

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

PERCY PRIEST SCHOOL

JULY 16, 2009

The Forest Hills Board of Commissioners (herein also the “**Board**”) held its regular meeting on July 16, 2009 at the Percy Priest School, beginning at 5:00 p.m. Mayor Coke presided. Also present were Commissioner Douglas, 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 June 18, 2009, the special meeting June 25, 2009, and the special meeting July 7, 2009. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Tim Douglas, the Board unanimously approved the all minutes for the June 18th and 25th and the July 7th 2009 meetings.

2. Report from the City Manager, Al Deck.

(a) Bid Snow Removal Services: Currently the snow removal contract expires in October. Salt companies now require vendors to sign contracts for salt purchases, and October is almost too late in the year. Request to move the bidding period. Upon motion by Commissioner Tim Douglas, which was seconded by Vice Mayor Lovell, the Board unanimously voted to approve rescheduling the bid date for snow removal services.

3. Old Business: Hillsboro Church of Christ.

(a) Mayor Coke opened this matter by expressing appreciation for the work of the staff: Matt Foster, Brad Bivens, and Joe Hodgson; the Church: Stan Lowery, Sid Smith, and David Davidson; and the neighbors: Dr. Larry Wolfe, Garry Sharp, and Ann Steiner. He then called on Matt Foster.

(b) Mr. Foster read the summary of the Staff Report and Recommendations, a copy of which is attached hereto and incorporated herein (the “**Staff**

Report”) and made comments on various items and the process by which they were established. On completion Mayor Coke called for public comment.

(c) Public Comment: The following persons addressed their comments to the Board of Commissioners: Mr. Carlos Lara, 2104 Tyne; Mr. Charles Leach, 2008 Maplemere; Mr. Marshall Frazer, 3909 Harding Place; Mrs. Sally Wolfe, 2008 Tyne; Mr. Robert Baum, 4425 Alcott; Mr. Bob Sircy, 1209 Vintage Place; Mr. Jim Maddox, 5806 Hillsboro; Mr. Mark Gill, 4 Annadale; Mr. Robert Collins, 5830 Hillsboro; Dr. Terry Allen, 2009 Sunset Hills; Mr. James Wert, 2510 Ridgewood; Ms. Ann Steiner, 1106 Chateau; Ms. Patti Czarnik, 412 Oakleigh Hill; Ms. Monette Rebecca, 320 54th Ave. North; Mrs. Barbara Fox, 4913 Lynmont; and Mr. Stan Lowery, Hillsboro Church of Christ.

(d) Discussion and Action: The Members discussed the issue, asked questions, and the Mayor inquired if there were a motion. Upon motion by Vice Mayor Lovell, which was seconded by Commissioner Tim Douglas, the Board unanimously voted to approve the development plan of the Hillsboro Church of Christ, subject to the conditions recommended in the complete Staff Report, and subject to the following additional conditions:

1. **Landscaping.** (a) The Church and city staff shall agree to the planting of additional landscaping along the western section of the property to mitigate for the loss the existing vegetation and two existing trees along the Hillsboro Road right of way, which trees and vegetation must be removed to improve sight lines pursuant to the Staff Report. (b) The Church and the city staff shall also agree to the planting of landscaping along the southern boundary of the property to improve the screening afforded to neighboring property owners. Such screening will be of evergreen plant material and should be planted either on church property or on property owned by neighboring residents, with maintenance requirements to accrue to the party owning the property upon which the screening is planted. It was recommended that the Church consider planting eight (8) twelve foot (12’) Leyland Cypress trees along the southern property boundary line. The additional landscaping described herein must be shown on the Revised Landscaping Plan (as defined in the Staff Report) prior to the issuance of any permits by the City of Forest Hills to the Church.

2. **Conservation Easement.** The Church and the City staff shall continue to negotiate in good faith for the dedication of a green space easement to the City of Forest Hills (“**Easement**”). Such Easement may consist of approximately two (2) acres located within the vicinity of the Richland Creek buffer area along the southern property boundary line. The Church should remain responsible for the maintenance of the Easement area until such time as the City of Forest Hills may construct public improvements in said area and a perpetual maintenance agreement established.

3. **Stone Fence.** In addition to the Easement, the Church and the City staff shall continue to negotiate in good faith for the dedication of an easement for the construction of a stone fence at the corner of Tyne Boulevard and Hillsboro Road (“**Fence Easement**”).

4. **Bonding.** In addition to the performance bonds detailed in the Staff Report, the Church shall cooperate in good faith with the City staff to provide assurance to the City for the complete construction of the project. To the extent that a performance bond securing the City may reasonably be acquired, the form and substance of which bond to be approved by the City Attorney, such a bond is the preferred assurance.

5. **Record of conditions and restrictions.** The conditions and restrictions stipulated herein and in the Staff Report shall be attached to any building permit and use and occupancy permit granted to the Church. Furthermore, the City Attorney shall draft a zoning letter summarizing the permissible use of the property and record said zoning letter in the real property records of Davidson County, Tennessee.

There being no further matters to be discussed and no further business to come before the Board, the meeting was adjourned.

Recorder

Mayor