

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
FEBRUARY 14, 2012

PRESENT

SCOTT FOSTER, MAYOR
GARRY FORSYTHE, VICE-MAYOR
STEVE BROWN, ALDERMAN
ARLENE CUNNINGHAM, ALDERMAN
TOMMY ELSTEN, ALDERMAN
HAMILTON FROST, ALDERMAN
JIM HOBACK, ALDERMAN
JACK LONG, ALDERMAN
FRED QUALLS, ALDERMAN
SCOTT SPROUSE, ALDERMAN
MATT STAMPER, ALDERMAN
LISA WEST, ALDERMAN
JOHN BRADLEY, CITY ATTORNEY
KAY FRANKLIN, INTERIM CITY RECORDER

ABSENT

CHRIS GALLAHER, ALDERMAN

AGENDA

Sprouse moved; seconded by Stamper for acceptance of the agenda as presented. There was a unanimous vote for approval.

PUBLIC HEARING

A public hearing was held to hear comments on a request by New Shackle Island Partners, LLC (representative, Lynn Ealey, PE) to revise the Final Master Development Plan of New Island Center located on the east side of New Shackle Island Road at Old Shackle Island to increase the building ground coverage of Building # 2.

As there was no one desiring to speak, Foster declared the public hearing closed.

MINUTES

Frost moved; seconded by Stamper for approval of the January 24, 2012 minutes.

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There was a majority vote for approval with Brown and West abstaining. Foster declared the motion carried.

CITIZENS COMMENTS

Fred See, Commander of VFW Post 9851, addressed the Board explaining Operation Spearhead which supports active duty military personnel and their families in the local community. He announced the Post and the Vietnam Veterans of America, Chapter 240 will be hosting a "Welcome Home Vietnam Veterans Day" on March 24 at the Post. He stated all veterans will be welcomed. He explained the Post also operates a food pantry open to all disadvantaged veterans and their families. See announced winners of the Post's patriotic essays and speeches competition and also announced the teachers of the year.

REPORTS

Finance Committee – held a special meeting to review an ordinance appropriating funds for the realignment of Walton Ferry Road and Old Shackle Island Road and did not recommend it to the Board.

General Committee – recommended a resolution of intent to apply for a Community Development Block Grant; recommended a resolution for the reappointment of Don Spitters to the Sumner County Board of Equalization and recommended a resolution changing the name of Callender Lane from Vietnam Veterans Boulevard to Stop 30 Road to Drakes Creek Road.

Public Safety Committee – deferred for further review a resolution awarding a taxicab franchise to Johnny White and deferred action on a crosswalk at Old Shackle Island Road and Gallatin Road.

Public Works Committee – received an update on Mansker Farms Subdivision and the proposed actions and timeline for improvements; received a ratings list of subdivisions without street lights; recommended an ordinance appropriating funds for the realignment of Walton Ferry Road and Old Shackle Island Road; recommended an ordinance appropriating donations for Kids Kingdom and park improvements; recommended an ordinance appropriating insurance proceeds for costs incurred as a result of storm damage in the park and Country Hills Golf Course and recommended an ordinance accepting and appropriating a Safe Routes to School Grant for the construction of sidewalks along Walton Ferry Road to Hawkins Middle School.

Capital Project Committee – no report.

Planning Commission – recommended the site plan for the Gallatin Road Kroger fuel center.

Mayor – announced the Pro-anglers fishing tournament will be held in Sanders Ferry Park in May; announced the Kids Kingdom rebuild enabled by local donations and Taylor Swift has been featured in *Landscape Architecture* magazine and the *Little Tykes* catalogue and announced Sam’s Warehouse will open March 21.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2012-04 was read on second and final reading, an Ordinance to amend the Final Master Development Plan for New Island Center. Qualls moved; seconded by Elsten.

There was a unanimous vote for approval of Ordinance 2012-04 on second and final reading.

The caption of Ordinance 2012-1 was read on first reading, an Ordinance appropriating and distributing insurance proceeds in the amount of \$6,519.47 for costs incurred as a result of storm damage in the park and Country Hills Golf Course. Brown moved; seconded by Elsten.

There was a unanimous vote for approval of Ordinance 2012-1 on first reading.

The caption of Ordinance 2012-2 was read on first reading, an Ordinance appropriating donations in the amount of \$3,524.62 for Kids Kingdom and park improvements. Brown moved; seconded by Cunningham.

There was a unanimous vote for approval of Ordinance 2012-2 on first reading.

The caption of Ordinance 2012-5 was read on first reading, an Ordinance accepting federal funding proceeds in the amount of \$4,619,024.00 and appropriating \$1,154,776.00 for the Walton Ferry Road and Old Shackle Island Road realignment right-of-way purchase. Long moved; seconded by West.

Stamper questioned the amount of funds remaining from the ARRA bond.

Public Works Director Jerry Horton explained there is approximately \$1 million remaining in excess funds. He further explained \$141,000 would come from the Stop 30 Road Bridge account.

Stamper stated his concern using the Stop 30 Road Bridge account funds for this project and what would happen when it is needed for the bridge work.

Cunningham stated this is a worthwhile project but is concerned with the increased costs estimate for right-of-way acquisition. She further stated her concern with the existing debt of the City and adding to it.

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Elsten stated he is not sure of the amount the City would have to repay should the Board decide to opt out of the contract.

Horton explained the City paid \$53,000 with the original contract in 2004 from a \$62,000 appropriation. He further explained in 2005 the State had survey work done at a cost of approximately \$100,000. He stated TDOT has advised \$419,000 been paid out and there are other outstanding invoices. He stated he feels a ballpark amount is \$500,000.

Elsten questioned if the City would be held to a contract signed in 2004 by a former Mayor.

Bradley stated the City entered into a contract with approval of the Board and he is not aware of anything that would make the contract void. He explained to cancel the contract would require the City to repay the money already spent by the State and would hurt the City's reputation for future TDOT projects. He further explained the former Mayor was the Mayor at the time the contract was signed which was later executed by the State. He stated the City did send funds to the State for this project which has been ongoing for eight years.

Forsythe stated his main concern is about the City's long term debt and feels the \$2 million in annual debt service has strapped the City. He stated he feels this is a much needed project but is concerned with taking cash that is to be used to pay down debt for use on this project. He cited there will be more money needed within two years for construction costs associated with this project. He stated he would support asking TDOT to delay this project for two years due to the timing of the project. He further stated he would rather forfeit the money spent than take on more debt. He stated his concern with the general fund balance.

Sprouse stated he feels there is not a more important infrastructure project in the City's foreseeable future than this one. He stated this project affects safety, traffic and area development, and neither the need nor the cost is going to diminish.

Frost encouraged the initiative be taken to request a delay on this project from TDOT due to economic conditions. He stated he did not feel Hendersonville would be the only city to have to ask for such action when it affects the monetary security of the City's well-being.

Brown stated his concern with the City incurring more debt and would support requesting a delay from TDOT. He stated if the City is borrowing money it should be used for drainage issues.

Foster explained the process for securing TDOT funding for projects which is through the Metropolitan Planning Organization which includes the ten counties surrounding Nashville. He stated Planning Director Fred Rogers is the immediate past Chairman of the Technical Coordinating Committee for the MPO which reviews hundreds of projects

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each year to determine which projects are to be funded. He further stated there are cities that have had to decline projects due to being unable to fund the match. Foster stated he and Rogers have garnered enough votes to move Hendersonville projects to the top of the list and have assured the MPO from past votes of the Board that the City will be able to develop its share of the project to completion with the stipulation that funds will have to be repaid to the State should the City not proceed with the project. He stated there is no negotiation with the State and he and Rogers will have to request the MPO to move the project to the bottom of the list. He further stated other cities will find a way to use those funds when they become available.

Planning Director Fred Rogers explained TDOT, MPO and the Federal Highway Administration will have to be satisfied. He reported the MPO's adopted policy regarding dormant or inactive projects state that project sponsors are given a one year grace period to obligate funding on projects beyond the original program year. He further reported work was to begin in October 2010 for this project. He stated the City is in violation of that policy and subject to having the funds removed. He explained TDOT has to answer to the Federal Highway Administration on the funds' usage or they will be given to another state. He stated neither TDOT nor the MPO would allow that to happen and would allocate the funds to another city. Rogers stated his concern with giving up the funds is the prospect of not getting any future federal funds. He further stated with the City's low tax rate, it cannot afford to do these projects without outside funding. He explained this project is probably the most important project in the City's major thoroughfare plan.

Foster stated the City is high on TDOT's list for project funding due to his and Rogers' positions with the MPO. He cited the Indian Lake Bridge widening and the New Shackle Island Road widening currently under construction with funding from the MPO. He reported the proposed Forest Retreat Road interchange at the bypass is now on the list of projects for funding which may have to be removed if the Board does not fund the intersection realignment. He stated this is a \$10 million project 80% funded that affects 8,000 households and anyone traveling Gallatin Road. He further stated this dog-legged traffic signal affects the synchronization of the traffic lights. He stated his concern of not funding this project and the effect it will have for the City's future projects.

Hoback stated a portion of these funds were to be used to repay bond funds on the ARRA projects.

Foster explained the City borrowed \$4.1 million for funding the four ARRA projects of which 80% is to be refunded from the federal government. He explained two of those projects are completed and the engineering for the other two projects is almost completed. He stated no new money is being borrowed but it is stipulated in the appropriation ordinance the money originally intended to repay this debt will be used for this project.

Hoback questioned the funding for the Stop 30 Road Bridge project.

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Foster explained the Stop 30 Road Bridge project is currently in the MPO Transportation Improvement Program and will include widening a portion of Drakes Creek Road from the bypass to the Stop 30 Road Bridge along with bridge improvements. He stated he feels this project will be funded until the MPO decides the City cannot provide the matching money.

Hoback questioned where the money that would have to be repaid to TDOT would come from. He stated he is not willing to repay approximately \$500,000 and take a chance TDOT will allow us to go to the bottom of the list.

Foster stated the \$4.1 million bond can only be used on TDOT matched projects.

Long stated this project has been in discussion for a number of years and does not feel TDOT would be willing to delay it further. He cited his concerns over drainage issues but feels this intersection is the most dangerous in the City and is used by all citizens.

Forsythe stated he feels it is regrettable to not follow through on this project but feels the City needs to slow down on matching grants. He further stated he does not want to have to repay any money but would rather defer action for thirty days than vote on it tonight. He stated he dislikes being in a position of a prior Board's actions committing the City to this debt and if this ordinance passes tonight, it will commit a future Board.

Forsythe moved; seconded by Frost to defer action on Ordinance 2012-5 for 30 days.

Brown stated he is not opposed to the project but is concerned with the unknowns including a payback amount. He stated a deferral will allow the numbers to be obtained.

Foster explained TDOT advised that \$419,000.00 has been spent on this project to-date. He further explained an on-site right-of-way meeting is scheduled for February 29 and they must be advised as to whether or not the City plans to pursue this project. He stated at the point the City advises TDOT it does not plan to pursue the project a final bill will be submitted. He also stated the field review will add to the final costs.

West questioned the investment for the synchronization of the traffic signals.

Horton explained the City-wide synchronization of the traffic signals is a 100% federally funded project in the amount of \$1.4 million. He further explained the signals would be computerized and provides a smoother traffic flow through town. He stated one issue with the project is the Walton Ferry and Old Shackle Island Roads intersection which will create a geometric bottleneck in the center of town.

West stated the City has an approximately \$500,000 investment in the intersection realignment and she is not willing to lose that or take a chance on losing a major infrastructure improvement that impacts a huge part of the City. She further stated this is

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an opportunity to make a much needed improvement for the City and she does not feel this is being frivolous with taxpayers' money. She cited the City's increasing population and the safety hazard created by this intersection. She stated she does understand the financial responsibility but feels the Board can hammer out ways to fund other projects.

Cunningham questioned the construction costs associated with this project and if those costs would escalate before the project would start.

Rogers stated unofficially the project construction cost is \$4.1 million and the City's share would be 20% of that amount and he could not predict escalating costs. He further stated he does not believe the right-of-way would cost what is estimated and that the right-of-way costs would be more than the construction costs.

Elsten questioned the number of properties that would be involved in right-of-way purchases.

Horton stated 53 tracts of land will be affected and the State would be acquiring the right-of-way.

Elsten questioned if the right-of-way costs exceed the projection would the City be responsible for any overage.

Bradley stated the right-of-way costs are estimated high to cover all contingencies.

Elsten stated his concern that taxes might have to be raised to cover costs of this project and others in the near future. He further stated he feels the City needs to get a grasp on its finances.

Qualls stated in order to get projects done, prior Boards and future Boards are obligated. He stated everyone in town will benefit from this improvement and it is needed for the synchronization of the traffic signals. He stated he does not want to foul up the City's standing with the MPO. He further stated this project has been a long time coming and several Boards have dealt with it and so will future Boards. He stated it is responsible to move the project forward and not throw away \$500,000.00 and jeopardize future projects.

Sprouse cited the length of time it takes to acquire right-of-way so it is fair to all. He cited the importance of this project.

Long stated the City can be saving money in the upcoming budgets for the construction costs on this project.

The following voted on deferring action on Ordinance 2012-5:

Aye: Cunningham, Elsten, Forsythe, Frost and Stamper.

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Nay: Brown, Hoback, Long, Qualls, Sprouse, West and Foster.
Foster declared the motion failed.

Sprouse called for the question.

Aye: Hoback, Long, Qualls, Sprouse, West and Foster.

Nay: Brown, Cunningham, Elsten, Forsythe, Frost and Stamper.

Foster declared the motion failed.

The caption of Ordinance 2012-6 was read on first reading, an Ordinance appropriating funds for the purchase of a fairway mower for City Golf Course. Forsythe moved; seconded by Elsten.

There was a unanimous vote for approval of Ordinance 2012-6 on first reading.

The caption of Ordinance 2012-07 was read on first reading, an Ordinance accepting a Safe Routes to School Grant in the amount of \$192,555.00 and appropriating these funds for the construction of sidewalks along Walton Ferry Road to Hawkins Middle School. West moved; seconded by Sprouse.

There was a unanimous vote for approval of Ordinance 2012-07 on first reading.

The caption of Resolution 2011-24 was read, a Resolution accepting dedication of the completed streets in Windstar Bay, Phases 1A and 2A, Hendersonville, Sumner County, Tennessee. Long moved; seconded by Elsten.

There was a unanimous vote for approval of Resolution 2011-24.

The caption of Resolution 2012-02 was read, a Resolution of Intent to apply for Community Development Block Grant. Frost moved; seconded by Brown.

There was a unanimous vote for approval of Resolution 2012-02.

OTHER AGENDA ITEMS

Sprouse moved; seconded by West for the reappointment of Mark Bristol to serve on the Historic Zoning Commission.

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

Frost moved; seconded by Cunningham for the reappointment of Daryl Spindler to serve on the Personnel Board.

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

Stamper moved; seconded by Forsythe for the reappointment of Faye Tramel to serve on the Personnel Board.

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

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 8:55 p.m.

Approved: Scott Foster, Mayor

Attest: Kay Franklin, Interim City Recorder