

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

SEPTEMBER 4, 2008

The Forest Hills Board of Commissioners (herein also the “Board”) held its regular meeting on September 4, 2008 at the City’s Offices, 4012 Hillsboro Road, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Evers presided. Also present were Commissioner Coke, Vice Mayor Lovell, Al Deck, City Manager, and City Attorney, Matt Foster. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Approval of the Minutes for August 21, 2008. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Coke, the Board unanimously approved the minutes for the August 21, 2008 regular meeting.

3. Report from the City Manager, Al Deck.

(a) Approval of the Financial Statements: Upon motion by Commissioner Coke, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve the Financial Statements for the month of August.

(b) First Reading of Ordinance No. 08-185, a revision of Ordinance No. 07-177, The Comprehensive Fee Ordinance. The proposal will modify two items: Section 203, Violations & Penalties and Section 304 Land Disturbance.

Revision of Section 203 will change the penalty for beginning work without a permit from a simple doubling of the normal fee, to a progressive penalty (triple for the 2nd offence, quadruple for the 3rd offence and so on for each successive violation.

Revision of Section 304 will change the title from “Land Disturbance” to Grading Permit for Cut & Fill. Also the units of measure will change from cubic yards to acres and the fees as follows:

| | |
|-------------------|----------------------------|
| < 10,000 sq. ft. | \$100 |
| > 10,000 < 1 acre | \$150 |
| 1 to 5 acres | \$200, plus, \$50 per acre |
| > 5 | \$450, plus \$50 per acre |

(c) Snow Removal Contract: The current provider for snow removal is Johnson Landscaping. The Members commented on the dependability of the provider and agreed to continue contracting with Johnson Landscaping, with the current rates for another year, subject to approval of the City Attorney. Upon motion by Mayor Evers, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve Johnson Landscaping for snow removal, with City Attorney approval of the contract.

(d) For Discussion Only- AT&T Cable Franchise contract: The City Manager requested authorization for the City Attorney to investigate Forest Hills’ ability to claim its portion of the five (5) percent franchise fee. Upon motion by Commissioner Coke, second Vice Mayor Lovell, the Members agreed for Mr. Foster to secure the City’s interest in obtaining AT&T’s franchise fee for the City of Forest Hills.

4. Report from the City Attorney, Matt Foster:

(a) Status of Property Acquisition: Mr. Foster reviewed his conversations with representatives from Saxon Mortgage, regarding possible acquisition of the property at 1200 Old Hickory Boulevard. He addressed the risk involved in using the contract proposed by Saxon, compared to the contract he prepared, as well condemnation of the property and the potential for other purchasers to have made offers to acquire the property. The Board directed the City Attorney to determine whether other offers have been made on the property and then advise the Board whether it may acquire the property via negotiated purchase or if the use of eminent domain is the only option.

5. Old Business:

Commissioner Coke suggested the Board accept the Open Space Report by McBride Dale and officially close the creation phase of the Open Space Plan and pay the final installment. Upon motion by Commissioner Coke, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve the Open Space Plan by McBride Dale and accept the recommendations.

The Members continued to discuss how they could handle implementation of the various aspects of the Plan. Several suggestions were offered including: establishing task forces, with a Commissioner heading each one. The next step is to identify residents who have an interest in conservation of open spaces, as well as the combined experience and knowledge in such work.

Public Comment:

Mr. Michael Gaw of 5655 Granny White Pike addressed the Board. Mr. Gaw informed the members that he and several neighbors, along with a developer, are interested in consolidating 5 properties, rezoning the properties and building an assisted living facility.

The group is considering purchasing property at 1200 Old Hickory Boulevard, as well as four other lots. The other lots were identified as the two lots immediately west of 1200 Old Hickory Boulevard and the two lots immediately north of 1200 Old Hickory Boulevard, located on Granny White Pike. Mr. Gaw stated that he has transferred funds to Saxon Mortgage Company and intends to close on 1200 Old Hickory Boulevard tomorrow, September 5, 2008.

The discussion continued for 45 minutes, with the Board expressing concern about the effect of such development on the character of Forest Hills. The Members also expressed concern that Mr. Gaw would face several obstacles in attempting to change the zoning from residential to commercial. The principal obstacle identified by the Members was that there is no provision for commercial zoning in the City. Mr. Gaw agreed to continue working with the City to develop a plan that benefits both the developers and the City.

There being no further matters to be discussed and there being no further business to come before the Board, the meeting was adjourned, upon motion by Vice Mayor Lovell, which was seconded by Commissioner Coke.

Recorder

Mayor