

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
MAY 10, 2011

PRESENT

SCOTT FOSTER, MAYOR
GARRY FORSYTHE, VICE-MAYOR
STEVE BROWN, ALDERMAN
ARLENE CUNNINGHAM, ALDERMAN
HAMILTON FROST, ALDERMAN
CHRIS GALLAHER, 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

TOMMY ELSTEN, ALDERMAN

AGENDA

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

PRESENTATIONS

Foster presented a proclamation to Mark Davis of American Bikers Active Toward Education (ABATE) proclaiming May as Motorcycle Awareness Month.

Foster presented a proclamation to Police Chief Mickey Miller proclaiming May 15, 2011 as Police Memorial Day.

MINUTES

Sprouse moved; seconded by Frost for approval of the April 26, 2011 minutes. There was a majority vote for approval with Frost and Gallaher abstaining.

MINUTES OF REGULAR MEETING
MAY 10, 2011
PAGE 2

Foster declared the motion carried.

CITIZENS COMMENTS

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

REPORTS

Finance Committee – no report.

Forsythe reported the Non-profit Contributions Committee met and recommended \$96,250 be included in the Fiscal Year 2012 budget for allocations to all but two of the entities previously included. He explained these two entities did not request funding and two new entities were recommended but the total appropriation did not change.

General Committee – recommended a resolution ratifying the City's continued membership in the Regional Transportation Authority and discussed a residence requirement amendment and application deadline to the liquor store ordinance.

Public Safety Committee – no report.

Public Works Committee – reviewed the Parks Department budget; recommended an ordinance authorizing the Mayor to enter into an agreement with TEMA regarding the buyout for flooded properties located on Linden Drive and reviewed the Cherokee/Sequoyah Roads drainage study.

Foster announced the Cherokee/Sequoyah Roads project is out for bid at this time.

Capital Projects Committee – no report.

Planning Commission – no report.

Mayor – announced a pilot program supported by FEMA and New York City's Mayor Bloomberg that would broadcast the EBS signal over personal cell phones; announced commercial construction is picking up including Sam's Warehouse, Value Vision and McDonald's and reported the contractor is being requested to smooth the street paving on West Main Street.

ORDINANCES AND RESOLUTIONS

The caption of Ordinance 2011-10 was read on second and final reading, an Ordinance to amend the Municipal Code, Title 8, Chapter 1, Alcoholic Beverages, to add areas where liquor stores may be located and to establish a license application, review and issuance process. Qualls moved; seconded by Brown.

Qualls moved; seconded by Hoback to amend Ordinance 2011-10 as follows:

Amend Section 1, 8-105(d) to read as follows: (d) Number of years Applicant and persons in the Applicant Group have been residents of the Hendersonville City Limits, Zip Code or Urban Growth Boundary

Add Section 3 to read as follows: Section 8-107, Limitation Number of Licenses, (2) is hereby amended to read as follows: (2) No license shall be issued to any person or persons unless such person's or persons' legal residence has been within the Hendersonville City Limits, Zip Code or Urban Growth Boundary for at least two years prior to submittal of an application for the retail license. Likewise, no license shall be issued to any partnership or corporation unless the partnership's or corporation's principal place of business has been within the Hendersonville City Limits, Zip Code or Urban Growth Boundary for at least two years prior to submittal of an application for the retail license. Thereafter, any change in such residence(s) or place of business, whereby such would be outside this area, such change must be approved by a majority of the Board of Mayor and Aldermen. However, in any event, such person's, persons', partners' and stockholders' legal residence, and, in the case of a partnership or corporation, its principal place of business and office, must be within the State of Tennessee.

Sprouse stated this is an honorable idea but he cannot advocate placing a residency requirement on one type of business.

Hoback called for the question.

Stamper stated he is unsure another liquor store is needed in Hendersonville but has no problem with the amendment.

There was a majority vote for approval of the above amendment with Sprouse voting nay.

Foster declared the motion carried.

Frost moved; seconded by Brown to amend the application included in Ordinance 2011-10 to read as follows: This completed application must be submitted to the City Recorder at City Hall, 101 Maple Drive North, Hendersonville, TN 37075, not later than Thursday, September 1, 2011 at 5:00 p.m.

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

There was a unanimous vote for approval of Ordinance 2011-10, as amended, on second and final reading.

MINUTES OF REGULAR MEETING

MAY 10, 2011

PAGE 4

The caption of Ordinance 2011-11 was read on second and final reading, an Ordinance amending the Hendersonville Municipal Code, Section 12 by adding a Chapter 14-Green Building Incentive Program. Sprouse moved; seconded by Cunningham.

There was a unanimous vote for approval of Ordinance 2011-11 on second and final reading.

The caption of Ordinance 2011-12 was read on first reading, an Ordinance authorizing the Mayor to enter into an agreement with TEMA for a Hazard Mitigation Grant and to appropriate local share funding in the amount of \$82,781.00. Frost moved; seconded by Long.

Forsythe questioned the total cost of this project.

Foster explained this is Phase I for three of the five homes buyout. He explained there is some duplication of benefits where some residents have already received some money. He stated he is hopeful this will be the total amount due from the City.

There was a unanimous vote for approval of Ordinance 2011-12 on first reading.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 7:55.

Approved: Scott Foster, Mayor

Attest: Kay Franklin, Interim City Recorder