

MINUTES OF THE MONTHLY MEETING
OF THE BOARD OF COMMISSIONERS OF
THE CITY OF BELLE MEADE

APRIL 18, 2007

The regular monthly meeting of the Board of Commissioners of the City of Belle Meade convened at City Hall, 4705 Harding Road, Nashville, Tennessee, on Wednesday, April 18, 2007 at 4:00 p.m. Those present were: Mayor George Crook, Vice Mayor Thomas Corcoran, Commissioner Gray Thornburg, City Manager and Treasurer Beth Reardon, City Recorder Dorothy Wheeler, City Building Official Terry Franklin, Public Works Superintendent George Bartlett, Chief of Police Timothy Eads, and City Attorney Robert S. Patterson. Also present was Patricia Head Moskal, attorney with the law firm of Boulton, Cummings, Connors & Berry, PLC.

Mayor Crook presided over and called the meeting to order. Mayor Crook explained that it was customary at the meetings of the Commissioners to open the meeting with a public hearing in which the Commissioners would be pleased to hear from any citizens of Belle Meade desiring to speak. No citizens requested recognition and, accordingly, Mayor Crook closed the public hearing.

Mayor Crook asked for consideration of the minutes of the regular Commissioners' meeting held on March 27, 2007. Vice Mayor Corcoran moved for approval of the minutes. Commissioner Thornburg seconded the motion. Upon vote, the motion was approved.

Mayor Crook asked for an update from Public Works on the removal of the small traffic calming islands on Lynnwood Boulevard

at Millrace Lane and Webster Lane and the implementation of traffic calming on Herbert Place. Mrs. Reardon reported that temporary speed bumps and stop signs have been installed for traffic calming on Herbert Place. Mayor Crook noted that he has received a couple of complaints regarding the speed bumps. Chief Eads reported that preliminary survey results indicate a substantial reduction in traffic flow, but traffic flow and speed will be monitored on both Lynnwood Boulevard and Herbert Place for approximately the next 60 days.

Mayor Crook recognized Police Chief Eads for his Public Safety report. Chief Eads explained the summary monthly report, which had been distributed to the Commissioners prior to the meeting. It was noted in the report that the Police Department had issued 325 traffic citations during the month of March. There were nine traffic accidents, seven of which involved property damage and two of which involved personal injuries. There were 10 arrests, 50 alarm calls for service, one burglary, two incidents, and one apparently natural death reported for the month.

Mayor Crook recognized Mr. Bartlett for his Health and Sanitation report. The written report of service calls had been distributed to the Commissioners prior to the meeting. Mr. Bartlett reported that a number of new sewer pumps were installed during March.

Mayor Crook called for consideration of bids for the purchase of the odor tank to be installed on Park Hill. Mrs. Reardon

reported that the only bid received was from Southern Pump and Tank Company in the amount of \$14,771.00. After discussion, Commissioner Thornburg moved approval for the purchase of the odor tank from Southern Pump and Tank Company at the bid price. Vice Mayor Corcoran seconded the motion. Upon vote, the motion was approved.

Mayor Crook next called for consideration of estimates for the electrical and plumbing work needed for the installation of the odor tank on Park Hill. Mrs. Reardon reviewed the several estimates received. Mrs. Reardon and the Public Works Department recommended the low estimate of WestMeade Decorating in the amount of \$2,970.76 for the electrical work and the low estimate of Wheby Plumbing in the amount of \$9,265.00 for the plumbing work. After discussion, Vice Mayor Corcoran moved approval for the bids of WestMeade Decorating for the electrical work and Wheby Plumbing for the plumbing work. Commissioner Thornburg seconded the motion. Upon vote, the motion was approved.

Mayor Crook recognized Mr. Franklin for his Building/Zoning and Planning report. Mr. Franklin replied that he did not have a further report beyond his written report, which had been distributed to the Commissioners prior to the meeting. During the month of March 2007, 16 permits were issued for a total estimated construction cost of \$1,405,926.00. In addition, seven permits were closed out.

Mayor Crook called for consideration of the request to revise the engineer's fee schedule for zoning appeals volume calculations

provided to the City by Barge Cauthen. Mrs. Reardon discussed the conversations she had and the letter received from Dan Barge of Barge Cauthen explaining that the fee schedule originally approved was not adequate to cover Barge Cauthen's actual costs of providing those services. Mr. Barge recommended an increase in the flat fee per zoning appeal. Mrs. Reardon and Mr. Franklin recommended that the fee scheduled be changed to the actual cost of the services provided per zoning appeal, which would more accurately reflect the complexity of the plans and the actual hours spent. Mrs. Reardon noted that the fees paid by the City for these engineering services are passed through to the homeowners who pursue zoning appeals. After discussion, Commissioner Thornburg moved for approval of the request to revise the fees charged for engineering services provided by Barge Cauthen for zoning volume calculations based upon the actual costs of the services provided, and further moved that the homeowners be advised in writing in advance of incurring such costs that the actual costs incurred for such engineering services will be the responsibility of the homeowners. Mayor Crook seconded the motion. Upon vote, the motion was approved.

Mayor Crook noted there were no matters to report on Waste Collections, Beautification/Landscape and City Communications.

Mayor Crook recognized Mrs. Reardon for her financial report. Mrs. Reardon presented the financial statement for March 2007, which was distributed at the meeting. Vice Mayor Corcoran asked about the 2006 audit report and Mrs. Reardon said she will be scheduling an

audit committee meeting within the next few weeks. As reflected on the investment schedule previously distributed to the Commissioners, interest is currently being paid on the funds on deposit in the Local Government Investment Pool at the rate of 5.34% per month. There were two withdrawals from the funds on deposit in the total amount of \$110,000.00, and no deposits.

After discussion and on motion made and seconded, the following invoices in excess of \$2,500.00 were approved for payment:

Boult, Cummings, Connors & Berry, PLC	\$ 3,000.00
(April retainer fee)	
Boult, Cummings, Connors & Berry, PLC	\$ 9,960.60
The Parent Company	\$ 2,529.63
Wascon, Inc. (invoice #20582)	\$ 4,915.00
Wascon, Inc. (invoice #20580)	\$ 5,690.00
Wascon, Inc. (invoice #20581)	\$ 4,490.00

Mayor Crook noted there were no matters to report on Personnel.

Mayor Crook requested a report from Mrs. Reardon on the status of the City Hall building construction. Mrs. Reardon reported that there were no major issues to report.

Mayor Crook called for consideration of the appointment of members to the Municipal Planning Commission to fill one vacancy. Vice Mayor Corcoran recommended and moved for the appointment of Nick Spiva to serve as a member of the Municipal Planning Commission. Mayor Crook seconded the motion. Upon vote, the motion was approved. Consideration of appointments to fill one to three alternate member vacancies on the Board of Zoning Appeals was deferred.

Mayor Crook called for consideration of proposed Ordinance 2007-2 on second reading, amending the City Code adding regulations for the City Hall dumpsters and making it a misdemeanor for unauthorized or improper use of the dumpsters, subject to fines for violations. After discussion, Vice Mayor Corcoran moved to approve proposed Ordinance 2007-2 on second reading. Commissioner Thornburg seconded the motion. Upon vote, the motion was approved.

Mayor Crook called for consideration of proposed Ordinance 2007-3 on second reading, amending the City Code regarding the procedures for disposal of surplus personal property, vehicles, and equipment owned by the City. After discussion, Vice Mayor Corcoran moved to approve proposed Ordinance 2007-3 on second reading. Commissioner Thornburg seconded the motion. Upon vote, the motion was approved.

Mayor Crook requested a report from Patricia Head Moskal regarding the status of the pending lawsuit, *City of Lakewood, et al. v. Metropolitan Government*. Ms. Moskal reported that a meeting had been held among counsel for smaller cities to discuss preliminarily the Court's ruling, in which the Court declined to exercise jurisdiction under the Declaratory Judgment Act to hear the case. Ms. Moskal advised that any appeal of the trial court's decision must be filed by May 4, 2007. Ms. Moskal explained that the two options for the City to consider are (1) to appeal the Court's decision to the Court of Appeals, or (2) to not file an appeal, leaving open the possibility of considering other options in

the future. Mayor Crook noted that there is a meeting scheduled with officials of the other smaller cities at Oak Hill City Hall for Friday, April 27, 2007 for the purposes of discussing generally the considerations relating to the lawsuit.

Mayor Crook announced that the May meeting of the Board of Commissioners will be held on Wednesday, May 16, 2007 at Belle Meade City Hall, 4705 Harding Road, commencing at 4:00 p.m.

There being no further business to come before the Commissioners, the meeting was thereupon adjourned.

Mayor George W. Crook

City Recorder Dorothy L. Wheeler