

City of Forest Hills Board of Commissioners
February 18, 2016
5:00 p.m. at City Hall
Mayor John Lovell presiding

1. **Approval of the Minutes of the January 21, 2016**
2. **Approval of Financial Statements: January, 2016**
3. **Citizen's Comments**
4. **New Business**
 - (a) Resolution 2016-01: Adoption of Public Hearing Guidelines.
5. **Report from City Manager, Amanda Deaton-Moyer.**
 - (a) Progress Update on Otter Creek, Radnor Lake Entrance.
6. **Report from the City Engineer, Brad Bivens.**
 - (a) Street Preservation
7. **Recess for Planning Commission**
8. **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.
9. **Old Business**
 - (a) **Second 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.
10. **Other**
11. **Adjourn**

Public Hearing Guidelines:

- *Please sign up to speak- either at the front desk or at the podium if the meeting has started.*
- *Each person may speak for three minutes and only once- unless otherwise specified by the Mayor.*
- *If you have signed up, please be prepared to speak in an efficient and subsequent fashion.*

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

February 18, 2016

The Forest Hills Board of Commissioners (the "Board") held its regular monthly meeting on February 18, 2016 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. **Welcome to Visitors:** Mayor Lovell welcomed Troop 31 from St. Georges Episcopal Church who were observing the meeting, working toward "Citizenship in the Community" badge.
2. **Approval of the Minutes of January 21, 2016 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 January meeting.
3. **Approval of Financial Statements from January, 2016.** Vice Mayor Hyde motioned to approve the January financial statements as submitted. Commissioner Trost seconded the motion and it passed unanimously.
4. **Citizens Comments.** There were none at this time.
5. **New Business:**
 - a.) **Resolution 2016-01: Adoption of Public Hearing Guidelines.** Mrs. Deaton-Moyer read the Resolution (attached herein). Mrs. Deaton-Moyer stated that the purpose of the guidelines was to ensure that everyone who wished to speak at public hearings were heard and that public hearings were conducted in an orderly fashion. Mrs. Deaton-Moyer said she had included the summary of the resolution at the bottom of the agenda for the public to review. She clarified that these rules applied to public hearings only and not citizen's comments. Mayor Lovell said that these rules were already in place for the most part, but the resolution codified the procedures. Commissioner Trost motioned to approve Resolution 2016-01. Vice-Mayor Hyde seconded the motion and it passed unanimously.
6. **Report from City Manager, Amanda Deaton-Moyer.**
 - a.) **Progress Update on Otter Creek, Radnor Lake Entrance.** Mrs. Deaton-Moyer reported that the project had delayed due to snow and a reorganization of the order of construction. Mrs. Deaton-Moyer said they were disappointed

by the delay, but would stay on top of the construction and expected completion in May. Work on the project would occur before the next meeting.

7. Engineer's report, Brad Bivens.

- a.) **Street Preservation.** Mr. Bivens outlined the paving history and process of the last several years, noting that significant resources were used to bring more than 85% of the streets into good or excellent condition. Staff's recommendation was that the City proceed with street preservation. This year he recommended rejuvenator, a method that would treat the streets to make them last longer. Mr. Trost said that the Board had reviewed this process extensively and it was projected to save significant resources over time. Mr. Bivens gave examples of the cities that had used this method and detailed the savings that could be realized. The goal was to keep the streets in the current condition and make them last as long as possible. Commissioner Trost moved to proceed with the street preservation as recommended. Vice-Mayor Hyde seconded the motion and it passed unanimously. Mayor Lovell commended Mr. Bivens on the enormous amount of work he underwent to bring the City to this outcome.

8. The meeting was recessed.

9. The meeting was reconvened.

10. 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 12th. It had been on the website since that time and had been advertised in the Green Hills News. Per normal practice, the agenda was published on the web and sent out to the email list on January 18th, the Monday before the meeting. Due to the attention received at the meeting on January 21st, the upcoming February meeting received coverage in the Tennessean, various TV news networks and various social media platforms. During the week of the January 25th, a clarification was placed on the website that included the date of the next meeting. On February 12th, residents on the email list received a notice and reminder of the meeting. Because the public hearing was voluntary, and not required, the present meeting was not advertised in the Green Hills News.

Mayor Lovell asked Mrs. Deaton-Moyer if she had received emails or phone calls expressing opinions regarding this issue. She had received over 40 responses, 40 were in writing. Of those responses, 37 were against allowing short term rentals, 3 were for allowing short term rentals. The majority of the responses (attached here in) were in favor of the proposed ordinance.

Mayor Lovell reviewed the protocol of public hearings and opened the public hearing.

Mr. Andrew Lee 1242 of Carl Seyfert Memorial Drive asked if there was anything in place for people that already had chain link fencing. The Board said those residents would be grandfathered in.

Jeff Dale of 6029 Sherwood Drive said he had been a resident since 1968. He expressed his experiences with the perils of mixed use designations and short term rentals. He said that some might feel it would be beneficial to have more tax revenue here, but it could be at the cost of degrading beautiful homes.

Patti Czarnik of 412 Oakleigh Hill spoke. She represented the 88 homes of the Hounds Run Homeowners Association. She had polled her membership about their feelings regarding short term rentals and the majority of the feedback was in favor of the ordinance as presented. There was fear regarding crime and safety. Short term rentals added to that fear.

Peggy Curci of 6249 Hillsboro Pike asked questions regarding long term rentals. She felt that the law was unclear and wanted to know more about how enforcement would work. Mayor Lovell stated that generally, the City would try to ensure residents were compliant with the law. Mr. White responded that short term and long term rentals were treated differently. Short term rentals were defined as three months or less. Accessory apartments could not be rented. With caretaker/guest houses, the definition of family must be followed on a long term basis.

Jean Carter Wilson of 2017 Kingsbury drive referred to some of the back-and-forth on social media where she had been characterized as a fearful person, afraid of good things. She remarked that there were good reasons to be afraid of short term rentals and their effect on neighborhoods. Problems like replacing neighbors with tourists, trash, noise were all issues discussed in the Tennessean weekly, she said. She cited Freddy O'Connell, Metro District 19 Council member who stated, "The negative impacts on short terms rentals on my residents quality of life continues to be one of my top concerns and so far our enforcement tools have lagged the market in efficacy." She maintained that no level of regulation would be acceptable. She cited numerous news outlets and universities who had conducted studies on short term rentals and found them to be detrimental to neighborhoods. She listed a number of possible issues: bachelorette parties, trash, noise, parking, and property values.

Roger Schecter of 3 Blackberry Road said he wanted to reiterate Mrs. Wilson's comments and lend support to the Board in favor of the ordinance. Clarification and giving examples was always a good thing. He felt that his neighborhood was unique and cohesive. He felt that short term rentals might degrade the quality of his neighborhood.

Terry Jo Bichell of 1510 Old Hickory Blvd. felt that people's concerns about security and traffic were valid. Concerns about property values and crime were important concerns that needed to be taken seriously. She said she had five children, four of which no longer lived at home. She had a great deal of extra space that she hoped to keep for family reunions and future grandchildren. Right now however, she had vacant space and there were decisions she needed to make about that space. She said she could give it to charity or allow refugees to use the space. She suggested that the Board regulate short term rentals, so they could control what she did with the space. She suggested it could be done in a way that takes into consideration the concerns that have been raised. She felt regulation would be in the City's best interest.

Andrew Lee of 1242 of Carl Seyfert Memorial Drive said that it was a shame that he could not have a significant other and a caretaker live with me. Mr. White said that a spouse and a caretaker would be an allowable use. Mr. Lee said that if he chose not to marry the significant other, then it would be disallowable.

Bill Coke of 5612 South Stanford Court commended the Board for pursuing this issue. In Forest Hills, we endeavor to maintain this as a residential area and the Board continues that effort.

Janie Rowland of 5912 Hillsboro Pike said she lived on the same property her parents bought in 1927. She had served the City for the last 27 years on the Board of Zoning Appeals. She appreciated the opportunity they had given everyone to speak. She was in favor of keeping Forest Hills as a solely residential area. She said they had worked very hard to keep it that way.

Gabriel Smith 6 Breckenridge said he did not run an Airbnb and did not plan on running on anytime soon, but the issue concerned him. He recognized the concerns raised by others. He felt that someone who lives in a large home who wants to rent out a room to a roommate or a couple of roommates should be okay. He thought it would be worth thinking about differentiating between owner occupied and non-owner occupied rentals. He felt one was much better than the other.

Bett Pilling of 6000 Kenwood Drive agreed with what Mr. Smith had said. She thought she what she had been doing was legal, but found it was not. She wanted more clarification on what was allowed. She said her rentals had mainly been roommates. She had only had one person at a time and generally they stayed for a season. Each Airbnb had very specific rules and most of them in Forest Hills were very strict and stressed peace and quiet.

Jo Federspell of 1141 Balbade said that Forest Hills was a magnificent and beautiful place, and she would like to keep it that way. She thanked the Board for the clarification and was fully in favor of the ordinance.

Don Swain of 2013 Earlington Drive said that he felt that everything had been covered. He was in favor in the ordinance. It was currently on the books and it was

being clarified. Long term rentals were allowed. He did not think that regulation was a reasonable solution to this issue. Regulation did not make sense to him

The Public hearing was closed.

11. Old Business

- a.) **Second 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. Commissioner Trost said he felt that they had heard from a good representation of the residents and the majority are in favor of approval. He motioned to approve Ordinance 2016-223. Vice-Mayor Hyde seconded the motion. Mayor Lovell read from the Comprehensive Plan, "The City will remain a residential community. The purpose of the residential land use districts is to promote the residential character of the various areas of the City. The City's residents oppose new non-residential use of property and new non-residential uses should be prohibited." The Board voted unanimously to approve Ordinance 2016-223.

12. Other

On enforcement, Mrs. Deaton-Moyer said that advertisements of short term rentals should cease immediately. A letter regarding short term rentals would be sent to residents whom the City is aware are in violation. The letter would ask that existing reservations be submitted to the City within seven days. The City would be lenient on existing reservation for 90 days so that no one was put in a bind.

Terry Jo Bichell of 1510 Old Hickory Blvd. asked for clarification. Vice-Mayor Hyde reiterated Mrs. Deaton-Moyer's direction. Mrs. Bichell asked about punishment for violations. Mrs. Deaton-Moyer responded that fines and injunctions could be sought. Mrs. Bichell asked about a number of hypothetical situations. There was discussion regarding enforcement in those situations.

Andrew Lee of 1242 of Carl Seyfert Memorial Drive asked about the distinction between a secondary home and a caretaker/guest house. Mrs. Deaton-Moyer detailed the variety of definitions in the Zoning Ordinance.

Clay Jackson of 5819 Hillsboro Pike commended the Board for their sensitivity to the situation. He remarked that many people did not know they were in violation of the rule and have now been notified. The Board's process has allowed those to be educated and address the situation.

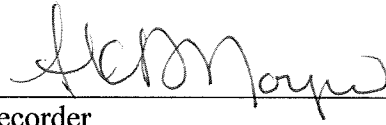
Bett Pilling 6000 Kenwood thanked Mr. Jackson. She said she had thought she was in compliance. She had concerns about her situation. Mrs. Deaton-Moyer said she would be happy to discuss her situation with her.

13. The meeting was adjourned.

Mayor

A handwritten signature in cursive script, appearing to be "J. H. ...", written over a horizontal line.

Recorder

A handwritten signature in cursive script, appearing to be "H. M. ...", written over a horizontal line.

SIGN IN SHEET

**City of Forest Hills
Speakers for Board of Commissioners Special Meeting
Date: February 18, 2016**

NAME:

ADDRESS:

Jean Wilson

2017 Kingsbury Dr
Nashville, TN 37215

He

Reagan Currier

6249 Hillsboro Pike

Tommy Jo Bichell

1510 Old Hickory

Roger Schechter

3 Blackberry Rd

Patti Yanick

412 Oakleigh Hill

Wendy Bangs

410 St. Edmunds Pk.

Ann Dejez

1203 Paris Ave ste 104 / 37210

Wm Don Fusan

6109 Gardendale Dr.

William Bradford

1837 Cromwell Dr

Jeff Dale

6009 Sherwood

Dan Swain

2013 Earlington Dr.

B. Pillings

4000 Kenwood Dr.

Jim Smith

2008 Standhurst Dr

C Smith

6 Breckenridge

SIGN IN SHEET

**City of Forest Hills
Board of Commissioners & Planning Commission Meetings
Date: February 18, 2016**

NAME:

ADDRESS:

6005 Anderson Dr

Ken Wilson
Richard Chapman

2017 Kingsbury Dr
Nashville, TN 37215
1612 Tyne Blvd

HENRY TROST

City

John Preston

201 Leonard Ave
Nashville, TN 37205

Lea Burke

6380 CHICKERING CIRCLE

Bradford Holladay

16 Annandale

Chad White

315 Dederick St. Ste 1700

Bill Coke

5612 S. STANFORD CT. 37215

R. Brown

344 White Swans Crossing

C Jackson

5819 Hillsboro Pike

City

Noah ROSLETSCHER

7th St. MALLON

Jimmy Farmer

WVUP

SIGN IN SHEET

**City of Forest Hills
Board of Commissioners & Planning Commission Meetings
Date: February 18, 2016**

NAME:

ADDRESS:

WINSTON EVANS

1339 OFFER CREEK

Julie Jones

144 Southeast Parkway

Wen Baugh

410 St. Edmunds Ct.

evan williams

889 Van Leer Drive

David Waller

1809 Kingsbury Dr.

Brian Dougherty

5328 Gen Ford Ct

Bill Henry

1508 Dresden Circle

Wm Dan Fuson

6109 Gardendale Dr.

Medford Webster

1838 Laurel Ridge

William M. Hawkins

1901 Kingsbury Dr.

William M Bradford

1837 Cromwell Dr

Mark Bacon

1917 Kingsbury Dr

Jeff Dale

6029 Sherwood Dr

Billy Denton

2020 Mecklenburg Dr.

Helen S Dale

6029 Sherwood Dr 37215

SIGN IN SHEET

**City of Forest Hills
Board of Commissioners & Planning Commission Meetings
Date: February 18, 2016**

NAME:

ADDRESS:

Don Swain

2013 Earlington Dr.

Jo Federspiel

1141 Balbade Drive

J. A. Federspiel

1141 Balbade Dr

Catherine J. Jackson

5819 Hillsboro Pike

Beth Filling

4000 Kenwood Dr.

Bob Torbert

6113 Pinehurst Dr

~~Aligail~~ Michelle Sheridan

2008 Stonehurst dr

Jan Sheridan

2008 Stonehurst dr

Deane Gray

7 Annandale Rd

Tom Powell

5912 Hillsboro Rd.

Mark Johnson

2000 Stonehurst Dr.

Andy Lee

1242 Carl Seyfert

Elizabeth M. Clark

1900 Cromwell Dr.

John T. Clark

1900 Cromwell Dr.

Carl D. Graef

1218 Jefferson Dairy Dr

SIGN IN SHEET

**City of Forest Hills
Board of Commissioners & Planning Commission Meetings
Date: February 18, 2016**

NAME:

ADDRESS:

Emily Under

WTVF-TV

Reggy Curci

6249 Hillsboro Pike

Brian Bimus

CITY LGV612.

William Haggerty

4362 Chickering Ln.

Edward A. Haly

115 Brookfield Ave,

Blair Myers

1021 Lyarwood

Jerry Jo Bichell

1510 Old Hickory Blvd

Roger Schecter

3 Blackberry Rd.

Stephen Deane

504 Abbey Drive

Gabriel Smith

6 Breckenridge

Patti Lyman

412 Darleigh Hill

Joan Rooney

1432 Beddington Park

Jo Gardner

PO Box

Em G. Gharman

PC

Chris Mabery

315 WOODLAND ST, NASHVILLE

SIGN IN SHEET

**City of Forest Hills
Board of Commissioners & Planning Commission Meetings
Date: February 18, 2016**

NAME:

ADDRESS:

Arnette Alpert

City Assistant

Beggy Dupont

1242 Carl Dupont

Kelly Gordon

6009 Sherwood
