

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

JANUARY 19, 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, January 19, 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. No one requested recognition and, accordingly, Mayor Thornburg closed the public hearing.

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

The next item on the agenda was the consideration of the request from the Friends of Warner Park (FWP), which was deferred from last month. Commissioner Freeman reported that he has met with Tim Niche, planner with Metro Parks, and they have taken the design sketch (of the parking proposal within the park boundaries) for preliminary cost proposal (not a formal bid yet). Once those figures are analyzed, Mr. Niche will get with Commissioner Freeman to strategize the parking situation. Vice Mayor Hunt stated that even though the \$10,000 has been budgeted for a donation, he is cautious about donating it now with a potential city budget shortfall. Mayor Thornburg asked Mr. Patterson if there would be a problem if the city stipulated that the donation go towards the parking improvements, and Mr. Patterson answered no. Vice Mayor Hunt then made the motion to donate the \$10,000 to the Friends of Warner Parks as per their request that it be used towards the Hodge House, and Commissioner Rick seconded the motion. Commissioner Freeman stated he would have to vote "no" due to his concern with the pending city budget shortfall. Vice Mayor Hunt decided to withdraw his motion and Commissioner Rick withdrew his second to the motion. Vice Mayor Hunt then made the motion to defer this item until the April meeting and Commissioner Altenbern seconded the motion. Upon vote, the motion to defer was approved unanimously.

Mayor Thornburg recognized Mr. Bartlett for his December 2010 Public Works report, which was reviewed. Mr. Bartlett stated had nothing further to add to his report and there were no questions for him at this time.

The next item of business was the proposal for the traffic calming study. The Mayor stated that Mr. Bob Murphy, traffic engineering consultant of RPM Transportation Consultants, LLC (RPM), has submitted a proposal upon request to conduct a study of various selected streets in Belle Meade to identify potential traffic calming and traffic safety improvement measures that can be implemented on the selected streets within the city. The cost of the proposal will be \$15,450. Commissioner Rick asked if this was in the budget, and Mrs. Reardon answered no, that it was not anticipated. The Mayor added that there are old studies that can be used which will keep the cost down. Commissioner Rick made the motion to approve the proposal and Commissioner Altenbern seconded the motion. Upon vote, the approval was unanimous.

The Mayor recognized Chief Eads for the December Public Safety reports, which were distributed to the Commissioners prior to the meeting. It was noted there were 216 traffic citations issued, 7 traffic crashes, 5 arrests, 51 alarm calls, one burglary, 6 incidents reports filed, 1 theft report filed, and 19,927 patrol miles logged. Chief Eads offered to answer any questions but there were none. He then informed the Commissioners that there will be

an unscheduled item to appear under police training. The state of Tennessee has mandated that traffic schools now be four hours in length, as well as the instructor must be certified. Sergeant Murphy and Officer Howell will be sent to be trained as instructors. Chief has offered to host the training seminar here in the court room, which will save the city some money on the training cost for our attendees.

The next item of business was the request to purchase sixteen body cameras for the police department. These cameras, estimated to cost about \$2400, would allow officers to document contacts and evidence while away from their vehicles. The police department has been awarded a grant from the Governor's Highway Safety Office that would cover the cost of eleven cameras, enabling a savings of \$1,265. Three estimates were obtained:

<b>MPH Industries-Owensboro KY</b>	<b>\$125 each</b>	<b>\$2,000 total</b>
<b>Wireless Plus-Madison TN</b>	<b>\$115 each</b>	<b>\$1,840 total</b>
<b>Eagleye-Rome GA</b>	<b>\$99 each</b>	<b>\$1,584 total</b>

Chief Eads recommends purchasing the equipment from Wireless Plus since they are a local service provider who delivers excellent local service and repair when needed. The total cost to the City less the grant will be \$575, which is under budget by \$175.

Commissioner Hunt asked how the cameras are used and Chief answered that the cameras are small and clip onto a shirt pocket. Bike officers could use them, and patrol officers could use them when

they are not in view of the car cameras. Commissioner Altenbern made the motion to approve the purchase from Wireless Plus and Commissioner Rick seconded the motion. Upon vote, the approval was unanimous.

The next item of business was the introduction of a new hire in the Police Department. Officer Ty Downing comes to us from Rutherford County Sheriff's Department and has 18 years of law enforcement experience. Officer Downing will be on the evening shift. The Board welcomed Officer Downing to the police force.

Mayor Thornburg recognized Mr. Bartlett for the Health and Sanitation report, which was distributed prior to the meeting. Mr. Bartlett reported that all the odor control tanks were filled in December. He had nothing further to add and there were no questions for him at this time.

Mayor Thornburg recognized Mr. Franklin for his December 2010 Building/Zoning and Planning reports, which were distributed prior to the meeting. It was noted that 5 permits were issued for a total estimated construction cost of \$284,263, and 4 permits were closed out during the month. Mr. Franklin added that it has been a slow month due to the holidays.

The next item of business was the appointment/reappointment of a member to the Municipal Planning Commission. Mayor Thornburg recommended Mr. Nick Spiva be re-appointed for a three-year term, and Mrs. Cathryn Rolfe be appointed for her first three-year term.

Vice Mayor Hunt made the motion to accept these nominations and Mayor Thornburg seconded the motion. Upon vote, the approval was unanimous. There is one more spot open on the Municipal Planning Commission to be filled.

The next item on the agenda was the Belle Meade Plantation Activity Permit Request. Mr. Alton Kelley, manager of the Plantation, stated he did not have a written request available but would like to speak on his proposal. He reported that the Plantation is doing very well after the flood, spending \$250,000 in flood repair which FEMA should reimburse about \$18,000 back. Also, fourteen geothermal wells have been installed for heating/cooling. One request he is asking for is the ability to host a Mardi Gras party and jazz brunch fund raiser, as well as a Mardi Gras parade for the children. The Kentucky Derby party and Fall Fest event will go on as planned. He would like to order the banner for the Mardi Gras now, to be exhibited for five days prior to March 5th. The second request involves leaving a horse and pony onsite from April 15 thru October 15, to be removed at their discretion (big weddings, events, etc). Mr. Patterson stated that none of these requests can be heard today due to way the ordinance is written. It must be put on a written activity permit request. Mayor Thornburg asked Mr. Kelley to put a lot of detail in the request pertaining to the horses. Commissioner Altenbern made the motion to defer the

request until next month and Mayor Thornburg seconded the motion. Upon request, the motion to defer was approved by all.

The next item of business dealt with guidelines for the Board of Zoning Appeals (BZA). Mayor Thornburg stated that Mr. Brian Smallwood, chairman of the BZA, asked the Board of Commissioner to give the BZA some guidance to make their job function clearer to the public. She outlined the five criteria by which the BZA use to evaluate cases for special exceptions:

- 1) Safeguard the character of the community.
- 2) Request will not be out of harmony with the existing development in the neighborhood.
- 3) Designed and located to protect public health and safety.
- 4) Architecturally compatible.
- 5) Conditions and safeguards as the BZA decides are needed to protect the character of the community.

The Mayor stated she has seen the regard for the five criteria go from non-existent to being sure every "I" is dotted and "T" crossed. Three of the BZA members, Mr. Smallwood, Mrs. Carole Nelson, and Mr. Charlie Atwood, stood to convey their request/comments to the Commissioners. Commissioner Rick stated that there are two previous BZA members now elected as Commissioners; Commissioner Freeman and himself. He continued that when he was on the BZA, he took the view of what was right for the city and not necessarily the homeowner. Commissioner Freeman stated he was always concerned with setting precedents and maintaining consistency. He concluded by saying he would like to

give the BZA more resources to ensure that they are making decisions with knowledge of past (boards) decisions. Discussion ensued. Mr. Patterson stated that the law's view of the code is the Commissioners decide how the city is organized. When a homeowner comes before the BZA and wants to do something not in the code, does the homeowner or the city get the presumption that they get what they want. Mr. Patterson emphasized that the more exceptions granted to the code, the more ineffective the code becomes. His advice to the BZA has always been that when you buy a home in Belle Meade, you buy into the provisions and constraints of the zoning code. Mr. Patterson's advice to the BZA is (and has always been) that the homeowner has the burden of proof.

Mayor Thornburg then made the following statement of support as a motion: "The Board of Commissioners recognizes that we do have a code. We would encourage strongly that the BZA use that as the law and that the burden of proof to get an exception would be on the homeowner using the five criteria which are stated in the special exceptions. It is the burden of proof for the homeowner to prove." Commissioner Rick seconded the motion. Commissioner Freeman made an addendum to the motion to state that the Commissioners appreciate all the work the BZA is conducting and thank them for all they are doing for the city. Commissioner Altenbern seconded the addendum, and upon vote, it was unanimously agreed to add the addendum to the motion. The Commissioners then

voted on the motion made by Mayor Thornburg with the addendum, and the vote was unanimously in agreement.

Mayor Thornburg noted there were no matters to report for Waste Collection, but Mrs. Reardon asked to speak. She stated that the current contract for trash and recycle expires on June 30, 2011. She would like for the staff to look at some options over the next couple of weeks, with the thought that the contract may be bid out with several different options (i.e., twice a week pickup, once a week pickup, curbside pickup, etc). More information should be available next month. Mayor Thornburg asked Mrs. Reardon to look into options of how to survey the citizens of their opinion of these changes and also payment for these services if they have to change (i.e. increase taxes for two times a week pickup or drop to once a week pickup).

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

Mayor Thornburg recognized Mrs. Reardon for her December 2010 financial reports, which were distributed prior to the meeting. Mrs. Reardon stated the City is halfway through the fiscal year, and then offered to answer any questions. There were no questions for her at this time.

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

Baron & Dowdle Construction, LLC	\$25,362.95
Bradley Arant Boult Cummings	\$ 3,000.00
Commonwealth Chemical II, LLC	\$ 4,860.00
Commonwealth Chemical II, LLC	\$ 2,700.00
Keystone Business Solutions, LLC	\$ 8,437.50
Sammie Gibbs Construction	\$12,000.00
Sammie Gibbs Construction	\$20,440.00
Sammie Gibbs Construction	\$10,440.00
Sammie Gibbs Construction	\$10,230.00
Wascon Inc	\$ 4,590.00
Civil Engineering & Consultant	\$ 4,074.85

The next item of business was the approval of the 2010 annual audit report. Mayor Thornburg stated there was a change in notes to the financial statements since the first draft of the report. Commissioner Rick asked if the Budget Committee has reviewed the change and approved it, and was told yes. Commissioner Altenbern made the motion to approve the report and Commissioner Rick seconded the motion. Upon vote, the approval was unanimous.

The Mayor noted there were no matters to report for Facilities, and the new hire has already been introduced.

Mayor Thornburg then asked for discussion on the one item of legislation.

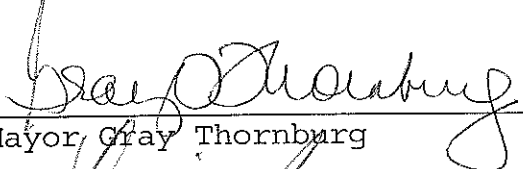
#### ORDINANCE 2010-8


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

The Mayor announced that the Municipal Planning Commission (MPC) did not meet on Tuesday, December 21<sup>st</sup> to discuss this ordinance, so the Commissioners cannot act on the legislation. She then made the motion to defer the ordinance for one month and Vice Mayor Hunt

seconded the motion. Upon vote, the motion to defer was granted unanimously.

There being no further business to come before the Commissioners, the meeting was thereupon adjourned at 5:05p until the next meeting on Wednesday, February 16, 2011 at 4:00pm.

  
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Mayor Gray Thornburg

  
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City Recorder Linda Berner