

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

MARCH 23, 2011

The regular monthly meeting of the Board of Commissioners of the City of Belle Meade convened at Belle Meade City Hall, 4705 Harding Road, Nashville, Tennessee, on Wednesday, March 23, 2011 at 4:00 p.m. Those present were: Mayor Gray Thornburg, Vice Mayor James Hunt, Commissioner Cathy Altenbern, Commissioner Ed Freeman, Commissioner Steve Rick, City Manager/Treasurer Beth Reardon, City Recorder Linda Berner, Police Chief Tim Eads, Police Lieutenant Vince Higgins, City Building Official Terry Franklin, Public Works Superintendent George Bartlett, and City Attorney Bob Patterson.

Before the meeting started, everyone stood to recite the Pledge of Allegiance, led by Vice Mayor Hunt.

Mayor Thornburg presided over and called the meeting to order. The first item on the agenda was the public hearing and the Mayor asked if anyone in the audience wished to speak. Gavin Duke, landscape architect, asked to speak regarding Ordinance 2010-8. He handed the Board a sheet of definitions as he understands the ordinance. He stated that he knows the Municipal Planning Commission (MPC) voted to not recommend passage of Ordinance 2010-8 to the Board of Commissioners and he knows he does not have the right to be heard by the Board of Zoning Appeals (BZA) based on the

zoning code. Mr. Duke's question is how does he get the ordinance changed so his client can build the children's play area they desire. There was extensive discussion on what has been allowed in the past, how the zoning code works, and how to bring about change to the code. The Mayor asked if anyone else from the public wished to speak, and on seeing no one, the Mayor closed the public portion of the meeting.

The Commissioners decided to move the vote on Ordinance 2010-8 to the front of the agenda. On a motion made by Commissioner Altenbern and seconded by Commissioner Rick, a unanimous aye vote brought the consideration of Ordinance 2010-8 to be voted on now. Mayor Thornburg read the ordinance aloud and stated the MPC had denied recommendation of its passage. A long discussion was held at the MPC meeting in March, and it was the consensus that this ordinance would put a lot of work on the BZA who already has a huge work load to contend with. Commissioner Freeman stated, in his opinion, it was asking too much for the homeowner to go through all the trouble to get the right to be heard. Just because the BZA doesn't want more work load is not a reason to deny this ordinance. Commissioner Rick stated what concerns him is the wide open nature of the list, and the requests that may come up in the future. The Board needs to be careful about opening up a "flood gate" of appeals. Commissioner Rick concluded by saying it may be a good thing to ask the homeowners to "jump through a few hoops" to prove

the request will not disrupt the neighbors. Mayor Thornburg agreed with Commissioner Rick about the noise issue this could generate, and said they need to protect the rights of the community. Mr. Patterson interjected the purpose of the Board of Commissioners is to set policy and not rule on a specific incident. After more discussion, Commissioner Freeman made the motion to approve Ordinance 2010-8 on second reading. Mayor Thornburg asked for a second to the motion, but none was made. Therefore, Ordinance 2010-8 failed due to lack of a second to the motion.

Mayor Thornburg asked for consideration of the minutes for the February regular meeting. Commissioner Rick made the motion to approve the minutes and Vice Mayor Hunt seconded the motion. Upon vote, the approval was unanimous.

Mayor Thornburg recognized Mr. Bartlett for his February 2011 Public Works report, which was reviewed. Mr. Bartlett had nothing further to add and there were no questions for him at this time.

The next item of business was the proposal from CEC, Inc. for storm water user fee evaluation. In 2008, the City budgeted \$35,000 for CEC to assist the staff develop a 5-10 year plan for capital improvement/storm water projects and to evaluate the implementation of a storm water user fee. The project was put on hold by the Commissioners before it was completed. Mrs. Reardon is recommending the City revisit the possibility of studying a storm water user fee. This proposal from CEC has an estimated cost not-

to-exceed \$19,000. Commissioner Altenbern asked how much cost the City absorbs pertaining to storm water, and Mrs. Reardon said it is an accumulation of many costs. In 2009, the City did a storm water project on Park Hill that cost \$60,000. The City also has to pay engineer fees for help with the annual state permits. She stated the storm water fee will help pay for these engineering fees as well as enable the City to do more storm water projects.

Commissioner Rick asked how these projects come up, and Mrs. Reardon answered from complaints from residents as well as staff seeing problems while working in the City. Mr. Steve Casey, CEC engineer, added he will help the city set up the user fee policy and organize it so that several high priority projects can be completed relatively soon. After discussion, Vice Mayor Hunt made the motion to approve the proposal and Commissioner Altenbern seconded the motion. Upon vote, the approval was unanimous.

The next item of business was the proposal from CEC, Inc., for engineering services for assistance in completing Cycle 2, Year 1 MS4 Permit requirements. Specifically, 1) develop the Stormwater Management Plan document, 2) develop the Public Information and Education Plan (PIE), 3) perform visual screening of the City's outfalls, and 4) assist with the completion of the annual report. The total estimated cost is \$24,900. Commissioner Altenbern asked what the difference was between this proposal and the last one discussed. Mr. Casey answered that this proposal is specifically

ted to the MS4 permit that the City is under, and these items need to be completed by June 30th of this year. Commissioner Rick made the motion to approve the proposal and Mayor Thornburg seconded the motion. Upon vote, the approval was unanimous.

The Mayor recognized Chief Eads for the February Public Safety reports, which were distributed to the Commissioners prior to the meeting. It was noted there were 320 traffic citations issued, 13 traffic crashes, 8 arrests, 56 alarm calls, zero burglaries, 4 incidents reports filed, 6 theft report filed, and 23,937 patrol miles logged. Chief Eads offered to answer any questions but there were none.

The next item of business was the request to declare surplus property and purchase handguns. The police department has five Glock .45 caliber hand guns, twelve years in use, that need to be declared surplus property so they can be traded in for five new Glocks. Craig's Firearms of Knoxville has quoted a trade-in value of \$300 per weapon, to be applied to the purchase price of \$473 for each new weapon. The total cost would be \$865 (originally budgeted at \$750 with trade-ins). Commissioner Rick made the motion to approve the request and Commissioner Altenbern seconded the motion. Vice Mayor Hunt asked the Chief is the guns were really needed. Chief Eads answered the guns are shot generally two to three times a year during qualification training, but noted that hand guns

generally have a 10 year shelf life. Mayor Thornburg called for a vote on the motion, and all voted aye.

It was noted that Vice Mayor Hunt left the meeting at this point.

The next item of business was the request to purchase radar equipment, using funds from the Governors Highway Safety Grant. Chief recommends purchasing the dual antenna Stalker radar by Applied Concepts through the state contract, for \$1,048 per unit. Grand total, with additional cables, comes to \$3,309. Chief Eads added that the City has to remit payment up front, but will be compensated by the grant 100%. Commissioner Rick asked if these would be replacing existing units and the answer was yes. Mayor Thornburg made the motion to approve the request and Commissioner Altenbern seconded the motion. Upon vote, the approval was unanimous.

Mayor Thornburg recognized Mr. Bartlett for the Health and Sanitation report, which was distributed prior to the meeting. Mr. Bartlett had nothing further to add and there were no questions for him at this time.

Mayor Thornburg recognized Mr. Franklin for his February 2011 Building/Zoning and Planning reports, which were distributed prior to the meeting. It was noted that 11 permits were issued for a total estimated construction cost of \$646,389, 9 permits were closed out during the month, zero grading/soil disturbance permit

was issued, and three stormwater complaint reports were taken. Mr. Franklin had nothing further to add, and no one had questions for him at this time.

The next item of business was the appointment/reappointment of a member to the Municipal Planning Commission. Mayor Thornburg made the motion to defer this item until next month, and Commissioner Altenbern seconded the motion. Upon vote, the motion to defer was approved unanimously.

The next item on the agenda was the Belle Meade Plantation Activity Permit Request. Mayor Thornburg stated everything on the request was approved at last month's meeting except the part dealing with the horses. Mr. Alton Kelley, president of the Plantation, stated the request was to extend the time the horses were on the property from April 15th to October 15th. Per the request of the Commissioners last month, letters had been sent out to the neighbors of the Plantation, with their response to be sent back to the City. Mrs. Reardon said only one person responded, and they were in favor of the horses being on the property for that time frame. Commissioner Rick stated it sounds like there are some safeguards in place in case there are problems, so he made the motion to approve the request and Commissioner Altenbern seconded the motion. Upon vote, the approval was unanimous.

Mayor Thornburg noted there were no matters to report for Beautification/Landscape and City Communications.

Mayor Thornburg recognized Mrs. Reardon for her February 2011 financial reports, which were distributed prior to the meeting. Mrs. Reardon stated that this is the first month with the revised, condensed financial statements, and the mayor thanked her saying it was much easier to read. Mrs. Reardon added that Mr. Bill Blaufuss designed the statement and deserves the thanks.

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

Bradley Arant Boulton Cummings	\$ 3,000.00
Bradley Arant Boulton Cummings	\$ 7,600.00
Sammie Gibbs Construction	\$ 9,380.00
Sammie Gibbs Construction	\$18,010.00
Wascon Inc	\$ 5,123.79
Wascon Inc	\$ 4,590.00
Wascon Inc	\$ 5,124.95
Kerr Bros. & Associates	\$ 7,573.41
Kerr Bros. & Associates	\$ 9,167.98
Kerr Bros. & Associates	\$11,367.36
Kerr Bros. & Associates	\$ 6,797.51
Kerr Bros. & Associates	\$ 6,179.61
Kerr Bros. & Associates	\$ 8,680.42

Commissioner Rick asked if the Kerr Bros. invoices were budgeted items, and Mrs. Reardon answered yes, that the contract was approved last November. Mr. Bartlett added they are almost finished in the city, except he held them off of Lynwood Boulevard and Westview where work needs to be done. Mrs. Reardon stated the contract was for \$79,000, and these invoices total over \$49,000. There is still some work to be done.

The next item of business was a report by Mrs. Reardon on her Certified Municipal Finance Officer (CMFO) certification. Mrs. Reardon stated that two years ago, the state of TN mandated that every city had to someone designated as a CMFO. She attended the first class in January and passed that test, and will have to attend and pass classes every other month for two years.

The Mayor noted there were no matters to report for Facilities or Personnel.

Mayor Thornburg then asked for discussion on the three items of legislation.

ORDINANCE 2010-8

AN ORDINANCE AMENDING TITLE 14-202(c) OF THE BELLE MEADE MUNICIPAL CODE

This ordinance was voted on earlier in the meeting.

ORDINANCE 2011-1

AN ORDINANCE AMENDING TITLE 12, CHAPTER 1 OF THE BELLE MEADE MUNICIPAL CODE TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

This is an ordinance regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use; and for the condemnation of buildings and structures unfit for human occupancy

and sue, and the demolition of such existing structures in Belle Meade; providing for the issuance of the permits and collection of fees. Commissioner Rick made a motion to defer this as he is trying to put together a group to study the ordinance.

Commissioner Altenbern seconded the motion. Commissioner Rick then amended his motion to state the deferral was for two months and Commissioner Altenbern seconded that motion to amend. Upon vote, the motion to amend the deferral to state two month was unanimously approved, then the vote to approve the amended deferral was unanimously approved by all.

ORDINANCE 2011-2

AN ORDINANCE AMENDING TITLE 12, CHAPTER 1 OF THE BELLE MEADE MUNICIPAL CODE TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE

This is an ordinance regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Belle Meade; providing for the issuance of permits and collection of fees. Commissioner Rick made the motion to defer this for two months, and Commissioner Freeman seconded the motion. Upon vote, the motion to defer was unanimously approved by all.


Mr. Patterson noted that the item on Waste Collection had been skipped over. Mrs. Reardon had handed out prior to the meeting a

spreadsheet that showed a quick synopsis of the proposals received from a recent request for proposals for waste and recycle collection. She stated a committee will be formed to discuss the results and see which proposal will best suit the city and the residents.


Mayor Thornburg asked Mr. Bartlett if there was any word from Metro Water regarding the paving work to be done where they tore the streets up to replace the water main. He said he talked with them earlier today, and they informed him they would not pave the entire Belle Meade Boulevard; only the places where the water line was replaced. Metro Water is waiting on the City to decide if they want to pay the additional cost to pave the entire boulevard. Mr. Bartlett also stated there are quite a few streets in Belle Meade that need to be paved.

Commissioner Freeman stated he is meeting with Tennessee House Speaker Beth Harwell tomorrow, so please let him know if he needs to bring any concerns to her attention.

There being no further business to come before the Commissioners, the meeting was thereupon adjourned at 5:22p until the next meeting on Wednesday, April 20, 2011 at 4:00pm.



Mayor Gray Thornburg



City Recorder Linda Berner