

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
JANUARY 27, 2015

PRESENT

SCOTT FOSTER, MAYOR
MATT STAMPER, VICE-MAYOR
DON AMES, ALDERMAN
STEVE BROWN, ALDERMAN
PAT CAMPBELL, ALDERMAN
ARLENE CUNNINGHAM, ALDERMAN
HAMILTON FROST, ALDERMAN
PAUL R. GOODE, ALDERMAN
ROSA LONG, ALDERMAN
MARK SKIDMORE, ALDERMAN
JIM WATERS, ALDERMAN
JOHN R. BRADLEY, CITY ATTORNEY
KAY FRANKLIN, CITY RECORDER

ABSENT

SCOTT SPROUSE, ALDERMAN
DARRELL WOODCOCK, ALDERMAN

AGENDA

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

There was a unanimous vote for approval.

MINUTES

Goode moved; seconded by Stamper for approval of the January 13, 2015 minutes.

Long requested a correction to Crabb's comments to reflect he was speaking on the \$268,000 surety.

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

CITIZENS COMMENTS

Ken Jakes, 5920 Clarksville Pike, Joelton, addressed the Board stating he believes there was an ethics violation by Foster and the reimbursement to employees when using personal credit cards for City business.

Mike Crabb, 203 Southburn Drive, addressed the Board requesting answers on the release of the \$268,000 surety.

Roland Mumford, 1049 Sweet Oak, addressed the Board in support of a deer reduction program and encouraging the Board to rise above loyalties in regards to the ethics complaint.

David K. Whitt, 1030 Margaret Drive, addressed the Board stating the ethics complaint needs to be investigated.

Chris Spencer, 114 Turning Leaf Way, addressed the Board stating the Board has a hard decision to make in regards to the ethics complaint.

Matt Moynihan, 103 Herons Nest Lane, addressed the Board stating a cover up is worse than the crime and an individual should admit fault and ask for forgiveness and expects elected officials to uphold the law.

Donna DeSopo, 101 Chambliss Court, addressed the Board on being good stewards of taxpayers' dollars and that lawmakers cannot be lawbreakers.

David Stryjewski, 1019 Avery Trace Circle, addressed the Board stating his property taxes did not increase after a move from a rural area and his homeowner's insurance rate decreased.

Kenn Baigert, 424 A.B. Wade Road, Portland, addressed the Board stating Hendersonville dictates what happens in Sumner County and in support of the ethics complaint.

Charles Kimbrough, 48 Wyndemere, addressed the Board stating he had never been contacted by Foster on a vote during his tenure on the Planning Commission and that Foster is a man of integrity and he is bothered by the personal attacks.

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

REPORTS

Finance Committee – deferred an ordinance regarding reimbursements to City employees; recommended an ordinance appropriating general funds for professional services for Arrowhead Park and recommended a resolution declaring certain Public Works equipment to be surplus and transferring to the IT Department and reviewed the December overages and revenue reports.

General Committee – no report.

Public Safety Committee – no report.

Public Works Committee – Public Works Director Chip Moore gave a Public Works Department update of activities since July, 2014 and a presentation on the release of the \$268,000.00 surety for Glenbrook South.

Long passed a CD down and stated that a complaint of gross misconduct was filed today against three people.

Planning Commission – reported the upcoming agenda will include the Preliminary and Final Development Plan for Villages of Stoneybrook, Section 1, Phase 5, the Site Plan for Hampton Inn, staff approved projects on Nearwater Subdivision, re-subdivision of Lots 1 and 2D and the Glenbrook entrance sign and a request to add “Restaurant” to the list of approved permitted uses for 149 Bonita Parkway.

Mayor – no report.

ORDINANCES AND RESOLUTIONS

The caption of Resolution 2015-1 was read, a Resolution to approve the Final Development Plan for Bell Harbor (formerly the Retreat). Frost moved; seconded by Brown.

There was a unanimous vote for approval of Resolution 2015-1.

OTHER AGENDA ITEMS

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

- Vote on the reappointment of Phyllis Leonard to serve on Beautiful Hendersonville;
- Vote on the reappointment of Ed Spurlock to serve on the Industrial Development Board;
- Vote on the appointment of Jo Kline to serve on Beautiful Hendersonville.

Frost moved; seconded by Skidmore for approval of the above appointments.

There was a unanimous vote for approval.

Waters moved; seconded by Campbell to nominate Cunningham as the Capital Projects Committee member.

There was a unanimous vote for approval.

The Board went into Executive Session at 9:20 and reconvened at 9:35.

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Skidmore moved; seconded by Cunningham to accept the Mansker Farms proposal for the scope of work to be done by the developer and to maintain the lawsuit as is until the scope of work is completed, with the lawsuit to be dismissed when work is accepted by the City.

There was a unanimous vote for approval.

Foster turned over chairmanship of the meeting to Stamper for discussion of the ethics complaint against Foster.

Skidmore moved; seconded by Waters for the ethics complaint to be approved and referred to the General Committee to review for merit.

Goode moved; seconded by Brown to suspend the rules to allow Ed Yarbrough of Bone, McAllester and Norton to address the Board.

There was a majority vote for approval of the above motion with Cunningham voting nay.

Stamper declared the motion carried.

Yarbrough addressed the Board giving a response to each portion of the ethics complaint.

Ames moved that from this day forward the Mayor must not to engage in any business activity as an individual, consultant or as part of any business or organization that will have or is likely to have business with the City of Hendersonville during his term or terms in office; exceptions to only be granted by the Board of Mayor and Aldermen with a majority vote at a regularly scheduled meeting. This will also serve as a warning and a reprimand to the Mayor for past disclosed or undisclosed dealings of this type and a copy of this executed document will be made a part of his personnel record.

Stamper stated until the original motion is withdrawn, this motion will need to wait.

Skidmore and Waters withdrew their motion and second to refer the complaint to the General Committee.

Goode moved to suspend the rules to allow Foster to address the Board.

Foster stated he regrets that anything he has done has got in the way of doing business in the City of Hendersonville. He further stated he has not performed any work in over two years inside the City and will not do any work until the end of his term. He apologized that this issue has dampened the great things being done now.

Discussion ensued on where and how the ethics complaint would proceed.

Skidmore stated his motion is that there has been an ethics violation and the Board should move accordingly and censure Foster.

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Goode stated the maker of the motion has changed the motion four times without a second and questioned what the motion is to be.

Stamper stated there is no longer a proper motion on the table.

Waters stated he was asked to withdraw his second and he did so making the motion invalid.

Skidmore moved; seconded by Long that the ethics complaint has validity and move it forward to an appropriate agency.

Cunningham moved to eliminate the second paragraph of the complaint and replace with "censure"; eliminate "Accepting a Gratuity"; eliminate "Use of municipal time, facilities, etc." and the last paragraph of the complaint.

Motion died for lack of a second.

Ames asked Skidmore to identify where he intends this to go.

Skidmore stated the Board will need to determine if there has been an ethics violation and censure Foster accordingly.

Frost asked Skidmore if the Board could vote on the complaint that had been delivered to the City Attorney and if approved, then Skidmore could make a motion for censure.

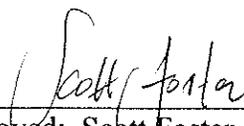
The following voted on the motion of the validity of the ethics complaint:

Aye: Long and Skidmore.

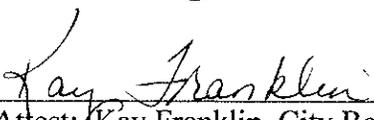
Nay: Ames, Brown, Campbell, Cunningham, Frost, Goode, Stamper and Waters.

Stamper declared the motion failed.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 10:55 p.m.



Approved: Scott Foster, Mayor



Attest: Kay Franklin, City Recorder