

CITY OF HENDERSONVILLE  
BOARD OF MAYOR AND ALDERMEN  
MINUTES OF REGULAR MEETING  
SEPTEMBER 10, 2013

PRESENT

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

ABSENT

MATT STAMPER, ALDERMAN

AGENDA

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

Goode moved; seconded by Qualls to add to the agenda for the Board to hold an Executive Session on the NHC bond issue.

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

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

PRESENTATIONS

Foster presented Certificates of Recognition to members of the Hendersonville Spartans Lacrosse Team for winning the State Championship for the Tennessee Scholastic Lacrosse Association Invitational Tournament.

MINUTES OF REGULAR MEETING  
SEPTEMBER 10, 2013  
PAGE 2

Foster presented a Proclamation to Evelyn Hill with The Jason Foundation proclaiming September as "Suicide Prevention Awareness Month".

Goode recognized The Jason Foundation's founder, Clark Flatt, and stated this organization now has 100 locations and plan to always remain a Hendersonville company.

MINUTES

Skidmore moved; seconded by Long for approval of the August 27, 2013 minutes.

Cunningham requested a correction to the minutes showing she was not present at that meeting.

Ames requested a correction reflecting a nay vote on referring Ordinance 2013-34 back to the Public Safety Committee.

There was a majority vote for approval of the minutes with the above corrections with Cunningham and Woodcock abstaining.

Foster declared the motion carried.

CITIZENS COMMENTS

Linda Evjen representing Beautiful Hendersonville addressed the Board announcing the Beautiful Hendersonville's Yard of the Month Program. She explained in addition to selecting a yard of the month, during the holiday season, four homes will be selected for their best of the season displays.

Dave McArdle and Melinda Gaines as Andrew and Rachel Jackson addressed the Board extending an invitation to "Daniel Smith Days at Rock Castle" on September 21-22, 2013.

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

REPORTS

Finance Committee – no report.

General Committee – recommended an ordinance updating the City's Occupational Safety and Health Program Plan; recommended rezoning ordinances for properties located at 13 Industrial Park Drive, on Andrews Run and south of Goshentown Road, on the east side of Sanders Ferry Road at LaSabre Drive, and on the east side of Stop 30 Road and the north side of Vietnam Veterans Boulevard and a resolution for the Plan of Services for the annexation of the property located on Andrews Run and south of Goshentown Road.

Public Safety Committee – took no action on reducing the speed limit on Sanders Ferry Road; recommended the emergency wrecker service ordinance back to the Board with no changes and

reported that FEMA will no longer write grants for tornado warning sirens but recommend radios and that the Parks Department has a program in place for evacuations if necessary.

Public Works Committee – busy with projects to be completed by fall.

Capital Projects Committee – no report.

Planning Commission – reported public hearings were held on rezoning properties located on Andrews Run and south of Goshentown Road, located on the east side of Sanders Ferry Road at LaSabre Drive, located on the east side of Stop 30 Road and the north side of Vietnam Veterans Boulevard and 13 Industrial Park Drive and adding bakeries as a permitted use in the Publix Shopping Center; recommended the permitted use of bakeries in the Publix Shopping Center; recommended Site Plans for the sewer pump station at Millstone and the parking lot addition for Elite Properties; recommended the Preliminary Plan for Millstone, Phase I; recommended the Preliminary and Final Master Development Plans for The Fountains at Glenbrook and The Retreat; recommended the rezoning request for property located on the east side of Stop 30 Road and on the north side of Vietnam Veterans Boulevard and property located at 13 Industrial Park Drive and recommended a resolution for the annexation and Plan of Services for property located on Andrews Run and south of Goshentown Road.

Mayor – reported on the Civil War Trail markers dedication ceremonies recently held at Hazel Path Mansion and historic Monthaven and stated it is anticipated Spring Haven and Rock Castle will also be receiving markers which may necessitate a small appropriation from the City; announced a letter has been received from the Comptroller's office approving the City request to issue capital outlay notes in an amount not to exceed \$1,250,000 (a copy of said letter is attached to these minutes) and requested the Board go into an Executive Session for review of the NHC bond issue.

The Board adjourned into Executive Session at 8:05 p.m. and reconvened at 8:12 p.m.

Qualls moved; seconded by Waters to allow Foster and Bradley to enter into an agreement as discussed on the NHC bond issue in the Executive Session.

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

#### ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2013-35 was read on first reading, an Ordinance to establish an updated Occupational Safety and Health Program Plan, devise rules and regulations and to provide for a Safety Director and the implementation of such program plan. West moved; seconded by Cunningham.

There was a unanimous vote for approval of Ordinance 2013-35 on first reading.

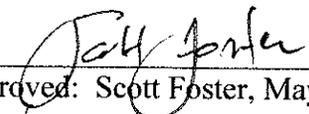
OTHER AGENDA ITEMS

Sprouse moved; seconded by Frost for the appointment of Samuel Ed Stansberry to serve on Beautiful Hendersonville.

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

Waters complimented Foster for taking action to reduce the sale of alcoholic beverages to minors by hosting a Community Awareness Event for Alcohol Compliance next Tuesday.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:15 p.m.

  
\_\_\_\_\_  
Approved: Scott Foster, Mayor

  
\_\_\_\_\_  
Attest: Kay Franklin, City Recorder

RECEIVED AUG 26 2013



STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
OFFICE OF STATE AND LOCAL FINANCE  
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7872  
FAX (615) 741-5986

August 21, 2013

Honorable Scott Foster, Mayor  
City of Hendersonville  
101 Maple Drive North  
Hendersonville, TN 37075

Dear Mayor Foster:

This Office received a request from the City of Hendersonville (the "City") on August 19, 2013, for approval to issue twelve-year capital outlay notes in an amount not to exceed \$1,250,000 to be known as the Capital Outlay Notes, Series 2013 (the "Notes").

This Office received a copy of resolution 2013-16 adopted on August 13, 2013, authorizing the issuance of the Notes for the purpose of financing public works drainage projects (the "project"). The proposed note form was included with the resolution. Please send a copy of the executed note to us along with the form CT-0253.

The City provided a copy of its debt management policy. A specific description of how the debt complies with the City's debt policy should be included on the form CT-0253 to be submitted within 45 days of issuance of the debt approved in this letter. If the City amends its policy for any reason, please submit the amended policy to this office.

#### **Note Approval**

This letter constitutes approval for the City to issue the Notes by competitive sale pursuant to Tenn. Code Ann. §§ 9-21-608 and 9-21-609. Approval of the sale of the Notes is conditioned upon the City's compliance with all parts of Tennessee State law giving authority to issue such notes and its debt management policy.

The amount of the Notes being approved is based on the City's determination of the cost of the public works project as authorized in Tenn. Code Ann. § 9-21-109.

The City is responsible for insuring compliance with Tennessee Code Annotated, Title 9, Chapter 21, Parts 1, 4, and 6, its debt management policy, and timely payment of outstanding note principal and interest in accordance with the note provisions. Please present a copy of this letter to the governing body at the next meeting following receipt of this letter.

**This letter and the approval to issue debt do not address the compliance with federal tax regulations and should not be relied upon for that purpose. The City should discuss these issues with a tax attorney or bond counsel.**

*This approval is valid until December 31, 2013. If the Notes have not been issued by December 31, 2013, a new note resolution must be passed by the Governing Body and submitted to this Office for approval.*

#### **Purpose, Terms, and Life**

This project meets the definition of a public works projects in Tenn. Code Ann. § 9-21-105, and the City may issue notes under the authority of Tennessee Code Annotated, Title 9, Chapter 21, to finance such a project. The maturity of the Notes does not exceed the life of the proposed project as attested by the local governing body. The submitted certified resolution and supporting documents appear to meet the requirements for the issuance of notes in Tennessee Code Annotated, Title 9, Chapter 21 Parts 1, 4, and 6. The maximum maturity for the Notes as authorized by the governing body is twelve years after the date of issuance.

Not less than level debt service is to be paid in each fiscal year after the fiscal year issued with the balance being paid in the final fiscal year of the Notes. In its resolution, the City committed to pay level debt service on the Notes in accordance with the requirements of Tenn. Code Ann. § 9-21-608. This repayment schedule meets the requirements of statute. If the City does not pay the minimum fiscal year principal payments stated in its resolution, the City will not be permitted to convert the Notes to bonds after the two (2) year period commencing on the date of issuance (Tenn. Code Ann. § 9-21-610).

#### **Nonconforming Obligations**

Notes issued contrary to Tennessee Code Annotated, Title 9, Chapter 21, Parts 4 and 6, or Notes not properly extended are nonconforming obligations. The Comptroller has the option to levy a penalty for notes deemed nonconforming obligations.

#### **Director's Approval Requirement**

By issuing capital outlay notes under the authority of Tennessee Code Annotated, Title 9, Chapter 21, the City has placed itself under the budget approval authority of the Director of the Office of State and Local Finance (the "Director") for the life of any outstanding notes. This authority requires you, as Chief Executive Officer, to submit to the Director, the appropriation resolution for official budget approval within 15 days of adoption, with any necessary supporting documents that substantiate:

- the City's budget is balanced as required by state law,
- the City intends to pay all of its outstanding debt obligations, and
- the annual budget is prepared in a form consistent with accepted governmental standards and as approved by the Director.

This Office can require the City to provide any information or perform any audits necessary to ascertain that the City maintains a balanced budget and make payments on its outstanding debt obligations. If the government is unwilling to submit information to comply with the requirements of Tenn. Code Ann. §9-21-403, the approval to issue the Notes is rescinded.

**Municipal Securities Rule Making Board Notice 2011-52 on "Bank Loans" and Voluntary Disclosure**

The Municipal Securities Rule Making Board (MSRB) released a regulatory notice; MSRB Notice 2011-52, providing guidance on the use of "bank loans" that could be a private placement of municipal securities subject to specific regulatory requirements including disclosure. This Notice also encourages the voluntary disclosure of bank loan financing information through the MSRB's Electronic Municipal Market Access (EMMA®) website ([emma.msrb.org](http://emma.msrb.org)). To learn more about this guidance and how it may apply to the City read the information posted at [www.msrb.org/Market-Topics/Bank-Loans.aspx](http://www.msrb.org/Market-Topics/Bank-Loans.aspx).

**Public Debt Entity Report**

Enclosed is a revised Form CT-0253 - Report on Debt Obligation. The Form CT-0253 must be filed with the governing body of the public entity issuing the Debt not later than forty-five (45) days following the issuance or execution of a debt obligation by or on behalf of any public entity, with a copy (including attachments, if any) filed with the Director of the Office of State and Local Finance by email to the address below or mailed to the address on the letter. No public entity may enter into additional debt if it has failed to file the Report on Debt Obligation. [StateandLocalFinance.PublicDebtForm@cot.tn.gov](mailto:StateandLocalFinance.PublicDebtForm@cot.tn.gov)

Please notify us if the City decides not to issue the Notes.

Sincerely,



Sandra Thompson  
Director of State & Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit, COT

Enclosures (1) Form CT-0253