

**MINUTES OF THE MEETING OF  
THE BOARD OF COMMISSIONERS OF  
THE CITY OF FOREST HILLS**

**September 18, 2014**

The Forest Hills Board of Commissioners (the "Board") held its regular monthly meeting on September 18, 2014 at City Hall, 6300 Hillsboro Road, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Bill Coke presided. Also present were Vice-Mayor John Lovell, Commissioner Lanson Hyde, City Attorney, Matt Foster, City Engineer, Brad Bivens, and City Manager, Amanda Deaton-Moyer. Others present are shown on the attached sign-in sheet. A copy of the Agenda is attached to these minutes.

- 1. Approval of the Minutes of the August 21, 2014 Meeting.** Vice Mayor Lovell made a motion to approve the minutes as submitted. Commissioner Hyde seconded the motion. The Board voted unanimously to approve the minutes of the July 17, 2014 meeting.
- 2. Report from City Manager, Amanda Deaton-Moyer**

- a.) Chipper service contract bid/renewal.** Mrs. Deaton-Moyer summarized the chipper and leaf removal bid from the previous year. There were two bidders and the Commission selected The Parke Company based on their experience with the contractor and his expertise. Mrs. Deaton-Moyer concurred that the company had been exemplary in service and recommended the City take advantage of the one-year renewal outlined in the contract.

*Vice-mayor Lovell made a motion to renew the Contract for chipping and leaf removal with the Parke Company. Commissioner Hyde seconded the motion and it passed unanimously.*

- b.) Snow/ice removal contract bid/renewal.** Mrs. Deaton-Moyer summarized the snow and ice removal bid from the previous year. The City had received two bids and the Commission selected Johnson Lawn and Landscape. This decision was based on best value and prior experience with the contractor. Mrs. Deaton-Moyer said this had been her first year calling out salt trucks in the middle of the night to address weather. This company had been helpful, responsive and consistently gave options for action. She recommended the City take advantage of the one-year renewal outlined in the contract.

*Commissioner Hyde made a motion to renew the Contract snow and ice removal with Johnson Lawn and Landscape. Vice-mayor Lovell seconded the motion and it passed unanimously.*

- 3. Report from City Attorney, Matt Foster**

- a.) Discussion of single-family dwellings.** Mr. Foster discussed his research of neighboring jurisdictions' handling of this issue. Some allowed three to four unrelated parties to live in a single-family dwelling, others limited it to two (2) (Brentwood/Franklin). The ordinance before the Commissioners loosely followed the Brentwood ordinance. Mr. Foster made the Commissioners aware of a State law that reserved the right for a group of up to eight (8) mentally handicapped or disabled persons with up to (2) guardians to live in a single family dwelling. Additionally, he stated that RLUIPA (Religious Land Use and Institutionalized Persons Act) would need to be considered in regards to restricting the definition of single family dwellings. With those cautions, he stated that it was certainly possible to tighten the zoning code in this area. Vice-Mayor Lovell asked about the process of this ordinance change. Mr. Foster stated that since it was a change to the zoning code it would require adoption of an ordinance

amending the zoning code. Before enacting an amendment to the zoning code, the Board of Commissioners must hold a public hearing on the ordinance with at least fifteen days' prior notice of the time and place of the public hearing published in a newspaper of general circulation. Furthermore, the zoning ordinance amendment must also be submitted to the Planning Commission for certification prior to final adoption of the ordinance. At the request of the Board, he began walking through the proposed ordinance.

First the definition of family needed to be defined. It was defined as one individual, two or more persons related by blood, or a group of persons related by blood plus one person who is not related by blood. There was some discussion of the definition of a "blood relative." The question was whether it should be defined at something like first cousins or should it be left silent for interpretation. Mayor Coke stated that it may be beneficial to leave it silent at this time. Another question was whether the unrelated person should be able to include their children as part of the Family. Mr. Foster stated that he recommended that blood relatives of the unrelated person should be included.

Related to the definition of family, Mr. Foster raised the question of whether a live-in nanny, housekeeper, guardian, or servant of any kind should be regarded as family. Mr. Hyde stated his preference was they were not be regarded as family. If such persons were being paid, it followed that they were be not regarded as family for the purpose of this definition.

The next issue was incorporating the State law (referenced above) into the ordinance. Mr. Foster stated that one of the advantages to restating this law is that Forest Hills can prohibit for-profit enterprises entering in the capacity of taking care of the mentally handicapped or disabled as a business. Commissioner Hyde asked about the advantage of incorporating this part of the law. Mr. Foster stated that it codified the state law and named a restriction. Mrs. Deaton-Moyer said that it often helped to refer to a municipal and state code to provide credence for a decision. Commissioner Hyde said he worried that it drew attention to the law as an option. Mr. Foster said that it was not necessary, but an option.

The meaning of "permanent resident" was raised next. Mr. Foster stated that there were common ways to define residency and they were noted here. He mentioned that this could be placed in the ordinance or be part of an administrative policy. Mrs. Deaton-Moyer said she did not have a strong preference, but that referencing an ordinance was always helpful. There was brief discussion about when this would go into effect and how it would be enforced. Mr. Foster and Mrs. Deaton-Moyer stated that it should not go into effect for at least 3-6 months. Discussion about interrupting private agreements was entertained but was not resolved at that time. It was noted that enforcement would be difficult, but possible.

This concluded the main discussion the ordinance. Mayor Coke called Kathy Maxwell, resident of 5815 Still Hollow to discuss the issue. She was very appreciative of the Board for considering the issue. She stated that there were renters at the residence next to her home. The experience has been miserable at best, with up to five people parking, partying, and sleeping there each evening. She understood this might be a growing pain that was resulting from Nashville's growth, but she didn't want it to interrupt the serenity of the City.

Before considering a vote, Mayor Coke asked about the two other clauses at the end of the ordinance. Mr. Foster said those were two house-keeping issues in the zoning code. First, Section 2.03 (f) relating to the notice of a change of non-residential zoning, needed to be revised to require the applicant to bear the full cost of the notification. Notification for every

resident was a costly endeavor and should expressly be placed on the applicant. This was defined in the fee resolution, but needed to be outlined in the zoning code. Next, Section 4.07 (v) relating to shared driveways needed to create access to a restricted number of lots, not principal dwellings. This was an oversight that needed correction. This closed a possible loop hole where lots without dwellings could have access as well as principle dwellings thus making the drive shared by more than the restricted number. This restriction was in place for a number of reasons, one of which was to minimize negative environmental impact.

*After this, Vice-mayor Lovell stated that he was comfortable enough with the ordinance that he could make a motion to approve, provided Mr. Foster return a clean copy reflecting their discussion. Commissioner Hyde echoed Vice-mayor Lovell's remarks and seconded the motion. It was approved unanimously.*

*A copy of the proposed ordinance is attached to these minutes.*

- b.) **Update regarding Sequoia Swim & Tennis Club.** Mr. Foster said he had met with representatives from Sequoia on two occasions. At this time, Sequoia indicated that they wished to pursue a BYOB (bring your own beverage) policy at the club. Their first preference was to request the Board and Planning Commission to amend the Comprehensive Plan and Zoning Code to make their club conforming. Mr. Foster discussed with the representatives the process and odds of success with that method. In doing so Mr. Foster said he expressed to Sequoia that this change would be dead on arrival with some members of the Planning Commission. Additionally, the outcome may be more restrictive than they anticipated.

Mr. Foster said that Sequoia had considered going to Metro-Nashville to ask for a change. While this was an option, Mr. Foster said the City would fight that approach and likely win from a legal standpoint. Another option would be to go to the Board of Zoning Appeals. A final option was to agree to a process by which the Board heard Sequoia's request for a change to their use permit. Mr. Foster said he encouraged Sequoia to agree to a method and process and move forward if that was their preference.

Mr. Foster stated that he understood that Sequoia may want to come to the Planning Commission with a presentation to "test the waters," getting a feel for how a change in the Comprehensive Plan and Code might go. Mr. Foster stated that he thought this would create transparency for the matter and let the Planning Commission voice their opinions. Mr. Foster asked the Board's approval to tell them this type of presentation would be acceptable. The Board agreed this may be a good way to hear the issues. Mr. Foster added this would enable the Sequoia Board of Directors to show their membership that they made a serious effort on their policy change with the City.

- c.) **Comprehensive Plan.** Mr. Foster stated that the Comprehensive Plan went into place in 2010 and was due for a five-year review. One item that needed to be reviewed and considered was the treatment of nonconforming lots and dwellings. In relationship to those lots, a different zoning type may need to be considered. Mr. Hyde asked Mr. Foster if he was thinking total revamp or significant changes to the code. Mr. Foster said that no, rather it should be a review to see what was working and what was not. Mrs. Deaton-Moyer chimed in saying that many aspects of the plan are very effective, but the nonconforming lots took up a substantial amount of time and may need to be reviewed.

#### 4. **Report from City Engineer, Brad Bivens**

- a.) **Summer Paving Schedule-** Mr. Bivens stated that paving would continue on Stanford and Kingsbury in the next two weeks. Mr. Lovell asked about

when the speed humps be replaced. Mr. Bivens stated the humps would be replaced prior to paving Stanford.

- b.) Beddington Park Landslide-** Mr. Bivens said he had received plans from Joel Tomlin, who Dr. Rankin hired to mitigate the landslide on his property. The two were working out construction costs and questioned what the City would contribute. Mr. Bivens said that their plan no longer called for a wall in the right-of-way and so the only additional contribution would be the reparation of the road and curbing. Mrs. Deaton-Moyer said that to date, the City had spent nearly \$30,000 on the project and did not feel as though it was the City's responsibility to contribute any more to the project. She wanted to ensure the Board felt the same way. They nodded in agreement. Mr. Bivens said that he hoped they would begin construction soon and that the process would take about two weeks from beginning to end.

- 5. Citizens Comments:** none
- 6. The meeting was adjourned.**

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Mayor

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Recorder