

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

AUGUST 20, 2009

The Forest Hills Board of Commissioners (herein also the "Board") held its regular meeting on August 20, 2009 at the City's Offices, 4012 Hillsboro Road, Nashville, Tennessee, beginning at 5:00 p.m. Mayor Coke presided. Also present were Vice Mayor Lovell, and City Engineer Brad Bivens, City Attorney Matt Foster, and Al Deck, City Manager. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Comments from Forest Hills residents. Terry Allen addressed the Members concerning the proximity of the Hillsboro Church of Christ parking lot to Richland Creek.

2. Approval of the Minutes for the August 6, 2009 meeting. Upon motion by Vice Mayor Lovell, which was seconded by Mayor Coke, the Board unanimously voted to approve the minutes for the August 6, 2009 regular meeting.

3. Report from the City Manager, Al Deck.

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

(b) Bids for Snow Removal: The City received two bids for snow removal service from Johnson Landscaping and Sammy Gibbs. The two bid \$110 and \$195 per ton for salt, respectively. The hourly rates for Johnson were 20 to 30 percent lower than Gibbs. The City Manager recommended awarding the bid to Johnson Landscaping. Upon motion by Vice Mayor Lovell, which was seconded by Mayor Coke,

the Board unanimously voted to approve the bid submitted by Johnson Landscaping for snow removal services.

(c) Renewal of the Chipper Contract: The City Manager recommended renewal of the chipper contract with the Parke Company, for years three and four of a six year agreement. Upon motion by Vice Mayor Lovell, which was seconded by Mayor Coke, the Board unanimously voted to approve renewal of the chipper contract for two years, expiring September 30, 2011.

(d) Section 412 of the Zoning Ordinance, Non-Residential Lighting: The City Manager issued a letter to all non-residential properties and included the section of the Zoning Ordinance regarding light being turned off when the property is not in use. He also reported receiving comments from the Granny White Market, Sequoia Swim, Hillsboro church of Christ, Otter Creek Church of Christ, and the Forest Hills Methodist. All of these properties have NES “night watchman” type security lights. These lights are operated by a photocell which automatically turns on at dusk and off at dawn, eliminating any ability to control the hours of usage. The Members asked the Manager to obtain information about the following: 1. difference between wattage and brightness of older and newer installations. 2. Date of installation of lights in all non-residential locations. 3. Cost of change old lights to a lower wattage or more environmentally friendly bulb. The City Manager is to report findings to the Board. Until the Members reach a decision, the situation will remain as it has for the last several years.

4. City Engineer, Brad Bivens:

a. Report on Tyne Estates Letter of Credit: Mr. Bivens stated that the developer has breached the performance agreement by failing to complete the public improvements and punch list items required to bring the subdivision into compliance with the City’s standards. The City Attorney joined in the discussion and stated that at its July

meeting the Planning Commission granted authority to call the letter to the extent necessary to make the City whole. Mr. Foster advised that the City should call the letter of credit to the maximum extent of its remaining value in order to ensure that funds are adequate to complete the punch list items. After work is completed and a maintenance funds established in the amount of \$149,100, any excess funds should be returned to the developer according to the terms of the performance agreement; provided, however the Board of Commissioners may elect to retain any excess as liquidated damages, as permitted by the performance agreement.

5. Report from the City Attorney, Matt Foster.

(a) Mr. Foster addressed the progress and status of the Hillsboro Church of Christ. The church proposes to donate trees to Mr. Maddox to help shield the view and dampen sound from the current HVAC. T.D.O.T. has given preliminary approval of the turn lane; however Metro has not responded. The lighting plan is acceptable. Mr. Foster expects the church to submit the revised site plan on Monday the 24th of August.

6. Old Business, Green Community Framework Committee: When the Board created the Committee, the goal was to complete the task and terminate by August 31, 2009. The work is not complete and upon motion by Vice Mayor Lovell, which was seconded by Mayor Coke, the Board extended the Committee's term to October 31, 2009.

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

Recorder

Mayor