

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
SEPTEMBER 27, 2011

PRESENT

SCOTT FOSTER, 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
MATT STAMPER, ALDERMAN
SCOTT SPROUSE, ALDERMAN
LISA WEST, ALDERMAN
JOHN BRADLEY, CITY ATTORNEY
KAY FRANKLIN, INTERIM CITY RECORDER

ABSENT

GARRY FORSYTHE, VICE-MAYOR

AGENDA

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

Sprouse moved; seconded by Stamper to add reading of Resolution 2011-19, a resolution concerning a designation of Tax Anticipation Notes.

There was a unanimous vote for approval to add Resolution 2011-19 to the agenda.

Elsten moved; seconded by Stamper to pull from the agenda, Ordinance 2011-28, an Ordinance amending the Preliminary Master Development Plan for Glenbrook North, Phase III.

There was a unanimous vote for approval to pull Ordinance 2011-28 from the agenda.

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

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MINUTES

Qualls moved; seconded by Frost for approval of the September 13, 2011 minutes.

There was a unanimous vote for approval.

CITIZENS COMMENTS

Jim Waters, 244 Southburn Drive, addressed the Board opposing the proposed liquor store site on New Shackle Island Road.

Judy Alford did not desire to speak at this time.

REPORTS

Finance Committee – recommended an ordinance accepting a grant to purchase tasers; recommended an ordinance amending the Fire Department boat and truck grant ordinances to specify Fiscal Year 2012; recommended a resolution authorizing submission of an application for a Driver Safety Matching Grant Program; recommended a resolution assigning designated funds for the Friendship Island Project; recommended a resolution designating tax anticipation notes as “Qualified Tax Exempt Obligation” and reviewed the September financial reports reporting sales tax revenue up 6% overall.

General Committee – met in a special meeting to discuss criteria for awarding a Certificate of Compliance for the City’s fourth liquor store and recommended an ordinance establishing ward boundaries.

Public Safety Committee – no report.

Public Works Committee – no report.

Capital Projects Committee – no report.

Planning Commission – no report.

Mayor – reported the traffic signal is being set for the west bound bypass ramp at Indian Lake Boulevard along with re-striping of the lanes; working on resolving an issue with the contractor for the West Main Street landscape median and reported Rogers Group is to repair the roadway; reported there are four broken loops causing traffic signal problems at Center Point Road with plans to repair from available funding and explained cities issue Certificates of Compliance for liquor stores and once it is awarded, the applicant will have to apply with the Alcoholic Beverage Commission for its retail liquor store license.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2011-27 was read on second and final reading, an Ordinance regarding the purchase of a fairway mower for Country Hills Golf Course. Sprouse moved; seconded by Stamper.

There was a unanimous vote for approval of Ordinance 2011-27 on second and final reading.

The caption of Ordinance 2011-29 was read on first reading, an Ordinance accepting an Edward Byrne Memorial Justice Assistance Grant (BJA) to purchase tasers. Elsten moved; seconded by Gallaher.

There was a unanimous vote for approval of Ordinance 2011-29 on first reading.

The caption of Ordinance 2011-30 was read on first reading, an Ordinance amending The Hendersonville Municipal Code, Title 1, Chapter 6, Standing Committees. Brown moved; seconded by Frost.

The following voted on Ordinance 2011-30 on first reading:

Aye: Brown, Frost, Qualls and Stamper.

Nay: Cunningham, Elsten, Gallaher, Hoback, Long, Sprouse, West and Foster.

Foster declared the motion failed.

The caption of Ordinance 2011-33 was read on first reading, an Ordinance establishing ward boundaries. Qualls moved; seconded by Stamper.

There was a majority vote for approval of Ordinance 2011-33 on first reading with Cunningham voting nay.

Foster declared the motion carried.

The caption of Resolution 2011-17 was read, a Resolution authorizing the submission of an application for a Driver Safety Matching Grant Program. Elsten moved; seconded by Frost.

There was a unanimous vote for approval of Resolution 2011-17.

The caption of Resolution 2011-19 was read, a Resolution supplementing Ordinance 2011-14, Section 8 with designation of Tax Anticipation Notes. Frost moved; seconded by Long.

Foster explained this resolution includes language the bank wants included in the tax anticipation note and will be included in the budget in the future.

There was a unanimous vote for approval of Resolution 2011-19.

OTHER AGENDA ITEMS

Qualls moved; seconded by Sprouse to approve the Liquor Store Application Selection Process as follows:

1. Each applicant will be provided 10 minutes to speak to the Board regarding the merits of their application.
2. Each Alderman is to be asked to vote for their choice of the three applicants.
3. If an applicant receives seven votes, that applicant receives the Certificate of Compliance.
4. If no applicant receives seven votes, the applicant receiving the smallest number of votes is permanently eliminated. Another vote will be taken with choices being only the two remaining applicants.
5. The applicant receiving a majority of those Aldermen present will receive the Certificate of Compliance for the fourth liquor store.

Brown questioned how an abstention would count.

Bradley explained to adopt legislation, the City's charter requires a majority vote of the members present.

Discussion ensued on the application of *Robert's Rules of Order* and the City's charter.

Elsten moved; seconded by Stamper to defer action on this issue and review amending The Municipal Code to increase the population requirement for another liquor store to 15,000.

The following voted on the above motion:

Aye: Brown, Elsten, Gallaher, Hoback, Long, Stamper and Foster.

Nay: Cunningham, Frost, Qualls and West.

Abstain: Sprouse.

Foster declared the motion failed as it lacks a 2/3 majority.

Qualls urged the Board to approve the process and move forward on the selection. He explained that if no action is taken on this issue within 60 days from the date of the application, all three applicants would be considered approved.

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There was a majority vote for approval of the above Liquor Store Application Selection Process with Elsten and Stamper abstaining.

Foster declared the motion carried.

Donald Bonds, representing Bonds Marketing and Sales, Inc. dba Pour Vues Wine and Spirits, addressed the Board stating the company is owned by himself and his wife, Evelyn. He explained this store would be located at 263 Indian Lake Boulevard and would be a 10,000 square foot stand alone building with ample parking. He cited the area he felt would frequent his liquor warehouse store and the effect on the City's revenue.

David Luckey, representing ILWS, LLC, addressed the Board stating Indian Lake Wine and Spirits is name of the store proposed for 206A North Anderson Lane, Suite 600. He explained this site is in a building he is currently constructing next to Walmart and could be open in four months. He stated this store would not be the focal point of the site, would have concealed loading and unloading and ample parking.

Floyd K. Wilkinson, representing New Island Liquors, 579 New Shackle Island Road, addressed the Board stating this location is on one of the City's main thoroughfares. He explained he is proposing a 6,000 square foot building. He stated he feels a discount liquor store would be a detriment to the current liquor stores in Hendersonville and he would offer a low profile community store.

Upon motion and second and followed by a unanimous vote for approval, the meeting recessed at 8:30.

The meeting reconvened at 8:40.

Gallaher questioned Bonds if he expected to bring in customers from outside the City.

Bonds stated he feels he will keep customers from going to Nashville's discount liquor stores. He cited his proximity to Sam's and the opportunity to draw customers from other counties.

Cunningham questioned the applicants about generating additional revenue.

Luckey stated he feels Bond's numbers are speculation and he does not want to be a warehouse store. He stated he expects the City's population to continue to grow and his store's capability to expand as sales increase.

Wilkinson stated he expects to generate sales north of the bypass and from the Glenbrook shopping area.

Brown questioned if there are plans for a convenience store at Wilkinson's location.

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Wilkinson stated plans are to be submitted to the Planning Commission next month for a 7,000 square foot convenience store at his location.

Cunningham questioned Bonds and Wilkinson about the financing for their sites and buildings.

Bonds stated he has the money for the site and two banks willing to finance the building.

Wilkinson stated he is the owner of the property and will require some financing for the building.

The following voted to award a Certificate of Compliance for a fourth liquor store:

Bonds: Brown, Cunningham, Frost, Gallaher, Hoback, Qualls and West.

Luckey: Sprouse and Foster.

Abstain: Elsten, Long and Stamper.

Foster declared Bonds awarded the Certificate of Compliance.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:59 p.m.

Approved: Scott Foster, Mayor

Attest: Kay Franklin, Interim City Recorder