, Mayor

  
Attest: Kay Franklin, City Recorder