CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
APRIL 9, 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.

Stamper moved; seconded by Skidmore to add reading of Ordinance 2013-24 which amends the budget ordinance by appropriating funds for Country Hills Golf Course to purchase golf carts.

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

Skidmore moved; seconded by Long to withdraw reading of Resolution 2013-4, a Resolution accepting dedication of streets in Wynbrooke Subdivision, Phase 5 and Phase 7.

There was a unanimous vote for approval to withdraw the above.

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

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

Foster announced there will be a 30 day public comment period for the annual update of the five year Consolidated Plan for housing and community development to begin April 12, 2013 and end on May 13, 2013. A draft of the plan will be posted to the City's website for review or a

copy is available from the Planning Department. A public hearing will be held on April 18, 2013 at 6:00 p.m. at City Hall regarding the annual update of the Consolidated Plan and the preparation of the Action Plan covering July 1, 2013 through June 30, 2014. All interested parties are invited to attend. Written comments may be directed to CDBG Plan in care of the Planning Department at 101 Maple Drive North.

MINUTES

Cunningham moved; seconded by West for approval of the March 26, 2013 minutes.

There was a unanimous vote for approval.

CITIZENS COMMENTS

Dale Duhl, 184 New Shackle Island Road, addressed the Board introducing himself and asking for consideration for the appointment to the Municipal Board of Zoning Appeals. He cited his volunteer activities and asked for an opportunity to do his best.

James Young, 114 Sagamore Trace, addressed the Board explaining an ongoing situation with the retention and detention ponds in Indian Ridge Subdivision. He stated his backyard becomes swampy and his difficulty getting results from City staff. He asked how to proceed to get some results.

Foster stated the Public Works Committee will need to review and move this issue forward.

Jim Mitchell, representing Dad's Towing Service, addressed the Board explaining the proposed rate increase for providing emergency towing services. He stated the last rate increase was given in 1991 and cited the increased costs associated with the towing business. He stated the original ordinance is vague and the proposed ordinance clarifies the charges.

Andrew Friedman, 180 Curtis Crossroads, addressed the Board stating he does not oppose the proposed towing charges increase but does not agree with imposing a one hour response time for customers. He stated he feels someone should be available during all business hours for vehicle retrieval.

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 Personnel Rules and Regulations increasing employment terms when receiving tuition reimbursement for specialized training or college course work.

Public Safety Committee – no report.

Frost announced a dedication ceremony for the new fire and rescue boat will be held on Saturday, April 13, 2013 at 10:00 a.m. at Sanders Ferry Park. He stated the boat will be named the "Emily Harding Fire and Rescue Boat".

Long requested the Public Safety Committee review the installation of weather sirens.

Frost explained the Fire and Police Departments are already investigating weather sirens for the Committee's review.

Public Works Committee – no report.

Capital Projects Committee – no report.

Planning Commission – held a public hearing on a request by Publix to add an auto oil change station in front of their building with the Final Master Development Plan amendment being denied; recommended approval of the Final Plats for Wynbrooke, Phase 1, Windstar Bay, Section 5A; recommended renewal of the Site Plan for MCC Investments located at 333 Rockland Road; recommended the Final Plat for Johnston Estates, Section 1 and recommended street acceptances for Saundersville Station, Phase 3, Phase 4, Section 1 and Phase 5, Sections 1, 3 and 5, Stonecrest Subdivision, Phase 1, Phase 2, Sections 1, 2 and 3, Phase 4, Sections 1 and 2 and Wynbrooke Subdivision, Phases 5 and 7.

Mayor – reported Indian Lake Boulevard traffic pattern has changed and the project is on time and on budget and announced the plans for this project are on the City's website and do not include a median or landscaping; reported the contractor for the paving repair work on New Shackle Island Road has requested some minimal road closures; reported the ramp at Indian Lake Boulevard will be widen and reported a sign is being installed at Veterans Park that will be capable of holding banners.

Stamper questioned the status of the New Shackle Island Road widening project.

Foster stated right-of-way is being purchased for this project and announced Hendersonville Medical Center has agreed, in exchange for a sleeve under the street to their property, that they will not be accepting a monetary payment.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2013-23 was read on second and final reading, an Ordinance amending Budget Ordinance 2012-13 by appropriating an amount not to exceed $195,000 for ongoing Tennessee Department of Transportation (TDOT) projects. Skidmore moved; seconded by Long.

There was a unanimous vote for approval of Ordinance 2013-23 on second and final reading.

The caption of Ordinance 2013-20 was read on first reading, an Ordinance amending the Hendersonville Municipal Code, Title 9, Chapter 6, Wrecker Service. Sprouse moved; seconded by Goode.

Sprouse stated Section 9-613(6) runs counter to the speaker's comments.

Cunningham explained the proposed ordinance addresses a vehicle owner desiring to retrieve his vehicle to be able to do so in a timely manner.

Sprouse moved; seconded by Goode to suspend the rules to allow Jim Mitchell of Dad's Towing to address the Board.

There was a unanimous vote for approval to suspend the rules.

Foster explained there are currently five towing companies on the Police Department's rotation list. He further explained how the process of determining the charges being presented were determined to be reasonable and fair. He stated the City receives a number of complaints on a customer's inability to retrieve their vehicle in a timely manner and not accrue additional storage charges.

Jim Mitchell addressed the Board explaining the difficulty of a small company being available at all times for vehicle retrieval. He stated with the rate increase, an additional person could be hired to make vehicle retrieval easier. He stated he feels the one hour response time is reasonable. He stated he feels complaints on rates are due to the wide range of labor charges currently being used.

Foster explained the current Code requires surveillance of the lot for 24 hours a day and not that it be manned 24 hours a day in order to retrieve a vehicle.

Sprouse stated he feels the proposed rates are reasonable but he would like to see consequences should the towing company not respond within that one hour timeframe or the customer be charged should he not show up within that one hour.

Mitchell stated he does not see a problem with the above suggestion but it does complicate the rates and makes more items for the customer. He stated the reason for amending the Code is to simplify the process. He stated he made multiple attempts to coordinate the proposed charges with the other towing companies but with no success. He stated a one hour response time is an industry standard and cited reports he has done for Metro and the Tennessee Highway Patrol on rates and charges which is how some of these rates were determined.

Sprouse stated that perhaps failure to meet the one hour response time on a regular basis would be grounds for a towing company to lose their permit.

Bradley stated this is already included in the ordinance.

Skidmore stated he has a problem with the charges being presented and on who actually has a business in the City.

Skidmore moved; seconded by Long to refer Ordinance 2013-20 back to the Public Safety Committee for further review.

There was a majority vote for approval to refer Ordinance 2013-20 to the Public Safety Committee for further review with Cunningham voting nay.

Foster declared the motion carried.

Frost requested the City Attorney attend the Public Safety Committee meeting to answer questions on this issue.

Cunningham stated any interested party should also attend the Public Safety Committee meeting.

Resolution 2013-8 was read, a Resolution regarding the installation of street lights in Monthaven Green Subdivision. Skidmore moved; seconded by Long.

Sprouse expressed his appreciation to the Board and the Public Works Committee for their work on this issue and feels the street light scoring system supports this decision.

Goode questioned if the type of lights proposed meet all the requirements to provide safety for the neighborhood.

Skidmore moved; seconded by Goode to substitute a revised copy of the proposed agreement with the one presented in the agenda packet.

There was a unanimous vote for approval for the substitution.

Foster explained the City's auditors have approved for the City to pay for the street lights to be installed in Monthaven Green. He further stated the City needs to see the bid the HOA has for the street lights they have requested. He stated the revised agreement states the HOA agrees to accept the decorative lighting and acknowledges that with this agreement, the City has fulfilled its obligations, if any, for street lighting in the subdivision. Foster stated the revised agreement also includes that the HOA expressly acknowledges that the quality of the lighting is less with the decorative lights than with the standard street lights installed by the City.

Foster also explained the decorative street lights are shorter than the standard street light and do not produce as much light. He further explained the decorative street lights are not maintained by NES and the maintenance of the decorative street lights will come from the Monthaven Green Homeowners Association.

Goode moved; seconded by West to suspend the rules to allow Monthaven Green Homeowners Association President Kirk Clements to address the Board.

There was a unanimous vote for approval to suspend the rules.

Goode questioned if the Monthaven Green Homeowner Association is agreeing wholeheartedly on behalf of all the residents with this type of street lights. He stated his concern that this type of street light does not address the issue of safety. He asked Clements if he was comfortable with stating all the residents agree with this decision.

Clements stated there can be too much lighting as it can affect the lighting in a house which is what the larger street lights provide. He further stated the decorative street lighting provide enough lighting. He asked Goode what the residents had expressed to him about the street lights to be installed.

Goode stated the lighting of the subdivision is the issue and the proposed street lights seem to be more for beautification. He stated he wants to make sure all the homeowners are in agreement with this decision.

Clements stated the HOA Board has worked on this issue for years.

Goode stated he wants to make sure all the homeowners are aware of what they are getting.

Clements stated he has not spoken with every homeowner but questioned if Goode is aware of any homeowners who do not support this.

Goode stated his concern that in the future, this issue may come up again.

Foster stated as per the agreement that is to be signed by the HOA President, any internal conflicts would be between the homeowners of the subdivision and the HOA.

Clements asked if any Monthaven Green homeowners had expressed different opinions about the type of street lights to be installed to any Board members.

Foster stated the residents had requested on numerous occasions the need for lighting in the subdivision. He confirmed with Clements that the proposed street lighting will be less than what the City typically provides.

Woodcock cited his experience with his subdivision's residents requesting lower wattage bulbs.

Qualls stated the Board is trying to get comfortable that the Monthaven Green residents were not going to be upset or disappointed. He stated Clements has assumed the responsibility for signing the proposed agreement for decorative street lights and the Board can honor this agreement.

Stamper questioned if this will be an issue with other subdivisions that will come forward requesting street lights.

Foster stated the emphasis is that this proposed lighting does not match the standard City street lighting which is maintained by NES and he does expect this to be an issue in the future.

Stamper confirmed with Clements that the decorative street lighting is what is wanted by the Monthaven Green homeowners.

Goode stated during the street light process, one of the major issues was that this was a crime area and the lights were needed to help combat crime.

Clements stated none of these questions had been proposed to him by the Board or City staff. He stated the HOA has made a decision, perfect or not.

Qualls stated he is ready to vote and give the Monthaven Green Homeowners Association the responsibility for the decorative street lights.

Waters called for the question.

Foster stated there are still speakers in the queue.

Cunningham stated her subdivision has had complaints about too much lighting as well and the lights have held up well.

There was a unanimous vote for approval of Resolution 2013-8.

The caption of Ordinance 2013-24 was read on first reading, an Ordinance amending Budget Ordinance 2012-13 by appropriating $173,640 for the purchase of golf and utility carts for Country Hills Golf Course. Qualls moved; seconded by Stamper.

Woodcock questioned why this would not be included in the upcoming budget and how often the golf carts are replaced.

Foster explained the golf course needs to purchase carts for the upcoming season. He further explained the carts need to be replaced about every five years and the cost is reimbursed by the golf course management.

There was a unanimous vote for approval of Ordinance 2013-24 on first reading.

OTHER AGENDA ITEMS

Long moved; seconded by West and followed by a unanimous vote for approval to group the following:

- Confirmation of the reappointment of Terry Smith to serve on the Industrial Development Board;
- Vote on the appointment of Vida Duhl to serve on Beautiful Hendersonville;

- Vote on the appointment of Natalie Gagnon to serve on Beautiful Hendersonville;
- Vote on the appointment of Judie Garza to serve on Beautiful Hendersonville;
- Vote on the appointment of Judy Pfeiffer to serve on Beautiful Hendersonville;
- Vote on the appointment of Sibyl Reagan to serve on Beautiful Hendersonville;
- Vote on the appointment of Brenda L. Sevigny to serve on Beautiful Hendersonville;

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

Foster explained there are two applicants to consider for one vacancy on the Municipal Board of Zoning Appeals.

Sprouse moved; seconded by Long for a roll call vote on the following:

- Vote on the appointment of Dale Duhl to serve on the Municipal Board of Zoning Appeals

or

- Vote on the appointment of William (Billy) Gregg to serve on the Municipal Board of Zoning Appeals.

The following voted:

Duhl: Ames, Goode, Qualls, Sprouse, Stamper, Waters, West, Woodcock and Foster.

Gregg: Cunningham, Frost, Long and Skidmore.

Foster declared Duhl appointed to the Municipal Board of Zoning Appeals.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:34 p.m.

Scott Foster

Approved: Scott Foster, Mayor

Kay Franklin

Attest: Kay Franklin, City Recorder