

**City of Forest Hills Board of Commissioners**

**January 21, 2016**

**5:00 p.m. at City Hall**

**Mayor John Lovell presiding**

- 1. Approval of the Minutes of the December 17, 2015**
- 2. Approval of Financial Statements: December, 2015**
- 3. Introduction of City Attorney Chad White.**
- 4. Public Hearing:** Ordinance 2016-223 to amend Title 14, Chapter 2 of the Municipal Code relating to the Zoning Ordinance, subdivision in the hillside protection overlay, fencing, and prohibited uses.
- 5. Report from City Manager, Amanda Deaton-Moyer.**
  - (a) First Reading: Ordinance 2016-223 to amend Title 14, Chapter 2 of the Municipal Code relating to the Zoning Ordinance, subdivision in the hillside protection overlay, fencing, and prohibited uses.
  - (b) Mid-Year Budget Report
  - (c) Progress Update on Otter Creek, Radnor Lake Entrance.
- 6. Report from the City Engineer, Brad Bivens.**
  - (a) Street Preservation
- 7. Other**
- 8. Citizen's Comments.**
- 9. Adjourn**

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

**January 21, 2016**

The Forest Hills Board of Commissioners (the "Board") held its regular monthly meeting on January 21, 2015 at City Hall, 6300 Hillsboro Road, Nashville, Tennessee, beginning at 5:00 p.m. Mayor John Lovell presided. Also present were Vice-Mayor Lanson Hyde, Commissioner Henry Trost, City Attorney, Chad White, 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 December 17, 2015 Meeting.** Commissioner Trost motioned to approve the minutes as submitted. Vice-Mayor Hyde seconded the motion. The Board voted unanimously to approve the minutes of the December meeting.
2. **Approval of Financial Statements from December, 2015.** Vice Mayor Hyde motioned to approve the December financial statements as submitted. Commissioner Trost seconded the motion and it passed unanimously.
3. **Introduction of City Attorney, Chad White.** Mrs. Deaton-Moyer stated that Mr. White was interviewed and selected from a group of very qualified candidates. Mr. White is a partner with Tune, Entekin, & White. He replaced Mr. Matt Foster who resigned in December for another opportunity. Mr. White said he was honored and excited to work with Forest Hills.
4. **Public Hearing:** Ordinance 2016-223 to amend Title 14, Chapter 2 of the Municipal Code relating to the Zoning Ordinance, subdivision in the hillside protection overlay, fencing, and prohibited uses.

Mayor Lovell asked the City Manager to explain how the ordinance was advertised. She said it had been sent to residents signed up to receive emails on January 12<sup>th</sup>. It had been on the website since that time and had been advertised in the Green Hills News. The agenda was published on the web and sent out to the email list on Monday.

Mayor Lovell asked Mrs. Deaton-Moyer to read each section of the ordinance, let the City Attorney explain it, if necessary, and then ask for public comment. Mrs. Deaton-Moyer read sections one and two. Mr. White explained them. There was no public comment.

Mrs. Deaton read section three. Mr. White explained the Zoning ordinance allowed for specific uses in residential districts and uses not permitted were prohibited. The ordinance assists in making that clear by giving examples of what cannot be done. Mr. Lovell asked if this rewrite was to clarify and amplify what was already in

place. Mr. White responded that he would not characterize this as a rewrite, rather additional language that provides examples for what cannot be done.

**Mr. Brian Ward of 7 Valhalla** thanked the Board and residents. He had hosted two groups in his home. They had not caused trouble. He said the wheels of commerce turned differently these days. When someone can go onto the internet and come in as a guest, it is money coming to the community. His money goes for the upkeep of his home. He discussed ratings based on the upkeep of the homes. He asked the Board to work with them and keep open minds in finding a solution, because he could not find a down side to allowing AirBnB's.

**Mr. Gary Hill of 6260 Hillsboro Pike** spoke. He was interested in the definition of short-term rental. Mr. White responded that short-term rentals were not defined in the ordinance, but a general definition was three months or less. He asked about renting cottage houses or caretaker houses that already existed. Mr. White responded that the zoning ordinance specified that accessory apartments could not be rented. Mr. Hill asked about those that were already rented. Mrs. Deaton-Moyer added that Guest and Caretaker Cottages suggested that no rent be paid as guests and caretakers do not pay rent. He asked if that meant where cottages were already rented, the City would make them stop. Mr. White and Mrs. Deaton-Moyer said yes. Mr. Hyde stated this was not a change from the existing ordinance. Mr. White added that the definition of family, specifying who could live in residences. Mr. Hill asked for confirmation that this was no change from before. Vice-Mayor Hyde confirmed that nothing was changed.

Vice-Mayor Hyde summarized Mr. White's comments and where they were in the process for those who had walked in late.

**Mr. Bobby Brecken of 424 Church Street** spoke. He said he was the manager for TurnKey vacation rentals and managed two properties in Forest Hills on a short-term rental basis. He said they had been following Metro Codes, but now understood the properties fell under Forest Hills' jurisdiction. He asked for clarification regarding the original language and what was being amended. Mr. White answered that Section 3.01 now describes examples of prohibited uses. Mr. Brecken said that it might be possible to say that homeowners might not have previously understood what those examples may have been. Mr. White stated that the residential use was limited to single family dwellings and home occupation, prohibiting all other uses. Mr. Brecken referred to an email he had sent to the Commissioners. He said a number of people operate short term rentals in the area and wonderful feed-back comes from the people who stay here. The people that come here are families coming for family events or professionals. He described his experiences with this issue and offered his time to any committee or panel that could outline some recommendations for the Board to consider.

**Mrs. Terry Jo Bichell of 1512 Old Hickory Blvd** spoke and said she was glad the hearings were being held. As a resident of Forest Hills, she said she understood that we don't want crazy parties and people destroying the atmosphere we all love. She

talked about her AirBnb and the type of people she had hosted that included students, those renovating their homes, and those here for family events. She said she lived on the property and was available if anything happened. She had strong rules about occupancy numbers and noise. She suggested rules such as those as a model for regulation, so the City could develop a revenue stream. She suggested short term rentals would be good for Forest Hills residents who needed income to pay their mortgages and taxes and keep their properties intact. She said she was also happy to volunteer her time to working on possible regulations.

Vice Mayor Hyde reminded Mrs. Bichell that this ordinance was not a change from the existing ordinance. Mr. White said he would re-explain the ordinance at the next public hearing during the Planning Commission Meeting. Mayor Lovell clarified that the Planning Commission would also have a public hearing and that Commission would vote to (or not to) recommend the ordinance. After the Planning Commission certified the ordinance the Board of Commissioners would vote for the ordinance on second reading.

**Mr. Gabriel Smith of 6 Breckenridge** spoke. He had lived in Forest Hills for nine years. He did not run an Airbnb and had no intention of doing so. He respectfully disagreed that this ordinance was a not a material change to the law. He understood that properties were for residential use only. He felt that residential use was debatable. If it was already prohibited, then what would be the need to specify the uses prohibited, he asked. Short term rentals had obviously occurred for some time without any problems. He felt that this was a change. It concerned him that the Board would explicitly take steps to restrict an activity that seemed to benefitting many of our residents. It did not seem to hurting anyone. While he did not currently consider AirBnB, but he noted a time in his life where he would have loved this option to supplement make mortgage payments.

Mr. White said that it may be beneficial to review section 3.02 which stated that only uses specifically permitted in the table below shall be permitted. All other uses not mentioned in Table 3.02 shall be prohibited. Reviewing the table below, one sees that the only uses allowed are single family dwellings and the home occupation definition. He read the existing definition.

**Mr. Robert Pilling of 6000 Kenwood Drive** spoke. He and his wife had a room in his home that they rented. It had a separate entrance and could be closed off from the rest of the house. They had hosted several guests, international and otherwise, many of whom were prospective college students visiting area universities. Often families who send their children ask if it is safe for their kids. He said he and his wife depended on this income. He wanted the Board to think about the difference between owner occupied and non-occupied short term rentals. He cited Chicago's Airbnb experience as a success where officials and Airbnb worked together to find common ground. He encouraged the Board to work with AirBnb to find a way to make this work in Forest Hills. He said their experiences with short terms rentals had been positive and he saw no reason to prohibit this activity.

**Mrs. Peggy Curci of 6249 Hillsboro Pike** asked the Board why they decided to make this change today. What took so long if this had always been the issue and what prompted this ordinance? She also asked how the ordinance was advertised. She felt that this had been sprung on residents and that made her feel queasy. She asked why they scheduled two public hearings on the same issue, on the same day. She felt that public hearings should be held on different days.

Mr. Lovell responded that a second hearing would be held at least a month from now. He felt that after the news coverage and participation, residents would be well aware of the next meeting. He did not know better ways of getting the word out other than what Mrs. Deaton-Moyer had described. As for why this ordinance had come up today: he stated that if she looked, she would see this was only a portion of the changes listed in the ordinance. This was a house-keeping ordinance that covered several issues that had been in the works for at least a couple of months. This issue was something that came on the radar as needing clarification. Like other changes, this was meant to clean up the language and make it clearer. There was no attempt to spring this on anyone or surprise anyone participating in short term rentals.

**Alex and Christina Dunkley of 5322 General Forrest Court** spoke. They said they managed the property for Michelle Wang, owner of the property. It had been rented out primarily to area families renovating their homes. There had been no complaints regarding the property. They believed it would be worth consideration to think about regulations instead of outright bans because of the benefit it brings to the community. They had met folks nearing retirement age that benefited from the income of Airbnb. He felt that there was much to be gained in terms of maintaining the quality of life by allowing short term rentals. The amount of attention this has gained was a testimony to how important it was to folks. They asked what they are to do in the meantime.

Vice-Mayor Hyde asked for clarification regarding their situation. They explained that the house was split into two levels. They resided in the lower level and the upper level was rented out. The Dunkley's commented that most of the people that stayed with them were families. Commissioner Trost asked about the location of the owner of the property. The Dunkley's explained that she spent much of her time in Los Angeles, but when she was in Tennessee, she resided in the home. Vice-Mayor Hyde asked Mr. White about the technical application of their situation. He responded that his understanding that their long term rental was allowed, but the short term rental of the upper space was an illegal residential use of the structure. Vice-Mayor Hyde asked if they had renters longer than three months, would it be allowed. Mr. White stated that more than three months would be a legal residential use as a long term lease.

Mr. Dunkley asked what the Board was hoping to accomplish through his ordinance. Vice-Mayor Hyde said that several years ago, the Board of Commissioners, Planning Commission, consultants and a significant number of residents came together to comprehensively review of the ordinances. During that

process there was new data such as information about flooding and landslides that guided those changes. Ordinances were updated to reflect the changed environment. It took much time and energy. Since then, they have been pretty content with the update. Since that time, maintenance work on the ordinances occurred once or twice a year and it was a fairly common practice. Mrs. Deaton-Moyer said that updates occurred about twice, but there was always an end of year update that took care issues that had been seen throughout the year. Vice-Mayor Hyde said that the section was receiving all the attention was just one of several changes.

Mr. Dunkley said that the section was obviously affecting people. He asked about the goal of the change. Mayor Lovell said that the goal of all the ordinances was to preserve the residential quality of Forest Hills. A number of people pointed out how much visitors like to come to Forest Hills. The goal was to keep it that way for our residents and generations to come.

Mrs. Dunkley asked what was proposed in the meantime before final passage. Was there a proposed grace period? She mentioned that she and probably others had future bookings to consider. Commissioner Trost stated that they were clarifying an existing regulation. That was a question of enforcement, and issue they were not prepared to discuss this evening. He said that enforcement will have to be addressed during the next month. Vice-Mayor Hyde added that there would be a 15 day lag after the ordinance passed. Mayor Lovell said they would be addressing enforcement and said they wanted to be fair and reasonable in that regard.

**Terry Jo Bichell of 1512 Old Hickory Blvd** spoke again. She asked if there had been complaints. Commissioner Trost said it had come to their attention and he did not know how to characterize it otherwise. Mrs. Bichell asked if anyone had come to the City and complained that their life had been disrupted due to AirBnB? Commissioner Trost said there are concerns. Mrs. Deaton-Moyer said there had been much concern about suspicious vehicles that were not residents. She added that the best security in Forest Hills was neighbors looking out for one another. Often a neighbor tip is how criminals are caught. If there is no consistency in residents, this form of security is nullified. She said that that periodically, the city did receive complaints about suspicious activity. Mrs. Bichell said that she understood then that it was not complaints about disruption from AirBnB, but it was concern about people being there that they didn't know. Mrs. Deaton-Moyer said that often those people are the criminals preparing to break into homes. Mrs. Bichell said that the concern could be alleviated by informing neighbors of the short term rentals in the area. Mr. White no level of information would make it legal under the current ordinance. If the community wanted to see a change, then a zone change would be necessary to allow for short term rentals and that is not currently the status of the law.

Mrs. Bichell asked how one proposes a change to the Zoning Code. Mr. White said there are provisions for how an ordinance change was presented.

**Mrs. Bette Pilling of 6000 Kenwood Drive** spoke. She was confused about the definition of short term rentals. She thought that it was anything less than thirty days. She said the information from Metro defined it as 30 days or less. Mrs. Deaton-Moyer responded that when something is not defined in the ordinance, then a general definition applies. Mrs. Deaton-Moyer said she had found 3 months or less as a common definition and used it. The City could define it. Metro defined it specifically.

After hearing no more requests to speak, Mayor Lovell asked Mrs. Deaton-Moyer to read on in the ordinance. She read section four.

**Mr. Michael Gorvich of 7223 Georgetown Drive** spoke. As an architect, he encouraged the Board to consider striking the two examples. While he agreed very much with the concept, over time those examples become *the* solution for fencing in the city and over time Forest Hills might begin to look like a stockyard. If every neighbor had the same fence, it may not encourage the contextually sensitive feel that Forest Hills is seeking. It could have an unintended consequence.

**Mrs. Peggy Curci of 6249 Hillsboro Pike** said she had called the City a few weeks ago regarding a new fence on they found on back portion of their property. She called the City and heard that a fence on someone else's property was not a City matter. After some clarification of the situation, she stated she didn't understand how a wire fence could be built because it was neither rod-iron nor four-board fencing as listed in the ordinance. Vice-Mayor Hyde asked if it was a farm fence. Mrs. Curci responded that it was. Mrs. Deaton-Moyer noted that there were allowances for farm-fencing, but it was not in the ordinance. Mrs. Deaton-Moyer gave a couple of other explanations that may have occurred in her situation. She was encouraged to call the office to settle the matter.

**Mr. Robert Pilling of 6000 Kenwood Drive** quoted Robert Frost "Good fences make good neighbors." He agreed with that quote. He felt one way that property could be more valuable was to allow fencing that would block neighbors. Everyone wants privacy. He just wanted to bring up the fact that privacy fencing was a much nicer solution than chain link fencing. He also commented on four foot regulation of fencing suggesting that animals could not be kept in at this height. He asked for closer examination.

Vice-Mayor Hyde said that this ordinance addressed just a small part of fencing in full Zoning Ordinance. This ordinance just added a couple of conditions related to chain link fencing. There was opportunity for stone and brick walls. The preferred method to achieve privacy was landscaping. That absence of privacy fencing and preference for landscaping adds balance and adds to the open, bucolic feel that was sought and limits the compound mentality. Commissioner Trost said the fencing

was a result of significant input from residents. He added that if the fence section was read in full, the picture would seem clear. Commissioner Trost appreciated the Robert Frost reference, but he felt that the open feel of Forest Hills was a draw.

Mrs. Deaton-Moyer Read the last three sections of the ordinance. There was no public comment on these sections.

*Mayor Lovell closed the Public Hearing.*

**Report from City Manager, Amanda Deaton-Moyer.**

- a.) **First Reading: Ordinance 2016-223** to amend Title 14, Chapter 2 of the Municipal Code relating to the Zoning Ordinance, subdivision in the hillside protection overlay, fencing, and prohibited uses. Mayor Lovell said this was the first reading; it would then go to the Planning Commission for certification and then a second reading would occur. Commissioner Trost stated the issue of enforcement needed to be addressed. Nothing new was being enacted, but being that there was significant comment from the public, enforcement needed to be reviewed. He was not inclined to change what was in place, therefore the reading should stand.

*Vice-Mayor Hyde made a motion to approve Ordinance 2016-223 on first reading. Mr. Trost seconded the motion and it passed unanimously.*

Mayor Lovell agreed that he thought that enforcement and the definition of short term and long term should be addressed before the next meeting.

- b.) **Mid-Year Budget Report.** Mrs. Deaton-Moyer stated that to date, the City had received 77% of its' budgeted revenue which was common because of when the Hall Income Tax was remitted. She stated we were on track to meet our budget and perhaps have small surplus. All revenues were ahead or on target with benchmarks.

In expenses, nothing was expected to go over budget except for possibly snow removal and drainage. She said she expected to deplete the drainage budget this year due a number of expensive projects.

Based on the mid-year review she said that the City was on pace to end the year on budget and in the "black."

- c.) **Progress Update on Otter Creek, Radnor Lake Entrance.** A preconstruction meeting was scheduled for the following Thursday. It was not as early as she would have liked, but progress was being made on the project.

**5. Engineer's report, Brad Bivens.**

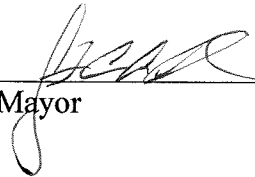
- a.) **Street Preservation.** Mr. Bivens handed out a document related to his analysis of streets to be treated in this fiscal year. The discussion was

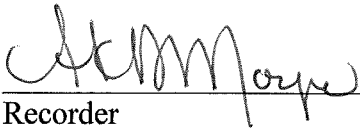


postponed to the next regularly scheduled Board of Commissioners meeting.

6. **Citizens Comments.** There were none.

7. **The meeting was adjourned.**

  
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Mayor

  
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Recorder

**SIGN IN SHEET**

**City of Forest Hills  
Board of Commissioners Meeting**

Date: Jan 21, 2016

**NAME:**

**ADDRESS:**

Brett Donalds

5700 Irons Road (4)

[Signature]

CITY

Barry Cleveland

95 White Bridge Road, Ste 250, Nashville TN

Clay Jackson

5819 Hillsboro Pkce 37215

HENRY TROST

city

Cynthia Deput

City Assistant

EMILY LUXEN

NC5

CATHERINE STENARD

NC5

Nancy Amors

channel 4

Brett Donalds

ch 4

Beth + Rob Pilling

6000 Kenwood Dr.

Joyce Smith

6244 Hillsboro Rd.

Susan Al Ritter

6250 Hillsboro Rd.

[Signature]

6005 Answer Dr

Don Swain

2013 Earlington Drive

**SIGN IN SHEET**

**City of Forest Hills  
Board of Commissioners Meeting**

**Date:** Jan 21, 2014

**NAME:**

**ADDRESS:**

Lynne G. Thompson

6301 Hillsboro Pike

Gary F. Thompson

" " "

L. Gabriel Smith

6 Breckenridge

Tim Bladin + Nancy Bladin

5895 E. Ashland DR

Bobby Buecker

1005 Equest Ct. Spring Hill, TN

Reagan Curci

6249 Hillsboro Pike

Ann Ann

7 VILITANIA

Gary & Alina Hill

6260 Hillsboro Pike

Christina Tankley

Michelle Wang

5322 General Forrest Ct.

Brock Bodart

6132 Hillsboro Pike

Luz Smith

6 Annandale

Deane Gray

7 Annandale

Bill Goh

5612 S. STANFORD CT.

Mark Francis

2000 Stonehurst D.

**SIGN IN SHEET**

**City of Forest Hills  
Board of Commissioners Meeting**

**Date:** Jan 21, 2014

**NAME:**

**ADDRESS:**

Michael Grozevich

733 George Penn Dr

Eric J. Shuman

4241 Commanville

Catherine Jackson

5819 Hillsboro Pike

Marti Emch

5319 STANFORD DRIVE

Brad Buser

ENGR.

Tony Jo Bichell

1510 OHP

Angie Henderson

Metro Council

Steve Chapman

otter Creek

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