

CITY OF HENDERSONVILLE
BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
NOVEMBER 26, 2019

PRESENT

JAMIE CLARY, MAYOR
ARLENE CUNNINGHAM, VICE-MAYOR
ANDY BOLT, ALDERMAN
STEVE BROWN, ALDERMAN
PAT CAMPBELL, ALDERMAN
RUSS EDWARDS, ALDERMAN
JONATHAN HAYES, ALDERMAN
PEG PETRELLI, ALDERMAN
EDDIE ROBERSON, ALDERMAN
MARK SKIDMORE, ALDERMAN
SCOTT SPROUSE, ALDERMAN
JIM WATERS, ALDERMAN
DARRELL WOODCOCK, ALDERMAN
JOHN BRADLEY, CITY ATTORNEY
KAY FRANKLIN, CITY RECORDER

AGENDA

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

Sprouse moved; seconded by Edwards to amend the agenda by adding reading of Resolution 2019-66 and 2019-67 as it has not been two weeks since committee review and moving Other Agenda Items to follow agenda acceptance.

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

Edwards moved; seconded by Cunningham to limit the presentation on Online Activities by Minors to ten minutes.

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

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

OTHER AGENDA ITEMS

Sprouse moved; seconded by Cunningham for the approval of the reappointment of Prentice Oldham to serve on the Beer Board.

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

Sprouse moved; seconded by Edwards for the approval of the appointment of Roderick L. (Rick) Fox to serve on the Beer Board.

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

PRESENTATIONS

Clary presented a Proclamation naming November as Home Care and Hospice Month.

Clary presented Certificates of Recognition to members of the T.W. Hunter Middle School Cross Country Team upon winning the 2019 Sumner County Championship and placing second in the TMSAA AA State Championship

Lisa Good with GSC Computers gave a presentation about online activities by minors and how to protect your children.

MINUTES

Hayes moved; seconded by Campbell for approval of the November 12, 2019 meeting minutes.

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

CITIZENS COMMENTS

Steven Puckett, 228 Sanders Ferry Road, Apartment A-21, addressed the Board urging upholding the Boards previous decision to deny the rezoning of property located on the east side of Callender Lane and the north side of East Main Street.

Melody Black, 135 Hurt Road, addressed the Board stating the resolution to hire an Interim City Administrator should be an ordinance and to resolve the issue of the job description and salary.

Waters moved; seconded by Woodcock to extend Black's comments by five minutes.

The following voted:

Aye: Edwards, Petrelli, Roberson, Skidmore, Waters, Woodcock and Clary.

Nay: Bolt, Brown, Campbell, Cunningham, Hayes and Sprouse.

Clary declared the motion carried.

Black stated the Board is putting disagreements over the Mayor to the detriment of the City and urged a no vote on the resolution to hire an Interim City Administrator.

As there was no one else desiring to address the Board, Clary declared Citizens Comments closed.

REPORTS

Finance Committee – recommended an ordinance accepting and appropriating grant funds for bulletproof vests; recommended an ordinance accepting and appropriating Tennessee Highway Safety Grant funds; recommended an ordinance to appropriate general funds up to \$100,000 for design and drawings for Fire Station 7; recommended a resolution to declare two Parks Department mowers surplus; recommended a resolution authorizing the Codes Director to hire an additional Permit Technician and delay hiring a Plans Examiner; recommended a resolution transferring funds from Tennis Court Resurfacing to provide renovations to the tennis facility; recommended a resolution appointing an Interim City Administrator; recommended a resolution amending the Job Classification List and Pay Table regarding the Court Clerk; reviewed using bond funds for street repairs in Glenbrook; reviewed the sales tax analysis; reviewed the status of the audit and reported the hotel/motel lodging tax is averaging \$30,000 a month.

General Committee – no report.

Public Safety Committee – no report.

Public Works Committee – recommended resolutions adopting the Americans with Disabilities Act Transition Plan and the Americans with Disabilities Act Standards for Accessibility and Public Right-of-ways Accessibility Guidelines.

Andy Gillespie with Kimley Horn explained the ADA documents.

Skidmore continued the Public Works Committee report stating street acceptance for Stonecrest Phases 3 and 5, Section 1 was recommended and recommended the transfer of funds from Tennis Court Resurfacing to tennis facility renovations.

Capital Projects Committee – announced the traffic signal at Stop 30 Road and Main Street is flashing.

Planning Commission – no report.

Census Report – no report.

Economic Development – no report.

ORDINANCES AND RESOLUTIONS

Reconsideration of Ordinance 2019-34 to rezone property on the east side of Callender Lane and the north side of East Main Street from Rural Residential (RR) to General Commercial (GC).

Planning Director Keith Free explained this rezoning request was recommended by the Planning Commission but failed at the Board level. He stated the Board will need to determine whether to not take action or to take action to formalize based on findings of fact.

Bolt moved; seconded by Edwards to deny the rezoning request as it fails to meet the conditions of the following section of the Zoning Ordinance and is not in the best public interest:

Zoning Ordinance Section 4.8 D

D. Findings of Fact for Zoning Amendments

1. The Planning Commission in its review and recommendation and the Board of Mayor and Aldermen in its deliberations shall make specific findings with regard to the following grounds for an amendment:

- a. The amendment is in agreement with the Land Use plan for the area.
- b. There will be no adverse effect upon adjoining property owners, unless such effect can be justified by the overwhelming public good or welfare.
- c. No property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
- d. Conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's Land Use Plan and subsequently, the zoning map. Zoning Ordinance.

Roberson stated I find that the petitioner's request to rezone property located on the east side of Callender Land and the north side of East Main Street from Rural Residential to General Commercial is not in the public interest in that it fails to meet the specific findings found in Section 4.8D of The Zoning Ordinance of the City of Hendersonville and the Hendersonville Planning Region.

Specifically, I find that such rezoning fails to conform to Section 4.8D 1(a).

The current zoning of the property is Rural Residential (RR). The petitioner is seeking to rezone the property to a commercial zoning. The Land Use Plan for the property is Suburban Center which does allow, not mandate, for the consideration of a commercial rezoning if all elements of 4.8D are satisfied. I first ask myself what is the evolution of the land use around the property in question and does it justify the rezoning request?

Not all property around the property in question is commercial. In fact, there is residential property around the property in question and in fact we have recently rezoned a nearby track of land from Industrial to High Density Residential, referred to as Anderson Park. One reason I supported Anderson Park is because of the detail and comprehensive nature of its Master Plan and its willingness to invest in the surrounding City's infrastructure. It was a good use of the land.

I am called upon as an elected alderman to give my best judgment on the rezoning of property. This I have done. I have carefully reviewed the request and find it is not in the public interest to allow for the current RR zoning to be changed to commercial zoning. I desire to see a more comprehensive plan for the adjacent land facing Main Street. The land is too important to proceed without a larger and more comprehensive master plan that will better serve our city's future. With

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the ever-shrinking large tracks of vacant land in our city, we must be wise and prudent in the rezoning practices. For these reasons, with all due respect, I cannot approve the rezoning request nor support the motion to reconsider.

Bolt moved; seconded by Edwards to incorporate Roberson's statements into their motion.

The following voted on the above amendment to submit these findings of fact as a reason to deny:

Aye: Bolt, Brown, Campbell, Cunningham, Edwards, Hayes, Petrelli, Roberson, Skidmore, Sprouse, Waters and Woodcock. Nay: Clary.

Clary declared the motion carried.

The following voted to deny Ordinance 2019-34 as amended on first reading:

Aye: Bolt, Brown, Campbell, Cunningham, Edwards, Hayes, Petrelli, Roberson, Sprouse, Waters and Woodcock. Nay: Clary. Abstain: Skidmore.

Upon motion and second and approved by a unanimous vote a break was taken at 8:55 p.m.

The meeting reconvened at 9:10 p.m.

The caption of Resolution 2019-63 was read, a Resolution appointing an Interim City Administrator to administer the business of the City of Hendersonville. Petrelli moved; seconded by Campbell.

Clary moved; seconded by Brown to delete the following sentence from Resolution 2019-63: The Interim City Administrator will be offered employment by the Human Resource Manager within 5 business days of the acceptance of this resolution and shall start working for the city no later than 10 business days after adoption.

Sprouse moved; seconded by Brown to amend the above amendment that an Interim City Administrator appointment shall be made by the Board within five business days with a start date within ten days based on when the appointment is made.

Brown withdrew his second from the first motion.

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

Clary moved; seconded by Roberson to amend by requiring the Interim City Administrator live within the City or shall live within 30 minutes of the City.

The following voted:

Aye: Roberson, Skidmore, Waters, Woodcock and Clary.

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Nay: Bolt, Brown, Campbell, Cunningham, Edwards, Hayes, Petrelli and Sprouse.

Clary declared the motion failed.

Clary moved to require the Interim City Administrator be a member of ICMA.

The motion died due to lack of a second.

Brown moved; seconded by Hayes for the Board to make an offer to Dave LeMarbre as Interim City Administrator at the rate of \$75 per hour who will be considered a regular hourly employee but receive no benefits but will be provided a City cell phone that will be given to the permanent City Administrator. His term is to begin December 10, 2019 and run no later than June 30, 2020 or at which time a permanent City Administrator is hired. LeMarbre is to stay for two-weeks for orientation of a permanent City Administrator or when the FY 2021 budget is approved, or whichever occurs first. The maximum funds allocated is \$82,000 with funds coming from unfilled Public Works Department positions and Finance Department positions which are to be transferred to the Executive Department regular part-time salaries. The office of the former Executive Administrative Assistant is to be used for the Interim City Administrator.

The following voted on the above amendment:

Aye: Bolt, Brown, Campbell, Cunningham, Edwards, Hayes, Petrelli, Roberson, Sprouse, Waters and Woodcock. Nay: Skidmore and Clary.

Clary declared the motion carried.

The following voted on Resolution 2019-63 as amended:

Aye: Bolt, Brown, Campbell, Cunningham, Edwards, Hayes, Petrelli, Roberson, Sprouse and Woodcock.

Nay: Skidmore, Waters and Clary.

Clary declared the motion carried.

Sprouse moved; seconded by Edwards to group items C-L.

There was a unanimous vote for approval to group.

Sprouse moved; seconded by Petrelli to consider the items separately.

There was a unanimous vote for approval.

The caption of Resolution 2019-66 was read, a Resolution adopting an Americans with Disabilities Act Transition Plan. Petrelli moved; seconded by Skidmore.

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There was a unanimous vote for approval of Resolution 2019-66.

The caption of Resolution 2019-67 was read, a Resolution formally adopting Americans With Disability Act Standards for Accessibility and Public Right-of-ways Accessibility Guidelines. Petrelli moved; seconded by Brown.

There was a unanimous vote for approval of Resolution 2019-67.

The caption of Ordinance 2019-45 was read, an Ordinance adopting a revised Zoning Ordinance for the City of Hendersonville and the Hendersonville Planning Region. Woodcock moved; seconded by Campbell.

There was a unanimous vote for approval of Ordinance 2019-45 on first reading.

The caption of Ordinance 2019-47 was read, an Ordinance amending the Hendersonville Municipal Code, Title 1, Chapter 1, Board of Mayor and Aldermen, and Chapter 6, Standing Committees. Edwards moved; seconded by Bolt.

There was a unanimous vote for approval of Ordinance 2019-47 on first reading.

The caption of Ordinance 2019-48 was read on first reading, an Ordinance amending the Hendersonville Municipal Code, Title 8, Chapter 2 Beer. Edwards moved; seconded by Bolt.

There was a unanimous vote for approval of Ordinance 2019-48 on first reading.

The caption of Ordinance 2019-50 was read on first reading, an Ordinance accepting a federal grant and amending Budget Ordinance 2019-22 by appropriating \$10,025.23 for bulletproof vests for the Police Department. Brown moved; seconded by Petrelli.

There was a unanimous vote for approval of Ordinance 2019-50 on first reading.

The caption of Ordinance 2019-51 was read on first reading, an Ordinance amending Budget Ordinance 2019-22 and accepting a State of Tennessee Department of Transportation Tennessee Highway Safety Grant in the amount of \$20,500 for the Hendersonville Police Department. Brown moved; seconded by Petrelli.

There was a unanimous vote for approval of Ordinance 2019-51 on first reading.

The caption of Ordinance 2019-52 was read on first reading, an Ordinance rezoning 95 acres located on the east side of Anderson Road, south of Jenkins Lane, also known as the Baird Farm and 1600 Anderson Road, Hendersonville, Sumner County, Tennessee. Woodcock moved; seconded by Campbell.

Upon motion and second and followed by a unanimous vote for approval the rules were suspended to allow Jeff Parnell to address the Board.

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Parnell, 10 Grace Drive, Goodlettsville, stated he represented the property owners and confirmed a road could be constructed through the property.

There was a majority vote for approval of Ordinance 2019-52 on first reading with Clary voting nay.

Clary declared the motion carried.

The caption of Ordinance 2019-54 was read on first reading, an Ordinance contracting the municipal limits of the City of Hendersonville, Tennessee, on Big Station Camp Creek Boulevard. Clary moved; seconded by Woodcock.

Bradley presented a revised Ordinance 2019-14 with a more detailed description of the property involved.

There was a unanimous vote for approval of the revised Ordinance 2019-14 on first reading.

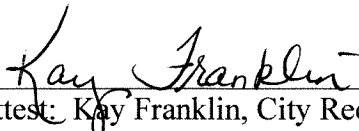
The caption of Resolution 2019-58 was read, a Resolution to call for a public hearing on the proposed annexation of territory into the City of Hendersonville by owner consent and to approve a Plan of Services for same property located on the east side of Anderson Road, south of Jenkins Lane, also known as the Baird Farm and 1600 Anderson Road, Hendersonville, Sumner County, Tennessee. Woodcock moved; seconded by Campbell.

There was a unanimous vote for approval of Resolution 2019-58.

Upon motion and second and followed by a unanimous vote for approval, the meeting adjourned at 11:44 p.m.



Approved: Jamie Clary, Mayor



Attest: Kay Franklin, City Recorder